

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2018

ORDINANCE AND POLICY PROCESS

AN ORDINANCE AMENDING SECTION 2.04.160, ENTITLED "FORM OF ACTION," CHAPTER 2.08, ENTITLED "ADMINISTRATIVE ORGANIZATION" AND 2.95.60, ENTITLED "COUNCIL BUDGET – FINAL BUDGET"; AND REPEALING CHAPTER 2.32 ENTITLED "LEGISLATIVE COMMITTEE," OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, TO REMOVE REFERENCES TO THE LEGISLATIVE COMMITTEE; TO CLARIFY THE PROCESS FOR THE ENACTMENT OF ORDINANCES, COUNTYWIDE POLICIES AND PROCEDURES, AND HUMAN RESOURCES POLICIES AND PROCEDURES; AND MAKING OTHER RELATED CHANGES.

The Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineation.

SECTION II. Section 2.04.160 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

2.04.160 - Form of action.

The council may take action in the form of ordinances, [~~county-wide~~] countywide policies, resolutions, motions upon requests or memorials.

A. Ordinances.

1. The council, except as expressly limited by statute, may adopt any ordinance to regulate, require, prohibit, govern, control or supervise any activities, business, conduct, or condition.
2. All ordinances must be in written form before a vote is taken.
3. Except for ordinances for the codification or general revision of county ordinances, no ordinance shall be passed containing more than one subject.

4. Any ordinance passed by the council shall contain and be in substantially the following order and form:
 - a. Ordinance number and date;
 - b. A short title which indicates the nature of the subject matter of the ordinance;
 - c. A long title stating the need or reason for the ordinance and summarizing its contents;
 - d. An ordaining clause which states "The County Legislative Body of Salt Lake County ordains as follows:";
 - e. The body or subject of the ordinance;
 - f. When applicable, a statement indicating the penalty for violation of the ordinance;
 - g. A statement indicating the effective date of the ordinance;
 - h. A signature line for the chair or acting chair and for the county clerk;
 - i. An ordinance history indicating the approval or disapproval of the council members and the county mayor and final disposition of the ordinance and an ordinance summary as required by statute.
5. Except in exigent circumstances, or except when directed by a majority of council members present, all ordinances, including ordinances relating to planning and zoning matters enacted pursuant to Title 19, Salt Lake County Code of Ordinances, 2001, shall be introduced in writing and read or described to the council at least one meeting prior to the council's consideration for adoption of the ordinance [~~and may be referred to the legislative committee for recommendation~~]. Copies of the proposed ordinance shall be provided to the news media and posted in public places, along with the agenda for the meeting at which the ordinance is to be considered.
6. Upon adoption, each ordinance shall be signed as required within five days and submitted to the county mayor for approval or veto.

B. Resolutions.

1. Resolutions shall be considered and adopted in those matters required by law or otherwise and may be used for policy declarations and proposals not appropriately addressed by ordinance and may be used to exercise council authority in matters of statements of policy and communication.
2. Resolutions shall be in a form and contain sections substantially similar to that prescribed for ordinances.
3. A resolution is not subject to veto by the county mayor except as to line item budget veto, as provided in the plan.
4. A council's veto-override pursuant to Section 2.04.140 shall take the form of a resolution, but may be considered and adopted at the same meeting the override is proposed.

C. Memorials.

1. Memorials shall be adopted in the form of resolutions or motions, as may be deemed appropriate, and shall be used as a statement of policy to respond to or commend persons or groups for notable activities which have been called to the attention of the council. Memorials in the form of resolutions need not be approved as to form by the attorney.
2. Memorials may be considered and adopted at the same meeting in which they have been proposed and in all events shall be recorded in the minutes.

D. Policies, Procedures, Rules and Regulations.

1. Policies, procedures, rules and regulations shall be considered and adopted in those matters determined to be appropriate by the council and not prohibited by statute.
2. Policies, procedures, rules and regulations shall be presented[;] and considered [~~and given notice in the same manner as prescribed for ordinances and shall be~~] in such form as directed by the council.

- E. All resolutions, policies, procedures, rules, regulations and ordinances shall be numbered, recorded and maintained in accordance with provisions of state law and applicable county ordinances.

SECTION III. Chapter 2.08 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

Chapter 2.08 - ADMINISTRATIVE ORGANIZATION

Sections:

2.08.010 - Purpose and applicability of provisions.

It is the intent of the council to organize the executive department of county government under the authority of the mayor in a manner designed to provide service delivery to the public in an efficient and coordinated manner. Certain of the elected offices, divisions, boards and commissions described in this chapter have statutory duties and contractual prerogatives independent of authority delegated by the council, and it is not the intent of the council to preempt, abrogate or diminish such authority; neither are the functional descriptions meant to be exhaustive of the duties assigned and delegated to the respective organizational subdivisions and offices. However, it is deemed necessary by the council to include all subdivisions and offices of county government for purposes of effective countywide administration and coordination under an administrative code as provided for in these ordinances. This authority extends to administrative functions common to all subdivisions and offices including central services. The mayor has authority as established by this code to implement and enforce countywide administrative requirements. Further, all county executive authority not expressly granted by law or interlocal agreement to other elected officers, boards or commissions is reserved to the mayor.

2.08.020 - Reserved.

2.08.030 - Ordinance requirements.

- A. The function of proposing, considering, reviewing, approving and enacting ordinances is a legislative process which lies solely within the power, authority and discretion of the council pursuant to law. The council may, at its discretion, provide for the limited delegation of certain powers and activities to other committees, persons or entities to assist in the preparation of proposed county ordinances. [~~The legislative committee is established~~

~~to serve as an advisory body to assist the council in the consideration of county ordinances, countywide policies and procedures, and similar regulations or other matters as directed.]~~

- B. Proposals for county ordinances may be made by the council, the mayor, or by an elected official ~~[shall be submitted to the council for initial consideration, review, and further assignment]~~. A draft of the proposed ordinance should be prepared by the officer or entity making the proposal, by the attorney's office or by council staff, at the direction of the council, the mayor, or the elected official making the proposal. Draft ordinances should be in standard legislative form, including a long title and enacting clause and setting out the matter to be deleted by brackets and interlineation and the matter to be added by underlining or by other appropriate designations.
- C. ~~[Referral to the legislative committee is not mandatory, and is done at the discretion of the council. A proposed ordinance which has been prepared in draft form may be forwarded to the legislative committee for initial review. After review, the proposed draft ordinance shall be promptly forwarded by the legislative committee chair, either with or without a favorable recommendation, to the council.]~~

~~[D.]~~ Prior to submission to council, any proposed draft ordinance shall be reviewed as to form and legality by the attorney and the attorney will respond in writing to the ~~[chair of the committee or]~~ council within fourteen days of receipt of the ordinance.

- ~~[E.]~~ D. 1. Upon receipt ~~[from the legislative committee]~~ of a proposed ordinance or an amendment to an existing ordinance, the council may reject or adopt the proposal ~~[as approved by the committee]~~, conduct further public hearings on the matter, or refer the ordinance proposal to other groups or individuals for comment and input ~~[, or it may amend the proposed ordinance prior to final adoption by the council]~~.
2. At any time the council may direct that the council be provided with information concerning a proposed ordinance or direct that action be taken on a proposed ordinance ~~[by writing to the legislative committee,]~~ by the council's staff, the attorney's office, or other entity involved in drafting, preparing, reviewing or considering the proposed ordinance. Upon receiving such written direction, the entity shall complete its activities regarding the ordinance and within fourteen days shall produce it for action by the council.

