ORDINANCE NO. 2024-__

AN ORDINANCE OF IVINS CITY, UTAH, CLARIFYING THE DUTIES OF THE CITY ATTORNEY

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City;

WHEREAS the City Council has investigated and considered the duties of the City Attorney;

WHEREAS the City Council finds that the duties of the City Attorney should be clarified;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Amendment to Section 2.03.106 of the Ivins City Code. Section 2.03.106 of the Ivins City Code is hereby amended as follows:

2.03.106: CITY ATTORNEY:

The ~~office of the~~ city attorney shall ~~have the following functions~~:

(1) Serve as the chief legal officer of the city, ~~and be~~ responsible to the mayor and city council for the proper administration of the legal affairs of the city.

(2) ~~Act as legal advisor of the~~ Advise the city in all matters pertaining to contracts with or by the city and ~~on~~ any question of law. ~~It shall be his duty to a~~

(3) Advise ~~all~~ city officials in relation to their official duties. ~~He shall~~

(4) A~~a~~dvise the city council, or its committees, on such legal questions as may arise in relation to the business of the city~~, and shall .~~ ~~r~~

(5) Report, at any time the city council or mayor may direct, upon any matters in his hands, which may be necessary for their information.

(6~~3~~) Prosecute, or oversee the prosecution of, all violations of city ordinances, and ~~under state law, may prosecute~~ other infractions and misdemeanors under state law occurring within the boundaries of the city, with ~~. The city attorney and designees shall have the~~ authority to grant transactional immunity for violations of city ordinances and~~, under state law,~~other infractions and misdemeanors under state law occurring within the boundaries of the city.

(7) ~~The city attorney and designees shall r~~Represent, or oversee the representation of, the interests of the city ~~or state~~ in any matter brought in state or federal court, including ~~in the~~ appeals thereof ~~of any matter prosecuted in any trial court by the city attorney~~ involving the city.

(84) Attend city council meetings and any other meetings as requested by the mayor, city council or city manager, unless such attendance is excused.

(95) Draft or review ordinances and resolutions for the city council when requested; draft or review policies and procedures of the city and its departments when requested; and draft or review written contracts, forms or other papers of the city when requested.

(106) Perform such other duties prescribed by law.

(11) Perform such other duties assigned by the city manager or that may be prescribed by the city council or state law.

(12) ~~(7)~~ Pursuant to rule 1.13 of the Utah ~~r~~Rules of ~~p~~Professional ~~c~~Conduct, ~~the city attorney~~ represent~~s~~ the city as a governmental entity, except as the representation or duties of the city attorney are otherwise required by law.

(13) Perform all duties described herein in a manner consistent with the Utah Rules of Professional Conduct, including but not limited to acting with loyalty, keeping information confidential, and exercising independent judgment.

(14) As needed, direct the city to contract with, and supervise, duly qualified and licensed attorneys to provide any of the functions described herein, which attorneys, subject to any limits imposed by the city attorney, shall act with the same authority and subject to the same obligations as the city attorney.

Section 2. Amendment to Section 2.03.204 of the Ivins City Code. Section 2.03.204 of the Ivins City Code is hereby amended as follows:

2.03.204: DEPARTMENTS ESTABLISHED:

The city has established the following departments:

(1) Building and zoning department, with the building official/zoning administrator as the department head;

~~(2) Legal/human resources department, with the city attorney as the department head;~~

(~~3~~2) Parks and recreation department, with the parks and recreation director as the department head;

(43) Public safety department, with the public safety director as the department head;

(~~5~~4) Public works department, with the public works director as the department head; and

(~~6~~5) Administrative services department, with the administrative services director as the department head.

Section 3. Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2024 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Kevin Smith	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder