

**BLUFFDALE CITY  
RESOLUTION No. 2007-06**

**A RESOLUTION REGARDING THE PURPORTED APPOINTMENT OF DAVID HOGUE AS ADMINISTRATIVE SERVICES DIRECTOR**

**WHEREAS**, the City Council of Bluffdale City serves as the governing body of the municipality in accordance with Utah Code Section 10-3-101(1)(a);

**WHEREAS**, the legislative and executive powers of Bluffdale City are vested in the City Council in accordance with Utah Code Section 10-3-101(1)(b);

**WHEREAS**, Bluffdale City Code Section 2-2-010(b)(3) provides, among other things, that “[t]he Mayor shall have the authority to appoint and remove all other department heads *with the advice and consent of the City Council*,” (emphasis added)

**WHEREAS**, Bluffdale City Code Section 3-1-140 states that the “Administrative Services Director . . . shall act as the Department Head of the Administrative Services Department;”

**WHEREAS**, Bluffdale City Code Section 3-1-140 further provides that “The Administrative Services Director shall be appointed and/or removed by the Mayor *with the advice and consent of the City Council*,” (emphasis added)

**WHEREAS**, Mayor Claudia Anderson has publicly announced the “appointment” of David Hogue as the Administrative Services Director;

**WHEREAS**, Mayor Claudia Anderson neither sought the advice of the City Council nor received its consent to the alleged “appointment” of David Hogue as the Administrative Services Director;

**WHEREAS**, Utah Code Section 10-3-811 expressly provides that the Mayor “may, *with the advice and consent of a majority of the governing body*, assign or appoint any member or members of the governing body to administer one or more departments of the municipality” (emphasis added); and,

**WHEREAS**, the elected members of the Bluffdale City Council stand ready to serve the City of Bluffdale on a temporary basis during any vacancy in the position of Administrative Services Director;

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

**Section 1.** The Bluffdale City Council has not consented and will not consent to the appointment of David Hogue as Administrative Services Director;

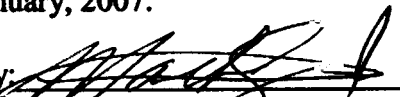
**Section 2.** The Bluffdale City Council endorses the concept of conducting a broad search to identify the best possible candidate to fill any vacancy in the position of a department head; and,

**Section 3.** During any vacancy in the position of Administrative Services Director, the Council calls for the appointment of one of its members to serve in this position on an interim basis, as authorized by Utah Code Section 10-3-811. In the alternative, the Council stands ready to consider other candidates to serve on an interim basis who might be mutually acceptable to the Mayor and the City Council.

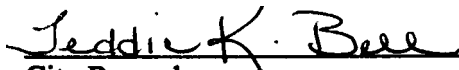
**Section 4. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution and all sections, parts and provisions of this Resolution shall be severable.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its passage and authorizes and directs the Mayor to execute and cause to be delivered the same.

PASSED ADOPTED AND APPROVED the 23 day of January, 2007.

By:   
Mayor Pro Tempore

ATTEST:

  
City Recorder



Voting by the City Council:    Aye                      Nay

Council Member Briggs	<u>  x  </u>
Council Member Kelley	<u>  x  </u>
Council Member Lord	<u>  x  </u>
Council Member Maxwell	<u>  x  </u>
Council Member Speed	<u>  x  </u>