

## **TITLE 3**

### **EXECUTIVE BRANCH ADMINISTRATIVE CODE**

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## CHAPTER 3-1 GENERAL PROVISIONS

Sections:

3-1-101.	Short Title.
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3-1-108.	Emergency Management Succession of Offices.

### **3-1-101. SHORT TITLE.**

This Title is known as the “West Valley City Administrative Code.” This Title is also known as “Title 3, West Valley City Code.” It may be cited and pleaded under either designation.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-1-102. CITY ORGANIZATION**

- (1) The City is organized into administrative divisions and offices and seven City departments as set forth herein. In addition, as provided in Section 3-2-102(1)(e), the City Manager may create other offices as are deemed necessary.
- (2) The administrative divisions and offices and departments are supervised by the managers and department heads indicated herein. All administrative divisions and offices, departments, and any offices created by the City Manager are supervised by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-1-103. OATHS OF OFFICE.**

- (1) Each of the following officers and employees is required to take an oath of office before entering upon the discharge of the officer’s or employee’s duties, which oath shall be subscribed by the person taking it and filed and preserved in the office of the City Recorder:
  - a. The City Manager, Assistant City Manager, City Recorder, department heads, City Treasurer, and members of the Planning Commission, Board of Adjustment, Civil Service Commission, and Business License Hearing Board.
  - b. Any other commission members, board members, employees, or persons that the City Manager may deem appropriate or necessary.
  - c. Once an oath is administered, it need not be re-administered.
- (2) The form of oath shall be as authorized by state law.
- (3) Failure to take an oath of office shall not disqualify the officer or employee from performing the duties of the position, nor invalidate any action taken by the officer or employee.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-1-104. BONDS.**

Certain City officials, as determined by the City Manager, shall obtain bonding from a good and sufficient surety before entering upon the duties of their respective offices. The bonds shall be payable to the City, duly approved by the City Attorney, and conditioned upon the faithful performance and discharge of the officials' respective duties. For proper application and payment of all money or property coming into the officials' hands by virtue of their offices, the bonds shall be in the amount of \$25,000 each, except for the Finance Director and the City Treasurer, who shall obtain bonding in the amounts prescribed by state law. The City shall pay all premiums for the above-required bonds.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-1-105. ADMINISTRATIVE POLICY AND PROCEDURES.**

- (1) Each officer and employee shall perform all duties required by state law, this Code, and City ordinances, and such other duties as may be required by the officer's or employee's department head or supervisor or the City Manager. This obligation to perform such other duties as assigned is supplemental to the list of duties specifically listed in this Title.
- (2) The department heads shall:
  - a. Be immediately responsible to the City Manager for the effective administration of their respective departments and all activities assigned thereto.
  - b. Develop and maintain an up-to-date departmental policy and procedures manual containing policies, procedures, and instructions for carrying out departmental operations in conformity with law and other City policies and in the most efficient and effective manner possible.
  - c. Keep informed as to the latest practices in their particular fields and inaugurate, with the approval of the City Manager, such new practices as appear to be of benefit to the City and to the public.
  - d. Submit reports of the activities of the department to the City Manager, as directed by the City Manager.
  - e. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the City Manager.
  - f. Exercise authority over all subordinates.
  - g. Be responsible for the proper maintenance of all City property and equipment used in the department.
- (3) Each department shall cooperate with the other departments and, upon the direction of the City Manager, shall furnish to any other department such service, labor, and materials as may be needed by the department head and as its own facilities permit.
- (4) All departments and units thereof shall:
  - a. Be open during regular business hours, as defined by the City Manager.
  - b. Make a daily deposit with the City Treasurer of any public monies.
  - c. Pay out monies belonging to the City only in the manner prescribed by law, ordinance, and City policy.
  - d. Deliver all records, documents, and property, of every description belonging to the City, to the successor in office.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-1-106. INTERFERENCE IN ADMINISTRATION.**

No member of the City Council shall direct or request, except in writing, the appointment of any person to, or the removal of any person from office or to interfere in any way with the performance by the officer of their duties. The City Council shall not give orders to any subordinate of the City Manager, either publicly or privately, but may make suggestions and recommendations. Nothing in this Section shall prevent the City Council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer, department, or agency of the City, or any matter relating to the welfare of the City, and delegating to these committees such powers of inquiry as the City Council may deem necessary.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-1-107. PENALTIES.**

In addition to the reasons set forth in the Personnel Policy and Procedures Manual, any persons violating the provisions of this Title may be disciplined, reprimanded, suspended, or removed from office by the City Manager as provided by law. The provisions of this Title, however, are directory and are to promote the orderly functioning of the City only, and are not intended to hold the City or its personnel to a higher duty than otherwise required by law or to subject the City or its personnel to criminal sanctions or civil liability.

**(Ord. No. 99-42 Repealed & Replaced, 07/02/1999)**

### **3-1-108. EMERGENCY MANAGEMENT SUCCESSION OF OFFICES.**

- (1) As used in this Section, the following definitions shall apply:
  - a. “Absent” means not physically present or not able to be communicated with for 48 hours, or, during an emergency, a shorter period of time as determined by the City Manager on a case-by-case basis. “Absent” does not include a person who can be communicated with via telephone, radio, or telecommunications.
  - b. “Emergency interim successor” means a person designated to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable. For purposes of this Section only, “officer” means the City Manager, City Recorder, department heads, City Treasurer, and Emergency Management Coordinator.
  - c. “Unavailable” means absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.
  - d. All other definitions found in 63-5b-102, Utah Code Annotated, 1953 as amended, are incorporated herein as may be applicable.
- (2) Each officer, as defined in this Section, shall provide to the City Manager a written list designating three emergency interim successors and their order of succession. Each officer shall submit a new list when the officer or any of the successors changes or when requested by the Emergency Management Coordinator.
- (3) After the City Manager approves the emergency interim successors and their order of succession, the lists shall be given to the Emergency Management Coordinator, who shall

compile a master list for the City and submit it to the Division of Comprehensive Emergency Management for the State of Utah.

- (4) If the officer is unavailable once a disaster has occurred, the designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession. The emergency interim successor shall exercise the powers and duties of the office only until the vacancy is filled in accordance with the Constitution or statutes, or until the officer or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office.
- (5) The emergency interim successor shall not be required to take an oath of office, unless specifically provided by law.
- (6) All emergency interim successors serve at the pleasure of the City Manager, and may be removed and replaced at any time, with or without cause.
- (7) The City Manager, upon a determination that West Valley City Hall is not capable of functioning as the seat of government for the City, may designate another location, outside of the City if necessary, to serve as the seat of government during an emergency.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

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## CHAPTER 3-2 CITY MANAGER'S OFFICE

### Sections:

- 3-2-101. General Administration.
  - 3-2-102. City Manager.
  - 3-2-103. Administration of the Justice Court.
  - 3-2-103.1. Appointment of Temporary Justice Court Judges.
  - 3-2-104. Administrative Law Judge.
  - 3-2-105. Traffic School Program.
  - 3-2-106. Performance Bonds and Delay Agreements.
  - 3-2-107. City Recorder's Office.
  - 3-2-108. Repealed.
  - 3-2-109. Administrative Services Division.
  - 3-2-110. Utah Cultural Celebration Center Division.
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### **3-2-101. GENERAL ADMINISTRATION.**

In addition to all other duties and responsibilities of the City Manager, the City Manager's Office is responsible for all matters relating to administrative services, support services to the City Council, the City Recorder, public affairs, administration of the Justice Court, all advisory organizations as provided in Chapter 10 of this Title, and such other programs as required by the City Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003)**

### **3-2-102. CITY MANAGER.**

- (1) The City Manager is the Chief Executive Officer of the City and has the following powers and duties:
  - a. To faithfully execute and enforce all applicable laws, ordinances, rules, and regulations and to see that all franchises, leases, permits, contracts, licenses, and privileges granted by the City are observed.
  - b. To carry out the policies and programs established by the City Council.
  - c. To organize and direct the management of the executive affairs of the City in a manner consistent with state law and City ordinances.
  - d. To appoint a budget officer who shall be the Finance Director, for the purpose of complying with the requirements of the Uniform Municipal Fiscal Procedures Act.
  - e. To appoint, with the advice and consent of the City Council, a qualified person to each of the offices of Assistant City Manager, City Recorder, City Treasurer, Administrative Services Director, Communications Director, Community and Economic Development Director, Community Preservation Director, Finance Director, Fire Chief, City Attorney, Parks and Recreation Director, Chief of Police, City Engineer, and Public Works Director; to create any other offices as may be deemed necessary for the good government of the municipality; and to regulate and prescribe the powers and duties of all other officers of the City, except as provided by law or by ordinance.

- f. To examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the City, and to make investigations and require reports from personnel.
  - g. To appoint, subject to the provisions of law and this Administrative Code and with the advice and consent of the City Council, suspend, and remove, heads of City offices, departments, and agencies and all appointive officers of boards and commissions.
  - h. To establish standards, qualifications, criteria, and procedures to govern the appointments by heads of offices, departments, and agencies, or by other authorized officers, of divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and this Administrative Code.
  - i. To submit to the City Council plans and programs relating to the development and needs of the City, and reports concerning the financial, administrative, and operational activities of municipal offices, departments, agencies, boards, and commissions, together with the City Manager's evaluation and recommendations relating to them.
  - j. To attend all meetings of the City Council and take part in its discussions and deliberations, but without the right to vote.
  - k. To appoint, with approval by majority vote of the full membership of the City Council, an Acting City Manager to serve in the City Manager's absence or temporary incapacity to perform the powers and duties provided for in this Title.
  - l. To discharge any other duties specified by statute or imposed by the City Council.
- (2) In addition to the above-enumerated powers and duties, the City Manager may:
- a. Authorize a department head or officer responsible to the City Manager to appoint and remove subordinates serving under that department head or officer.
  - b. Personally assume, unless the office legally requires a particular designation or certification, or delegate to some other officer or employee, the duties of any office or position under the City Manager's control which is vacant or which lacks administration due to the absence or disability of the incumbent.
  - c. Assign any employee of the City to any department or branch thereof requiring services appropriate to the Human Resource Office classification of the employee so assigned.
  - d. Prescribe such rules and regulations by executive order as the City Manager shall deem necessary or expedient for the conduct of all departments, divisions, and offices; and revoke, suspend, or amend any rule or regulation by whoever prescribed.
  - e. Personally or by delegation, investigate and examine or inquire into the affairs or operation of any department, division, or office; and, when so authorized by the City Council, the City Manager shall have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.
  - f. Examine all proposed contracts to which the City may be a party. When a purchase, obligation, or other contract may be properly entered into without specific City Council approval, the City Manager or any official delegated the responsibility may sign the document on behalf of the City. The Mayor's facsimile signature shall also be used and shall be countersigned by the City Recorder.
  - g. Approve merit pay increases, bonuses, or other compensation for City personnel when appropriate.
  - h. Set aside any action taken by a department head and supersede the department head in the functions of the department head's office.
  - i. Direct any department, division, or office to perform the work for any other department, division, or office, except where legally prohibited.

- j. Compromise and settle, or authorize the City Attorney to compromise and settle, all claims or legal actions involving the City.
  - k. Set the dates of all public hearings. The City Manager shall notify the City Council of all such dates at a subsequent meeting of the City Council.
  - l. Designate such committees and the officers thereof as the City Manager shall find necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the City Manager and shall make such recommendations on matters referred to them as they shall find necessary for the best interests of the City.
  - m. Declare any property to be surplus to the needs of the City and dispose of the property consistent with law.
  - n. Accept, reduce, extend, and release performance bonds and delay agreements as provided in Section 3-2-106.
  - o. In addition to the Personnel Policy and Procedures rules for filling open employment positions, when the City Manager determines that it is in the best interests of the City, the City Manager may authorize alternative employment methods, including the recruitment of specific individuals.
- (3) The City Manager’s responsibilities in the Good Landlord Program are as follows:
- a. Primary responsibility for coordinating the program shall be delegated to the West Valley City Rental Unit Task Force (“Task Force”).
  - b. The West Valley City Manager, or his designee, shall serve as the Task Force Director and shall have full discretion in all matters affecting the Task Force and the program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Amended 02/24/2000; Ord. No. 07-31 Amended 05/15/2007; Ord. No. 09-22 Amended 07/08/2009)**

### **3-2-103. ADMINISTRATION OF THE JUSTICECOURT.**

- (1) The Justice Court, for personnel, budget and other administrative issues shall report to the City through the Assistant City Manager.
- (2) In accordance with §78-5-108(3)(b), Utah Code Annotated, the Justice Court shall be open to the public and shall conduct judicial business Monday through Thursday.
- (3) In accordance with §78-5-108(3)(c), Utah Code Annotated, the operating hours of the Justice Court shall be from 7:00 a.m. to 6:00 p.m. with the exception of legal holidays.
- (4) The Court Administrator, with approval from the City Manager, may promulgate a recommended bail schedule for crimes frequently prosecuted in the West Valley City Justice Court.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003; Ord. No. 04-21 Amended 04/20/2004; Ord. No. 09-28 Amended 08/07/2009)**

#### **3-2-103.1. APPOINTMENT OF TEMPORARY JUSTICE COURT JUDGES.**

The City Manager shall appoint Temporary Justice Court Judges to fill temporary vacancies in the West Valley City Justice Court.

**(Ord. No. 11-10 Enacted 03/07/2011)**

**3-2-104. ADMINISTRATIVE LAW JUDGE.**

- (1) The Administrative Law Judge (ALJ) is appointed by the City Manager.
- (2) The ALJ position may be a merit or contract position and is subject to all personnel rules, except as provided in Subsection 3-2-104(3).
- (3) The ALJ may not be disciplined for any decision made while conducting a hearing, as long as the decision is lawful and made in accordance with City ordinances, City policy and procedure, and policies of the ALD.
- (4) The ALJ shall be trained and knowledgeable in misdemeanors, traffic laws, and due process.
- (5) The ALJ position is not a supervisory position. The ALJ is supervised by the Assistant City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 11-29 Amended 12/13/2011)**

**3-2-105. TRAFFIC SCHOOL PROGRAM.**

- (1) The Traffic School Program is supervised by the Assistant City Manager, as part of the Administrative Law Division, and shall:
- (2) Offer to individuals found in violation of traffic offenses an opportunity to have their penalties reduced through attendance at traffic school.
- (3) Provide individuals found in violation of traffic offenses an opportunity to sharpen defensive driving skills, while reinforcing safety skills.
- (4) Collect and receipt fees assessed for attendance at traffic school.
- (5) Provide for qualified instructors to conduct classes.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

**3-2-106. PERFORMANCE BONDS AND DELAY AGREEMENTS.**

- (1) Performance bonds and delay agreements, as approved by the City Attorney's Office and required by City ordinances, are hereby approved and adopted by the City Council for each development that receives the proper approvals and permits as required by such ordinances. A copy of the performance bond and delay agreement forms shall be filed with the City Council by the City Manager each time they are amended.
- (2) The manual or facsimile signature of the Mayor is hereby authorized on such performance bonds and delay agreements without the necessity of each one being brought to the Council, except that no such performance bond or delay agreement shall be valid until it has been countersigned manually by the City Manager and attested to by the City Recorder.
- (3) The time for completion of the improvements under the bonds may be extended by the City Manager, as provided in the applicable provisions governing the bonds.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-2-107. CITY RECORDER'S OFFICE.**

The City Recorder's Office is supervised by the City Recorder and shall:

- (1) Serve as Clerk of the City Council, attending its meetings, keeping the record of its proceedings, and performing such other duties of a like nature as may be required by the City Council.

