# Ordinance 2016-11

### SHORT TITLE:

An ordinance amending Provo City Code Section 2.50.130 (Executive Director of the Municipal Council – Assignment of Duties) to clarify language regarding the duties of the Executive Director of the Municipal Council.

## PASSAGE BY MUNICIPAL COUNCIL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL			$\checkmark$		
CW 2	GEORGE STEWART			$\checkmark$		
CD 1	GARY WINTERTON			√		
CD 2	KIM SANTIAGO			√		
CD 3	DAVID KNECHT	$\checkmark$		V		
CD 4	KAY VAN BUREN			V		
CD 5	DAVID HARDING		$\checkmark$	V		
			TOTALS	7	0	0

### ROLL CALL

This ordinance was passed by the Municipal Council of Provo City, on the 17<sup>th</sup> day of May, 2016, on May 26, 2016 a roll call vote as described above. Signed this \_\_\_\_\_\_.

Kim Santiago

Chair

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## APPROVAL BY MAYOR

This ordinance is approved by me this June 2, 2016

Mayor

# Ordinance 2016-11

III

### CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the <u>6th day of June, 2016</u>, with a short summary being published on the 21<sup>st</sup> day of May, 2016, in <u>The Daily Herald</u>, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2016-11.



Signed this 6th day of June, 2016

City Recor

1	ORDINANCE 2016-11.
2 3 4 5 6 7 8	AN ORDINANCE AMENDING PROVO CITY CODE SECTION 2.50.130 (EXECUTIVE DIRECTOR FOR THE MUNICIPAL COUNCIL – ASSIGNMENT OF DUTIES) TO CLARIFY LANGUAGE REGARDING THE DUTIES OF THE EXECUTIVE DIRECTOR OF THE MUNICIPAL COUNCIL. (16-046)
9 10 11 12	WHEREAS, it is proposed that an amendment be made to Provo City Code Section 2.50.130 (Executive Director of the Municipal Council – Assignment of Duties) to clarify language regarding the assigned duties of the Executive Director of the Municipal Council; and
13 14 15 16	WHEREAS, the Section of the Code provides guidance and direction to the Council and the Executive Director on the duties and responsibilities associated with the Executive Director of the Municipal Council role; and
17 18 19 20	WHEREAS, the Council Rules Committee has discussed this issue and believes the amendment and clarification through Provo City Code language is necessary to clarify the job position and update current Council desires for that job; and
20 21 22 23 24	WHEREAS, on May 3, 2016, and May 17, 2016, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts and comments are found in the meeting records; and
25 26 27 28 29	WHEREAS, after considering the Council Rules Committee's recommendation and the facts presented to the Municipal Council, the Council finds (i) Provo City Code Section 2.50.130 (Executive Director for the Municipal Council – Assignment of Duties) should be amended on the basis recommended by the Rules Committee, and (ii) this action, as set forth below, reasonably furthers the health, safety, and general welfare of the citizens of Provo City.
30 31 32 33	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:
34 35 36 37	PART I: Section 2.50.130 of the Provo City Code is hereby amended as follows:
38	2.50.130. Executive Director for the Municipal Council - Assignment of Duties.
<ol> <li>39</li> <li>40</li> <li>41</li> <li>42</li> <li>43</li> <li>44</li> </ol>	(1) The Municipal Council may appoint an Executive Director to exercise such duties as the Council Chair, or a majority of the Council evidenced by written and signed request, may prescribe which are consistent with the Council's primary functions pertaining to legislation, appropriations, and review of municipal administration. The Executive Director shall be appointed on the basis of ability and prior experience in the field of public administration and legislation, together with such other qualifications as may be prescribed. The Executive Director may be removed at the sole discretion of the Council.

- 45 The Executive Director shall have the right to legal counsel from the Council a<u>A</u>ttorney on all matters
- 46 involving the performance of the Executive Director's duties. Except as otherwise directed by a
- 47 majority of the Council by written request, the Council Executive Director and the Council a<u>A</u>ttorney
- 48 shall be supervised by the Council Chair.
- 49 (2) The Executive Director's powers and duties may include, but are not limited to, the following:
- 50 (a) Serve as a Council liaison with City Administration as requested by the Council;
- 51 (b) Serve as a Council liaison with the citizenry and news media;
- 52 (c) Coordinate administrative reviews as instructed by the Council chair;
- 53 (d) Coordinate all Council activities required by law associated with the independent audits;
- (e) Coordinate all Council activities related to the analysis of the City budget, including, but not
   limited to, its review and adoption by the Council;
- (f) Coordinate all Council activities related to City appropriations, including but not limited to,
   coordination of Council activities relating to the certification of appropriations required of
   certain long-term agreements or certain acquisitions or disposals of City property;
- (g) Coordinate all Council activities related to the Council's duty to give advices and consent to
   the Mayor for City committees, boards, commissions, directors and employees, and other
   advisory bodies, as defined by state law and City ordinance;
- (h) Coordinate services provided for the Council <u>when</u> serving as the board or commission of
   the Redevelopment Agency, Stormwater District, <u>or</u> and any other agency the Council is called
   to serve upon;
- (i) Evaluate, report and make recommendations to the Council as to whether the general intent
   of Council policies, in the form of ordinances and resolutions, are being complied with and
   carried forth by the City, in order to determine whether additional ordinances, resolutions or
   policies are required;
- (j) Coordinate and attend Council meetings, citizen meetings, and other meetings, including
   administrative meetings, as requested by the Council;
- 71 (k) Supervise Council employees, including conducting performance evaluations and pay
- adjustments as prescribed by Council policy and coordinating and providing appropriate
   training;
- 74 (I) Coordinate services provided for the Council by appointed independent contractors;
- 75 (m) Conduct performance evaluations and pay adjustments as prescribed by Council policy for
   76 Council employees;
- 77 (n) Coordinate and provide appropriate training for Council staff;
- (me) Coordinate the preparation of Council agendas and prepare analysis of legislative issues
   for Council review;

80 81	(n) Supervise and have responsibility for the maintenance and publication of the Provo City Code;
82 83	(o) Coordinate an annual Council review of the priorities and implementation strategies of the General Plan; and
84 85 86 87	(p) Perform such other duties as <u>are described in the Council Handbook or as may be</u> prescribed <u>directed</u> by the <u>Council Chair or a majority of the Council <del>or</del>, to the extent permitted by <u>federal, state, and local</u> law or <u>City ordinance, including established ethical standards of</u> <u>conduct</u>.</u>
88 89 90	(q) Supervise and have responsibility for the maintenance and publication of the Provo City Code.
90 91 92	PART II:
93 94 95	A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
96 97 98 99	B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
100 101 102	C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
103 104 105	D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.
106 107	END OF ORDINANCE.