



MEMORANDUM TO CITY COUNCIL

To: Salt Lake City Council - Chris Wharton, Chair

Date: May 2, 2025
Date Received by City Council Office _____

From: Mark Kitrell, City Attorney MK
Sara Montoya, Senior City Attorney SM

Subject: Administrative Organization Ordinance amendments—City Code Section 2.08.120 (Department of Sustainability)

Document Type: Ordinance

Recommendation: Adopt amendments to City Code Section 2.08.120

BACKGROUND/DISCUSSION:

On March 21, 2024, the City Attorney’s Office provided a memorandum and a draft ordinance (“2024 Draft Ordinance”) with proposed amendments to Title 2 related to the Sustainability Department for the consideration of the City Council. The 2024 Draft Ordinance was discussed in a work session meeting on May 30, 2024, with the City Council providing feedback to the Sustainability Department and asking for certain revisions or clarifications in the draft ordinance for further review. This memorandum and accompanying updated draft ordinance are intended to respond to that feedback and incorporate the requested revisions.

Title 2 is the section of City Code that establishes the City departments and their respective roles in City government. The City Attorney’s Office has identified some departments’ roles in Title 2 which are not specific and do not clearly identify the specific core City functions these departments serve. As part of its service to both branches of government, the City Attorney’s Office is drafting changes to Title 2 for these identified departments. The goal of these revisions is to establish a shared understanding of the role and functions of each department in the City, so that the Administration can create programs and budget proposals tied to those roles, and the Council can review these programs and budget proposals under that shared framework and understanding.

Section 2.08.120 currently describes the functions of the department of sustainability as follows: “[t]he department of sustainability shall have charge of and be responsible for sustainability. The department will also be responsible for the collection and disposal of all solid waste generated within the city as provided for in city ordinance.” The City Attorney’s Office has reviewed and proposed changes to Sustainability’s roles and functions under Title 2.

The proposed ordinance amendments accomplish the following:

- Comprehensively describes the functions of the Department of Sustainability.
- Defines the Department's role in the City as developing and coordinating policies and programs across City operations and throughout the community.
- Prescribes a list of Department focus areas to guide the Department's policies and programs.
- Specifies that the Department will aim to achieve the greatest local impact in its policies and programs.
- Charges the Department with providing waste and recycling services for the City.
- Tasks the Department with developing strategies and resources to conduct public outreach activities related to focus areas.

After receiving comments and questions from the City Council during the May 30, 2024 work session briefing, the City Attorney's Office proposed additional revisions, which include an updated legislative draft, a clean version of the updated proposed ordinance, and a draft ordinance that includes marked-up changes from the 2024 Draft Ordinance. Further narrative responses to these questions are set forth herein to aid the City Council's consideration:

- **Comments from City Council:** Add that this is not a delegation of policymaking authority to the Department; rather, the ordinance is itself an exercise of the Council's policymaking authority and establishes Department functions/authority which the Department (under its administrative authority) will execute upon to effectuate those policies.
 - **Response:** Added language to the recitals to address this.
- **Comments from City Council:** State that core functions could be shared across multiple departments, then for the focus areas be more specific to the department.
 - **Response:** The functions identified are largely department-specific (i.e. function #2, waste management), but the focus areas certainly overlap with other city departments' roles. Added language to the recitals to clarify that the focus areas of the department reflect City-wide priorities that are also promoted by other departments.
- **Comments from City Council:** Add to the ordinance a request that when a department recommends an annual budget to the Council, it will report on how the focus areas are prioritized for the fiscal year.
 - **Response:** This language was not added, as codifying the language would be overly prescriptive and creep into legislating administrative procedures. Furthermore, the Council already has authority to request any reports from departments per 2.04.040. From a practical perspective, the department's "programs" in their program-based budget proposal are derived from the focus areas and thus the requested funding for each program would reflect the administration's prioritization of those areas.
- **Comments from City Council:** Add water quality, water conservation, and air quality to be more specific than "protect natural resources"
 - **Response:** Sustainability is not the lead department for water quality protection and water conservation (that would be Public Utilities), though Sustainability does take the lead on environmental compliance, renewable energy, and waste reduction/reuse/recycling, which all result in greater protection to the area's air, land, and water. To avoid confusion, we have removed "natural resources" and replaced it with "the air, land, and water."
- **Comments from City Council:** Need more specificity on what resiliency means for Sustainability, for example they would not be responsible for economic resiliency but would be the lead for electrical grid resiliency.
 - **Response:** The language was changed from "resiliency" to "climate resiliency."

