

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 210

### AN ORDINANCE ESTABLISHING AN AMENDED COMPENSATION SCHEDULE FOR ELECTIVE AND STATUTORY OFFICERS

**WHEREAS**, on 30 July 2013, acting pursuant to its authority under UTAH CODE ANN. §10-3-818, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) met in a regular meeting to consider, among other things, amending the compensation schedule for certain of the City’s elective and statutory officers; and

**WHEREAS**, UTAH CODE ANN. §10-3-818(2) provides, among other things, that the Council set a time and place for a public hearing regarding the adoption or amendment of a compensation schedule for such elective and statutory officers; and

**WHEREAS**, the Council set 7:00 p.m. on 13 August 2013 at 1265 East Ft. Union Blvd., Suite 300, Cottonwood Heights, Utah as the time and place of a public hearing regarding the adoption of such amended compensation schedule; and

**WHEREAS**, UTAH CODE ANN. §10-3-818(3) provides, among other things, that at least seven days prior to the hearing, notice of the time, place and purpose of the meeting be published (a) in at least one issue of a newspaper of general circulation or posted in three public places in the City, and (b) on the Utah Public Notice Website created in UTAH CODE ANN. §63F-1-701; and

**WHEREAS**, notice of the public hearing was timely published in the *Deseret Morning News* and *Salt Lake Tribune* on the Utah Public Notice Website as required by statute; and

**WHEREAS**, a public hearing was held on 13 August 2013 at 1265 East Ft. Union Blvd., Suite 300, Cottonwood Heights, Utah, where all interested persons were given the opportunity to provide written or oral comment concerning the proposed amended compensation schedule; and

**WHEREAS**, on 13 August 2013, the Council met in regular session to consider, among other things, amending the compensation schedule as proposed; and

**WHEREAS**, after careful consideration of the comments, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to amend the compensation schedule for certain of its elective and statutory officers;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Adoption of Amended Compensation Schedule.*** The Council hereby adopts the amended compensation schedule that is attached as an exhibit hereto as the compensation schedule applicable to the City’s elective and statutory officers specified therein from and after the date hereof.

Section 2. **Future Amendment.** The Council shall have, and hereby expressly reserves, the right to hereafter further amend the attached compensation schedule at any time or from time to time in compliance with all applicable legal requirements.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 210, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August 2013.



**COTTONWOOD HEIGHTS CITY COUNCIL**

By *Kelvin H. Cullimore, Jr.*  
**Kelvyn H. Cullimore, Jr., Mayor**

*Kory Solorio*  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson <i>Absent</i>	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 13<sup>th</sup> day of August 2013.

**POSTED** this 15 day of August 2013.

# COTTONWOOD HEIGHTS

## AMENDED COMPENSATION SCHEDULE FOR ELECTIVE AND STATUTORY OFFICERS (JULY 2013)

The elective and statutory officers of Cottonwood Heights shall be compensated as follows (additions to the compensation schedule approved on 22 June 2010 pursuant to Ordinance No. 156 are shown in ***bolded, underlined italics***; items omitted from such approved schedule are shown ~~struck through~~):

### **Mayor and City Council**

- (a) The annual salary of the mayor shall be \$18,000.
- (b) The annual salary of each city council member shall be \$12,000.
- (c) The mayor and members of the city council may elect to use their salary to participate in benefits offered by the city such as medical, dental and group life insurance and “Section 125 Plan” subject to the rules and regulations thereof. Non-contributory retirement benefits also shall be provided to the mayor and members of the city council.
- (d) The mayor and members of the city council also shall receive reimbursement for all reasonable expenses related to performance of their duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to §162 of the Internal Revenue Code of 1986, as amended.
- (e) Effective July 1<sup>st</sup> of each year, the annual salaries of the mayor and members of the city council shall be automatically granted a cost of living adjustment (a “COLA”) by multiplying each such officer’s annual salary specified above by a fraction, the numerator of which is the Consumer Price Index (defined below) for the December 31<sup>st</sup> immediately preceding the July 1<sup>st</sup> effective date of such adjustment and the denominator of which is the Consumer Price Index for December 2005. If, for example, (a) an annual salary specified above is \$12,000, and (b) the Consumer Price Index for December 2005 is 100, and (c) the Consumer Price Index for the month of December 2006 is 103, then the COLA-adjusted annual salary for the period of 1 July 2006 through 30 June 2007 would be  $\$12,000 \times 103/100 = \$12,360$ . If the Consumer Price Index for the December 31<sup>st</sup> immediately preceding any July 1<sup>st</sup> adjustment date is not then available, then city may at its option elect to use the then most recent Consumer Price Index until the Consumer Price Index for such December 31<sup>st</sup> becomes available, at which time any under- or over-payment shall be reconciled.

