

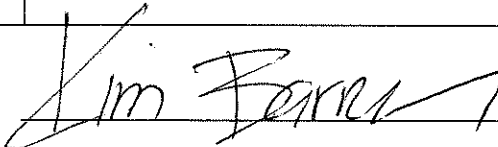
11.1

Mayor's Office: Council Agenda Item Request Form
*This form and supporting documents (if applicable) are due the Wednesday
before the COW meeting by noon.*

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|--------------------------------------|
| Date Received (office use) |
|--------------------------------------|

| | |
|---|--|
| Date of Request | 8.22.17 |
| Requesting Staff Member | Erin Litvack |
| Requested Council Date | 08.29.17 |
| Topic/Discussion Title | Salt Lake County Ordinance |
| Description | Mayor's Office ordinance administrative changes and corrections including the reinsertion of 2.06A.070 - Advice and Consent process. |
| Requested Action¹ | Approval/Consent |
| Presenter(s) | none |
| Time Needed² | none |
| Time Sensitive³ | yes |
| Specific Time(s)⁴ | no |
| Please attach the supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting. | |

Mayor or Designee approval: _____



¹ What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

² Assumed to be 10 minutes unless otherwise specified.

³ Urgency that the topic to scheduled on the requested date.

⁴ If important to schedule at a specific time, list a few preferred times.

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2017

ADMINISTRATIVE CHANGES AND CORRECTIONS

AN ORDINANCE AMENDING THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, BY PROVIDING A PROCESS FOR COUNCIL ADVICE AND CONSENT; RECOGNIZING THE COUNTY MAYOR'S POWERS REGARDING BUDGETING AND ACCOUNTING AND SUPERSEDING ANY OTHER COUNTY ORDINANCE TO THE CONTRARY; SETTING A BOND AMOUNT FOR THE PURCHASING AGENT; CLARIFYING THE APPOINTMENT AND POWERS OF DEPUTIES; AMENDING STEERING COMMITTEE PROCESSES; REPEALING AN OBSOLETE SECTION; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

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

SECTION II. Chapter 2.06A is amended to read as follows:

2.06A.030 – Mayor Duties and Functions.

The mayor, or designee, shall be responsible for duties and functions established by state law, including but not limited to the following:

- A. The mayor, or designee, shall oversee executive branch relations with the county council, including ordinance and policy recommendations, the steering committee, and executive responsibilities regarding council advice and consent, as provided below at section 2.06A.040.

- B. The mayor, or designee, shall oversee and establish standards and procedures to process and execute county contracts and claims against the county.
- C. The mayor, or designee, shall oversee county administrative law judge services and contracts.
- D. The mayor shall issue executive orders in accordance with the provisions of state law and the Optional Plan of Salt Lake County Government.

SECTION III. Section 2.06A.070 of the Salt Lake County Code of Ordinances is enacted to read as follows:

2.06A.070 - Advice and Consent—Process.

- A. The appointment of employees, representatives, members of board and commissions, and other appointments within the responsibility of the county, as provided by the plan or state statute, shall rest with the county executive. Unless otherwise provided by the plan and state statute, the mayor's appointments shall be subject to the advice and consent of the council for the appointments of members to policy-making boards, commissions and councils. The appointment of members of advisory boards to the executive shall be without the advice and consent of the council. The appointment of employees and officers within the executive branch shall be without the advice and consent of the council, except where otherwise provided by the plan and state statute. The appointment of employees and officers to positions within the legislative branch shall be made by the council alone.
- B. For each mayoral appointee subject to the advice and consent of the council, the mayor shall, if requested by the council and at least ten calendar days prior to the council's consideration, provide the council with sufficient

information so the council may determine that an appointee is eligible and qualified for the appointed position. The information provided shall include, but is not limited to: a resume, a biography, education, work and other experience, family members who work for the county, and any other relevant information that can help the council determine that an appointee is eligible and qualified for the appointed position.

