



MURRAY
CITY COUNCIL

Council Meeting February 20, 2024



Murray City Municipal Council

City Council Meeting Notice

February 20, 2024

PUBLIC NOTICE IS HEREBY GIVEN that the Murray City Municipal Council will hold a City Council meeting beginning at 6:30 p.m. on Tuesday, February 20, 2024 in the Murray City Council Chambers located at Murray City Hall, 10 East 4800 South, Murray, Utah.

The public may view the Council Meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. Those wishing to have their comments read into the record may send an email by 5:00 p.m. the day prior to the meeting date to city.council@murray.utah.gov. Comments are limited to less than three minutes (approximately 300 words for emails) and must include your name and address.

Meeting Agenda

6:30 p.m. **Council Meeting** – Council Chambers
Adam Hock conducting.

Opening Ceremonies

Call to Order
Pledge of Allegiance

Approval of Minutes

Council Meeting – January 16, 2024
Council Meeting – February 6, 2024

Special Recognition

1. Murray City Employee of the Month, Don Pati, Police Officer. Brett Hales, Adam Hock and Craig Burnett presenting.

Citizen Comments

Comments will be limited to three minutes, step to the microphone, state your name and city of residence, and fill out the required form.

Consent Agenda

None scheduled.

Public Hearings

None scheduled.

Business Items

1. Consider an ordinance amending Section 3.10.410 of the Murray City Municipal Code relating to the procurement code and prior approval of contract modifications. Brooke Smith presenting.

2. Consider a resolution approving an Interlocal Cooperation Agreement between Murray City ("CITY") and Salt Lake County ("COUNTY") relating to the Salt Lake CDBG Urban County Program. Doug Hill presenting.
3. Consider a resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County to reimburse the city for certain costs incurred by the city to complete installation of buffered bike lanes and additional transportation improvements on Vine Street. Trae Stokes and Chris Zawislak presenting.
4. Consider a resolution amending the Murray City Council Policies and Procedures. Jennifer Kennedy presenting.

Mayor's Report and Questions

Adjournment

NOTICE

Supporting materials are available for inspection on the Murray City website at www.murray.utah.gov.

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the Murray City Recorder (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.

On Friday, February 16, 2024, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.



Jennifer Kennedy
Council Executive Director
Murray City Municipal Council



MURRAY
CITY COUNCIL

Call to Order

Pledge of Allegiance



MURRAY
CITY COUNCIL

Council Meeting Minutes

**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL MEETING**

Minutes of Tuesday, January 16, 2024
Murray City Hall, 10 East 4800 South, Council Chambers, Murray, Utah 84107

Attendance:

Council Members:

Paul Pickett	District #1
Pam Cotter	District #2 – Council Chair
Rosalba Dominguez	District #3
Diane Turner	District #4
Adam Hock	District #5 – Council Vice-Chair

Others:

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
G.L. Critchfield	City Attorney	Brooke Smith	City Recorder
Phil Markham	CED Director	Zac Smallwood	Planning Manager
Kim Fong	Library Director	Rebecca Mieure	Librarian
Travis Bodtcher	Fire Department	Bruce Holyoak	Parks Superintendent
Craig Burnett	Police Chief	Camron Kollman	IT
Citizens and Guests			

Opening Ceremonies:

Call to Order – Ms. Turner called the meeting to order at 6:30 p.m.
Pledge of Allegiance – Brenda Moore led the Pledge of Allegiance.

Approval of Minutes: None scheduled.

Special Recognition: Murray City Employee of the Month, Rebecca Mieure, Librarian.

Mayor Hales, Ms. Turner and Murray City Library Director Kim Fong congratulated Ms. Mieure as the Employee of the Month. Mayor Hales presented the certificate and \$50 gift card and Ms. Fong spoke about all that Ms. Mieure does for the Murray Library.

Citizen Comments:

Laurence Horman – Homeless advocate

Mr. Horman visited the State legislature to advocate on behalf of the homeless where he found the State is doing a lot to help the homeless. He felt State funding should go to smaller cities and not just allocated to downtown Salt Lake. He asked the Mayor and City Council to help find ways to assist the homeless with things like medical services, warming and cooling spaces, cooking and bathing facilities because the existing homeless facilities are limited in that ability.

Kevin Westenskow – Murray City resident

Mr. Westenskow said the Mayor and City Council should use Murray citizens in a more organized way to prepare for catastrophic emergencies before it is too late. He said emergency preparedness training should be ongoing instead of quarterly and volunteer groups that are engaged in emergency preparedness would be interested in continuing education. He suggested that City emergency efforts

include training volunteers in Murray communities because this would make Murray more self-sufficient and self-reliant in dealing with a natural disaster. He said people are waiting and wanting to participate but they do not know where to start. His ideas include helping at hospitals, aiding Murray police with traffic control and helping Murray firefighters as needed.

Consent Agenda: Mayor Hales presented the following:

1. Consider confirmation of the Mayor's reappointment of Sunshine Szedeli to the Parks and Recreation Advisory Board for a term from January 2023 through January 2026.
2. Consider confirmation of the Mayor's reappointment of Kimberlee Bird to the Parks and Recreation Advisory Board for a term from January 2024 through January 2027.
3. Consider confirmation of the Mayor's reappointment of Ted Maestas to the Parks and Recreation Advisory Board for a term from January 2024 through January 2027.
4. Consider confirmation of the Mayor's reappointment of Bill Carnell to the Building Board of Appeals for a term from April 2023 through April 2026.
5. Consider confirmation of the Mayor's reappointment of Mark Burton to the Building Board of Appeals for a term from April 2023 through April 2026.
6. Consider confirmation of the Mayor's reappointment of Richard Kester to the Building Board of Appeals for a term from April 2023 through April 2026.

MOTION: Ms. Cotter moved to approve the Consent Agenda. Ms. Dominguez SECONDED the motion.

Council Roll Call Vote:

Mr. Hock	Aye
Mr. Pickett	Aye
Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Motion passed:	5-0

Public Hearing: Staff and sponsor presentation, Zac Smallwood:

Consider an ordinance amending Sections 16.04.020, 16.04.040, 16.04.050, 16.04.060, 16.04.070, 16.04.080, 16.04.090, 16.04.100, 16.04.110, 16.04.120, 16.08.020, 16.08.030, 16.08.040, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.060, 16.12.070, 16.12.080, 16.12.090, 16.12.100, and 16.12.110 of the Murray City Municipal Code regarding subdivision approval procedures.

Mr. Smallwood said the request to amend the City's Subdivision ordinance was made by staff to comply with new State requirements. He explained how the State stepped in with Senate Bill 174 to help remedy the housing crisis.

Mr. Smallwood explained going forward a subdivision request would now be reviewed only by the administrative land use body, which is the Murray City Planning Commission and not city or town councils. A new application would be posted on the City's website, which must be processed by city planners and presented to the Planning Commission within 15 days of submission. A maximum of four engineering reviews would be allowed. The Planning Commission would review the preliminary subdivision within 15 days of the completed application where only one public hearing would be allowed. The final subdivision review would occur within 20 business days of application submission which would be reviewed only by City.

Mr. Smallwood reviewed the current process and compared it to the new process noting that the new process no longer requires a concept review. He stated that City staff still encourages concept reviews because they are helpful, and most applicants are happy to do them.

He confirmed that the proposed amendments were carefully considered and are in harmony with the General Plan and necessary to ensure State compliance. The Planning Commission voted 5-2 to make a recommendation of approval to the City Council and City staff also recommended approval.

Mr. Pickett clarified that the one public hearing would occur on the same day that the Planning Commission first considers a subdivision plan. Mr. Smallwood stated that was correct.

Ms. Cotter confirmed that all City departments involved in city planning thoroughly reviewed and approved of the new application. Mr. Smallwood stated that was correct. Ms. Cotter asked how the City would be held accountable if they did not approve the amendment. City Attorney Critchfield said the City would be penalized financially.

The public hearing was open for public comments.

Kevin Westenskow – Murray City resident

Mr. Westenskow asked if subdivision notifications could be extended to the entire City and not just those within 300-500 feet of an impacted area. He was not pleased with watching new growth in the City and said the current impact was unreal and he hoped that growth could be curtailed. He thought all residents in the City should be notified about new developments.

City Attorney Critchfield said public hearing notices are mailed out to all nearby impacted areas, but to mail written notices to all City residents would be cost prohibitive for the City. He noted that all agendas and public hearings are posted on the City's website, so anyone has access to the information and is welcome to attend any public hearing to give public comment.

Scott Hansen – Murray City resident.

Mr. Hansen believed in expediting the subdivision planning process but was concerned about making mistakes along the way to hurry the process along. He noted the City of Draper that had soil issues and homes falling off the side of a mountain. He felt tests for things like soil and water analysis studies could take longer than 15 days, so he was afraid safety could be jeopardized in the new process.

Clark Bullen – Murray City Resident

Mr. Bullen thought the proposed amendment was an improvement to the subdivision planning process. He expressed concern about public input being procedural and not about swaying decisions. He asked that agendas be sent out sooner so that concerned residents could let neighbors know by spreading the word about subdivision changes proposed in future Planning Commission meetings. Since they are losing the second public hearing, he felt people could better plan to attend the only public hearing if notice was given earlier.

The public hearing was closed.

Ms. Cotter stated that the Utah State Legislature was interfering with the City's ability to build their communities in a way that is best for their residents. She understood that Murray City Planning

Commissioners would like to see and vote on the final plot of a development, but with the passing of Senate Bill 174 that is no longer possible, as a city has to follow the law. She wanted to let it be known that she was not happy with the legislators.

Mr. Pickett seconded and supported the comment of Ms. Cotter. He said the legislature needs to trust the cities in this process, especially the cities that are working well like Murray. He felt legislators are imposing something that should have been applied to specific areas that are troublesome but not to Murray which has always had a great history of working well with the approvals of construction.

Mr. Hock addressed the public comment about soil analysis and problems in Draper City and asked if those tests were not part of the new 15-day deadline as proposed. Mr. Smallwood said regarding Draper, he believed they did not require soil reports and geotechnical studies in their building permit reviews, but those test are included in the new proposed Murray application. He said Murray has always asked for geotechnical testing when needed and has always required soil testing as part of building plans.

MOTION: Mr. Hock moved to approve the ordinance. Ms. Cotter **SECONDED** the motion.

Council Roll Call Vote:

Mr. Hock	Aye
Mr. Pickett	Aye
Ms. Cotter	Aye
Ms. Dominguez	Nay – Ms. Dominguez explained she was voting no to stand with Murray against the State, who is trying to govern cities and take power away from the cities.
Ms. Turner	Aye
Motion passed:	4-1

Business Items: None scheduled.

Mayor's Report and Questions

Adjournment: 7:11 p.m.

Pattie Johnson
Council Office Administrator III

**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL MEETING**

Minutes of Tuesday, February 6, 2024
Murray City Hall, 10 East 4800 South, Council Chambers, Murray, Utah 84107

Attendance:

Council Members:

Paul Pickett	District #1
Pam Cotter	District #2 – Council Chair
Rosalba Dominguez	District #3
Diane Turner	District #4
Adam Hock	District #5 – Council Vice-Chair

Others:

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
G.L. Critchfield	City Attorney	Brooke Smith	City Recorder
Phil Markham	CED Director	Zac Smallwood	Planning Manager
Joey Mittelman	Fire Chief	Kim Sorensen	Parks and Recreation Director
Elvon Farrell	CED	Lori Edmunds	Cultural Arts
Craig Burnett	Police Chief	Sheri VanBibber	Murray Chamber/Youth Gov.
Citizens			

Opening Ceremonies:

Call to Order – Mr. Hock called the meeting to order at 6:40 p.m.
Pledge of Allegiance – Bob VanBibber led the Pledge of Allegiance.

Approval of Minutes: Council Meeting – January 2, 2024

MOTION: Ms. Turner moved to approve the minutes. Ms. Cotter SECONDED the motion. Voice vote taken, all “Ayes.”

Citizen Comments: None

Consent Agenda: Mayor Hales presented the following:

1. Consider confirmation of the Mayor’s appointment of Bob Van Bibber to the Public Safety Advisory Board for a term from February 2024 to January 2025.
2. Consider confirmation of the Mayor’s appointment of David Christensen to the History Advisory Board for a term from January 2024 to January 2027.
3. Consider confirmation of the Mayor’s appointment of Mehdi Taheri to the Ethics Commission for a term from February 2024 to February 2027.
4. Consider confirmation of the Mayor’s reappointment of Dan Fazzini to the Ethics Commission for a term from July 7, 2023 to July 7, 2026.
5. Consider confirmation of the Mayor’s reappointment of Duane Jess to the Ethics Commission for a term from July 7, 2023 to July 7, 2026.
6. Consider confirmation of the Mayor’s reappointment of Dustin Matsumori to the Ethics Commission for a term from February 2023 to January 2026.

MOTION: Ms. Turner moved to approve the Consent Agenda. Ms. Cotter SECONDED the motion.

Council Roll Call Vote:

Mr. Pickett	Aye
Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Motion passed:	5-0

Public Hearings:

1. **Consider an ordinance amending Sections 17.152.020 and 17.152.030, M-G (manufacturing) Zone District) to allow Land Use No. 6600 (Contract Construction Services) as a permitted use instead of a conditional use.**

Planning Manager Zac Smallwood said the request to change the Land Use Ordinance in the manufacturing zone was requested by City planning staff. He displayed a map to point out the areas that would be affected by the change and noted that contractors are permitted in almost every other zone in the City. He said staff believes there would be less of an impact from a contractor use in the M-G zone than the other permitted uses like cabinet, furniture, and heavy materials manufacturing. The change would make it easier for construction businesses and their offices to move into the City. He provided findings to confirm that the text amendments are in harmony with the General Plan and consistent with the M-G zone requirements. The Planning Commission voted unanimously to approve and staff also recommended that the City Council approve the text amendment.

The public hearing was open for public comments. No public comments were given and the public hearing was closed.

MOTION: Ms. Cotter moved to approve the ordinance. Ms. Dominguez SECONDED the motion.

Council Roll Call Vote:

Mr. Pickett	Aye
Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Motion passed:	5-0

2. **Consider an ordinance amending the City's Fiscal Year 2023-2024 budget.**

Finance Director Brenda Moore reviewed how the proposed amendment would include receiving and allocating several grants and reimbursements. She explained the largest reimbursement was related to Murray fire fighters helping with fires in Idaho and California and money would be used to pay for related supplies and overtime wages. She said various transfers would be made from earned interest to fund new project expenditures and other needs resulting from recent cost increases. She noted that all other budgetary adjustments were reviewed in the January 16, 2024 Committee of the Whole work session. The amendment also allows her to make the year-end budget transfer which includes moving Transportation Sales Tax revenue to the Capital

Improvements Project fund for future streets projects; and a proper transfer that ensures reserves are not kept above 26%.

The public hearing was open for public comments:

Clark Bullen – Murray City resident

Mr. Bullen appreciated the City spending budget money to fix the sound system in the Poplar Meeting room. He thanked the Council for listening to citizens about the sound problem in the Committee of the Whole meetings and reported that the new sound system is much better. He understood that unexpected costly adjustments were needed at the Murray Theater renovation project but appreciated the City taking care of the Theater. He felt spending necessary money on the theater would make it an anchor to invigorate the area and draw people to the down town. He was grateful that the City also listened to constituents regarding the proposed down town Murray area plan. He thought planning was heading in the right direction and felt deep consideration was given to citizen feedback from related open houses and the planning survey.

The public hearing was closed.

MOTION: Ms. Dominguez moved to approve the ordinance. Mr. Pickett SECONDED the motion.

Council Roll Call Vote:

Mr. Pickett	Aye
Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Motion passed:	5-0

Business Items: None scheduled.

Mayor's Report and Questions

Adjournment: 6:57 p.m.

Pattie Johnson
Council Office Administrator III



Special Recognition



MURRAY

City Council/Mayor

Employee of the Month - Don Pati

Council Action Request

Council Meeting

Meeting Date: February 20, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Adam Hock Brett Hales Craig Burnett Required Time for Presentation Is This Time Sensitive No Mayor's Approval Date February 6, 2024	Purpose of Proposal Employee of the Month recognition Action Requested Informational only Attachments Recognition Form Budget Impact None Description of this Item See Employee of the Month Recognition Form
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EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

Police

DATE:

January 18, 2024

NAME of person to be recognized:

Don Pati

Submitted by:

Craig Burnett

DIVISION AND JOB TITLE:

Police Officer

YEARS OF SERVICE:

2 1/2 years

REASON FOR RECOGNITION:

Don represents the Police Department and the City of Murray very well. We have recieved national feedback for how he interacted with the public on an incident that was recorded and published on web sites. Don takes pride in his job. He has been and continues to be instrumental in recruitment efforts. Don worked at helping change Department policy to help compensate new hires even though it did not benefit him. He works hard and is willing to step in and assist where ever there is a need.

COUNCIL USE:

MONTH/YEAR HONORED





MURRAY
CITY COUNCIL

Citizen Comments

Limited to three minutes, unless otherwise approved by Council



Business Items



Business Item #1



MURRAY


Finance and Admin

Request to Update: Change Order Threshold

Council Action Request

Council Meeting

Meeting Date: February 20, 2024

Department Director Brenda Moore Phone # 2513 Presenters Brooke Smith Required Time for Presentation 5 minutes Is This Time Sensitive No Mayor's Approval  Date February 5, 2024	Purpose of Proposal Revising Murray City Code 3.10.410 regarding the Change Order threshold Action Requested Ordinance Amending 3.10.410 - Prior Approval of Contract Modifications Attachments PowerPoint and draft Ordinance Budget Impact N/A Description of this Item I am writing to propose a revision to Murray City Code 3.10.410 concerning Change Order Thresholds. The goal of change request is to enhancing efficiency and mitigating bottlenecks that contribute to unnecessary duplications and delays in projects and services. Current Code Overview: Threshold for prior approval: The lesser of 5% or \$10,000. Approval required by: Purchasing Agent and the Director of Finance and Administration. Condition for approval: Receipt of a report from the responsible department director on the budget impact (Justification Form).
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Continued from Page 1:

Proposed Change:

New threshold for prior approval: Greater than 5% and \$10,000.

The approval process remains the same.

The condition for approval remains the same.

Rationale:

The proposed change aims to adjust the project thresholds for prior approval to a value greater than 5% and greater than \$10,000.00. This modification maintains the existing approval process, ensuring oversight by the Purchasing Agent and the Director of Finance and Administration. The condition for approval, involving the submission of a Justification Form from the responsible department director, remains unchanged.

Benefits:

Improved Efficiency: The revised threshold allows for a more flexible approach to change orders and promoting a more streamlined process.

Timely Decision-Making: By updating the current approval process, we ensure a quick response to changing project requirements while upholding accountability.

Consistency in Oversight: The continued requirement for a justification form ensures thorough evaluation and justification are reviewed for any major change orders, aligning with our fiscal responsibility.

In summary, the proposed change benefits Murray City by fostering a more responsive and adaptable approach to project management, reducing administrative barriers, and ensuring consistency in oversight and accountability. These advantages collectively contribute to the efficient and effective delivery of projects and services to the community.

Should you have any questions or require additional information, please feel free to reach out.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3.10.410 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO THE PROCUREMENT CODE AND PRIOR APPROVAL OF CONTRACT MODIFICATIONS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend Section 3.10.410 of the Murray City Municipal Code relating to the Procurement Code and prior approval of contract modifications.

Section 2. Amendment to Section 3.10.410 of the Murray City Municipal Code. Section 3.10.410 of the Murray City Municipal Code shall be amended to read as follows:

3.10.410: PRIOR APPROVAL OF CONTRACT MODIFICATIONS:

Every agreement modification, change order, or agreement price adjustment in excess ~~of the lesser~~ of five percent (5%) ~~or and greater than~~ ten thousand dollars (\$10,000.00) under a construction agreement with the City shall be subject to prior approval by the purchasing agent and the Director of Finance and Administration, after receiving a report from the responsible department director as to the effect of the agreement modification, change order, or agreement price adjustment on the total project budget or the total agreement budget. (Ord. 19-05)

....

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2024.

MURRAY CITY MUNICIPAL COUNCIL

_____, Chair

ATTEST:

Brooke Smith
City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2023.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2024

Brett A. Hales, Mayor


ATTEST:

Brooke Smith
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ____ day of _____, 2024.

Brooke Smith
City Recorder



MURRAY CITY Change Order Threshold

REQUEST TO UPDATE

Goal



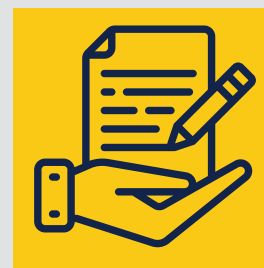
Revising purchase thresholds presents an opportunity to:
Improve Efficiency and eliminate bottlenecks that cause unnecessary duplications and delays to projects and services.



**Types of Change
Orders & Example**



Current Code



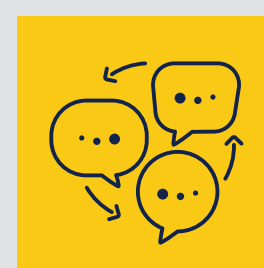
**Proposed
Change**



**Examples of
Impact**



**Impact
Analysis**



Discussion




Types of Change Orders

There are several types of Change Orders, below are the most common:

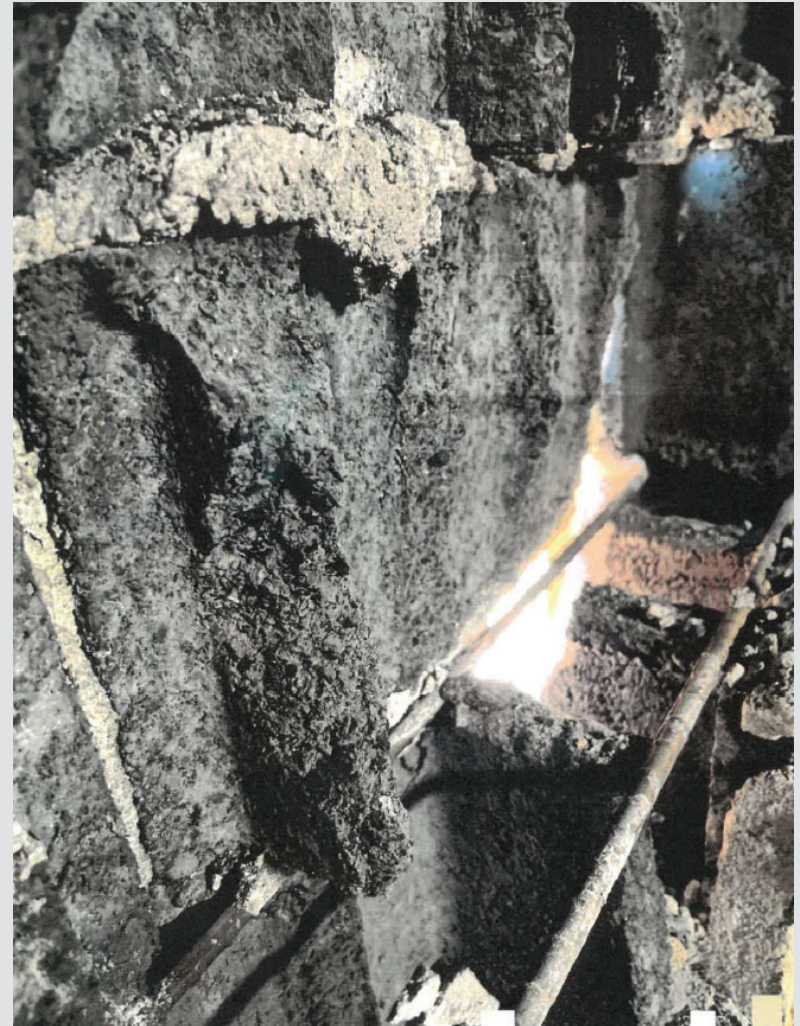
- 1) Unforeseen Conditions;
- 2) Errors or omissions in the Contract Documents;
- 3) Changes directed by the City;
- 4) Changes due to supply issues, weather, etc.;
- 5) Performance of Unit Price work quantities below or above quantities listed in the bid form; and
- 6) Contractor may request a change order through a “Notice of Event” as called for in the General Conditions.



Example of Unforeseen Conditions Murray Theater

	
Updated Agreement Number: <u>A22.01b(2)</u>	
CHANGE ORDER GREATER THAN 5% OR OVER \$10,000 (Construction)	
Contract Title:	Murray Theater Change Order # 4
Description:	Repair and replace north and south damaged CMU. This was discovered when face of walls was removed.
Purpose of Change Order:	Repair and replace north and south damage CMU. Damage was discovered when outer wall coatings were removed. See attached picture of current wall.
Project Manager:	Kim Sorensen
Attachments: (description of supporting documentation)	Judd PCO #010, Prime Contract Potential Change Order – North South Maso, Photos of wall damage
Contractor/Vendor:	Judd Construction
Original Contract End Timeframe:	No Change
NEW Contract End Timeframe:	No Change
Account Number:	Click or tap here to enter text.
Original Contract Price:	\$7,956,566.00
Change Order Price:	\$27,634.50

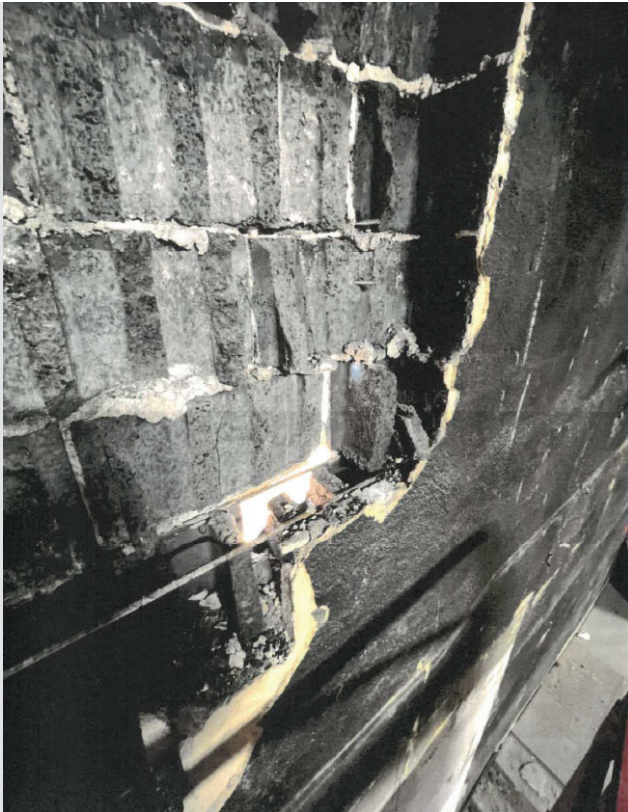
.34% Change Order





Example of Unforeseen Conditions Murray Theater

The current scope of work included the removal of the wall coatings, assessment of the underlying CMU, and subsequent repairs as necessary. However, upon closer examination, it was determined that a significant portion of the CMU on both the north and south walls has suffered structural deterioration due to moisture infiltration and age-related degradation. The attachment from our contractor outlines the specific changes that need to be made to rectify the situation.





Current Code

CODE 3.10.410:

Every agreement modification, change order, or agreement price adjustment in excess of the lesser of five percent (5%) or ten thousand dollars (\$10,000.00) under a construction agreement with the City shall be subject to prior approval by the purchasing agent and the Director of Finance and Administration, after receiving a report from the responsible department director as to the effect of the agreement modification, change order, or agreement price adjustment on the total project budget or the total agreement budget. (Ord. 19-05)

Summary (3.10.410):

Threshold for prior approval: The lesser of 5% or \$10,000.

Approval required by: Purchasing Agent and the Director of Finance and Administration.

Condition for approval: Receipt of a report from the responsible department director on the budget impact. (Justification Form)



Proposed Changes

CODE 3.10.410:

Every agreement modification, change order, or agreement price adjustment in excess of the lesser of five percent (5%) ~~or~~ and greater than ten thousand dollars (\$10,000.00) under a construction agreement with the City shall be subject to prior approval by the purchasing agent and the Director of Finance and Administration, after receiving a report from the responsible department director as to the effect of the agreement modification, change order, or agreement price adjustment on the total project budget or the total agreement budget. (Ord. 19-05)

Proposed Changes:

- New threshold for prior approval: Greater than 5% and \$10,000.
- The approval process remains the same.
- The condition for approval remains the same.

Change Order	\$50,000	\$100,000	\$200,000	\$500,000	\$1,000,000	\$2,000,000	\$10,000,000	\$20,000,000
5%	\$2,500	\$5,000	\$10,000	\$25,000	\$50,000	\$100,000	\$500,000	\$1,000,000
7%	\$3,500	\$7,000	\$14,000	\$35,000	\$70,000	\$140,000	\$700,000	\$1,400,000
10%	\$5,000	\$10,000	\$20,000	\$50,000	\$100,000	\$200,000	\$1,000,000	\$2,000,000
15%	\$7,500	\$15,000	\$30,000	\$75,000	\$150,000	\$300,000	\$1,500,000	\$3,000,000
20%	\$10,000	\$20,000	\$40,000	\$100,000	\$200,000	\$400,000	\$2,000,000	\$4,000,000

Current
Code

Proposed
Code

5% Minimum
and over
\$10k

Change Order	\$50,000	\$100,000	\$200,000	\$500,000	\$1,000,000	\$2,000,000	\$10,000,000	\$20,000,000
5%	\$2,500	\$5,000	\$10,000	\$25,000	\$50,000	\$100,000	\$500,000	\$1,000,000
7%	\$3,500	\$7,000	\$14,000	\$35,000	\$70,000	\$140,000	\$700,000	\$1,400,000
10%	\$5,000	\$10,000	\$20,000	\$50,000	\$100,000	\$200,000	\$1,000,000	\$2,000,000
15%	\$7,500	\$15,000	\$30,000	\$75,000	\$150,000	\$300,000	\$1,500,000	\$3,000,000
20%	\$10,000	\$20,000	\$40,000	\$100,000	\$200,000	\$400,000	\$2,000,000	\$4,000,000



Current Code – The lesser of 5% or \$10,000.

A23.87	4/14/2023	Engineering	Spade Excavating, Inc	5400 South Clover Meadow Storm Drain Bid No. 23-01 Notice of Award	\$1,250,106.09	
A23.87b	8/30/2023	Engineering	Spade Excavating, Inc	Change Order -New Line Item for a Gas Line Loop Excavation and Preparation	\$14,188.98	1.35%
A21.179	8/19/2021	Engineering	Lyndon Jones Construction, Inc.	5400 S Walden Park Storm Drain Installation	\$652,808.50	
A21.179a	12/23/2021	Engineering	Lyndon Jones Construction, Inc.	Change Order -loop the existing water line under the new stormdrain	\$23,686.00	3.63%
A20.385	12/8/2020	Parks/Rec	Kevin D. Allen & Assoc, Inc	Replacement of Pavilion in Murray Park	\$777,072.00	
A20.385a	5/24/2022	Parks/Rec	Kevin D. Allen & Assoc, Inc	Change Order -Plans were incorrect and ADA compliance was not met	\$10,906.00	1.40%

Proposed Code – Greater than 5% and over \$10,000

A23.87	4/14/2023	Engineering	Spade Excavating, Inc	5400 South Clover Meadow Storm Drain Bid No. 23-01 Notice of Award	\$1,250,106.09	
A23.87b	8/30/2023	Engineering	Spade Excavating, Inc	Change Order -New Line Item for a Gas Line Loop Excavation and Preparation	\$14,188.98	1.35%
A21.179	8/19/2021	Engineering	Lyndon Jones Construction, Inc.	5400 S Walden Park Storm Drain Installation	\$652,808.50	
A21.179a	12/23/2021	Engineering	Lyndon Jones Construction, Inc.	Change Order -loop the existing water line under the new stormdrain	\$23,686.00	3.63%
A20.385	12/8/2020	Parks/Rec	Kevin D. Allen & Assoc, Inc	Replacement of Pavilion in Murray Park	\$777,072.00	
A20.385a	5/24/2022	Parks/Rec	Kevin D. Allen & Assoc, Inc	Change Order -Plans were incorrect and ADA compliance was not met	\$10,906.00	1.40%



Current Code – The lesser of 5% or \$10,000.

A22.101	6/15/2022	Wastewater	Insituform Technologies LLC	2022 Sewer Lining Projects Bid No. 22-11	\$537,860.00	
A22.101a	8/18/2022	Wastewater	Insituform Technologies LLC	Change Order for 2022 Sewer Lining Projects Bid No. 22-11	\$5,697.00	1.06%
A22.101b	10/25/2022	Wastewater	Insituform Technologies LLC	Change Order #2 for 2022 Sewer Lining Projects Bid No. 22-11	\$10,830.08	2.01%

Proposed Code – Greater than 5% and over \$10,000

A22.101	6/15/2022	Wastewater	Insituform Technologies LLC	2022 Sewer Lining Projects Bid No. 22-11	\$537,860.00	
A22.101a	8/18/2022	Wastewater	Insituform Technologies LLC	Change Order for 2022 Sewer Lining Projects Bid No. 22-11	\$5,697.00	1.06%
A22.101b	10/25/2022	Wastewater	Insituform Technologies LLC	Change Order #2 for 2022 Sewer Lining Projects Bid No. 22-11	\$10,830.08	2.01%



Current Code – The lesser of 5% or \$10,000.

A20.205	7/6/2020	Engineering	Precision Concrete Cutting Inc.	2021 Sidewalk Concrete Cutting Trip Hazard Removal	\$25,000.00	
A20.205a	11/10/2021	Engineering	Precision Concrete Cutting Inc.	Change Order- 2021 Sidewalk Concrete Cutting Trip Hazard Removal	\$5,000 Change Order Amt	20%
A21.259	11/30/2021	Engineering	Eixenberger Group	Agreement for Structural Engineering Evaluation for 300 W/Commerce Big Cottonwood Creek Bridge	\$49,000.00	
A21.259a	12/1/2022	Engineering	Eixenberger Group	Change Order #1- Cost Increase Due to Additional Structural Design and Review	\$7,000.00	14.29%
A21.259b	8/25/2023	Engineering	Eixenberger Group	Change Order #2- To Engage the Design Engineer to Respond to Contractor RFIs, Compensate Design Engineer to Ensure Questions are Addressed and Quality Ensured	\$5,800.00	11.84%

Proposed Code – Greater than 5% and over \$10,000

A20.205	7/6/2020	Engineering	Precision Concrete Cutting Inc.	2021 Sidewalk Concrete Cutting Trip Hazard Removal	\$25,000.00	
A20.205a	11/10/2021	Engineering	Precision Concrete Cutting Inc.	Change Order- 2021 Sidewalk Concrete Cutting Trip Hazard Removal	\$5,000 Change Order Amt	20%
A21.259	11/30/2021	Engineering	Eixenberger Group	Agreement for Structural Engineering Evaluation for 300 W/Commerce Big Cottonwood Creek Bridge	\$49,000.00	
A21.259a	12/1/2022	Engineering	Eixenberger Group	Change Order #1- Cost Increase Due to Additional Structural Design and Review	\$7,000.00	14.29%
A21.259b	8/25/2023	Engineering	Eixenberger Group	Change Order #2- To Engage the Design Engineer to Respond to Contractor RFIs, Compensate Design Engineer to Ensure Questions are Addressed and Quality Ensured	\$5,800.00	11.84%

Impact Analysis



Impact Analysis (Estimates)

Administrative Oversight

(Department, Legal, Finance, Recorder, & Mayor)

30%

Current Code

Lesser of 5%
and \$10,000

Additional Purchasing Oversight

70%

GOAL: Revising purchase thresholds presents an opportunity to:
Improve Efficiency and eliminate bottlenecks that cause unnecessary duplications
and delays to projects and services.

Proposed:

5% and over
\$10,000

70%

30%

Questions



MURRAY CITY
PROCUREMENT

Thank you.



MURRAY
CITY COUNCIL

Business Item #2



MURRAY


Mayor's Office

Community Development Block Grant (CDBG) Funds Agreement

Council Action Request

Council Meeting

Meeting Date: February 20, 2024

Department Director Mayor Brett Hales Phone # 801-264-2600 Presenters Doug Hill	Purpose of Proposal Consider approval of CDBG funding agreement with Salt Lake County Action Requested Actionable. Consider approval of Resolution Attachments Resolution, Interlocal Agreement Budget Impact Revenue of approximately \$140,000 (varies) Description of this Item As a member of the Salt Lake CDBG Urban County Program, Murray City is eligible to receive passthrough CDBG hard cost funds for infrastructure, housing, public facilities improvements, and economic development. Eligible funding years include program years 2025 and 2026, starting July 1st of each program year. The amount available varies each program year but for PY2024 the amount was \$141,700. The mayor and staff recommend approving the Interlocal Agreement with Salt Lake County.
Required Time for Presentation 10 Minutes Is This Time Sensitive No Mayor's Approval  Date February 6, 2024	

RESOLUTION _____

RESOLUTION APPROVING AN INTERLOCAL COOPERATION
AGREEMENT BETWEEN MURRAY CITY ("CITY") AND SALT
LAKE COUNTY ("COUNTY") RELATING TO THE SALT LAKE
CDBG URBAN COUNTY PROGRAM

WHEREAS, UTAH CODE ANN. §11-13-202 and other provisions of the Interlocal Cooperation Act (codified as UTAH CODE ANN. § 11-13-101, *et seq.*) (the "Act") provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative actions; and

WHEREAS, County and the City are public agencies for purposes of the Act; and

WHEREAS, City has been notified by HUD that it is eligible to be an entitlement entity under the Community Development Block Grant (CDBG) program for the program year beginning July 2024 if it chooses to do so; and

WHEREAS, City has decided to remain a member of the Salt Lake CDBG Urban County Program; and

WHEREAS, an Interlocal Cooperation Agreement ("Agreement") has been prepared for approval and execution by and between County and City, a copy of which is attached hereto, which memorializes the Parties' respective roles in the Salt Lake CDBG Urban County Program; and

WHEREAS, the Parties want to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

1. It hereby approves the Interlocal Cooperation Agreement relating to the Salt Lake Urban County Program, in substantially the form attached hereto; and
2. The Interlocal Cooperation Agreement is in the best interest of the City; and
3. Mayor Brett A. Hales is hereby authorized to execute the Interlocal Cooperation Agreement on behalf of City and act in accordance with its terms.

