

ORDINANCE NO: 2024- 20

AN ORDINANCE AMENDING CHAPTER 3-2 OF THE FARMINGTON CITY MUNICIPAL CODE RELATED TO DEPUTY DEPARTMENT HEADS AND A DEPUTY FINANCE DIRECTOR

WHEREAS, the City Council has authority to enact codes to establish stable and effective governance; and

WHEREAS, the City Council finds that the granting of permission to the City Manager to appoint deputy department heads may be convenient and advantageous under most circumstances; and

WHEREAS, the Council finds that the attached code amendments are in the best interest of the City and to the efficient organization of city staff: and

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


Section 1: Amendment. Sections 3-2-020 and 3-2-100 are amended as provided on Exhibit A, which is attached to this ordinance.

Section 2: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective immediately upon its passage.

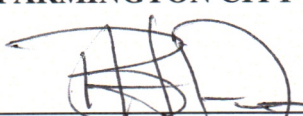
PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS 9TH DAY OF APRIL, 2024.

ATTEST:



DeAnn Carlile, City Recorder

FARMINGTON CITY



Brett Anderson, Mayor



3-2-020: DEPARTMENT HEADS & DEPUTY DEPARTMENT HEADS:

- A. Except as otherwise provided by law, the city manager, with the advice and consent of the city council, shall appoint a qualified person to direct and administer each department, to be known and referred to as "department heads."
- B. The city manager may appoint deputy department heads to assist department directors.
- C. Unless otherwise provided by law, department heads shall serve at the pleasure of the city council and may be removed by the city manager, with the advice and consent of the city council, with or without cause. Department heads shall be under the direct control and supervision of the city manager. Department heads shall obtain annual written approval from the city manager prior to accepting or pursuing employment outside his or her duties as a city department head.
- D. The powers and duties of the department heads and deputy department heads shall be prescribed by ordinances, resolutions, regulations and job descriptions approved and adopted by the city council, or as delegated from the city manager.
- E. All department head positions described in this chapter shall be deemed to constitute a "head of a municipal department" as such term is used in Utah Code Annotated section 10-3-1105, as amended. All deputy department head positions described in this chapter shall be deemed to constitute a "deputy head of a municipal department" as such term is used in Utah Code Annotated section 10-3-1105, as amended.
- A.F. All department head and deputy department head positions are deemed to will positions and are exempt from the protections of Utah Code Annotated section 10-3-1105(1)(a), as amended. As such, department heads and deputy department heads may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Annotated section 10-3-1106, as amended, or the provisions of chapter 3-4 of this code related to employee appeals.

3-2-100: FINANCE DIRECTOR/~~ASSISTANT CITY MANAGER~~ & DEPUTY FINANCE DIRECTOR:

- A. There is hereby created the position of finance director/~~assistant city manager~~ who shall act as the department head of the finance department. The finance director/~~assistant city manager~~ shall perform all the financial duties and responsibilities of the city recorder as set forth in the uniform

fiscal procedures act, pursuant to the provisions of Utah Code Annotated section 10-6-157, as amended, and shall have such powers and duties as set forth in city ordinances and as otherwise designated or assigned to him or her by the city council.

B. Pursuant to Utah Code Annotated section 10-6-157, as amended, the finance director/~~assistant city manager~~ shall be appointed and removed by the mayor, with the advice and consent of the city council. The finance director/~~assistant city manager~~ may not assume the statutory duties of the city treasurer.

C. A deputy finance director may be appointed and removed by the city manager.

A.D. The finance director/~~assistant city manager and deputy finance director~~ positions isare an-at will positions and isare exempt from the protections of Utah Code Annotated section 10-3-1105(1)(a), as amended. As such, the finance director/~~assistant city manager and deputy finance director~~ may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Annotated section 10-3-1106, as amended, or the provisions of chapter 3-4 of this code related to employee appeals.