- (2) Be responsible for the recording, filing, indexing, making available for public inspection, and safekeeping of all proceedings of the City Council and other records of the City.
- (3) Record all ordinances in full, uniformly and permanently, and authenticate the same. The Recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the City Council. The City Recorder shall assign each ordinance a number, if the City Council has not already done so. Immediately following each ordinance or codification of ordinances, the City Recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification.
- (4) Post or publish, as required by law, ordinances and resolutions adopted by the City Council, and all legal notices.
- (5) Supervise all municipal elections in accordance with state law and City ordinances, and keep and maintain all election records and have custody of all property used in connection therewith, according to law.
- (6) Countersign all contracts made on behalf of the City and maintain a properly indexed record of all contracts, agreements, deeds, rights-of-way, and other legal documents to which the City is a party.
- (7) Prepare, attest, and report on the vital statistics of the City.
- (8) Notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, such notice to be given at least 30 days before such expiration.
- (9) Be the custodian of the official seal of the City.
- (10) Act as the City Records Officer to oversee and coordinate records access and management and City archives activities as required by local, state, and federal law.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-2-108. REPEALED.**

**(Ord. No. 99-42, Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003; Ord. No. 06-16 Repealed 03/07/2006)**

### **3-2-109. ADMINISTRATIVE SERVICES DIVISION.**

- (1) The Administrative Services Division is supervised by the Administrative Services Director and shall:
  - a. Oversee all human resource activities for the City.
  - b. Oversee all information technology services required by the City.
- (2) The Administrative Services Division is organized into the following offices, for the purposes described:
  - a. Human Resource Office. The purpose of the Human Resource Office is to:
    - i. Administer the human resource program of the City as set forth in state law and City ordinances, the Personnel Policy and Procedures Manual, executive orders, and as instructed by the City Manager.
    - ii. Make suggestions to the City Manager designed to ensure that employment in City government is based upon merit and is free from personal and political considerations.

- iii. Perform all necessary and proper functions as liaison to the West Valley City Employee Discipline Hearing Officer in order to assure compliance with state law and City ordinances.
  - iv. Prepare and revise annually, in conjunction with department heads, classification plans, job descriptions, and salary surveys to be recommended to the City Manager for approval.
  - v. Establish and maintain a roster of all employees, setting forth class title of position, salary, any changes in class title, status, and such other data as may be deemed desirable or useful.
  - vi. Develop, acquire, and administer such recruiting and examining programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City.
  - vii. Propose, develop, or otherwise acquire and coordinate training and educational programs for City employees.
  - viii. Search for and inquire about ways and means of improving personnel procedures and make recommendations to the City Manager detailing these findings.
- b. Office of Information Technology. The purpose of the Office of Information Technology (IT) is to:
- i. Provide central telephone communications.
  - ii. Design, develop, acquire, implement, and upgrade software and hardware systems as vehicles for enhancing the management and administrative processes of the City.
  - iii. Advise the City on both the hardware and the software components necessary for the development of an effective and cost efficient computerized information system for the City.
  - iv. Advise the Administrative Services Director on all aspects of data processing services, including the feasibility, design, development, acquisition, implementation, and maintenance for all data processing hardware, software, and services to enhance the management and administrative processes of the City.
  - v. Provide appropriate controls for system compatibility, security, and accountability.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 14-32 Amended 07/24/2014)**

### **3-2-110. UTAH CULTURAL CELEBRATION CENTER DIVISION.**

The Utah Cultural Celebration Center Division is supervised by the City Manager or the City Manager's Designee.

- (1) The Utah Cultural Celebration Center Division shall facilitate the development and implementation of a center to celebrate cultural diversity and the arts and strengthen the sense of community by highlighting the cultural wealth of the City. The Objectives of the Utah Cultural Celebration Center include preserving and perpetuating cultural traditions, creating a setting for cultural exchange and experience, establishing a facility for art, providing a gathering place, encouraging education and experiential learning, providing a cultural icon and landmark of regional significance, enhancing economic development opportunities and building social infrastructure.

- (2) The Utah Cultural Celebration Center Division business shall be conducted by the Cultural Center Director and shall:
- a. Develop the Utah Cultural Celebration Center and its related facilities.
  - b. Direct and Oversee all activities at the Utah Cultural Celebration Center.
  - c. Facilitate the goals of the Utah Cultural Celebration Center.
  - d. Facilitate the participation of citizens and the entire community in the planning, development, function and use of the facility.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003)**

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## **CHAPTER 3-3 COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

**Sections:**

- 3-3-101. Duties of Community and Economic Development Director.
  - 3-3-102. Community and Economic Development Department Division.
  - 3-3-103. Planning and Zoning Division.
  - 3-3-104. Building Inspection Division.
  - 3-3-105. Repealed.
  - 3-3-106. Repealed.
  - 3-3-107. Economic Services and Redevelopment Division.
  - 3-3-108. Electric Power System Division.
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### **3-3-101. DUTIES OF COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR.**

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the Community and Economic Development (CED) Director to plan, promote, and coordinate all activities affecting community development; to speak on behalf of the Department concerning the public issues in the community over which the Department has jurisdiction or advisory responsibility; to establish overall work priorities and allocate work among the staff and divisions within the Department; to review the work of all divisions and make the final decisions for the Department; to coordinate departmental activities with other departments; and to perform all such related duties and such others as may be imposed by statute, the City Council, or the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-3-102. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT DIVISION.**

The Community and Economic Development Department is divided into the Planning and Zoning Division, Building Inspection Division, Ordinance Enforcement/Animal Control Division, Housing and Grants Division, Economic Services and Redevelopment Division, and Electric Power System Division.

**(Ord. No. 99-42 Repealed & Replaced Ord. No. 07/02/1999)**

### **3-3-103. PLANNING AND ZONING DIVISION.**

The Planning and Zoning Division is supervised by the Assistant CED Director and the Supervisor of Current Planning, and consists of the offices listed below, which have those responsibilities noted.

- (1) The Advanced Planning Office, which is responsible for long-range planning, including land use, housing, economics, policies, and the major street plan and general plan, and assisting in the development of the Capital Improvement Program.

- (2) The Current Planning Office, which is responsible for reviewing all new development, handling land use problems and applications on a day-to-day basis, providing technical staff assistance and liaison to Board of Adjustment and Planning Commission, and providing technical assistance for the zoning enforcement office and the development of short-range land use plans.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-3-104. BUILDING INSPECTION DIVISION.**

The Building Inspection Division is supervised by the Chief Building Official and shall:

- (1) Inspect or supervise the inspection of all work done under the provisions of the Uniform Codes adopted by the City.
- (2) Inspect or supervise the inspection of all premises, including structures and appurtenances thereon, for safety.
- (3) Perform such zoning ordinance compliance as directed by the CED Director.
- (4) Examine or supervise the examination of all construction plans to assure their compliance with the building codes and other appropriate laws and ordinances.
- (5) Issue building permits when plans comply with the building codes and all other appropriate laws and ordinances.
- (6) Assist and advise the public with respect to construction and code requirements.
- (7) Investigate complaints or information regarding the probability of the presence of hazardous or illegal conditions or uses in premises.
- (8) Perform inspections for compliance with Community and Economic Development Department, Public Works Department, and Fire Department requirements of the City Subdivision Ordinance when requested or directed.
- (9) Perform business license inspections.
- (10) Perform inspections for the Housing and Grants Division.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-3-105. REPEALED.**

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 08-55 Repealed 12/04/2008)**

### **3-3-106. REPEALED.**

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 08-55 Repealed 12/04/2008)**

### **3-3-107. ECONOMIC SERVICES AND REDEVELOPMENT DIVISION.**

The Economic Services and Redevelopment Division are supervised by the Economic Services and Redevelopment Division Administrator and shall:

- (1) Develop the economic/redevelopment portion of the City General Plan.
- (2) Aid in the preparation of the City Capital Improvement Program and Plan.
- (3) Provide public financial aid or incentives to make projects economically feasible and competitive, if the City decides to provide such aid and incentives.
- (4) Market or promote the locality.

- (5) Assist and improve land and services and recommend the provision of public financial aid or incentives to make projects economically feasible and competitive.
- (6) Supervise the planning, qualification, and development of redevelopment project areas and the activities of the Redevelopment Agency.
- (7) Aid existing and new businesses in finding adequate locations or relocations in the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-3-108. ELECTRIC POWER SYSTEM DIVISION.**

The Electric Power System Division is supervised by the CED Director, as provided in Title 20, Chapter 4.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

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## CHAPTER 3-4 FINANCE DEPARTMENT

**Sections:**

- 3-4-101. Finance Department.
  - 3-4-102. Duties of Finance Director.
  - 3-4-103. Finance Department Divisions.
  - 3-4-104. Treasury Division.
  - 3-4-105. Accounting Division.
  - 3-4-106. Purchasing Division
  - 3-4-107. Budget Disbursement Division.
  - 3-4-108. Business Licensing Division.
  - 3-4-109. Criteria and Procedures Regarding Application and Consideration of Industrial Revenue Bond (Private Activity Bond) Applications
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### **3-4-101. FINANCE DEPARTMENT.**

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the Finance Department to act to promote, secure, and preserve the financial and property interests of the City; to supervise all financial activities; to advise the City Manager on fiscal policy; to manage City investments; to handle debt administration; and to make interim and annual financial reports as requested by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-4-102. DUTIES OF FINANCE DIRECTOR.**

The Finance Director is the Budget Officer and shall:

- (1) Exercise general supervision over all officers of the City regarding the proper management of the fiscal concerns of their respective offices.
- (2) Examine the financial books of each department from time to time, and see that the books are kept in proper form.
- (3) See that officers receiving money pay the same to the Treasury Division, when thereto required, and that all necessary financial reports are made by officers, and report all delinquencies in such payments or reports to the City Manager.
- (4) Report the default of any officer of the City to the City Manager, who shall direct the City Attorney to take immediate legal measures for the recovery of the amount for which such officer may be in default.
- (5) Deposit the proceeds of all sales of bonds with the Treasury Division immediately after receiving the same and, until such deposit, be responsible for the amount thereof.
- (6) Pay out to the persons duly entitled thereto, on warrant of the Finance Director, without appropriation by the City Council, any money paid to the Treasury Division pursuant to condemnation proceedings or arising from special assessments for public improvements park fund certificates, condemnation fund certificates, and all special trust funds.
- (7) Have the responsibility as Budget Officer for complying with the requirements of the Uniform Municipal Fiscal Procedures Act.

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**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-4-103. FINANCE DEPARTMENT DIVISIONS.**

The Finance Department is divided into the Treasury Division, Accounting Division, Purchasing Division, Budget Disbursement Division, and Business Licensing Division.

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**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-4-104. TREASURY DIVISION.**

The Treasury Division is supervised by the City Treasurer and shall:

- (1) Keep in proper books, a full and accurate account of all the monies, bonds, or other securities received and disbursed by the City Treasurer in behalf of the City, specifying the time of receipt and disbursement, from whom received and to whom disbursed, on what account received and disbursed, and how paid.
- (2) Cancel all warrants and other evidences of debt against the City whenever paid by the City Treasurer, by writing or stamping across the face thereof the words, "Paid by the City Treasurer," with the date of payment written or stamped thereon. The City Treasurer shall give or cause to be given to every person paying money to the City a receipt or other evidence of payment therefore, specifying, as appropriate, the date of payment and upon which account paid, and shall file the duplicate of the receipt, a summary report, or other evidence of payment with the Chief Accountant.
- (3) Receive and have custody of all monies paid to the City and disburse City monies upon the warrant of the Chief Accountant. The City Treasurer, or, in the City Treasurer's absence, the Finance Director, shall sign all checks prepared by the Accounting Division. Prior to affixing the signature, the City Treasurer or the Finance Director shall determine that a sufficient amount is on deposit in the appropriate bank account of the City to honor the check. The Finance Director, with approval of the City Manager, may also designate a person in addition to the City Treasurer to countersign checks.
- (4) Pay City employees, upon presentation of the properly certified payroll.
- (5) Demand and receive all monies and fees owing to the City whenever any person is indebted to the City in any manner and the means of collection of such debt is not otherwise provided for by law. When any claim is not collectible by other methods, the City Treasurer shall report the same to the City Attorney for possible legal action.
- (6) Receive all money payable to the City within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue, and keep an accurate detailed account thereof in the manner provided by state law, ordinance, or resolution.
- (7) Promptly deposit all City funds in the appropriate bank accounts of the City.
- (8) Collect all special taxes and assessments, as provided by law and ordinance. All money received by the City Treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made. The money shall be used for the payment of interest and principal on bonds or other indebtedness issued in settlement thereof, and shall be used for no other purpose whatever, except as otherwise provided in Section 10-6-131, Utah Code Annotated 1953, as amended.
- (9) In the event the City is without funds on deposit in one of its appropriate bank accounts, the Finance Director shall draw and sign a warrant upon the City Treasurer of the payee named thereon. The City Treasurer shall pay all warrants in the order in which presented and as money

becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.

- (10) Provide for the investment of all idle cash.
- (11) Make a daily settlement with the Chief Accountant of the amounts received and paid out during the day for which settlement is being made, and, at such settlements, deliver to the Chief Accountant, properly canceled, all warrants and other obligations of the City paid by the City Treasurer since the last settlement and take a receipt therefore in duplicate, one to be turned over to the Finance Director and one to be retained by the City Treasurer, and once each month the City Treasurer shall balance accounts with the Chief Accountant, and, which monthly settlement shall show the balance to the credit of the several funds for which the City Treasurer is responsible.
- (12) Make a detailed report to the Finance Director on the first day of each month as to the business of the City Treasurer's office during the month preceding, showing the balance on hand to the credit of the different funds at the time of the City Treasurer's last report, the amount received during the month, and on what account, together with such other items and facts as the Finance Director may require.
- (13) Provide visitor information services, including incoming telephone calls to the City, mail services, and greeting and routing citizens visiting City Hall.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-4-105. ACCOUNTING DIVISION.**

The Accounting Division is supervised by the Chief Accountant and shall:

- (1) Examine and conduct special audits of the accounts of all officers and departments subject to the approval of the City Manager.
- (2) Prescribe the form of accounts and reports to be rendered to the Division.
- (3) Maintain the general books for each fund of the City and all subsidiary records relating thereto, including a list of the outstanding bonds, their purpose, amount, terms, date and place payable, and the accounts of all receiving and disbursing officers of the City.
- (4) Transmit to the Finance Director, at least monthly, statements of cash on hand and of classified unencumbered appropriation balances for the City as a whole, and such other financial statements as the Finance Director may from time to time require.
- (5) Keep all departments, boards, agencies, commissions, or institutions currently informed of its classified unencumbered appropriation balances.
- (6) Prepare payroll in accordance with state law and City policy.
- (7) Prepare and present to the Finance Director appropriate quarterly financial reports and, within 120 days after the close of each fiscal year, an audited annual financial report prepared in conformity with generally accepted accounting principles, as prescribed in the Uniform Accounting Manual for Utah Cities.
- (8) Keep general accounting records, maintain or supervise cost accounts, bills, special assessments, other service charges, utilities and others, and perform all other such duties as may be prescribed by law, ordinance, resolution or administrative order.
- (9) Determine the cash requirements of the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-4-106. PURCHASING DIVISION**

The Purchasing Division is supervised by the Purchasing Manager and shall:

- (1) Have such powers and duties as may be prescribed by state law or City ordinance.
- (2) Purchase or contract for all supplies and contractual services needed by any City board, commission, or department, or by any using agency which derives its support wholly or in part for the City, in accordance with purchasing procedures as prescribed by law or ordinance and such rules and regulations as the Purchasing Manager, Finance Director, or City Manager shall adopt for the internal management and operation of the Purchasing Division.
- (3) Act to procure for the City the highest quality in goods and contractual services at the least expense to the City.
- (4) Encourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
- (5) Keep informed of current developments in the field of purchasing, prices, market conditions, and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations.
- (6) Prescribe and maintain such forms as may be reasonably necessary.
- (7) Prepare and adopt a standard purchasing nomenclature for using departments and suppliers.
- (8) Prepare, adopt, and maintain a vendors' catalog file. The catalog shall be filed according to materials and shall contain descriptions of vendors' commodities, prices, and discounts.
- (9) Explore the possibilities of buying "in bulk," so as to take full advantage of discounts.
- (10) Act so as to procure for the City all federal and state tax exemptions to which it is entitled.
- (11) Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the City for a stated period of time.
- (12) Establish and amend, when necessary, such rules and regulations as may be necessary and proper for carrying into execution the foregoing powers.
- (13) Keep and maintain all City asset records.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-4-107. BUDGET DISBURSEMENT DIVISION.**