DATED this day of 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST

Brooke Smith, City Recorder

INTERLOCAL COOPERATION AGREEMENT

**Between
SALT LAKE COUNTY
And
MURRAY CITY**

THIS INTERLOCAL COOPERATION AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2024, by the between SALT LAKE COUNTY, a body corporate and politic of the State of Utah (“County”) and MURRAY CITY, a Utah municipal corporation (the “City”). County and City are referred collectively to as the “Parties” and individually as a “Party.”

RECITALS

A. UTAH CODE ANN. §11-13-202 and other provisions of the Interlocal Cooperation Act (codified as UTAH CODE ANN. § 11-13-101, *et seq.*) (the “Act”) provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative actions.

B. UTAH CODE ANN. §11-13-214 provides that any public agency may convey property to or acquire property from any other public agencies for consideration as may be agreed upon.

C. County and the City are public agencies for purposes of the Act.

D. City has been notified by HUD that it is eligible to be an entitlement entity under the Community Development Block Grant (CDBG) program for the program year beginning July 2024 if it chooses to do so.

E. Nevertheless, City has decided to remain a member of the Salt Lake CDBG Urban County Program.

F. The Parties wish to enter into this Agreement to memorialize their respective roles in the Salt Lake CDBG Urban County Program.

AGREEMENT

NOW, THEREFORE, in consideration of the promises contained herein and other good and valuable consideration the receipt and legal sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. County Agrees:

(a) Beginning July 1, 2024, the City’s portion of the annual CDBG allocation will be based on the HUD CDBG formula for each of the three (3) years of the urban county interlocal

agreement. Sixty-five percent (65%) of the annual formula allocation for the City will be designated for hard cost activities to be carried out within the City's jurisdiction, which will be passed through to the City by a subgrant agreement.

(b) City shall have full discretion on the use of the passthrough CDBG Hard Costs funds for eligible uses as defined by the 24 CFR 270 Regulations, generally including eligible infrastructure, housing, public facilities improvements, and economic development. City will submit details of the activities to be funded in accordance with the process established for the annual Request for Application (RFA) for the Urban County. If City does not submit an eligible project according to the published timeline for the annual RFA, the City shall forfeit the right to the above mentioned sixty-five percent (65%) of the annual formula allocation for the City for that specific program year. Forfeited funds will be made available for other project applications which have been submitted for consideration under the annual hard cost RFAs.

(c) To oversee and manage City's hard cost projects which includes all CDBG monitoring, billing, and reporting requirements.

(d) Prepare the Annual Action Plan and Comprehensive Annual Performance and Evaluation Report (CAPER) including information provided by Murray City.

(e) Provide opportunities for Murray City to participate in any meetings of the Salt Lake Urban County.

(f) Provide training opportunities offered by Salt Lake County and HUD on the CDBG program.

(g) Provide technical assistance to City as requested.

2. City Agrees:

(a) The County shall retain thirty-five percent (35%) of the funds apportioned to the City to support the human service needs of the urban county eligible population including the City residents that will also leverage the additional funding from the Social Services Block Grant. These funds represent the maximum allowable 15% of the total City formula portion which is available for public service activities, and the maximum allowable 20% of the City formula portion which is available for administrative activities.

(b) To appoint a representative to the County Community and Economic Development Advisory Committee (CEDAC) and/or the County Community and Social Services Advisory Committee (CSSAC) that make funding recommendations to the Urban County Mayor's.

- (c) Provide County with information for the Annual Action Plan and the Comprehensive Annual Performance and Evaluation Report (CAPER).
- (d) Participate in meetings of the Salt Lake Urban County Program.
- (e) Participate in trainings offered by Salt Lake County and HUD on the CDBG program.

3. Duration and Termination

This Agreement shall take effect upon execution and shall continue for Federal Fiscal Years 2024 through 2026 consistent with the Salt Lake County Urban County qualification. This Agreement is for the Federal Fiscal Years of 2024, 2025, and 2026, which for program implementation means for the Federal Fiscal Year 2024, the program year is from July 1st, 2024, to June 30th, 2025, for the Federal Fiscal Year 2025, the program year is from July 1st, 2025, to June 30th, 2026, and for the Federal Fiscal Year 2026, the program year is from July 1st, 2026, to June 30th, 2027. This Agreement shall be subject to the annual HUD formula allocations for each year and the formula apportion to the City.

This Agreement remains in effect until the CDBG funds and program income received (with respect to activities carried out during the three-year qualification period, and any successive qualification periods under agreements that provide for automatic renewals) are expended and the funded activities completed, and that the County and the City cannot terminate or withdraw from the cooperation agreement while it remains in effect. This Agreement will automatically be renewed for participation in successive three-year qualification periods, unless the County or the City provides written notice that it elects not to participate in a new qualification period. A copy of this Notice must be sent to the HUD Field Office by the date specified in HUD's urban county qualification notice for the next qualification period, the urban county will notify the City by letter of its right not to participate. The County and the City hereby stipulate to adopt any amendment to the Agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice applicable for a subsequent three-year urban qualification period, and to submit such amendment to HUD as provided in the urban county qualification notice and that failure to comply will void the automatic renewal for such period.

4. Additional Interlocal Act Provisions. In compliance with the requirements of the Act and other applicable law:

- (a) No Interlocal Entity. The Parties agree that they do not by this Agreement create an interlocal entity.
- (b) Joint Board. As required by UTAH CODE ANN. § 11-13-207, the Parties agree that the cooperative undertaking under this Agreement shall be administered by a joint board consisting of the County's Mayor or designee and the City's designee. Any real or personal property used in the Parties' cooperative undertaking herein shall be acquired, held, and disposed of in accordance

with this Agreement.

(c) Financing Joint Cooperative Undertaking and Establishing Budget. There is no financing of joint or cooperative undertaking and no budget shall be established or maintained.

(d) Attorney Review. This Agreement shall be reviewed as to proper form and compliance with applicable law by the authorized attorneys for County and City in accordance with UTAH CODE ANN. § 11-13-202.5.

(e) Copies. Duly executed original counterparts of this Agreement shall be filed with the keeper of records of each Party, pursuant to UTAH CODE ANN. § 11-13-209.

(f) Manner of Acquiring, Holding or Disposing of Property. The Property shall be acquired, held or disposed of pursuant to this Agreement and unless agreed to herein shall not be used in a joint or cooperative undertaking.

5. General Provisions. The following provisions are also integral parts of this Agreement:

(a) Binding Agreement. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties hereto.

(b) Captions. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof.

(c) Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.

(d) Severability. The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable, or invalid provision shall not affect the other provisions of this Agreement.

(e) Waiver of Breach. Any waiver by either party of any breach of any kind or character whatsoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement.

(f) Cumulative Remedies. The rights and remedies of the Parties hereto shall be construed cumulatively, and none of such rights and remedies shall be exclusive of, or in lieu or limitation of, any other right, remedy, or priority allowed by law.

(g) Amendment. This Agreement may not be modified except by an instrument in writing signed by the Parties hereto.

(h) Time of Essence. Time is the essence in this Agreement.

(i) Interpretation. This Agreement shall be interpreted, construed, and enforced according to the substantive laws of the state of Utah.

(j) Notice. Any notice or other communication required or permitted to be given hereunder shall be deemed to have been received (a) upon personal delivery or actual receipt thereof or (b) within three (3) days after such notice is deposited in the United States mail, certified mail postage prepaid and addressed to the Parties at their respective addresses.

(k) Exhibits and Recitals. The Recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of this Agreement.

(l) Governmental Immunity. Both Parties are governmental entities under the Governmental Immunity Act, UTAH CODE ANN. § 63G-7-101, *et seq.* (the “Immunity Act”). Consistent with the terms of the Immunity Act, the parties agree that each party is responsible and liable for any wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. Neither party waives any defenses or limits of liability otherwise available under the Immunity Act and all other applicable law, and both parties maintain all privileges, immunities, and other rights granted by the Immunity Act and all other applicable law.

(m) Ethical Standards. The Parties hereto represent that they have not: (a) provided an illegal gift or payoff to any officer or employee, or former officer or employee, or to any relative or business entity of an officer or employee, or relative or business entity of a former officer or employee of the other party hereto; (b) retained any person to solicit or secure this Agreement upon any contract, agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or County’s Ethics, Gifts and Honoraria ordinance (Chapter 2.07, SALT LAKE COUNTY CODE OF ORDINANCES [2001]); or (d) knowingly influenced, and hereby promise that they will not knowingly influence, any officer or employee or former officer or employee to breach any of the ethical standards set forth in State statute or County ordinances.

[Signature Page Follows Below]

IN WITNESS WHEREOF, the Parties have subscribed their names and seals the day and year first above written.

SALT LAKE COUNTY

By _____
Mayor or Designee

Reviewed and Advised as to Form and Legality:

By _____
John E. Diaz
Deputy District Attorney
Salt Lake County

MURRAY CITY

By _____
Mayor or Designee

ATTEST:

Recorder

Reviewed and Advised as to Form and Legality:

Attorney for Murray City
Date _____



Business Item #3



MURRAY


Murray City Public Works

Resolution for an Interlocal Cooperation Agreement

Council Action Request

Council Meeting

Meeting Date: February 20, 2024

Department Director Russ Kakala Phone # 801-270-2404 Presenters Trae Stokes Chris Zawislak Required Time for Presentation 5 Minutes Is This Time Sensitive No Mayor's Approval  Date February 5, 2024	Purpose of Proposal Consider a resolution approving an interlocal cooperation agreement between the City and Salt Lake County. Action Requested Approve the resolution. Attachments See attached resolution. Budget Impact No budget impacts. Description of this Item A resolution approving an interlocal cooperation agreement between the City and Salt Lake County to reimburse the City for costs incurred to complete installation of buffered bike lanes and additional active transportation improvements on Vine Street from State Street to 900 East.
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RESOLUTION NO. 24-_____

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND SALT LAKE COUNTY TO REIMBURSE THE CITY FOR CERTAIN COSTS INCURRED BY THE CITY TO COMPLETE INSTALLATION OF BUFFERED BIKE LANES AND ADDITIONAL TRANSPORTATION IMPROVMENTS ON VINE STREET

WHEREAS, Murray City ("City") and Salt Lake County ("County") are "public agencies" as defined by the Utah Interlocal Cooperation Act, Utah Code Ann. § 11-13-101 et seq. (the "Interlocal Act"), and, as such, are authorized by the Interlocal Act to enter into agreements with one another for joint or cooperative actions in a manner that will enable them to make the most efficient use of their resources and powers; and

WHEREAS, Section 11-13-215 of the Interlocal Act authorizes a county, city, town, or other local political subdivision to share its tax and other revenues with other counties, cities, towns, local political subdivisions, or the state; and

WHEREAS, During the 2018 General Session, the Utah State Legislature enacted Senate Bill 136, which allowed for a one-percent local option sales and use tax, which is used by the County in its Regional Transportation Choice Fund (4th Quarter), which provides for on-going transportation funding in Salt Lake County (the "Transportation Funds"); and

WHEREAS, the County has appropriated Transportation Funds to further regional transportation by financing all or a portion of the costs of transportation projects throughout the County in accordance with Utah Code § 59-12-2216 and all other applicable federal, state, and local laws, rules and regulations; and

WHEREAS, the City and the County now desire to enter into an interlocal agreement providing for the transfer of up to Three Hundred Thousand Dollars (\$300,000.00) of Transportation Funds to the City to reimburse the City for certain costs incurred by the City to complete the installation of buffered bike lanes and additional active transportation improvements on Vine Street; and

WHEREAS, a copy of the Interlocal Cooperation Agreement is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

1. That the Interlocal Cooperation Agreement attached hereto be accepted and approved.
2. That Mayor Brett A. Hales is hereby authorized to execute the Interlocal Cooperation Agreement on behalf of City.

3. That this Resolution shall take effect immediately on passage.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council
on this _____ day of _____, 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder

Attachment

Interlocal Cooperation Agreement with Salt Lake County

INTERLOCAL COOPERATION AGREEMENT

between

SALT LAKE COUNTY

and

MURRAY CITY

Vine Street Project

This Interlocal Cooperation Agreement (this "Agreement") is entered into by and between **SALT LAKE COUNTY**, a body corporate and politic of the State of Utah (the "County"); and **MURRAY CITY**, a municipal corporation of the State of Utah (the "City"). The County and the City may each be referred to herein as a "Party" and collectively as the "Parties."

R E C I T A L S:

A. The County and the City are "public agencies" as defined by the Utah Interlocal Cooperation Act, UTAH CODE §§ 11-13-101 to -608 (the "Interlocal Act"), and, as such, are authorized by the Interlocal Act to enter into this Agreement to act jointly and cooperatively in a manner that will enable them to make the most efficient use of their resources and powers. Additionally, Section 11-13-215 of the Interlocal Act authorizes a county, city, town, or other local political subdivision to share its tax and other revenues with other counties, cities, towns, local political subdivisions, or the state.

B. During the 2018 General Session, the Utah State Legislature enacted Senate Bill 136, which allowed for a one percent local option sales and use tax, which is used by the County in its Regional Transportation Choice Fund (4th Quarter), which provides for on-going transportation funding in Salt Lake County (hereinafter "Transportation Funds").

C. The County has appropriated Transportation Funds to further regional transportation by financing all or a portion of the costs of transportation projects throughout the County in accordance with Utah Code § 59-12-2219 and all other applicable federal, state and local laws, rules and regulations.

D. The Parties now desire to enter into this Agreement providing for the transfer of up to Three Hundred Thousand Dollars (\$300,000) of Transportation Funds to the City to reimburse the City for certain costs incurred by the City to complete the Vine Street project (the "Project").

A G R E E M E N T:

NOW, THEREFORE, in consideration of the mutual representations, warranties, covenants and agreements contained herein, the sufficiency of which is hereby acknowledged, the Parties represent and agree as follows:

ARTICLE 1 - INCORPORATION AND DEFINITIONS

1.1. **Incorporation and Definitions.** The foregoing recitals and all exhibits hereto are hereby made a part of this Agreement. Unless otherwise defined in this Agreement, terms shall have the meaning set forth in the Transportation Code. The following terms shall have the following meanings in this Agreement:

- (a) **Certificate of Grant Recipient:** The Certificate of Grant Recipient attached hereto as **Exhibit A**.
- (b) **Event of Default:** As defined in Section 6.1 below.
- (c) **Event of Force Majeure:** As defined in Section 7.4 below.
- (d) **Maximum Reimbursable Amount:** Three Hundred Thousand Dollars (\$300,000)
- (e) **Project:** The transportation project described in the Project Description.
- (f) **Project Description:** The upgrade of bicycle infrastructure (from bike lanes to buffered bike lanes) and the addition of active transportation capacity westbound from Atwood to State Street. As well as the addition of one mid-block crosswalk to Murray Park and the replacement of a school crosswalk.
- (g) **Project Element.** A discrete portion of a Project.
- (h) **Reimbursable Project Costs:** Costs incurred by the City during the Reimbursement Term for the Project, so long as such costs are consistent with the allowable uses for Transportation Funds described in Utah Code § 59-12-2212.2 and in accordance with the Certificate of Grant Recipient.
- (i) **Reimbursement Term:** The period of time commencing with the effective date of this Agreement and expiring upon the earlier of (i) the date the City has been disbursed, in aggregate, the Maximum Reimbursable Amount, (ii) the date this Agreement is terminated, or (iii) June 30, 2027, which date may be extended by the County, in its sole discretion, but only in writing, upon receipt of a written request from the City setting forth the City's justification for such an extension.
- (j) **Request for Disbursement:** A statement from the City, in the form attached hereto as **Exhibit B**, requesting an amount of Transportation Funds to be disbursed to the City for reimbursement of Reimbursable Project Costs.

(k) Transportation Code: §§ 72-1-101 to -16-402, UTAH CODE (2023).

(l) Transportation Funds: As defined in the Recitals, above.

1.2. Interpretation of Action That May be Taken by the County. Whenever in this Agreement an action may be taken or not taken by the County, in its sole discretion, this shall mean that the action may be taken or not taken by the Mayor of the County, or his/her official designee (or the Director of the Department of Regional Planning, Housing and Economic Development, if such duty is so delegated to him/her by the Mayor of the County), in his/her sole discretion.

ARTICLE 2 - DISBURSEMENT OF TRANSPORTATION FUNDS

2.1. Transportation Funds. During the Reimbursement Term, the County shall disburse Transportation Funds to the City to reimburse the City for Reimbursable Project Costs, up to the Maximum Reimbursable Amount for the Project, all on the terms and subject to the conditions of this Agreement.

2.2. Annual Status Update. Until the Project has been completed and Transportation Funds have been fully disbursed to the City, the City shall, on an annual basis, update the County on the status of: (a) the Project; and (b) the anticipated timing and amount of future Request for Disbursement submittals. This annual update shall be submitted to the County in writing (via letter or email) on or before June 30th each year.

2.3. Execution of Certificate of Grant Recipient. Concurrent with the execution of this Agreement, the City shall execute the Certificate of Grant Recipient attached hereto as **Exhibit A**.

ARTICLE 3 - REPRESENTATIONS AND WARRANTIES

3.1. City's Representations and Warranties. The City hereby represents, covenants, and warrants to the County as follows:

(a) Use of Transportation Funds. Any Transportation Funds disbursed to the City by the County under this Agreement will be used by the City: (1) solely to reimburse the City for costs actually incurred by the City for the Project during the Reimbursement Term and consistent with the allowable uses for Transportation Funds described in Utah Code § 59-12-2212.2; and (2) in accordance with all other applicable federal, state and local laws, rules and regulations.

(b) No Default. No default or Event of Default has occurred and is continuing, and no event has occurred and is continuing which with the lapse of time or the giving of notice, or both, would constitute a default or an Event of Default in any material respect on the part of the City under this Agreement.

(c) Information. To the best of the City's knowledge, any information furnished to the County by the City under this Agreement or in connection with the matters covered in this Agreement are true and correct and do not contain any untrue

statement of any material fact and do not omit any material fact.

(d) Relationship of County and City. The County is not acting as a lender to the City. The County has no fiduciary or other special relationship with the City and therefore no fiduciary obligations are created by this Agreement or are owed to the City or any third parties.

(e) Effect of Request for Disbursement. Each Request for Disbursement shall constitute a representation and warranty that the information set forth in such Request for Disbursement is true and correct.

3.2. City's Additional Representations – Liability and Reliance. Notwithstanding anything to the contrary in this Agreement, the City further represents that the County has not opined on and will not at any point be deemed to have opined on whether any particular Reimbursable Project Cost for which a disbursement of Transportation Funds is made to the City under this Agreement is consistent with the allowable uses for Transportation Funds described in Utah Code § 59-12-2212.2 or in accordance with other applicable federal, state and local laws, rules and regulations. As such, notwithstanding anything to the contrary in this Agreement, the City agrees to be liable for and indemnify the County from any improper use of the Transportation Funds, as indicated in Section 5.1 below. Furthermore, the City agrees that it will independently determine whether any particular Reimbursable Project Cost for which a disbursement of Transportation Funds is sought by and made to the City under this Agreement is consistent with the allowable uses for Transportation Funds described in Utah Code § 59-12-2212.2, and, as indicated in Section 4.2(e) below, the City agrees that it will not rely on the County's review or acceptance of any Request for Disbursement, the Project Description, or any other information submitted to the County by the City, in making that determination.

ARTICLE 4 - DISBURSEMENTS

4.1. Conditions for Each Disbursement of Transportation Funds. The County will not be obligated to disburse Transportation Funds to the City to cover Reimbursable Project Costs unless and until the following conditions have been satisfied:

(a) Documents to be Furnished for Each Disbursement. The City has furnished to the County, for each and every disbursement:

(1) a Request for Disbursement; and

(2) invoices and proof of payment for any Reimbursable Project Cost incurred by the City for which the City is seeking reimbursement from the County pursuant to the Request for Disbursement.

(b) Completion of Project Element. The City has completed or caused to be completed the Project Element or Elements to which the Request for Disbursement relates and for which Reimbursable Project Costs were incurred by the City.

(c) Reimbursable Project Costs Paid by the City. The Reimbursable Project

Costs included in the Request for Disbursement have actually been paid by the City.

(d) No Event of Default. No Event of Default has occurred and is continuing beyond any applicable cure period.

(e) Warranties and Representations True. All warranties and representations made by the City in this Agreement have remained true and correct and all warranties and representations made by the City in the Request for Disbursement are true and correct.

4.2. Disbursements.

(a) In General. For any and all desired disbursements of Transportation Funds, the City shall submit a Request for Disbursement directly to the County. The City agrees to respond in a timely manner to any reasonable requests made by the County for additional information relating to any Request for Disbursement. In the event that the County declines to make the full disbursement requested in any Request for Disbursement for failure to comply with the terms of this Agreement, the County shall notify the City promptly and shall provide a written explanation of the specific reasons for such decision. The City shall submit a Request for Disbursement to the County no more frequently than once every thirty (30) days.

(b) Amount of Disbursement. Subject to compliance with the terms and conditions of this Agreement, the County shall disburse to the City the amount of Transportation Funds requested by the City in a Request for Disbursement for Reimbursable Project Costs, but in no event shall the County be required to disburse more than the Maximum Reimbursable Amount, in aggregate, over the Reimbursement Term. However, if the County determines that the City has not complied with all terms and conditions set forth in this Agreement or determines that the City's Request for Disbursement is deficient in any respect, the County may, in its sole discretion, decline to make a disbursement, or may make a partial disbursement based on the extent to which the City has complied with the terms and conditions set forth in this Agreement. Notwithstanding the foregoing, the County will not reimburse the City for Reimbursable Project Costs to the extent such costs have been funded with non-City funds (e.g., other federal, state, or local grant funds).

(c) Payment of Disbursements. The County shall, within ninety (90) days after receiving a Request for Disbursement from the City, either disburse to the City the amount requested by the City or provide a written notice to the City setting forth the reasons for non-disbursement or partial-disbursement. The County shall have no obligation to accept a Request for Disbursement or to make a disbursement of Transportation Funds to the City after expiration of the Reimbursement Term. Additionally, following expiration of the Reimbursement Term, the County may, in its sole discretion, reallocate any remaining and undisbursed Transportation Funds (for which a Request for Disbursement has not been submitted and is not pending) toward other projects within Salt Lake County.

(d) Acquiescence Not a Waiver. To the extent that the County may have acquiesced in noncompliance with any conditions precedent to the disbursement of Transportation Funds, such acquiescence shall not constitute a waiver by the County and the County at any time after such acquiescence may require the City, as to future requests for disbursements, to comply with all such applicable conditions and requirements under this Agreement.

(e) Disclaimer of Liability.

(1) The County will not be responsible in any manner to the City or any third-party for the quality, design, construction, structural integrity, or health or safety features of any Project for which Transportation Funds are disbursed to the City to reimburse Reimbursable Project Costs, notwithstanding the County's review and/or approval of the City's Requests for Disbursement, the Project Description, or any other information submitted to the County under this Agreement.

(2) Furthermore, the City acknowledges and agrees that the County's review and/or approval of the City's Request for Disbursement, the Project Description, or any other information submitted to the County under this Agreement will not be deemed to be a review by the County as to whether any particular Reimbursable Project Cost for which a disbursement of Transportation Funds is sought by and made to the City under this Agreement is consistent with the allowable uses for Transportation Funds described in Utah Code § 59-12-2212.2 or in accordance with other applicable federal, state and local laws, rules and regulations. As such, the City agrees to be liable for and to indemnify the County from any improper use of the Transportation Funds, as indicated in Section 5.1 below.

ARTICLE 5 - COVENANTS AND AGREEMENTS

5.1. Indemnification and Liability.

(a) Liability. Both Parties are governmental entities under the Governmental Immunity Act of Utah, UTAH CODE §§ 63G-7-101 to -904 (the "Immunity Act"). Neither Party waives any defenses or limits of liability available under the Immunity Act and other applicable law. Both Parties maintain all privileges, immunities, and other rights granted by the Immunity Act and all other applicable law.

(b) Indemnification. The City agrees to indemnify, hold harmless, and defend the County, its officers, agents, and employees from and against any and all actual or threatened claims, losses, damages, injuries, debts, and liabilities of, to, or by third Parties, including demands for repayment or penalties, however allegedly caused, resulting directly or indirectly from, or arising out of (i) the City's breach of this Agreement; (ii) any acts or omissions of or by the City, its agents, representatives, officers, employees, or subcontractors in connection with the performance of this Agreement; (iii) any improper use of the Transportation Funds; or (iv) the City's breach

of the Certificate of Grant Recipient attached hereto as **Exhibit A**. The City agrees that its duty to defend and indemnify the County under this Agreement includes all attorney's fees, litigation and court costs, expert witness fees, and any sums expended by or assessed against the County for the defense of any claim or to satisfy any settlement, arbitration award, debt, penalty, or verdict paid or incurred on behalf of the County. The City further agrees that the City's indemnification obligations in this Section 5.1 will survive the expiration or termination of this Agreement.

5.2. Recordkeeping. The City agrees to maintain its books and records in such a way that any Transportation Funds received from the County will be shown separately on the City's books. The City shall maintain records adequate to identify the use of the Transportation Funds for the purposes specified in this Agreement. Upon request of the County, the City shall make its books and records related to the Transportation Funds available to the County at reasonable times.

5.3. Assignment and Transfer of Transportation Funds. The City shall not assign or transfer its obligations under this Agreement nor its rights to the Transportation Funds under this Agreement without prior written consent from the County. The City shall use the Transportation Funds provided pursuant to this Agreement exclusively and solely for the purposes set forth in the Agreement.

ARTICLE 6 - DEFAULTS AND REMEDIES

6.1. City Event of Default. The occurrence of any one or more of the following shall constitute an "Event of Default" as such term is used herein:

(a) Failure of the City to comply with any of the material terms, conditions, covenants, or provisions of this Agreement that is not fully cured by the City on or before the expiration of a sixty (60) day period (or, if the County approves in writing, which approval shall not be unreasonably withheld, conditioned or delayed, such longer period as may be reasonably required to cure a matter which, due to its nature, cannot reasonably be cured within 60 days) commencing upon the County's written notice to the City of the occurrence thereof.

6.2. County's Remedies in the Event of Default. Upon the occurrence of any Event of Default, the County may, in its sole discretion, and in addition to all other remedies conferred upon the County by law or equity or other provisions of this Agreement, pursue any one or more of the following remedies concurrently or successively, it being the intent hereof that none of such remedies shall be to the exclusion of any other:

- (a) Withhold further disbursement of Transportation Funds to the City; and/or
- (b) Reduce the amount of any future disbursement of Transportation Funds to the City by the amount incurred by the County to cure such default; and/or
- (c) Terminate this Agreement.

ARTICLE 7 - MISCELLANEOUS

7.1. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Interlocal Act in connection with this Agreement, the Parties agree as follows:

(a) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act.

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney in behalf of each Party pursuant to and in accordance with Section 11-13-202.5 of the Interlocal Act.

(c) A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Interlocal Act.

(d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs.

(e) No separate legal entity is created by the terms of this Agreement. Pursuant to Section 11-13-207 of the Interlocal Act, to the extent this Agreement requires administration other than as set forth herein, the County Mayor and the City Mayor are hereby designated as the joint administrative board for all purposes of the Interlocal Act.

7.2. **Term of Agreement.** This Agreement shall take effect immediately upon the completion of the following: (a) the approval of the Agreement by the governing bodies of the County and the City, including the adoption of any necessary resolutions or ordinances by the County and the City authorizing the execution of this Agreement by the appropriate person or persons for the County and the City, respectively, (b) the execution of this Agreement by a duly authorized official of each of the Parties, (c) the submission of this Agreement to an attorney for each Party that is authorized to represent said Party for review as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5 of the Interlocal Act, and the approval of each respective attorney, and (d) the filing of a copy of this Agreement with the keeper of records of each Party. This Agreement shall terminate upon expiration of the Reimbursement Term. If upon expiration of the Reimbursement Term, the County has not disbursed to the City the Maximum Reimbursable Amount, then all such undisbursed Transportation Funds may be used by the County as the County deems appropriate.

7.3. **Non-Funding Clause.**

(a) The County has requested or intends to request an appropriation of Transportation Funds to be paid to the City for the purposes set forth in this Agreement. If Transportation Funds are not appropriated and made available beyond December 31 of the county fiscal year in which this Agreement becomes effective, the County's obligation to contribute Transportation Funds to the City under this Agreement beyond that date will be null and void. This Agreement places no obligation on the County to

Contribute Transportation Funds to the City in succeeding fiscal years. The County's obligation to contribute Transportation Funds to the City under this Agreement will terminate and become null and void on the last day of the county fiscal year for which funds were budgeted and appropriated, except as to those portions of payments agreed upon for which funds are budgeted and appropriated. The Parties agree that such termination of the County's obligation under this Paragraph will not be construed as a breach of this Agreement or as an event of default under this Agreement, and that such termination of the County's obligation under this Paragraph will be without penalty and that no right of action for damages or other relief will accrue to the benefit of the City, its successors, or its assigns as to this Agreement, or any portion thereof, which may terminate and become null and void.

(b) If Transportation Funds are not appropriated and made available to fund performance by the County under this Agreement, the County shall promptly notify the City of such non-funding and the termination of this Agreement. However, in no event, shall the County notify the City of such non-funding later than thirty (30) days following the expiration of the county fiscal year for which Transportation Funds were last appropriated for contribution to the City under this Agreement.

7.4. Force Majeure. Neither Party will be considered in breach of this Agreement to the extent that performance of their respective obligations is prevented by an Event of Force Majeure that arises after this Agreement becomes effective. "Event of Force Majeure" means an event beyond the control of the County or the City that prevents a Party from complying with any of its obligations under this Agreement, including but not limited to: (i) an act of God (such as, but not limited to, fires, explosions, earthquakes, drought, tidal waves and floods); (ii) war, acts or threats of terrorism, invasion, or embargo; or (iii) riots or strikes. If an Event of Force Majeure persists for a period in excess of sixty (60) days, the County may terminate this Agreement without liability or penalty, effective upon written notice to the City.

7.5. Notices. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States mail, postage pre-paid, and certified and addressed to the Parties at their respective addresses.

7.6. Ethical Standards. The City represents that it has not: (a) provided an illegal gift in connection with this Agreement to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards in connection with this Agreement set forth in State statute or Salt Lake County Code of Ordinances § 2.07; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, in connection with this Agreement, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statute or Salt Lake

County Ordinances.

7.7. Entire Agreement. This Agreement and the documents referenced herein, if any, constitute the entire Agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party, or agents for either Party, that are not contained in this written Agreement shall be binding or valid; and this Agreement may not be enlarged, modified or altered, except in writing, signed by the Parties.

7.8. Amendment. This Agreement may be amended, changed, modified or altered only by an instrument in writing signed by both Parties.

7.9. Governing Law and Venue. The laws of the State of Utah govern all matters arising out of this Agreement. Venue for any and all legal actions arising hereunder will lie in the District Court in and for the County of Salt Lake, State of Utah.

7.10. No Obligations to Third Parties. The Parties agree that the City's obligations under this Agreement are solely to the County and that the County's obligations under this Agreement are solely to the City. The Parties do not intend to confer any rights to third parties unless otherwise expressly provided for under this Agreement.

7.11. Agency. No officer, employee, or agent of the City or the County is intended to be an officer, employee, or agent of the other Party. None of the benefits provided by each Party to its employees including, but not limited to, workers' compensation insurance, health insurance and unemployment insurance, are available to the officers, employees, or agents of the other Party. The City and the County will each be solely and entirely responsible for its acts and for the acts of its officers, employees, or agents during the performance of this Agreement.

7.12. No Waiver. The failure of either Party at any time to require performance of any provision or to resort to any remedy provided under this Agreement will in no way affect the right of that Party to require performance or to resort to a remedy at any time thereafter. Additionally, the waiver of any breach of this Agreement by either Party will not constitute a waiver as to any future breach.

7.13. Severability. If any provision of this Agreement is found to be illegal or unenforceable in a judicial proceeding, such provision will be deemed inoperative and severable, and, provided that the fundamental terms and conditions of this Agreement remain legal and enforceable, the remainder of this Agreement shall remain operative and binding on the Parties.

7.1. Counterparts. This Agreement may be executed in counterparts and all so executed will constitute one agreement binding on all the Parties, it being understood that all Parties need not sign the same counterpart. Further, executed copies of this Agreement delivered by facsimile or email will be deemed an original signed copy of this Agreement.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties execute this Agreement as of the latest date indicated below.

SALT LAKE COUNTY:

Mayor or Designee

Date: _____

Recommended for Approval:

By: Heidi Peters

Department Director

Date: Jan 30, 2024

Reviewed as to Form:

By: Adam Miller

Adam Miller
2024.01.25 11:54:07
-07'00'

Deputy District Attorney

MURRAY CITY:

By: _____

Name: _____

Title: _____

Date: _____

Attest:

City Recorder

Date: _____

Approved as to Form:

By: _____

City Attorney

Date: _____

EXHIBIT A
Certificate of Grant Recipient

CERTIFICATE OF RECIPIENT

Under the terms of Utah Code § 59-2-2219 and the Interlocal Cooperation Agreement (the "*Agreement*") between Salt Lake County and Murray City (the "*Recipient*"), the County has committed to provide up to Three Hundred Thousand Dollars (\$300,000) of the Transportation Funds to the Recipient to reimburse the Recipient for certain costs incurred by the Recipient to complete the transportation project described in the Agreement (the "*Project*" or "*Projects*"). The undersigned officer or agent of the Recipient hereby certifies that all applicable requirements have been met for distribution of the Transportation Funds and that the Transportation Funds will be used solely for the Project or Projects.

IN WITNESS WHEREOF, Murray City has caused this certificate to be executed as of the day and year first above written.

MURRAY CITY

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT B

Request for Disbursement Form

REQUEST FOR DISBURSEMENT

To: Salt Lake County

Re: Murray City – Interlocal Agreement for Transportation Funds (DA Log No. 24CIV000167)

Terms not otherwise defined herein shall have the meaning ascribed to such terms in the Interlocal Cooperation Agreement (the “Agreement”) between the Salt Lake County (the “County”) and Murray City (the “City”) (DA Log No. 24CIV000167). In connection with said Agreement, the undersigned hereby states and certifies that:

1. Each item listed on **Schedule 1** attached hereto is a Reimbursable Project Cost and was incurred in connection with the Project.
2. These Reimbursable Project Costs have been paid by the City and are reimbursable under the Agreement.
3. Each item listed on **Schedule 1** has not previously been paid or reimbursed from money obtained from the County.
4. Invoices and proof of payment for each item listed on **Schedule 1** is attached hereto.
5. There has not been filed with or served upon the City any notice of any lien, right of lien or attachment upon or claim affecting the right of any person, firm, or corporation to receive payment of the amounts stated in this request, except to the extent any such lien is being contested in good faith.
6. All work for which reimbursement is requested has been performed in a good and workmanlike manner and in accordance with the Agreement.
7. The City is not in default or breach of any term or condition of the Agreement, and no event has occurred and no condition exists which constitutes an Event of Default under the Agreement.
8. All of the City’s representations set forth in the Agreement remain true and correct as of the date hereof.
9. The City acknowledges and agrees that the County’s review and/or approval of this Request for Disbursement will not be deemed to be a review by the County as to whether any particular Reimbursable Project Cost for which a disbursement of Transportation Funds is sought hereunder is consistent with the allowable uses for Transportation Funds described in the

Utah Code or in accordance with other applicable federal, state and local laws, rules and regulations. As such, the City agrees to be liable for and to indemnify the County from any improper use of the Transportation Funds, as indicated in Section 5.1 of the Agreement.

Dated this ____ day of _____, 20 ____.

MURRAY CITY

By: _____

Name: _____

Title: _____

Approved for Payment this ____ day of _____, 20 ____.

