

ORDINANCE 19-17

AN ORDINANCE AMENDING SECTION 6-5-3 OF THE REVISED ORDINANCES OF SANDY CITY RELATING TO THE "APPOINTED OFFICERS AND EMPLOYEES", TITLE 6, "ADMINISTRATIVE CODE"; ALSO PROVIDING A SAVING CLAUSE FOR THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend Section 6-5-3 of the Revised Ordinances of Sandy City relating to the "Appointed Officers and Employees", Title 6, "Administrative Code"; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City as follows:

Section 1. Section 6-5-3 of the Revised Ordinances of Sandy City is hereby amended as set forth in **Exhibit A** which is attached to and incorporated in this ordinance.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 4. This ordinance shall become effective upon the later of publication of a summary thereof or sixty days.

PASSED AND APPROVED by the Sandy City Council this 30 day of July, 2019.



Chris M. McCandless
Chris McCandless, Sandy City Council

PRESENTED to the Mayor this _____ day of _____, 2019.

APPROVED by the Mayor this _____ day of _____, 2019.

Kurt Bradburn, Mayor

ATTEST: *Council chair only*

Wendy D.
City Recorder



RECORDED this 26 day of August, 2019.

SUMMARY PUBLISHED this 27 day of August, 2019.

Exhibit A

6-5-3. Appointed Officers and Employees.

- (1) Except as provided in Subsection (2) below, each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided in Section 6-5-4 of the Revised Ordinances of Sandy City.
- (2) Subsection (1) does not apply to the following officers and employees of the City:
 - (a) Category 1 Appointed Officers which include those in the positions of: deputy to the Mayor, City Council executive director, senior advisor to the Mayor, Mayor's office manager, police chief, fire chief, deputy fire chief, deputy police chief, chief administrative officer, city attorney, public utilities director, public works director, community development director, finance and information technology director, economic development director, parks and recreation director, assistant chief administrative officers, deputy city attorney, city engineer, deputy finance and information technology director, assistant public works director, assistant parks and recreation director, justice court judge, assistant community development director, city treasurer, city recorder, and other Category 1 Appointed Officers as stated annually in the staffing and compensation plan approved by the City Council in the annual budget;
 - (b) Category 2 Appointed Officers which include those in the positions of: police captain, city prosecutor, human resources director, risk manager/fund counsel, information technology director, public utilities operations manager, public utilities engineering manager, and other Category 2 Appointed Officers as stated annually in the staffing and compensation plan approved by the City Council in the annual budget;
 - (c) Category 3 Appointed Officers which include those who have been hired under formal written agreement for specific terms based on temporary and exceptional workload demands or because funding is based upon grants or other identified revenues of limited duration;
 - (d) probationary, part-time, and seasonal employees as defined by City policy;
 - (e) elected officials; and
 - (f) such other officers which may be classified as appointed officers from time to time by the Mayor or other person or body exercising executive power in the City.
- (3) The Mayor, at his sole discretion for Executive branch employees, may enter into written agreements at the time of hire with officers and employees specified in subsection (2)(a) and 2(b) establishing a severance payment or allowing for their return to a prior position of employment provided that (a) no such agreement shall be effective unless in writing and attested by the City Recorder, (b) no severance payment shall exceed three months pay without express approval by the City Council, (c) the officer or employee has at least one year of full-time employment with Sandy City and (d) officers or employees with less than one-year employment with Sandy City may not exceed 25% of the pay earned for each week of employment during the first year of employment.
- (4) All severance agreements authorized by the Mayor must be disclosed in writing to the City Council within one week of execution.
- (5) Officers identified in subsections 2(c), (d), (e), and (f) are not eligible for

Exhibit A

- severance and may not enter into written agreements establishing a severance agreement.
- (6) The Council may authorize an exception to the requirements of subsection 2 upon written request of the Mayor.
 - (7) Nothing in this section or Section 6-5-4 of the Revised Ordinances of Sandy City may be construed to limit the City's ability to define cause for an employee termination or reduction in force either by general policy or through written directives to individual employees.