

ORDINANCE NO. 2023-11

AN ORDINANCE AMENDING CHAPTERS 6 AND 6B, AND ADOPTING A NEW CHAPTER (CHAPTER 6C) IN TITLE 1 OF THE LaVERKIN CITY CODE, PROVIDING FOR THE CREATION OF THE POSITION OF RECREATION AND EVENTS DIRECTOR, AND MAKING MINOR CORRECTIVE CLARIFICATIONS TO THE TERMS AND PROVISIONS OF THE ABOVE-MENTIONED CHAPTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council may create any office deemed necessary to the government of the City [*see* Section 1-6-1.A, The LaVerkin City Code (“LVCC”)]; and

WHEREAS, the City Council is of the informed opinion that a Recreation and Events Director should be created and established as a director-level position of the City, to manage, direct, supervise, oversee, and coordinate the City’s current and future recreation programs and special events and festivals of the community; and

WHEREAS, the Mayor, with the advice of the consent of the City Council, may appoint qualified individuals to serve in director level positions of the City (*see* Section 1-6-1.C, LVCC); and

WHEREAS, the City’s budget is healthy and able to support the creation and funding of the position of Recreation and Events Director; and

WHEREAS, the creation of this director-level position requires the revision and amendment of various provisions of Chapters 6 and 6B, of the LVCC, and the creation of a new article to follow Article 6B (to be known as 6C or Section 6C); and

WHEREAS, there are references in Chapters 6 and 6B, LVCC, to the position of City Manager, which has been replaced with the position of City Administrator, and, for clarity, it would be good to correct the name of this position while adopting the proposed changes to the LVCC creating the position of Recreation and Events Director; and

WHEREAS, there are minor grammatical and consistency issues that can and should be cleaned up as a part of the revision to the above-said chapters; and

WHEREAS, the City Council deems it to be in the best interests of the City and its residents, guests, and businesses to so amend the City Code¹.

¹ Sections I, II, and X herein create and define the powers and duties of the new City position to be known as the Recreation and Events Director; while Sections III through IX herein address the issues of grammar, consistency, and referring to the current position of City Administrator instead of the former City Manager.

ORDINANCE NO. 2023-11

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

SECTION I: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 1-6-1.B.3:

Subsection B.3 of Section 1-6-1 of *The LaVerkin City Code*, which currently reads as:

3. The mayor, with the advice and consent of the city council, may appoint qualified individuals to serve in director level positions in each of the three (3) divisions of the city, viz., administrative services, operations, and public safety.

is hereby amended to read as follows:

3. The mayor, with the advice and consent of the city council, may appoint qualified individuals to serve in director level positions in each of the four (4) divisions of the city, viz., administrative services, operations, recreation and events, and public safety.

SECTION II: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 1-6-1.C.3:

Subsection C.3 of Section 1-6-1 of *The LaVerkin City Code*, which currently reads as:

3. The city is hereby divided into three (3) divisions, each supervised by an exempt service director level employee of the city (designated as directors or coordinators, as appropriate, but referred to generally as division directors herein), as follows:
 - a. City administrative services: Consisting of the coordinator of administrative services, the city recorder, city treasurer, and clerks (whether designated as clerks, secretaries, receptionists, or administrative assistants). Coordinates the provision of recorder and treasurer services, utility customer services, and human resources services for the city.
 - b. Operations: Consisting of the director of operations and public works and operational personnel of the city (see article B of this chapter).

ORDINANCE NO. 2023-11

- c. Public safety: Consisting of the public safety director (also designated as the chief of police), and all law enforcement, fire and/or rescue service personnel of the city (see chapter 12 of this title).

is hereby amended to read as follows:

- 3. The city is hereby divided into four (4) divisions, each supervised by an exempt service director level employee of the city (designated as directors or coordinators, as appropriate, but referred to generally as division directors herein), as follows:
 - a. City administrative services: Consisting of the coordinator of administrative services, the city recorder, city treasurer, and clerks (whether designated as clerks, secretaries, receptionists, or administrative assistants). Coordinates the provision of recorder and treasurer services, utility customer services, and human resources services for the city.
 - b. Operations: Consisting of the director of operations and public works and operational personnel of the city (see article B of this chapter).
 - c. Recreation and Events: Consisting of the Recreation and Events Director, and all employed and volunteer staff assigned or detailed to work with the City's recreation programs, events, and festivals.
 - d. Public safety: Consisting of the public safety director (also designated as the chief of police), and all law enforcement, fire and/or rescue service personnel of the city (see chapter 12 of this title).