SALT LAKE COUNTY

By: _____

Name: _____

Title: _____

100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0%



MURRAY
CITY COUNCIL

Business Item #4



MURRAY

City Council

City Council Policies and Procedures

Council Action Request

Council Meeting

Meeting Date: February 20, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Jennifer Kennedy	Purpose of Proposal Combine the current council rules and handbook into one document Action Requested Information and discussion Attachments Memo, resolution, updated Policies and Procedures, red-lined copy of handbook, current Council Rules and Council Handbook Budget Impact None Description of this Item In an effort to streamline some of the processes in the council office and simplify training for councilmembers, I have combined the council rules, the council handbook, and policies that have been adopted by the council into one document titled Murray City Municipal Council Policies and Procedures Handbook. This is not a rewrite of the Council Rules or Council Handbook, I just believe having this information together in one document makes it easier for both staff and councilmembers.
Required Time for Presentation Is This Time Sensitive Yes Mayor's Approval Date February 7, 2024	



MURRAY CITY CORPORATION
CITY COUNCIL

Paul Pickett Acevedo, District 1

Diane Turner, District 4

Pam Cotter, District 2

Adam Hock, District 5

Rosalba Dominguez, District 3

Jennifer Kennedy
Council Executive Director

TO: Murray City Municipal Council

FROM: Jennifer Kennedy, Council Executive Director

DATE: February 7, 2024

RE: Council Rules and Handbook Combination

In an effort to clean-up and make our documents easier to follow, I have combined the Council Rules and the Council Handbook into one document titled Murray City Council Policies and Procedures Handbook.

Attached to this memo you will find:

- The updated Murray City Council Policies and Procedures Handbook
- A table of contents list stating which document (the current Council Rules or current Council Handbook) the information in each section was taken from
- A redlined copy of the Murray City Council Policies and Procedures Handbook
- The current Council Rules with notations as to where the information in the Council Rules can be located in the new Policies and Procedures Handbook
- The current Council Handbook with notations as to where the information in the Council Handbook can be located in the new Policies and Procedures Handbook

It is important to note that this is NOT a rewrite of the Council Rules or the Council Handbook. These two documents were simply combined in an effort to clean-up overlapping information that was in both documents and put everything into one document for easy access. Some word smithing may have occurred to clean-up overlapping information, but none of the context was changed.

The Murray City Council Policies and Procedures Handbook will also include attachments such as the Travel and New City Hall Policy – keeping all of the council's important documents in one easily accessible handbook.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE MURRAY
CITY COUNCIL POLICIES AND PROCEDURES

WHEREAS, Section 2.04.060 of the Murray City Municipal Code requires the City Council to determine by resolution its rules and procedure from time to time; and

WHEREAS, the Council wants to amend its existing policies and procedures; and

WHEREAS, amendments to the Council policies and procedures have been prepared; and

WHEREAS, the Council has reviewed the amended policies and procedures and, after consideration, the Council is prepared to approve and adopt the amended policies and procedures.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council that it hereby adopts the amended Murray City Council Policies and Procedures, a copy of which is attached.

DATED this day of , 2024

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder

Murray City Council

POLICIES AND
PROCEDURES

.....



MURRAY
CITY UTAH

.....

Foreword

The Murray City Municipal Council Policies and Procedures Handbook (“Handbook”) provides information, guidelines, and procedures to Murray City Councilmembers regarding their powers, duties, and responsibilities. This Handbook shall be the governing document of the Murray City Municipal Council (“Council”).

Failure to follow the guidelines provided in this Handbook shall not invalidate any action taken by the Council or be deemed a violation of any law. Unless required by law, the Council may, at times, suspend the application of certain guidelines provided in this Handbook by a two-thirds majority vote of councilmembers present.

The Council shall adopt this Handbook in a regular Council meeting.

Any member of the Council may propose amendments to the Handbook. Amendments shall be submitted in writing to all councilmembers and the council executive director. Amendments shall be approved by a two-thirds majority vote of the entire Council in a regular Council Meeting.

It is the intent of the Council to review and revise the contents of the Handbook as needed or at least once every two years.

This Handbook was comprehensively updated and approved by the Council on (Enter Date) and shall remain in effect unless amended otherwise by the Council. This Handbook supersedes and replaces all prior versions of the Murray City Municipal Council Handbook, Rules of the Murray City Municipal Council, or any other policy and/or procedure referenced herein.

Adoption and Amendments
Adopted:

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Murray City's Form of Government

A city or town is a creation and subdivision of the State of Utah and has only those powers specifically given to them by an act of the state legislature. In Utah there are a series of enabling acts, which give specific duties and authority to cities and towns. These duties and authority can be found in Title 10 of the Utah Code.

Murray City is a Second Class city that was initially created as a Mayor-Council form of government upon incorporation in 1903. In 1911, a State law changed the form of government for cities of the First and Second Class in Utah from the old council form of government to the Commission form of government. This form was reversed in 1981, by a city election when the City adopted the Mayor-Council form of government (Utah Code 10-3b-201). The government of Murray City includes an elected mayor and five elected city councilmembers. In 2008, the legislature repealed the Optional Forms of Municipal Government Act and recodified the provisions in what is now called the Forms of Municipal Government. Municipalities that had previously adopted the Mayor-Council form of government continue on in the new Council-Mayor form of government. Other municipalities with the Council-Mayor form of government include Logan, Ogden, Marriott-Slaterville, Salt Lake City, South Salt Lake City, Taylorsville City, Sandy City, Provo City, and West Jordan City.

The Council-Mayor form of government vests power in two separate, independent, and equal branches that mimic Utah and the United States government with inherent checks and balances. Murray City also operates its own Justice Court.

The Mayor is the chief executive and administrative officer of the municipality and exercises supervision over the executive and administrative departments and divisions of the City.

The City Council exercises the legislative powers of the City and are elected from five separate geographic council districts within the City. Each council district has a substantially equal population.

Legislative Power

The Utah Supreme Court has defined legislative powers as policymaking powers. Legislative power, as distinguished from Executive power, is the authority to make laws, but not to enforce them or appoint the people charged with the duty to enforce. The power to enforce and to appoint are executive function. They are the acts necessary to carry out legislative policies and purposes and are deemed acts of administration.

A policy is a deliberate system of principles to guide decisions and achieve outcomes. It is a statement of intent and is implemented as a procedure or protocol.

It is the responsibility and prerogative of the Council to create, develop, revise, and approve policy for the City. Policy directives are used by the Mayor and Council in strategically moving the City forward and advancing any particular initiative.

Policy may be adopted by ordinance or resolution in a public meeting, duly noticed, and adopted by the Council acting as a group.

Powers and Duties of the Mayor

The Mayor in a municipality operating under the Council-Mayor form of government is the chief executive and administrative officer of the municipality and exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality (Utah Code 10-3b-202).

The Mayor shall:

- Enforce the laws of the City.
- Execute the policies adopted by the Council.
- Supervise employees of the City, except for the staff to the Council.
- Exercise control of all departments and divisions of the City.
- Hire and make all appointments of the City administration, officers, department directors, committees, boards, and commissions, subject to the Council's advice and consent where required by state law. Reports any dismissal to the Council.
- Prepare the annual City budget.
- Keep the Council informed as to the needs and financial condition of the City, including an annual report of the City's affairs.
- Issue administrative regulations and general procedures that are not in conflict with city or state laws.
- Inform the Council of changes in programs, regulations, and procedures.

The Mayor may:

- Appoint a chief administrative officer; and one or more deputies or administrative assistants to the mayor.
- Create any other administrative office that the mayor considers necessary for good government of the municipality and appoint a person to the office.
- Dismiss any person appointed by the mayor.
- Veto an ordinance, tax levy, or appropriation passed by the Council.
- Attend each council meeting, take part in council meeting discussions, and freely give advice to the council.

The Mayor under the Council-Mayor form of government does not vote or chair the meetings of the Council.

Powers and Duties of the City Council

The Council in a municipality operating under the Council-Mayor form of government is the legislative body of the City (Utah Code 10-3b-203).

The Council shall:

- Exercise the legislative powers of the City.
- Pass ordinances and resolutions.
- Prescribe general policies to be followed by the Mayor in exercising executive power.
- Appropriate funds by setting appropriate tax levies for general City and library services.
- Adopt the City budget.
- Review municipal administration.
- Establish sewer, water, storm water, and power rates.
- Set other general tax and service rates.
- By ordinance, provide for the manner in which City property is bought, sold, traded, encumbered, or otherwise transferred.
- Provide for the manner in which a subdivision or annexation is approved, disapproved, or otherwise regulated.
- Supervise, appoint, direct, and establish job descriptions and compensation for council office staff.
- Give advice and consent to the mayor on all proposed appointments of City department directors, statutory officers, boards, commissions, committees, or other bodies established to provide advice or assistance to the operation of the City.

The Council may:

- Review and monitor the City administration, conduct public hearings, and perform other duties as authorized by state law.
- Create, consolidate, or abolish departments; and define or alter the functions and duties of each department.
- Appoint a committee of councilmembers or citizens to conduct an investigation into a department of the City; or any other matter relating to the welfare of the City.
- Make and enforce any additional rule or regulation for its internal operations, the preservation of order, and the transaction of the Council's business that it considers necessary.
- Notwithstanding Section 2.04.030(C)(2) of the city code, make recommendations to any City employee.
- Reconsider a mayor's veto at the next meeting following such veto. The council approves the action by a two-thirds majority of all councilmembers for the ordinance, tax levy or appropriation to take effect.

A councilmember may not:

- Have any other compensated employment with the City.

- Interfere in any way with a City employee's performance, other than council staff, or publicly or privately give orders to a City employee of the mayor.

Councilmembers represent the City and the council through public appearances, media communications, and speaking engagements. Councilmembers should always clarify whether they are acting in a council capacity or as private individuals.

Additionally, when a councilmember is responding to a question, it is important to publicly note that a council majority is required for any council action. When discussing the enforcement or interpretation of an existing City policy or ordinance, councilmembers should refer to the appropriate administrative staff for the most accurate information.

Municipal Elections

All five councilmembers are elected from geographical council districts. Councilmembers are elected for terms of four years, which are staggered. Elections for council districts 1, 3, and 5, shall be held in the year preceding a presidential election year. Council districts 2 and 4 along with the mayoral election shall be held in the year following a year in which a presidential election was held. All municipal elections are held in odd-numbered years and are considered non-partisan.

Vacancy in an Elected Office

Councilmember

If a councilmember vacates their seat on the council before the term of office expires, the council shall fill the vacant seat, as provided by State Law and City ordinance, and in accordance with the following rules:

1. Applicants shall be qualified for the office in accordance with all applicable State Laws and City ordinances.
2. Applicants shall complete an application form available through the city council office.
3. Within thirty (30) days of the occurrence and declaration of such vacancy, the council shall appoint a qualified resident of the City and the appropriate council district to fill the unexpired term. This shall occur in a duly noticed council meeting.

Mayor

If the mayor vacates their office before the term of office expires, the council shall fill that office, as provided by State Law and City ordinance, and in accordance with the following rules:

1. Applicants shall be qualified for the office in accordance with all applicable State Laws and City ordinances.
2. Applicants shall complete an application form available through the city council office.
3. The council shall, within thirty (30) days of the occurrence and declaration of such vacancy, appoint a qualified resident of the City to fill the unexpired term. This shall occur in a duly noticed council meeting.
4. The council chair shall become the acting mayor until the vacancy in the office of the mayor is filled by the council as described above.

Governance

Ordinances

The council exercises its lawmaking power by passing ordinances (UCA 10-3-701). Ordinances may be initiated by either the council or the administration.

Resolutions

In addition to its legislative powers, the council also holds certain defined administrative powers (UCA 10-3-717). These powers are generally exercised by resolution including:

- establishing water and sewer rates.
- establishing fees for City services.
- establishing council personnel policies and guidelines.
- regulating the use and operation of City property.

Council Initiatives

Councilmembers may sponsor proposed legislation. To bring an item forward for council consideration, a councilmember must:

- Consult with the council executive director.
- Conduct research.
- Work with the council executive director to determine process and timing.
- Present the item in a Committee of the Whole Meeting or Council Workshop for discussion and to determine councilmember's support.
- Work with the city attorney's office on a proposed ordinance or resolution.
- Present the item to the council for consideration at a Council Meeting.

Administrative issues

Research is conducted by the departments in conjunction with the mayor. Ordinances and/or resolutions are created before being presented to the council.

Advice and Consent

Certain positions are appointed by the mayor with advice and consent of the council. Upon presentation to the council of an appointment, the council must either approve or reject the mayor's appointment. The process to appoint department directors, the city engineer, the city treasurer, and the city recorder is as follows:

- The mayor forwards a proposed appointment to the council with application, resume, and references.
- The council may schedule an open or closed session to interview the candidate before advice and consent is considered.
- Following the interview, council advice and consent will be determined in an open council meeting.

The process to appoint representatives to quasi-governmental boards and City boards and commissions is as follows:

- The Council may conduct advice and consent based on applications and resumes.

Review of Municipal Administration

The Council may exercise its oversight role of the city administration by conducting management, performance and service reviews that may target a particular department or program. The scope of the review may include examination of efficient and effective service levels, the effectiveness of programs or departments.

Proposed reviews can be placed on a Committee of the Whole or Council Workshop agenda for council discussion.

Internal reviews may include members of the council and administration on a review team.

If an outside consultant is used, the city procurement ordinance shall be followed. The council shall have the final decision regarding consultant selection for the review process.

- The administration should be informed of the council's concerns.
- A steering committee should be established with councilmembers and appropriate staff to assist in the review process.
- The details and objectives of the review shall be discussed and a timeline established.
- Interim meetings of the steering committee and consultant may be necessary.
- A final draft of the consultants' findings should be prepared and presented at a Committee of the Whole meeting.
- Once the final report has been presented to the council, the mayor will have an opportunity to respond to the recommendations and outline how the recommendations may be implemented.

Requests for Information

Councilmembers or council committees may request information from the mayor.

The mayor is required to inform the council regarding financial and operational conditions of the City. A mayor's report to the council is customarily given at the end of each council meeting. Additionally, the mayor sends a weekly "Council Communication" updating the council on City matters.

The city attorney and finance director serve both the council and the mayor. Requests from these departments do not need to go through the mayor. Requests to other department directors or staff members are inappropriate and considered a violation of separation of powers.

Removal from Office

In case any municipal officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, malconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any municipal office thereafter (UCA 10-3-826).

Council Leadership

At the first Council meeting of each year, the Council will elect a council chair and a council vice-chair as well as a Budget and Finance Committee chair and vice-chair for the calendar year.

Chair and Vice-Chair Election Process

Upon reaching the agenda item for conducting Council elections, whichever councilmember is conducting the meeting will call for nominations from councilmembers for each Council leadership position.

Nominations need not be seconded. After nominations have concluded, councilmembers proceed to voting. Traditionally, voting is by roll call, but other methods found in the Robert's Rules of Order may be used as determined by the council chair. Elections take effect immediately after the vote is finalized.

Council Chair and Vice-Chair

Council chair – A councilmember may not serve more than two consecutive calendar years as the council chair.

The council chair's responsibilities are as follows:

- Presides at all council meetings, except upon delegating or sharing limited conducting responsibilities with the other four councilmembers. The presiding officer at council meetings shall be rotated monthly among councilmembers according to district.
- Sets the council meeting agendas.
- Signs all ordinances, resolutions, and other official documents on behalf of the council.
- Communicates official position statements that have been approved by the council and is the spokesperson to the media, public, and for official publications.
- Acts as a liaison to the mayor on the council's behalf.
- Disseminates information from the mayor.
- Conducts Committee of the Whole and workshop meetings.
- Supervises council staff as detailed in the Handbook.

Council Vice-Chair – The council vice-chair shall be the presiding council officer in the temporary absence of the council chair in the event that the council chair is incapacitated due to illness or is otherwise unable to attend council meetings and shall sign as the council chair on all ordinances, resolutions, and official correspondence.

Vacancy in Office of Council Chair

In the event that the council chair shall vacate their office for any reason before the term has expired, the council vice-chair shall become council chair for the remainder of that term.

Vacancy in the Office of Vice-Chair

In the event that the council vice-chair shall vacate their office for any reason before their term has expired, the councilmembers, by a simple majority vote, shall elect a council vice-chair to complete the term at the first regular council meeting following the vacancy announcement.

Budget and Finance Committee Chair and Vice-Chair

Budget and Finance Committee Chair – Councilmembers may not serve more than two consecutive calendar years as the Budget and Finance Committee chair.

The Budget and Finance Committee chair's responsibilities are as follows:

- Presiding officer of the Budget and Finance Committee meetings.
- Approves the agenda for the Budget and Finance Committee meetings.
- Coordinates the review and recommendations for annual budget meetings, and financial reports.
- May serve on the Capital Improvement Program Committee.
- Serves on the Audit Committee.
- Other responsibilities relating to budget and finance.

The Budget and Finance Committee vice-chair serves in the absence of the Budget and Finance Committee chair.

Vacancy in the Office of Budget and Finance Committee Chair

In the event that the Budget and Finance Committee chair shall vacate their office for any reason before their term has expired, the Budget and Finance Committee vice-chair shall become Budget and Finance Committee chair for the remainder of that term.

Vacancy in the Office of Budget and Finance Committee Vice-Chair

In the event that the Budget and Finance Committee vice-chair shall vacate their office for any reason before their term has expired, the Budget and Finance Committee members, by a simple majority vote, shall elect a Budget and Finance Committee vice-chair to complete the term at the first regular Budget and Finance Committee meeting following the vacancy announcement.

Committees

Committees

The council shall have two standing committees: (1) Committee of the Whole and (2) Budget and Finance Committee. Councilmembers will also participate in a number of other committees.

1. Committee of the Whole – Made up of the entire membership of the council.
 - Less formal venue typically used as an educational forum.
 - Questions of the presenter are encouraged.
 - Direction may be requested of the council.
 - Presentations are first heard in a Committee of the Whole meeting before consideration is given in a council meeting.
 - Council committee appointments may be discussed in a Committee of the Whole meeting.
2. Budget and Finance Committee – Made up of the entire membership of the council.
 - Convenes to review the annual budget appropriations and revenue for the City.
 - May convene for other budgetary reports and explanations.
3. Capital Improvement Program (CIP) Committee – The Capital Improvement Program identifies and prioritizes capital projects, equipment purchases, maintenance, and provides a planning schedule which also identifies financing options for infrastructure and assets.
 - Adopted as part of the annual budget process.
 - Committee meets in the spring to review requests and prioritize capital projects.
 - Two Council Members are assigned annually to a five member CIP committee. The Mayor, the Mayor's Chief of Staff, and the Finance Director make up the other members of the CIP committee.
4. Other Committees – Other committees may be formed as necessary by majority vote of the council. Membership, responsibilities, and goals shall be assigned when a committee is formed.
5. Municipal Building Authority (MBA) – Made up entirely of councilmembers. An annual meeting is usually held in November each year to elect officers for the ensuing year. Other meetings may be called as necessary.
6. Redevelopment Agency (RDA) – Councilmembers serve as the Board of the RDA. The mayor is the executive director of the RDA and may delegate responsibilities. The RDA meets on the third Tuesday of every month.
7. Board of Canvassers – The mayor and council are the Board of Canvassers for Murray City. The canvassing of returns from a municipal election shall be done no sooner than seven (7) days and no later than fourteen (14) days after an election. A simple majority constitutes a quorum.

8. Murray City School Coordinating Council – Members of the CSCC consist of the Murray School Board and Murray City Council. The purpose of this council is to share of information between the City and the school district. This council meets three times a year.
9. Outside Committees – The council will determine membership in outside committees at the first council meeting of the year. These committees include, Association of Municipal Councils, Utah League of Cities and Towns Legislative Policy Committee, and the Chamber of Commerce Board.

Other committees may be formed as necessary by majority vote of the Council. Membership, responsibilities, and goals shall be assigned when a committee is formed.

Interlocal Boards with Murray Representation

These appointments are made by the mayor with advice and consent by the council, with exception of the last three listed below.

- Utah Association of Municipal Power Systems (UAMPS)
- Intermountain Power Agency (IPA)
- Trans Jordan Cities
- Utah Telecommunications Open Infrastructure Agency (UTOPIA)
- Utah Infrastructure Agency (UIA)
- Community Action Program (CAP)
- Jordan River Commission
- Valley Emergency Communications Center (VECC)
- Metro Fire
- Central Valley Water Reclamation
- Wasatch Front Waste and Recycling District (WFWRD)
- NeighborWorks
- Council of Governments (Mayor)
- Association of Municipal Councils (councilmember)
- Chamber of Commerce Board (councilmember)
- Utah League of Cities and Towns Legislative Policy Committee (mayor and councilmember)

Murray City Advisory Boards

Murray City Advisory Boards are boards and commissions that are established by city ordinance. Appointments are made by the mayor with advice and consent by the council.

- Arts Advisory Board
- Building Code Board of Appeals
- Ethics Commission
- Hearing Officers (Land Use Appeals)
- History Advisory Board
- Murray Library Board of Directors
- Murray City Center District Design Review Committee
- Parks and Recreation Advisory Board
- Personnel Advisory Board
- Planning Commission
- Senior Recreation Center Advisory Board

- Shade Tree Commission

South Salt Lake Valley Mosquito Abatement District – A Murray City representative to the Board of Trustees must be appointed by the council for a four (4) year term. The last appointment was made in March of 2022.

Land Use

Utah municipalities have been granted broad powers to control land use and development by the Utah State Legislature (UCA 10-9a-102). In part the statute reads:

“The purposes of this chapter are to provide for the health, safety, and welfare and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base.....”

However, that power is limited by the procedures you have to follow to exercise the power of both state and federal statutory and constitutional law. As a councilmember you will likely consider:

- General Plan adoption or amendments
- Land Use ordinance text amendments
- Rezoning applications
- Vacation of City property
- Surplus of City property
- Annexations

These actions are public hearings so that citizens may provide input on the decisions to be made. Public Hearings have very specific noticing requirements. The city process includes:

- Applications taken by the Community and Economic Development Department
- Staff meetings to determine feasibility, infrastructure, transportation impacts, surrounding land use, etc.
- Staff recommendation
- Planning Commission hearing
- Possibility of city advisory board review
- City Council Committee of the Whole meeting discussion
- City Council meeting public hearing and consideration

These are very challenging issues not to be taken lightly. Most often the council is making decisions affecting a landowner's private property interests and balancing that with what is in the best interests of the city. Be conscience of public clamor and ex parte communication.

Budget Oversight and Process

Each fiscal year (July 1 – June 30) the council has the responsibility to adopt the annual city budget including the capital improvement program allocations. The budget is one of the council's strongest policy making tools. Each year the council expresses its priorities through annual city budget appropriations. A good budget can be used as a planning tool because it conveys what the government expects to accomplish during the coming year. Ultimately, the budget should be a reflection of policy priorities, a financial operating plan, and a tool for communicating with the public about how money is spent.

Early in the calendar year, the council may meet with the finance director to discuss revenue forecasts and expenditure priorities for the coming year. The finance director will relay this information in meetings with the mayor as they prepare the mayor's budget.

The mayor works with the finance director and department directors to determine appropriate funding of public service levels, personnel costs, operations of city departments, operations and maintenance of city facilities and equipment, capital improvement projects, and proposed revenue and reserve balances.

The Capital Improvement Program Committee will meet in the Spring to review the proposed capital expenditures for the fiscal year. Recommendations will be included in the Mayor's Tentative Budget.

Prior to adopting the annual budget, the council receives the mayor's tentative (proposed) annual budget. As provided in State Code (UCA 10-6-111), the mayor's tentative budget must be submitted to the council by the first regular council meeting in May. The council is charged with determining if the mayor's tentative annual budget reflects an appropriate funding balance of public service levels, personnel costs, creation and operation of city departments, operation and maintenance of city facilities and equipment, level of city reserves, and capital improvement projects.

The council has the right to adjust, in whole or in part, the mayor's tentative budget. The council, acting as the Budget and Finance Committee, will meet with each department director to review budgets and make adjustments.

The council's tentative budget will be adopted during a council meeting in May and a public hearing will be set for a council meeting in June.

As provided in State Code, if transfers from enterprise funds are included in the budget a notice must be sent to utility customers and a separate public hearing must be held.

As provided in State Code, a budget public hearing shall be held in June. Changes to the tentative budget may be made following the public hearing and before the final budget is adopted.

Unless the council sets a Truth in Taxation hearing to consider changing the property tax rate, the final adoption of the city Budget must occur before June 30.

The process changes if a property tax increase is proposed in the budget. If a property tax increase is under consideration as part of the budget process, the council must provide notice of and hold a public hearing before adopting the tax increase. Pending adoption of a final budget, the city may operate on the

approved tentative budget or on the previous year's final budget if readopted by resolution. A Truth in Taxation public hearing will be set by the county. Following the public hearing on the tax increase, the final budget must be adopted. The deadline to adopt the final budget is September 1 of the budget year.

A property tax levy for the city and the Murray Library shall be adopted by the council.

Appropriations may not exceed estimated revenue in the final budget.

The Council Executive Director will prepare the budget policy intent document to be considered and adopted with the budget.

Audit

Annual Audit and Annual Comprehensive Financial Report (ACFR)

The city is required to have an annual independent audit or review of the city's ACFR to determine whether the city's financial reporting accurately reflects the city's financial condition and is prepared to conform with the Generally Accepted Accounting Principles (GAAP) issued by the Government Accounting Standards Board (GASB).

The audit will be conducted in conformity with the Single Audit Act Amendments of 1996 and General Guidance Audits for State, Local Governments and Non-Profit Organizations.

The financial audit shall be completed, presented to the council, and submitted to the State Auditor before December 31 of each year.

The council is responsible for hiring the audit firm as set forth in the Handbook of the Murray City Council and according to the City procurement ordinance. Upon expiration of a financial audit agreement, the council shall work with the council executive director, city recorder/purchasing agent, and finance and administration director to create a Request for Proposals (RFP) to provide auditing services.

Upon approval of the audit firm and agreement, the council chair shall be authorized to execute the agreement for auditing services.

The council will form an Audit Committee to review and score proposals and recommend an independent audit firm to the council for consideration. The Audit Committee shall consist of the Budget and Finance Committee chair and vice-chair and the council executive director as staff support. This committee shall convene for the following reasons:

- During the selection of the audit firm
- Annually to review audit procedures and conclusions, and
- For any other such purposes as the council deems appropriate

Meetings

State Code has some mandatory rules for meeting procedures that municipalities must comply with.

- All councils are required to adopt some rules of procedure.
- Cities and towns must pass an ordinance prescribing council meetings. A regular council meeting must be held at least once a month.
- The annual meeting schedule shall be published in a newspaper of general circulation detailing the date, time, and location of regular meetings. In general council meetings are on the first and third Tuesdays of the month.
- All meetings of the Legislative body in any municipality are required to follow the Open and Public Meetings Act (UCA 52-4-101), which specifies limited reasons for closing a meeting.
- The minimum public notice for a Council meeting is 24 hours with the agenda, time, and place detailed. There is a provision for emergency meetings.
- The council shall conduct its meeting according to the most current edition of *Robert's Rules of Order*.

The council shall meet in council meetings, closed meetings, workshops, retreats, and committee meetings as provided by State Law. As provided by city ordinance, the council shall meet for council and committee meetings at the following times and places:

- Committee of the Whole – The first and third Tuesdays of each month at a time determined by the council chair, unless cancelled by the council chair.
- Budget and Finance Committee – As approved by the council.
- Council Meeting – The first and third Tuesdays of each month at 6:30 p.m., (or otherwise at a time determined by the council) in the Council Chambers at the Murray City Center, unless cancelled by the council chair.

Meeting Decorum

Decorum is a high priority for all government processes and meetings. Maintaining respect for all involved in the process is paramount. When someone is addressing the council or councilmembers are discussing a matter, they have the floor and are entitled to be fully heard. Hissing, applause, loud sighing, shaking ones' head in agreement or disagreement, talking to others, or distracting any participant is a discourtesy to the process. In the spirit of impartiality, due process, safety, and the preservation of decorum, citizens and councilmembers alike should never show an outward response to debate, comments, or presentations during council meetings. It is the responsibility of the conducting officer to safeguard the decorum of council meetings.

Quorum

A quorum is the number of councilmembers that must be present to legally transact business. In Murray City, a quorum is three (3) councilmembers.

Request for Council Action

A Council Action Log is kept with future council topics scheduled by meeting. The council chair and council executive director meets weekly with the administration to review and add items to the Council Action Log.

A Council Action Request Form is submitted to council staff prior to the preliminary agenda preparation. The form, along with any supporting documentation, is processed in the council office and placed on a council meeting agenda for consideration.

Land use matters follow a slightly different process with land use packets coming directly to council staff from Community and Economic Development following Planning Commission review.

Agenda Process

Agendas are prepared by council staff and approved by the council chair.

- Business items are scheduled for a Committee of the Whole discussion prior to council consideration in a Council meeting. The Committee of the Whole is an educational forum.
- Preliminary agendas and supporting documents are distributed to councilmembers approximately eleven (11) days prior to the meeting.
- Councilmembers may request more information or ask to postpone a business item until their request is satisfied.
- The final agenda will be noticed according to the Open and Public Meetings Act requirements and final documents will be distributed to councilmembers the Friday prior to a Tuesday meeting.
- Councilmembers may not act on any topic that was not previously noticed on the Council meeting agenda.
- Order of business is detailed in the Murray City Council Handbook.
- The presiding officer at Council meetings shall be rotated monthly among councilmembers according to district.

Electronic Means of Meeting Participation

Section 52-4-207 of the Utah Code Annotated authorizes public bodies to hold meetings electronically by means of a telephonic, telecommunications or computer conference. Councilmembers may participate in Council meetings by electronic communication under the following conditions:

- The meeting will be held with a quorum, three (3) councilmembers, physically present.
- Electronic means will be used only for a declared city emergency or to accommodate councilmembers who are traveling outside the city.
- The meeting will be held within city limits at a facility that allows the public to attend, monitor and participate in open portions of the meeting.
- Comments of councilmembers participating electronically will be audible to the public.
- As with any public meeting, electronic meetings must be properly noticed in compliance with the Utah Open and Public Meetings Act. Additionally, the notice must inform the public that electronic means will be used and how councilmembers will be electronically connected to the meeting.

Voting

To approve or change an ordinance or resolution, or take action on any item, three (3) or more councilmembers must vote together. State law requires a roll call vote to be taken and recorded for all ordinances, resolutions, or any other action. Roll call will be taken by an aye (yes) or nay (no) vote. Council consideration may include:

- Approve an action with a positive majority vote.
- Deny an action item with a negative vote.

- Take no action with no motion or second.
- Continue an item to a future specified date with a majority vote, which may affect the validity of the current legal notice.
- Refer an item to a Committee of the Whole, workshop, council committee, convene an ad hoc committee, or refer to council or mayor staff for more information. It is typical to designate a “report back to the council” date.

Abstaining

If a councilmember chooses to abstain from a vote, it has the same effect as voting against the motion.

Reconsideration

A councilmember may move to reconsider a vote of the council at one of the following two Council meetings, but only if that councilmember voted with the prevailing side at the time of the vote.

Mayoral Veto

The mayor may veto ordinances, tax levies and appropriations, subject to city council veto override as provided by state law. If the mayor vetoes a council action, reasoning in writing must be explained to the council within fifteen (15) days.

The council may reconsider a mayor’s veto at the next meeting following such veto. The council may override the mayor’s veto by a two-thirds majority vote of all councilmembers, four (4), in favor of the ordinance, tax levy or appropriation for it to take effect.

Attendance Requirement for City Councilmembers

The compensation paid to the members of the City Council shall be reduced, for the applicable pay period, one hundred dollars (\$100.00) for each unexcused absence in excess of four (4) occurring during any calendar year from regularly scheduled City Council meetings and scheduled Budget and Finance Committee meetings (Murray city code 2.06.050).

Absences

Councilmembers shall forfeit any leadership position by failing to attend four (4) consecutive regular meetings of the council (not including work sessions) without being excused by the council. Members of the council may ask to be excused by following the procedure described in this paragraph. The member shall contact the council chair (and if the chair seeks an excused absence, the vice-chair) prior to the meeting and state the reason for the inability to attend the meeting. If the member is unable to contact the chair, the member shall contact the vice-chair or the council executive director, who shall convey the message to the chair. Following the call to order, the chair (or councilmember conducting) shall inform the council of the member’s absence, state the reason for such absence, and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and appropriate notations in the minutes. Any councilmember exceeding these guidelines may appeal the matter to the council and the council may excuse any of the absences and waive the penalty.

Minutes

Public meetings are recorded and written minutes are extrapolated from the digital audio recording of the meeting. Both the written and audio records are available to the public upon request.

The council executive director ensures that minutes are taken of all council, committee, and special meetings. The City Recorder shall keep, in a format adopted by the Council, minutes of all proceedings of all regular and special council meetings.

Council minutes are a written record of the proceedings during the actual Council meeting. They reflect the substance of what actually occurred in the Council meeting. Councilmembers are required to approve the minutes. Corrections, deletions, or additions to factual information, quoted statements, meeting events, and official council actions should be made prior to approval of the minutes.

Editorial corrections may be submitted to the council staff prior to a public meeting.

Special Meetings

Special meetings, including workshops and retreats, may be held as provided by State Law and City Ordinance.

Closed Meetings

As per State Code (UCA 52-4-204 and 52-4-205) before any part of a public meeting may be closed for one of the valid reasons detailed below, the council must be called together in an open meeting. At least a two-thirds majority of the councilmembers present must vote to close the meeting. The council may close portions of its meetings to do the following:

- Discuss the character, professional competence, or physical or mental health of an individual.
- Hold a strategy session to discuss collective bargaining.
- Hold a strategy session to discuss pending or reasonable imminent litigation.
- Hold a strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction.
- Hold a strategy session to discuss the sale of real property.
- Discuss the deployment of security devices and investigative proceedings regarding criminal conduct.

No ordinance, resolution, rule, regulation, contract, or appointment can be approved at a closed meeting. The closed portion of a meeting must be recorded and detailed minutes may be kept. These recordings and minutes are protected records under the Government Records Access and Management Act (GRAMA).

Neighborhood Meetings

Neighborhood meetings may be scheduled away from the council's usual meeting place for the purpose of gathering or sharing information regarding current matter(s) being considered by the council. The council executive director shall arrange for a suitable place for such meetings.

Robert's Rules of Order

The council shall conduct its meetings according to the most current edition of Robert's Rules of Order. The council may, by majority vote, waive a rule.

Presiding Officer at Meetings

The presiding officer at Council meetings shall be rotated monthly among councilmembers according to district (District 1, District 2, etc.). If the presiding officer is not present or declines this responsibility, the council chair shall preside.

Order of Calling the Vote

The city recorder shall call the vote beginning with the council district number immediately higher than the district number of the councilmember presiding at that meeting. This shall ensure that the councilmember presiding shall always vote last.

Council Meeting Agenda Submission Process

Council Action Log

The Council Action Log is a working draft document used to track items that are coming forward to a Committee of the Whole meeting for discussion and/or a Council meeting for Council action. The Council Action Log is maintained by the council executive director and is generally sent out to all councilmembers and the Mayor's office every Wednesday.

Agenda Overview

The council executive director shall see that agendas are properly prepared, posted, and published in a timely manner according to the Utah Open and Public Meetings Act.

Council agendas shall be posted at Murray City Hall, submitted to a newspaper of general circulation in Murray City and posted on the Utah Public Notice and Murray City websites.

Agenda Submission Process

An item or topic requiring Council action may be submitted by:

- A private resident through two councilmembers
- Two councilmembers
- The mayor
- A department director through the mayor

Private Resident – Any private resident or organization may bring a proposal forward by requesting sponsorship by two councilmembers. If two councilmembers are willing to sponsor a proposal, then the item moves forward by the same process as a councilmember proposal.

Councilmember Proposal – Any councilmember may bring any proposed action to a Council Initiative Workshop (CIW) or a Committee of the Whole (COW) meeting, provided that at least one other councilmember has signed off indicating their consent to evaluate the topic further. The proposed action is then scheduled in either a CIW or COW for the purpose of discussing the subject matter in detail. The sponsoring councilmember is responsible for presenting information to educate councilmembers with data, experiences, and current trends. Following this discussion the Council shall determine if there is sufficient interest for future action, staff involvement, or whether the item is to be tabled until further notice.

Mayor/Administration – The mayor's office will submit items requested by department directors to the council executive director to be placed on the Council Action Log. Items are typically heard in a Committee of the Whole meeting first then onto a Council meeting for final consideration.

Council Office Agenda Process

1. Items being submitted for Council consideration must include a complete Council Action Request form along with any legal documentation, explanatory memos and background information relating to the item.