3. Upon review, approval and adoption by the council, the proposed ordinance shall become legally effective upon being signed by the chair, attested by the county clerk, and fifteen days after its adoption unless otherwise indicated and upon at least one publication in a newspaper published and having general circulation in the county.
4. Any amendments proposed to an existing ordinance after the effective date of the ordinance by the council shall follow the procedures in this section.
5. Amendments proposed to an ordinance after it has been formally adopted by the council, but prior to the ordinance's effective date, may be considered by the council [~~without referral to legislative committee, unless such referral is directed by the council~~]. In the event that an ordinance is amended after its formal adoption and after the publication of a newspaper notice, but prior to the expiration of fifteen days after adoption, the council shall direct that a newspaper notice be published retracting the original ordinance and substituting the amended version. The amended ordinance is effective in accordance with the provisions of subsection (E)(2) of this section.
6. All ordinances approved by the council shall be accompanied by an ordinance summary prepared by the attorney in accordance with state statute.
7. An ordinance may take effect later than fifteen days after its passage if the ordinance so provides.

~~[F.]~~ E. Ordinances which in the opinion of the council are necessary for the immediate preservation of the peace, health or safety of the county and the inhabitants thereof may, if so provided in the ordinance, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county.

~~[G.]~~ F. Departments, divisions, and other subdivisions of the executive branch shall be established, abolished, consolidated or realigned as provided in the plan.

2.08.040 - Policies and procedures defined.

As used in this code, "countywide policy and procedure" means a written statement formally adopted by the council providing for the implementation of council's ordinances, powers

and duties and countywide governance and administration of county government and which is applicable to all departments, offices and organizations.

Countywide policies shall control over any executive order or internal department or office policy on countywide administrative matters. Countywide administrative matters include but ~~[is]~~ are not limited to activities relating to central services.

2.08.050 - Council initiated ~~[, county-wide]~~ countywide policies and procedures.

A. Whenever a policy or procedure with ~~[county-wide]~~ countywide impact or implications is suggested by a majority of the council, the chair shall refer the matter for adoption in accordance with Section 2.04.160.

B. ~~[Copies of the tentative policy and procedures statement may be sent by council staff to the legislative committee for consideration and advisory comment.]~~ The attorney shall review as to form and legality any countywide policy referred by the council~~[,]~~ or its ~~[council]~~ staff~~[, or legislative committee]~~ and respond in writing within fourteen days of receipt of the request.

~~[C.—After review, the legislative committee chair shall place the policy and procedures statement, with the committee's comments attached, on the agenda of a regular meeting of the council for formal consideration and adoption.]~~

2.08.060 - Department, elected officer or mayor initiated policies and procedures.

~~[County-wide]~~ Countywide policies and procedures proposed by the mayor, elected officials, officers of the executive office of the mayor, or department or division directors shall be sent to the council to be placed on the agenda of the next regular meeting of the council committee of the whole and regular council meeting for formal consideration ~~[and adoption]~~.

2.08.070 - Departmental and divisional internal policies and procedures and executive orders.

The offices, departments, sections and divisions of county government shall prepare such written policies and procedures and standard operating manuals as may be useful for their internal administration, utilizing a standard format. Policies adopted by the mayor may take the form of executive orders.

A. All matters or procedures having countywide impact including major operations and procedures, relations with other offices, divisions or departments, employee rights and

benefits, purchasing or contracting; cash handling; budgeting; debt financing; or significant contact with the public, shall be adopted in the form of policies and procedures which must be approved by the council and may not be in conflict with law, ordinance or countywide policy. All other policies may be adopted by the mayor or other offices. Executive orders implementing ordinances or countywide policies and procedures or addressing the operations and programs of the executive department may be adopted by the mayor. Offices are encouraged to adopt written policies and procedures.