- C. The council shall not make public any information that is private, protected, controlled or otherwise confidential under Utah law.
- D. Prior to council consideration any department director shall appear before the council at a scheduled meeting to:
 - 1. Offer a brief statement in support of his or her appointment; and
 - 2. Answer council members' questions.
- E. The council may request interviews of any or all of the other candidates subject to the advice and consent of the council not listed in subsection D.

SECTION IV. Section 2.06B.010 of the Salt Lake County Code of Ordinances is amended to read as follows:

2.06B.010 – Office of the Deputy Mayor for Finance and Administration

- A. The deputy mayor for finance and administration shall serve as the chief financial officer for Salt Lake County and shall oversee the following services and agencies and the mayor may organize these functions as agencies, sections or otherwise and may assign directors and personnel as determined by the mayor.
- B. The office of finance shall be directed by the deputy mayor for finance and administration

- C. The office of finance, under the direction of the deputy mayor for finance and administration, is responsible to provide budgeting support services to the mayor, who is designated as the county budget officer, pursuant to section 17-19a-203, Utah Code Annotated. Any other provision of county ordinance referring to financial, accounting or budgeting services which is inconsistent with the provisions of this subsection shall be considered superseded by this subsection as such other provision addresses county budget officer authority.
- D. The office of finance, under the direction of the deputy mayor for finance and administration, is responsible to provide accounting services, pursuant to section 17-19a-205, Utah Code Annotated. Any other provision of county ordinance referring to financial, accounting or budgeting services which is inconsistent with the provisions of this subsection shall be considered superseded by this subsection as such other provision addresses accounting authority.
- E. The office of finance, under the direction of the deputy mayor for finance and administration, is responsible for and shall oversee the following services and functions:
1. ~~[Data and innovation.~~
 - 2.] Budget.
 2. Accounting.
 3. Finance and payroll.
- F. The department of administrative services shall be directed by the deputy mayor for finance and administration or by a department director assigned by the mayor and shall oversee the following services and agencies.

1. Contracts and procurement, to include the county purchasing agent.
2. Facilities management.
3. Information services.
4. Records and archives, to include services related to the Government Records Access and Management Act and the Health Insurance Portability and Accountability Act.
5. Real estate.
6. Addressing.
7. Data and Innovation.

SECTION V. Section 2.12.050 of the Salt Lake County Code of Ordinances is amended to read as follows:

2.12.050 - Bonds.

- A. Every county and district officer herein specifically mentioned shall, before entering upon the discharge of his respective office, execute, as required by law, official bonds running to the county. The bonds are to be in the following amounts and for the purpose of conditioning the faithful performance of all duties imposed by law.

| | |
|-----------------|--------------|
| County assessor | \$150,000.00 |
| Attorney | 25,000.00 |
| County auditor | 40,000.00 |
| County clerk | 25,000.00 |
| Council members | 20,000.00 |
| County recorder | 40,000.00 |
| County sheriff | 40,000.00 |
| County surveyor | 25,000.00 |

| | |
|-------------------------|---|
| County treasurer: | As prescribed by State Money Management Council |
| Constable | 3,000.00 |
| Mayor | 40,000.00 |
| County purchasing agent | <u>40,000.00</u> |
| Justice of the peace | 5,000.00 |

- B. The amounts in the preceding subsection are for corporate surety bonds. If bonds with personal surety are furnished, the amount is fixed at fifty percent higher than the amounts in subsection A of this section.
- C. If corporate surety bonds are furnished in the amounts and for the sums hereinbefore set forth and are approved by the risk manager and the council, the county shall pay the premiums of the bonds for elected officials. Appointed constables shall pay for their own bonds. The bonds of county council members shall be approved by a district judge of the county. The premiums on the bonds of officers and council members shall also be paid by the county.

SECTION VI. Section 2.12.070 of the Salt Lake County Code of Ordinances is amended to read as follows:

2.12.070 - Power to appoint or select deputies, assistants and employees.