2. The Council generally meets on the first and third Tuesdays of each month. A meeting schedule is adopted and published prior to the beginning of each calendar year. The meetings on Tuesdays will consist of a Committee of the Whole meeting which is used to discuss and study topics that may be forthcoming on a future Council meeting agenda. After the Committee of the Whole meeting a Council meeting will take place where formal Council action on items can be taken.
3. The Council staff review and/or prepare supporting materials to be considered by the Council and ensure the completeness of the materials. The council chair will approve the Committee of the Whole and Council meeting agendas.
4. Legal documents, explanatory memos and background information relating to the agenda items must, to the extent possible, be received by the Council Office by 5:00 p.m. the Wednesday two weeks prior to the scheduled Committee of the Whole or Council meeting. Late documentation may be added with the approval of the council chair. Over the next two days the agenda and documentation is compiled in the Council Office and an agenda to be publicized is created.
5. The Council staff sends the agenda and all meeting documentation to the councilmembers the Friday that is one and a half weeks prior to the Tuesday meetings. This "preliminary" documentation may be perused by councilmembers with time for them to have questions answered, or have items postponed or pulled from the meeting agendas if deemed necessary.
6. On the Friday, prior to the Tuesday Council meetings the agenda is formally published (noticed) by the Council staff to meet the Utah Open and Public Meeting Act requirements. If changes have been made to the meeting documentation, the Council staff will send updated meeting documents to the councilmembers in preparation for the meetings.
7. The Committee of the Whole and Council meeting are held the following Tuesday.

Council Meeting Agenda Order of Business

Agendas

The council executive director shall see that agendas are properly prepared, posted, and published in a timely manner according to the Utah Open and Public Meetings Act.

Council agendas shall be posted at the Murray City Center, submitted to a newspaper of general circulation in Murray City, posted on the Utah Public Notice Website, and posted on the Murray City website.

Procedures for submitting items for the agenda are as follows:

- Topics may be added to the agenda: (a) at the discretion of the mayor; or (b) as directed by at least two councilmembers.
- Anyone wishing to bring a matter before the council shall submit their request in writing, together with forms approved by the council, to the council staff. In order to add such matters, the request must be approved by the mayor or two councilmembers.
- All new items for the agenda must be submitted by 5:00 p.m. the Wednesday thirteen (13) days prior to the council meeting. The chair may waive an item from this requirement.
- The council executive director shall ensure that all matters are submitted in a timely manner to the council. Before matters are placed on the agenda, they must first be reviewed by the council chair.
- Council staff shall review supporting materials to be considered by the council and ensure the completeness of the materials.

Delivery to Councilmembers

The agenda, together with all documents relating to the items on it, shall be delivered to councilmembers as preliminary documents approximately eleven (11) days prior to the meeting. The final agenda and documents will be delivered the Friday prior to the Council meeting. The council chair may waive this requirement.

Notice of Meeting

All council agendas and "Notice of Meeting" documents shall contain the following:

NOTICE

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST DIRECTED TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801- 270-2425 or CALL RELAY UTAH AT #711.

Order of Business

The Committee of the Whole and Council meeting agendas shall conform to the following order of business:

Committee of the Whole

1. Approval of Minutes
2. Discussion Items
3. Internal Council Business or Announcements
4. Adjournment

Council Meeting

1. Opening Ceremonies
 - a. Pledge of Allegiance
2. Approval of Minutes
3. Special Recognition/Presentation
4. Citizen Comments
5. Consent Agenda
6. Public Hearings
7. Business Items
8. Mayor
 - a. Report
 - b. Questions for the Mayor
9. Adjournment

Committee of the Whole.

The purpose of the Committee of the Whole meeting is:

- To consider items of internal Council business,
- To give further consideration to items of business referred to the Committee of the Whole from the New Business section of the agenda, and
- To review items that may require future action by the Council.

Business items referred to Committee of the Whole from the council agenda are sent for discussion purposes. No vote will be taken on these business items in Committee of the Whole. All business items considered in Committee of the Whole shall be scheduled for a specific time.

Council Meetings

1. Opening Ceremonies – This portion of the Council agenda shall consist of the following:
 - Call to Order
 - Pledge of Allegiance
2. Approval of Minutes
3. Special Recognition - Under this part of the Opening Ceremonies section of the agenda, the council shall consider resolutions of commendation, condolences and appreciation, and similar ceremonial matters.

The order of business for consideration of resolutions under this section shall be as follows:

- Reading of the resolution.
- Motion to adopt.

- Discussion.
 - Vote on motion.
 - Presentation of resolution and response.
4. Citizen Comments – This section allows any citizen or organization to speak before the council and the mayor, or to email comments if unable to attend the Council meeting in person. Items for which the council would like to receive additional public input will be specifically listed for that purpose in this section. Comments are limited to three minutes, unless otherwise approved by a majority vote of councilmembers. Emailed comments will be forwarded to the councilmembers before the meeting.
 5. Consent Agenda – This section contains items of routine business, all requiring action, but not expected to generate discussion. Each item is briefly reviewed by the presiding officer and any councilmember wishing to do so may ask for any of the items on the Consent Agenda to be taken out and placed on the regular agenda.
 6. Public Hearings – This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner, except as waived by the council:
 - Introduction – The presiding officer informs those attending of the procedure and order of business for the hearing and reads the item for consideration.
 - Staff presentation – City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five minutes, unless otherwise approved by a majority vote of councilmembers.
 - Sponsor presentation – If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen minutes, unless otherwise approved by a majority vote of councilmembers.
 - Comment – The presiding officer asks for public comment on the matter before the council. This public comment portion allows any citizen or organization to speak to the item before the council. Comments are limited to three minutes, unless otherwise approved by a majority vote of councilmembers, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of councilmembers. If unable to attend the council meeting in person, a person may submit email comments on the public hearing. Emailed comments are limited to 300 words and must include the person's name and address in order to be included in the record. Speakers are requested to:
 - Complete the appropriate form.
 - Wait to be recognized before speaking.
 - Come to the microphone and state their name and city of residence.
 - Be brief and to the point.
 - Not restate points made by other speakers.
 - Address questions through the presiding officer.
 - Confine remarks to the topic, avoiding personality differences.

After all citizens who wish to comment have spoken, councilmembers may ask additional questions of participants before the presiding officer closes the hearing.

- Sponsor summation/response – Following citizen comment and questions by the council, the sponsor or staff shall be given the opportunity to give a fifteen-minute summation and/or response prior to closing of the public hearing.
 - Closing the hearing – If there is no further public comment, questions by councilmembers, or final response by the sponsor, the presiding officer declares the hearing closed.
 - Consideration of the item – At the close of the public hearing, the Council shall consider the item for action.
7. Business Items – This section of the agenda shall be for the introduction of all business to be considered by the council. All business items, including unfinished and new business items, are in this section and can include items that have been referred out of a committee or items which had appeared on a previous agenda where no action had been taken on the item. The Council may, by majority vote, (1) send a business item to committee, (2) postpone final action to a future meeting, or (3) take final action on the matter.
 8. Mayor – The Mayor’s Report gives the mayor the opportunity to regularly report to the council about city business. Questions to the Mayor gives all members of the council an opportunity to ask questions or raise issues of concern to the mayor and to request appropriate action.
 9. Adjournment

City Council Office

Council Office Staff

The council office staff consists of a council executive director, council office administrator, and other staff hired or contracted as the council may deem necessary. Hiring procedures are detailed below. The council executive director is supervised by the council chair. The council executive director supervises all other council office staff.

All council staff members are appointed by the council as follows:

- Job Descriptions – The council reviews and approves all job descriptions for council staff members.
- Posting and Interviews - All arrangements for job postings and interviews are handled by the council staff.
- Council Executive Director – Applicants are interviewed by the council chair and vice-chair. Finalists may be interviewed by the entire council. The entire council will select a person by a majority vote from the finalists.
- Other staff – The council executive director, with councilmember involvement, interviews applicants and recommends finalists to the entire council. The entire council will select a person by a majority vote from the finalists.

The duties of the council executive director include, but are not limited to:

- Serves as a liaison to the administration.
- Meets all requirements of the Open and Public Meetings Act.
- Coordinates activities related to agenda requests.
- Coordinates agenda preparation and analysis.
- Conducts research as requested by councilmembers.
- Helps coordinate and provide policy analysis.
- Coordinates council activities associated with the city budget analysis, review, and adoption.
- Submits a proposed budget for the council office operations.
- Coordinates council activities for budget tracking throughout the year.
- Organizes activities related to council initiatives, administrative reviews, department auditing and other such duties correlated with the council carrying out its responsibilities.
- Manages council responsibilities for coordination of the annual independent financial audit.
- Coordinates and attends council meetings, committee meetings, citizen meetings and other similar meetings as caused by councilmembers.
- Coordinates training activities for new councilmembers.
- Attends Utah League of Cities and Towns Legislative Policy Committee meetings and reports to council.
- Follows pertinent state legislation and reports to council.
- Supervises the council office staff.
- Interface with citizens as necessary.

The duties of the Council Office Administrator include, but are not limited to:

- Attend meetings of the council and manage minute preparation and approval.
- Oversee council office accounts payable.
- Coordinate meetings and special events.
- Organize travel arrangements.
- Interface with the public.

Performance appraisals of council staff shall be conducted annually as follows:

- The council chair and vice-chair shall conduct the performance appraisal for the council executive director.
- The council executive director shall conduct the appraisal for all other staff members.
- Compensation increases, exclusive of Cost of Living Adjustments (COLAs), shall be based on the performance appraisal subject to appropriation of funds.

Compensation and Step Plan – Council staff compensation is determined by the council and changed as follows:

- The council executive director's compensation may be reevaluated periodically. Changes may be made based on performance and/or completion of a Wasatch Compensation Salary Survey and is subject to appropriation of funds.
- Council staff's compensation is based on the annual performance appraisal and the step plan, subject to appropriation of funds.
- Each staff member shall receive an annual COLA in the same amount and at the same time as other City employees.

City Councilmembers

The council salary is set by city ordinance. The council has the authority to revise the council's salary by a public hearing process. Councilmembers are paid biweekly along with the other city employees. If the council approves a COLA for city employees during the adoption of the annual budget, councilmembers also receive the COLA.

Councilmembers will have a Murray City email address. A council calendar is provided with the email system which council staff keeps current with meetings and events.

Councilmembers will be provided an iPad for use in conducting city business.

A cell phone allowance is paid to each councilmember for use in conducting city business during their term of office.

Councilmembers are provided with a monthly expense allowance to defer the costs of conducting city business during their term of office. This allowance can be used for citizen meetings, meals, parking, and mileage within a 50 mile radius of the city.

Councilmembers are eligible for city health care, retirement, and investment benefits.

City Council Travel – See attached Travel Policy.

The city code is available on the city website: www.murray.utah.gov. If you prefer a hard copy of the city code, that can be provided to you and updates will be received periodically.

Council Office Budget

Each year the council executive director shall work with the council chair and submit a proposed budget for the council office operations to the members of the council for their review and approval.

Review of Council Expenditures – The council chair shall have general responsibility to see that all expenditures are made on time and within budget.

Expenses Relating to Neighborhood Meetings – Costs associated with neighborhood meetings shall be funded from the council office budget.

Public Relations Account

A public relations account has been established and is funded solely by payroll deduction from councilmember pay checks. The deduction amount shall be decided or amended by a vote of the council. Council staff may assist in transactions and report the status of the account to councilmembers periodically. The Council Executive Director is authorized to sign on the account.

The purpose of the public relations account is to provide a mechanism for the council as a whole to purchase and deliver remembrances or acknowledgments. The events listed below shall be considered first priority use for account funds; all secondary uses not listed, and the donation amounts shall be informally approved by a majority of councilmembers. Council staff will assist in all transactions.

- Death or serious illness of an employee or an employee's immediate family
- Retirement of a City Employee (25 + years)

Ethics

Municipal Officers' and Employees' Ethics Act

The Ethics' Act is found in Utah Code 10-3-1301 and Murray City Municipal Code Chapter 2.46 and 2.47 and applies to all elected and appointed officers and employees of a city. At the beginning of each calendar year, councilmembers shall read and agree to Murray City's Code of Ethics ordinance.

The law makes it a crime to:

- Improperly use private, controlled, or protected information.
- Use a person's official position to further personal economic interest or privileges.
- Receive a gift of substantial value, although, an occasional gift having a value of \$50 or less is allowed.
- Receive compensation for assisting any person or entity in any transaction with the City.
- Use City property and resources for non-City or personal use. This includes, but is not limited to, computers and other office equipment; tools and building materials; City services; City rooms and buildings; and any other facility, property, or resource having a value. Under no circumstances may City personnel conduct any form or part of a private business in City facilities or using City resources. Incidental and de minimus personal use of telephones, computers, and other office equipment, where such use does not interfere with City business, is permitted.

Disclosure of Conflict of Interest:

- Written – A written disclosure statement is required to be filed upon first getting elected, whenever there is a change in the nature of conflict, and at the beginning of each year of service.
- Oral – An oral disclosure must be made in an open meeting to the members of the body of which one is a member immediately before the discussion about the topic involved in the conflict of interest.

Ethics Commission Murray City Municipal Code Chapter 2.47:

- The purpose of the commission is to review, hold hearings, deliberate, and make official findings and recommendations regarding complaints against City officers and employees for alleged violations of ethics standards.
- The ethics commission consists of five (5) members who must have been City residents for at
- least three (3) years. Members of the commission are appointed by the Mayor with Advice and Consent of the City Council.

Discrimination and Harassment

Anti-Harassment Policy

It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. The City will not tolerate harassment of any kind that is made by councilmembers toward fellow councilmembers, city staff, or members of the public. Councilmembers are expected to show respect for one another and the public at all times, despite individual differences.

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin, age (40 or older), disability, genetic information, marital status, sexual orientation, honorably discharged veteran or military status or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. In some circumstances, it can be deemed unlawful discrimination that violates federal laws and/or state laws. The making of demeaning comments, whether verbally or in writing, or use of unwelcome epithets, gestures, or other physical conduct, based on the above-referenced protected classes, toward employees, councilmembers or members of the public are prohibited. Councilmembers are strongly urged to report all incidents of harassment.

Sexual harassment is a form of unlawful discrimination.

Reporting Discrimination or Harassment

If the incident involves a city employee, or an appointee to an advisory board or a commission, the incident should be reported as soon as possible to the Mayor.

If the incident involves a councilmember, the incident should be reported as soon as possible to the city attorney.

All complaints will be investigated promptly. Upon receiving a complaint, an investigation shall be initiated within 24 hours, or as reasonably practicable, usually, by the end of the next business day.

All complaints will be kept confidential to the fullest extent possible and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those that need to know. Any special concerns about confidentiality will be addressed at the time they are raised.

Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The Council will take whatever action it deems necessary to prevent an offense from being repeated.

The Council will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.

Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.

Appendices

Council staff are responsible, and authorized, to update the Appendices as necessary. Except for the actual text of the Council Handbook included herein, council staff may update, amend, format, and organize the Appendices without first seeking council approval.

Appendix 1 – Murray City Organizational Chart

Appendix 2 – Elected and Appointed Officials and Executive Team

Appendix 3 – Committee of the Whole Meeting Procedures

Appendix 4 – Council Meeting Procedures

Appendix 5 – City Council Travel Policy

Appendix 6 – City Hall Policies

Appendix 7 – Councilmember Initiative Request Form

Appendix 8 – Annual Disclosure Statement

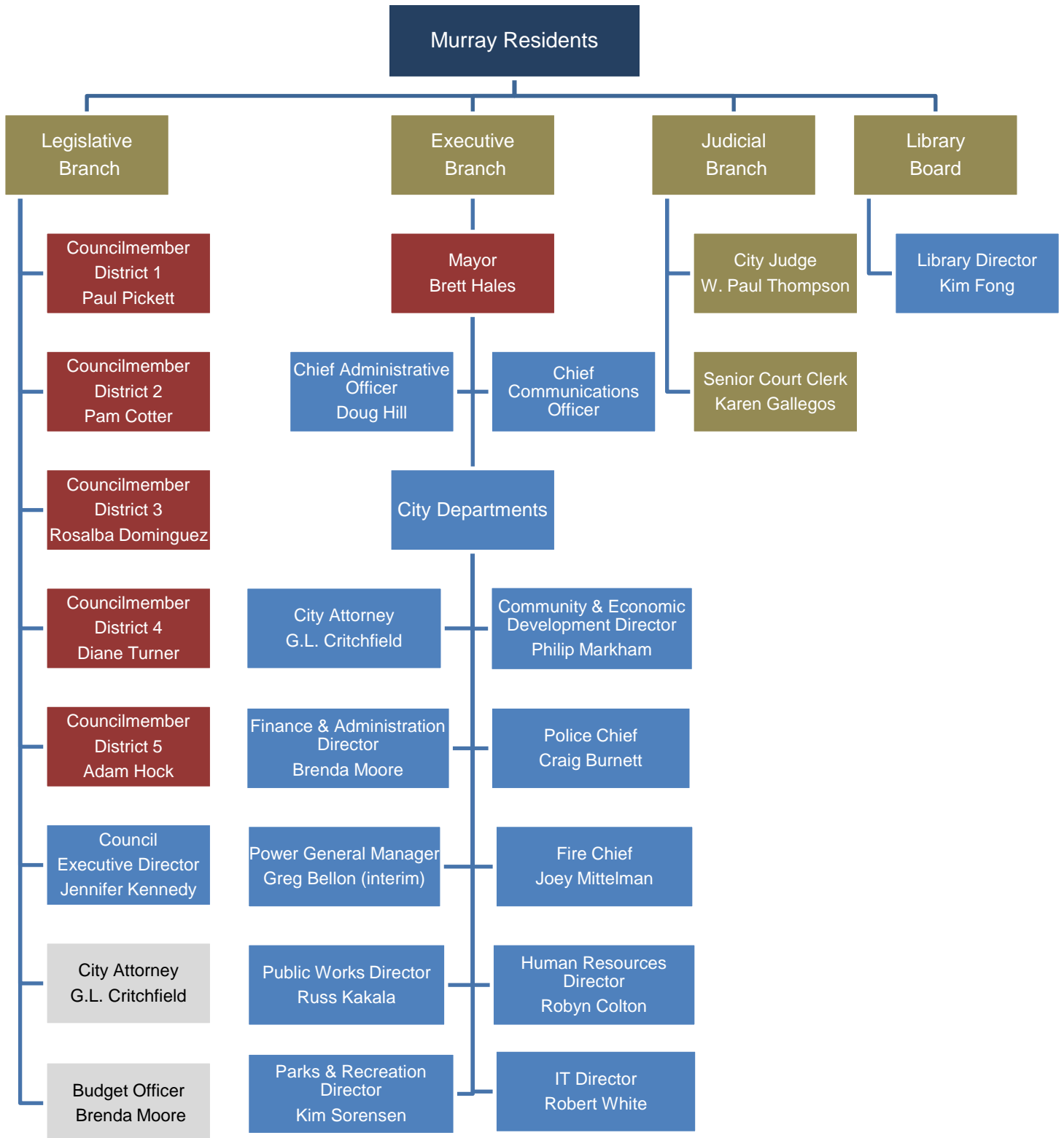
Appendix 9 – Roberts Rules of Order – The Basics

Appendix 10 – Glossary of Acronyms

Appendix 1

Murray City Organizational Chart

ORGANIZATIONAL CHART



Appendix 2

Murray City Elected and Appointed Officials and Executive Team

Murray City Elected and Appointed Officials, Executive Team

Elected Officials

Mayor..... Brett Hales
Council member – District 1..... Paul Pickett
Council member – District 2..... Pam Cotter
Council member – District 3..... Rosalba Dominguez
Council member – District 4..... Diane Turner
Council member – District 5..... Adam Hock

Appointed by Mayor and Council

Budget Officer.....Brett Hales – Delegated to Brenda Moore
City Attorney..... G.L. Critchfield
City Recorder..... Brooke Smith
City Treasurer..... Mindy Stacy
Council Executive Director..... Jennifer Kennedy
Municipal Court Judge..... W. Paul Thompson

Executive Team

Mayor..... Brett Hales
Chief Administrative Officer..... Doug Hill
City Attorney..... G.L. Critchfield
Community and Economic Development Director..... Philip Markham
Finance and Administration Director..... Brenda Moore
Fire Chief..... Joey Mittelman
Human Resources Director..... Robyn Colton
Information Technology Director..... Robert White
Library Director..... Kim Fong
Parks and Recreation Director..... Kim Sorensen
Police Chief..... Craig Burnett
Power General Manager..... Greg Bellon
Public Works Director..... Russ Kakala

Appendix 3

Committee of the Whole Presiding Officer Tips

Presiding Officer Tips Committee of the Whole (COW)

Introduction: The council chair, or vice-chair in the chair's absence, will call the COW meeting to order promptly at the time indicated on the COW agenda. The chair will introduce the councilmembers who are present and make a note of anyone that is absent.

Approval of Minutes: Only minutes from COW, council retreats, workshops, or special meetings are approved in the COW. More than one set of minutes may be listed for approval; they may be taken together or separate. That should be stated by the council chair, or vice-chair in the chair's absence.

The council chair, or vice-chair in the chair's absence, will ask for corrections, questions, comments, or action on the minutes to be approved.

If a councilmember has corrections, they must state the page number and correction that needs to be made (corrections may be given to the council executive director prior to the meeting, however, corrections given to the council executive director prior to the meeting must be stated for the record during the approval of the minutes).

If no other comments or corrections are made, one councilmember should move to approve the minutes, as written, or as corrected.

Another councilmember seconds the motion.

The chair will say, "All in favor, say aye."

Councilmembers will say "aye."

The chair will ask if anyone is opposed or abstaining. If a councilmember is opposed, they will say "nay." If a councilmember is abstaining, they will say, "I abstain."

Following approval, corrections will be made in the Council Office and the minutes will be posted according to Utah Open and Public Meetings Act regulations.

Discussion Items: The council chair, or vice-chair in the chair's absence, will read the first discussion item and introduce the person presenting the item. Each discussion item will be presented in subsequent order where councilmembers will hear and learn about each item until all discussions items have been reviewed.

Adjournment: If there is no further discussion on any related matter, the council chair, or vice-chair in the chair's absence, will adjourn the COW.

Appendix 4

Council Meeting Presiding Officer Tips

Presiding Officer Tips

Council Meeting – Opening Ceremonies

Call to Order: The presiding officer should call the meeting to order at 6:30 p.m.

Welcome all attendees.

Ask that cell phones be turned off or turned to silent.

Pledge of Allegiance: Before the meeting, ask someone to lead the Pledge of Allegiance. Announce their name and ask them to step to the podium and lead the audience in the Pledge of Allegiance.

Presiding Officer Tips

Council Meeting – Council Meeting Minutes

- Minutes:** Only minutes from Council meetings will be approved in Council meetings.
- Process:** More than one set of minutes may be listed for approval; they may be taken together or separate. That should be stated by the presiding officer.
- The presiding officer will ask for corrections, questions, comments, or action on the minutes to be approved.
- If a Council member has corrections, they must state the page number and correction that needs to be made (Corrections may be given to the Council Executive Director prior to the meeting, however, corrections given to the Council Executive Director prior to the meeting must be stated for the record during the approval of the minutes).
- If no other comments or corrections are made, one Council member should move to approve the minutes, as written, or as corrected.
- Another Council member seconds the motion.
- The presiding officer will say, "All in favor, say aye."
- Council Members will say "aye."
- The presiding officer will ask if anyone is opposed or abstaining. If a Council Member is opposed, they will say "nay." If a Council member is abstaining, they will say, "I abstain."
- Approval:** Following approval, corrections will be made in the Council Office and the minutes will be posted according to Utah Open and Public Meetings Act regulations.

Presiding Officer Tips

Council Meeting – Special Recognition and Joint Resolutions

- Presiding Officer: Read the Resolution Title from the Agenda
Joint Resolution - Ask the Mayor to read the resolution in its entirety.
- Mayor: Read the entire resolution
When you get to the adoption date, stop, and ask the presiding officer if they would like to act on the resolution.
- Presiding Officer: Entertain a motion to adopt.
A motion to adopt should be made and seconded.
- Ask for discussion.
This is an opportunity for all Council Members to make nice speeches!
- Call for the vote.
Roll call vote will be conducted by the City Recorder.
- Mayor: Presentation of the Resolution by the Mayor
The Mayor makes his comments at this time.
- Recipient response
This is a courtesy to the recipient.

Presiding Officer Tips Council Meeting – Citizen Comments

This is the time when the Council provides the opportunity for members of the public to address the Council about any topic they would like to.

Please Explain:

- The speaker has up to 3 minutes to make their comment unless given prior approval for additional time, or 5 minutes if speaking for a group.
- The speaker can make any sort of comment they wish to. This includes comments addressing all business on the agenda, except for public hearings.
- This is not the time for speakers who would like to address a public hearing. Public comments for public hearings will be given during the public hearing presentation.

Procedure

- Step to the microphone.
- State your name and city of residence.
- Fill out the form provided.

Council members should only thank the person for their comments or provide a brief explanation, however, they should not get involved in a discussion related to an issue. The presiding officer may direct the person to a department head for further information or indicate that someone from the city will contact them at a later date.

Presiding Officer Tips Council Meeting – Consent Agenda

The Consent Agenda is used when there is a list of routine business items, all requiring action, but not expected to generate discussion. Many of these items are advisory board appointments. New appointees have been asked to attend the Council meeting.

Presiding Officer: Announce that there are several items on the Consent Agenda for approval.

Read each item on the Consent Agenda.

Ask the Mayor if he/she would like to introduce any appointees or make any comments. These persons should be recognized, asked to stand, and complimented for their willingness to serve the City in such capacity.

Ask if there are any objections to taking all items together. (See below)

If no objections: Entertain a motion to approve the Consent Agenda.

A motion to adopt should be made and seconded. No discussion.

Roll call vote will be conducted by the City Recorder.

If objections: Member states, they would like item # _____ placed on the regular agenda.

The presiding officer notes that item # _____ will be considered at the end of the Business Items agenda. The presiding officer asks if there are other items to be placed on the regular agenda. (Regular agenda items have a time for discussion.)

If no more are requested:

Presiding Officer: State that hearing no other requests, the presiding officer would entertain a motion to approve the Consent Agenda.

Member: I move approval of items # ____, # ____ and # ____ on the Consent Agenda.

Member: I second the motion.

Presiding Officer: It has been moved and seconded that items # ____, # ____ and # ____ on the Consent Agenda be approved. Ask City Recorder to call the vote.

Note: There is no discussion, as the items reserved for discussion have been moved to the Business Item agenda.

Recorder: Roll call vote by the City Recorder.

Presiding Officer: The motion passes and items # ____, # ____ and # ____ are approved.

Presiding Officer Tips Council Meeting – Public Hearings

1. Introduction Presiding Officer

It is now time for Public Hearing #1 – Read the caption on the agenda.

The Public Hearing will proceed as follows:

- Staff Presentation (Five minutes)
- Sponsor Presentation (Fifteen minutes)
- Public Comment (Three minutes each)
- Questions and actions by Council Members

2. Staff Presentation (Five minutes)

3. Sponsor Presentation (Fifteen minutes)

Presiding officer asks if there is a sponsor who wishes to speak. If so, they should be instructed to state their name and address for the record.

4. Public Comment (Three minutes each)

- Fill out the form provided.
- State their name and city of residence.
- The speaker is asked to limit their comments to **three** minutes, unless given prior approval for additional time, or **five** minutes if speaking for a group.

Guidelines for public comment:

- Be brief and to the point.
- Try not to restate points made by others.
- Comments should be directed to the Council, confined to the topic of discussion.

Presiding officer should maintain decorum and respect, asking the audience to refrain from clapping, rude comments or other actions in favor or against the speaker.

5. Closing the Hearing

Once it is clear all public comments have been made, presiding officer announces that the PH is closed.

6. Council Questions

Council Members may ask questions of any of the participants.

7. Response by Staff or Sponsor

8. Council Consideration of the Item

The presiding officer entertains a motion on the (Read the caption again)

- Motion and second should be made.
- The presiding officer states that Council member _____ has moved and Council member _____ has seconded to(restate the motion).
- The presiding officer asks for discussion on the motion. (This discussion is limited only to members of the Council.)
- Following all discussion, the presiding officer asks the City Recorder to call the vote.
- Presiding officer announces the result of the vote.

Presiding Officer Tips

Council Meeting – Business Items

The presiding officer will:

1. Read the wording on the agenda.
2. Ask for the staff presentation to explain and provide background on the item.
3. Ask Council members if they have any questions. (There are no public comment for business items).
4. Entertain a motion and a second from the Council on the agenda item.

Motion from Council member – “I move to (approve or deny) the..... ” (restate the item as worded on the agenda).

Another Council member – “I second.”

5. The presiding officer states that Council member _____ has moved and Council member _____ has seconded to(restate the motion).
6. The presiding officer will ask for discussion from the Council members.
7. Following the discussion, the presiding officer asks the City Recorder to call the vote.
8. The presiding officer announces the result of the vote.

Appendix 5

City Council Travel Policy

Murray City Council Travel Policy

The Murray City Municipal Council adopts, subject to the provisions below, the Murray City travel policy put into effect by Executive Order 19-01 of July 7, 2019, a copy of which is attached.

Council Specific Provisions and Amendments

1. Future Amendments. In the event of any future amendment by the City administration to Executive Order 19-01, the Council shall automatically adopt such amendments unless within 60 days of the amendment, the Council reviews and affirmatively declines to adopt such amendment or to adopt the amendment with modifications.
2. Council travel plans shall be determined and approved during the annual budget process.
 - a. During the budget process each year, council members will be allocated up to \$7,500 per council member to use towards travel and may attend any pre-approved conference(s) they would like until their allocated money is gone.
 - b. The Council Director will keep track of each council members travel budget and update council members regularly.
 - c. A council member must have enough allocated funds to completely cover all conference expenses (hotel, air, per diem, car rental, ground transportation, etc.) in order to attend a conference.
 - d. A council member will repay the city any amount that is spent over their allocated funds.
 - e. Travel that was not anticipated during the budget process should be presented to the Council for approval on a case-by-case basis to determine intent and benefit in order for expenditures to be covered by the City Council budget.
 - f. A reimbursement request that is not consistent with the Council's travel policy may need to be approved by a majority of the Council in a Council meeting before a reimbursement is paid out.
 - g. Council members may be invited to participate in travel related to City matters sponsored by another City Department. Travel invitations from another Department are subject to the City Council's travel budget and may be rotated between council members.
3. The following conferences have traditionally been pre-approved for attendance by council members:
 - Utah League of Cities and Towns Annual Conferences
 - Utah League of Cities and Towns Mid-Year Conference
 - National League of Cities Congressional City Conference
 - National League of Cities City Summit.

- American Public Power Association: Legislative Rally
 - American Public Power Association National Conference
 - UAMPS conference in August.
 - Utah Land Use Institute Annual Land Use Conference
 - ULCT Elected Officials Essentials
 - ULCT Local Officials Day
 - American Planning Association
 - ICSC Las Vegas (RDA Chair and Vice Chair by the invitation of the Mayor only)
4. Only one council member may be approved for City related business travel during the time of a scheduled City Council meeting.
 5. Upon return, council members will work with the Council Director to schedule time in a Committee of the Whole meeting to provide a follow-up report to the full Council.
 6. Council members whose terms are terminating and have determined not to run for another term of office, shall not use Murray City funding to travel during the last six months of office, and those who have been defeated during elections and are leaving office in January shall not use Murray City funding to attend conferences unless serving as the official City representative on a board, committee, or other official body.
 7. Council members are encouraged to attend training and educational seminars prior to taking office.
 8. Council staff will coordinate with council members to make travel arrangements. If a council member would like to stay extra nights before or after a conference, they will be responsible to make their own hotel reservations. Extra hotel nights may not be reserved or paid for with a City issued credit card.
 9. Family expenses, including tours, movies, mini-bar and other social events, will be the responsibility of each council member according to their usage. Council members are responsible for turning in their receipts for reimbursement on all other covered expenses within ten (10) days of returning. These expenses include the following for each council member:
 - a. Airline tickets and baggage expense
 - b. Lodging expense
 - c. Ground transportation (taxi, public transportation, or rental car) to and from the Salt Lake City airport, from the destination airport to the lodging and back to the airport, and from the lodging to a council or conference sponsored event and back to the lodging.
 - d. Parking expense at the airport or other long-term facilities

Revised and Approved: June 27. 2023

EXECUTIVE ORDER EO19-01

City-Wide Travel Policy

CONFLICT AND REPEAL

This Executive Order supersedes, rescinds and replaces Executive Order #15-03, dated July 16, 2015; #12-01 dated April 2, 2012; and #2, dated January 14, 1982, each of which shall be of no further force nor effect. Any and all other Executive Orders relating to City travel are hereby rescinded and superseded by this Order.

PURPOSE

The purpose of this order is to adopt a City-wide travel policy in order to ensure consistent application of cost reimbursement and other matters related to employee travel for City business.

IMPLEMENTATION OF POLICY

The attached City-Wide Travel Policy is hereby approved and adopted.

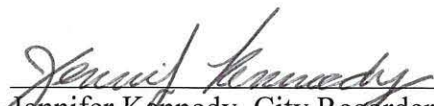
EFFECTIVE DATE

This Travel Policy shall be effective June 7, 2019

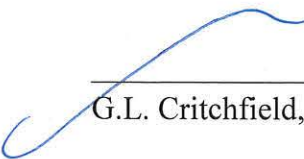
Dated this 6th day of June, 2019.


D. Blair Camp, Mayor

Attest:


Jennifer Kennedy, City Recorder

Approved as to form:


G.L. Critchfield, City Attorney



Murray City Travel Policy

All overnight travel, whether in-state or out-of-state, is governed by this policy. When traveling for work-related meetings, conferences, and training programs, the city will pay reasonable amounts for expenses. Every effort should be made to make cost effective choices for lodging, transportation, and other related expenses. All travel is subject to review and audit. When requesting funds for travel, the employee agrees to only use the money as intended according to this policy.

1.0 Definitions

- 1.1 "Travel" means any work-related, overnight trip for the city.
- 1.2 "Employee" means all city personnel, city council and staff, boards and commission members, or others who travel using executive branch funds as approved by the department head and Mayor.
- 1.3 "Per Diem" means the amount provided to an employee who is traveling to cover the costs of meals and incidental expenses without the necessity of supporting receipts. "Incidental expenses" include fees and tips for porters, baggage handlers, room service tips, and other similar services. "Incidental expenses" does not include ground transportation, fuel (if traveling in a city vehicle), airport parking, baggage fees, or rental cars.
- 1.4 "Ground Transportation" means the cost of transporting the employee to and from the Salt Lake City airport (if approved by the department head), from the destination airport to the lodging and back to the airport, and from one place of business to another place of business.

2.0 General Provisions

- 2.1 A Travel Authorization Form must be completed and approved prior to traveling. Travel Authorization Forms will be approved by the department head as to the availability of funds prior to being submitted to the Mayor. It is the responsibility of each department head to ensure that all forms and documentation submitted by their employees are in proper order.
- 2.2 When possible, employees should pay for travel-related expenses using a city credit card. If not possible, a receipt of payment must be submitted for reimbursement.
- 2.3 Employees may travel with guests. However, the city will only reimburse employee expenses. Guest expenses should not be charged on city credit cards.
- 2.4 Non-exempt employees will be compensated for travel time as required by the Fair Labor Standards Act (FLSA).
- 2.5 Upon completion of approved travel, a Travel Reconciliation Form, along with receipts, must be submitted to the department head within ten business days for final review and authorization of any payment due.
- 2.6 Violations of this policy or making false statements on any travel forms will constitute grounds for disciplinary action.

3.0 Event Registration

- 3.1 Registration fees for conferences and seminars will be paid by the city.
- 3.2 Fees for optional social events or non-business-related activities will not be paid by the city.

Murray City Travel Policy

4.0 Transportation

- 4.1 Considering travel time, the least costly mode of transportation to the destination should be used for travel. This includes airlines, city vehicle, rental car, or mileage for personal vehicle. If an employee chooses another mode of transportation other than the least costly mode, the city will pay for the least costly method.
- 4.2 When possible, employees are encouraged to use city-owned vehicles for travel.
- 4.3 Employees requesting to use a personal vehicle will calculate mileage advances as stated by the IRS POV mileage allowance rate. (www.gsa.gov)
 - 4.3.1 Use of a personal vehicle requires verification of liability, personal injury and property damage insurance coverage when submitting the Travel Authorization Form. If an accident occurs while using a personal vehicle, all costs related to the accident, except those covered by workers compensation, will be paid solely through the personal insurance.
 - 4.3.2 If more than one employee rides in the same vehicle, only the owner of the vehicle will be reimbursed for mileage.
- 4.4 A rental car may be used when work-related travel is required or is less expensive (including the cost of parking) than other transportation modes. The city will not pay for rental cars that are used for non-work-related travel.
 - 4.4.1 When renting a car for work-related use, a liability insurance supplement and loss damage waiver must be purchased.
- 4.5 The city will pay the lowest price, with fewest stops (including baggage fees), domestic coach class airfare when making airline reservations. Airline ticket purchases should be booked as far in advance as possible to get the best price. Reservations inside of 21-days require department head approval. Frequent flyer memberships should not influence airline ticket purchases.
- 4.6 The city will pay for ground transportation, including ground transportation tips up to 20%, and airport parking.

5.0 Lodging

- 5.1 The city will pay conference rates for single occupancy lodging plus tax. Upgrades, room service, and entertainment fees will not be paid by the city.