The Budget Disbursement Division is supervised by the Budget Disbursement Supervisor and shall:

- (1) Prepare estimates of revenue and give such other assistance in the preparation of the budget as may be required by the Finance Director or the City Manager.
- (2) Prepare estimates of expenses and give such other assistance in the preparation of the budget as may be required by the Finance Director or the City Manager.
- (3) Provide for all other budget needs of the City.
- (4) Process claims against the City after a purchase order or check request has been submitted.
- (5) Receive invoices from City vendors, obtain required department signatures, denote delivery of product, and obtain authorization for payment of invoice.
- (6) Pay all bona fide claims against the City in a timely manner.
- (7) Prepare checks for mailing.
- (8) File purchase orders, invoices, and copies of checks.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-4-108. BUSINESS LICENSING DIVISION.**

The Business Licensing Division is supervised by the City Treasurer and shall:

- (1) Collect all license fees and issue all licenses in the name of the City to all qualified persons.
- (2) Promulgate, enforce, and supervise the enforcement of all reasonable rules and regulations necessary to the operation of the Division.
- (3) Adopt all forms and prescribe the information to be given therein as to character and other relevant matters.
- (4) Require applicants to submit any affidavits necessary and proper in the licensing process.
- (5) Organize and maintain the files on applications and licenses.
- (6) Coordinate with the Economic Services and Redevelopment Division to aid existing and new businesses to find adequate locations or relocations in the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-4-109. CRITERIA AND PROCEDURES REGARDING APPLICATION AND CONSIDERATION OF INDUSTRIAL REVENUE BOND (PRIVATE ACTIVITY BOND) APPLICATIONS.**

- (1) Purpose. West Valley City, pursuant to state law, may consider issuing industrial revenue bonds/private activity bonds for the purpose of obtaining a direct economic benefit to the City through the advancement of the City's economic development goals, creation of employment opportunities, increases in the tax base or stimulation of private investment or business development.
- (2) Equal Consideration. With the exception of limitations placed by State Law, no particular type of business or enterprise will be excluded from consideration of the issuance of industrial revenue bonds/private activity bonds. Each applicant will be reviewed pursuant to this Policy and shall be given an equal opportunity to demonstrate its ability to provide the City with direct economic benefit.
- (3) Compliance with State Law. The City and the applicant shall at all times comply with the requirements of Utah State Code Chapter 11-17, 1953 as amended.
- (4) Application. An applicant shall comply with the following application requirements.
  - a. Application Procedure:
    - i. The applicant shall submit the following information to the City Attorney's Office. The City Attorney's Office shall facilitate the coordination and processing of the applicant's application with the appropriate City departments and submit the recommendations, legal documents and information to the City Manager.
    - ii. Name of business enterprise.
    - iii. Address
    - iv. If incorporated (state and date of incorporation)
    - v. Business Officers
    - vi. Name and Address of the following:
      1. Bond Counsel
      2. Legal Counsel
      3. Auditors
      4. Proposed underwriter or purchaser of bonds
      5. Developer
      6. Architect

7. Engineer
  8. Contractor
  - vii. A copy of the applicant's feasibility study, if any, for the proposed project, including a narrative describing the proposal in detail.
  - viii. A detailed description of plans for financing the proposed project, including a written statement from the proposed lender indicating a tentative commitment of financial support.
  - ix. A statement demonstrating the applicant's prior experience, if any, related to the type of project, activity, or business being proposed.
  - x. A showing of financial stability including:
    1. A review of the past 3 years of audits and financial statements for the applicant.
    2. Current audited financial statements
    3. Corporate structure and subsidiaries
    4. Banking institution of record
    5. A statement regarding outstanding litigation resulting in possible liability, including the court of record.
    6. Pro Forma financial disclosure of net income projections of the project, if the bond issue is approved.
  - xi. A copy of all plans and specifications for the proposed project for review by the Community and Economic Development Department including:
    1. A legal description of all property included in the project.
    2. A plat showing adjoining properties
    3. A preliminary title report or comparable evidence demonstrating ownership of the project property including owner's names, addresses and percentage of ownership.
  - xii. A statement of economic impact on the City, including current and pro forma projections of employees, sales tax revenues, etc for the next three (3) years.
    1. The applicant shall address each of the following issues to the satisfaction of the City:
      - a. Will the project have a positive economic impact on the City?
      - b. What social and physical benefits will be realized by the City?
      - c. How many new jobs will be created, at what levels and what percentage of the applicant's total payroll will they comprise?
      - d. Does the project contribute to the development of underutilized property in the City?
      - e. Does the project serve unmet needs of the City residents and generate synergies for the development of surrounding properties?
  - xiii. A statement regarding requirements for new or additional municipal services including police, fire, water and sewer.
- (5) Evaluation of the Proposal.
- a. Upon receipt of all required information, the City Attorney's Office shall review the application, drawing on the support of all appropriate departments of the City. This review shall include a written recommendation by the Finance Department with regards to the financial stability of the applicant, and a written review by the Community and Economic Development Department with regards to the applicants meeting of the land use requirements of the City. The results of this analysis, as well as an analysis by

appropriate staff, bond counsel, financial advisors and others will be forwarded to the City Manager.

- b. The City Manager will review the proposal. If the City Manager believes that the proposal has merit, and is in the best interest of the City, the City Manager may submit a recommendation to the City Council for its consideration.
- (6) Inducement Resolution and Agreement. Any applicant whose application is approved shall be required to enter into an agreement with the City regarding the issuance of the bonds. The agreement shall contain all requirements to the satisfaction of the City Attorney, Bond Counsel, and City Manager. The Agreement will specifically include a provision whereby all publicly offered revenue bonds issued by the City on behalf of a private entity shall be credit enhanced by either a bond insurance policy issued by a 'AAA' rated municipal bond insurer, satisfactory to the city, or by a direct pay letter of credit from a financial institution with at least an 'AA' rating. Evidence of such shall be provided to the City prior to the adoption of the final bond resolution. In the case where the proposed bonds are to be sold on a private placement basis to a sophisticated investor, the City's credit enhancement may be waived if the City receives written confirmation from the sophisticated investor that it understands the risks and that under no circumstances will non-payment of a default on the bonds constitute or impose upon the City any financial obligation or liability.

**(Ord. No. 06-26 Amended 04/11/2006)**

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## **CHAPTER 3-5 FIRE DEPARTMENT**

**Sections:**

- 3-5-101. Duties of Fire Chief.
  - 3-5-102. Fire Department Divisions.
  - 3-5-103. Fire Administrative Services Division.
  - 3-5-104. Operations Division.
  - 3-5-105. Fire Prevention Division
  - 3-5-106. Support Services Division.
  - 3-5-107. Special Operations Division.
  - 3-5-108. Training Division.
  - 3-5-109. Medical Division.
  - 3-5-110. Community Services Division.
  - 3-5-111. Personnel Services Division.
  - 3-5-112. Emergency Management Division.
  - 3-5-113. Hazardous Chemical Local Emergency Planning Committee.
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### **3-5-101. DUTIES OF FIRE CHIEF.**

The Fire Chief is charged with the general operation of the Fire Department, including the prevention of fires, the protection of life and property from fires, the provision of emergency medical service, and any other emergency operation deemed necessary to protect the citizens of West Valley City. The Fire Chief shall also:

- (1) With the advice and consent of the City Manager, appoint a Deputy Chief and/or Assistant Chief to perform such duties as may be delegated by the Fire Chief. The Deputy Chief or Assistant Chief shall function as the Operations Officer for the department, which duties include daily operational supervision and training, and shall serve as Acting Fire Chief in the absence of the Fire Chief or in the Fire Chief's temporary incapacity to perform the duties of office.
- (2) Keep records on all fire losses, arson investigations, medical calls, and all other information deemed necessary.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-102. FIRE DEPARTMENT DIVISIONS.**

The Fire Department is divided into the Fire Administrative Services Division, Operations Division, Fire Prevention Division, Support Services Division, Special Operations Division, Training Division, Medical Division, Community Services Division, Personnel Services Division, Emergency Management Division, and the Hazardous Chemical Local Emergency Planning Committee.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-103. FIRE ADMINSTRATIVE SERVICES DIVISION.**

The Fire Administrative Services Division is supervised by the Fire Chief and is responsible for:

- (1) Personnel;

- (2) Records;
- (3) Payroll; and
- (4) Budget.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-104. OPERATIONS DIVISION.**

The Operations Division is supervised by the Deputy Chief or Assistant Chief and is responsible for:

- (1) Fire suppression;
- (2) Saving of life and property;
- (3) Providing fire response emergency medical services;
- (4) Providing hazardous materials response;
- (5) Providing technical rescue response;
- (6) Emergency communications;
- (7) Deployment of apparatus and manpower; and
- (8) Scheduling of all emergency response personnel.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-105. FIRE PREVENTION DIVISION**

The Fire Prevention Division is supervised by a Battalion Chief and is responsible for:

- (1) Plans review and new construction inspections;
- (2) Maintaining an ongoing safety inspection program for existing businesses;
- (3) The abatement of existing fire hazards and hazardous materials; and
- (4) Arson investigations.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-106. SUPPORT SERVICES DIVISION.**

The Support Services Division is supervised by a Battalion Chief and is responsible for:

- (1) The maintenance and care of apparatus and equipment;
- (2) The upkeep of buildings and grounds;
- (3) The purchase and distribution of protective clothing; and
- (4) The purchase and distribution of all supplies for emergency responses and the maintenance of physical assets.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

### **3-5-107. SPECIAL OPERATIONS DIVISION.**

The Special Operations Division is supervised by a Battalion Chief and is responsible for:

- (1) Training and equipping the hazardous materials team for response to chemical accidents and releases;

- (2) Training and equipping the technical response team for emergency responses to confined spaces, collapsed trenches, near drownings, structural collapses, vehicular accidents, and high angle falls; and
- (3) Training and equipping the Fire Department for terrorism responses to chemical and/or biological attacks.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-108. TRAINING DIVISION.**

The Training Division is supervised by a Battalion Chief and is responsible for:

- (1) Training recruits;
- (2) Training all firefighters based on their rank, emergency response capabilities, and any special skills that they possess;
- (3) Maintaining training records and certifications for all firefighters;
- (4) Providing a training structure that allows crews to simulate emergency response situations and conditions;
- (5) Creating testing processes and establishing hiring lists for all ranks and specializations;
- (6) Providing performance testing in all skill areas for individual firefighters and designated crews.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-109. MEDICAL DIVISION.**

The Medical Division is supervised by a Battalion Chief and is responsible for:

- (1) Providing training and certifications for all departmental Emergency Medical Technicians and paramedic personnel;
- (2) Providing liaison with West Valley City's Medical Director and base hospital;
- (3) Providing case review and performing testing for all paramedics; and
- (4) Managing an exposure control program as required by national standards and federal law.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-5-110. COMMUNITY SERVICES DIVISION.**

The Community Services Division is supervised by a Battalion Chief and is responsible for:

- (1) Providing a Public Information Officer (PIO) for emergency response and any community related activity requiring Fire Department participation;
- (2) Providing safety education in public schools;
- (3) Providing safety education for neighborhood organizations;
- (4) Managing the CERT organization and providing training for current CERT members and for residents of West Valley City; and
- (5) Managing the Local Emergency Planning Committee.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-5-111. PERSONNEL SERVICES DIVISION.**

The Personnel Services Division is supervised by a Battalion Chief and is responsible for:

- (1) Managing the physical exam program for firefighters;
- (2) Managing the industrial injury program for firefighters;
- (3) Managing the physical fitness program for firefighters; and
- (4) Managing the Critical Incident Debriefing process for firefighters.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-5-112. EMERGENCY MANAGEMENT DIVISION.**

The Emergency Management Division is supervised by the Fire Chief and shall act as an extension of the functions of the City Manager to identify, mitigate, prepare for, and respond to, crisis situations. The Emergency Management Division shall administer and develop an emergency operations plan and resources that will provide the City with an integrated multi-hazard approach to dealing with the known hazards within the community.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-5-113. HAZARDOUS CHEMICAL LOCAL EMERGENCY PLANNING COMMITTEE.**

The West Valley City Hazardous Chemical Local Emergency Planning Committee (“LEPC”) is established for the purposes of carrying out the requirements of the Emergency Planning and Community Right to Know Act (“EPCRA”).

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

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## CHAPTER 3-6 LAW DEPARTMENT

Sections:

- 3-6-101. Duties of City Attorney.
  - 3-6-102. Law Department Divisions.
  - 3-6-103. Civil Division.
  - 3-6-104. Enforcement Division.
  - 3-6-105. Division of Risk Management.
  - 3-6-106. Renumbered (moved to 3-8-106)
  - 3-6-107. Correction of Technical Errors to City Code.
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### **3-6-101. DUTIES OF CITY ATTORNEY.**

The City Attorney shall enforce all laws, act as legal advisor to the City, administer the Victim Services Program, oversee risk management for the City, and act to protect the legal interests of the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-6-102. LAW DEPARTMENT DIVISIONS.**

The Law Department consists of the City Attorney and such other subordinates as may be authorized from time to time. The Law Department is divided into the Civil Division, the Enforcement Division, and the Division of Risk Management.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-6-103. CIVIL DIVISION.**

The Civil Division is supervised by the City Attorney and shall:

- (1) Advise the City Manager or any City officer, when requested, on all legal questions arising in the conduct of City business.
- (2) Prepare or revise ordinances when so requested by the City Council, any committee or commission thereof, or the City Manager.
- (3) Give opinions, orally or in writing, upon any legal matter or question submitted by any City officer.
- (4) Attend Council meetings as assigned by the City Manager for the purpose of giving the City Council and City Manager legal advice.
- (5) Prepare for execution all contracts and instruments to which the City is a party and approve as to form all contracts, legal instruments, and bonds.
- (6) Defend all City officials and employees in any court when authorized to do so by state law, City ordinance, or City resolution.
- (7) Have the power to adjust, settle, compromise, or submit to arbitration or mediation any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the City or in which the City is concerned as a party, now existing or which may hereafter arise, when it is not covered by any City insurance policy and upon approval of the City Manager.