- A. 1. Every county elected officer, except a council member or a judicial officer may, with the consent of the council as part of the budget process, select, pursuant to the County Personnel Management Act, ~~as many deputies~~ in accordance with state statute as may be necessary for the prompt and faithful discharge of the duties of the

~~office. The appointment of a deputy must be made in writing and filed in the office of the county clerk. Until such appointment is so made and filed and until such deputy shall have taken the oath of office, no one shall be or act as deputy. Any officer appointing or selecting any deputy shall be liable for all official acts of that deputy.~~

2. The powers of the deputy include the powers of the elected official unless limited by the deputy's written appointment. The elected official may limit the powers of the deputy by office policy or job description.

3. No official act of any county officer shall be invalid for the reason that the officer failed to take the oath of office.

B. Every county elected officer, except a judicial officer, may appoint a merit exempt assistant if the position is authorized by the council pursuant to the County Personnel Management Act or state law. ~~An assistant may be a chief deputy that would take over in the absence of the principal official. Job duties shall be defined by the elected official.~~

C. Every county elected officer may select employees in addition to deputies and assistants pursuant to the requirements of the Personnel Management Act and other state law and as the position is approved in the budget process by the council. Job duties shall be prepared by the elected official and approved by the personnel division.

SECTION VII. Chapter 2.36 of the Salt Lake County Code of Ordinances is amended to read as follows:

2.36.010 - Membership—Chair.

Steering shall be established as a standing committee under the office of the mayor and shall serve as an advisory body to the mayor. Steering shall be comprised of one voting representative from each of the departments, each executive branch elected office, the ~~[personnel]~~ human resources director, ~~[the county tax administrator,]~~ and such other ~~[ex officio]~~ temporary members as the chair deems necessary to conduct current business. The committee shall be chaired by the mayor or designee. The chair shall prepare and distribute agendas for all meetings and shall preside at such meetings. The chair shall be a voting member of steering. The chair is empowered to enlist staff support as required and as determined appropriate to the chair.

2.36.020 - Meetings.

Steering shall meet ~~[on the second and fourth Monday of each month]~~ monthly at the Government Center Building. Special meetings may be requested by any member or convened or canceled by the chair as necessary.

2.36.030 - Powers and duties.

- A. Steering shall serve as the advisory, investigative and coordinating arm of the ~~[mayor]~~ executive branch on transactions relating to plans, goals, grants, contracts, proposed ordinances and policies, property and other matters.
- B. Matters involving such transactions which affect more than one department or elected office of county government shall be referred by the mayor, elected officials

or department directors to steering for its consideration and recommendation. Items referred for discussion will be forwarded to the mayor with a recommendation.

2.36.040 - Subcommittees.

~~[The following subcommittees shall be considered working committees of steering and shall be convened as needed: Information services steering and its subcommittees, personnel benefits advisory committee, government record access management policy administration committee, electronic communications coordination board and fund management committee. Steering may assign specific subjects or special projects to the working committees.]~~ Advisory subcommittees shall be considered working committees of steering and shall be convened as needed. Additional special-purpose or special project committees may be established and dissolved as necessary.

SECTION VIII. Sections 2.86.030, 2.86.040, and 2.86.050, of the Salt Lake County Code of Ordinances, 2001, are hereby amended as follows:

2.86.030 - Declaration of an emergency.

- A. The mayor is authorized to declare a state of emergency when the mayor finds that the county or any part thereof is suffering from or is in imminent danger of suffering an emergency or disaster.
- B. Any declaration of an emergency or disaster by the mayor shall be promptly filed with the county clerk and the public shall be notified through general publicity of the declaration. The mayor shall promptly notify the county council of any declaration of an emergency or disaster.
- C. The declaration of an emergency or disaster shall be in effect as determined by the mayor for a period of up to thirty days in accordance with ~~[the Utah Disaster~~

~~Response and Recovery Act, Utah Code Ann. § 63-5a-6]~~ state statute. This period may be continued or renewed only upon the approval of the county council. The council may, by resolution, express its opinion regarding an emergency declaration by the mayor.

