

CERTIFICATE OF PASSAGE AND POSTING

STATE OF UTAH)

 : ss.

CITY OF BLUFFDALE

COUNTY OF SALT LAKE)

I, Teddie K. Bell, the duly chosen, qualified and acting Recorder of Bluffdale City, County of Salt Lake, State of Utah, do hereby certify as follows:

1. On the 17th day of October, 2006, the Bluffdale City Council adopted Ordinance No. 2006-09

2. On the 19th day of October, 2006, I caused to be posted in three (3) public and conspicuous places within said City, certified copies of Ordinance No. 2006-09 of said City entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2006-07

3. The places in said City where such certified copies of Ordinance No. 2006-09 were posted are as follows:

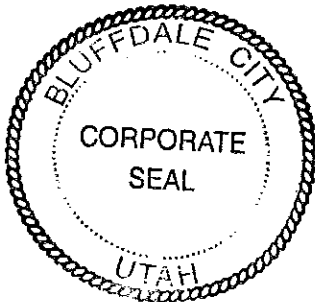
 One at Bluffdale City Fire Station – 14350 South 2200 West;

 One at Bluffdale City Hall -- 14175 South Redwood Road;

 One at The Bluffs Apartments -- 14035 S. Marketview Drive and;

4. Attached hereto is a full, true and correct copy of Ordinance No. 2006-09 so posted.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the seal of the City of Bluffdale, Utah, Salt Lake County, at 9:00 a.m. this 19th day of October, 2006.





Teddie K. Bell, City Recorder

**BLUFFDALE CITY
ORDINANCE No. 2006-09**

AN ORDINANCE AMENDING ORDINANCE NO. 2006-07

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BLUFFDALE, STATE OF UTAH, THAT ORDINANCE NO. 2006-07 IS HEREBY AMENDED TO READ AS FOLLOWS:

WHEREAS, in 2003, the Bluffdale City Council enacted Ordinance 2003-01 enacting Chapter 2, Chapters 1 and 2; Chapter 3, Chapter 1 relating to the form of government and the duties of elected and appointed officials in Bluffdale City.

WHEREAS, the Bluffdale City Council has determined the need to appoint a City Manager and has repealed Ordinance 2002-19; and

WHEREAS, pursuant to an ordinance adopted on September 26, 2006, the Bluffdale City Council now desires to amend and enact ordinances establishing the authority; powers and duties of elected and appointed officials within Bluffdale City.

NOW, THEREFORE, BE IT ORDAINED BY THE BLUFFDALE CITY COUNCIL, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment Chapters 2-1 and 2-2. Chapters 2-1 and 2-2 of the Bluffdale City Municipal Code, relating to the duties of the Mayor, is hereby amended to read in its entirety as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2. Amendment Chapter 3-1. Chapter 3-1 of the Bluffdale City Municipal Code, relating to departments and divisions, is hereby amended to read in its entirety as set forth in Exhibit "B," attached hereto and incorporated herein by reference.

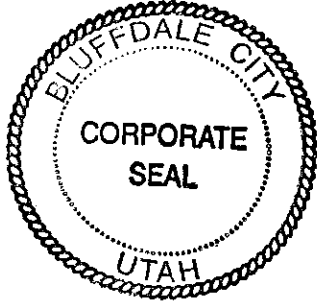
Section 3. Adoption and Codification. Chapter 4-1 of the Bluffdale City Municipal Code, relating to the duties of the City Manager, is hereby enacted and codified to read in its entirety as set forth in Exhibit "C," attached hereto and incorporated herein by reference.

Section 4. Repealer. To the extent current municipal ordinances are inconsistent with the ordinances adopted herein, all previous ordinances of Bluffdale City shall be deemed repealed by the action of the Council taken hereunder.