6.0 Per Diem

- 6.1 The city will advance funds for Per Diem as stated by the IRS destination city per diem rate schedule. (www.gsa.gov)
- 6.2 The first and last day of travel will be paid at 75% per diem.
- 6.3 In lieu of per diem, an employee may pay for meals and incidental expenses and request reimbursement up to the per diem limit. A receipt documenting the expense is required.

Appendix 6

City Hall Policies

RESOLUTION NO. R23-40

A RESOLUTION ADOPTING AND APPROVING CITY HALL POLICIES.

WHEREAS, Murray City has adopted the Council-Mayor form of government which vests legislative authority in the City Council and vests administrative authority in the Mayor; and

WHEREAS, the City recently moved into a new city hall building at 10 East 4800 South and in the exercise of his administrative authority, the Mayor by executive order adopted Murray City Hall Policies; and

WHEREAS, the City Council wants to adopt the same policies subject to certain minor changes in order to adapt the policies for the use by the Council; and

WHEREAS, the City Council finds it to be in the best interests of the City to adopt and approve the Murray City Hall policies.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of Murray City, Utah as follows:

1. That it hereby approves the Murray City Hall Policies attached and makes them applicable to the City Council Members and City Council Staff.
2. That the City Council finds that the Murray City Hall Policies are in the best interest of the City.
3. That the City Council Executive Director is authorized to implement the City Hall Policies as indicated within the policies.
4. That this Resolution shall take effect immediately upon passage.

DATED this 27th day of June, 2023.

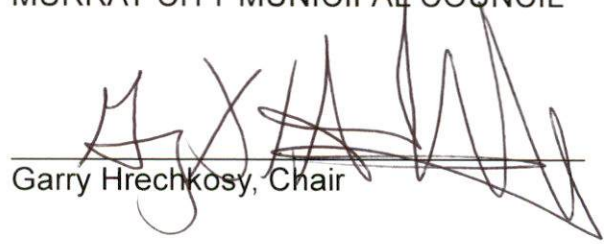


ATTEST:



Brooke Smith, City Recorder

MURRAY CITY MUNICIPAL COUNCIL



Garry Hrechkosy, Chair

Murray City Hall Policies

1. High Performance Building Standards
 - a. City Council Members and City Council Staff shall not use space heaters or personal refrigerators without approval of the City Council Executive Director after consultation with the facilities manager.
 - b. City Council Members and City Council Staff shall not modify thermostat and lighting controls without approval of the City Council Executive Director after consultation with the facilities manager.
 - c. All rooms shall have material recycling bins.
2. Walls, Ceilings, and Windows
 - a. Placement of art, decorations, or other material on walls, windows, and ceiling of public spaces (lobby, shared conference rooms, hallways) is prohibited without approval of the City Council Executive Director after consultation with the facilities manager.
 - i. Exception: City Council office common areas and personal office walls. Coordinate with the City Council Executive Director after consultation with the facilities manager on type of materials used to hang items.
 - b. City Council Members and City Council staff may display materials in the lobby with approval of the City Council Executive Director after consultation with the facilities manager.
3. Furniture
 - a. Furniture cannot be purchased, installed, or modified without approval of the City Council Executive Director after consultation with the facilities manager.
4. Plants
 - a. Plants shall only be placed in City Council office common areas and personal offices.
5. Parking
 - a. City Council Members and City Council Staff shall park vehicles in the following parking lots:
 - i. East of Hanauer Street
 - ii. South of 5th Avenue
 - iii. The furthestmost area south and west of city hall
 - b. Police vehicles may park in the area west of city hall
 - c. City Council Members and City Council Staff may park in designated EV charging stalls only while charging vehicle
 - d. City vehicles (non-police) should be parked in the lot south of 5th Avenue
6. Mail Room
 - a. City Council staff are responsible for picking up and dropping off mail in the designated mail room.
7. Copy Machines

Murray City Hall Policies

- a. City Council Members and City Council Staff may use large copiers in limited department City Council office areas with department approval.
- 8. Building Use
 - a. City hall shall only be used for city-related purposes as designated by Executive Order.
- 9. Technology
 - a. The Information Technology department is responsible for purchasing and installing technology for use in city hall. City Council Members and City Council Staff shall not purchase or install technology without approval of the City Council Executive Director after consultation with the IT Director.
 - b. Messaging on lobby TVs shall be coordinated with IT and approved by the City Council Executive Director after consultation with the mayor's office.
- 10. Cleaning
 - a. Facilities division shall be responsible for cleaning all areas of the building except tops of office furniture.
 - b. City Council Members and City Council Staff shall clean up after themselves when using breakroom, microwave ovens, refrigerators, and conference rooms.
- 11. Gym
 - a. May be used by City Council Members and City Council Staff only. (Not family members or guests)
 - b. City Council Members and City Council Staff must sign a liability waiver prior to use of gym.
 - c. Music and TV sound through earbuds only.
 - d. Equipment must be sanitized after use.
- 12. Maintenance Requests
 - a. Requests for maintenance in the building should be entered into the Helpdesk on the Intranet by the City Council Executive Director.

Appendix 7

Councilmember Initiative Request Form

COUNCIL MEMBER INITIATIVE REQUEST FORM

[Google Link: Council Member Initiative Request Form](#)

Sponsoring Council Member Information

Name:	
Initiative Topic:	
Date Submitted:	Select Meeting Type: <input type="text" value="Select"/>
Presentation Date Requested:	

Council Member Signatures

<p>Please request signatures from at least <u>one</u> additional council member for the initiative item to be included on the agenda for discussion.</p> <p><i>*Council member signature reflects support to present an initiative and is not an endorsement.</i></p>
Sponsoring Council Member Signature:
*Council Member:
*Council Member:

Initiative Description

Please provide a detailed description of the proposed initiative below.

Supporting Documentation

In the section below, please provide any supporting documentation for the proposed initiative, such as, digital files, hyperlinks and attachments which will be used during the initiative presentation.

Presentation Details

The Sponsoring Council member is responsible for coordinating the presentation time, room, and staff involvement. The presentation is designed to inform and educate Council Members regarding a particular topic, i.e., the need for discussion, statistical data, outside municipal experiences, current trends, etc.
Estimated Presentation Time Needed:
Presentation Equipment Setup Needed (AV):
Office Staff Assistance Needed:

The Sponsoring Council member is responsible for coordinating the presentation time, room, and staff involvement. The presentation is designed to inform and educate Council Members regarding a particular topic, i.e., the need for discussion, statistical data, outside municipal experiences, current trends, etc.

Discussion Highlights and Action Items

Discussion should be focused on balancing and weighing the topic against the general policy created by the Council. If there is a need, discussion items may be scheduled for a second meeting. At the conclusion of the Council discussion, please record the meeting's action items and discussion highlights.

For Council Office Staff Use

Meeting Date	mm/dd/yyyy	
Supporting Documents Received?	Select	
Notes:		
Staff Signature:		

Appendix 8

Annual Disclosure Statement

ANNUAL DISCLOSURE STATEMENT

Murray City Recorder's Office
10 East 4800 South
Murray, Utah 84107

I, _____, being first sworn, hereby disclose as follows:

1. I reside at: _____
_____.

2. I was elected/appointed as a member of the: _____
_____.

Or: Not Applicable_____

3. I am an officer, director, agent, employee, or owner of a substantial interest in the following business entity or entities:

1. Name of business entity: _____

2. Position Held: _____

3. Nature and value of interest: _____

Or: Not Applicable_____

**Note: This disclosure requirement does not apply to instances where the total value of the interest does not exceed \$2,000. Life insurance policies and annuities shall not be considered in determining the value of any such interest. This statement is to be filed on first becoming a public officer, annually updated, and again if the position or value of interest in the business entity significantly changes.*

4. I have solicited, received or have agreed to receive, for myself or another, compensation, loans or gifts, directly or indirectly, from the following persons or business entities:

A. Name of person or entity providing compensation, loans, etc.:

B. Brief description of gift, loan or other compensation transaction:

Or: Not Applicable_____

**NOTE: This disclosure requirement does not apply to an occasional non-pecuniary gift of a value less than \$50.00, a public award of recognition for public service, bona fide loans from commercial lenders, or political contributions.*

5. I have participated in or received or have agreed to receive compensation

1. In respect to a transaction between state agencies and a business entity as to which I am an officer, director, or employee; or own a substantial interest, or
2. For assisting persons or business entities in transactions involving state agencies, as follows:
 - A. Name of Agency: _____
 - B. Name of person or business entity involved: _____

 - C. Brief description of the transaction and nature of service performed or to be performed: _____

or: Not Applicable _____

**NOTE: This disclosure statement is required to be filed for each transaction or continuing transactions with an agency. It should be filed with the Murray City Recorder's Office within ten days after the date of any agreement or receipt of compensation, whichever comes first.*

Please list any additional interests that you may have, that may be perceived as a conflict of interest with your City duties and responsibilities: _____

Dated this _____ of _____, 20____

Signature

Printed Name

Title

State of Utah

County of _____
§

SUBSCRIBED and SWORN to before me, this _____ day of _____, 20__

Notary Public

Residing at: _____

Appendix 9

Roberts Rules of Order – The Basics

Robert's Rules of Order

The Basics

Parliamentary procedure is a set of rules for conducting orderly meetings that accomplish goals fairly. Benefits of parliamentary procedure include the following:

- Justice and courtesy for all
- Maintenance of order
- Consideration of one item at a time
- All sides get heard
- Ability for each member to provide input
- Majority rule
- Protection of the rights of all members including the minority

Basic Principles

- A quorum must be present for business to be conducted
- All members have equal rights, privileges and obligations
- No person should speak until recognized by the chair
- Personal remarks or side discussions during debate are out of order
- Only one question at a time may be considered, and only one person may have the floor at any one time
- Members have a right to know what the pending question is and to have it restated before a vote is taken
- Full and free discussion of every main motion is a basic right
- A majority decides a question except when basic rights of members are involved or a rule provides otherwise.
- Silence gives consent. Those who do not vote allow the decision to be made by those who do vote.
- The Chair should always remain impartial.

Basic Definitions

Motion – A formal proposal made to bring a subject before an assembly for its consideration and action. Begins with “I move that...”

Second – A statement by a member who agrees that the motion made by another member be considered. Stated as “Second,” or “I second the motion.”

Amendment – Before the vote is taken on a motion, it may be amended by:

- Striking out words
- Inserting or adding words
- Striking out words and inserting others in their place
- Substituting one (1) paragraph or resolution for another

Presiding officer/Chair – The individual who facilitates the meeting, usually the President.

In the absence of the President, the Vice President is next.

If neither are present, the Secretary calls the meeting to order and conducts an election for a Chairman Pro Tem (a presiding officer for that meeting only).

Role of the Presiding officer

- To introduce business in proper order per the agenda
- To recognize speakers

- To determine if a motion is in order
- To keep discussion focused on the pending motion
- To maintain order
- To put motions to a vote and announce results

General procedure for Handling a Main Motion

- A member must obtain the floor by being recognized by the chair
- Member makes a main motion
- A motion must be seconded by another member before it can be considered
- If the motion is in order, the chair will restate the motion and open debate
- The maker of a motion has the right to speak first in debate
- The main motion is debated along with any secondary motions that are debatable.
- Debate on Subsidiary, Privileged and Incidental motions (if debatable or amendable) take precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when: Discussion has ended, or A 2/3 vote closes debate.
- The chair restates the motion, and if necessary clarifies the consequences of affirmative and negative votes
- The chair calls for a vote by asking "All in favor?" Those in favor say "Aye." Then asking "All opposed?" Those opposed will say "no"
- The chair announces the result

General rules of Debate for small Boards

- All discussion must be relevant to the immediately pending question
- No member should speak more than twice to each debatable motion. The second time takes place after everyone wishing to debate the motion has had an opportunity to speak once
- All remarks should be addressed to the chair – no cross debate is permitted
- Debate must address issues not personalities
- When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion
- Members may not disrupt the assembly
- Rules of debate can be changed by a 2/3 vote or general consent without objection

ROSENBERG'S RULES OF ORDER CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn" (Only needed prior to the end of the agenda)	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
Postpone consideration of	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Introduce a motion	"I move that..." or "I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..." (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee	"I move that the question be referred to a committee for more study"	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This would generally just be used if something is not on the agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..." (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

Appendix 10

Glossary of Acronyms

Common Acronyms

Community and Economic Development

CED	Community and Economic Development
P&Z	Planning and Zoning
CDBG	Community Development Block Grant
MCCD	Murray City Center District
CBD	Central Business District
TOD	Transit Oriented Development District
MU	Mixed Use
CMU	Centers Mixed Use
VMU	Village Mixed Use
MCMU	Murray Central Mixed Use
LEED	Leadership in Energy and Environmental Design
CUP	Conditional Use Permit
ADU	Accessory Dwelling Unit
STR	Short Term Rental
PUD	Planned Unit Development
HOA	Homeowners Association
BRT	Bus Rapid Transit
DRC	Design Review Committee
PC	Planning Commission
EDCU	Economic Development Corporation of Utah
ICSC	International Council of Shopping Centers
NIMBY	Not in my Backyard
NIMFYE	Not In my Front Yard Either

City Council

COW	Committee of the Whole
CM	Council Meeting
RDA	Redevelopment Agency
MBA	Municipal Building Authority

Finance

ACFR	Annual Comprehensive Financial Report
GASB	Government Accounting Standards Board
ILOT	In Lieu of Tax Transfer
CIP	Capital Improvements Program

Common Acronyms

Human Resources

FLSA	Fair Labor Standards Act
ADA	Americans with Disabilities Act

Purchasing

RFP	Request for Proposal
RFQ	Request for Qualification
MOU	Memorandum of Understanding

Recorder

GRAMA	Government Records Access Management Act
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Power

APPA	American Public Power Agency
CSRP	Colorado River Storage Project
FERC	Federal Energy Regulatory Commission
IPA	Intermountain Power Agency
IPP	Intermountain Power Project
LADWP	Los Angeles Department of Water & Power
NERC	North American Electric Reliability Council
NWPPA	Northwest Public Power Association
PX	Power Exchange
REC	Renewable Energy Credit (green tags)
UAMPS	Utah Associated Municipal Power Systems
UMPA	Utah Municipal Power Agency
WAPA	Western Area Power Administration

Organizations

AMC	Association of Municipal Councils
MSD	Murray School District
UIA	Utah Infrastructure Agency
UTOPIA	Utah Telecommunication Open Infrastructure Agency
VECC	Valley Emergency Communications Center
WFWRD	Wasatch Front Waste & Recycle District
NLC	National League of Cities
COG	Council of Governments
ULCT	Utah League of Cities and Towns
LPC	Legislative Policy Committee
UDOT	Utah Department of Transportation
UTA	Utah Transit Authority

Forward

Combination of the “Introduction (page 1)” section in the Council Rules and the “Forward (page3)” section in the Council Handbook

Table of Contents

NEW

Murray City’s Form of Government – Page 1

This information was taken from the “Form of Government” section of the Council Handbook

Powers and Duties of the Mayor – Page 2

This information was taken from the “Mayor’s Powers and Duties” section of the Council Handbook

Powers and Duties of the City Council – Page 3

This information was taken from the “City Council Powers and Duties” section of the Council Handbook

Municipal Elections – Page 5

This information was taken from “Section C of the Form of Government” section of the Council Handbook

Vacancy in an Elected Office – Page 6

Combination of the “Vacancy in Elected Office (page 7-8)” section in the Council Rules and the “Section E of the City Council Powers and Duties” of the Council Handbook.

Governance – Page 7

This information was taken from “Murray City Council Processes” section of the Council Handbook

Council Leadership – Page 9

Combination of “Sections A – D of Organization (page 1 & 2)” in the Council Rules and the “Council Leadership (page 19)” section in the Council Handbook

~~Communicating with the Media – Page 11~~ Taken out

~~NEW~~

Committees – Page 12

Combination of the “Sections E & F of Organization (page 2)” section in the Council Rules and the “Committees (page 17 & 18)” section in the Council Handbook

Land Use – Page 14

This information was taken from “Murray City Council Processes” section of the Council Handbook

Budget Oversight and Process – Page 15

This information was taken from “Murray City Council Processes” section of the Council Handbook

Audit – Page 17

Combination of the “Independent Financial Audit” section of the Council Rules and “Section D of the Murray City Council Process (page 11)” of the Council Handbook.

Meetings – Page 18

Combination of the “Organization (section G; page 2 and Meetings sections; pages 2-4)” in the Council Rules and the “Meetings (pages 14-16)” section in the Council Handbook.

Council Meeting Agenda Submission Process – Page 23

This information was taken from the “Agendas (pages 5-7) section of the Council Rules

Council Meeting Agenda Order of Business – Page 25

This information was taken from the “Agendas (pages 4-5) section of the Council Rules

City Council Office – Page 29

Combination of the “Personnel” and “Finances” sections of the Council Rules and the “Council Staff” and “Internal Provisions” sections of the Council Handbook

Ethics – Page 32

This information was taken from the “Ethics” section of the Council Handbook

Risk Assessment – Page 33 Taken out

~~NEW~~

Discrimination and Harassment – Page 34

This information was taken from the Council Relations section of the Council Rules

Appendices.....35

Foreword

~~This~~ The Murray City Municipal Council Policies and Procedures Handbook ("Handbook") provides information, ~~and~~ guidelines, and procedures to Murray City ("~~City~~") Council ~~Members~~ members ("~~Council Members~~") regarding their powers, duties, ~~and~~ responsibilities, ~~and~~ procedures. ~~These guidelines shall be used to train Council Members.~~ This Handbook shall be the governing document of the Murray City Municipal Council ("~~Council~~").

Failure to follow the guidelines provided in this Handbook shall not invalidate any action taken by the Council or be deemed a violation of any law, ~~Unless required by law, the Council may, at times, suspend the application of certain guidelines provided in this Handbook by a two-thirds majority vote of Council members present.~~

~~although, some sections of this Handbook are taken from Utah Code and Murray City Municipal Code. Unless required by law, the Council may, at times, suspend application of certain guidelines provided in this Handbook.~~

The Council shall adopt ~~these Rules~~ this Handbook in a regular Council meeting.

Any member of the Council may propose amendments to the Handbook. Amendments shall be submitted in writing to all councilmembers and the council executive director. Amendments shall be approved by a two-thirds majority vote of the entire Council in a regular Council Meeting.

~~The Council may revise the contents of this Handbook as needed.~~ It is the intent of the Council to review and revise the contents of the Handbook as needed or at least once every two years.

~~This Handbook is effective~~ This Handbook was comprehensively updated and approved by the Council on September 3, 2013 (Enter Date) and shall remain in effect unless amended otherwise by the Council. This Handbook supersedes and replaces all prior versions of the Murray City Municipal Council Handbook, Rules of the Murray City Municipal Council, or any other policy and/or procedure referenced herein..

~~This Handbook has been revised and updated November of 2019 for training purposes.~~

Adoption and Amendments
Adopted:

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<u>Powers and Duties of the Mayor.....</u>	<u>3</u>
<u>Powers and Duties of the City Council.....</u>	<u>4</u>
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<u>Budget Oversight and Process.....</u>	<u>16</u>
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<u>Council Meeting Agenda Submission Process.....</u>	<u>24</u>
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Murray City's Form of Government

A city or town is a creation and subdivision of the State of Utah and has only those powers specifically given to them by an act of the state legislature. In Utah there are a series of enabling acts, which give specific duties and authority to cities and towns. These duties and authority can be found in Title 10 of the Utah Code.

~~These are found generally in the Utah Municipal Code, Title 10, of the Utah Code.~~

Murray City is a Second Class city that was initially created as a Mayor-Council form of government upon incorporation in 1903. ~~Murray City initially created a Mayor-Council form of government upon incorporation in 1901.~~ In 1911, a State law changed the form of government for cities of the First and Second Class in Utah from the old council form of government to the Commission form of government. This form was reversed in 1981, by a City election when the City adopted the Mayor-Council ~~(or Strong Mayor)~~ form of government. ~~(Utah Code 10-3b-201).~~ which included ~~The government of Murray City includes~~ an elected ~~Mayor-mayor~~ and five ~~elected City-city Council-council~~ members. In 2008, the legislature repealed the Optional Forms of Municipal Government Act and recodified the provisions in what is now called the Forms of Municipal Government. Municipalities that had previously adopted the Mayor-Council form of government continue on in the new Council-Mayor form of government. Other municipalities with the Council-Mayor ~~that~~ form of government include Logan, Ogden, Marriott-Slaterville, Salt Lake City, South Salt Lake City, Taylorsville City, ~~Murray City,~~ Sandy City, ~~and~~ Provo City, ~~and.~~ ~~(Utah Code 10-3b-201, et seq.)~~ West Jordan ~~becomes a Council-Mayor form in January 2020~~ City.

The Council-Mayor form of government vests power in two separate, independent, and equal branches that mimic Utah and the United States government with inherent checks and balances. ~~-, Murray City also operates its own Justice Court.~~

~~A, and a Justice Court.~~

The Mayor is the chief executive and administrative officer of the municipality and exercises supervision over the executive and administrative departments and divisions of the City.

The City Council exercises the legislative powers of the City and are elected from five separate geographic council districts within the City. Each council district has a substantially equal population. ~~The Murray City Council exercises the legislative powers of the City and consists of five Council Members elected from five separate geographic Council districts of substantially equal population in the City.~~

Legislative Power

The Utah Supreme Court has defined legislative powers as policymaking powers. Legislative power, as distinguished from Executive power, is the authority to make laws, but not to enforce them or appoint the people charged with the duty to enforce. The power to enforce and to appoint are executive function. They are the acts necessary to carry out legislative policies and purposes and are deemed acts of administration.

A policy is a deliberate system of principles to guide decisions and achieve outcomes. It is a statement of intent and is implemented as a procedure or protocol.

It is the responsibility and prerogative of the Council to create, develop, revise, and approve policy for the City. Policy directives are used by the Mayor and Council in strategically moving the City forward and advancing any particular initiative.

Policy may be adopted by ordinance or resolution in a public meeting, duly noticed, and adopted by the Council acting as a group.

Powers and Duties of the Mayor

The Mayor in a municipality operating under the Council-Mayor form of government is the chief executive and administrative officer of the municipality and exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality (Utah Code 10-3b-202).

~~A. — The Mayor is the chief executive officer of the City exercising executive powers and supervising the performance of administrative duties and functions of the City.~~

The Mayor shall:

- Enforce the laws of the City~~;~~
- Execute the policies adopted by the ~~City~~ Council~~;~~
- Supervise employees of the City, except for the staff to the ~~City~~ Council~~;~~
- Exercise control of all departments and divisions of the City~~;~~
- Hire and make all appointments of City administration, officers, department directors, committees, boards, and commissions, subject to ~~City Council~~ Council's advice and consent where required by state law. Reports any dismissal to the ~~City~~ Council~~;~~
- Prepare the annual City budget~~;~~
- Keep the ~~City~~ Council informed as to the needs and financial condition of the City, including an annual report of the City's affairs~~;~~
- Issue administrative regulations and general procedures, that are not in conflict with City or state laws~~;~~
- Inform the ~~City~~ Council of changes in programs, regulations, and procedures.

The Mayor may:

- Appoint a chief administrative officer; and one or more deputies or administrative assistants to the mayor.
- Create any other administrative office that the mayor considers necessary for good government of the municipality and appoint a person to the office.
- Dismiss any person appointed by the mayor.
- Veto an ordinance, tax levy, or appropriation passed by the Council.
- Attend each council meeting, take part in council meeting discussions, and freely give advice to the council.

~~B. — The Mayor may veto ordinances, tax levies and appropriations, subject to City Council veto override as provided by state law.~~

The Mayor under the ~~council~~ Council-mayor Mayor form of government does not vote or chair the meetings of the Council.

Powers and Duties of the City Council

The Council in a municipality operating under the Council-Mayor form of government is the legislative body of the City (Utah Code 10-3b-203).

~~A. The City Council is the legislative body of the City. The Utah Supreme Court has defined legislative powers as policymaking powers.~~

The Council shall:

~~B. The City Council shall:~~

- Exercise legislative powers of the City_;
- Pass ordinances and resolutions_;
- Prescribe general policies to be followed by the Mayor in exercising executive power_;
- Appropriate funds_; by setting appropriate tax levies for general City and ~~library-library~~ services_;
- Adopt the City budget_;
- Review municipal administration_;
- Establish sewer, water, storm water, and power rates_;
- Set other general tax and service rates_;
- By ordinance, provide for the manner in which city property is bought, sold, traded, encumbered_; or otherwise transferred_;
- Provide for the manner in which a subdivision or annexation is approved, disapproved_; or otherwise regulated_;
- Supervise, appoint, direct, and establish job descriptions and compensation for council office staff, its own staff and establish job descriptions and compensation;
- Give advice and consent to the Mayor on all proposed appointments of City department directors, statutory officers, boards, commissions, committees_; or other bodies established to provide advice or assistance to the operation of the City.

The Council may:

~~C. The City Council may:~~

- Review and monitor the City administration, conduct public hearings_; and perform other duties as authorized by state law_;
- Create, consolidate, or abolish departments; and define or alter the functions and duties of each department_;
- Appoint a committee of ~~City~~ Council Members or citizens to conduct an investigation into a department of the City; or any other matter relating to the welfare of the City_;
- Make and enforce any additional rule or regulation for its internal operations, the preservation of order, and the transaction of the ~~City~~ Council's business that it considers necessary_;
- Notwithstanding Section 2.04.030 C 2. of the City city Code code make recommendations to any City employee_;

- Reconsider a Mayor's veto at the next meeting following such veto. The Council approves the action by a two-thirds majority of all Council Members for the ordinance, tax levy or appropriation to take effect.

A council member may not:

~~D. A City Council Member may not:~~

- Have any other compensated employment with the city.
- Interfere in any way with a city employee's performance, other than council staff, or publicly or privately give orders to a city employee of the mayor.

~~1. Have any other compensated employment with the City;~~

~~2. Interfere in any way with a City employee's performance, other than Council~~

~~staff, or publicly or privately give orders to a City employee of the Mayor.~~

~~3.~~

Council members represent the city and the council through public appearances, media communications, and speaking engagements. Council members should always clarify whether they are acting in a council capacity or as private individuals.

Additionally, when a council member is responding to a question, it is important to publicly note that a council majority is required for any Council action. When discussing the enforcement or interpretation of an existing city policy or ordinance, council members should refer to the appropriate administrative staff for the most accurate information.

Municipal Elections

All five council members are elected from geographical council districts. Council members are elected for terms of four years, which are staggered. Elections for council districts 1, 3, and 5, shall be held in the year preceding a presidential election year. Council districts 2 and 4 along with the mayoral election shall be held in the year following a year in which a presidential election was held. All municipal elections are held in odd-numbered years and are considered non-partisan.
~~The Mayor and Council Members are elected for four year staggered terms.~~

- ~~1. Elections for Council Districts 1, 3, and 5, shall be held in the year preceding a presidential election year.~~
- ~~2. Elections for Districts 2 and 4 along with the Mayor shall be held in the year following a year in which a presidential election was held.~~
- ~~3. All municipal elections are non-partisan.~~

Vacancy in an Elected Office

Council member

If a ~~Council-council~~ member vacates ~~his/her~~their seat on the ~~Council-council~~ before the term of office expires, the ~~Council-council~~ shall fill the vacant seat, as provided by ~~State-state~~ laws and ~~City-city~~ ordinance, and in accordance with the following rules:

1. Applicants shall be qualified for the office in accordance with all applicable ~~State-state~~ laws and ~~City-city~~ ordinances.
2. Applicants shall complete an application form available through the ~~City-city Council-council~~ office.
3. Within thirty (30) days of the occurrence and declaration of such vacancy, the ~~Council-council~~ shall appoint a qualified resident of the ~~City-city~~ and the appropriate ~~Council-council District district~~ to fill the unexpired term. This shall occur in a duly noticed ~~Council-council~~ meeting.

Mayor

If the ~~Mayor-mayor~~ vacates their office before the term of office expires, the ~~Council-council~~ shall fill that office, as provided by ~~State-state~~ law and ~~the City-city Ordinanceeordinance~~, and in accordance with the following rules:

1. Applicants shall be qualified for the office in accordance with all applicable ~~State-state~~ laws and ~~City-city~~ ordinances.
2. Applicants shall complete an application form available through the ~~Council-city council~~ office.
3. The ~~Council-council~~ shall, within thirty (30) days of the occurrence and declaration of such vacancy, appoint a qualified resident of the ~~City-city~~ to fill the unexpired term. This shall occur in a duly noticed council meeting.
4. The ~~City-Council-council Chair-chair~~ shall become the acting ~~Mayor-mayor~~ until the vacancy in the office of the ~~Mayor-mayor~~ is filled by the ~~City-Council-council~~ as described above.

Governance

~~A. Ordinances and resolutions may be initiated by either the City Council or the Administration.~~

Ordinances

The council exercises its lawmaking power by passing ordinances (UCA 10-3-701). Ordinances may be initiated by either the council or the administration.

Resolutions

In addition to its legislative powers, the council also holds certain defined administrative powers (UCA 10-3-717). These powers are generally exercised by resolution including:

- establishing water and sewer rates.
- establishing fees for city services.
- establishing council personnel policies and guidelines.
- regulating the use and operation of city property.

~~City Council initiatives~~Initiatives:

~~Council Members~~members may sponsor proposed legislation. To bring an item forward for council consideration, a council member must:

~~Consult with the Council Executive Director, conduct research, and determine process and timing. Hold a Committee of the Whole or Council workshop for discussion and determine fellow Council Members support. Work with the City Attorney's office on proposed ordinance or resolution wording. Present to the City Council for consideration at a Council Meeting.~~

- Consult with the council executive director.
- Conduct research.
- Work with the council executive director to determine process and timing.
- Present the item in a Committee of the Whole Meeting or Council Workshop for discussion and to determine council member's support.
- Work with the city attorney's office on a proposed ordinance or resolution.
- Present the item to the council for consideration at a Council Meeting.

Administrative issues:

~~1.~~ Research is conducted by the departments in conjunction with the ~~Mayor~~mayor. Ordinances and/or resolutions are created before being presented to the ~~City Council~~Council.

~~2. Ordinances and Resolutions are used to exercise Council responsibilities, such as:~~

- ~~• Adopting policy;~~
- ~~• Adopting the tax levy and annual budget;~~
- ~~• Setting service rates — water, power, golf, etc.~~
- ~~• Approving master plans, annexations, zoning revisions, and other land use matters.~~

Commented [JK1]: This information was added to the top of the page where it talks about ordinances and resolutions.

Advice and Consent:

~~B.~~ Certain positions are appointed by the ~~Mayor-mayor~~ with ~~Advice-advice~~ and ~~Consent-consent~~ of the ~~Council-council~~. Upon presentation to the ~~Council-council~~ of an appointment, the ~~Council-council~~ must either approve or reject the ~~Mayor's-mayor's~~ appointment. The process ~~is as follows: to appoint department directors, the city engineer, the city treasurer, and the city recorder is as follows:~~

~~1.—Department Directors, City Engineer, City Treasurer, and City Recorder.~~

- The ~~Mayor-mayor~~ forwards a proposed appointment to the ~~Council-council~~ with application, resume, and references.
- The ~~Council-council~~ may schedule an open or closed session to interview the candidate before ~~Advice-advice~~ and ~~Consent-consent~~ is considered.
- Following the interview, ~~Council-council Advice-advice~~ and ~~Consent-consent~~ will be determined in an open ~~Council-council~~ meeting.

~~The process to appoint Representatives-representatives~~ to quasi-governmental boards ~~and-City-city~~ boards and commissions ~~is as follows:-~~

- The Council may conduct ~~Advice-advice~~ and ~~Consent-consent~~ based on applications and resumes.

~~C.—~~

~~E.—Review of Municipal Administration:~~

The ~~Council-council~~ may exercise its oversight role of the ~~City-city~~ administration by conducting management, performance and service reviews that may target a particular department or program. The scope of the review may include examination of efficient and effective service levels, the effectiveness of programs or departments. ~~Suggested process may include:~~

~~1.—~~Proposed reviews can be placed on a Committee of the Whole or Council Workshop agenda for ~~Council-council~~ discussion.

~~2.—~~Internal reviews may include members of the ~~Council-council~~ and administration on a review team.

~~3.—~~If an outside consultant is used, the ~~City-city~~ procurement ordinance shall be followed. The ~~Council-council~~ shall have the final decision regarding consultant selection for the review process.

- The administration should be informed of the ~~Council's-council's~~ concerns.
- A steering committee should be established with ~~Council-council~~ members and appropriate staff to assist in the review process.
- The details and objectives of the review shall be discussed and a timeline established.
- Interim meetings of the steering committee and consultant may be necessary.
- A final draft of the consultants' findings should be prepared and presented at a Committee of the Whole meeting.

- Once the final report has been presented to the ~~Council~~council, the ~~Mayor~~mayor will have an opportunity to respond to the recommendations, and outline how the recommendations may be implemented.

~~G. Requests for Information—~~

Council ~~Members~~members or ~~Council~~council committees may request information from the ~~Mayor~~mayor.

The ~~Mayor~~mayor is required to inform the ~~Council~~council regarding financial and operational conditions of the ~~City~~city. A ~~Mayor's~~mayor's report to the ~~Council~~council is customarily given at the end of each ~~Council~~council meeting. Additionally, the ~~Mayor~~mayor sends a weekly "Council Communication" updating the ~~Council~~council on ~~City~~city matters.

The ~~City~~city ~~Attorney~~attorney and ~~Finance~~finance ~~Director~~director serve both the ~~Council~~council and the ~~Mayor~~mayor. Requests from these departments do not need to go through the ~~Mayor~~mayor. Requests to other department directors or staff members are inappropriate and considered a violation of separation of powers.

Removal from Office

In case any municipal officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, malconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any municipal office thereafter (UCA 10-3-826).

Council Leadership

~~Council Leadership—At the first Council-council meeting of each year, the Council-council elects leadership positions will elect a council chair and a council vice-chair as well as a Budget and Finance Committee chair and vice-chair for the calendar year, as an action item on the Council Meeting agenda. Nominations will be taken by the Council Member conducting. Once nominations are concluded for each office, voting will be by roll call or ballot. Elections take effect immediately after the vote is finalized.~~

Chair and Vice-Chair Election Process

Upon reaching the agenda item for conducting Council elections, whichever Council ~~Member~~ member is conducting the meeting will call for nominations from Council ~~Members~~ members for each Council leadership position.

Nominations need not be seconded. After nominations have concluded, Council ~~Members~~ members proceed to voting. Traditionally, voting is by roll call, but other methods found in the Robert's Rules of Order may be used as determined by the Council Chair. Elections take effect immediately after the vote is finalized.

~~The Council Vice Chair shall be the presiding officer in the event the Council Chair is incapacitated due to illness or is otherwise unable to attend Council meetings, and shall sign as the Council Chair on all ordinances, resolutions, and official correspondence.~~

~~No Council Member shall serve more than two consecutive calendar years as Council Chair.~~

~~In the event the Council Chair shall vacate the office of Chair for any reason the Vice Chair shall assume the office of Chair.~~

~~In the event the Council Vice Chair vacates their position for any reason before their term expires, the Council Members shall elect a Vice Chair to complete the term.~~

Council Chair and Vice-Chair

~~A—~~Council Chair— A Council-council ~~Members~~ member may not serve more than two consecutive calendar years as the council Chair chair.

The council chair's responsibilities are as follows:

- Presides at all Council-council meetings, except upon delegating or sharing limited conducting responsibilities with the other four Council-council ~~Members~~ members. The presiding officer at Council-council Meetings meetings shall be rotated monthly among Council-council ~~Members~~ members according to district.
- ~~Moves Council Initiatives and projects forward to completion.~~
- Sets the Council-council meeting agendas.
- Signs all ordinances, resolutions, and other official documents on behalf of the Council-council.
- Communicates official position statements that have been approved by the Council-council and is the spokes-person to the media, public, and of official publications.

- Acts as a Liaison-liaison to the Mayor on the Council's-council's behalf.
- Disseminates information from the Mayor-mayor.
- Conducts Committee of the Whole and Workshop-workshop meetings.
- Supervises Council-council staff as detailed in the Council RulesHandbook.

~~B.—Council Vice-Chair—Elected for one calendar year. —~~ The council vice-chair shall be the presiding council officer in the temporary absence of the council chair in the event that the council chair is incapacitated due to illness or is otherwise unable to attend council meetings and shall sign as the council chair on all ordinances, resolutions, and official correspondence.

~~1.—Presiding Officer in the temporary absence of the Chair.~~

~~2.—In the event the Chair is incapacitated due to illness or otherwise unable to attend Council meetings, Vice-Chair shall sign ordinances, resolutions and other official correspondence.~~

~~C.—Vacancy in Office of Council Chair-~~

In the event ~~that~~ the council Chair-chair shall vacate his/hertheir office for any reason before the term has expired, the council Vicevice-Chair-chair shall become council Chair-chair for the remainder of that term.

~~D.—Vacancy in the Office of Vice-Chair-~~

In the event that the council Vicevice-Chair-chair shall vacate his/hertheir office for any reason before his/hertheir term has expired, the Council-council members, by a simple majority vote, shall elect a council Vicevice-Chair-chair to complete the term at the first regular Council-council meeting following the vacancy announcement.

