

ORDINANCE NO. 26-54

AN ORDINANCE ADDING SECTION 3-1-10 TO THE SANDY CITY MUNICIPAL CODE REGARDING LEGISLATIVE ADVICE AND CONSENT FOR CERTAIN MAYORAL APPOINTMENTS

WHEREAS, the Sandy City Council ("Council") finds that the Council's responsibility to provide advice and consent for certain mayoral appointments is established by Utah law and the Sandy City Municipal Code; and

WHEREAS, the Council finds that the Municipal Code currently provides limited procedural guidance governing the submission, review, and consideration of appointments requiring the Council's advice and consent, resulting in reliance upon informal practices and institutional custom; and

WHEREAS, the Council finds that establishing clear procedures governing the submission of appointment information, minimum qualifications for certain appointed positions, interim appointments, and the scheduling and consideration of appointments will promote consistency, transparency, accountability, and sound municipal governance while preserving the respective authorities of the Mayor and the City Council as provided by applicable law; and

WHEREAS, the Council finds that adopting a clear and predictable framework for the advice-and-consent process will improve public understanding of the appointment process and provide consistent guidance for future administrations and councils

NOW, THEREFORE, the Sandy City Council ordains as follows:

Section 1. Adoption. Sandy City Municipal Code Chapter 3.1.10, entitled "**Legislative Advice and Consent**," is hereby adopted to establish procedures governing appointments subject to City Council advice and consent.

Section 2. Amendment. As set forth in Exhibit "A", attached hereto and incorporated herein by this reference, Sandy City Municipal Code is amended by adding Section 3-1-10 "Legislative Advice and Consent".

Section 3. Severability. The provisions of this ordinance shall be severable. If any provision of this ordinance, or the application of any provision under any circumstance, is held invalid, such determination shall not affect any other provision of this ordinance or its application under different circumstances.

Section 4. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND APPROVED by the Sandy City Council on _____, 2026.

SANDY CITY COUNCIL

Marci Houseman, Council Chair

PRESENTED to the Mayor this _____ day of _____, 2026.

APPROVED by the Mayor this _____ day of _____, 2026.

Monica Zoltanski, Mayor

ATTEST:

Wendy Downs, City Recorder

RECORDED this _____ day of _____, 2026.

Exhibit A

3.1.10 - LEGISLATIVE ADVICE AND CONSENT:

The purpose of this chapter is to promote clarity, transparency, and understanding in the role of:

- A. The mayor in appointing department heads and statutory officers requiring advice and consent; and
- B. The city council in giving its advice and consent to such appointments as required by law.

VACANCIES; SUBMISSION OF APPOINTMENT INFORMATION:

A. When a vacancy occurs in a department head or statutory officer position that is subject to the city council's advice and consent, the mayor shall give courtesy notice to the council of the vacancy.

B. When the mayor has appointed a department head or statutory officer that is subject to the city council's advice and consent, the mayor shall give courtesy notice to the council of the appointment.

C. The submission of any appointment to the city council for advice and consent shall be accompanied by the following:

1. The name of the position to which the person is being appointed;
2. A description of any statutory or other qualifications required to hold the appointed position;
3. A brief description of the hiring process that led to the identification of the candidate;
4. The appointee's resume or equivalent summary of academic, professional, and experiential qualifications, proposed compensation package; and
5. A statement of whether the appointee currently serves on any government, private, or nonprofit board or commission.

D. The Council may schedule consideration of an appointment upon receipt of the appointment request from the Mayor or the Mayor's designee. The Council shall use its best efforts to consider the appointment at one of the next two (2) Council meetings following receipt of the appointment request. However, if the materials required under Subsection C have not been delivered prior to publication of the agenda packet for the scheduled meeting, consideration of the appointment shall be postponed until those materials have been provided.

E. The appointee shall comply with all applicable conflict-of-interest and financial disclosure requirements imposed by state or city law

F. An individual shall be informed that their employment is subject to the council's advice and consent and shall not begin work as a department director or statutory officer until the city council has given its advice and consent for such appointment.

MINIMUM QUALIFICATIONS:

A. An appointee shall meet the applicable minimum requirements set forth in State Law and this Code. If no minimum requirement is set forth, the mayor shall propose a qualified individual. The minimum requirements include: The following positions shall require advice and consent, supplementary to any other positions identified in this code or by state statute:

1. Chief Administrative Officer, City Attorney, City Engineer, City Recorder, City Treasurer, Human Resources Director, and each department head of the City.

B. The city council may decline to give its consent to a proposed appointment, even if an appointee meets applicable minimum requirements.

INTERIM APPOINTMENTS; DURATION:

A. If a vacancy occurs in a department director or statutory officer position requiring the advice and consent of the city council, the mayor may fill the position on an interim basis, pending completion of the selection, appointment, and advice and consent process.

A person serving on an interim basis to fill a department director or statutory officer position shall be a qualified individual with demonstrated experience or expertise relevant to the position.

B. An individual serving in an interim capacity, who is nominated to serve as the department director, or statutory officer, may not continue to serve in that interim capacity if the City Council has voted not to give its advice and consent to the appointment. Notwithstanding the foregoing, the mayor may request a vote of the city council to grant an exception to this rule.

C. The mayor shall give notice to the city council of an interim appointment.

D. No interim appointment, or combination of interim appointments for the same position during the same period of time, may extend beyond four (4) months unless:

1. An extension of time is requested in writing by the mayor; and

2. The request shall be accompanied by a written report to the City Council describing recruitment efforts, anticipated timelines, and the reasons additional time is necessary.

3. The Mayor has requested that the Council give advice and consent to the appointment, but the Council has failed to vote on the nomination.