

**TOOELE COUNTY
ORDINANCE 2023-13**

AN ORDINANCE AMENDING SECTION 1-2-9, COUNTY MANAGER, OF CHAPTER 1, COUNCIL-MANAGER FORM OF GOVERNMENT, AND SECTION 1-5-3, AUTHORIZATION, OF CHAPTER 5, PROCUREMENT, OF TITLE 1, GENERAL PROVISIONS, OF THE TOOELE COUNTY CODE

WHEREAS, the costs of goods and services have increased dramatically in the last several months and will likely continue to increase; and

WHEREAS, the county is currently in the process of creating and adopting comprehensive purchasing policies; and

WHEREAS, the county council desires to immediately implement certain changes to the county's existing ordinances pending the adoption of the comprehensive purchasing policies;

NOW, THEREFORE, THE TOOELE COUNTY COUNCIL, WHICH IS THE COUNTY LEGISLATIVE BODY OF TOOELE COUNTY, ORDAINS AS FOLLOWS:

SECTION I – SECTION 1-2-9 AMENDED. Section 1-2-9, *County Manager*, of Chapter 1, *Council-Manager Form of Government*, of Title 1, *General Provisions*, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION II – SECTION 1-5-3 RE-NAMED AND AMENDED. Section 1-5-3, *Authorization*, of Chapter 5, *Procurement*, of Title 1, *General Provisions*, of the Tooele County Code is hereby re-named to *Approval* and amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION III – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 2nd day of May, 2023.

ATTEST:


TRACY D. SHAW, County Clerk




TOOELE COUNTY COUNCIL:


JARED S. HAMNER, Chair

Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Stromberg voted aye
Council Member Thomas voted absent
Council Member Wardle voted aye

APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

**TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS**

Chapter 2: Council-Manager Form of Government

1-2-9. County Manager.

(1) Manager as Administrative Head. The administrative head of Tooele County shall be the Manager, who shall be appointed by the Council as provided in this section.

(2) At-Will Employment. The Manager shall serve at the pleasure of the Council, which shall at all times retain the power to discharge the Manager for any reason, with or without cause.

(3) Qualifications. The Manager's qualifications shall be established by the Council.

(4) Compensation and Benefits. The Manager's salary shall be established by the Council. The Manager shall be entitled to the same employee benefits as other full-time County employees.

(5) Powers and Duties: The Manager is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested by state law in the other elected officials and those executive and administrative responsibilities retained by the Council under this chapter. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the Manager. The Manager's powers include, without limitation, the power to:

(a) Manage and direct the activities of Tooele County in a manner consistent with law and this chapter, including the management and direction of departments, divisions, sections, activities or agencies as now constituted or as may be created in the future, but not including the activities of elected officials carried out in the exercise of their statutory duties;

(b) Carry out and enforce the programs and policies of the Council;

(c) Carry out and enforce the internal operating regulations, policies, and procedures of Tooele County;

(d) Faithfully execute the laws and ordinances of Tooele County and enforce the terms of County franchises, contracts, and other undertakings;

(e) Appoint and remove Assistant County Managers and department directors with the approval of the Council;

(f) Place department directors on administrative leave with pay pending the next Council meeting;

(g) Exercise control over County assets, funds and property pursuant to law, except as that authority is delegated by law to an elected official;

(h) Prepare and present a tentative budget to the Council no later than October 21 of each calendar year;

(i) Have access to and review County books, accounts and funds necessary to perform the executive function under law and this chapter, maintain a continuing review of expenditures

and effectiveness of budgetary control in the several departments, and supervise and conduct audits for budget and management purposes;

(j) Without the approval of the Council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess County property not to exceed \$25,000 in value;

(k) With the approval of the Council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess County property exceeding \$25,000 in value;

(l) Sign all documents or instruments on behalf of Tooele County, including contracts and bonding documents, except legislative acts of the Council and documents that are to be signed by other elected officials;

(m) With the consent of the Council, consider, adopt, and implement long range planning, programs and improvements;

(n) Act as intergovernmental relations liaison except as otherwise directed by the Council;