Budget and Finance Committee Chair and Vice-Chair

~~C.—~~ Budget and Finance Committee Chair—Council ~~Members-members~~ may not serve more than two consecutive calendar years as the Budget and Finance Committee Chairchair.

The Budget and Finance Committee chair's responsibilities are as follows:

- Presiding officer of the Budget and Finance Committee meetings.
- Approves the agenda for Budget and Finance Committee meetings.
- Coordinates the review and recommendations for annual budget meetings, and financial reports.
- May serve on the Capital Improvement Program Committee.
- Serves on the Audit Committee.
- Other responsibilities relating to budget and finance.

~~D.—The~~ Budget and Finance Committee Vicevice-Chairchair—Serves_serves in the absence of the Budget and Finance Committee Chairchair.

Vacancy if the Office of Budget and Finance Committee Chair

In the event that the Budget and Finance Committee Chair shall vacate his/her office for any reason before the term has expired, the Budget and Finance Committee Vice-Chair shall become Budget and Finance Committee Chair for the remainder of that term.

Vacancy if the Office of Budget and Finance Committee Vice-Chair

In the event that the Budget and Finance Committee Vice-Chair shall vacate their office for any reason before their term has expired, the Budget and Finance Committee members, by a simple majority vote, shall elect a Budget and Finance Committee Vice-Chair to complete the term at the first regular Budget and Finance Committee meeting following the vacancy announcement.

Committees

Committees

The council shall have two standing committees: (1) Committee of the Whole and (2) Budget and Finance Committee. ~~Committees – The City Council Members-members will also~~ participate in a number of other committees.

A. Committee of the Whole – Made up of the entire membership of the council.~~The entire membership of the Legislative body sitting as a committee.~~

- Less formal venue typically used as an educational forum.
- Questions of the presenter are encouraged.
- Direction may be requested of the ~~Council~~council.
- Presentations are first heard in a Committee of the Whole meeting before consideration is given in a ~~Council-council Meeting~~meeting.
- Council committee ~~service appointments is often decided~~may be discussed in a Committee of the Whole meeting.

B. Budget and Finance Committee – Made up of the entire membership of the ~~City Council~~council.

- Convenes to review the annual budget appropriations and revenue for the ~~City~~city.
- May convene for other budgetary reports and explanations.

C. Capital Improvement Program (CIP) Committee – The Capital Improvement Program identifies and prioritizes capital projects, equipment purchases, maintenance, and provides a planning schedule which also identifies financing options for infrastructure and assets.

- Adopted as part of the annual budget process.
- Committee meets in the spring to review requests and prioritize capital projects.
- ~~Two~~ Two Council Members are assigned annually to a five member CIP committee. The Mayor, the Mayor's Chief of Staff, and the Finance Director make up the other members of the CIP committee.

D. Other Committees – Other committees ~~May~~may be formed as necessary by majority vote of the ~~Council~~council. Membership, responsibilities, and goals shall be assigned when a committee is formed.

E. Municipal Building Authority (MBA) – Made up entirely of ~~Council-council Members-members~~. An ~~Annual-annual~~ meeting is usually held in November each year to elect officers for the ensuing year. Other meetings may be called as necessary.

F. Redevelopment Agency (RDA) – Council ~~Members-members~~ serve as the Board of the Redevelopment Agency. The ~~Mayor-mayor~~ is the ~~Executive-executive Director-director~~ of the RDA and may delegate responsibilities. The RDA Meets-meets monthly on the third Tuesday of every month.

G. Board of Canvassers – The ~~Mayor-mayor~~ and legislative body~~council~~ are the Board of Canvassers for ~~the municipality~~Murray City. The canvassing of returns from a municipal election shall be done no

sooner than seven (7) days and no later than fourteen (14) days after an election. ~~A Simple-simple~~ majority constitutes a quorum.

H. Murray City School Coordinating Council (CSCC) – Members of the CSCC consist of the Murray School Board and Murray City Council. The purpose of this council is ~~sharing to share of~~ information between the city and the school district. This Council meets three times a year.

I. Outside Committees – ~~The Council-council~~ will determine membership in outside committees at the first ~~Committee of the Whole~~ council meeting of the year. These committees include, Association of Municipal Councils, ~~Capital Improvement Program, New City Hall Committee, ULCT-Utah League of Cities and Towns~~ Legislative Policy Committee, and the Chamber of Commerce Board, ~~and Business Enhancement Committee.~~

Other committees may be formed as necessary by majority vote of the Council. Membership, responsibilities, and goals shall be assigned when a committee is formed.

Interlocal Boards with Murray Representation—

These appointments are made by the mayor with advice and consent by the council, with exception of the last three listed below.

- Utah Association of Municipal Power Systems (UAMPS)
- Intermountain Power Agency (IPA)
- Trans Jordan Cities
- Utah Telecommunications Open Infrastructure Agency (UTOPIA)
- Utah Infrastructure Agency (UIA)
- Community Action Program (CAP)
- Jordan River Commission
- Valley Emergency Communications Center (VECC)
- Metro Fire
- Central Valley Water Reclamation
- Wasatch Front Waste and Recycling District (WFWRD)
- NeighborWorks
- Council of Governments (Mayor)
- Association of Municipal Councils (Council Member)
- Chamber of Commerce Board (Council Member)
- Utah League of Cities and Towns Legislative Policy Committee (Mayor and Council Member)

Murray City Advisory Boards—

Murray City Advisory Boards are ~~These~~ boards and commissions that are established by city ordinance. Appointments are made by the mayor with advice and consent by the council.

- Arts Advisory Board
- Building Code Board of Appeals
- Ethics Commission
- Hearing Officers (Land Use Appeals)
- History Advisory Board
- Murray Library Board of Directors

- Murray City Center District Design Review Committee
- Parks and Recreation Advisory Board
- Personnel Advisory Board
- Planning Commission
- Senior Recreation Center Advisory Board
- Shade Tree Commission

South Salt Lake Valley Mosquito Abatement District—A Murray City representative to the Board of Trustees must be appointed by the City Council for a four (4) year term. The last appointment was made in ~~January of 2019~~March of 2022.

Land Use

~~F. Land Use~~—Utah municipalities have been granted broad powers to control land use and development by the Utah State Legislature ([UCA 10-9a-102](#)). In part the statute reads:

“The purposes of this chapter are to provide for the health, safety, and welfare and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base.....” (~~Utah Code 10-9a-102.~~)

However, that power is limited by the procedures you have to follow to exercise the power ~~and by of~~ both state and federal statutory and constitutional law. As a Council Member you will likely consider:

- General Plan adoption or amendments
- Land Use ordinance text amendments
- Rezoning applications
- Vacation of City property
- Surplus of City property
- Annexations

These actions are public hearings so that citizens may provide input on the decisions to be made. Public Hearings have very specific noticing requirements. ~~The City-city~~ process includes:

- Applications taken by Community and Economic Development Department
- Staff meetings to determine feasibility, infrastructure, transportation impacts, surrounding land use, etc.
- Staff recommendation
- Planning Commission hearing
- Possibility of City advisory board review
- City Council Committee of the Whole meeting discussion
- City Council Meeting public hearing and consideration

These are very challenging issues not to be taken lightly. Most often the ~~Council-council~~ is making decisions affecting a landowner’s private property interests and balancing that with what is in the best interests of the ~~City-city~~. Be conscience of public clamor and ex parte communication.

Budget Oversight and Process

~~C.—Budget:~~ Each fiscal year (July 1 – June 30) the ~~Council-council~~ has the responsibility to adopt the annual ~~City-city Budget-budget~~ including the ~~Capital-capital Improvement-improvement Program-program~~ allocations. ~~The budget is one of the council's strongest policymaking tools. Each year the council expresses its priorities through annual city budget appropriations. A good budget can be used as a planning tool because it conveys what the government expects to accomplish during the coming year. Ultimately, the budget should be a reflection of policy priorities, a financial operating plan, and a tool for communicating with the public about how money is spent.~~

~~A budget can be a planning tool to convey what the City expects to accomplish during the fiscal year. The budget should be a reflection of policy priorities, an operations plan, and a tool for communicating to the public how revenues are used in the City's best interests.~~

~~1.—~~Early in the calendar year, the ~~Council-council~~ may meet with the ~~Finance-finance Director-director~~ to discuss revenue forecasts and expenditure priorities for the coming year. The ~~Finance-finance Director-director~~ will relay this information in meetings with the ~~Mayor-mayor~~ as ~~he/she/they~~ prepares the ~~Mayor's-mayor's Budget-budget~~.

~~2.—~~The ~~Mayor-mayor~~ works with the ~~Finance-finance Director-director~~ and ~~Department-department Directors-directors~~ to determine appropriate funding of public service levels, personnel costs, operations of ~~City-city~~ departments, operations and maintenance of ~~City-city~~ facilities and equipment, capital improvement projects, and proposed revenue and reserve balances.

~~3.—~~The Capital Improvement Program Committee will meet in the Spring to review the proposed capital expenditures for the fiscal year. Recommendations will be included in the Mayor's Tentative Budget.

~~3.—~~Prior to adopting the annual budget, the council receives the mayor's tentative (proposed) annual budget. As provided in State Code (UCA 10-6-111), the mayor's tentative budget must be submitted to the council by the first regular council meeting in May. The council is charged with determining if the mayor's tentative annual budget reflects an appropriate funding balance of public service levels, personnel costs, creation and operation of city departments, operation and maintenance of city facilities and equipment, level of city reserves, and capital improvement projects. ~~The Mayor's Annual Tentative Budget: As provided in State Code, the Mayor's Tentative Budget must be submitted to the Council by the first regular Council meeting in May.~~

~~4.—~~ ~~Council Review and Department Meetings:~~ The ~~Council-council~~ has the right to adjust, in whole or in part, the ~~Mayor's-mayor's~~ tentative budget. The ~~Council-council~~, acting as the Budget and Finance ~~Committee~~, will meet with each ~~Department-department Director-director~~ to review budgets and make adjustments.

~~5.—~~ The ~~Council's-council's Tentative-tentative Budget-budget~~ will be adopted during a ~~Council-council~~ meeting in May and a public hearing will be set for a ~~Council-council~~ meeting in June.

~~6.—~~ ~~Transfers from Enterprise Funds:~~ As provided in State Code, if transfers from enterprise funds are included in the budget a notice must be sent to utility customers and a separate public hearing must be held.

~~7.—Budget Public Hearing:~~ As provided in State Code, a budget public hearing shall be held in June. Changes to the tentative budget may be made following the public hearing and before the final budget is adopted.

Unless the Council sets a Truth in Taxation hearing to consider changing the property tax rate, the final adoption of the City Budget must occur before June 30.

~~8.— Budget Final Adoption: Final adoption of the City Budget must occur before June 30.~~

~~9.—Property Tax Increase proposed:~~ The process changes if a property tax increase is proposed in the budget. If a property tax increase is under consideration as part of the budget process, the council must provide notice of and hold a public hearing before adopting the tax increase. Pending adoption of a final budget, the city may operate on the approved tentative budget or on the previous year's final budget if readopted by resolution. A Truth in Taxation public hearing will be set by the county, ~~and Following the public hearing on the tax increase,~~ the final budget must be adopted. The deadline to adopt the final budget is approval must occur before September 1 of the budget year.

~~10.—~~ A property tax levy for the ~~City-city~~ and ~~the~~ Murray Library shall be adopted by the ~~City-C~~council.

~~11.—~~ Appropriations may not exceed estimated revenue in the final budget.

~~12.—~~ The Council Executive Director will prepare the budget policy intent document to be considered and adopted with the budget.

Audit

Annual Audit and Annual Comprehensive Financial Report (ACFR)

The ~~City~~ city is required to have an annual independent audit or review of the ~~City's~~ city's ACFR to determine whether the city's financial reporting accurately reflects the city's financial condition and is prepared to conform with the Generally Accepted Accounting Principals (GAAP) issued by the Government Accounting Standards Board (GASB).

~~basic financial statements and Comprehensive Annual Financial Report to determine whether the City's financial reporting accurately reflects the financial condition of the City and is prepared in conformity with criteria established by Generally Accepted Audit Standards, Government Auditing Standards,~~

The audit will be conducted in conformity with the Single Audit Act Amendments of 1996, and General Guidance Audits for State, Local Governments and Non-Profit Organizations.

The financial audit shall be completed, presented to the council, and submitted to the State Auditor before December 31 of each year.

The council is responsible for hiring the audit firm as set forth in the Handbook of the Murray City Council and according to the City procurement ordinance. Upon expiration of a financial audit agreement, the ~~City~~ Council shall work with the Council Executive Director, City Recorder/Purchasing Agent, and Finance and Administration Director to create a Request for Proposals (RFP) to provide auditing services.

Upon approval of the audit firm and agreement, the council chair shall be authorized to execute the agreement for auditing services.

~~C.~~—The ~~City~~ Council will form an Audit Committee to review and score proposals and recommend an independent audit firm to the ~~City~~ Council for consideration.

~~D.~~—Upon approval of the audit firm and agreement, the City Council Chair shall be authorized to execute the agreement for auditing services.

~~E.~~—The Audit Committee shall consist of the ~~City Council~~ Budget and Finance Committee ~~Chair~~ chair and ~~Vice-Chair~~ chair, and the Council Executive Director as staff support. This committee shall convene for the following reasons: ~~This committee shall convene as required:~~

- During the selection of the audit firm
- Annually to review audit procedures and conclusions, and
- For any other such purposes as the ~~City~~ Council deems appropriate

Annual Audit and Comprehensive Annual Financial Report (CAFR): ~~As provided in State Code the City is required to have an annual independent audit or review of the City's basic financial statements and Comprehensive Annual Financial Report to determine whether the City's financial reporting accurately reflects the financial condition of the City.~~

1. The City Council is responsible for hiring the audit firm as set forth in the Rules of the Murray City Council and according to the City procurement ordinance.

2. The financial audit shall be completed, presented to the City Council, and submitted to the State Auditor before December 31 of each year.

3. The CAFR assists the City Council in reviewing municipal administration and providing financial oversight of the City's financial affairs.

Commented [JK2]: This information has been combined with the information at the top of the page.

Meetings

~~A. State Municipal~~State Code ~~does have has~~ some mandatory rules for meeting procedure that ~~municipalities~~ must ~~be complied~~comply with.

- All councils are required to adopt some rules of procedure.
- Cities and towns must pass an ordinance prescribing ~~City-C~~council meetings. A regular ~~Council council Meeting-meeting~~ must be held at least once a month.
- The annual meeting schedule shall be published in a newspaper of general circulation detailing the date, time, and location of regular meetings. In general ~~Murray-C~~council meetings are on the first and third Tuesdays of the month.
- All meetings of the Legislative body in any municipality are required to follow the Open and Public Meetings Act (UCA 52-4), which ~~does specify~~specifies limited reasons for closing a meeting. ~~(See Appendix)c~~
- The minimum public notice for a Council meeting is 24 hours with the agenda, time, and place detailed. There is a provision for emergency meetings.
- The ~~Murray City-C~~council shall conduct its meeting according to the most current edition of Robert's Rules of Order.

The ~~Council-council~~ shall meet in ~~Council-council Meetings-meetings~~, closed meetings, workshops, retreats, and committee meetings as provided by State law. As provided by ~~City-city~~ ordinance, the ~~Council-council~~ shall meet for ~~Council-council Meetings~~, and committee meetings at the following times and places:

1. Committee of the Whole-- The first and third Tuesdays of each month, at a time determined by the ~~Council-council Chair-chair~~, unless cancelled by the ~~council Chair-chair~~.
2. Budget and Finance Committee-- As approved by the ~~Council-council~~.
3. Council Meeting-- The first and third Tuesdays of each month at 6:30 p.m., (or otherwise at a time determined by the ~~Council-council~~) in the Council Chambers ~~in-at~~ the Murray City Center, unless cancelled by the ~~council Chair-chair~~.

~~B. Meeting Decorum--~~

Decorum is a high priority for all government processes and meetings. Maintaining respect for all involved in the process is paramount. When someone is addressing the ~~Council-council~~ or ~~Council-council Members-members~~ are discussing a matter, they have the floor and are entitled to be fully heard. Hissing, applause, loud sighing, shaking ones' head in agreement or disagreement, talking to others, or distracting any participant is a discourtesy to the process. In the spirit of impartiality, due process, safety, and the preservation of decorum, citizens and ~~Council-council Members-members~~ alike should never show an outward response to debate, comments, or presentations during ~~Council-council~~ meetings. It is the responsibility of the conducting officer to safeguard the decorum of ~~Council-council~~ meetings.

~~C. Quorum--~~

A quorum is ~~the~~ the number of ~~Council-council Members-members~~ that must be present to legally transact business. ~~In Murray City, A~~ a quorum is three (3) ~~Council-council Members-members~~ physically present.

~~D.~~ Request for Council Action

~~1.~~ A Council Action Log is kept with future council topics scheduled by meeting. The Council Chair and ~~Council~~ Executive Director meets weekly with the administration to review and ~~approve~~ add items to the Council Action Log.

~~2.~~ A Council Action Request ~~form~~ Form is submitted to council staff prior to the preliminary agenda preparation. The form, along with any supporting documentation, is processed in the ~~Council-council~~ office and placed on a ~~Council-council Meeting-meeting~~ agenda for consideration.

~~3.~~ Land use matters follow a slightly different process with land use packets coming directly to ~~Council council~~ staff directly from Community and Economic Development following Planning Commission review.

~~E.~~ Agenda Process

Agendas are prepared by council staff and approved by the ~~Council-council Chair~~ chair.

- Business items are scheduled for a Committee of the Whole discussion prior to ~~Council-council~~ consideration in a Council ~~Meeting-meeting~~. The Committee of the Whole is an educational forum.
- Preliminary agenda and supporting documents are distributed to ~~Council-council Members members~~ approximately eleven (11) days prior to the meeting.
- Council ~~Members-members~~ may request more information or ask to postpone a business item until their request is satisfied.
- The final agenda will be noticed according to the Open and Public Meetings Act requirements, and final documents will be distributed to ~~Council-council Members-members~~ the Friday prior to a Tuesday meeting.
- Council ~~Members-members~~ may not act on any topic that was not previously noticed on the Council ~~Meeting-meeting~~ agenda.
- Order of business is detailed in the ~~Council Rules~~ Murray City Council Handbook.
- The presiding officer at Council ~~Meetings-meetings~~ shall be rotated monthly among ~~Council council Members-members~~ according to district.

Electronic Means of Meeting Participation-

Section 52-4-207 of the Utah Code Annotated authorizes public bodies to hold meetings electronically by means of a telephonic, telecommunications or computer conference. ~~Council members may participate in Council meetings by electronic communication. The Council adopts the use of electronic means for a Council Member to participate in a meeting~~ under the following conditions:

- The meeting will be held with a quorum (3 members) physically present.
- Electronic means will be used only for a declared City emergency or to accommodate Council Members who are traveling outside the City.
- The meeting will be held within City limits at a facility that allows the public to attend, monitor and participate in open portions of the meeting.
- Comments of Council Members participating electronically will be audible to the public.

- As with any public meeting, electronic meetings must be properly noticed in compliance with the Utah Open and Public Meetings Act. Additionally, the notice must inform the public that electronic means will be used and how Council Members will be electronically connected to the meeting.

~~F. Electronic Participation Council Members may participate in Council Meetings by electronic communication. A quorum of three (3) Council Members must be physically present in the noticed meeting place. The electronic participation must be audible to the public. Electronic meetings must be properly noticed.~~

~~G. Voting~~

To approve or change an ordinance or resolution, or take action on any item, three (3) ~~(a majority)~~ or more ~~Council council Members members~~ must vote together. State law requires a roll call vote to be taken and recorded for all ordinances, resolutions, or any other action. Roll call will be taken by aye (yes) or nay (no) vote. Council consideration may include:

- Approve an action with a positive majority vote.
- Deny an action item with a negative vote.
- Take no action with no motion or second.
- Continue an item to a future specified date with a majority vote, which may affect the validity of the current legal notice.
- Refer an item to a Committee of the Whole, workshop, ~~Council council~~ committee, convene an ad hoc committee, or refer to ~~Council council~~ or ~~Mayor mayor Staff staff~~ for more information. It is typical to designate a "report back to the ~~Council council~~" date.

~~H. Abstaining~~

If a ~~Council council Member member~~ chooses to abstain from a vote, it has the same effect as voting against the motion.

~~I. Reconsideration~~

A ~~Council council Member member~~ may move to reconsider a vote of the ~~Council council~~ at one of the following two Council meetings, but only if that council member voted with the prevailing side at the time of the vote.

~~Mayoral Veto~~

The ~~Mayor mayor~~ may veto ordinances, tax levies and appropriations, subject to ~~City city Council council~~ veto override as provided by state law. If the ~~Mayor mayor~~ vetoes a ~~Council council~~ action, reasoning in writing must be explained to the ~~Council council~~ within fifteen (15) days.

The Council may reconsider a ~~Mayor's mayor's~~ veto at the next meeting following such veto. The ~~Council council~~ may override the ~~Mayor's mayor's~~ veto by a two-thirds majority ~~vote~~ of all ~~Council council Members members~~ (4) in favor of the ordinance, tax levy or appropriation for it to take effect.

Attendance Requirement for City Council Members

The compensation paid to the members of the City Council shall be reduced, for the applicable pay period, one hundred dollars (\$100.00) for each unexcused absence in excess of four (4) occurring during

any calendar year from regularly scheduled City Council meetings and scheduled Budget and Finance Committee meetings (Murray City Code 2.06.050).

~~K.—Absences—~~

Council Members shall forfeit any leadership position by failing to attend four (4) consecutive regular meetings of the Council (not including Work Sessions) without being excused by the Council. Members of the Council may ask to be excused by following the procedure described in this paragraph. The member shall contact the Council Chair (and if the Chair seeks an excused absence, the Vice-Chair) prior to the meeting and state the reason for the inability to attend the meeting. If the member is unable to contact the Chair, the member shall contact the Vice-Chair or the Executive Director, who shall convey the message to the Chair. Following the call to order, the Chair (or councilmember conducting) shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and appropriate notations in the minutes. Any Council Member exceeding these guidelines may appeal the matter to the Council and the Council may excuse any of the absences and waive the penalty.

Any Council Member absent for more than six meetings and not excused by a majority of the other Council Members shall forfeit whatever leadership position that Council Member holds. Any Council Member exceeding these guidelines may appeal the matter to the Council and the Council may excuse any of the absences and waive the penalty.

~~L.—Minutes—~~

Public meetings are recorded. ~~and Written-written~~ minutes are extrapolated from the digital audio recording of the meeting. Both the written and audio records are available to the public upon request.

The Council Executive Director ensures that minutes are taken of all ~~Council~~council, committee, and special meetings. The City Recorder shall ~~cause to be kept~~keep, in a format adopted by the Council, minutes of all proceedings of all regular and special ~~Council-council~~ meetings. ~~A recording shall be kept of all Council, committee and special meetings.~~

Council minutes are a written record of the proceedings during the actual Council meeting. They reflect the substance of what actually occurred in the Council meeting. Council ~~Members-members~~ are required to approve the minutes. Corrections, deletions, or additions to factual information, quoted statements, meeting events, and official ~~Council-council~~ actions should be made prior to approval of the minutes.

Editorial corrections may be submitted to the ~~Council-council~~ staff prior to a public meeting.

4.—Special Meetings

Special meetings, including workshops and retreats, may be held as provided by State ~~law-Law~~ and City Ordinance.

~~5.—Closed meetingsMeetings-~~

As per State Code ~~Sections-(UCA 52-4-204 and 52-4-205)~~, before any part of a public meeting may be closed for one of the valid reasons detailed below, the ~~Council-council~~ must be called together in an open meeting. At least a two-thirds (2/3)majority of the ~~Council-council~~ members present must vote to close the meeting. The ~~Council-council~~ may close portions of its meetings to do the following:

- Discuss the character, professional competence, or physical or mental health of an individual.
- Hold a strategy session to discuss collective bargaining.
- Hold a strategy session to discuss pending or reasonable imminent litigation.
- Hold a strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction.
- Hold a strategy session to discuss the sale of real property.
- Discuss the deployment of security devices and investigative proceedings regarding criminal conduct.

No ordinance, resolution, rule, regulation, contract, or appointment can be approved at a closed meeting. The closed portion of a meeting must be recorded and detailed minutes may be kept. These recordings and minutes are protected records under the Government Records Access and Management Act ([GRAMA](#)).

~~E. Neighborhood Meetings:~~

Neighborhood meetings may be scheduled away from the ~~Council's~~[council's](#) usual meeting place for the purpose of gathering or sharing information regarding current matter(s) being considered by the ~~Council~~[council](#). The Council Executive Director shall arrange for a suitable place for such meetings.

~~F. Robert's Rules of Order:~~

The ~~Council~~[council](#) shall conduct its meetings according to the most current edition of Robert's Rules of Order, ~~as amended by these Rules, provided that~~ The ~~Council~~[council](#) may, by majority vote, waive a rule.

~~G. Minutes. The Council Executive Director ensures that minutes are taken of all Council, committee and special meetings. The City Recorder shall cause to be kept, in a format adopted by the Council, minutes of all proceedings of all regular and special Council meetings. A recording shall be kept of all Council, committee and special meetings.~~

Commented [JK3]: This section was added to the "Minutes" section above.

~~H. Presiding Officer at Meetings:~~

The presiding officer at Council ~~Meetings~~[meetings](#) shall be rotated monthly among ~~Council~~[council](#) members according to district (District 1, District 2, etc.). If the presiding officer is not present or declines this responsibility, the ~~Council~~[council](#) ~~Chair~~[chair](#) shall preside.

~~I. Order of Calling the Vote:~~

The City Recorder shall call the vote beginning with the ~~Council~~[council](#) ~~District~~[district](#) number immediately higher than the ~~District~~[district](#) number of the ~~Council~~[council](#) ~~Member~~[member](#) presiding at that meeting. This shall ensure that the ~~Council~~[council](#) ~~Member~~[member](#) presiding shall always vote last.

~~J. Electronic Means of Meeting Participation. Section 52-4-207 of the Utah Code Annotated authorizes public bodies to hold meetings electronically by means of a telephonic, telecommunications or computer conference. The Council adopts the use of electronic means for a Council Member to participate in a meeting under the following conditions:~~

- ~~1. The meeting will be held with a quorum (3 members) physically present;~~

- ~~2. Electronic means will be used only for a declared City emergency or to accommodate Council Members who are traveling outside the City;~~
- ~~3. The meeting will be held within City limits at a facility that allows the public to attend, monitor and participate in open portions of the meeting;~~
- ~~4. Comments of Council Members participating electronically will be audible to the public;~~
- ~~5. As with any public meeting, electronic meetings must be properly noticed in compliance with the Utah Open and Public Meetings Act. Additionally, the notice must inform the public that electronic means will be used and how Council Members will be electronically connected to the meeting.~~

Commented [JK4]: This information was combined with the electronic meeting information above.

Council Meeting Agenda Submission Process

Council Action Log

The Council Action Log is a working draft document used to track items that are coming forward to a Committee of the Whole meeting for discussion and/or a Council meeting for Council action. The Council Action Log is maintained by the council executive director and is generally sent out to all councilmembers and the Mayor's office every Wednesday.

Agenda Overview

The council executive director shall see that agendas are properly prepared, posted, and published in a timely manner according to the Utah Open and Public Meetings Act.

Council agendas shall be posted at Murray City Hall, submitted to a newspaper of general circulation in Murray City and posted on the Utah Public Notice and Murray City websites.

Agenda Submission Process

An item or topic requiring Council action may be submitted by:

- A private resident through two councilmembers
- Two councilmembers
- The mayor
- A department director through the mayor

Private Resident – Any private resident or organization may bring a proposal forward by requesting sponsorship by two councilmembers. If two councilmembers are willing to sponsor a proposal, then the item moves forward by the same process as a councilmember proposal.

Councilmember Proposal – Any councilmember may bring any proposed action to a Council Initiative Workshop (CIW) or a Committee of the Whole (COW) meeting, provided that at least one other councilmember has signed off indicating their consent to evaluate the topic further. The proposed action is then scheduled in either a CIW or COW for the purpose of discussing the subject matter in detail. The sponsoring councilmember is responsible for presenting information to educate councilmembers with data, experiences, and current trends. Following this discussion the Council shall determine if there is sufficient interest for future action, staff involvement, or whether the item is to be tabled until further notice.

Mayor/Administration – The mayor's office will submit items requested by department directors to the council executive director to be placed on the Council Action Log. Items are typically heard in a Committee of the Whole meeting first then onto a Council meeting for final consideration.

Council Office Agenda Process

1. Items being submitted for Council consideration must include a complete Council Action Request form along with any legal documentation, explanatory memos and background information relating to the item.

2. The Council generally meets on the first and third Tuesdays of each month. A meeting schedule is adopted and published prior to the beginning of each calendar year. The meetings on Tuesdays will consist of a Committee of the Whole meeting which is used to discuss and study topics that may be forthcoming on a future Council meeting agenda. After the Committee of the Whole meeting a Council meeting will take place where formal Council action on items can be taken.
3. The Council staff review and/or prepare supporting materials to be considered by the Council and ensure the completeness of the materials. The council chair will approve the Committee of the Whole and Council meeting agendas.
4. Legal documents, explanatory memos and background information relating to the agenda items must, to the extent possible, be received by the Council Office by 5:00 p.m. the Wednesday two weeks prior to the scheduled Committee of the Whole or Council meeting. Late documentation may be added with the approval of the council chair. Over the next two days the agenda and documentation is compiled in the Council Office and an agenda to be publicized is created.
5. The Council staff sends the agenda and all meeting documentation to the councilmembers the Friday that is one and a half weeks prior to the Tuesday meetings. This "preliminary" documentation may be perused by councilmembers with time for them to have questions answered, or have items postponed or pulled from the meeting agendas if deemed necessary.
6. On the Friday, prior to the Tuesday Council meetings the agenda is formally published (noticed) by the Council staff to meet the Utah Open and Public Meeting Act requirements. If changes have been made to the meeting documentation, the Council staff will send updated meeting documents to the councilmembers in preparation for the meetings.
7. The Committee of the Whole and Council meeting are held the following Tuesday.

Council Meeting Agenda Order of Business~~Agendas~~

Agendas

~~A. Responsibility.~~ The Council Executive Director shall see that agendas are properly prepared, posted, and published in a timely manner according to the Utah Open and Public Meetings Act.

~~B. Public Notice.~~ Council agendas shall be posted ~~in at~~ the Murray City Center, submitted to a newspaper of general circulation in Murray City, posted on the Utah Public Notice Website, and posted on the Murray City website.

~~C. Submission of Agenda Items.~~ Procedures for submitting items for the agenda are as follows:

- Topics may be added to the agenda: (a) at the discretion of the ~~Mayer~~mayor; or (b) as directed by at least two ~~Council~~council members.
- Anyone wishing to bring a matter before the ~~Council~~council shall submit their request in writing, together with forms approved by the ~~Council~~council, to the ~~Council~~council staff. In order to add such matters, the request must be approved by the ~~Mayer~~mayor or two ~~Council~~council ~~Members~~members.
- All new items for the agenda must be submitted by 5:00 p.m. the Wednesday thirteen (13) days prior to the ~~Council~~council meeting. The ~~Chair~~chair may waive an item from this requirement.
- The Council Executive Director shall ensure that all matters are submitted in a timely manner to the ~~Council~~council. Before matters are placed on the agenda, they must first be reviewed by the ~~Council~~council ~~Chair~~chair.
- Council staff shall review supporting materials to be considered by the ~~Council~~council and ensure the completeness of the materials.

~~D. Delivery to Council Members.~~

The agenda, together with all documents relating to the items on it, shall be delivered to ~~Council~~council members as preliminary documents approximately eleven (11) days prior to the meeting, ~~and~~ and the final agenda and documents will be delivered ~~by~~ the Friday prior to the Council meeting. The ~~Chair~~council chair may waive this requirement.

~~E. Notice of Meeting.~~

All ~~Council~~council agendas and "Notice of Meeting" documents shall contain the following:

NOTICE

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST DIRECTED TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801- 270- 2425 or CALL RELAY UTAH AT #711.

~~F. Order of Business.~~

The ~~Committee of the Whole~~ and Council meeting agendas shall conform to the following order of business:

Committee of the Whole

1. Approval of Minutes
2. Discussion Items
3. Internal Council Business or Announcements
4. Adjournment

Council Meeting

1. Opening Ceremonies
 - a. Pledge of Allegiance
2. Approval of Minutes
3. Special Recognition/Presentation
4. Citizen Comments
5. Consent Agenda
6. Public Hearings
7. Business Items
8. Mayor
 - a. Report
 - b. Questions for the Mayor
9. Adjournment

~~NOTE: Paragraphs G through N elaborate on the various provisions of the agenda.~~

~~G-Committee of the Whole.~~

The purpose of the Committee of the Whole meeting is:

- To consider items of internal Council business,
- To give further consideration to items of business referred to the Committee of the Whole from the New Business section of the agenda, and
- To review items that may require future action by the Council.

Business items referred to Committee of the Whole from the council agenda are sent for discussion purposes. No vote will be taken on these business items in Committee of the Whole. All business items considered in Committee of the Whole shall be scheduled for a specific time.

Council Meetings

1. Opening Ceremonies – This portion of the Council agenda shall consist of the following:
 - Call to Order
 - Pledge of Allegiance
2. Approval of Minutes
3. Special Recognition - Under this part of the Opening Ceremonies section of the agenda, the ~~Council~~ council shall consider resolutions of commendation, condolences and appreciation, and similar ceremonial matters.

The order of business for consideration of resolutions under this section shall be as follows:

- Reading of the resolution.
 - Motion to adopt.
 - Discussion.
 - Vote on motion.
 - Presentation of resolution and response.
4. Citizen Comments – This section allows any citizen or organization to speak before the ~~Council~~ council and the ~~Mayor~~ mayor, or to email comments if unable to attend the Council meeting in person. Items for which the ~~Council~~ council would like to receive additional public input will be specifically listed for that purpose in this section. Comments are limited to three minutes, unless otherwise approved by a majority vote of ~~Council~~ council members. Emailed comments will be forwarded to the council members before the meeting.
5. Consent Agenda – This section contains items of routine business, all requiring action, but not expected to generate discussion. Each item is briefly reviewed by the presiding officer and any ~~Council~~ council ~~Member~~ member wishing to do so may ask for any of the items on the Consent Agenda to be taken out and placed on the regular agenda.
6. Public Hearings – This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner, except as waived by the ~~Council~~ council:
- Introduction – The presiding officer informs those attending of the procedure and order of business for the hearing and reads the item for consideration.
 - Staff presentation – City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five minutes, unless otherwise approved by a majority vote of Council members.
 - Sponsor presentation – If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen minutes, unless otherwise approved by a majority vote of ~~Council~~ council members.
 - Comment – The presiding officer asks for public comment on the matter before the ~~Council~~ council. This public comment portion allows any citizen or organization to speak to the item before the ~~Council~~ council. Comments are limited to three minutes, unless otherwise approved by a majority vote of ~~Council~~ council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of ~~Council~~ council members. If unable to attend the ~~Council~~ council meeting in person, a person may submit email comments on the public hearing. Emailed comments are limited to 300 words and must include the person's name and address in order to be included in the record. Speakers are requested to:
 - Complete the appropriate form.
 - Wait to be recognized before speaking.
 - Come to the microphone and state their name and city of residence.
 - Be brief and to the point.
 - Not restate points made by other speakers.
 - Address questions through the presiding officer.
 - Confine remarks to the topic, avoiding personality differences.

After all citizens who wish to comment have spoken, ~~Council~~-~~council~~ members may ask additional questions of participants before the presiding officer closes the hearing.

- Sponsor summation/response – Following citizen comment and questions by the ~~Council~~-~~council~~, the sponsor or staff shall be given the opportunity to give a fifteen-minute summation and/or response prior to closing of the public hearing.
 - Closing the hearing – If there is no further public comment, questions by ~~Council~~-~~council~~ members, or final response by the sponsor, the presiding officer declares the hearing closed.
 - Consideration of the item – At the close of the public hearing, the Council shall consider the item for action.
7. Business Items – This section of the agenda shall be for the introduction of all business to be considered by the ~~Council~~-~~council~~. All business items, including unfinished and new business items, are in this section and can include items that have been referred out of a committee or items which had appeared on a previous agenda where no action had been taken on the item. The Council may, by majority vote, (1) send a business item to committee, (2) postpone final action to a future meeting, or (3) take final action on the matter.
8. Mayor – The Mayor's Report gives the ~~Mayor~~-~~mayor~~ the opportunity to regularly report to the ~~Council~~-~~council~~ about ~~City~~-~~city~~ business. Questions to the Mayor gives all members of the council an opportunity to ask questions or raise issues of concern to the mayor and to request appropriate action.
9. Adjournment

City Council Office

The ~~Council council~~ office staff consists of a Council Executive Director, Council Office Administrator ~~III~~, and other staff hired or contracted as the ~~Council council~~ may deem necessary. Hiring procedures are detailed ~~in the Rules of the Murray City Municipal Council~~ below. The Council Executive Director is supervised by the Council Chair. The Council Executive Director supervises all other Council staff.