- D. The declaration of an emergency provided in this chapter shall become effective immediately upon issuance by the mayor and the only required publication is the general dissemination to the public by appropriate news media.
- E. The declaration shall, to the extent possible, state the nature of the emergency, the area threatened, and any applicable duration, conditions, actions or needs pursuant to Section 2.86.050. The declaration may be amended and periodically brought up to date as needed.

2.86.040 - Succession.

- A. If the mayor is unavailable to perform the duties set out herein, ~~[the]~~ a deputy mayor shall have the same authority as granted to the mayor. If both the mayor and all deputy mayors are unavailable, the authority to exercise the powers set out in this chapter vests in ~~[the county chief administrative officer,]~~ the chair of the county council ~~[,]~~ or the sheriff, in that order.
- B. Notwithstanding the order of succession set forth in subsection A, if the mayor is unavailable to issue an evacuation order as set forth in Section 2.86.050, only the sheriff may issue an evacuation order, including any orders establishing evacuation routes, for a period not to exceed thirty-six hours, if the order is necessary for the preservation of life. The mayor may ratify, modify, or revoke the sheriff's order if he becomes available.

- C. By July 1st of every year, each county elected official, except for members of the county council, shall designate three emergency interim successors, specify the order of succession, and provide the list of those persons to the mayor, as set out in [~~Utah Code Ann. § 63-5b-401~~] state statute. The mayor may direct that deputy mayors and department heads of the mayor's office also designate three successors. During a state of emergency, if a county elected official is unavailable or unable to perform the duties of the office, those persons designated as emergency interim successors may be vested with all legal power and authority of the elected or appointed official who is being succeeded. An emergency interim successor shall exercise those powers and duties only until the elected official is able to perform the duties of office or, in the event of a permanent vacancy, until that vacancy is filled in accordance with state law.
- D. By July 1st of every year, each member of the county council shall designate one emergency interim successor and deliver to the mayor the name of that successor. During a state of emergency, if a county council member is unavailable or unable to perform the duties of the office, those persons designated as emergency interim successors may be vested with all legal power and authority of the county council member who is being succeeded. The emergency interim successor shall only exercise those powers and duties until the council member is able to perform the duties of office or, in the event of a permanent vacancy, until that vacancy is filled in accordance with state law.

2.86.050 - Powers of the mayor.

- A. In a state of emergency, declared by either the mayor or the governor, the mayor is empowered to make all necessary efforts to respond to, prevent, or ameliorate the effects

of an emergency or disaster, including, but not limited to, using all county resources, issuing evacuation orders, establishing evacuation routes, suspending the sale of alcoholic beverages, controlling entry to and exit from any disaster area, clearing or removing debris or wreckage, invoking the provisions of any mutual aid agreement with another governmental entity, and such other powers and authority which are reasonably necessary for the preservation of life and property and as may be set out [~~the Utah Disaster Response and Recovery Act, Utah Code Ann. § 63-5a-4~~] state statute.

1. The mayor shall have full power to secure the availability of supplies, clothing, vehicles, fuel, equipment, food and water as may be reasonably necessary to respond to the emergency. Emergency procurement may be accomplished by utilizing the procedures set forth in [~~Chapter~~] section 3.20.040 of the Salt Lake County Code of Ordinances, 2001.
 2. The mayor's authority does not extend to an emergency wholly located within a municipality unless the governing body of the municipality requests relief and assistance from the county or to the extent assistance is provided pursuant to an interlocal or mutual aid agreement.
- B. In a state of emergency, the mayor may exercise emergency powers and functions in response to the exigencies of the disaster, including waiving compliance with any time- consuming procedures and formalities, including notices, as may otherwise be required.
- C. In a state of emergency, the mayor may issue any and all such other orders or undertake such other functions and activities as the mayor reasonably believes

is required to protect the health, safety, or welfare of persons or property within the county or to otherwise preserve the public peace or to abate, clean up, or mitigate the effects of any emergency or disaster. Rules and regulations adopted by the mayor in response to the state of emergency have the force and effect of law, upon filing with the county clerk. All rules and regulations adopted in response to a state of emergency shall expire once the state of emergency is no longer in effect.