- B. Departments, offices, divisions and sections of county government are encouraged to adopt a class of county policy or regulation, to be known as a standard operating manual, regarding activities and operations which are of a character which does not arise to the level of a formal policy and procedure. Such manuals shall refer to and provide guidance to county employees regarding day-to-day operations, safety concerns, the operation of equipment, vehicles and devices, approved methods for accomplishing tasks, operations and work assignments, and similar matters. Subjects regarding major operations and procedures, relations with other divisions or departments, employee rights or benefits, cash handling, or significant contact with the public, may not be encompassed in a standard operating manual, but must be covered by formally approved and adopted policies and procedures. Standard operating manuals shall be kept current and shall be made readily available to all employees and supervisors affected thereby. Standard operating manuals must conform to applicable laws, ordinances and policies, and the provisions of a law, ordinance or policy will prevail over a conflicting provision in a standard operating manual. Manuals need not be ~~[submitted to the legislative committee nor be]~~ approved by the council. County employees may be liable for disciplinary action for failure to follow or abide by the provisions of a standard operating manual, policies or procedures, or executive orders.

2.08.080 - Policies and procedures—Adoption.

All countywide policies and procedures adopted by the council must bear the signatures of the council chair and clerk. Countywide policies may be reviewed by the attorney for form and legality as directed by the council prior to adoption by the council.

2.08.090 - Policies and procedures—Recordkeeping and distribution.

It shall be the responsibility of ~~[the council staff]~~ the mayor's office to keep a current record of all council-approved policies and procedures and to distribute newly adopted policies and procedures to all departments, divisions and offices.

2.08.100 - Conflict between county policies, state statutes and executive orders.

Whenever a policy and procedure or executive order issued by the mayor is in conflict with a state statute or an ordinance of the county, the statute supersedes the ordinance and the policy and procedure or executive order. An ordinance supersedes a policy and procedure or executive order. A countywide policy supersedes an executive order. Executive orders issued by the mayor implementing countywide policies or ordinances supersede office policies.

2.08.110 - Discrimination prohibited.

Discrimination in Salt Lake County government services based on age, marital status, color, disability, national origin, sex, sexual orientation, gender identity, race or religion is prohibited. Individuals shall be assured of equal access, opportunity and protection in all areas of Salt Lake County government services. This section is not intended to expand the services of county government beyond those required by state or federal law.

SECTION IV. Chapter 2.32 of the Salt Lake County Code of Ordinances, 2001, is hereby repealed:

~~[Chapter 2.32—LEGISLATIVE COMMITTEE~~

Sections:

~~2.32.010—Powers and duties:~~

~~A. A standing "legislative committee" is established to serve as an arm of the county council on county legislative matters including resolutions, ordinances, countywide policies, and county organizational structure.~~

~~B. All duties delegated in this chapter to the legislative committee shall be performed under the direction and supervision of the county council.~~

~~C. A quorum of the committee consists of two committee members and no committee business may be conducted by the committee unless a quorum is present.~~

~~2.32.020 Membership and staff.~~

~~A. The legislative committee shall be comprised of three voting county council members, chosen by majority vote of the county council.~~

~~B. The division administrator or designee from the civil division of the attorney's office will be a standing, nonvoting member.~~

~~C. The committee chair shall be designated by the committee members.~~

~~D. Staff for the legislative committee shall be provided by the county council.~~

~~2.32.030 Voting and reporting.~~

~~A. Voting shall be by members of the legislative committee.~~

~~B. No proxy or absentee voting is permitted.~~

~~C. As decided by the committee or requested by any two council members, the legislative committee shall report its findings and any open issues to the council.~~

~~2.32.040 Meetings.~~

~~A. The committee shall meet as often as needed to carry out its responsibilities, but shall meet at a regular time and place, where possible. The meeting schedule shall be established by the county council. The chair may convene additional meetings as necessary or as requested by any two committee members.~~

~~B. The council or legislative committee may also invite other persons to attend the meetings, or call additional meetings.~~

~~C. The mayor and other elected officials or any of their respective designees may appear before the committee to address issues relevant to their respective offices.~~

~~D. The chair may conduct committee business by telephonic conference or similar means, as the chair deems necessary and appropriate, and in accordance with state law.~~

