

Council Meeting of August 9, 2017

Agenda Item No. *Ta*

REQUEST FOR COUNCIL ACTION

SUBJECT: Presentation and Recommendations from the Form of Government Ad Hoc Committee (Joel Coleman, Chair)

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 17-71

A RESOLUTION CONFIRMING THE CITY COUNCIL'S APPOINTMENTS OF MEMBERS TO SERVE ON THE "FORMS OF GOVERNMENT" AD HOC COMMITTEE

Whereas, the City Council is authorized, pursuant to the West Jordan Municipal Code, to appoint members to serve on the various committees;

Whereas, the City Council desires to consent to these appointments,
NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. Pursuant to the provisions of Section 2-1-2 of the West Jordan Municipal Code, the City Council hereby confirms the appointment of the following members to serve on the "Forms of Government" Ad Hoc Committee:

Bart Barker
Joel Coleman
Adam S. Gardiner
Kathy Hilton
Chad R. Lamb

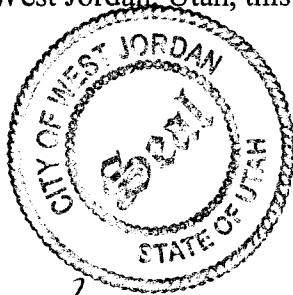
Joe F. Martinez
John C. Price
Randal B. Rasmussen
Michael Toronto


Section 2. The appointments are contingent upon the completion of all required and necessary city forms.

Section 3. This Resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 26th day of April 2017.

ATTEST:




MELANIE S. BRIGGS, MMC
City Clerk/Recorder


KIM V. ROLFE
Mayor

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Anderson	<input checked="" type="checkbox"/>	_____
Councilmember Burton	<input checked="" type="checkbox"/>	_____
Councilmember Jacob	<input checked="" type="checkbox"/>	_____
Councilmember McConnehey	<input checked="" type="checkbox"/>	_____
Councilmember Nichols	<input checked="" type="checkbox"/>	_____
Mayor Rolfe	<input checked="" type="checkbox"/>	_____



Form of Government Ad Hoc Committee
Recommendations to the City Council

August 1, 2017

Background and Authority

The West Jordan City Council voted on January 25, 2017 to approve a November ballot proposal to change from the current Council-Manager form of government in West Jordan to a Council-Mayor form. At the request of city residents, the proposal was later withdrawn to allow for further study. Subsequently, the council directed Mayor Kim Rolfe to appoint an ad hoc committee to study and make recommendations about a potential change in form of government for the city. According to "A History of West Jordan," the question of changing the form of government to a Council-Mayor form appeared on the ballot twice before in 1989 and 1993, but the voters defeated the measure both times. This report is the official record of the proceedings of the 2017 committee.

Membership

The following West Jordan residents served as members of the committee:

- Joel Coleman, chair
- Randy Rasmussen, vice chair
- John Price, recorder
- Adam Gardiner
- Bart Barker
- Chad Lamb
- Joe Martinez
- Kathy Hilton
- Michael Toronto
- Duncan Murray, staff

Process

Beginning May 23, 2017, the committee convened bi-weekly at first, then weekly at West Jordan city hall, with the intent of producing a recommendation for the city council by August 1, 2017. Each meeting lasted for approximately two hours. Some committee members reported starting with strong preconceived ideas about what was best, but over time each member expressed having genuinely learned more and considered ideas they had not previously considered. The conversations were robust and respectful, and by the time it was over, the committee achieved consensus in its recommendation for the city council.

The process itself was thorough and included review of documentation from previous ad hoc committees that had considered a change in the city's form of government, discussion of the experience of other cities and the ordinances used, and personal interviews with various city officials from municipalities with different forms of government throughout the state. Staff members and committee members shared research and other resources on a shared cloud drive and members of the committee contributed to the draft of the final report.

Committee Recommendations

After seven meetings and countless hours of deliberation, the committee voted to approve the following recommendations to the West Jordan City Council:

1. **Primary Recommendation:** Stay with the current Council-Manager form of government and become fully committed to implementing it with fidelity, including the immediate repeal of the July 31, 2013 West Jordan Ordinance No.13-24 (in particular, Section 1-7B-2, paragraph A), which creates an unreasonable and unenforceable requirement for the mayor to serve full time without an actual change in the form of government.
2. **Secondary Recommendation:** If the council chooses to reject the recommendation of the committee and proposes a new form of government to the voters, the committee recommends a six member council form of government (Utah Code Section 10-3b-104), but only on the condition that the council delegates executive responsibilities to a professional city manager by ordinance, subject to the constraints of the state code.

Explanatory Information

- Generally, the committee is apprehensive about the Council-Mayor form of government because of the limited checks and balances on a mayor with who may misuse his or her executive authority .
- The committee does not consider a change in form of government to be in the best interest of the citizens or the city organization itself. However, because the city council has already proposed the placement of changes to the form of government on the upcoming ballot, the committee felt compelled to approve a secondary recommendation.
- The effect of the July 2013 adoption of Ordinance No. 13-24 was that it created a conflict between the elected mayor and the appointed city manager by setting an unreasonable expectation of full time executive service for the Mayor without a legal path or actual executive authority for the Mayor. This undermines the proper functioning of the city.
- The committee concluded that the current form of government is still appropriate and effective for West Jordan, but it is even more important for city leaders to develop the ability to resolve conflicts in a professional and dignified manner.
- In the event the city council chooses to proceed with a change of form on the next ballot, the committee found the six member council form of government with executive authority delegated to a city manager to be the next best option.

- The six member council form of government provides options to customize a governance model to meet the changing needs of the city over time.
- The six member council form of government also provides some flexibility for future councils to determine the proper balance of authority between the elected mayor and a professional city manager.

Additional Items for Consideration

- Changing the form of government should not be considered as a remedy for uncomfortable chemistry between council members.
- A change to the six member council form of government will effectively reduce citizen representation from seven elected, voting city council members to five voting members plus a non-voting mayor. This reduction in citizen representation is a significant concern for at least one member of the committee for a large, rapidly growing city.
- There is no guarantee that a future city council will actually delegate executive powers to a city manager, even if the current council makes that commitment as part of its decision to place a change in form of government on the ballot. The current council cannot bind a future council.
- The transition costs and ongoing costs of changing the form of government is an additional concern for the committee. The six member council form of government would almost certainly be less expensive than a Council-Mayor form of government.

Conclusion

Over the course of our study and deliberations, one key concept emerged repeatedly: *The quality and temperament of the elected officials is the most critical element in the successful operation of a city, regardless of the form of government.*

The members of the committee also express their sincere gratitude for the opportunity to provide meaningful feedback on this important subject. Many thanks to the council and Mayor for trusting a committee of citizens to participate in such a meaningful way. Our greatest desire is for the highest levels of success for our city, our residents, and for our elected officials.

Respectfully submitted to the City Council for their consideration on August 1, 2017.



Joel Coleman
Committee Chair