SECTION III: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 1-6-2:

Section 1-6-2 of *The LaVerkin City Code*, which currently reads as:

ORDINANCE NO. 2023-11

1-6-2: HIRING PROCEDURES:

- A. Applicability: This section shall apply to the hiring of all city employees, other than the city manager, city recorder, city treasurer, city attorney and city engineer.
- B. Hiring: All city employees shall be hired by the city manager.

is hereby amended to read as follows:

1-6-2: HIRING PROCEDURES:

- A. Applicability: This section shall apply to the hiring of all city employees, other than the city administrator, city recorder, city treasurer, city attorney and city engineer.
- B. Hiring: All city employees shall be hired by the city administrator.

SECTION IV: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 1-6-2:

Section 1-6B-1 of *The LaVerkin City Code*, which currently reads as:

1-6B-1: CLASSIFICATION OF POSITION:

The city director of operations position shall be classified as an exempt position pursuant to all guidelines identified in the fair labor standards act, as well as all other applicable laws and guidelines.

is hereby amended to read as follows:

1-6B-1: CLASSIFICATION OF POSITION:

The position of city director of operations shall be classified as an exempt position pursuant to all guidelines identified in the fair labor standards act, as well as all other applicable laws and guidelines.

SECTION V: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 1-6B-2:

ORDINANCE NO. 2023-11

Section 1-6B-2 of *The LaVerkin City Code*, which currently reads as:

1-6B-2: COMPENSATION:

The director of operations shall receive compensation at the rate and in a form to be determined by the city manager in conjunction with budgetary approvals of the city council.

is hereby amended to read as follows:

1-6B-2: COMPENSATION:

The director of operations shall receive compensation at the rate and in a form to be determined by the city administrator in conjunction with budgetary approvals of the city council.

SECTION VI: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION B OF SECTION 1-6B-3:

Subsection B of Section 1-6B-3 of *The LaVerkin City Code*, which currently reads as:

- B. Chief Operations Officer (COO): To function as the chief of operations officer of the city having authority, supervision and direction over the daily operations, assets, budgets, and personnel decisions in the public works, water, irrigation, inspection, building, and parks departments. Department heads and employees of these departments shall answer directly to the director of operations. The director of operations shall also have authority to give recommendations to the city manager regarding hiring, suspension, transfers, and removal of all nonelective city employees within these departments. Furthermore, the director of operations shall have recommendation authority regarding employee compensation within these departments.

is hereby amended to read as follows:

ORDINANCE NO. 2023-11

- B. Chief Operations Officer (COO): To function as the chief of operations officer of the city having authority, supervision and direction over the daily operations, assets, budgets, and personnel decisions in the public works, water, irrigation, inspection, building, and parks departments. Department heads and employees of these departments shall answer directly to the director of operations. The director of operations shall also have authority to give recommendations to the city administrator regarding hiring, suspension, transfers, and removal of all nonelective city employees within these departments. Furthermore, the director of operations shall have recommendation authority regarding employee compensation within these departments.

SECTION VI: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION E OF SECTION 1-6B-3:

Subsection E of Section 1-6B-3 of *The LaVerkin City Code*, which currently reads as:

- E. Consult Council Members: To consult with city council, in conjunction with the city manager, about the activities of his or her assigned departments (budgets, liability issues, major repairs and purchases, etc.) prior to bringing these items to vote or discussion of the city council as a whole and to keep them informed of actions and projects undertaken.

is hereby amended to read as follows:

- E. Consult Council Members: To consult with city council, in conjunction with the city administrator, about the activities of his or her assigned departments (budgets, liability issues, major repairs and purchases, etc.) prior to bringing these items to vote or discussion of the city council as a whole and to keep them informed of actions and projects undertaken.

ORDINANCE NO. 2023-11

SECTION VII: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION I OF SECTION 1-6B-3:

Subsection I of Section 1-6B-3 of *The LaVerkin City Code*, which currently reads as:

- I. Emergency Situation; Notification To City Manager: To notify the city manager immediately of any emergency situation existing in any department or office under his/her supervision where the emergency conditions require, or may likely require, future action on the part of the city council or where the emergency threatens to interrupt normal city operations.

is hereby amended to read as follows:

- I. Emergency Situation; Notification To City Administrator: To notify the city administrator immediately of any emergency situation existing in any department or office under his/her supervision where the emergency conditions require, or may likely require, future action on the part of the city council or where the emergency threatens to interrupt normal city operations.

SECTION VIII: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION K OF SECTION 1-6B-3:

Subsection K of Section 1-6B-3 of *The LaVerkin City Code*, which currently reads as:

- K. Other Required Duties: To discharge any other duties specified by statute or imposed by the city manager, mayor, and city council.

is hereby amended to read as follows:

- K. Other Required Duties: To discharge any other duties specified by statute or imposed by the city administrator, mayor, and city council.