~~2.32.050 Assignments.~~

~~A.— As the legislative committee is assigned matters by the council, the committee serves as the arm of the county council on county legislative matters including resolutions, ordinances, countywide policies, and county organizational structure. Additionally, any committee member or council member may bring a matter to the attention of the committee.~~

~~B.— Matters may be brought to the attention of the committee by the mayor, the mayor's department heads, other elected officials, or any two council members, and placed on a committee agenda to be reasonably scheduled by the chair of the committee.~~

~~C.— Matters brought before the committee for consideration will be promptly forwarded to the council with a report of the committee's discussions.~~

~~2.32.060—Work groups.~~

~~A.— The legislative committee may create ad hoc work groups and refer matters to those work groups. The work groups will report to the committee as needed. Work group meetings may be scheduled as a normal part of the committee's agenda.~~

~~B.— The legislative committee or its chair may refer any matter to the mayor or other elected official for investigation, consideration, recommendation, or report to the committee.]~~

SECTION V. Section 2.95.060 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

2.95.060 - Council budget—Final budget.

A. The council shall adopt by resolution a final budget on or before December 10 of each year for the following calendar fiscal year. The recommended final budget of the council shall be posted in the offices of the clerk, auditor and mayor for at least ten days prior to the public hearing. No budget may be adopted or considered unless it has been prepared and reviewed as provided in this chapter. The council, after consultation with the mayor, shall set the date for the time and place of the public hearing on the final budget, and advise, prior to December 1 the mayor, treasurer and auditor of the date of the public hearing, and cause the notice to be published and posted. The council shall also publish any notices in regard to truth in taxation

requirements or tax increases. The council may hold public hearings as required. The council may also hold public budget meetings with the mayor and affected offices as needed[; ~~including a referral to the legislative committee~~]. All interested parties shall have an opportunity to be heard at the public hearing pursuant to rules established by the council. Adjustments may be made by the council after the public hearing on the recommended final budget. The final budget shall be available in the offices of the council, mayor, and auditor during business hours for public inspection. The auditor shall file with the state auditor a certified copy of the final budget within thirty days after adoption.

B. The Council shall not shift any of the capital improvement tax funds to other funds or accounts of the county.

APPROVED and ADOPTED this _____ day of _____, 2018.

SALT LAKE COUNTY COUNCIL

By _____
Aimee Winder Newton, Chair

ATTEST:

Sherrie Swensen
County Clerk

Approved as to form and legality:



Deputy District Attorney
Date: 21 June 2018

Voting:

- Council Member Bradley voting _____
- Council Member Bradshaw voting _____
- Council Member Burdick voting _____
- Council Member DeBry voting _____
- Council Member Granato voting _____
- Council Member Jensen voting _____
- Council Member Newton voting _____
- Council Member Snelgrove voting _____
- Council Member Wilson voting _____

Vetoed this ____ day of _____, 2018.

By _____
Mayor Ben McAdams

(Complete As Applicable)
Veto override: Yes ___ No ___ Date _____
Ordinance Published in newspaper: Date _____
Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the ____ day of _____, 2018, the County Council of Salt Lake County adopted Ordinance No. _____, amending Section 2.04.160, Chapter 2.08, and Section 2.95.060; and repealing Chapter 2.32 of the Salt Lake County Code of Ordinances, 2001 to clarify the process for the passing of ordinances and policies, to remove references to the Legislative Committee and making other related changes.

SALT LAKE COUNTY COUNCIL

By _____
Aimee Winder Newton, Chair

ATTEST:

Sherrie Swensen
County Clerk

Approved as to form and legality:

Quinn Anderson
Deputy District Attorney
Date: 21 June 2018

Voting:

Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____
Council Member Granato voting _____
Council Member Jensen voting _____
Council Member Newton voting _____
Council Member Snelgrove voting _____
Council Member Wilson voting _____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.