(o) Attend and participate in Council meetings and discussions, with automatic standing, on every agenda, but without the right to vote;

(p) Submit an annual "State of Tooele County" report to the Council at such time and place as the Council shall designate;

(q) Non-exclusively recommend persons to fill positions on boards, commissions, or similar bodies whose membership is appointed by the Council;

(r) Supervise the elected officials to ensure compliance with general County administrative ordinances, rules and policies, and examine and audit the accounts of all County officers and employees having the care, management, collection, or distribution of monies belonging to Tooele County, or otherwise available for Tooele County's use and benefit;

(s) Without the approval of the Council, settle all accounts legally chargeable against Tooele County not exceeding \$100,000, after examination by the County Auditor, and order warrants to be drawn on the County Treasurer for those accounts;

(t) With the approval of the Council, settle all accounts legally chargeable against Tooele County exceeding \$100,000, after examination by the County Auditor, and order warrants to be drawn on the County Treasurer for those accounts;

(u) In conjunction with the Council and the County Attorney, oversee the prosecution, defense, and settlement of civil lawsuits and civil disputes to which Tooele County is a party;

(v) With the approval of the Council, consolidate departments, separate any previously consolidated departments, and reconsolidate departments; and

(w) Upon recommendation of the treasurer, remit one year's property taxes, together with penalties and interest, provided that the total amount due does not exceed \$25 and that the taxpayer has not received a remittal for any other property or any other year.

(2) Prohibitions. The Manager shall not have power to:

(a) Veto any action taken by the Council; or

(b) Direct or supervise the elected officials or their deputies with respect to the performance of their duties.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

Chapter 5: Procurement

1-5-3. Approval.

- (1) For procurements less than \$15,000, approval shall be obtained from:
 - (a) the department head or elected official; and
 - (b) the Auditor.
- (2) For procurements over \$15,000 that have been approved by the Council in the budget, approval shall be obtained from:
 - (a) the department head or elected official;
 - (b) the Auditor; and
 - (c) the Manager.
- (3) Procurements over \$100,000 must be accompanied by a project plan, a spending plan, or be part of the capital facilities plan approved as part of the budget.
- (4) For procurements expected to be greater than \$100,000, the Auditor shall consult with the County Attorney or designee prior to approving the procurement.
- (5) The Auditor may only decline to approve a procurement if:
 - (a) the procurement does not comply with the provisions of this chapter; or
 - (b) funds for the procurement are not within the budget of the procuring department or office.
- (6) If the Auditor declines to approve a procurement, the Council may override the Auditor's decision in a public meeting.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

Chapter 2: Council-Manager Form of Government

1-2-9. County Manager.

(1) Manager as Administrative Head. The administrative head of Tooele County shall be the Manager, who shall be appointed by the Council as provided in this section.

(2) At-Will Employment. The Manager shall serve at the pleasure of the Council, which shall at all times retain the power to discharge the Manager for any reason, with or without cause.

(3) Qualifications. The Manager's qualifications shall be established by the Council.

(4) Compensation and Benefits. The Manager's salary shall be established by the Council. The Manager shall be entitled to the same employee benefits as other full-time County employees.

(5) Powers and Duties: The Manager is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested by state law in the other elected officials and those executive and administrative responsibilities retained by the Council under this chapter. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the Manager. The Manager's powers include, without limitation, the power to:

(a) Manage and direct the activities of Tooele County in a manner consistent with law and this chapter, including the management and direction of departments, divisions, sections, activities or agencies as now constituted or as may be created in the future, but not including the activities of elected officials carried out in the exercise of their statutory duties;

(b) Carry out and enforce the programs and policies of the Council;

(c) Carry out and enforce the internal operating regulations, policies, and procedures of Tooele County;

(d) Faithfully execute the laws and ordinances of Tooele County and enforce the terms of County franchises, contracts, and other undertakings;

(e) Appoint and remove Assistant County Managers and department directors with the approval of the Council;

(f) Place department directors on administrative leave with pay pending the next Council meeting;

(g) Exercise control over County assets, funds and property pursuant to law, except as that authority is delegated by law to an elected official;

(h) Prepare and present a tentative budget to the Council no later than October 21 of each calendar year;