SECTION IX: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION K OF SECTION 1-6B-3:

Section 1-6B-4 of *The LaVerkin City Code*, which currently reads as:

ORDINANCE NO. 2023-11

1-6B-4: RELATIONSHIP OF CITY COUNCIL TO ADMINISTRATIVE SERVICE:

To promote effective management practices and establish appropriate lines of authority and communication, the interrelationship of the city council and administrative service shall be as follows:

- A. Daily Administration; Overturning Decision: The city council, its members and the mayor, and any city council committee, shall allow the operations of all operational departments of the city to be conducted by and through the director of operations, in conjunction with the city manager. No individual member of the city council shall be involved with the daily operations of the city, either in directing the work of employees or in the expenditure of funds. Neither shall the city council, except as a whole, interfere with the director of operations to prevent him or her from exercising his or her judgment in the direction of employees in the operational departments of the city. If a decision of the director of operations is deemed improper by the city manager or a majority vote of the city council, the decision will be overturned.
- B. Answerable To City Manager: The director of operations shall be answerable to the city manager for the day-to-day operations of the city pursuant to the duties outlined herein.

is hereby amended to read as follows:

1-6B-4: RELATIONSHIP OF CITY COUNCIL TO ADMINISTRATIVE SERVICE:

To promote effective management practices and establish appropriate lines of authority and communication, the interrelationship of the city council and administrative service shall be as follows:

- A. Daily Administration; Overturning Decision: The city council, its members and the mayor, and any city council committee, shall allow the operations of all operational departments of the city to be conducted by and through the director of operations, in conjunction with the city manager. No individual member of the city council shall be involved with the daily operations of the city, either in directing the work of employees or in the expenditure of funds. Neither shall the city council, except as a whole, interfere with the director of operations to prevent him or her from exercising his or her judgment in the direction of employees in the operational departments of the city. If a decision of the director of operations is deemed improper by the city administrator, mayor, or a majority vote of the city council, the decision will be overturned.

ORDINANCE NO. 2023-11

- B. Answerable To City Administrator: The director of operations shall be answerable to the city administrator for the day-to-day operations of the city pursuant to the duties outlined herein.

SECTION X: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDING A NEW ARTICLE TO CHAPTER FOLLOW ARTICLE B (OR CHAPTER 6B), TO BE KNOWN AS “ARTICLE C – RECREATION AND EVENTS DIRECTOR.” (ALSO KNOWN AS CHAPTER 6C):

Article C (also known as Section 6.C), regarding the position of Recreation and Events Director, shall be added to Title 1 of *The LaVerkin City Code*, to read as follows:

ARTICLE C. RECREATION AND EVENTS DIRECTOR

SECTION:

1-6C-1: Classification Of Position

1-6C-2: Compensation

1-6C-3: Powers And Duties

1-6C-1: CLASSIFICATION OF POSITION:

The position of recreation and events director shall be classified as an exempt position pursuant to all guidelines identified in the fair labor standards act, as well as all other applicable laws and guidelines.

1-6C-2: COMPENSATION:

The recreation and events director shall receive compensation at the rate and in a form to be determined by the city administrator in conjunction with budgetary approvals of the city council.

1-6C-3: POWERS AND DUTIES:

- A. Brief description: Under the direct supervision of the City Administrator, the Director is responsible for the management and leadership of the Recreation and Events division of the City, and any full-time, part-time, seasonal temporary staff, and volunteers assigned or detailed to work within the division and its programs, events, and festivals.

ORDINANCE NO. 2023-11

B. Duties and Responsibilities:

1. The recreation and events director shall have and exercise such powers and perform such duties as specified in this section, or such other ordinances as specified by the city council.
2. Specifically, the powers and duties of the recreation and events director shall be:
 - a. To plan, manage, supervise, oversee, and provide leadership for all City events, and facilities, staff, and programs and activities of and sponsored by the Recreation and Events division.
 - b. To establish rules and regulations for recreational programs and facilities.
 - c. To effectively multi-task, exhibit good organizational skills, and work a varied and flexible schedule—to include evenings and weekends (depending on the season and activities).
 - d. To prepare and distribute (or oversee the preparation and/or distribution) of program, event, and festival information to the community.
 - e. To work with and advertise on social media and to utilize website applications.
 - f. To search out, seek, write, and submit applications for applicable, available, and relevant grants.
 - g. And to perform such other duties, tasks, and responsibilities within the purview of recreation, events, and/or festivals, as deemed necessary or prudent, and/or assigned by the City Administrator, Mayor, and/or City Council.

SECTION XI: REPEAL OF CONFLICTING PROVISIONS.

All ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

ORDINANCE NO. 2023-11


SECTION XII: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION XIII: EFFECTIVE DATE.

In the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of LaVerkin City this 5th day of July, 2023.



KELLY WILSON, Mayor

ATTEST:



CHRISTY BALLARD, City Recorder