- D. In a state of emergency, the mayor is responsible to appoint county employees or agencies to perform the following activities during the emergency:
1. Coordinate the activities and management of private volunteers, including maintaining records of volunteer work in accordance with Federal Emergency Management Agency (FEMA) needs;
 2. Ensure that all records and receipts for funds expended in emergency response are maintained in accordance with FEMA needs;
 3. Coordinate and ensure prompt communication with the media about the emergency, providing to the extent possible, one consistent voice regarding county activities;
 4. Maintain ongoing communication with the county council, county elected officials and other government entities.
- E. In the event of a public health emergency, the mayor may declare a state of emergency at the request of the director of the health department or the board of health. To prevent or contain the outbreak and spread of a communicable

or infectious disease, the mayor, together with the director of the health department, may issue orders to:

1. Close theaters, schools and other public places and prohibit gatherings of people when necessary to protect the public health. [~~Utah Code Ann. § 26A-1-114(1)(e);~~]
 2. Exercise physical control over property and over individuals as the Health Department finds necessary for the protection of public health. [~~Utah Code Ann. § 26A-1-114(1)(b);~~]
 3. Exclude from school attendance any person, including teachers, who is suffering from any communicable or infectious disease, if the person is likely to convey the disease to those in attendance. [~~Utah Code Ann. § 26A-1-114(3)(b);~~]
 4. The authority of the director of the health department extends to a public health emergency wholly located within a municipality.
- F.
1. The sheriff's office and such other law enforcement and peace officers as may be authorized by the mayor are further authorized and directed to enforce the orders, rules and regulations made or issued pursuant to this chapter.
 2. During the period of a declared emergency or disaster, a person shall not:
 - a. Enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment;

- b. Violate any orders duly issued by the mayor or authorized personnel; or
- c. Willfully obstruct, hinder, or delay any duly authorized county officers, employees or volunteers in the enforcement or exercise of the provisions of this chapter, or in the undertaking of any activity pursuant to this chapter.

SECTION VIII. Section 14.08.020 of the Salt Lake County Code of Ordinances is repealed.

~~[14.08.020—Gifts, bequests and donations to county.~~

~~Gifts, bequests and donations by individuals, corporations or societies to the county, unless designated for another purpose, shall become part of the county highway fund and shall be expended under the direction of the county commissioners.]~~

SECTION IX. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this _____ day of _____, 2017.

SALT LAKE COUNTY COUNCIL

By: _____

STEVEN DEBRY, Council Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Approved as to form and legality

Deputy District Attorney

Date: _____

| | |
|---------------------------------|-------|
| 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 Snelgrove voting | _____ |
| Council Member Wilson voting | _____ |
| Council Member Winder voting | _____ |

Vetoed and dated this _____ day of _____, 2017

By: _____
Mayor Ben McAdams or Designee

(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 _____, 2017, the County Council of Salt Lake County adopted Ordinance No. _____, amending the Salt Lake County Code of Ordinances, 2001, by providing a process for council advice and consent; recognizing the county mayor's powers regarding budgeting and accounting and superseding any other county ordinance to the contrary; setting a bond amount for the purchasing agent; clarifying the appointment and powers of deputies; amending steering committee processes; repealing an obsolete section; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
Steven DeBry, Council Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Deputy District Attorney
Dated: _____

| | |
|---------------------------------|-------|
| 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 Snelgrove voting | _____ |
| Council Member Wilson voting | _____ |
| Council Member Winder voting | _____ |

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.