All council staff members are appointed by the council as follows:

Job Descriptions – The council reviews and approves all job descriptions for council staff members.
Posting and interviews - All arrangements for job postings and interviews are handled by the council staff.

Council Executive Director – Applicants are interviewed by the council chair and vice chair. Finalists may be interviewed by the entire council. The entire council will select a person by a majority vote from the finalists.

Other staff – The Council Executive Director, with council member involvement, interviews applicants and recommends finalists to the entire council. The entire council will select a person by a majority vote from the finalists.

The ~~Duties~~ duties of the Council Executive Director include, but are not limited to:

- Serves as a liaison to the administration.
- Meets all requirements of the Open and Public Meetings Act.
- Coordinates activities related to agenda requests.
- Coordinates agenda preparation and analysis.
- Conducts research as requested by ~~Council council~~ members.
- Helps coordinate and provide policy analysis.
- Coordinates ~~Council council~~ activities associated with ~~City city~~ budget analysis, review, and adoption.
- Submits a proposed budget for ~~Council council~~ office operations.
- ~~Prepares the statement of Council Intent to accompany the annual City Budget.~~
- Coordinates ~~Council council~~ activities for budget tracking throughout the year.
- Organizes activities related to ~~Council council~~ initiatives, administrative reviews, department auditing and other such duties correlated with the ~~Council council~~ carrying out its responsibilities.
- Manages ~~Council council~~ responsibilities for coordination of the annual independent financial audit.
- Coordinates and attends ~~Council council~~ meetings, committee meetings, citizen meetings and other similar meetings as caused by ~~Council council~~ members.
- Coordinates training activities for new ~~Council council~~ Members.
- Attends Utah League of Cities and Towns Legislative Policy Committee meetings and reports to ~~Council council~~.
- Follows pertinent ~~State state~~ legislation and reports to ~~Council council~~.
- Supervises ~~Council Office Administrator III and other Council~~ the council office staff.
- Interface with citizens as necessary.

~~B.—The Duties-duties~~ of the Council Office Administrator ~~## include, but are not limited to:~~

- Attend meetings of the ~~Council-council~~ and manage minute preparation and approval.
- Oversee Council office ~~bookkeepingaccounts payable~~.
- Coordinate meetings and special events.
- Organize travel arrangements.
- Interface with the public.

~~A. Council Staff. The Council staff shall consist of a Council Executive Director an Office Administrator II, and such other full and part time staff as the Council may deem necessary.~~

Commented [JK5]: This section was combined in a section above

~~B. Appointment. All Council staff members are appointed by the Council as follows:~~

~~Job Descriptions— The Council reviews and approves all job descriptions for Council staff members. Posting and interviews— All arrangements for job posting and interviews are handled by the Council staff.~~

~~Council Executive Director— Applicants are interviewed by the Council Chair and Vice Chair. Finalists may be interviewed by the Council, which selects the person by majority vote from that group.~~

~~Other staff— The Council Executive Director with council member involvement interviews applicants and recommends finalists to the Council, which selects the person from that group.~~

Commented [JK6]: This section was combined in a section above

~~C. Reporting relationships. The Council Executive Director is supervised by the Chair of the Council. The Council Executive Director supervises all other Council staff.~~

Commented [JK7]: This section was combined in a section above

Performance appraisals of ~~Council-council~~ staff shall be conducted annually ~~using the Performance Pro program provided by the City Human Resource office~~ as follows:

- The ~~Council-council Chair-chair~~ and ~~Vice-vice Chair-chair~~ shall conduct the performance appraisal for the Council Executive Director.
- The Council Executive Director shall conduct the appraisal for all other staff members.
- Compensation increases, exclusive of ~~Cost of Living Adjustments (COLAs)~~, shall be based on the performance appraisal subject to appropriation of funds.

Compensation and Step Plan – Council staff compensation is determined by the ~~Council-council~~ and changed as follows:

- Council Executive Director compensation may be reevaluated periodically, ~~and e~~Changes ~~may be~~ made based on performance and/or completion of a Wasatch Compensation Salary Survey, ~~and is~~ subject to appropriation of funds.
- Council staff ~~s~~ compensation is based on the annual performance appraisal and the ~~Step-step Planplan~~, subject to appropriation of funds.
- Each staff member shall receive an annual COLA in the same amount and at the same time as other ~~City-city~~ employees.

City Council Members

~~The Council-council Salary-salary~~ is set by ~~City-city~~ ordinance. The ~~Council-council~~ has the authority to revise ~~the Council-council's salary, however, it may be revised by a~~ public hearing process ~~only~~. Council

members are paid biweekly along with the ~~entire City payroll/other city employees~~. If the ~~Council/council~~ approves a ~~cost of living adjustment~~ COLA for ~~City/city~~ employees during the adoption of the annual budget, ~~City/Council~~ Members-members also receive the COLA.

Council ~~Members-members~~ will have a Murray City email address. A ~~City/C~~council calendar is provided with the email system; which Council/council staff keeps ~~the calendar~~ current with meetings and events.

Council ~~Members-members~~ will be provided an iPad for use in conducting ~~City/city~~ business.

~~Telephone Allowance~~—A cell phone allowance is paid to each ~~Council/council~~ Member-member for use in conducting ~~City/city~~ business during their term of office.

~~Expense Allowance~~—Council ~~Members-members~~ are provided with a monthly expense allowance to defer the costs of conducting ~~City/city~~ business during their term of office; ~~i.e., This allowance can be used for~~ citizen meetings, meals, parking, and mileage within a 50 mile radius of the ~~City/city~~.

Council ~~Members-members~~ are eligible for ~~City/city~~ health care, retirement, and investment benefits.

~~City Council Travel~~—~~There are several conferences and events that provide excellent education, training, and professional development for elected officials. Travel is addressed under a separate Council Travel Policy. – See attached Travel Policy.~~

The city code is available on the city website: www.murray.utah.gov. If you prefer a hard copy of the city code, that can be provided to you and updates will be received periodically.

Council Office Budget

Each year, the Council Executive Director shall work with the ~~Council/council~~ Chair-chair and submit a proposed budget for ~~the Council/council office~~ operations to the members of the ~~Council/council~~ for their review and approval.

Review of Council Expenditures – The ~~Council/council~~ Chair-chair shall have general responsibility to see that all expenditures are made on time and within budget.

Expenses Relating to Neighborhood Meetings – Costs associated with ~~Neighborhood-neighborhood~~ meetings shall be funded from the ~~Council/council~~ Office-office budget.

~~The City Code is available on the City website: www.murray.utah.gov. If you prefer a hard copy of the City Code, that can be provided to you and updates will be received periodically.~~

~~Murray City Employees Association (MCEA) – City Council Members may elect to join the MCEA with payroll deduction.~~

Public Relations Account

A public relations account has been established and is funded solely by payroll deduction from ~~Council/council~~ Member pay checks. The deduction amount shall be decided or amended by a vote of the ~~City/C~~council. Council staff may assist in transactions and report the status of the account to ~~Council/council~~ Members-members periodically. The Council Executive Director is authorized to sign on the account.

The purpose of the public relations account is to provide a mechanism for the ~~Council~~ council as a whole to purchase and deliver remembrances or acknowledgements. The events listed below shall be considered first priority use for the account funds; all secondary uses not listed, and the donations not listed amounts, shall be informally approved by ~~the a majority of councilmembers~~ Council. Council staff will assist in all transactions.

- Death or serious illness of an employee or employee's immediate family;
- Retirement of a city employee (25 + years) ~~+ employee.~~

VII. FINANCES

~~C. Public Relations Account. The Council hereby authorizes the creation of a public relations account.~~

~~D. Purpose of the Public Relations Account. The purpose of the public relations account is to provide a mechanism for the Council as a whole to purchase and deliver token remembrances or acknowledgments. The events listed below shall be considered first priority use for account funds; all secondary uses not listed, and the donation amounts shall be informally approved by a majority of Council Members. Council Staff will assist in all transactions.~~

~~1. Death or serious illness of an employee or an employee's immediate family;~~

~~2. Retirement of a City employee.~~

~~E. Funds to the Public Relations Account. The public relations account is to be funded solely from the pay of Council members by payroll deduction. The amount deducted shall be decided by a vote of the Council.~~

~~F. Review of Public Relations Account Expenditures. The Council Chair shall have general responsibility to see that all expenditures are made properly. Disbursement from the Account shall require authorized signature. Those authorized to sign on the Account are the Council Chair, Council Vice-Chair, Council Executive Director or a designee appointed by the Council Chair in writing.~~

~~G. Expenses Relating to Neighborhood Meetings. Costs associated with Neighborhood meetings shall be funded from the Council Office budget.~~

~~H. Cellular Phones. Council Members will be provided with cellular phone allowances for use in conducting City business during their term of office as determined by the City cell phone policy.~~

~~I. Electronic Device. Council Members will be provided an iPad or similar tablet for use in conducting City business during their term of office.~~

~~J. Expense Allowance. Council Members will be provided a monthly allowance to offset the costs for meetings, meals and local travel while conducting City business during their term of office.~~

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Ethics

Municipal Officers' and Employees' Ethics Act

The Ethics' Act is found in Utah Code 10-3-1301 and Murray City Municipal Code Chapter 2.46 and 2.47 and applies to all elected and appointed officers and employees of a city. At the beginning of each calendar year, council members shall read and agree to Murray City's Code of Ethics ordinance.

The law makes it a crime to:

- Improperly use private, controlled, or protected information.
- Use a person's official position to further personal economic interest or privileges.
- Receive a gift of substantial value, although, an occasional gift having a value of \$50 or less is allowed.
- Receive compensation for assisting any person or entity in any transaction with the City.
- Use City property and resources for non-City or personal use. This includes, but is not limited to, computers and other office equipment; tools and building materials; City services; City rooms and buildings; and any other facility, property, or resource having a value. Under no circumstances may City personnel conduct any form or part of a private business in City facilities or using City resources. Incidental and de minimus personal use of telephones, computers, and other office equipment, where such use does not interfere with City business, is permitted.

Disclosure of Conflict of Interest:

- Written – A written disclosure statement is required to be filed upon first getting elected, whenever there is a change in the nature of conflict, and at the beginning of each year of service.
- Oral – An oral disclosure must be made in an open meeting to the members of the body of which one is a member immediately before the discussion about the topic involved in the conflict of interest.

Ethics Commission Murray City Municipal Code Chapter 2.47:

- The purpose of the commission is to review, hold hearings, deliberate, and make official findings and recommendations regarding complaints against City officers and employees for alleged violations of ethics standards.
- The ethics commission consists of five (5) members who must have been City residents for at least three (3) years. Members of the commission are appointed by the Mayor with Advice and Consent of the City Council.

Discrimination and Harassment

Anti-Harassment Policy

It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. ~~Toward this end, the~~The City will not tolerate harassment of any kind that is made by ~~City Councilmembers councilmembers~~ toward fellow ~~Councilmembers councilmembers~~, ~~City city Staff staff~~ or members of the public. ~~City~~ Councilmembers are expected to show respect for one another and the public at all times, despite individual differences.

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin, age (40 or older), disability, genetic information, marital status, sexual orientation, honorably discharged veteran or military status or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. In some circumstances, it can be deemed unlawful discrimination that violates federal laws and/or state laws. The making of demeaning comments, whether verbally or in writing, or use of unwelcome epithets, gestures, or other physical conduct, based on the above-referenced protected classes, toward employees, Councilmembers or members of the public are prohibited. Councilmembers are strongly urged to report all incidents of harassment.

Sexual harassment is a form of unlawful discrimination.

Reporting Discrimination or Harassment

If the incident involves a city employee, or an appointee to an advisory board or a commission, the incident should be reported as soon as possible to the Mayor.

If the incident involves a Councilmember, the incident should be reported as soon as possible to the City Attorney.

All complaints will be investigated promptly. Upon receiving a complaint, an investigation shall be initiated within 24 hours, or as reasonably practicable, usually, by the end of the next business day.

All complaints will be kept confidential to the fullest extent possible and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those ~~with-athat~~ need to know. Any special concerns about confidentiality will be addressed at the time they are raised.

Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The ~~City~~-Council will take whatever action it deems necessary to prevent an offense from being repeated.

The ~~City~~-Council will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.

Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was

received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.

Appendices

Council staff are responsible, and authorized, to update the Appendices as necessary. Except for the actual text of the Council Handbook included herein, council staff may update, amend, format, and organize the Appendices without first seeking council approval.

Appendix 1 – Murray City Organizational Chart

Appendix 2 – Elected and Appointed Officials and Executive Team

Appendix 3 – Committee of the Whole Meeting Procedures

Appendix 4 – Council Meeting Procedures

Appendix 5 – City Council Travel Policy

Appendix 6 – City Hall Policies

Appendix 7 – Councilmember Initiative Request Form

Appendix 8 – Annual Disclosure Statement

Appendix 9 – Roberts Rules of Order – The Basics

Appendix 10 – Glossary of Acronyms



Murray City Municipal Council



Handbook



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Foreward

This Handbook provides information and guidelines to Murray City ("City") Council Members ("Council Members") regarding their powers, duties, responsibilities, and procedures. These guidelines shall be used to train Council Members.

Failure to follow the guidelines provided in this Handbook shall not invalidate any action taken by the Council or be deemed a violation of any law, although, some sections of this Handbook are taken from Utah Code and Murray City Municipal Code. Unless required by law, the Council may, at times, suspend application of certain guidelines provided in this Handbook.

The Council may revise the contents of this Handbook as needed.

This Handbook is effective September 3, 2013 and shall remain in effect unless amended otherwise by the Council.

This Handbook has been revised and updated November of 2019 for training purposes.

Commented [JK1]: This section has been combined with the "Introduction" section of the Council Rules. The combined information can be found in the "Foreword" section of the new Policies and Procedures.



I. Form of Government

A city or town is a creation and subdivision of the State of Utah and has only those powers specifically given them by an act of the state legislature. In Utah there are a series of enabling acts, which give specific duties and authority to cities and towns. These are found generally in the Utah Municipal Code, Title 10, of the Utah Code.

Murray City initially created a Mayor-Council form of government upon incorporation in 1901. In 1911, a State law changed the form of government for cities of the First and Second Class in Utah from the old council form to the Commission form of government. This form was reversed in 1981, by a City election when the City adopted the Mayor-Council (or Strong Mayor) form of government, which included an elected Mayor and five City Council members. In 2008, the legislature repealed the Optional Forms of Municipal Government Act and recodified the provisions in what is now called the Forms of Municipal Government. Municipalities that had previously adopted the Mayor-Council form of government continue on in the new Council-Mayor form of government. Other municipalities with that form of government include Logan, Ogden, Marriott-Slaterville, Salt Lake City, South Salt Lake City, Taylorsville City, Murray City, Sandy City and Provo City. (Utah Code 10-3b-201, et seq.) West Jordan becomes a Council-Mayor form in January 2020.

The Council-Mayor form of government vests power in two separate, independent, and equal branches that mimic Utah and United States government with inherent checks and balances, and a Justice Court.

- A. The Mayor is the chief executive and administrative officer of the municipality and exercises supervision over the executive and administrative departments and divisions of the City.
- B. The Murray City Council exercises the legislative powers of the City and consists of five Council Members elected from five separate geographic Council districts of substantially equal population in the City.
- C. The Mayor and Council Members are elected for four-year staggered terms.
 - 1. Elections for Council Districts 1, 3, and 5, shall be held in the year preceding a presidential election year.
 - 2. Elections for Districts 2 and 4 along with the Mayor shall be held in the year following a year in which a presidential election was held.
 - 3. All municipal elections are non-partisan.

Commented [JK2]: This section can be found in the "Murray City's Form of Government" section of the new Policies and Procedures.

Commented [JK3]: This section can be found in the "Municipal Elections" section of the new Policies and Procedures.



II. Legislative Power

The Utah Supreme Court has defined legislative powers as policymaking powers. Legislative power, as distinguished from Executive power, is the authority to make laws, but not to enforce them or appoint the people charged with the duty to enforce. The power to enforce and to appoint are executive function. They are the acts necessary to carry out legislative policies and purposes and are deemed acts of administration.

A policy is a deliberate system of principles to guide decisions and achieve outcomes. It is a statement of intent, and is implemented as a procedure or protocol.

It is the responsibility and prerogative of the Council to create, develop, revise, and approve policy for the City. Policy directives are used by the Mayor and Council in strategically moving the City forward and advancing any particular initiative.

Policy may be adopted by ordinance or resolution in a public meeting, duly noticed, and adopted by the Council acting as a group.



III. Mayor's Powers and Duties

- A. The Mayor is the chief executive officer of the City exercising executive powers and supervising the performance of administrative duties and functions of the City.
- B. The Mayor shall:
1. Enforce the laws of the City ;
 2. Execute the policies adopted by the City Council;
 3. Supervise employees of the City, except staff to the City Council;
 4. Exercise control of all departments and divisions of the City;
 5. Hire and make all appointments of City administration, officers, department directors, committees, boards, and commissions, subject to City Council advice and consent where required by state law. Reports any dismissal to the City Council;
 6. Prepare the annual City budget;
 7. Keep the City Council informed as to the needs and financial condition of the City, including an annual report of the City's affairs;
 8. Issue administrative regulations and general procedures, that are not in conflict with City or state laws;
 9. Inform the City Council of changes in programs, regulations and procedures.
- C. The Mayor may veto ordinances, tax levies and appropriations, subject to City Council veto override as provided by state law.
- D. The Mayor under the council-mayor form does not vote or chair the meetings of the Council.

Commented [JK4]: This section can be found in the "Powers and Duties of the Mayor" section of the new Policies and Procedures.



IV. City Council Powers and Duties

- A. The City Council is the legislative body of the City. The Utah Supreme Court has defined legislative powers as policymaking powers.
- B. The City Council shall:
1. Exercise legislative powers of the City;
 2. Pass ordinances and resolutions;
 3. Prescribe general policies to be followed by the Mayor in exercising executive power;
 4. Appropriate funds, setting appropriate tax levies for general City and Library services;
 5. Adopt the City budget;
 6. Review municipal administration;
 7. Establish sewer, water, storm water, and power rates;
 8. Set other general tax and service rates;
 9. By ordinance, provide for the manner in which city property is bought, sold, traded, encumbered or otherwise transferred;
 10. Provide for the manner in which a subdivision or annexation is approved, disapproved or otherwise regulated;
 11. Supervise, appoint, direct its own staff and establish job descriptions and compensation;
 12. Give advice and consent to the Mayor on all proposed appointments of City department directors, statutory officers, boards, commissions, committees or other bodies established to provide advice or assistance to the operation of the City.
- C. The City Council may:
1. Review and monitor City administration, conduct public hearings and perform other duties as authorized by state law;
 2. Create, consolidate, or abolish departments; and define or alter the functions and duties of each department;
 3. Appoint a committee of City Council Members or citizens to conduct an investigation into a department of the City; or any other matter relating to the welfare of the City;
 4. Make and enforce any additional rule or regulation for its internal operations, the preservation of order, and the transaction of the City Council's business that it considers necessary;
 5. Notwithstanding Section 2.04.030 C 2. of City Code make recommendations to any City employee;

Commented [JK5]: This section can be found in the "Powers and Duties of the City Council" section of the new Policies and Procedures.



IV. City Council Powers and Duties

6. Reconsider a Mayor's veto at the next meeting following such veto. The Council approves the action by a two-thirds majority of all Council Members for the ordinance, tax levy or appropriation to take effect.

D. A City Council Member may not:

1. Have any other compensated employment with the City;
2. Interfere in any way with a City employee's performance, other than Council staff, or publicly or privately give orders to a City employee of the Mayor.

E. Vacancy in Elected Office: If a Council Member or mayor vacates his/her seat before the term of office expires, the City Council shall fill the vacant seat in the following manner.

1. Applicants shall be qualified for the office in accordance with all applicable State laws and City ordinance.
2. Applicants shall complete an application form available through the City Council office.
3. Within thirty (30) days of the occurrence and declaration of such Vacancy, the Council shall appoint a qualified resident of the City or the appropriate Council District to fill the unexpired term. This shall occur in a duly noticed Council meeting.
4. In the case of vacancy in the office of mayor, the City Council Chair shall become acting Mayor until the vacancy in the office of the Mayor is filled as provided.

Commented [JK6]: This section can be found in the "City Council Powers and Duties" section of the new Policies and Procedures.

Commented [JK7]: This section has been combined with the "Vacancy in Elected Office" of the Council Rules. The combined information can be found in the "Vacancy in an Elected Office" section of the new Policies and Procedures.



V. Murray City Council Processes

- A. Ordinances and resolutions may be initiated by either the City Council or the Administration.
1. City Council initiatives: Council Members may sponsor proposed legislation. Consult with the Council Executive Director, conduct research, and determine process and timing. Hold a Committee of the Whole or Council workshop for discussion and determine fellow Council Members support. Work with the City Attorney's office on proposed ordinance or resolution wording. Present to the City Council for consideration at a Council Meeting.
 2. Administrative issues: Research is conducted by the departments in conjunction with the Mayor. Ordinances and/or resolutions are created before being presented to the City Council.
 3. Ordinances and Resolutions are used to exercise Council responsibilities, such as:
 - Adopting policy;
 - Adopting the tax levy and annual budget;
 - Setting service rates—water, power, golf, etc.
 - Approving master plans, annexations, zoning revisions, and other land use matters.
- B. Advice and Consent: Certain positions are appointed by the Mayor with Advice and Consent of the Council. Upon presentation to the Council of an appointment, the Council must either approve or reject the Mayor's appointment. The process is as follows:
1. Department Directors, City Engineer, City Treasurer, and City Recorder.
 - The Mayor forwards a proposed appointment to the Council with application, resume, and references.
 - The Council may schedule an open or closed session to interview the candidate before Advice and Consent is considered.
 - Following the interview Council Advice and Consent will be determined in an open Council meeting.
 2. Representatives to quasi-governmental boards, City boards and commissions.
 - The Council may conduct Advice and Consent based on applications and resumes.

Commented [JK8]: This section can be found in the "Governance" section of the new Policies and Procedures.



V. Murray City Council Processes

- C. Budget: Each fiscal year (July 1—June 30) the Council has the responsibility to adopt the annual City Budget including the Capital Improvement Program allocations. A budget can be a planning tool to convey what the City expects to accomplish during the fiscal year. The budget should be a reflection of policy priorities, an operations plan, and a tool for communicating to the public how revenues are used in the City's best interests.
1. Early in the calendar year, the Council may meet with the Finance Director to discuss revenue forecasts and expenditure priorities for the coming year. The Finance Director will relay this information in meetings with the Mayor as he/she prepares the Mayor's Budget.
 2. The Mayor works with the Finance Director and Department Directors to determine appropriate funding of public service levels, personnel costs, operations of City departments, operations and maintenance of City facilities and equipment, capital improvement projects, and proposed revenue and reserve balances.
 3. The Capital Improvement Program Committee will meet in the Spring to review the proposed capital expenditures for the fiscal year. Recommendations will be included in the Mayor's Tentative Budget.
 3. The Mayor's Annual Tentative Budget: As provided in State Code, the Mayor's Tentative Budget must be submitted to the Council by the first regular Council meeting in May.
 4. Council Review and Department Meetings: The Council has the right to adjust, in whole or in part, the Mayor's tentative budget. The Council will meet with each Department Director to review budgets and make adjustments.
 5. The Council's Tentative Budget will be adopted during a Council meeting in May and a public hearing will be set for a Council meeting in June.
 6. Transfers from Enterprise Funds: As provided in State Code, if transfers from enterprise funds are included in the budget a notice must be sent to utility customers and a separate public hearing must be held.
 7. Budget Public Hearing: As provided in State Code, a budget public hearing shall be held in June. Changes to the tentative budget may be made following the public hearing.
 8. Budget Final Adoption: Final adoption of the City Budget must occur before June 30.
 9. Property Tax Increase proposed: The process changes if a property tax increase is proposed in the budget. A Truth in Taxation hearing will be set by the county and the final budget approval must occur before September 1 of the budget year.
 10. A property tax levy for the City and Murray Library shall be adopted by the City Council.
 11. Appropriations may not exceed estimated revenue in the final budget.
 12. The Council Executive Director will prepare the budget policy intent document to be considered and adopted with the budget.

Commented [JK9]: This section can be found in the "Budget Oversight and Process" section of the new Policies and Procedures.



V. Murray City Council Processes

D. Annual Audit and Comprehensive Annual Financial Report (CAFR): As provided in State Code the City is required to have an annual independent audit or review of the City's basic financial statements and Comprehensive Annual Financial Report to determine whether the City's financial reporting accurately reflects the financial condition of the City.

1. The City Council is responsible for hiring the audit firm as set forth in the Rules of the Murray City Council and according to the City procurement ordinance.
2. The financial audit shall be completed, presented to the City Council, and submitted to the State Auditor before December 31 of each year.
3. The CAFR assists the City Council in reviewing municipal administration and providing financial oversight of the City's financial affairs.

E. Review of Municipal Administration: The Council may exercise its oversight role of the City administration by conducting management, performance and service reviews that may target a particular department or program. The scope of the review may include examination of efficient and effective service levels, the effectiveness of programs or departments. Suggested process may include:

1. Proposed reviews can be placed on a Committee of the Whole or Council Workshop agenda for Council discussion.
2. Internal reviews may include members of the Council and administration on a review team.
3. If an outside consultant is used, the City procurement ordinance shall be followed. The Council shall have the final decision regarding consultant selection for the review process.
 - The administration should be informed of the Council's concerns.
 - A steering committee should be established with Council members and appropriate staff to assist in the review process.
 - The details and objectives of the review shall be discussed and a timeline established.
 - Interim meetings of the steering committee and consultant may be necessary.
 - A final draft of the consultants' findings should be prepared and presented at a Committee of the Whole meeting.
 - Once the final report has been presented to the Council, the Mayor will have an opportunity to respond to the recommendations, and outline how the recommendations may be implemented.

Commented [JK10]: his section can be found in the "Audit" section of the new Policies and Procedures.

Commented [JK11]: This section can be found in the "Governance" section of the new Policies and Procedures.



V. Murray City Council Processes

F. Land Use— Utah municipalities have been granted broad powers to control land use and development by the Utah State Legislature. In part the statute reads:

“The purposes of this chapter are to provide for the health, safety, and welfare and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base.....” (Utah Code 10-9a-102.)

However, that power is limited by the procedures you have to follow to exercise the power and by both State and Federal statutory and constitutional law.

As a Council Member you will likely consider:

1. General Plan adoption or amendments;
2. Land Use ordinance text amendments;
3. Rezoning applications;
4. Vacation of City property;
5. Surplus of City property;
6. Annexations.

These actions are public hearings so that citizens may provide input on the decisions to be made.

Public Hearings have very specific noticing requirements.

City process includes:

1. Applications taken by Community and Economic Development Department;
2. Staff meetings to determine feasibility, infrastructure, transportation impacts, surrounding land use, etc.;
3. Staff recommendation;
4. Planning Commission hearing;
5. Possibility of City advisory board review;
6. City Council Committee of the Whole meeting discussion;
7. City Council Meeting public hearing and consideration.

These are very challenging issues not to be taken lightly. Most often the Council is making decisions affecting a landowner's private property interests and balancing that with what is in the best interests of the City. Be conscience of public clamor and ex parte communication.

Commented [JK12]: This section can be found in the "Land Use" section of the new Policies and Procedures.



V. Murray City Council Processes

- G. Requests for Information—Council Members or Council committees may request information from the Mayor.

The Mayor is required to inform the Council regarding financial and operational conditions of the City. A Mayor's report to the Council is customarily given at the end of each Council meeting. Additionally, the Mayor sends a weekly "Council Communication" updating the Council on City matters.

The City Attorney and Finance Director serve both the Council and the Mayor. Requests from these departments do not need to go through the Mayor. Requests to other department directors or staff members are inappropriate and considered a violation of separation of powers.

Commented [JK13]: This section can be found in the "Governance" section of the new Policies and Procedures.



VI. Meetings

- A. State Municipal Code does have some mandatory rules for meeting procedure that must be complied with.
1. All councils are required to adopt some rules of procedure.
 2. Cities and towns must pass an ordinance prescribing City Council meetings. A regular Council Meeting must be held at least once a month.
 3. The annual meeting schedule shall be published in a newspaper of general circulation detailing the date, time, and location of regular meetings. In general Murray Council meetings are on the first and third Tuesdays of the month.
 4. All meetings of the Legislative body in any municipality are required to follow the Open and Public Meeting Act, which does specify limited reasons for closing a meeting. (See Appendix)
 5. The minimum public notice for a Council meeting is 24 hours with the agenda, time, and place detailed. There is a provision for emergency meetings.
 6. The Murray City Council shall conduct its meeting according to the most current edition of *Robert's Rules of Order*.
- B. Meeting Decorum—Decorum is a high priority for all government processes and meetings. Maintaining respect for all involved in the process is paramount. When someone is addressing the Council or Council Members are discussing a matter, they have the floor and are entitled to be fully heard. Hissing, applause, loud sighing, shaking ones' head in agreement or disagreement, talking to others or distracting any participant is a discourtesy to the process. In the spirit of impartiality, due process, safety, and the preservation of decorum, citizens and Council Members alike should never show an outward response to debate, comments or presentations during Council meetings. It is the responsibility of the conducting officer to safeguard the decorum of Council meetings.
- C. Quorum—The number of Council Members that must be present to legally transact business. A quorum is three (3) Council Members physically present.
- D. Request for Council Action
1. A Council Action Log is kept with future council topics scheduled by meeting. The Council Chair and Executive Director meet weekly with the administration to review and approve the Council Action Log.
 2. A Council Action Request form is submitted to council staff prior to the preliminary agenda preparation. The form with supporting documentation is processed in the Council office and placed on a Council Meeting agenda for consideration.
 3. Land use matters follow a slightly different process with packets coming to Council staff directly from Community and Economic Development following Planning Commission review.

Commented [JK14]: This section has been combined with "Organization - section G; page 2" and the "Meetings sections; pages 2-4" of the Council Rules. The combined information can be found in the "Meetings" section of the new Policies and Procedures.



VI. Meetings

- E. **Agenda Process**—Agendas are prepared by council staff and approved by the Council Chair.
1. Business items are scheduled for Committee of the Whole discussion prior to Council consideration in a Council Meeting. Committee of the Whole is an educational forum.
 2. Preliminary agenda and supporting documents are distributed to Council Members approximately eleven (11) days prior to the meeting.
 3. Council Members may request more information or ask to postpone a business item until their request is satisfied.
 4. The final agenda will be noticed according to Open and Public Meeting Act requirements, and final documents will be distributed to Council Members the Friday prior to a Tuesday meeting.
 5. Council Members may not act on any topic that was not previously noticed on the Council Meeting agenda.
 6. Order of business is detailed in the Council Rules.
 7. The presiding officer at Council Meetings shall be rotated monthly among Council Members according to district.
- F. **Electronic Participation**—Council Members may participate in Council Meetings by electronic communication. A quorum of three (3) Council Members must be physically present in the noticed meeting place. The electronic participation must be audible to the public. Electronic meetings must be properly noticed.
- G. **Voting**—To approve or change an ordinance or resolution, or take action on any item, three (a majority) or more Council Members must vote together. State law requires a roll call vote to be taken and recorded for all ordinances, resolutions or any other action. Roll call will be taken by aye (yes) or nay (no) vote. Council consideration may include:
1. Approve an action with a positive majority vote;
 2. Deny an action item with a negative vote;
 3. Take no action with no motion or second;
 4. Continue an item to a future specified date with a majority vote, which may affect the validity of the current legal notice;
 5. Refer an item to a Committee of the Whole, workshop, Council committee, convene an ad hoc committee, or refer to Council or Mayor Staff for more information. It is typical to designate a "report back to the Council" date.
- H. **Abstaining**— If a Council Member chooses to abstain from a vote, it has the same effect as voting against the motion.
- I. **Reconsideration**—A Council Member may move to reconsider a vote of the Council at one of the following two Council meetings, but only if that Council member voted with the prevailing side at the time of the vote.

Commented [JK15]: This section has been combined with "Organization - section G; page 2" and the "Meetings sections; pages 2-4" of the Council Rules. The combined information can be found in the "Meetings" section of the new Policies and Procedures.



VI. Meetings

- J. **Mayoral Veto** —The Mayor may veto ordinances, tax levies and appropriations, subject to City Council veto override as provided by state law. If the Mayor vetoes a Council action, reasoning in writing must be explained to the Council within fifteen (15) days.

The Council may reconsider a Mayor's veto at the next meeting following such veto. The Council may override the Mayor's veto by a two-thirds majority of all Council Members (4) in favor of the ordinance, tax levy or appropriation for it to take effect.

- K. **Absences**—Any Council Member absent for more than six meetings and not excused by a majority of the other Council Members shall forfeit whatever leadership position that Council Member holds. Any Council Member exceeding these guidelines may appeal the matter to the Council and the Council may excuse any of the absences and waive the penalty.

- L. **Minutes**—Public meetings are recorded. Written minutes are extrapolated from the digital audio recording of the meeting. Both the written and audio records are available to the public upon request.

Council minutes are a written record of the proceedings during the actual Council meeting. They reflect the substance of what actually occurred in the Council meeting. Council Members are required to approve the minutes. Corrections, deletions, or additions to factual information, quoted statements, meeting events, and official Council actions should be made prior to approval of the minutes.

Editorial corrections may be submitted to the Council staff prior to a public meeting.

Commented [JK16]: This section has been combined with "Organization - section G; page 2" and the "Meetings sections; pages 2-4" of the Council Rules. The combined information can be found in the "Meetings" section of the new Policies and Procedures.



VII. Committees

Committees—The City Council Members participate in a number of committees.

- A. Committee of the Whole—The entire membership of the Legislative body sitting as a committee.
 - 1. Less formal venue typically used as an educational forum.
 - 2. Questions of the presenter are encouraged.
 - 3. Direction may be requested of the Council.
 - 4. Presentations are first heard in a Committee of the Whole before consideration in a Council Meeting.
 - 5. Council committee service is often decided in a Committee of the Whole meeting.
- B. Budget and Finance Committee—Made up of the entire membership of the City Council.
 - 1. Convenes to review the annual budget appropriations and revenue for the City.
 - 2. May convene for other budgetary reports and explanations.
- C. Capital Improvement Program (CIP) Committee—The Capital Improvement Program identifies and prioritizes capital projects, equipment purchases, maintenance, and provides a planning schedule which also identifies financing options for infrastructure and assets.
 - 1. Adopted as part of the annual budget process.
 - 2. Committee meets in the spring to review requests and prioritize capital projects.
 - 3. Two Council Members are assigned annually to a five member CIP committee. The Mayor, the Mayor's Chief of Staff, and the Finance Director make up the other members of the CIP committee.
- D. Other Committees—May be formed as necessary by majority vote of the Council. Membership, responsibilities and goals shall be assigned when committee is formed.
- E. Municipal Building Authority—Made up entirely of Council Members. Annual meeting is usually held in November each year to elect officers for the ensuing year. Other meetings may be called as necessary.
- F. Redevelopment Agency (RDA) - Council Members serve as the Board of the Redevelopment Agency. The Mayor is the Executive Director of the RDA and may delegate responsibilities. Meets monthly on the third Tuesday.
- G. Board of Canvassers— The Mayor and legislative body are the Board of Canvassers for the municipality. The canvassing of returns from a municipal election shall be done no sooner than seven (7) days and no later than fourteen (14) days. Simple majority constitutes a quorum.
- H. Murray City School Coordinating Council—Members of the CSCC consist of the Murray School Board and Murray City Council. The purpose is sharing of information. This Council meets three times a year.
- I. Outside Committees—Council will determine membership in outside committees at the first Committee of the Whole meeting of the year. These committees include, Association of Municipal Councils, Capital Improvement Program, New City Hall Committee, ULCT Legislative Policy Committee, Chamber of Commerce Board, and Business Enhancement Committee.

Commented [JK17]: This section has been combined with the "Organization: E. Committees" section of the Council Rules. The combined information can be found in the "Committees" section of the new Policies and Procedures.



VII. Committees

Interlocal Boards with Murray Representation– These appointments are made by the Mayor with Advice and Consent by the City Council, with exception of the last three listed below.

- A. Utah Association of Municipal Power Systems (UAMPS)
- B. Intermountain Power Agency (IPA)
- C. Trans Jordan Cities
- D. Utah Telecommunications Open Infrastructure Agency (UTOPIA)
- E. Utah Infrastructure Agency (UIA)
- F. Community Action Program (CAP)
- G. Jordan River Commission
- H. Valley Emergency Communications Center (VECC)
- I. Metro Fire
- J. Central Valley Water Reclamation
- K. Wasatch Front Waste and Recycling District
- L. NeighborWorks
- M. Council of Governments (Mayor)
- N. Association of Municipal Councils (Council Member)
- O. Chamber of Commerce Board (Council Member)
- P. Utah League of Cities and Towns Legislative Policy Committee (Mayor and Council Member)

Murray City Advisory Boards– These boards and commissions are established by City ordinance. Appointments are made by the Mayor with Advice and Consent by the City Council.