As used herein, “*Consumer Price Index*” shall mean the “Consumer Price Index - U.S. City Average for All Items for All Urban Consumers (1982-84 = 100)” as published by the United States Department of Labor, Bureau of Labor Statistics. Should the Bureau of Labor Statistics discontinue

the publication of said index, or publish the same less frequently, or alter the same in some other manner, then city shall adopt a substitute index or substitute procedure which reasonably reflects and monitors consumer prices. Further, if the base year "1982-1984 = 100" or other base year used in computing the Consumer Price Index is changed, the figures used in computing the COLA shall be changed accordingly so that all increases in the Consumer Price Index are taken into account in computing the COLA notwithstanding any such change in the base year.

### **Manager**

(a) The office of city manager shall be a full-time position. The annual salary of the manager shall be ~~\$107,500 - \$117,500~~ **\$121,000 - \$132,000**. The manager also shall be entitled to such discretionary, incentive bonuses as the city council may direct from time to time. As a salaried employee, the manager shall not be entitled to overtime pay.

(b) Benefits shall be provided to the manager for non-contributory retirement; and medical, dental, disability, group life and any other insurance coverage; and any other customary benefits, in the same manner, if any, provided to full-time city employees. If the manager declines, at the manager's option, health and dental insurance coverage at any time or from time to time, then city shall contribute to the manager's retirement account the equivalent of an additional \$1,000 per month (prorated for partial months) for each month that the manager declines health and dental insurance coverage and city thereby saves the premium cost of such insurance. Such retirement contribution shall be in addition to other retirement contributions made by city on the manager's behalf.

(c) Because the manager is required to be on-call 24 hours per day, seven days a week, the manager shall be provided with (1) a cell phone allowance to compensate the manager for use of the manager's personal cell phone for city business, or (b) the use of a city-owned cell phone. If the manager uses the manager's own cell phone, then city shall provide the manager with a cell phone allowance of \$100 per month or such larger amount as the manager may document from time to time in a specific reimbursement request. If city elects, at its option, to provide the manager with the use of a city-owned cell phone, then Manager shall not be entitled to a cell phone allowance for use of the manager's personal cell phone, and the manager's use of such city-provided cell phone shall be in accordance with applicable policies adopted by the city council for city-owned cell phones, including, without limitation, a reasonable reimbursement back to city for the manager's personal use of such cell phone.

(d) The manager also shall receive reimbursement for all reasonable expenses related to performance of his duties. Because the manager is required to be on-call 24 hours per day, seven days a week, the manager shall receive a \$486.00 per month vehicle allowance for use of the manager's private automobile in lieu of any right to reimbursement for automobile mileage incurred in city-related travel.

(e) City shall pay for the manager's travel and attendance at the ICCMA's annual

conference, the UCMA annual conference, and the Utah League of Cities and Towns' annual conference in accordance with the travel policies approved from time to time by the city council. City also shall pay for the manager's attendance at other seminars, conferences and committee meetings as are approved in city's annual budget or as are authorized separately from time to time by the city council.

### **Recorder**

(a) The office of recorder shall be a full-time position. The annual salary of the recorder shall be ~~\$70,000 - \$80,000~~ **\$44,369 - \$67,850**. The recorder also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the recorder for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The recorder shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Director of Finance / Budget Officer**

(a) The office of director of finance / budget officer shall be a full-time position. The annual salary of the director of finance / budget officer shall be ~~\$80,000 - \$90,000~~ **\$67,072 - \$97,471**. The director of finance / budget officer also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the director of finance / budget officer for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The director of finance / budget officer shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Treasurer**

(a) The office of Treasurer will be a full-time position. The annual salary of the treasurer shall be ~~\$70,000 - \$80,000~~ **\$52,446 - \$75,461**.

(b) Benefits shall be provided to the treasurer for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The treasurer shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Chief of Police**

(a) The office of chief of police shall be a full-time position. The annual salary of the chief of police shall be ~~\$95,000 - \$105,000~~ ***\$103,000 - \$113,300***. The chief of police also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the chief of police for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The chief of police shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Attorney**

(a) The office of city attorney will be a part-time position performed on a contract basis. The city attorney shall be compensated pursuant to an ***independent contractor*** ~~annual fee~~ agreement approved by resolution of the city council.

(b) The city attorney shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **General**

The compensation paid hereunder shall ~~be commence~~ effective 1 July 2010 ***2013***; shall be subject to any and all applicable payroll taxes and withholdings; and shall be paid in accordance with the city's payroll procedures and practices adopted from time to time.