Section 5. Severability. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 6. Effective Date. This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

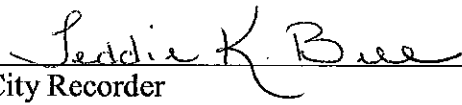
**PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY,
STATE OF UTAH, THIS 17th DAY OF OCTOBER, 2006.**



BLUFFDALE CITY

By: 
Mayor Pro Tem

ATTEST:


City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Briggs	<u> X </u>	_____
Councilmember Maxwell	<u> X </u>	_____
Councilmember Speed	<u> X </u>	_____
Councilmember Lord	<u> X </u>	_____
Councilmember Kelley	<u> X </u>	_____

EXHIBIT A

Chapter 2-1 CITY COUNCIL

Sections:

2-1-10	Governing Body
2-1-20	Powers and Duties
2-1-30	Meetings
2-1-40	Open Meetings Law
2-1-50	Agenda
2-1-60	Minutes
2-1-70	Public Records
2-1-80	Public Notice of Meetings
2-1-90	Mayor Presides
2-1-100	Attendance
2-1-110	Rules of Procedure
2-1-120	Rules of Conduct
2-1-130	Attendance of Witnesses and Production of Evidence
2-1-140	Quorum
2-1-150	Voting
2-1-160	Reconsideration

2-1-10 **Governing Body**

The governing body of Bluffdale City shall be a council composed of six (6) members one of whom shall be the Mayor and five (5) of whom shall be Council Members, which council is hereinafter referred to as the "City Council."

2-1-20 **Powers and Duties**

The City Council shall exercise the legislative and executive powers of Bluffdale City and may perform such other functions as may be specifically provided or necessarily implied by law. The City Council may delegate its executive powers as permitted by state law.

2-1-30 **Meetings**

- (a) **Regular Meetings:** The City Council shall hold regular meetings at least once a month at the offices of Bluffdale City at 14175 South Redwood Road, Bluffdale, Utah, in accordance with an annual meeting schedule adopted by the City Council. If the meeting day is a legal holiday, the meeting may be canceled or may be held on the following day as directed by the City Council.
- (b) **Special Meetings:** The Mayor or any two (2) Council Members may call a special meeting for the purpose of discussing and acting upon any business of the City. The calling of a special meeting shall be entered into the minutes of the City Council. Notice of the special meeting shall be served by the City Recorder or Clerk on each member of the Council who did not call the special meeting by delivering the notice

- personally or by leaving it at the member's usual place of abode at least three (3) hours prior to the special meeting. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required by this section.
- (c) Closed Meetings: The affirmative vote of at least two-thirds of the City Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under *Utah Code Ann. 52-4-5*, as amended. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.
 - (d) Adjourned Meetings: If the business noticed on the agenda of a regular or special meeting is not completed before adjournment of that meeting, a meeting may be held to complete the uncompleted business. A motion to adjourn at the regular or special meeting shall specify the date and time for the continuation of said meeting. No adjourned meeting shall be scheduled on a date later than the next regular meeting.

2-1-40 Open Meetings Law

All meetings of the City Council shall be open to the public, except closed meetings defined in Section 2-1-030(c).

2-1-50 Agenda

A written agenda for each regular meeting shall be prepared under the direction of the City Manager or his or her designee. In the event that any member of the City Council desires to add or delete an item or items to any prepared agenda, then written consent must be obtained from two members of the City Council. Upon receiving the request from two members of the governing body, the City Manager, or his or her designee, shall instruct the City Recorder to add or delete items to the agendas as requested.

2-1-60 Minutes

Written minutes shall be kept of all meetings of the City Council as required by *Utah Code Ann. 52-4-7*, as amended, and shall be presented to the City Council for review, correction and approval.

2-1-70 Public Records

The minutes, journals, accounts and documents of the City Council shall be kept at the office of the City Recorder. Approved copies shall be open and available to the public during regular business hours for examination and copying pursuant to the Utah Government Records Access and Management Act.

2-1-80 Public Notice of Meetings

The City Council shall give public notice at least once each year of its annual meeting schedule as provided by law. In addition, the City Council shall give not less than 24 hours public notice of the agenda, date, time and place of each of its meetings except for emergency meetings.

2-1-90 Mayor Presides

The Mayor shall be the chairman and preside at the meetings of the City Council. In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meetings as mayor *pro tempore*. Each appointment of mayor *pro tempore* shall be in effect until the mayor returns or until another mayor *pro tempore* is appointed by the City Council.

2-1-100 Attendance

The City Council shall have the power to compel the attendance of its own members and to provide such penalties as it deems necessary for the failure to comply therewith.

2-1-110 Rules of Procedure

Except as otherwise provided by law, the City Council may determine its own rules of procedure for the proper conduct of its meetings.

2-1-120 Rules of Conduct

The City Council on a two-thirds vote of its members may expel any person who is disorderly and/or disruptive during the meeting of the City Council. The City Council may also on a two thirds vote of its members expel or fine any Council Member for disorderly and/or disruptive conduct. This section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law.

2-1-130 Attendance of Witnesses and Production of Evidence

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of Bluffdale City. The City Council may issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this Section.

2-1-140 Quorum

No action of the City Council shall be official or of any effect unless a quorum of the Council Members are present, except as otherwise provided by law. Three (3) or more Council Members shall constitute a quorum.

2-1-150 Voting

- (a) **How Taken.** A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against Bluffdale City. In all other cases, at the request of any member of the City Council, a “yes” or a “no” vote shall be taken and recorded. Every resolution or ordinance shall be in writing before the vote is taken.

- (b) **Number Required.** The minimum number of “yes” votes required to pass any ordinance, resolution, or to take any action by the City Council, unless otherwise provided by law, shall be a majority of the members of the quorum, but shall never be less than three. Any ordinance, resolution, or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid. Fewer votes may compel attendance of absentees, may adjourn a meeting from time to time, and may fill a vacancy in the City Council.
- (c) **Mayor Voting.** As provided by Utah Code Section 10-3-101(1)(a)(ii), the Mayor shall vote only in the case of a tie or in the appointment or dismissal of a City Manager as provided by Utah Code Section 10-3-830.

2-1-160 Reconsideration

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at a special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

Chapter 2-2 MAYOR

Sections:

- 2-2-10 Powers and Duties of Mayor**
- 2-2-20 Powers of Mayor as Member of the City Council**
- 2-2-30 Restrictions of Mayor**

2-2-10 Powers and Duties of Mayor

- (a) The Mayor of Bluffdale City shall serve as a member of the six-member council that governs Bluffdale City.
- (b) The Mayor shall serve as the Chairperson of the meetings of the City Council.
- (c) The Mayor shall be responsible for the supervision and administration of “Town Days.”
- (d) The Mayor shall be responsible for the supervision and administration of the Equestrian Council, the Historical Council, and the Youth Council.
- (e) The Mayor shall perform the legislative and judicial duties of the office of mayor as defined by state law. These legislative and judicial duties, as well as the Mayor’s *ex officio* positions, may not be delegated by the Mayor or the City Council.

2-2-20 Powers of Mayor as Member of the City Council

- (a) Presiding Officer. The Mayor shall be the Chairman and preside at all meetings of the City Council.
- (b) No Vote. The Mayor shall not vote at meetings of the City Council, except as provided by state law and in cases of a tie vote of the City Council, in which case the Mayor may vote if he or she elects to do so. The Mayor shall be entitled to cast a vote regarding the appointment or dismissal of the City Manager.
- (c) No Veto. The Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute.
- (d) Mayor *Pro Tempore*. In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside as Mayor pro tempore, who shall have all of the powers and duties of the Mayor during his or her absence or disability. The election of a Mayor pro tempore shall be entered in the minutes of the City Council meeting at which he or she officiates. Any member of the City Council elected as Mayor pro tempore shall still retain his or her power and authority as a member of the Council and shall be entitled to vote as a member of the City Council on all matters, but may not cast a second vote in order to break a tie.

2-2-30 Restrictions on Mayor

The Mayor may not serve as the City Recorder or as the City Treasurer.

EXHIBIT B

Chapter 3-1 DEPARTMENTS AND DIVISIONS

Sections:

3-1-10 Department Creation and Organizational Chart

3-1-20 Interdepartmental Cooperation

3-1-10 Department Creation

The City Council shall approve an official organization chart, prepared and created by the City Manager and/or staff. The organizational structure, departments, and staff positions are and shall be identified on the organizational chart in addition to individual job descriptions and job titles as currently adopted and amend. At a minimum, the departments created by this title include the Community Development Department, Engineering Department, Public Works Department, and Fire Department. Additional departments may be created without amendment to this title and by amending the official city organization chart and job descriptions. Department head positions and supporting staff positions have been created, adopted, and amended from time to time by the City Council. The City Council may amend job titles and positions at any time. The City Manager may propose departmental or personnel description amendments to the City Council as the needs of the city change.

3-1-20 Interdepartmental Cooperation

Each department shall cooperate with other departments and furnish, upon the direction of the City Manager, such service, labor, and materials as may be requisitioned by the head of such other department.

EXHIBIT C

Chapter 4-1 CITY MANAGER

Sections:

4-1-10	Position
4-1-20	Duties
4-1-30	Relationship to City Council
4-1-40	Reserved
4-1-50	Reserved
4-1-60	Reserved
4-1-70	Reserved

4-1-10 Position

- (a) The position of City Manager is hereby created and established pursuant to Utah Code Ann. §10-3-830, as amended.
- (b) The City Manager shall be appointed and dismissed as provided by Utah Code Section 10-3-830 and Section 10-3-101(1)(a)(ii), on the basis of his or her administrative and executive abilities and other qualifications.

4-1-20 Duties

The duties of the City Manager are subject to the policies and programs established by the City Council and under the general direction and oversight of the City Council. The City Manager's duties shall include the following:

- (a) The City Manager shall manage the day-to-day duties and affairs of the City by applying the ordinances, policies and procedures of the City.
- (b) Plan, organize, and supervise city financial operations and keep the City Council informed and advised on the City's current financial situation and needs.
- (c) Be responsible for managing the internal affairs of the City; develop, recommend and implement city policies, practices, rules, regulations and procedures; report to the City Council; advise the City Council regarding policy options and implementation procedures; carry out legislative directives and decision; and be responsible for contracts administration.
- (d) Be responsible for the full and effective use of City personnel by establishing, in consultation with department directors, or other management employees, overall department objectives, priorities and standards consistent with the goals and objectives of the City Council; serve as facilitator in the achievement of the City Council goals and in coordinating with management employees for effective implementation of city service levels, ordinances, resolutions, rules, regulations and

- directives; exercise managerial control to ensure that the city government and its respective departments function in the most efficient and effective manner.
- (e) Represent the City at various meetings or other functions and respond to requests or inquiries about city policies, rules, ordinances, regulations, resolutions or services rendered by the city government.
 - (f) Recommend, prepare, or cause to be prepared, for consideration by the governing body and advisory committees, long range strategic plans and programs to provide for the health, safety, and welfare of the current and future inhabitants of the City; and furnish reports to the City Council as requested.
 - (g) Be responsible for the overall personnel management; implement city personnel ordinances and rules and regulations adopted by the City Council; coordinate personnel ordinances and rules and regulations adopted by the City Council; coordinate personnel functions with management employees such as recruitment, selection and appointment; have authority to hire and fire all employees of the City, except the city recorder and the city treasurer; occupy a step in the appeals process available to employees with grievances; monitor personnel actions, promotion, discipline, demotion, separation and reclassification; coordinate personnel decisions with division heads; coordinate activities of individuals rendering professional services under contract with the city. Appoint and remove all department heads with the advice and consent of the City Council. The City Council may be involved in the interview process of all department heads, or may appoint a committee of two council members to participate in the process. Involvement by participation or committee will be at the City Council's discretion.
 - (h) Attend and participate in meetings of the City Council, but shall not have the right to vote in said meetings.
 - (i) Enforce all applicable laws, ordinances, rules and regulations of the city. Assure that all franchises, leases, permits, licenses, contracts and privileges granted by the city are fully performed and observed.
 - (j) Perform all other duties, obligations and exercise the powers set forth by ordinance, resolution, regulation, or directive imposed by the City Council.

4-1-30 Relationship to City Council

In order to establish clear administrative roles, the Mayor and City Council shall deal with all administrative duties of the city through the City Manager. Neither the Mayor nor the City Council shall give orders to subordinates of the City Manager, or other city staff, either in public or in private. This does not prevent city staff and members of the City Council from fraternizing, discussing ongoing projects, discussing budgetary issues, and discussing day-to-day problems that arise within the city; however, all direction shall come through the City Council to the City Manager, who shall direct city staff.