(i) Have access to and review County books, accounts and funds necessary to perform the executive function under law and this chapter, maintain a continuing review of expenditures

and effectiveness of budgetary control in the several departments, and supervise and conduct audits for budget and management purposes;

(j) Without the approval of the Council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess County property not to exceed \$25,000 in value;

(k) With the approval of the Council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess County property exceeding \$25,000 in value;

(l) Sign all documents or instruments on behalf of Tooele County, including contracts and bonding documents, except legislative acts of the Council and documents that are to be signed by other elected officials;

(m) With the consent of the Council, consider, adopt, and implement long range planning, programs and improvements;

(n) Act as intergovernmental relations liaison except as otherwise directed by the Council;

(o) Attend and participate in Council meetings and discussions, with automatic standing, on every agenda, but without the right to vote;

(p) Submit an annual "State of Tooele County" report to the Council at such time and place as the Council shall designate;

(q) Non-exclusively recommend persons to fill positions on boards, commissions, or similar bodies whose membership is appointed by the Council;

(r) Supervise the elected officials to ensure compliance with general County administrative ordinances, rules and policies, and examine and audit the accounts of all County officers and employees having the care, management, collection, or distribution of monies belonging to Tooele County, or otherwise available for Tooele County's use and benefit;

(s) Without the approval of the Council, settle all accounts legally chargeable against Tooele County not exceeding ~~\$25,000~~ ~~\$100,000~~, after examination by the County Auditor, and order warrants to be drawn on the County Treasurer for those accounts;

(t) With the approval of the Council, settle all accounts legally chargeable against Tooele County exceeding ~~\$25,000~~ ~~\$100,000~~, after examination by the County Auditor, and order warrants to be drawn on the County Treasurer for those accounts;

(u) In conjunction with the Council and the County Attorney, oversee the prosecution, defense, and settlement of civil lawsuits and civil disputes to which Tooele County is a party;

(v) With the approval of the Council, consolidate departments, separate any previously consolidated departments, and reconsolidate departments; and

(w) Upon recommendation of the treasurer, remit one year's property taxes, together with penalties and interest, provided that the total amount due does not exceed \$25 and that the taxpayer has not received a remittal for any other property or any other year.

(2) Prohibitions. The Manager shall not have power to:

(a) Veto any action taken by the Council; or

(b) Direct or supervise the elected officials or their deputies with respect to the performance of their duties.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

Chapter 5: Procurement

1-5-3. ~~Authorization Approval.~~

- (1) For procurements less than \$15,000, ~~authorization approval~~ shall be obtained from:
 - (a) the department head or elected official; and
 - (b) the Auditor.
- (2) For procurements ~~between over~~ \$15,000 ~~and \$50,000 that have been approved by the Council in the budget~~, ~~authorization approval~~ shall be obtained from:
 - (a) the department head or elected official;
 - (b) the Auditor; and
 - (c) the ~~County~~ Manager.
- (3) ~~For procurements greater than \$50,000, authorization shall be obtained from:~~
 - ~~(a) the department head or elected official;~~
 - ~~(b) the Auditor; and~~
 - ~~(c) three or more Council members.~~

~~Procurements over \$100,000 must be accompanied by a project plan, a spending plan, or be part of the capital facilities plan approved as part of the budget.~~

- ~~(4) For purposes of paragraph (3), approval by three or more Council members includes:~~
 - ~~(a) approval by a majority of the Council as part of the current year's budget; or~~
 - ~~(b) contemporary approval by three or more Council members if the procurement was not approved by a majority of the Council as part of the current year's budget.~~

~~(5-4)~~ For procurements expected to be greater than \$100,000, the Auditor shall consult with the County Attorney or designee prior to ~~authorizing approving~~ the procurement.

- ~~(6-5)~~ The Auditor may only decline to ~~authorize approve~~ a procurement if:
- (a) the procurement does not comply with the provisions of this chapter; or
 - (b) funds for the procurement are not within the budget of the procuring department or office.

~~(7-6)~~ If the Auditor declines to ~~authorize approve~~ a procurement, the Council may override the Auditor's decision in a public meeting.