- (8) Handle personnel matters, including City representation before the Employee Discipline Hearing Officer.
- (9) Report the outcome of any litigation in which the City has an interest to the City Manager.
- (10) Periodically report to the City Manager all pending litigation and the condition thereof in which the City has an interest.
- (11) Have charge of all legal services auxiliary to City Council action in connection with the appropriating of property to public use and in the levying of assessments.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 14-32 Amended 07/24/2014)**

### **3-6-104. ENFORCEMENT DIVISION.**

The Enforcement Division is supervised by the Enforcement Division Supervisor, who may also use the title of City Prosecutor, and shall:

- (1) Prepare civil and criminal charges and complaints against, and appear in the appropriate Court or administrative proceedings in the prosecution or enforcement of, every person charged with the violation of a City ordinance or a state law which city attorneys have the authority to enforce.
- (2) Exercise, as directed and delegated by the City Attorney, all prosecutorial powers conferred upon city attorneys by state law.
- (3) Serve as legal advisor to the City departments and divisions delegated the responsibility to enforce violations of the law, including the Police Department, the Fire Department, the Ordinance Enforcement Division, and the Business Licensing Division.
- (4) Bring actions to collect fines, penalties imposed, and unpaid debts to the City and the Housing Authority.
- (5) Oversee the Victim Services Office, which is supervised by the Victim Services Administrator and which shall:
  - a. Inform victims of their rights under the law.
  - b. Contact victims of crime to provide resources, information, and support and encouragement throughout the judicial process.
  - c. Assist victims in obtaining protective orders.
  - d. Attend court with victims or for victims to advocate for them during court hearings.
- (6) Oversee the service of legal process, investigations and any other positions deemed necessary by the City Attorney to carry out the powers and responsibilities outlined in this Chapter.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-57 Amended 10/17/2000)**

### **3-6-105. DIVISION OF RISK MANAGEMENT.**

The Division of Risk Management is supervised by the Deputy City Attorney and shall:

- (1) Provide for City liability insurance, workers' compensation insurance, property insurance, and other insurance programs as needed.
- (2) Establish and administer risk management programs for the City.
- (3) Coordinate any self-insurance program approved by the City Council and City Manager.
- (4) Receive and process claims and lawsuits according to procedures established by the City Attorney.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-57 Amended 10/17/2000)**

**3-6-106. RENUMBERED (MOVED TO 3-8-106)****(Ord. No. 00-57 Renumbered 10/17/2000)****3-6-107. CORRECTION OF TECHNICAL ERRORS TO CITY CODE.**

The City Attorney is authorized to correct technical errors and make other minor changes to the West Valley City Code, including:

- (1) Adopting a uniform system of punctuation;
- (2) Eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;
- (3) Correcting defective or inconsistent section and paragraph structure arrangement of the subject matter of existing statutes;
- (4) Eliminating all obsolete and redundant words;
- (5) Correcting obvious errors and inconsistencies, including those involving punctuation, capitalization, cross-references, numbering, and wording;
- (6) Changing the boldface to more accurately reflect the substance of each section, part, chapter, or title; and
- (7) Merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the City Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

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## **CHAPTER 3-7 PARKS AND RECREATION DEPARTMENT**

**Sections:**

- 3-7-101. Duties of Parks and Recreation Director.
  - 3-7-102. Parks and Recreation Department Divisions.
  - 3-7-103. Park Operation and Maintenance Division.
  - 3-7-104. Harman Home Senior Center.
  - 3-7-105. The Ridge Golf Course.
  - 3-7-106. Events, Promotions, and Marketing Division.
  - 3-7-107. Fitness Center and Recreation Division.
  - 3-7-108. E-center Parking Division.
  - 3-7-109. Stonebridge Golf Course.
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### **3-7-101. DUTIES OF PARKS AND RECREATION DIRECTOR.**

The Parks and Recreation Department is supervised by the Parks and Recreation Director. The Parks and Recreation Director is responsible for matters relating to the planning, developing, constructing, operating, maintaining, and use of public parks, senior centers, golf courses, recreation centers, recreational activities, special events, and other leisure activities. The Director shall also be a member of, or assign a person to, the Parks and Recreation Advisory Committee and the West Valley Arts Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-7-102. PARKS AND RECREATION DEPARTMENT DIVISIONS.**

The Parks and Recreation Department is divided into the Park Operation and Maintenance Division; the Harman Home Senior Center; The Ridge Golf Club; Stonebridge Golf Course; the Events, Promotions, and Marketing Division; the Fitness Center and Recreation Division; and the Maverik Center Parking Division.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-7-103. PARK OPERATION AND MAINTENANCE DIVISION.**

The responsibilities of the Park Operation and Maintenance Division include:

- (1) Maintaining all City parks and other landscaped properties owned by the City.
- (2) Maintaining all undeveloped City park properties.
- (3) Maintaining the landscaping at the Hale Centre Theatre.
- (4) Handling park reservations.
- (5) Supporting and carrying out special and recreational events.
- (6) Beautifying City properties.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-7-104. HARMAN HOME SENIOR CENTER.**

The responsibilities of the Harman Home Senior Center include:

- (1) Serving as a place for senior citizens to gather and participate in special programs and activities.
- (2) Providing and offering programs to senior citizens.
- (3) Striving to provide an outlet for the “Older American Act Benefits” to senior citizens.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

**3-7-105. THE RIDGE GOLF CLUB.**

The responsibilities of The Ridge Golf Club include:

- (1) Providing public golf on an 18-hole championship golf course.
- (2) Beautifying and managing the golf course.
- (3) Providing the highest quality golf experience at the lowest price.
- (4) Maintaining golf equipment and carts in the best manner possible.
- (5) Providing customer service, with a full service pro shop and golf course.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-7-106. EVENTS, PROMOTIONS, AND MARKETING DIVISION.**

The responsibilities of the Events, Promotions, and Marketing Division include:

- (1) Promoting and marketing the Family Fitness Center and activities.
- (2) Promoting and marketing events, games, sports, festivals, and other events as needed.
- (3) Assisting other Parks and Recreation divisions with events and promotions.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-7-107. FITNESS CENTER AND RECREATION DIVISION**

The responsibilities of the Fitness Center and Recreation Division include:

- (1) Providing valuable family-oriented fitness and recreational facilities and programs.
- (2) Enhancing the quality of life for all West Valley City residents, regardless of age or ability, by maximizing learning opportunities through leisure experiences.
- (3) Providing a safe environment in which all residents will feel welcome and secure.
- (4) Establishing strong programming, including fitness, recreational/cooperative, competitive, and instructional-based formats.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-7-108. MAVERIK CENTER PARKING DIVISION.**

The Maverik Center Parking Division is responsible for maintaining and operating the Maverik Center parking facilities.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

**3-7-109. STONEBRIDGE GOLF COURSE.**

The responsibilities of the Stonebridge Golf Course include:

- (1) Providing public golf on a 27 hole championship golf course.
- (2) Beautifying and managing the golf course.
- (3) Providing the highest quality golf experience at the lowest price.
- (4) Maintaining golf equipment and carts in the best manner possible.
- (5) Providing customer service, with a full service pro shop and golf course.

**(Ord. No. 03-43 Add 05/20/2003)**

## **CHAPTER 3-8 POLICE DEPARTMENT**

Sections:

- 3-8-101. Duties of the Chief of Police.
- 3-8-102. Police Department Structure.
- 3-8-103. Office of the Chief of Police.
- 3-8-104. Uniform Services Bureau.
- 3-8-105. Support Services Bureau.
- 3-8-106. Service of Legal Papers.

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### **3-8-101. DUTIES OF THE CHIEF OF POLICE.**

The Chief of Police directs the police work of the City, is responsible for the enforcement and maintenance of law, and shall:

- (1) With the advice and consent of the City Manager, appoint Deputy Chief(s) of Police, or other command level officers to perform such duties as may be delegated to them by the Chief of Police. The Deputy Chief(s) of Police shall serve as Acting Chief of Police in the absence, or temporary incapacity of the Chief of Police to perform the duties of the office.
- (2) Assign officers and civilian personnel to units in the Department, and make reassignments as necessary.
- (3) Ensure that each necessary function of police service required by law or directed by the City Council and City Manager is carried out as prescribed.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

### **3-8-102. POLICE DEPARTMENT STRUCTURE.**

For the purpose of organizational efficiency and control, the Police Department is divided into various units. These units may be reorganized from time to time to respond to the necessities of the Department in order to carry out its mission. The primary operating units of the Department are the Office of the Chief of Police, the Uniform Services Bureau, and the Support Services Bureau. The Office of the Chief of Police heads all units.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000 ;)**

### **3-8-103. OFFICE OF THE CHIEF OF POLICE.**

The Office of the Chief of Police is supervised by the Chief of Police and shall have direct charge of:

- (1) Police Department budgets and related financial matters;
- (2) Liaison activities;
- (3) Technology development;
- (4) Public relations;
- (5) Preparation of monthly and annual reports;
- (6) Internal affairs matters; and

- (7) Legal support.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

### **3-8-104. UNIFORM SERVICES BUREAU.**

The Uniform Services Bureau shall have charge of:

- (1) Patrol, traffic, and community oriented policing, handling the initial investigations and calls for service;
- (2) Dispatch and communications support;
- (3) Child safety programs;
- (4) Community relations programs;
- (5) Central complaint desk;
- (6) Chaplain program;
- (7) Training; and
- (8) Reserve officer program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

### **3-8-105. SUPPORT SERVICES BUREAU.**

The Support Services Bureau shall have responsibility for:

- (1) School resource programs;
- (2) Maintenance of police records;
- (3) Investigation of crimes;
- (4) Liquor control, vice, and narcotics investigations;
- (5) Evidence collection;
- (6) Custody of property and evidence;
- (7) Forensic analysis;
- (8) The preparation of evidence for the prosecution of criminal cases; and
- (9) Personnel Resources.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

### **3-8-106. SERVICE OF LEGAL PAPERS.**

The Police Department is responsible for providing the Law Department with a fully equipped police vehicle (i.e. Laptop computer, police radio, etc.), gas and maintenance for the vehicle, a gun, and a handheld police radio to be used by their process server and investigator.

**(Ord. No. 00-12 Add 02/24/2000; Ord. No. 00-57 Amended 10/17/2000)**

## CHAPTER 3-9 PUBLIC WORKS DEPARTMENT

Sections:

- 3-9-101. Duties of Public Works Director.
- 3-9-102. Public Works Department Divisions.
- 3-9-103. Engineering Division.
- 3-9-104. Operations Division.
- 3-9-105. Fleet Management Division.
- 3-9-106. Public Facilities Division.
- 3-9-107. Sanitation Division.
- 3-9-108. Transportation Division.

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### **3-9-101. DUTIES OF PUBLIC WORKS DIRECTOR.**

The Public Works Director is responsible for all matters relating to engineering review, construction, management, maintenance, and operation of the physical properties of the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-9-102. PUBLIC WORKS DEPARTMENT DIVISIONS.**

The Public Works Department is divided into the Engineering Division, the Operations Division, the Fleet Management Division, the Public Facilities Division, and the Sanitation Division, and the Transportation Division.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 06-37 Amended 6/6/06; Ord. No. 07-33 Amended 5/15/2007; Ord. No. 07-57 Amended 9/18/2007)**

### **3-9-103. ENGINEERING DIVISION.**

The Engineering Division is supervised by the City Engineer and shall:

- (1) Perform and/or supervise the performance of all engineering services for the Public Works Department and for such other departments of the City as may from time to time require such services.
- (2) Inspect or supervise the inspection of work involving the construction of streets, sidewalks, curbs, gutters, rights-of-way, drainage facilities, traffic control devices, and all other public improvements.
- (3) Serve as the office of records for all maps, plans, plats, profiles, drawings, final estimates, specifications, and copies of contracts which in any way relate to the public improvements and engineering affairs of the City and be custodian of all drawings and documents above-mentioned.
- (4) Provide for planning and engineering of flood control facilities, including channels, ditches, open drains, and storm drains which are included in the flood control system or designated by the Public Works Director or City Manager as having a public interest.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

**3-9-104. OPERATIONS DIVISION.**

The Division is supervised by the Operations Manager and shall:

- (1) Maintain all City streets, and rights-of-way in a safe and attractive condition and provide for their repair and maintenance.
- (2) Provide for the removal of snow and other hazards from City streets.
- (3) Provide for an ongoing maintenance program and direct the cleaning and maintenance of natural channels, ditches, open drains, and storm drains which are included in the storm drainage and flood control system.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 07-33 Amended 5/15/2007; Ord. No. 07-57 Amended 9/18/2007)**

**3-9-105. FLEET MANAGEMENT DIVISION.**

The Fleet Management Division is supervised by the Fleet Manager and shall:

- (1) Develop and implement a Fleet Management Policy, as approved by the City Manager.
- (2) Be responsible for the management of all City vehicles and equipment, including maintenance, replacement, disposal, licensing, and issuing fuel cards.
- (3) In cooperation with each City department, determine the most appropriate vehicle for each approved use. Prepare and maintain a list of approved vehicles for each use.
- (4) Oversee the operation of the Fleet Maintenance Facility.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 06-37 Amended 6/6/06)**

**3-9-106. PUBLIC FACILITIES DIVISION.**

The Public Facilities Division is supervised by the Public Facilities Manager and shall be responsible for the management, maintenance, and operation of all municipal buildings and other public facility properties.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

**3-9-107. SANITATION DIVISION.**

The Sanitation Division is supervised by the Operations Manager and shall be responsible for the collection and disposal of garbage and rubbish placed on the curb by residents on assigned days.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 07-33 Amended 5/15/2007)**

**3-9-108. TRANSPORTATION DIVISION.**

The Transportation Division is supervised by the Transportation Engineer and shall be responsible for the transportation planning, traffic engineering, traffic signal maintenance and operation, pavement markings and street lighting.

**(Ord. No. 07-57 Enacted 9/18/2007)**

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## **CHAPTER 3-10**

### **ADMINISTRATIVE ADVISORY ORGANIZATIONS**

**Sections:**

3-10-100P	Part 1—Administrative Advisory Organizations.
3-10-101.	Creation.
3-10-102.	Membership.
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3-10-200P	Part 2—Volunteer Advisory Committee.
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3-10-300P	Part 3 Parks and Recreation Advisory Committee.
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3-10-302.	Duties.
3-10-303.	Length of Terms.
3-10-304.	Officers.
3-10-305.	Policies and Procedures.
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3-10-600P	Part 6 – Repealed.
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3-10-602.	Repealed.
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3-10-604.	Repealed.
3-10-605.	Repealed.
3-10-606.	Repealed.
3-10-700P	Part 7 – West Valley City Cultural Arts Board.
3-10-701.	West Valley City Cultural Arts Board Creation.

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3-10-702.	Purpose.
3-10-703.	Membership.
3-10-704.	Governance.
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3-10-800P	Part 8—West Valley City Arts Council.
3-10-801.	West Valley City Arts Council.
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3-10-803.	Governance.
3-10-804.	Operations.
3-10-900P	Part 9 – Historical Society.
3-10-901.	Historical Society.
3-10-902.	Purpose.
3-10-903.	Governance.
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310-1000P	Part 10 – West Valley City Sister City Committee
3-10-1001.	West Valley City Sister City Committee.
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3-10-1003.	Governance.
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3-10-1102.	Purpose.
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3-10-1305.	Funds.
3-10-1400P.	Part 14 – Utah Cultural Celebration Center Foundation Committee.

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### **3-10-100P PART 1—ADMINISTRATIVE ADVISORY ORGANIZATIONS**

#### **3-10-101. CREATION.**

Administrative Advisory Committees may be created by the City Manager as may be needed from time to time.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-102. MEMBERSHIP.**

Each Committee created herein shall be composed of appropriate numbers of members, unless state statute or City ordinance requires a specific number. Committee members shall be appointed and subject to removal and/or sunset by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-103. DUTIES.**

Each Committee created herein shall act as an advisory group to the City Manager regarding the matters within its field and any specific problems referred to it by ordinance, resolution, or by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## **3-10-200P PART 2—VOLUNTEER ADVISORY COMMITTEE**

### **3-10-201. DEFINITIONS.**

(1) “Volunteer” means any person who donates approved services without pay or other compensation except expenses actually and reasonably incurred as approved by the City. “Volunteer” does not include community service workers.

(2) “Community Service Worker” means any person who has been convicted of a criminal offense, any youth who has been adjudged delinquent, or any person or youth who has been diverted from the criminal or juvenile justice system and who performs a public service for an agency as a condition of the person’s or youth’s sentence, diversion, probation, or parole.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-202. VOLUNTEER ADVISORY COMMITTEE.**

The City Manager shall establish a Volunteer Advisory Committee pursuant to Chapter 3-2 of the West Valley City Code.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-203. DUTIES.**

The Volunteer Advisory Committee shall:

- (1) Encourage volunteerism and be responsible for the promotion of optimum use of volunteers within City government;
- (2) Develop a unified policy for the operation of volunteer programs;
- (3) Coordinate with the Administrative Services Director those documents and information that should be contained in the volunteer’s personnel file.