- A. Arts Advisory Board
- B. Building Code Board of Appeals
- C. Ethics Commission
- D. Hearing Officers (Land Use Appeals)
- E. History Advisory Board
- F. Murray Library Board of Directors
- G. Murray City Center District Design Review Committee
- H. Parks and Recreation Advisory Board
- I. Personnel Advisory Board
- J. Planning Commission
- K. Senior Recreation Center Advisory Board
- L. Shade Tree Commission

South Salt Lake Valley Mosquito Abatement District—A Murray City representative to the Board of Trustees must be appointed by the City Council for a four (4) year term. The last appointment was made in January of 2018.

Commented [JK18]: This section has been combined with the "Organization: E. Committees" section of the Council Rules. The combined information can be found in the "Committees" section of the new Policies and Procedures.



VIII. Council Leadership

Council Leadership—At the first Council meeting of each year, the Council elects leadership positions for the calendar year as an action item on the Council Meeting agenda. Nominations will be taken by the Council Member conducting. Once nominations are concluded for each office, voting will be by roll call or ballot. Elections take effect immediately after the vote is finalized.

- A. **Council Chair**—Council Members may not serve more than two consecutive calendar years as Chair.
 - 1. Presides at all Council meetings, except upon delegating or sharing limited conducting responsibilities with the other four Council Members. The presiding officer at Council Meetings shall be rotated monthly among Council Members according to district.
 - 2. Moves Council Initiatives and projects forward to completion.
 - 3. Sets Council meeting agendas.
 - 4. Signs all ordinances, resolutions and other official documents on behalf of the Council.
 - 5. Communicates official position statements that have been approved by the Council and is spokesperson to the media, public, official publications.
 - 6. Liaison to the Mayor on Council's behalf.
 - 7. Disseminates information from the Mayor.
 - 8. Conducts Committee of the Whole and Workshop meetings.
 - 9. Supervises Council staff as detailed in the Council Rules.
- B. **Council Vice-Chair**—Elected for one calendar year.
 - 1. Presiding Officer in the temporary absence of the Chair.
 - 2. In the event the Chair is incapacitated due to illness or otherwise unable to attend Council meetings, Vice- Chair shall sign ordinances, resolutions and other official correspondence.
- C. **Budget and Finance Committee Chair**—Council Members may not serve more than two consecutive calendar years as Budget and Finance Committee Chair.
 - 1. Presiding officer of the Budget and Finance Committee meetings.
 - 2. Approves the agenda for Budget and Finance Committee meetings.
 - 3. Coordinates the review and recommendations for annual budget meetings, and financial reports.
 - 4. May serve on the Capital Improvement Program Committee.
 - 5. Serves on the Audit Committee.
 - 6. Other responsibilities relating to budget and finance.
- D. **Budget and Finance Vice-Chair**—Serves in the absence of the Budget and Finance Committee Chair.

Commented [JK19]: This section has been combined with the can be found in the "Organization" section of the "Council Rules". The combined information can be found in the "Council Leadership" section of the new Policies and Procedures.



IX. Ethics

Municipal Officers' and Employees' Ethics Act—The Ethics' Act is found in Utah Code 10-3-1301 and Murray City Municipal Code Chapter 2.46 and 2.47 and applies to all elected and appointed officers and employees of a city.

A. The law makes it a crime to:

1. Improperly use private, controlled, or protected information;
2. Use a person's official position to further personal economic interest or privileges;
3. Receive a gift of substantial value, although, an occasional gift having a value of \$50 or less is allowed;
4. Receive compensation for assisting any person or entity in any transaction with the City.

B. Disclosure of Conflict of Interest:

1. Written—A written disclosure statement is required to be filed upon first getting elected, whenever there is a change in the nature of conflict, and at the beginning of each year of service.
2. Oral—An oral disclosure must be made in an open meeting to the members of the body of which one is a member immediately before the discussion about the topic involved in the conflict of interest.

C. Ethics Commission Murray City Municipal Code Chapter 2.47;

1. The purpose of the commission is to review, hold hearings, deliberate and make official findings and recommendations regarding complaints against City officers and employees for alleged violations of ethics standards.
2. The ethics commission consists of five (5) members who must have been City residents for at least three (3) years. Members of the commission are appointed by the Mayor with Advice and Consent of the City Council.

Commented [JK20]: This section can be found in the "Ethics" section of the new Policies and Procedures.



X. Council Staff

The Council office staff consists of a Council Executive Director, Council Office Administrator III, and other staff hired or contracted as the Council may deem necessary. Hiring procedures are detailed in the Rules of the Murray City Municipal Council. The Council Executive Director is supervised by the Council Chair.

A. Duties of the Council Executive Director include, but are not limited to:

1. Serves as a liaison to the administration;
2. Meets all requirements of the Open and Public Meeting Act;
3. Coordinates activities related to agenda requests;
4. Coordinates agenda preparation and analysis;
5. Conducts research as requested by Council members;
6. Helps coordinate and provide policy analysis;
7. Coordinates Council activities associated with City budget analysis, review, and adoption;
8. Submits a proposed budget for Council office operations;
9. Prepares the statement of Council Intent to accompany the annual City Budget;
10. Coordinates Council activities for budget tracking throughout the year;
11. Organizes activities related to Council initiatives, administrative reviews, department auditing and other such duties correlated with the Council carrying out its responsibilities;
12. Manages Council responsibilities for coordination of the annual independent financial audit;
13. Coordinates and attends Council meetings, committee meetings, citizen meetings and other similar meetings as caused by Council members;
14. Coordinates training activities for new Council Members;
15. Attends Utah League of Cities and Towns Legislative Policy Committee meetings and reports to Council;
16. Follows pertinent State legislation and reports to Council;
17. Supervises Council Office Administrator III and other Council staff;
18. Interface with citizens as necessary.

B. Duties of the Council Office Administrator III:

1. Attend meetings of the Council and manage minute preparation and approval;
2. Oversee Council office bookkeeping;
3. Coordinate meetings and special events;
4. Organize travel arrangements;
5. Interface with the public.

Commented [JK21]: The information in this section has been combined with the information from the "Internal Provisions" section of the Council Handbook and the "Personnel" and "Finances" sections of the Council Rules. The combined information can be found in the "City Council Office" section of the new Policies and Procedures.



XI. Internal Provisions

- A. **Council Salary**— Council Salary is set by City ordinance. The Council has the authority to revise Council salary, however, it may be revised by public hearing process only. Council members are paid biweekly along with the entire City payroll. If the Council approves a cost of living adjustment for City employees during the adoption of the annual budget, City Council Members also receive the COLA.
1. **Telephone Allowance**—A cell phone allowance is paid to each Council Member for use in conducting City business during their term of office.
 2. **Expense Allowance**—Council Members are provided with a monthly expense allowance to defer the costs of conducting City business during their term of office, i.e., citizen meetings, meals, parking, and mileage within a 50 mile radius of the City.
 3. Council Members are eligible for City health care, retirement and investment benefits.
- B. **City Council Travel**—There are several conferences and events that provide excellent education, training, and professional development for elected officials. Travel is addressed under a separate Council Travel Policy.
- C. **Public Relations Checking Account**—A public relations account has been established and is funded solely by payroll deduction from Council Member pay checks. The deduction amount shall be decided or amended by a vote of the City Council. Council staff may assist in transactions and report the status of the account to Council Members periodically.
1. **Purpose**—The account is to provide a mechanism for the Council as a whole to purchase and deliver remembrances or acknowledgements. The events listed below shall be considered first priority use for the account funds; all secondary uses and donations not listed shall be approved by the Council.
 - Death or serious illness of an employee or employee's immediate family;
 - Retirement of 25 year + employee.
- C. **Electronics**—City Council Members will be provided an iPad for use in conducting City business.
- D. **Email**—City Council Members will have a Murray City email address. A City Council calendar is provided with the email system. Council staff keeps the calendar current with meetings and events.
- E. The City Code is available on the City website: www.murray.utah.gov If you prefer a hard copy of the City Code, that can be provided to you and updates will be received periodically.
- F. **Murray City Employees Association (MCEA)** - City Council Members may elect to join the MCEA with payroll deduction.

Commented [JK22]: The information in this section has been combined with the information from the "Council Staff" section of the Council Handbook and the "Personnel" and "Finances" sections of the Council Rules. The combined information can be found in the "City Council Office" section of the new Policies and Procedures.



References

Information for this Handbook has been summarized or quoted from the following sources.

1. [Utah Code Unannotated, 2019](#)
2. [City Code of Murray City, Utah](#)
3. [Utah League of Cities and Towns Powers and Duties , Eighteenth Edition, 2017](#)



Appendix

#1 Open and Public Meeting Act

#2 Murray City Code Chapter 2.48 Redevelopment Agency



Open and Public Meetings Act

A Summary of Key Provisions for Legislators | May 2019

The Open and Public Meetings Act (OPMA) requires that members of a public body be "provided with annual training on the requirements of [the Open and Public Meetings Act]" (Section 52-4-104). This document is intended to facilitate compliance with that requirement and to help legislators understand OPMA. This summary is intended for a state legislative audience and does not attempt to explain or address requirements for other public bodies. Key terms are defined at the end of the document.

OPMA's stated goal is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly (Section [52-4-102](#)).

Public Notice

(Section [52-4-202](#))

A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice is required to:

- specify the date, time, and place of the meeting;
- include an agenda that specifies the topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting; and
- be provided to a newspaper or local media correspondent.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

Minutes and Recordings

(Section [52-4-203](#))

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's office.

2019 Amendments to OPMA

- [2019 S.B. 27](#) authorizes a governmental nonprofit corporation to close a meeting to discuss trade secrets under certain circumstances.
- [2019 S.B. 72](#) provides clarification regarding the application of OPMA to and a quorum of a large public transit district.
- [2019 S.B. 165](#) amends the definition of "quorum" so that a quorum is not present when two elected members of a three-member public body meet if they take no action, regardless of whether the action relates to a subject over which the public body has advisory power.

Closed Meetings

(Sections [52-4-204](#) and [52-4-205](#))

A public body may hold a closed meeting only for certain purposes, including to discuss:

- a person's character, competence, or health;
- pending or imminent litigation;
- certain matters regarding acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- an investigation of alleged criminal conduct;
- the receipt or review of an ethics complaint, if the public body is the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee; and
- certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by a two-thirds vote with a quorum present, except that a majority vote is sufficient for closing a meeting of:

- the Health and Human Services Interim Committee to review a fatality review report;
- the Child Welfare Legislative Oversight Panel to review a fatality review report or review and discuss an individual case; or
- an ethics committee of the Legislature to receive legal advice or deliberate on a complaint.

No vote is required to close a meeting of the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

Emergency Meetings

(Section [52-4-202](#))

A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen

circumstances arise that require the public body to consider matters of an emergency or urgent nature. However, a public body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of its members approve the meeting.

Electronic Meetings

(Sections [52-4-207](#) and [JR?-1-407](#))

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Legislature's rule governing electronic legislative meetings states that a committee member may remotely participate in a public meeting if:

- the member will be more than 50 miles away from the meeting location;
- at least three days before the meeting, the member requests permission of the chair to participate from a remote location; and
- the chair obtains permission from the speaker of the House of Representatives and president of the Senate to conduct an electronic meeting.

Penalties

(Sections [52-4-302](#) and [52-4-305](#))

Open Meetings - Any final action taken in a meeting that is in violation of certain open-meeting provisions of OPMA is voidable by a court.

Closed Meetings - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA.

Definitions (Section [52-4-103](#))

Meeting means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power.

Meeting does not mean a chance or social gathering or a convening of a public body that has both legislative and executive responsibilities in certain circumstances.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Public body does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee of the Legislature.

Appendix 2

Chapter 2.48 REDEVELOPMENT AGENCY OF MURRAY CITY 0

2.48.010: DESIGNATED: ROLE AND MISSION:

2.48.020: RULES: APPROVAL:

2.48.030: POWERS:

2.48.010: DESIGNATED; ROLE AND MISSION: 0

The City Council is designated as the board of the Redevelopment Agency (Agency), sometimes referred to as the Community Development and Renewal Agency, of the City pursuant to the provisions of Title 17C of the Utah Code, the Limited Purpose Local Government Entities - Community Reinvestment Agency Act. The Mayor, or the Mayor's designee, shall serve as the executive director of the Agency and shall exercise the executive powers of the Agency. (Ord. 16-17)

2.48.020: RULES; APPROVAL: 0

The rules governing participation and preference by owners, operators of businesses and tenants of the Agency for a redevelopment or economic development project area adopted by the Agency on April 12, 1999, as amended, be and the same are hereby approved. (Ord. 16-17)

2.48.030: POWERS: 0

A The Agency may:

1. Enter into contracts generally.
2. Buy; obtain an option upon; otherwise acquire any interest in; sell; convey; grant; dispose of by gift; otherwise dispose of any interest in; or enter into a lease agreement on, either as lessee or lessor, real or personal property.
3. If disposing of or leasing land, retain, control or establish restrictions and covenants running with the land consistent with the applicable project area plan.
4. Provide for urban renewal, economic development, and community development.
5. Receive tax increment as provided in Title 17C of the Utah Code.
6. Accept financial or other assistance from any public or private source for the Agency's activities, powers and duties and may extend any funds so received for any of the purposes of such act.
7. Borrow money or accept financial or other assistance from the state or the federal government for any redevelopment project within its area of operation and shall comply with any conditions of such loan or grant.

7. Borrow money or accept financial or other assistance from the state or the federal government for any redevelopment project within its area of operation and shall comply with any conditions of such loan or grant.
 8. Issue bonds to finance the undertaking of any urban renewal, economic development, or community development or for any of the Agency's other purposes, including:
 - a. Reimbursing an advance made by the Agency, or by the City Council or federal government to the Agency;
 - b. Refunding bonds to pay or retire bonds previously issued by the Agency; and
 - c. Refunding bonds to pay or retire bonds previously issued by the City for expenses associated with an urban renewal, economic development, or community development project.
 9. Sue and be sued.
 10. Transact other business and exercise all other powers provided for in Title 17C of the Utah Code.
- B. The Agency may not adopt a resolution, pass a motion, or take any other official action without the concurrence of at least a majority of the board members present at a meeting at which a quorum is present. A majority of board members constitutes a quorum for the transaction of Agency business. (Ord. 16-17)

RULES OF THE MURRAY CITY MUNICIPAL COUNCIL MURRAY CITY CORPORATION

Adopted January 5, 1982. Re-adopted February 23, 1988. Amended April 26, 1988. Amended August 23, 1988. Amended April 25, 1989. Amended July 11, 1989. Amended December 12, 1989. Amended January 28, 1992. Amended January 25, 1994. Amended August 23, 1994. Amended July 11, 1995. Amended March 10, 1998. Amended June 9, 1998. Amended September 21, 1998. Amended January 4, 2000. Amended January 16, 2001. Amended May 15, 2001. Amended January 8, 2002. Amended April 29, 2003. Amended November 13, 2007. Amended October 7, 2008, October 20, 2009. Amended November 17, 2009, September 3, 2013, amended February 14, 2017, amended March 20, 2018, amended August 27, 2019, amended October 15, 2019, amended July 5, 2022.

I. INTRODUCTION

A. Function of Rules. These Rules shall be the governing procedures of the Murray City Municipal Council, hereafter referred to as the "Council".

B. Adoption. The Council shall adopt these Rules in a regular Council meeting.

C. Amendment. Any member of the Council may propose amendments to these Rules. Amendments shall be submitted in writing to Council members. Amendments shall be approved by a two-thirds vote of the entire Council in a regular Council Meeting.

D. Suspension. The Council may suspend the Rules by a two-thirds vote of Council members present.

II. ORGANIZATION

A. Chair. A Chair shall be elected for each calendar year by majority vote of the Council in the first regular Council meeting in January. Council members may not serve more than two consecutive calendar years as Chair.

The Chair shall be a member of the Council and its presiding officer, sign all ordinances, resolutions, and official correspondence, supervise staff, approve Council agendas, issue Council-approved press releases, represent the Council at meetings, represent the Council at official ceremonies where required, and shall serve as official spokesperson for the Council. The Chair shall also perform all other such duties prescribed by these Rules.

B. Vice-Chair. A Vice-Chair shall be elected for each calendar year by majority vote of the Council in the first regular meeting in January.

The Vice-Chair shall be the presiding Council officer in the temporary absence of the Chair, in the event that the Chair is incapacitated due to illness or is otherwise unable to attend Council meetings and shall sign as the Chair on all ordinances, resolutions, and official correspondence.

C. Vacancy in Office of Chair. In the event that the Chair shall vacate his/her office for any reason before the term has expired, the Vice-Chair shall become Chair for the remainder of that term.

D. Vacancy in the Office of Vice-Chair. In the event that the Vice-Chair shall vacate his/her office for any reason before his/her term has expired, the Council members, by a simple majority vote, shall elect a Vice-Chair to complete the term at the first regular Council meeting following the

Commented [JK1]: This section has been combined with the "Foreword" section of the Council Handbook. The combined information can be found in the "Foreword" section of the new Policies and Procedures.

vacancy announcement.

E. Committees. The Council shall have two standing committees: (1) Committee of the Whole and (2) Budget and Finance Committee.

1. The Budget and Finance Committee will convene exclusively for budget related meetings.
2. Ad hoc committees may be formed as necessary by majority vote of the Council.

F. Committee Membership. Each Council member shall be a member of both standing committees. The membership of ad hoc committees shall be determined by the Council at the time such committees are created.

G. Committee Chairs. Committee Chairs shall be as follows:

1. The Council Chair shall serve as the Chair of the Committee of the Whole.
2. A Chair and Vice Chair of the Budget and Finance Committee shall be elected for a term of one calendar year in the first regular Council meeting in January. Council members may not serve more than two consecutive calendar years as Chair of the Budget and Finance Committee.
3. Board and Committee Membership. Membership on the following committees shall be determined in the Committee of the Whole meeting.
 - a. Association of Municipal Councils/Salt Lake County Council of Governments
 - b. Utah League of Cities and Towns/Legislative Policy Committee.
 - c. Murray Area Chamber of Commerce Board.
 - d. Other committees as deemed necessary.

Committee members above shall be elected for a term of one calendar year in the first regular Committee of the Whole meeting in January.

I. Absences. Council Members shall forfeit any leadership position by failing to attend four consecutive regular meetings of the Council (not including Work Sessions) without being excused by the Council. Members of the Council may ask to be excused by following the procedure described in this paragraph. The member shall contact the Council Chair (and if the Chair seeks an excused absence, the Vice-Chair) prior to the meeting and state the reason for the inability to attend the meeting. If the member is unable to contact the Chair, the member shall contact the Vice-Chair or the Executive Director, who shall convey the message to the Chair. Following the call to order, the Chair (or councilmember conducting) shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and appropriate notations in the minutes.

Commented [JK2]: This section has been combined with the "Council Leadership" section of the Council Handbook. The combined information can be found in the "Council Leadership" section of the new Policies and Procedures.

Commented [JK3]: This section has been combined with the "Committees" section of the Council Handbook. The combined information can be found in the "Committees" section of the new Policies and Procedures.

Commented [JK4]: This section has been combined with the "Meetings" section of the Council Handbook. The combined information can be found in the "Meeting" section of the new Policies and Procedures.

III. MEETINGS

A. Regular Meetings. The City Council shall meet not less than once monthly.

B. Open Meetings. All Council meetings shall be governed by the Utah Open and Public Meetings

Act.

C. Type of Meetings. The Council shall meet in Council Meetings, closed meetings, workshops, retreats and committee meetings as provided by State law.

D. Time and Place. As provided by City ordinance, the Council shall meet for Council Meetings, and committee meetings at the following times and places:

1. Committee of the Whole. The first and third Tuesdays of each month, at a time determined by the Council Chair, unless cancelled by the Chair.
2. Budget and Finance Committee. As approved by the Council.
3. Council Meeting. The first and third Tuesdays of each month at 6:30 p.m., (or otherwise at a time determined by the Council) in the Council Chambers in the Murray City Center, unless cancelled by the Chair.
4. Special meetings including workshops and retreats may be held as provided by State law and City Ordinance.
5. Closed meetings. As per State Code Sections 52-4-204 and 52-4-205, before any part of a public meeting may be closed for one of the valid reasons detailed below, the Council must be called together in an open meeting. At least two-thirds (2/3) of the Council members present must vote to close the meeting. The Council may close portions of its meetings to do the following:
 - a. Discuss the character, professional competence, or physical or mental health of an individual.
 - b. Hold a strategy session to discuss collective bargaining.
 - c. Hold a strategy session to discuss pending or reasonable imminent litigation.
 - d. Hold a strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction.
 - e. Hold a strategy session to discuss the sale of real property.
 - f. Discuss the deployment of security devices and investigative proceedings regarding criminal conduct.

No ordinance, resolution, rule, regulation, contract or appointment can be approved at a closed meeting. The closed portion of a meeting must be recorded and detailed minutes may be kept. These recordings and minutes are protected records under the Government Records Access and Management Act.

E. Neighborhood Meetings. Neighborhood meetings may be scheduled away from the Council's usual meeting place for the purpose of gathering or sharing information regarding current matter(s) being considered by the Council. The Council Executive Director shall arrange for a suitable place for such meetings.

F. Rules. The Council shall conduct its meetings according to the most current edition of *Robert's Rules of Order*, as amended by these Rules, provided the Council may, by majority vote, waive a rule.

G. Minutes. The Council Executive Director ensures that minutes are taken of all Council, committee and special meetings. The City Recorder shall cause to be kept, in a format adopted by

the Council, minutes of all proceedings of all regular and special Council meetings. A recording shall be kept of all Council, committee and special meetings.

H. Presiding Officer at Meetings. The presiding officer at Council Meetings shall be rotated monthly among Council members according to district (District 1, District 2, etc.). If the presiding officer is not present or declines this responsibility, the Council Chair shall preside.

I. Order of Calling the Vote. The City Recorder shall call the vote beginning with the Council District number immediately higher than the District number of the Council Member presiding at that meeting. This shall ensure that the Council Member presiding shall always vote last.

J. Electronic Means of Meeting Participation. Section 52-4-207 of the *Utah Code Annotated* authorizes public bodies to hold meetings electronically by means of a telephonic, telecommunications or computer conference. The Council adopts the use of electronic means for a Council Member to participate in a meeting under the following conditions:

1. The meeting will be held with a quorum (3 members) physically present;
2. Electronic means will be used only for a declared City emergency or to accommodate Council Members who are traveling outside the City;
3. The meeting will be held within City limits at a facility that allows the public to attend, monitor and participate in open portions of the meeting;
4. Comments of Council Members participating electronically will be audible to the public;
5. As with any public meeting, electronic meetings must be properly noticed in compliance with the Utah Open and Public Meetings Act. Additionally, the notice must inform the public that electronic means will be used and how Council Members will be electronically connected to the meeting.

Commented [JK5]: This section has been combined with the "Meetings" section of the Council Handbook. The combined information can be found in the "Meeting" section of the new Policies and Procedures.

IV. AGENDAS

A. Responsibility. The Council Executive Director shall see that agendas are properly prepared, posted, and published in a timely manner according to the Utah Open and Public Meetings Act.

B. Public Notice. Council agendas shall be posted in the Murray City Center, submitted to a newspaper of general circulation in Murray City, posted on the Utah Public Notice Website and on the Murray City website.

C. Submission of Agenda Items. Procedures for submitting items for the agenda are as follows:

1. Topics may be added to the agenda: (a) at the discretion of the Mayor; or (b) as directed by at least two Council members.
2. Anyone wishing to bring a matter before the Council shall submit their request in writing, together with forms approved by the Council, to the Council staff. In order to add such matters, the request must be approved by the Mayor or two Council Members.
3. All new items for the agenda must be submitted by 5:00 p.m. the Wednesday thirteen (13) days prior to the Council meeting. The Chair may waive an item from this requirement.
4. The Council Executive Director shall ensure that all matters are submitted in a timely manner to the Council. Before matters are placed on the agenda, they must first be reviewed by the

Council Chair.

5. Council staff shall review supporting materials to be considered by the Council and ensure the completeness of the materials.

D. Delivery to Council Members. The agenda, together with all documents relating to items on it, shall be delivered to Council members as preliminary documents approximately eleven (11) days prior to the meeting, and the final agenda and documents will be delivered by the Friday prior to the Council meeting. The Chair may waive this requirement.

E. Notice of Meeting. All Council agendas and "Notice of Meeting" documents shall contain the following:

NOTICE

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST DIRECTED TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270- 2425 or CALL RELAY UTAH AT #711.

F. Order of Business. The Council agenda shall conform to the following order of business:

1. Committee of the Whole
 - a. Approval of Minutes
 - b. Discussion Items
 - c. Internal Council Business or Announcements
 - (1) Staff Report
 - (2) Other
 - d. Adjournment
2. Council Meeting
 - a. Opening Ceremonies
 - (1) Pledge of Allegiance
 - (2) Approval of Minutes
 - (3) Special Recognition(s)
 - b. Citizen Comments
 - c. Consent Agenda
 - d. Public Hearings
 - e. Business Items
 - f. Mayor
 - (1) Report
 - (2) Questions to the Mayor
 - g. Adjournment

NOTE: Paragraphs G through N elaborate on the various provisions of the agenda.

G. Committee of the Whole. The purpose of the Committee of the Whole meeting is: (1) To consider items of internal Council business, (2) To give further consideration to items of business referred to the Committee of the Whole from the New Business section of the agenda, and (3) To review items that may require future action by the Council.

Business items referred to Committee of the Whole from the Council agenda are sent for discussion

Commented [JK6]: The information in this section can be found in the "Council Meeting Agenda Submission Process" section of the new Policies and Procedures.

purposes. No vote will be taken on these business items in Committee of the Whole.

All business items considered in Committee of the Whole shall be scheduled for a specific time.

H. Opening Ceremonies. This portion of the Council agenda shall consist of the following

1. Call to Order
2. Pledge of Allegiance

I. Approval of Minutes

J. Special Recognition. Under this part of the Opening Ceremonies section of the agenda, the Council shall consider resolutions of commendation, condolences and appreciation, and similar ceremonial matters.

The order of business for consideration of resolutions under this section shall be as follows:

- a. Reading of the resolution
- b. Motion to adopt
- c. Discussion
- d. Vote on motion
- e. Presentation of resolution and response.

K. Citizen Comments. This section allows any citizen or organization to speak before the Council and the Mayor, or to email comments if unable to attend the Council meeting in person. Items for which the Council would like to receive additional public input will be specifically listed for that purpose in this section. Comments are limited to three minutes, unless otherwise approved by a majority vote of Council members. Emailed comments are limited to 300 words, and must include the person's name and address in order to be included in the record.

L. Consent Agenda. This section contains items of routine business, all requiring action, but not expected to generate discussion. Each item is briefly reviewed by the presiding officer and any Council Member wishing to do so may ask for any of the items on the Consent Agenda to be taken out and placed on the regular agenda.

M. Public Hearings. This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner, except as waived by the Council:

1. Introduction. The presiding officer informs those attending of the procedure and order of business for the hearing and reads the item for consideration.
2. Staff presentation. City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five minutes, unless otherwise approved by a majority vote of Council members.
3. Sponsor presentation. If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen minutes, unless otherwise approved by a majority vote of Council members.
4. Comment. The presiding officer asks for public comment on the matter before the Council. This public comment portion allows any citizen or organization to speak to the item before the Council. Comments are limited to three minutes, unless otherwise approved by a majority vote of Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of Council members. If unable to attend the Council

meeting in person, a person may submit email comments on the public hearing. Emailed comments are limited to 300 words and must include the person's name and address in order to be included in the record. Speakers are requested to:

- a. Complete the appropriate form.
- b. Wait to be recognized before speaking.
- c. Come to the microphone and state their name and city of residence.
- d. Be brief and to the point.
- e. Not restate points made by other speakers.
- f. Address questions through the presiding officer.
- g. Confine remarks to the topic, avoiding personality differences.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. Sponsor summation/response. Following citizen comment and questions by the Council, the sponsor or staff shall be given the opportunity to give a fifteen-minute summation and/or response prior to closing of the public hearing.
6. Closing the hearing. If there is no further public comment, questions by Council members, or final response by the sponsor, the presiding officer declares the hearing closed.
7. Consideration of item. At the close of the public hearing, the Council shall consider the item for action.
- N. Unfinished Business. The Unfinished Business section is to be used for consideration of:
 1. Items which have been referred out of a committee.
 2. Items which have appeared as New Business on a previous agenda and which no action has been taken on the item.
- O. New Business. The New Business section of the Council agenda shall be for the introduction of all new business to be considered by the Council. The Council may, by majority vote, (1) send a business item to committee, (2) postpone final action to a future meeting, or (3) take final action on the matter.
- P. Mayor. "Report" affords the Mayor the opportunity to regularly report to the Council about City business. "Questions to the Mayor" affords all members of the Council an opportunity to ask questions or raise issues of concern to the Mayor and to request appropriate action.
- Q. Adjournment.

Commented [JK7]: This information can be found in the "Council Meeting Agenda Order of Business" section of the new Policies and Procedures.

V. VACANCY IN ELECTED OFFICE

- A. Council. If a Council member vacates his/her seat on the Council before the term of office expires, the Council shall fill the vacant seat, as provided by State laws and City ordinance, and in accordance with the following rules:
 1. Applicants shall be qualified for the office in accordance with all applicable State laws and City ordinance.

2. Applicants shall complete an application form available through the Council office.

3. The Council shall, within thirty (30) days of the occurrence and declaration of such Vacancy, appoint a qualified resident of the City and the appropriate Council District to fill the unexpired term.

B. Mayor. If the Mayor vacates his/her office before the term of office expires, the Council shall fill that office, as provided by State laws and the City Ordinance, and in accordance with the following rules:

1. Applicants shall be qualified for the office in accordance with all applicable State laws and City ordinance.

2. Applicants shall complete an application form available through the Council office.

3. The Council shall, within thirty (30) days of the occurrence and declaration of such Vacancy appoint a qualified resident of the City to fill the unexpired term.

4. The City Council Chair shall become acting Mayor until the vacancy in the office of the Mayor is filled by the City Council as above provided.

VI. PERSONNEL

A. Council Staff. The Council staff shall consist of a Council Executive Director an Office Administrator II, and such other full-and part time staff as the Council may deem necessary.

B. Appointment. All Council staff members are appointed by the Council as follows:

1. Job Descriptions. The Council reviews and approves all job descriptions for Council staff members.

2. Posting and interviews. All arrangements for job posting and interviews are handled by the Council staff.

3. Council Executive Director. Applicants are interviewed by the Council Chair and Vice Chair. Finalists may be interviewed by the Council, which selects the person by majority vote from that group.

4. Other staff. The Council Executive Director with council member involvement interviews applicants and recommends finalists to the Council, which selects the person from that group.

C. Reporting relationships. The Council Executive Director is supervised by the Chair of the Council. The Council Executive Director supervises all other Council staff.

D. Performance appraisal. Performance appraisals of Council staff shall be conducted annually using the Performance Pro program provided by the City Human Resource office as follows:

1. The Council Chair and Vice Chair shall conduct the performance appraisal for the Council Executive Director.

2. The Council Executive Director shall conduct the appraisal for all other staff members.

Commented [JK8]: The information in this section has been combined with the "City Council Powers and Duties - Section E" of the Council Handbook. The combined information can be found in the "Vacancy in an Elected Office" section of the new Policies and Procedures.

3. Compensation increases, exclusive of COLAs, shall be based on the performance appraisal subject to appropriation of funds.

E. Compensation and Step Plan. Council staff compensation is determined by the Council and changed as follows:

1. Council Executive Director compensation may be reevaluated periodically, and changes made based on performance and/or completion of a Wasatch Compensation Salary Survey, subject to appropriation of funds.
2. Council staff compensation is based on the annual performance appraisal and the Step Plan, subject to appropriation of funds.
3. Each staff member shall receive an annual COLA in the same amount and at the same time as other City employees.

VII. FINANCES

A. Council Budget. Each year, the Council Executive Director shall work with the Council Chair and submit a proposed budget for Council operations to the members of the Council for their review and approval.

B. Review of Council Expenditures. The Council Chair shall have general responsibility to see that all expenditures are made on time and within budget.

C. Public Relations Account. The Council hereby authorizes the creation of a public relations account.

D. Purpose of the Public Relations Account. The purpose of the public relations account is to provide a mechanism for the Council as a whole to purchase and deliver token remembrances or acknowledgments. The events listed below shall be considered first priority use for account funds; all secondary uses not listed, and the donation amounts shall be informally approved by a majority of Council Members. Council Staff will assist in all transactions.

1. Death or serious illness of an employee or an employee's immediate family;
2. Retirement of a City employee.

E. Funds to the Public Relations Account. The public relations account is to be funded solely from the pay of Council members by payroll deduction. The amount deducted shall be decided by a vote of the Council.

F. Review of Public Relations Account Expenditures. The Council Chair shall have general responsibility to see that all expenditures are made properly. Disbursement from the Account shall require authorized signature. Those authorized to sign on the Account are the Council Chair, Council Vice-Chair, Council Executive Director or a designee appointed by the Council Chair in writing.

G. Expenses Relating to Neighborhood Meetings. Costs associated with Neighborhood meetings shall be funded from the Council Office budget.

H. Cellular Phones. Council Members will be provided with cellular phone allowances for use in conducting City business during their term of office as determined by the City cell phone policy.

I. Electronic Device. Council Members will be provided an iPad or similar tablet for use in conducting City business during their term of office.

J. Expense Allowance. Council Members will be provided a monthly allowance to offset the costs for meetings, meals and local travel while conducting City business during their term of office.

VIII. **INDEPENDENT FINANCIAL AUDIT.**

- A. The City is required to have an annual independent audit or review of the City's basic financial statements and Comprehensive Annual Financial Report to determine whether the City's financial reporting accurately reflects the financial condition of the City and is prepared in conformity with criteria established by Generally Accepted Audit Standards, Government Auditing Standards, the Single Audit Act Amendments of 1996, and General Guidance Audits for State, Local Governments and Non-Profit Organizations.
- B. Upon expiration of a financial audit agreement, the City Council shall work with the Council Executive Director, City Recorder/Purchasing Agent, and Finance and Administration Director to create a Request for Proposals (RFP) to provide auditing services.
- C. The City Council will form an Audit Committee to review and score proposals and recommend an independent audit firm to the City Council for consideration.
- D. Upon approval of the audit firm and agreement, the City Council Chair shall be authorized to execute the agreement for auditing services.
- E. The Audit Committee shall consist of the City Council Budget and Finance Committee Chair and Vice-Chair, and the Council Executive Director as staff support. This committee shall convene as required:
 1. During the selection of the audit firm;
 2. Annually to review audit procedures and conclusions, and
 3. For any other such purposes as the City Council deems appropriate.

Commented [JK9]: This section information in this section has been combined with the "Council Staff" and "Internal Provisions" sections of the Council Handbook. The combined information can be found in the "City Council Office" section of the new Policies and Procedures.

IX. **COUNCIL RELATIONS**

- A. Anti-Harassment Policy
 4. It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by City Councilmembers toward fellow Councilmembers, City Staff or members of the public. City Councilmembers are expected to show respect for one another and the public at all times, despite individual differences.
 5. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (40 or older), disability, genetic information, marital status, sexual orientation, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability. In some circumstances, it can be deemed unlawful discrimination that violates federal laws and/or

Commented [JK10]: This section can be found in the "Audit" section of the new Policies and Procedures.

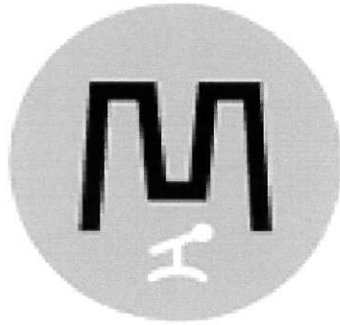
state laws. The making of demeaning comments, whether verbally or in writing, or use of unwelcome epithets, gestures or other physical conduct, based on the above-referenced protected classes, toward employees, Councilmembers or members of the public are prohibited. Councilmembers are strongly urged to report all incidents of harassment.

6. Sexual harassment is a form of unlawful discrimination.

B. Reporting Discrimination or Harassment

1. If the incident involves a city employee, or an appointee to an advisory board or a commission, the incident should be reported as soon as possible to the Mayor.
2. If the incident involves a Councilmember, the incident should be reported as soon as possible to the City Attorney.
3. All complaints will be investigated promptly. Upon receiving a complaint, an investigation shall be initiated within 24 hours, or as reasonably practicable, usually, by the end of the next business day.
4. All complaints will be kept confidential to the fullest extent possible and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.
5. Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City Council will take whatever action it deems necessary to prevent an offense from being repeated.
6. The City Council will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.
7. Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.

Commented [JK11]: This section can be found in the "Discrimination and Harassment" section of the new Policies and Procedures.



MURRAY
CITY COUNCIL

Mayor's Report And Questions



MURRAY
CITY COUNCIL

Adjournment