

Ordinance No. 13-28

AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, SECTION 2 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO CHANGE THE EMPLOYEE TRANSFER AND DISCHARGE BOARD TO A HEARING OFFICER

WHEREAS, Utah Code Ann. § 10-3-1106 requires each municipality in the State of Utah to provide an Appeal Board or a Hearing Officer to hear appeals from employees whom have been discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason; and

WHEREAS, Title 2, Chapter 6, Section 2 of the Municipal Code of Park City currently provides for an Appeal Board consisting of two members of the City Council and three City employees; and

WHEREAS, amending the Municipal Code of Park City to change the Employee Transfer and Discharge Board to a legally trained Hearing Officer will afford an appellant the same due process rights as with an Appeal Board while providing the additional benefit of having the appeal heard by a law-trained individual; and

WHEREAS, the need for outside counsel would be eliminated as would the need to obligate five ETDAB members to a day-long hearing; and

WHEREAS, the expenditure of resources currently allocated to the appeal process would be greatly reduced.

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

Section I. Amendment. Title 2, Chapter 6, Section 2 of the Municipal Code of Park City is hereby amended as follows:

2-6-2.

(A) EMPLOYEE TRANSFER AND DISCHARGE HEARING OFFICER. In all cases where any employee, except those employees set forth in Utah Code Ann. § 10-3-1105(2), is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, the employee shall have the right to appeal such action to a Hearing Officer in accordance with Utah Code Ann. §§ 10-3-1105 and 10-3-1106.

(B) APPOINTMENT, QUALIFICATIONS AND DISQUALIFICATION OF HEARING OFFICER. The Hearing Officer shall be a member of the Utah State Bar in good standing, who is appointed by the Mayor, with the advice and consent of the City Council. The Hearing Officer shall serve for a period of one year as set forth in the

resolution consenting to the appointment. The Hearing Officer shall have no personal, financial, or other conflict of interest in the matter for which the hearing is being held. The Hearing Officer is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. The policy for disqualification and replacement shall be approved by the Hearing Officer.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this 8th day of August, 2013.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



City Recorder



Approved as to form:

/s/ Tricia S. Lake 

Tricia S. Lake, Assistant City Attorney