- (4) Identify special projects where the use of volunteer services is particularly appropriate and/or essential, and recommend implementation of such projects;
- (5) Monitor compliance with established standards, including appropriate recognition;
- (6) Request and receive statistical and program reports from volunteer programs annually or more frequently, if necessary;
- (7) Evaluate City volunteer programs and recommend future direction of such programs;
- (8) Assist departments in identifying volunteer resources for special projects;
- (9) If requested by the City Manager, establish a program for the use of community service workers.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-204. STATUS.**

A volunteer, authorized by the City Manager, is considered an employee of the City only for the purposes of:

- (1) Receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Chapters 1 and 2, Title 35, Utah Code Annotated;
- (2) The operation of motor vehicles or equipment, if the volunteer is properly licensed to do so; and
- (3) Liability protection and indemnification normally afforded paid City employees.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-205. STATUS OF COMMUNITY SERVICE WORKERS.**

A community service worker is considered a government employee for purposes of receiving workers' compensation benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Chapters 1 and 2, Title 35, Utah Code Annotated.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-206. EXPENSES.**

Approved expenses for which volunteers may receive reimbursement include transportation, meals, travel expenses, lodging, uniforms, and/or supplies. Such reimbursement is entirely dependent upon the decision and resources of the individual City departments, with the appropriate financial approvals pursuant to City ordinances and policies.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-207. CREDIT.**

When prescribed by department management and certified as having participated in an approved Volunteer Services Program, such volunteer service credit shall be recognized for determining satisfaction of minimum qualification requirements for career service positions, as determined by the Administrative Services Director.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-208. CONFLICT OF INTEREST**

Members of the Volunteer Advisory Committee, volunteers, and community service workers are subject to conflict of interest provisions, as detailed in applicable sections of the Utah Code Annotated and West Valley City ordinances.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

### **3-10-300P PART 3—PARKS AND RECREATION ADVISORY COMMITTEE**

#### **3-10-301. MEMBERS.**

The City Manager is hereby authorized to create a Parks and Recreation Advisory Committee, composed of nine members. The members shall be appointed by the City Manager, with the advice and consent of the City Council.

The Parks and Recreation Advisory Committee shall be composed of one member from the West Valley City Council; two “at-large” members chosen from the citizenry of West Valley City; and six additional members selected from the citizenry of West Valley City at large or from such other groups or organizations, as deemed appropriate by the City Manager. Such groups or organizations may include the following: the West Valley City Arts Council, Valley West Chamber of Commerce and local sports organizations, including, but not limited to, Granger Little League Baseball, Hunter Bonnet Ball, Granger Little League Football, and Youth Soccer.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

#### **3-10-302. DUTIES.**

Duties of the Parks and Recreation Advisory Committee shall include the following:

- (1) Recommend park development plans to the City Manager; and
- (2) Recommend recreation program plans to the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

#### **3-10-303. LENGTH OF TERMS.**

The initial term of each member of the Parks and Recreation Advisory Committee shall be determined by the City Manager, upon the advice and consent of the City Council, subject to the following:

- (1) Three members of the Committee shall serve an initial term of one year.
- (2) Three members of the Committee shall serve an initial term of two years.
- (3) Three members of the Committee shall serve an initial term of three years.

Thereafter, each appointment to the Committee shall be for a term of three years.

The City Manager, with the advice and consent of the City Council, may reappoint members for additional terms. Should a vacancy in the Committee occur, nominees for membership may be solicited and recommended to the City Manager after notification of the vacancy.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

### **3-10-304. OFFICERS**

The City Manager, with the advice and consent of the City Council, shall annually appoint one member of the Parks and Recreation Advisory Committee to serve as chairperson.

Election of additional officers, as the Committee may deem necessary, shall be held as provided in the Parks and Recreation Advisory Committee policies and procedures.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

### **3-10-305. POLICIES AND PROCEDURES.**

- (1) The Parks and Recreation Advisory Committee shall establish and adopt policies and procedures governing its operation and the conduct of its meetings. Upon adoption, said policies and procedures shall be submitted to the City Manager for review and approval. The policies and procedures become effective upon approval by the City Council.
- (2) The Parks and Recreation Advisory Committee, upon its own initiative, may amend the policies and procedures. Amendments to the policies and procedures shall be submitted to the City Manager for approval, with the advice and consent of the City Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

### **3-10-306. FUNDS.**

It is not the intent of the City Council that the Parks and Recreation Advisory Committee collect or disburse funds, or in any manner operate a budget. However, should it become necessary to collect or disburse funds or establish a budget, as determined by the City Manager, such funds shall be collected and disbursed and such budget shall be operated under the direction of the City Manager, within established accounting and budget procedures as provided by state law and City ordinance.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## **3-10-400P PART 4—YOUTH CITY COUNCIL**

### **3-10-401. YOUTH CITY COUNCIL.**

- (1) There is hereby created the West Valley City Youth City Council.
- (2) The Youth City Council shall consist of a Youth Mayor, six Youth City Council members, a Youth City Manager and a Youth City Recorder, who shall be appointed by the City Manager with the advice and consent of the City Council.
- (3) The Youth City Council shall have additional unlimited numbers of members serving as Youth Department Heads, Committee Chairpersons and Committee Members, appointed by the City Manager.
- (4) The Youth City Council may create subcommittees and use volunteers who are not on the Youth City Council to accomplish its purposes.
- (5) Youths who reside or attend a senior high school in West Valley City shall be eligible to apply for participation in the West Valley City Youth Council program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-402. PURPOSE.**

The Youth City Council is created as an advisory body to the City to promote and provide an opportunity for the youths of West Valley City to acquire a greater knowledge of and appreciation for the political system of local government through active participation; and to obtain information and assistance from the youths regarding planning and implementation of social, educational, cultural and recreational activities for youths.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-403. LENGTH OF TERMS.**

- (1) The term of appointment for a member is one year.
- (2) Should a vacancy occur in the positions of Mayor, Council member, City Manager or City Recorder, nominees may be solicited and recommended to the City Manager as soon as possible after notification of the vacancy.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-404. OFFICERS.**

- (1) The Youth Mayor shall be the Chair of the Youth City Council, and shall be appointed annually by the City Manager with the advice and consent of the City Council.
- (2) The Youth City Recorder shall be the Secretary of the Youth City Council, shall be appointed annually by the City Manager, and shall record all proceedings of the Youth City Council meetings.
- (3) The City Manager shall appoint a representative to the Youth City Council to be known as the Youth City Council Advisor. The Youth City Council Advisor shall attend all meetings of the Youth City Council and provide leadership and support to the program.
- (4) Election and/or appointment of other officers may be held as provided in the bylaws.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-405. BYLAWS.**

- (1) The Youth City Council shall prepare bylaws and submit them to the City Council for approval. The bylaws shall include times of and procedures for meetings, quorum and voting requirements, purposes of the program, requirements for membership in the program, methods for conducting business and meeting notice requirements.
- (2) The Youth City Council, upon its own initiative, may propose amendments to the bylaws. Such amendments shall be submitted to the City Manager for approval and submission to the City Council for final approval.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-406. OPERATIONS.**

- (1) As allowed by this Chapter, the bylaws and other applicable law, and with the prior approval of the City Manager, the Youth City Council may:
  - a. Assist the City Council and West Valley City departments in solving problems and accomplishing goals in the community;
  - b. Take opportunities to acquire a greater knowledge of and appreciation for the political system of local government through active participation in local government;
  - c. Inform City government officials regarding planning and implementing of social, educational, cultural and recreational activities for youths;
  - d. Promote community pride by the development of activities, events and programs;
  - e. With prior City Manager approval, perform any other function that would further the purposes described in Section 3-10-602.
- (2) Any collection and expenditure of funds by the Youth City Council shall be under the direction of the City Manager and City Council pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-500P PART 5 - WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE****3-10-501. WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE.**

- (1) There is hereby created the West Valley City Clean and Beautiful Committee.
- (2) The West Valley City Clean and Beautiful Committee shall consist of up to thirteen (13) resident members and two (2) staff members, who shall be appointed by the City Manager with the advice and consent of the City Council.
- (3) The West Valley City Clean and Beautiful Committee shall exist as of the date of the enactment of this Chapter and shall continue as the Clean and Beautiful Committee under this Chapter.
- (4) The Clean and Beautiful Committee may create subcommittees and use volunteers who are not on the Clean and Beautiful Committee to accomplish its purposes.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-701 12/20/2004; Ord. No. 09-07 Amended 3/16/2009)**

**3-10-502. PURPOSE.**

The purpose of the Clean and Beautiful Committee shall be to promote public interest in the general improvement of the appearance of West Valley City; to initiate, plan, direct, and coordinate programs for the promotion of community pride and general beautification and improvement of the physical quality of life in West Valley City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-702 12/20/2004; Ord. No. 09-07 Amended 3/16/2009)**

**3-10-503. LENGTH OF TERMS.**

- (1) The term of appointment for a member is four years.

- (2) Should a vacancy occur, nominees may be solicited and recommended to the City Manager as soon as possible after notification of the vacancy.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-703 12/20/2004)**

### **3-10-504. OFFICERS.**

- (1) The Chair of the Clean and Beautiful Committee shall be appointed annually by the City Manager, with the advice and consent of the City Council.
- (2) Election and appointment of other officers may be held as provided in the bylaws.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-704 12/20/2004)**

### **3-10-505. BYLAWS.**

Bylaws shall be proposed and submitted to the City Council by the City Manager for approval. The bylaws shall include times of and procedures for meetings, quorum and voting requirements, duties, methods for conducting business, meeting notice requirements, elections, and purposes of the program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-705 12/20/2004)**

### **3-10-506. OPERATIONS.**

- (1) As allowed by this Chapter, the bylaws and other applicable law, and with the prior approval of the City Manager, the West Valley City Clean and Beautiful Committee may:
  - a. Plan, initiate, direct, and coordinate community-wide efforts to achieve its goals.
  - b. Promote community pride through the development of activities, events, and programs.
  - c. Make recommendations to the City Manager regarding measures which it deems necessary to accomplish its objectives.
  - d. With prior City Council approval, solicit and accept donations and appropriations of money, services, products, property, and facilities for expenditure and use by the Committee for the accomplishment of its objectives.
  - e. With prior City Council approval, perform any other function that would further the purposes described in Section 3-10-702.
- (2) The collection and expenditure of funds by the Committee shall be under the direction of the City Manager and City Council pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-706 12/20/2004)**

**3-10-600P PART 6—REPEALED****3-10-601. REPEALED.**

(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-901 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)

**3-10-602. REPEALED.**

(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-902 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)

**3-10-603. REPEALED.**

(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-903 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)

**3-10-604. REPEALED.**

(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-904 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)

**3-10-605. REPEALED.**

(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-905 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)

**3-10-606. REPEALED.**

(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-906 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)

**3-10-700P PART 7 – WEST VALLEY CITY CULTURAL ARTS BOARD****3-10-701. WEST VALLEY CITY CULTURAL ARTS BOARD CREATION.**

There is hereby created the West Valley City Cultural Arts Board to be known as CAB.

(Ord. No. 04-60 Repealed & Replaced 12/20/2004)

**3-10-702. PURPOSE.**

CAB is created as an advisory board to the City to promote the Utah Cultural Celebration Center, culture, the arts, history and sister city relationships for the betterment of the City and its residents and to enhance the quality of life in the City through cooperative planning, budgeting and program recommendations. Specifically, CAB shall conduct its duties to promote, perpetuate and preserve the presentation of art and cultural arts programs within West Valley City; shall act as the representative

arm of its member organizations and shall make recommendations to the City Manager on behalf of its member organizations.

CAB shall support the missions and programs of the individual member organizations by:

- (1) Advancing the research, study and understanding of the various cultural assets of the City such as historical sites, archives, artifacts, and musical and artistic traditions;
- (2) Assisting musical groups and organizations with preservation, teaching and practice of the music of various cultures of the City in order to promote inter-culture respect, understanding and cooperation;
- (3) Guiding and facilitating the teaching and understanding of arts of all cultures in order to promote human understanding and cultural respect;
- (4) Encouraging sharing of knowledge and experiences relating to cultural diversity;
- (5) Developing long term relationships with other agencies for the purpose of exchanging programs and activities;
- (6) Informing government agencies, community groups, media, and other applicable organizations of the work, programs events and projects of CAB;
- (7) Acting as a clearinghouse for the promotion of city-sponsored arts and cultural arts projects and events;
- (8) Acting as the recommending body to the City manager regarding all cultural and artistic matters;
- (9) Sponsoring fund-raising activities to perpetuate the arts and cultural arts and to promote various presentation and performance programs as well as arts and cultural arts events within the City;
- (10) Assisting the UCCC Foundation in the growth of endowment funds for the perpetuation of arts and cultural arts programs and support of the Utah Cultural Celebration Center.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 05-40 Amended 09/20/2005)**

### **3-10-703. MEMBERSHIP.**

- (1) CAB shall consist of at least eleven members. The following voting members shall be appointed by the City Manager with the advice and consent of the City Council and shall include the Assistant City Manager, one Council person, one member of the West Valley City Arts Council, one member of the Utah Cultural Celebration Center Advisory Board, one member of the West Valley City Historical Society, one member of the West Valley City Sister City Committee, one member of the UCCC Foundation, one member of the West Valley Symphony, two members of the community at large, and an Executive Director.
- (2) The term of appointment for each of the members shall be two (2) years.
- (3) The City Manager shall appoint an Executive Director of CAB with the advice and consent of the City Council. The Executive Director shall serve at the pleasure of the City Manager and the City Council.
- (4) The City Manager shall fill any vacancy as soon as possible after notification of the vacancy.
- (5) Four voting members shall constitute a quorum, but all four must vote unanimously to approve an action.
- (6) Nonvoting members of CAB shall be designated "Friends of CAB". Friends of CAB shall receive all the notifications and information that voting members of CAB receive. Friends of CAB shall participate in all CAB supported missions and programs.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 07-12 Amended 01/23/2007; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-704. GOVERNANCE.**

CAB shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-705. OPERATIONS.**

- (1) CAB may, with prior approval of the City Manager or designee, conduct any activities that further the purpose set forth in this Part. In addition, CAB shall establish a mission statement and additional by-laws for the operation of itself and each of its member organizations. The mission statement and by-laws shall be approved by the City Manager and City Council prior to implementation.
- (2) CAB as directed by the City Manager or designee shall act on behalf of all of its members as a whole and shall act solely for the benefit of the City as a whole.
- (3) CAB may also act to create and maintain a City controlled public non-profit entity for the sole purpose of soliciting and accepting funds for CAB and other member advisory board purposes. Such public non-profit entity shall be subject to the control of the City Council.
- (4) CAB at the direction of the City Manager through the Executive Director shall monitor each of the member advisory boards and provide a substantive annual report of the activities of CAB and of each member advisory board.
- (5) CAB shall, at the direction of the City Manager, review and make recommendations to the City Manager regarding the conduct and budgeting of all proposed functions of all member boards.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 05-40 amended 09/20/2005; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-800P PART 8 - WEST VALLEY CITY ARTS COUNCIL****3-10-801. WEST VALLEY CITY ARTS COUNCIL.**

- (1) There is hereby created the West Valley City Arts Council
- (2) The Arts Council shall consist of up to 13 members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve a two (2) year term.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-802. PURPOSE.**

The Arts Council is created as an advisory body to the City to promote the arts for the betterment of the City and its residents and enhance the quality of life in the City. The Arts Council shall participate in the West Valley City Cultural Arts Board to facilitate this purpose as directed by the City Manager or designee.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-803. GOVERNANCE.**

The Arts Council shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-804. OPERATIONS.**

- (1) As allowed by this ordinance, other applicable law, and with the prior approval of the City Manager, the Arts Council may:
  - a. Organize performances of plays, music and other theatrical events;
  - b. Organize arts displays and exhibits;
  - c. With prior approval from CAB, solicit funding or conduct fund-raising events to advance the arts within West Valley City and to accomplish the other purposes for which the Arts Council was created;
  - d. With prior approval from CAB, conduct other activities necessary to further the goals of the City.
  - e. With prior City Council approval, perform any other function that would further the purposes described in Section 3-10-802.
- (2) The collection and expenditure of funds by the Arts Council shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, State law and other applicable regulations.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-900P PART 9 - HISTORICAL SOCIETY****3-10-901. HISTORICAL SOCIETY.**

There is hereby created a Historical Society, composed of up to thirteen (13) members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two (2) year terms.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-902. PURPOSE**

The Historical Society is created as an advisory body to the City Manager and City Council to further the preservation of the City's history. The Historical Society shall participate in the West Valley City Cultural Arts Board as directed by the City Manager or designee to further this purpose.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

**3-10-903. GOVERNANCE.**

The Historical Society shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)****3-10-904. OPERATIONS.**

- (1) As allowed by this ordinance, and other applicable law, and with the prior approval of the City Manager, the Historical Society may:
  - a. Organize historically related performances and other events;
  - b. Organize historical displays and exhibits;
  - c. With prior City Manager and City Council approval, solicit funding or conduct fund-raising events to advance historical preservation within West Valley City and to accomplish the other purposes for which the Historical Society was created;
  - d. With prior City Manager and City Council approval, conduct other activities necessary to further the goals of the City.
  - e. With prior City Council approval, perform any other function that would further the purposes of CAB.
- (2) The collection and expenditure of funds by the Historical Society shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, State law and other applicable regulations.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)****3-10-1000PART 10 - WEST VALLEY CITY SISTER CITY COMMITTEE****3-10-1001. WEST VALLEY CITY SISTER CITY COMMITTEE.**

- (1) There is hereby created the West Valley City Sister City Committee.
- (2) The Sister City Committee shall consist of up to 13 members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two (2) year terms.
- (3) The Sister City Committee may create subcommittees and use volunteers who are not on the Committee to accomplish its purposes.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)****3-10-1002. PURPOSE.**

The Sister City Committee is created as an advisory body to the City to establish and maintain Sister City relationships that provide economic, cultural and educational benefits to West Valley City. The Committee shall serve as the liaison between the City and the Sister City. The Committee shall seek and evaluate the potential of any new Sister City relationships and when appropriate provide evidence of the benefit of such a relationship to the City Manager so that appropriate steps may be taken by the City Manager and City Council to make any proposed relationship official. The Sister City Committee shall participate in the West Valley City Cultural Arts Board at the direction of the City Manager or designee to accomplish this purpose.

**(Ord. No. 04-60 Enacted 12/20/2004)**

**3-10-1003. GOVERNANCE.**

The Sister City Committee shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Enacted 12/20/2004)**

**3-10-1004. OPERATIONS.**

- (1) As allowed by this Ordinance, the Bylaws, and other applicable law, and with the prior approval of the City Manager, the Sister City Committee may:
  - a. Seek out methods of maintaining appropriate Sister City relationships; and
  - b. Serve as the liaison between the City and the Sister City; and
  - c. Maintain the City's membership in Sister Cities International; and
  - d. Conduct other activities necessary to establish and operate a program to ensure relationships with the Sister City; and
  - e. Perform any other function that would further the goals of the City.
- (2) The collection and expenditure of funds by the Sister City Committee shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-1100P PART 1100 - WEST VALLEY CITY UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD****3-10-1101. WEST VALLEY CITY UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD.**

- (1) There is hereby created the Utah Cultural Celebration Center Advisory Board (UCCC Advisory Board).
- (2) The UCCC Advisory Board shall consist of up to 13 members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two (2) year terms.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-1102. PURPOSE.**

The UCCC Advisory Board is created as an advisory body to the City to suggest the establishment and maintenance of programs at the UCCC to provide economic, cultural and educational benefits to West Valley City. The UCCC Advisory Board shall participate in the West Valley City Cultural Arts Board at the direction of the City Manager or designee to accomplish this purpose.

**(Ord. No. 04-60 Enacted 12/20/2004)**

**3-10-1103. GOVERNANCE.**

The UCCC Advisory Board shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Enacted 12/20/2004)**

**3-10-1104. OPERATIONS.**

- (1) As allowed by this Ordinance, the Bylaws and other applicable law, and with the prior approval of the City Manager, the UCCC Advisory Board may:
  - a. Seek out methods of encouraging cultural and ethnic understanding and
  - b. Conduct other activities necessary to establish and operate a beneficial program or program(s) at the UCCC; and
  - c. Perform any other function that would further the purposes described in this Section.
- (2) The collection and expenditure of funds by the UCCC Advisory Committee shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-1200 PART 1200 ADVISORY BOARD GOVERNANCE.****3-10-1201. APPLICATION.**

All advisory boards created by this Chapter shall be governed by this Section. If the provisions of this Section and any advisory board bylaws conflict, the provisions of this Section shall govern.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

**3-10-1202. PURPOSE.**

The purpose of these rules is to provide for a standard set of bylaws which govern all advisory boards created by the City to ensure the proper governance of such boards.

**(Ord. No. 04-60 Enacted 12/20/2004)**

**3-10-1203. MEETINGS.**

- (1) All advisory boards shall hold a minimum of four (4) regularly scheduled meetings per year. A meeting schedule shall be set during the first meeting of the board and shall be provided to the City Manager and to the City Recorder.
- (2) In the event that an advisory board determines that additional meetings are necessary, the meeting schedule shall be provided to the City Manager and City Recorder.
- (3) The meeting schedule provided to the City Manager shall act as official notice to all advisory board members.
- (4) All meetings shall be conducted by the Chair of the advisory board.

- (5) Written minutes of all meetings shall be kept. Such minutes shall include the date, time and place of the meeting, the names of the members present, and absent, the substance of all matters discussed or decided, a record of all votes taken and any other information a member requests be entered into the minutes.
- (6) All meetings shall conform to state law requirements.

**(Ord. No. 04-60 Enacted 12/20/2004)**

### **3-10-1204. ELECTIONS.**

- (1) A chairperson shall be appointed by the City Manager with the advice and consent of the City Council annually.
- (2) Election of additional officers shall be held at the first annual meeting of the Board. Elections shall be by yea or nay and a majority of the board shall be required to cast their vote for a valid election.
- (3) Additional officers shall include a vice chair and a secretary. Other officers may be elected as determined by the advisory board.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

### **3-10-1205. DUTIES OF OFFICERS.**

- (1) The Chairperson shall preside at all meetings of the board and shall perform any such duties as may be required by the City Manager or designee.
- (2) The Vice Chairperson shall perform all duties of the Chairperson in event of an absence and shall attend to any other duties as may be required by the City Manager or designee.
- (3) The Secretary shall keep minutes and attend to any other duties as may be required by the City Manager or designee.

**(Ord. No. 04-60 Enacted 12/20/2004)**

### **3-10-1206. REMOVAL OR RESIGNATION.**

- (1) Any member of any board, or any officer of any board may be removed by the City Manager at any time.
- (2) Resignation of any member shall be in writing delivered to the City Manager.

**(Ord. No. 04-60 Enacted 12/20/2004)**

### **3-10-1207. VOTING.**

- (1) Each voting member of a board shall have one vote in equal weight. All voting shall be by voice vote provided however that the chairperson may call for a roll call vote.
- (2) A quorum shall consist of a majority of the members, except CAB, for which a quorum shall consist of (4) voting members.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

### **3-10-1208. PROPERTY OF THE CITY**

All work product of each advisory board is property of the City regardless of the medium.

**(Ord. No. 10-13 Enacted 05/07/2010)**

### **3-10-1300PART 13 - AUDIT REVIEW COMMITTEE**

#### **3-10-1301. MEMBERS.**

The City Manager is hereby authorized to create an Audit Review Committee composed of five members. The members shall be appointed by the City Manager, with the advice and consent of the City Council. The Audit Review Committee shall be composed of two member of the City Council, a City staff member, a finance director from another municipality or public organization, and a member of the community with related experience and expertise. Preference will be given to persons with accounting or auditing experience, background or expertise.

#### **3-10-1302. DUTIES.**

Duties of the Audit Review Committee shall include the following:

- (1) Recommend to the Council an independent firm of certified public accountants to perform the annual audit of the City
- (2) Analyze and report to the Council significant findings in the annual audit report and make recommendations regarding such findings
- (3) Make recommendations, if any, to the Council regarding the following financial documents:
  - a. Annual financial statements,
  - b. Management letter submitted by the independent auditor, and
  - c. Response to management letter submitted by city staff
- (4) Perform such other related duties and the City Manager may direct.

#### **3-10-1303. LENGTH OF TERMS.**

The terms of the Audit Review Committee members shall be three years and all members terms shall run concurrently. The City Manager, with the advice and consent of the City Council, may reappoint members for additional terms. The City Manager, with the advice and consent of the City Council, may fill any vacancies on the Committee for the remainder of the existing term.

#### **3-10-1304. OFFICERS.**

The City Manager shall annually appoint one member of the Audit Review Committee to serve as chairperson.

#### **3-10-1305. FUNDS.**

It is not the intent of the City Council that the Audit Review Committee collect or disburse funds, or in any manner operate a budget. However, should it become necessary to collect or disburse funds or establish a budget, as determined by the City Manager, such funds shall be collected and disbursed and

such budget shall be operated under the direction of the City Manager, within established accounting and budget procedures as provided by state law and City ordinance.

**(Ord. No. 09-06 Enacted 03/02/2009)**

### **3-10-1400P. Part 14 – Utah Cultural Celebration Center Foundation Committee.**

#### **3-10-1401. UTAH CULTURAL CELEBRATION CENTER FOUNDATION COMMITTEE.**

- (1) There is hereby created the Utah Cultural Celebration Center Foundation Committee.
- (2) The Utah Cultural Celebration Center Foundation Committee shall consist of up to thirteen members, who shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two year terms.
- (3) Members may be removed by the City Manager at any time, with or without cause. Members may resign by delivering notification in writing to the City Manager.

**(Ord. No. 14-31 Enacted 06/19/2014)**

#### **3-10-1402. PURPOSE.**

The Utah Cultural Celebration Center Foundation Committee shall constitute the Board of Directors of the Utah Cultural Celebration Center Foundation. The Committee shall work to further the interests of the Foundation and the Cultural Celebration Center by assisting in program development, fundraising, and promoting the cause of cultural diversity in West Valley City.

**(Ord. No. 14-31 Enacted 06/19/2014)**

#### **3-10-1403. GOVERNANCE.**

When acting as the Board of Directors of the Utah Cultural Celebration Center Foundation, the Committee shall operate in accordance with the articles of incorporation and bylaws of the Foundation. The Committee is not required to meet or elect officers. However, any meetings that may occur are to be held in accordance with state law.

**(Ord. No. 14-31 Enacted 06/19/2014)**

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## **CHAPTER 3-11 EMPLOYEE DISCIPLINE HEARING OFFICER**

**Sections:**

- 3-11-101. Employee Discipline Hearing Officer.
  - 3-11-102. Who May Appeal to the Employee Discipline Officer.
  - 3-11-103. Manner of Appeal.
  - 3-11-104. Disposition of the Appeal.
  - 3-11-105. Hearing – General Procedures.
  - 3-11-106. Evidence to be Considered by the Employee Discipline Hearing Officer.
  - 3-11-107. Decisions and Burden of Proof.
  - 3-11-108. Public Access.
  - 3-11-109. No Additional Rights Created.
- 

### **3-11-101. EMPLOYEE DISCIPLINE HEARING OFFICER.**

The City Manager shall appoint a Hearing Officer pursuant to the following requirements:

- (1) The Hearing Officer shall be selected by a public hiring process;
- (2) The Hearing Officer shall be an independent contractor with a term of at least one year;
- (3) A selection committee existing of a sitting West Valley City Council Member, a West Valley City citizen, and a representative of the West Valley City Human Resources Division shall submit two names to the City Manager; and
- (4) The City Council shall ratify the City Manager's appointment of the Hearing Officer.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 14-32 Amended 07/24/2014)**

### **3-11-102. WHO MAY APPEAL TO THE EMPLOYEE DISCIPLINE HEARING OFFICER.**

- (1) Subject to Subsection (2) below, an appeal may only be taken from a termination, suspension for more than two days without pay, involuntary transfer from one position to another with less remuneration for any disciplinary reason, or a final decision of the City on a grievance relating to a promotion. All other disciplinary actions, including but not limited to oral or written reprimands, and employees discharged or involuntarily transferred to a position with less remuneration as a result of layoff or reorganization, are outside the jurisdiction of the Employee Discipline Hearing Officer and may not be the subject of an appeal.
- (2) All employees may appeal to the Employee Discipline Hearing Officer, with the following exceptions:
  - a. An employee appointed pursuant to Utah Code Annotated 10-3-1105(2), as amended;
  - b. A police chief;
  - c. A deputy or assistant police chief;
  - d. A fire chief;
  - e. A deputy or assistant fire chief;
  - f. A head of a municipal department or division;
  - g. A deputy of a head of a municipal department or division;
  - h. A probationary employee;
  - i. A part-time employee, including paid call fire fighters;

- j. A seasonal or temporary employee of the municipality;
- k. A person who works in the office of an elected official;
- l. A secretarial or administrative assistant support position that is specifically designated as a position to assist and elected official or the head or deputy head of a municipal department;
- m. Any individuals appointed to a position under Utah Code Annotated 10-3-901, et. seq., including
  - i. The city engineer;
  - ii. The city recorder
  - iii. The city treasurer; or
  - iv. The city attorney; or
- n. An employee who has:
  - i. Acknowledged in writing that the employee’s employment status is appointed or at will;
  - ii. Voluntarily waived the procedures required by Utah Code Annotated 10-3-1106, as amended.

**(Ord. No. 14-32 Enacted 07/24/2014)**

### **3-11-103. MANNER OF APPEAL.**

- (1) All appeals must be initiated by filing a notice of appeal with the City Recorder within ten (10) calendar days from the date of the order from which the appeal is taken.
- (2) The notice of appeal must include the following:
  - a. The specific reasons for the appeal, including but not limited to the reasons why the appellant believes the City’s decision was in error;
  - b. The written pre-discipline notice received by the appellant;
  - c. The written decision or order which is being appealed by the appellant;
  - d. The mailing address to be used for further communication with the appellant; and
  - e. The appellant’s signature.
- (3) An appellant’s failure to timely submit a notice of appeal in full and complete compliance with this section shall result in a forfeiture of all appeal rights of the appellant.
- (4) No later than five (5) calendar days following the filing of the notice of appeal, the Hearing Officer shall:
  - a. Schedule a hearing at the Hearing Officer’s sole discretion, no sooner than 30 days and no later than 45 calendar days after the filing of the notice of appeal.
- (5) Provide the date, time and place of the hearing to:
  - a. The appellant;
  - b. The appellant’s counsel, if any;
  - c. The City’s counsel;
  - d. The Human Resource Division;
  - e. The Department Head.

**(Ord. No. 14-32 Enacted 07/24/2014)**

**3-11-104. DISPOSITION OF THE APPEAL.**

- (1) Upon receipt of a notice of appeal, the City Recorder must mail or personally deliver a copy of the appeal to the department head, City Manager, Human Resource Office, and City Attorney's office.

**(Ord. No. 14-32 Enacted 07/24/2014)**

**3-11-105. HEARING – GENERAL PROCEDURES.**

- (1) The Hearing Officer shall conduct the hearing in accordance with Utah Code Annotated 10-3-1106(4)(a), as amended. At the hearing, the appellant may:
  - a. Appear in person and be represented by counsel;
  - b. Have a hearing open to the public, if appellant so desires;
  - c. Confront the witnesses whose testimony is to be considered; and
  - d. Examine the evidence to be considered by the Hearing Officer.
- (2) The Hearing Officer has no subpoena power.
- (3) The Hearing Officer has no contempt power.

**(Ord. No. 14-32 Enacted 07/24/2014)**

**3-11-106. EVIDENCE TO BE CONSIDERED BY THE EMPLOYEE DISCIPLINE HEARING OFFICER**

- (1) No later than twenty (20) calendar days before the date of the appeal hearing set by the Hearing Officer, the City shall provide to the appellant and the Hearing Officer a complete copy of the record relied upon by the City for the disciplinary action, as well as a complete witness list. This record shall include all documents the City relied on in its discipline decision, including similarly situated employees within the department with similar discipline under the current department head or chief.
- (2) No later than ten (10) days before the date of the appeal hearing, the appellant must submit all evidence (other than the record submitted by the City) which the appellant wishes to rely upon, as well as a complete witness list.
- (3) The Hearing Officer shall not consider any evidence not timely submitted as provided in this Section, other than witness testimony. The Hearing Officer shall not hear the testimony of witnesses not included on a timely submitted witness list as provided in this Section, with the exception of rebuttal witnesses.

**(Ord. No. 14-32 Enacted 07/24/2014)**

**3-11-107. DECISIONS AND BURDEN OF PROOF.**

- (1) The Hearing Officer shall review a decision using a "substantial evidence" standard of review. "Substantial evidence" is that quantum and quality of relevant evidence that is adequate to convince a reasonable person to support a conclusion. If the Hearing Officer finds that there is "substantial evidence" to support the City's action, the Hearing Officer shall uphold the action. If the Hearing Officer finds that there is not "substantial evidence" to support the City's action, the Hearing Officer shall overturn the decision. If the Hearing Officer overturns the City's action,

the Hearing Officer’s decision shall provide that the City shall compensate the appellant as required by state law.

