

ORDINANCE NO. 13-02

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING VARIOUS SECTIONS AND SUBSECTIONS OF THE CITY CODE OF SOUTH OGDEN CITY TO PROVIDE THAT THE POLICE AND FIRE DEPARTMENTS SHALL BE SUBJECT TO THE AUTHORITY AND DIRECTION OF THE CITY MANAGER SUBJECT ONLY TO THE MAYOR'S AUTHORITY TO APPOINT THE CHIEF OF POLICE AND THE FIRE CHIEF WITH THE ADVICE AND CONSENT OF THE CITY COUNCI; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE

Section 1. Recitals:

WHEREAS, SOUTH OGDEN City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA §10-3-717, and UCA §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, in conformance with the provisions of UCA §10-3-717, and UCA §10-3-701, the governing body of the city has previously adopted a City Code under which the City is and should be operated; and,

WHEREAS, the City Council finds that it is in the public interest to amend this Code from time to time; and,

WHEREAS, the City Council finds that a reassignment and realignment of responsibilities should now be undertaken as regards public safety services within the City; and,

WHEREAS, the City Council finds that both the Police and Fire departments of the city should report directly to the city manager; and, and,

WHEREAS, the City Council finds that the Mayor should retain authority to appoint the Chief of Police and the Fire Chief subject to advice and consent of the city Council; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code sections and subsections listed below be Amended and Readopted as follows:

1-5-1: MAYOR:

A. **Chief Executive; Mayor Pro Tempore:** The chief executive of the city shall be the mayor and during his temporary absence or disability, the city council shall elect one of its number to act as mayor pro tempore, who during such absence or disability shall possess the power of mayor, who shall serve while in office or until his successor is elected.

B. **Voting Rights Of Mayor Pro Tempore:** When the mayor pro tempore is presiding, his right to vote on all questions is not thereby impaired, but he shall have the same right to vote as he would were he not presiding.

C. **Preside Over Meetings; Voting:** The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the deciding vote.

D. **Power To Suppress Disorder; Pardons; Fines:** The mayor may exercise within the city the powers conferred upon him to suppress disorder and keep peace. The mayor shall have authority to grant full pardons for violations of this code or other ordinances of the city or to remit so much of any fine or penalty as belongs to the city, together with the costs of prosecution when to him it shall seem just, reasonable and a meritorious cause. He shall report to the city council at its next session the number of fines remitted and pardons granted and the reasons therefor.

E. **Duties Generally:** The mayor shall perform all duties which are or may be prescribed by law or ordinance and shall see that the laws and ordinances are faithfully executed.

F. **Inspection Of Books, Records:** The mayor shall have power and authority at all times to examine and inspect the books, records and papers of any officer or agent employed by the city.

G. **Furnish Information, Recommendations:** The mayor shall from time to time give the city council information relative to the affairs of the city and shall recommend for its consideration such measures as he may deem expedient.

H. **Call Out Inhabitants:** The mayor shall have power, when necessary, to call upon every male inhabitant of the city over the age of twenty one (21) to aid in enforcing the laws and ordinances in suppressing riots and other disorderly conduct.

I. **Signature Upon Required Documents:** The mayor shall sign all contracts (when directed by the city council and when such authority has not otherwise been granted to the city manager), leases, bonds and other writings on the part of the city authorized by the city council, or required by law, or any ordinance of this city.

J. **Appointment Of Committees:** The mayor shall appoint, with the advice and consent of the city council, all committee members authorized by ordinance or resolution of the city council.

K. **Appointment of Chief of Police and Fire Chief:** The mayor shall appoint, with the advice and consent of the city council, the Police Chief and the Fire Chief.

1-6A-4: POWERS AND DUTIES:

Pursuant to the authority outlined in Utah Code Annotated §10-3b-303, the powers, duties, authorities and obligations of the city manager are as follows:

A. The administrative powers, authority and duties are vested in the city manager.

B. The city manager shall be the chief administrative officer of the city to whom all employees of the city shall report. The city manager shall be responsible to the governing body for the administration of all city affairs placed in the city manager's charge.

C. The city manager, with the advice and consent of the governing body, shall appoint (subject to the exceptions on appointment outlined in section [1-6A-6](#) of this article) and when deemed necessary, she/he may discipline, suspend or terminate all city personnel. The city manager may authorize any administrative official who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office or agency.

D. The city manager shall attend meetings of the city council, with the right to take part in discussion, but not to vote; the city manager shall also recommend to the city council for adoption such measures as the manager may deem necessary or expedient.

E. The city manager shall prepare and submit the annual budget and capital improvements program to the city council; the city manager shall also keep the city council advised as to the financial condition and needs of the city.

F. The city manager shall notify the governing body of any emergency existing in any department under the manager's supervision and report a proposed resolution thereof.

G. The city manager shall perform such other duties as may be required of the manager by this code or by the city council through ordinance or resolution.

H. The city manager, with the advice and consent of the governing body, may designate an assistant who shall exercise the powers and perform the duties of the city manager during the manager's temporary absence.

I. The city manager shall carry out the policies and programs established by the city council.

J. The city manager may, at any reasonable time, examine and inspect the books, papers, records or documents of the city or of any officer, employee or agent of the city.

K. The city manager shall execute contracts and agreements on behalf of the city, provided said contracts or agreements are in furtherance of matters approved in the budget or as otherwise authorized by the governing body.

L. The city manager shall perform the city manager's responsibilities in accordance with the city's personnel and policy manual and shall promulgate policies and procedures for the efficient operation of the city.

1-6A-5: LEGISLATIVE POWERS, OFFICIAL POSITION NOT DELEGATED:

A. **Role Of City Council:** The city council shall pass all resolutions, ordinances, appropriate funds, adopt an annual budget, set all mill levies or taxes, and perform all duties that may be required of it by law.

B. **Role Of Mayor:** Pursuant to the authority outlined in Utah Code Annotated §10-3b-1034 and §10-3b-302, as amended, the legislative and judicial powers of the mayor, his position as chairman of the governing body, and any ex officio position that he holds, are reserved to his office.

1-6A-6: DEPARTMENT HEADS AND APPOINTIVE OFFICERS; POWER LIMITED:

The city manager, after consultation with the governing body, shall have appointive, disciplinary and discharge powers over all department heads and appointive officials, subject to the following limitations:

A. The offices of city recorder and city treasurer shall be appointed by the mayor, with the advice and consent of the governing body, pursuant to Utah Code Annotated §10-3-916.

B. The offices of police chief and fire chief shall be appointed by the mayor, with the advice and consent of the governing body. The police chief and fire chief shall be under the direction, control and supervision of the city manager.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of South Ogden City.

Section 5. Date of Effect

This Ordinance shall be effective on the 5th day of February, 2013, and after publication or posting as required by law.

DATED this 5th day of February, 2013

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder