

## ORDINANCE NO. 2023 - 09

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SUBSECTIONS OF SOUTH JORDAN MUNICIPAL CODE §§ 2.28.010 C. AND E. PERTAINING TO THE APPOINTMENT AND TERM OF OFFICE OF THE CITY MANAGER.

**WHEREAS**, the City of South Jordan operates under a Six-Member Council form of government as described in UCA § 10-3b-310 *et seq.* granting all legislative, executive, and administrative authority to a governing body; and

**WHEREAS**, the Mayor and Council together act as the governing body for the City of South Jordan as described in SJMC § 2.04.010; and

**WHEREAS**, the governing body has delegated many responsibilities to the office of a city manager which is the chief administrative officer as described in SJMC § 2.28.010 *et seq.*; and

**WHEREAS**, the governing body appoints and removes the city manager by a majority vote of 4 of the 6 members of the governing body which is not specifically stated in the current Code as seen in SJMC §§ 2.28.010 C. and E.; and

**WHEREAS**, the South Jordan City Council finds it in the best interest of the City of South Jordan to clarify the manner of appointment and term of office of the City Manager.

### NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

**SECTION 1. Amendment.** SJMC §§ 2.28.010 C. and E. are hereby amended as described herein:

- C. Appointment: The governing body, including the mayor, shall appoint the city manager by the majority vote of four (4) members of the governing body, ~~who~~ The city manager shall be appointed on the basis of experience, administrative, executive abilities and qualifications.
- E. Term Of Office: The city manager shall serve at the pleasure of the ~~city council~~ governing body and may be removed at any time, with or without cause, by a majority vote of four (4) members of the governing body, including the mayor ~~city council~~, subject to the following, ~~however, to the provisions of the next succeeding subsections.~~
  - 1. Notice: In the case of removal by the city council without cause, the city manager shall be furnished with a fourteen (14) days' written notice before the effective date of removal. In the case of removal by the governing body ~~city council~~ for cause, the governing body ~~city council~~ may effect removal of the city manager immediately upon notice to the city manager.

2. Discretion Of Council: In removing the city manager, the governing body ~~city council~~ may use its discretion and its action shall be final and shall not depend upon any particular showing or degree of proof.

**SECTION 2. Severability.** If any section, 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 sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 3. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.


**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

  
\_\_\_\_\_  
Office of the City Attorney