- (2) The Hearing Officer’s decision shall be in writing, shall adopt findings of fact and conclusions of law in support of the Hearing Officer’s decision, and shall be certified to the City Recorder within fifteen (15) days of the date of the hearing.
  - a. The Hearing Officer may extend the 15-day period to a maximum of sixty (60) calendar days if the Hearing Officer has good cause and the consent of both the City and the employee.
- (3) The Hearing Officer shall keep a record of the proceedings.
- (4) The ruling by the Hearing Officer shall be the final administrative decision of the City.

**(Ord. No. 14-32 Enacted 07/24/2014)**

### **3-11-108. PUBLIC ACCESS.**

- (1) The Appellant may decide whether or not the public is allowed at the hearing.
- (2) The Hearing Officer may expel any person who is disorderly during the hearing.

**(Ord. No. 14-32 Enacted 07/24/2014)**

### **3-11-109. NO ADDITIONAL RIGHTS CREATED.**

The process set forth in this Chapter is not intended and shall not be interpreted to create or establish any interest or right in employment or employment benefits. The City hereby undertakes no additional obligations beyond those set forth by state and federal law.

**(Ord. No. 14-32 Enacted 07/24/2014)**

**CHAPTER 3-12  
REPEALED**

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## **CHAPTER 3-13 COMMUNITY PRESERVATION DEPARTMENT**

**Sections:**

- 3-13-101. Duties of Community Preservation Department Director.
  - 3-13-102. Community Preservation Department.
  - 3-13-103. Ordinance Enforcement Division.
  - 3-13-104. Animal Control Division.
  - 3-13-105. Housing and Grants Division.
- 

### **3-13-101. DUTIES OF COMMUNITY PRESERVATION DIRECTOR.**

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the Community Preservation Department (CPD) Director to plan, promote, and coordinate all activities affecting community preservation; to speak on behalf of the Department concerning the public issues in the community over which the Department has jurisdiction or advisory responsibility; to establish overall work priorities and allocate work among the staff and divisions within the Department; to review the work of all divisions and make the final decisions for the Department; to coordinate departmental activities with other departments; and to perform all such related duties and such others as may be imposed by statute, the City Council, or the City Manager.

**(Ord. No. 08-55 Enacted 12/04/2008)**

### **3-13-102. COMMUNITY PRESERVATION DEPARTMENT.**

The Community Preservation Department is divided into the Ordinance Enforcement Division, Animal Control Division, and Housing and Grants Division.

**(Ord. No. 08-55 Enacted 12/04/2008; Ord. No. 09-22 Amended 07/08/2009)**

### **3-13-103. ORDINANCE ENFORCEMENT DIVISION.**

The Ordinance Enforcement Division is supervised by the Enforcement Administrator. It consists of:

- (1) The Ordinance Enforcement Office, which is responsible for:
  - a. Enforcing or assisting in the enforcement of the City code including: zoning, business licensing, health ordinances, and non-moving violations. The Enforcement Administrator shall coordinate all ordinance enforcement within the City.
  - b. Abating nuisances and other unsightly or noxious objects or sounds.

**(Ord. No. 08-55 Enacted 12/04/2008; Ord. No. 09-22 Amended 07/08/2009)**

### **3-13-104. ANIMAL CONTROL DIVISION.**

The Animal Control Division is supervised by the Animal Control Administrator.

- (1) The Animal Control Division is responsible for:

- a. Enforcing animal ordinances and providing animal pickup service
- b. Administering the animal licensing program for the City
- c. Promulgating rules and regulations in conformity with state law and City ordinances dealing with animal licensing and regulation, tags, and collars; running at large and impounding; notice to owners and redemption; disposition of unclaimed or infected animals; confinement of certain animals and muzzling; rabies control and notices vaccinations, and enforcing the same; and other pertinent matters
- d. Managing the City Animal Shelter to include the impound, care, redemption, sale, and euthanasia of animals
- e. Conducting publicity programs to acquaint the public with the laws and regulations dealing with animal ownership and control.

**(Ord. No. 08-55 Enacted 12/04/2008; Ord. No. 09-22 Amended 07/08/2009)**

### **3-13-105. HOUSING AND GRANTS DIVISION.**

The Housing and Grants Division is supervised by the Housing and Grants Administrator, who shall be responsible for:

- (1) Administering all housing assistance programs for the City.
- (2) Providing decent, safe, sanitary, and affordable housing for residents of the City.
- (3) Providing low-interest loans to low and moderate income residents.
- (4) Providing counseling and guidance of low-income applicants.
- (5) Monitoring emergency home repair and emergency housing programs.
- (6) Coordinating with HUD regional offices on housing procedures, rules, and regulations.
- (7) Supervising the day-to-day activities of the Housing Authority.
- (8) Administering the City's Community Development Block Grant (CDBG) program in compliance with state and federal law.
- (9) Making all necessary applications to the Department of Housing and Urban Development and other governmental units for funding for the program.
- (10) Meeting with citizen groups to conceptualize, prioritize, and recommend projects to the City Manager and the Department of Housing and Urban Development for funding.
- (11) Preparing the program budget, maintaining the budget, and managing all related fiscal affairs.
- (12) Planning and research, monitoring projects, community coordination, and other related functions.
- (13) Researching, monitoring, and assisting in obtaining grants, gifts, etc., for the benefit of the City.

**(Ord. No. 08-55 Enacted 12/04/2008)**

**CHAPTER 3-14**  
**REPEALED**

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## **CHAPTER 3-15 CRIMINAL HISTORY RIGHTS OF ACCESS**

**Sections:**

- 3-15-101. Purpose.
  - 3-15-102. Access to Criminal Histories for City Purposes.
  - 3-15-103. Public Access to Criminal Histories.
  - 3-15-104. Right of Access Purpose Codes.
  - 3-15-105. Misuse of Right of Access.
- 

### **3-15-101. PURPOSE.**

The purpose of this Chapter is to authorize the City to access criminal histories through the Utah Bureau of Criminal Identification system (“BCI”), or its successor, for purposes related City services, licensing or employment and to provide an access point for the public to obtain criminal histories.

**(Ord. No. 06-22 Enacted 4/4/2006)**

### **3-15-102. ACCESS TO CRIMINAL HISTORIES FOR CITY PURPOSES.**

- (1) Any person requesting services, licensing or employment from or by West Valley City that requires, by ordinance, law or adopted rule, the City to first ascertain that person’s criminal history, must complete an application, which provides date of birth, social security number, full legal name, place of residency and requestor’s signature. The person must also sign a release form, which indicates that person’s consent for that person’s criminal history to be released to West Valley City.
- (2) A photo copy of the person’s valid identification, the application, and receipt of payment will be attached together and filed in the dissemination log file created for each year.
- (3) Every page of the criminal history shall be stamped and dated. The criminal history shall only be valid for the date it was printed and the person shall be advised accordingly. Further, if the criminal history includes any missing data or incorrect data, the person shall be advised to contact BCI immediately to make the appropriate changes or additions to their criminal history.
- (4) The fee, if any, required for criminal histories for citizens requesting City services, licensing or employment shall be set forth in the Consolidated Fee Schedule
- (5) West Valley City law enforcement shall have the right to access criminal histories without an application or release form in order to properly conduct departmental duties.

**(Ord. No. 06-22 Enacted 4/4/2006)**

### **3-15-103. PUBLIC ACCESS TO CRIMINAL HISTORIES.**

- (1) The City, may at its discretion, provide any person who makes a request pursuant to the terms of this ordinance with a copy of their criminal history provided that the person must complete an application, which provides date of birth, social security number, full legal name, place of residency and requestor’s signature. Criminal histories may also be provided to any person who

presents a completed application and a valid release form, which indicates the subject of the criminal histories consent for their criminal history to be released to the requestor.

- (2) A photo copy of the person and/or requestor's valid identification, the application, release if applicable and receipt of payment will be attached together and filed in the dissemination log file created for each year.
- (3) Every page of the criminal history shall be stamped and dated. The criminal history shall only be valid for the date it was printed and the requestor shall be advised accordingly. Further, if the criminal history includes any missing data or incorrect data, the person shall be advised to contact BCI immediately to make the appropriate changes or additions to their criminal history.
- (4) The fee required for criminal histories accessed pursuant to this section shall be set forth in the Consolidated Fee Schedule.

**(Ord. No. 06-22 Enacted 4/4/2006)**

### **3-15-104. RIGHT OF ACCESS PURPOSE CODES.**

- (1) For citizens requesting services from West Valley City, "S" will be used for the purpose code when running any Right of Access Request.
- (2) For law enforcement, "C" will be used for the purpose code when running any Right of Access Request.
- (3) These codes may be changed as required to conform to current BCI policies.

**(Ord. No. 06-22 Enacted 4/4/2006)**

### **3-15-105. MISUSE OF RIGHT OF ACCESS.**

- (1) West Valley City shall conduct an investigation into any complaint or allegation filed involving the misuse of the Right of Access. BCI will also be notified of any complaint or allegation received.
- (2) Any City employee found in violation of any policy relating to the Right of Access will be reprimanded according to West Valley City's personnel policies and procedures.
- (3) The following City departments are authorized to access criminal histories under the terms of this chapter:
  - a. Law Enforcement
  - b. Housing Authority
  - c. Human Resources
  - d. Legal

**(Ord. No. 06-22 Enacted 4/4/2006)**

## CHAPTER 3-16 GOVERNMENT RECORDS ACCESS MANAGEMENT ACT

### Sections:

3-16a-100P	Part 1—West Valley City Records.
3-16a-101.	Short Title.
3-16a-102.	Purpose and Intent.
3-16a-103.	City Records Officer: Designation and Duties.
3-16a-104.	Records Maintenance Procedures.
3-16a-105.	Storage Medium.
3-16a-200P	Part 2—Access and Disclosure of Records.
3-16a-201.	Access to Public Records; Right to Inspect and Receive Copies.
3-16a-300P.	Part 3—Procedure for Access.
3-16a-301.	Request for Record.
3-16a-302.	Fees.
3-16-400P	Part 4—Appeals.
3-16a-401.	Appeal to Chief Administrative Officer.
3-16a-402.	Appealing a Decision of a Chief Administrative Officer.
3-16a-500P	Part 5—Penalties.
3-16a-501.	Disciplinary Action.

### **3-16a-100P PART 1—WEST VALLEY CITY RECORDS**

#### **3-16a-101. SHORT TITLE.**

This Chapter shall be known as the West Valley City Government Records Access and Management Act.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

#### **3-16a-102. PURPOSE AND INTENT.**

It is the further purpose and intent of the West Valley City Council to provide, in accordance with the Government Records Access and Management Act, Chapter 2 of Title 63G of the Utah Code Annotated, 1953 as amended, an ordinance acknowledging and complying with said Act and providing for its application in the City. City departments shall comply with the provisions of this Chapter and shall also comply with other federal and state statutory and regulatory record-keeping requirements.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

#### **3-16a-103. CITY RECORDS OFFICER: DESIGNATION AND DUTIES.**

- (1) The City Recorder is hereby appointed as the Records Officer to oversee and coordinate records access and management and City archives activities.
- (2) The Records Officer shall:

- a. Comply with UCA §63G-2-108, “Certification of Records Officer.”
  - b. Make annual reports of records services activities to the City Council, as requested;
  - c. Provide training relative to records management, maintenance and access, to the various City departments, as necessary;
  - d. Establish and maintain an active, continuing program for the economical and efficient management of the City’s records as provided by this Chapter;
  - e. Make and maintain adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the City designed to furnish information to protect the legal and financial rights of persons directly affected by the City’s activities;
  - f. Submit to the state archivist proposed schedules of records;
  - g. Cooperate with the state archivist in conducting surveys made by the state archivist;
  - h. Evaluate all record series that the City uses or creates and report to the state archives the classification of each record series that is classified;
  - i. Establish and report, to the state archives, retention schedules for objects that the City determines are not records, but that have historical or evidentiary value; and
  - j. Designate those record series as required by this Chapter and report the designations of its record series to the state archives.
- (3) The Records Officer may classify a particular record, record series or information within a record at any time, but is not required to classify a particular record, record series or information until access to the record is requested.
- (4) The Records Officer may redesignate a record series or reclassify a record, record series or information within a record at any time.
- (5) The Records Officer shall file with the state archives a copy of any amendment to this Ordinance, no later than 30 days after its effective date.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

### **3-16a-104. RECORDS MAINTENANCE PROCEDURES.**

Records maintenance procedures shall be developed by the Records Officer to ensure that due care is taken to maintain and preserve City records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication and disposal of City Records, and shall monitor compliance with the required standards of quality, permanence and admissibility pertaining to the creation, use and maintenance of records.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

### **3-16a-105. STORAGE MEDIUM.**

The City retains and reserves to itself the right to use any type of non-verbal or non-written format for the storage, retention and retrieval of government records, including, but not limited to, audio tapes, video tapes, microforms, any type of computer, data processing, imaging or electronic information storage or processing equipment or systems, which are not prohibited by state statute and do not compromise legal requirements for records storage, retrieval, security and maintenance, to store and maintain City records. All computerized and non-written format records and data which are

designated and classified in accordance with this Chapter shall be made available to a requester in accordance with this Chapter.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

### **3-16a-200P PART 2—ACCESS AND DISCLOSURE OF RECORDS**

#### **3-16a-201. ACCESS TO PUBLIC RECORDS; RIGHT TO INSPECT AND RECEIVE COPIES.**

Every person has a right to inspect a public record, free of charge, and has the right to take a copy of a public record during normal City business hours, subject to the payment in accordance with the Consolidated Fee Schedule.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

### **3-16-300P PART 3—PROCEDURE FOR ACCESS**

#### **3-16a-301. REQUEST FOR RECORD.**

All record requests shall be directed to the City department where the record is kept in writing on forms provided by West Valley City.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

#### **3-16a-302. FEES.**

Fees to be charged under this section shall be set forth in the West Valley City Consolidated Fee Schedule, in accordance with U.C.A. §63G-2-203, as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

### **3-16a-400P PART 4—APPEALS**

#### **3-16a-401. APPEAL TO CHIEF ADMINISTRATIVE OFFICER.**

- (1) For purposes of this Part, West Valley City's City Manager or designee shall be West Valley City's Chief Administrative Officer.
- (2) Appeals of an access denial shall be conducted pursuant to U.C.A. §63G-2-401, as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

#### **3-16a-402. APPEALING A DECISION OF A CHIEF ADMINISTRATIVE OFFICER.**

- (1) A decision by the Chief Administrative Officer affirming the denial of a record may be appealed pursuant to U.C.A. 63G-2-402, as amended.
- (2) The City has not formed an Appeals Committee pursuant to U.C.A. 63G-2-701(5)(b), as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

**3-16a-403. JUDICIAL REVIEW.**

Any party to a proceeding may appeal pursuant to U.C.A. §63G-2-402, as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

**3-16a-500P PART 5 – PENALTIES**

**3-16a-501. DISCIPLINARY ACTION.**

The City may take disciplinary action, which may include suspension or discharge, against any employee who violates any provision of this Chapter.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

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## **CHAPTER 3-17**

### **HISTORIC PRESERVATION COMMISSION**

Sections:

- 3-17-101. Historic Preservation Commission Established.
  - 3-17-102. Commission Duties.
  - 3-17-103. West Valley City Historic Sites List.
  - 3-17-104. West Valley City Historic Landmark Register.
  - 3-17-105. Standards for Rehabilitation and Design Guidelines.
- 

#### **3-17-101. HISTORIC PRESERVATION COMMISSION ESTABLISHED.**

- (1) The Commission shall consist of a minimum of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the City Council for terms of not less than two years.
- (2) To the extent available in the community, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history.
- (3) The Commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time and agenda items.
- (4) Written minutes of each Commission meeting shall be prepared and made available for public inspection.

**(Ord. No. 08-44 Enacted 09/17/2008)**

#### **3-17-102. COMMISSION DUTIES.**

Commission Duties. The Historic Preservation Commission shall have the following duties:

- (1) Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.
- (2) Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for properties within the boundaries of West Valley City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.
- (3) Provide advice and information.
  - a. The Historic Preservation Commission shall act in an advisory role to the City Council regarding the identification and protection of local historic and archaeological resources.
  - b. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and community history.

- (4) Assist in the maintenance and rehabilitation of city-owned historic buildings and sites.
- (5) Recommend to the City Manager that the City apply for and administer grants and other financial aid for historic preservation projects in the City.

**(Ord. No. 08-44 Enacted 09/17/2008)**

### **3-17-103. WEST VALLEY CITY HISTORIC SITES LIST.**

The Historic Preservation Commission may recommend that the City Council designate historic properties to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic properties in the community.

- (1) Criteria for Designating Properties to the West Valley City Historic Sites List. Any district, building, structure, object or site may be designated to the Historic Sites List if it meets all the criteria outlined below:
  - a. It is located within the official boundaries of the city.
  - b. It is at least 50 years old.
  - c. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
  - d. If the property does not meet the integrity requirements outlined in 3.a., it may still qualify for designation if it meets one of the following requirements for exceptional significance:
    - i. It is directly associated with events of historic significance in the community.
    - ii. It is closely associated with the lives of persons who were of historic importance to the community.
    - iii. It exhibits significant methods of construction or materials that were used within the historic period.
  - e. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (June 1993 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.
- (2) Designation Procedures. Any person, group, or government agency may nominate a property for listing in the West Valley City Historic Sites List. The nomination and listing procedures are as follows:
  - a. Completed Intensive Level Survey documentation for each nominated property must be submitted to the Historic Preservation Commission.
  - b. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals.

- c. The Historic Preservation Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the West Valley City Historic Sites List" and will make its decision accordingly.
- (3) Results of Designation to the Historic Sites List.
- a. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the Historic Preservation Commission chairperson.
  - b. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
    - i. The City will delay issuing a demolition permit for a maximum of thirty (30) days and will notify a member of the Historic Preservation Commission, which will take responsibility for the documentation.
    - ii. Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.
    - iii. The demolition permit will be issued after thirty (30) days of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the thirty-day deadline.
- (4) Removal of Properties from the Historic Sites List. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the commission and recommendation to the City Council.

**(Ord. No. 08-44 Enacted 09/17/2008)**

### **3-17-104. WEST VALLEY CITY HISTORIC LANDMARK REGISTER.**

Significant historic properties may be designated to the Historic Landmark Register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

- (1) Criteria for Designating Properties to the West Valley City Historic Landmark Register. Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets the criteria outlined below:
- a. It is located within the official boundaries of the City.
  - b. It is currently listed in the National Register of Historic Places and a copy of the approved National Register form has been placed in the local historic preservation files.
  - c. A property not yet listed in the National Register must:
    - i. Retain its historic integrity as defined in Section 4.A.3.a., and
    - ii. Meet at least one of the following National Register criteria:
    - iii. associated with events that have made a significant contribution to the broad patterns of our history; or
    - iv. associated with the lives of persons significant in our past; or
    - v. embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- vi. have yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example).
  - d. It has been documented according to the Utah State Historic Preservation Office standards for Intensive Level Surveys (June 1993 version or subsequent revisions) or National Register standards and a copy of that documentation has been placed in the local historic preservation files.
  - e. Owner Approval
    - i. Individual properties. The owner of the property must approve the action to designate his/her property to the Historic Landmark Register by submitting to the Commission a written statement to that effect.
    - ii. Historic districts. A majority (over 50 percent) of the property owners in a proposed historic district must be in favor of the designation or at least not opposed to it. Written objections from over 50 percent of the property owners will constitute lack of approval and will halt the designation process.
- (2) Designation Procedures.
  - a. Submittal to the Commission of complete Intensive Level Survey or National Register of Historic Places documentation shall initiate the review process.
  - b. The Commission shall place properly submitted nominations on the agenda for its next scheduled meeting and shall notify the nominating party and the property owner, either orally or in writing, fourteen (14) days prior to the meeting that the nomination will be considered. The fourteen-day notification period may be waived at the property owner's option. In the case of historic districts, notification of proposed nominations may be made by public notice placed in the local newspaper or posted in a public building.
  - c. The Commission shall review the documentation for completeness, accuracy, and compliance with the "Criteria for Designating Properties to the West Valley City Historic Landmark Register" and may, by passage of an appropriate resolution, recommend that the City Council designate properties to the Historic Landmark Register.
- (3) Notification and Recording of Designation. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance. In the case of historic district designation, notice of such may be placed in the local newspaper or in a public building rather than mailed to each owner of property in the district. The Commission shall record the Historic Landmark Register status designation with the County Recorder's Office.
- (4) Results of Designation to the Historic Landmark Register.
  - a. Properties designated to the Historic Landmark Register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
  - b. In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with Chapter 34 of the Uniform Building Code (1994 Edition), which deals with historic buildings, and the Uniform Code for Building Conservation, a special code for existing buildings.
  - c. Owners of Historic Landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating their properties.
  - d. Proposed exterior work on Historic Landmarks is subject to the review and approval of the Historic Preservation Commission. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies to individually designated Landmark properties or any property, contributing or non-

contributing, located in a Landmark-designated historic district. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit.

- i. Applications for building, demolition, or sign permits pertaining to, shall be forwarded by the Building Inspection Department to the Historic Preservation Commission prior to their issuance.
- ii. A permit applicant, in order to obtain a permit from the Building Inspections Division, shall file a request for a Certificate of Appropriateness with the Commission on a form furnished by the Commission.
- iii. At its next scheduled meeting, the Commission shall review the application and proposed work for compliance with the "Standards for Rehabilitation," hereafter referred to as the "Standards," and any design guidelines adopted by the Commission and City Council.
  1. Applicants whose proposed projects comply with the provisions of this Title shall be issued a "Certificate of Historic Appropriateness" within ten (10) days, which authorizes the issuance of the appropriate permit.
  2. Applicants whose proposed projects are found to be in non-compliance with this Title shall be offered a negotiating period of sixty (60) days, during which time the Commission and applicant shall explore all options for an acceptable solution. These may include the feasibility of modifying the plans, using the historic landmark for alternative purposes, and reselling the property to another party. The Commission may extend the negotiating period an additional sixty (60) days for the purposes described above if deemed necessary to accommodate a potential solution.
  3. If no solution has been agreed upon at the conclusion of either the initial sixty-day (60) period or the full one hundred twenty-day (120) period the Certificate of Historic Appropriateness will be denied; consequently, the Building Official shall not issue any permits.
- iv. Claims of Economic Hardship. The Commission may approve a Certificate of Appropriateness for Rehabilitation or Demolition of a landmark property if the owner has presented substantial evidence demonstrating that unreasonable economic hardship will result from denial of the certificate of appropriateness.
  1. Economic Hardship Criteria. In order to sustain a claim of unreasonable economic hardship, the Commission may require the owner to provide information to whether the property is capable of producing a reasonable return for the owner.
  2. Demonstration of economic hardship by the owner shall not be based on conditions resulting from willful or negligent acts by the owner, purchasing the property for substantially more than market value at the time of purchase, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.
- v. An applicant who has been denied any permit by the Building Official, based on the Commission's refusal to issue a Certificate of Historic Appropriateness, may appeal that decision to the City Council. The appeal must be made on or before thirty (30) days after the Commission's decision.

- (5) Removal of Properties from the Historic Landmark Register. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Landmark Register after review and consideration by the Commission.
- (6) Enforcement. The provisions of this section are subject to the enforcement provisions established in the Uniform Building Code, Uniform Code for Building Conservation, or in the Uniform Housing Code as adopted by West Valley City.

**(Ord. No. 08-44 Enacted 09/17/2008)**

### **3-17-105. STANDARDS FOR REHABILITATION AND DESIGN GUIDELINES.**

The following standards and guidelines shall be used by the Historic Preservation Commission in determining the historic appropriateness of any application pertaining to Historic Landmark properties. This includes individually designated Landmark properties and both contributing and noncontributing properties in Landmark-designated historic districts. In approving an application for a Certificate of Appropriateness, the Historic Preservation Commission shall find that the project substantially complies with all of the following standards and guidelines that pertain to the application and that the decision is in the best interest of the City.

- (1) Standards for Rehabilitation. These standards are based on the “Secretary of the Interior’s Standards for Rehabilitation,” which serve as a national and state model for appropriate preservation treatment. The standards are as follows:
  - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated

from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (2) General Design Guidelines.
- a. Landmark Buildings and Contributing Buildings in Landmark-designated Historic Districts.
    - i. Avoid demolition of landmark and contributing buildings. They are a finite resource and cannot be replaced.
    - ii. Vacant buildings should be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety.
    - iii. Rehabilitation work, especially on the exterior and the principal facade, should preserve existing historic features or replace them if absolutely necessary with features and materials known to have existed on the building. Avoid “dressing up” buildings by adding features based on speculation.
    - iv. Avoid moving buildings whenever possible, especially to create artificial groupings of historic buildings. If buildings must be moved, the new site should be similar to the original site, and the original setback and orientation of the building on the lot should be replicated.
  - b. Additions to Landmark and Contributing Buildings and Construction of New Buildings within an Historic District.
    - i. New additions to landmark and contributing buildings should be subordinate to the original building, that is, lower in height, attached to the rear or set back along the side, and subordinate in scale and architectural detailing.
    - ii. Height, width, setback, roof shape, and the overall scale and massing of new buildings should be compatible with surrounding historic buildings and the overall streetscape.
    - iii. Materials on at least the primary facade(s) should be similar to original materials on facades of surrounding historic buildings (usually brick, stucco, stone, or wood siding, depending on the specific characteristics of the district.
    - iv. Architectural details (including wood or metal trim, porches, cornices, arches, window and door features, etc.) should not replicate historic features on surrounding historic buildings.
    - v. Window and door openings should be similar in size and orientation (vertical or horizontal) to openings on historic buildings and should take up about the same percentage of the overall facade as those on surrounding historic buildings.
    - vi. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape. Wider new buildings can be divided into segments that more closely resemble the facade widths of historic buildings.
    - vii. Roof Shape. The roof shape of a building shall be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, pitches, and colors are discouraged.

**(Ord. No. 08-44 Enacted 09/17/2008)**

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## **CHAPTER 3-18**

### **PROFESSIONAL STANDARDS REVIEW BOARD**

**Sections:**

3-18-101	Establishment of the Board.
3-18-102	Purpose.
3-18-103	Membership of the Board.
3-18-104	Scope and Jurisdiction of the Board.
3-18-105	Meetings of the Board.
3-18-106	Findings and Recommendations of the Board.
3-18-107	Training of Board Members.
3-18-108	Quarterly and Annual Board Reports.
3-18-109	Other Regulations Governing the Operations of the Board.

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#### **3-18-101. ESTABLISHMENT OF THE BOARD.**

This Chapter hereby establishes the procedures governing the Professional Standards Review Board. In the event of any conflict between previous ordinances, resolutions, regulations, or directives and this Chapter, this Chapter shall govern.

**(Ord. No. 13-22 Enacted 06/03/2013)**

#### **3-18-102. PURPOSE.**

The Professional Standards Review Board is designed to create independent citizen oversight of the West Valley City Police Department. The provisions of this Chapter are meant to ensure that the powers, jurisdiction, and responsibilities of the Board are consistent with this mission.

**(Ord. No. 13-22 Enacted 06/03/2013)**

#### **3-18-103. MEMBERSHIP OF THE BOARD.**

- (1) The Professional Standards Review Board shall be composed of seven citizens of West Valley City. Employees of the City, including but not limited to employees of the Police Department, shall not be permitted to serve as voting members on the Board, effective immediately.
- (2) Members of the Board shall be appointed by the City Manager with the advice and consent of the West Valley City Council. The Police Department may not observe or participate in the nomination process, including interviews of current or prospective board members.
- (3) Terms shall be two years in length. Members may be reappointed to the Board. Members currently serving on the Board may remain on the Board to finish their terms, with the exception of the representative of the Police Department.
- (4) A member of the Board may be removed with or without cause by the City Manager with the advice and consent of the City Council.
- (5) A chairperson of the Board shall be designated by the City Manager. A West Valley City police officer shall be designated by the City Manager to serve on the Board. The officer shall not vote

on matters before the Board, but shall be available to the Board for the purpose of answering questions regarding policing issues. The officer shall serve on the Board on an at-will basis and may be removed from the Board by the City Manager with or without cause at any time.

**(Ord. No. 13-22 Enacted 06/03/2013)**

### **3-18-104. SCOPE AND JURISDICTION OF THE BOARD.**

- (1) The Board shall review the following matters:
  - a. All uses of force by the West Valley City Police Department;
  - b. All vehicular pursuits; and
  - c. All internal affairs investigations of police officers.
- (2) For the purpose of this Chapter, “use of force” shall be defined as the application of physical techniques or tactics, chemical agents, or weapons to another person. The display of a firearm or a taser shall be considered a use of force for the purpose of this Chapter. When a person submits to being searched, escorted, or restrained, such search, escort, or restraint shall not be considered a use of force for the purpose of this Chapter.
- (3) For the purpose of this Chapter, “vehicular pursuit” shall be defined as an active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics.
- (4) The Board shall review no other matters beyond those listed in this Section.

**(Ord. No. 13-22 Enacted 06/03/2013)**

### **3-18-105. MEETINGS OF THE BOARD.**

- (1) The Board shall meet monthly at a time and place to be determined by the City Manager. Board meetings shall be publicly noticed.
- (2) The Board shall be authorized to hold special meetings, provided public notice is given of the time and place of such meetings.
- (3) At the opening of each meeting of the Board, the Board shall hear public comments. This portion of the meeting shall be open to the public and shall not exceed thirty minutes. The purpose of this comment period is to allow citizens to voice any opinions or concerns regarding policing issues in West Valley City.
- (4) Before the comment period, the chairperson of the Board shall instruct the audience as follows:
  - a. The comment period is an informal opportunity to voice concerns regarding policing issues in West Valley City. All comments shall relate to policing issues and not to other matters of general concern;
  - b. Any person wishing to comment shall request recognition by the chairperson;
  - c. Upon recognition, the citizen shall approach the microphone and address the chairperson;
  - d. All citizen comments shall be directed to the chairperson and the Board, not other members of the audience or other staff members;
  - e. No person speaking during the comment period shall allow his comments to exceed five minutes;
  - f. Citizens should not expect debate or dialogue, although the chairperson or Board members may respond if they so choose; and



- b. Total number of unjustified or improper uses of force by the West Valley City Police Department during the quarter;
  - c. Total number of vehicular pursuits by the West Valley City Police Department during the quarter;
  - d. Total number of improper vehicular pursuits by the West Valley City Police Department during the quarter;
  - e. Total number of Internal Affairs investigations referred to the Board during the quarter; and
  - f. Total number of Internal Affairs investigations referred to the Board during the quarter in which improper conduct was found.
- (3) Annual reports shall include the following information:
- a. Total number of uses of force by the West Valley City Police Department during the year;
  - b. Total number of unjustified or improper uses of force by the West Valley City Police Department during the year;
  - c. Total number of vehicular pursuits by the West Valley City Police Department during the year;
  - d. Total number of improper vehicular pursuits by the West Valley City Police Department during the year;
  - e. Total number of Internal Affairs investigations referred to the Board during the year; and
  - f. Total number of Internal Affairs investigations referred to the Board during the year in which improper conduct was found.
  - g. Recommendations concerning City policing practices; and
  - h. Any specific areas where the Police Department requires improvement, additional training, or policy changes.

**(Ord. No. 13-22 Enacted 06/03/2013)**

### **3-18-109. OTHER REGULATIONS GOVERNING THE OPERATION OF THE BOARD.**

The City Manager is authorized to implement additional regulations governing the Board. However, all regulations shall be consistent with this Chapter.

**(Ord. No. 13-22 Enacted 06/03/2013)**