- **Comments from City Council:** Does environmental justice and equity need to be adjusted or removed for compliance with HB261 of 2024? Sustainability was using the same definition as the EPA at the time.
 - **Response:** HB 261 has a carveout for federal compliance, which is where the department’s role for environmental justice work arose, so it is not strictly in violation of HB 261 to include in the ordinance. If a particular program is NOT federally funded, it is a fact-specific inquiry whether that would violate HB 261. Nevertheless, the language was removed, but additional language captures the intent of this focus area by revising the following statement: “Developing policies and programs ~~will be~~ aimed at achieving the greatest local impact, *including for communities that are disproportionately impacted by adverse environmental conditions...*”
- **Comments from City Council:** Specify that the City's role is helping fix local food systems but not being a provider of food such as a grocer or food broker.
 - **Response:** The department is clear about the Council’s desire not to be a food provider, and instead intends this focus area to mean “supporting” or “strengthening” the local food system.
- **Comments from City Council:** Section 4: This core function might better belong in the overarching policy guidance for all departments.
 - **Response:** Agreed; it was deleted.
- Finally, while not a Council point of feedback, we have revised slightly by pulling out a “Purpose” section (Section A) and a “Functions” section (Section B). This is to provide greater clarity.

These proposed amendments to City ordinance aim to provide policy direction, clarity of purpose, and a prescriptive list of functions to the Department of Sustainability to ensure it operates with focused intent and maximum local impact.

ATTACHMENTS:

- A. UPDATED Proposed Ordinance Amending City Code Section 2.08.120
- B. UPDATED Legislative Draft Ordinance Amending City Code Section 2.08.120
- C. Draft Ordinance Amending City Code Section 2.08.120, including marked-up changes from 2024 Draft Ordinance
- D. 2024 Draft Ordinance Amending City Code Section 2.08.120

ATTACHMENT A: UPDATED ORDINANCE

ATTACHMENT B: UPDATED LEGISLATIVE DRAFT ORDINANCE

**ATTACHMENT C: DRAFT ORDINANCE MARKED-UP AGAINST 2024
DRAFT ORDINANCE**

ATTACHMENT D: 2024 DRAFT ORDINANCE

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 2025

(An ordinance amending Section 2.08.120 of the Salt Lake City Code

Pertaining to the Department of Sustainability)

An ordinance amending Section 2.08.120 of the *Salt Lake City Code* pertaining to the functions of the department of sustainability.

WHEREAS, Chapter 2.08 “Administrative Organization” sets out the city’s administrative organization by describing each operating department and its associated duties, functions, and responsibilities; and

WHEREAS, Section 2.08.120 “Department of Sustainability” describes the specific functions assigned to the department;

WHEREAS, the Salt Lake City Council finds that updates to the current ordinance are necessary to clarify, provide policy priorities, and further describe the duties, functions, and responsibilities of the department of sustainability; and

WHEREAS, upon codification of the proposed updates to the current ordinance, the department of sustainability is directed to execute upon the policy priorities expressed by the Salt Lake City Council; and

WHEREAS, the proposed updates to the current ordinance identify several focus areas of the department of sustainability, which reflect Citywide priorities that are also promoted through the functions and responsibilities of other City departments in tandem with Sustainability; and

LEGISLATIVE DRAFT

WHEREAS, upon consideration of the proposed role of the department of sustainability, the Salt Lake City Council assigns certain functions for the purpose of attaining the greatest local impact in matters of sustainability.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending Section 2.08.120. Section 2.08.120 of the *Salt Lake City Code* shall be, and hereby is, amended to read as follows:

A. Purpose. Developing and coordinating policies and programs across city departments and throughout the community that will protect the air, land, and water, reduce pollution, slow climate change, and establish a path toward greater climate resiliency for city operations and the community.

~~A. B. Functions: The department of sustainability shall have charge of and be responsible for sustainability. The department will also be responsible for the collection and disposal of all solid waste generated within the city as provided for in city ordinance.~~

1. Developing policies and programs aimed at achieving the greatest local impact, including for communities that are disproportionately impacted by adverse environmental conditions, and intended to address the following focus areas:

- a. Environmental compliance of city operations
- b. Climate change mitigation and adaptation
- c. Air quality
- d. Energy efficiency
- e. Renewable energy
- f. Local food systems support
- g. Greenhouse gas emissions reduction

LEGISLATIVE DRAFT

h. Waste reduction, reuse, and recycling.

2. Providing waste and recycling services in accordance with Chapter 9.08 of this code.

3. Developing strategies and resources to equitably engage and educate the public on department focus areas.

SECTION 2. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this __ day of _____, 2025.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

LEGISLATIVE DRAFT

68 (SEAL)

69

70 Bill No. _____ of 2025.

71 Published: _____.

SALT LAKE CITY ORDINANCE

No. _____ of 2025

(An ordinance amending Section 2.08.120 of the Salt Lake City Code
Pertaining to the Department of Sustainability)

An ordinance amending Section 2.08.120 of the *Salt Lake City Code* pertaining to the functions of the department of sustainability.

WHEREAS, Chapter 2.08 “Administrative Organization” sets out the Salt Lake City Corporation’s (“City’s”) administrative organization by describing each operating department and its associated duties, functions, and responsibilities; and

WHEREAS, Section 2.08.120 “Department of Sustainability” describes the specific functions assigned to the department;

WHEREAS, the Salt Lake City Council finds that updates to the current ordinance are necessary to clarify, provide policy priorities, and further describe the duties, functions, and

WHEREAS, upon codification of the proposed updates to the current ordinance, the department of sustainability is directed to execute upon the policy priorities expressed by the Salt Lake City Council; and

WHEREAS, the proposed updates to the current ordinance identify several focus areas of the department of sustainability, which reflect Citywide priorities that are also promoted through the functions and responsibilities of other City departments in tandem with Sustainability; and

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NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending Section 2.08.120. Section 2.08.120 of the *Salt Lake City Code*

shall be, and hereby is, amended to read as follows:

- A. Purpose:-Developing and coordinating policies and programs across city departments and throughout the community that will protect the air, land, and water, resources, reduce pollution, slow climate change, and establish a path toward greater climate resiliency for city operations and the community.
- B. Functions: The department of sustainability shall have charge of and be responsible for:
 - 1. Developing policies and programs aimed at achieving the greatest local impact, including for communities that are disproportionately impacted by adverse environmental conditions, and intended to address the following focus areas:
 - a. Environmental compliance of city operations
 - b. Climate change mitigation and adaptation
 - c. Air quality
 - d. Energy efficiency
 - e. Renewable energy
 - f. Local food system support
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 - 2. Providing waste and recycling services in accordance with Chapter 9.08 of this code.
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Passed by the City Council of Salt Lake City, Utah this ___ day of _____, 2025.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2025.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

Sara Montoya, Senior City Attorney

SALT LAKE CITY ORDINANCE

No. _____ of 202~~5~~⁴

(An ordinance amending Section 2.08.120 of the Salt Lake City Code
Pertaining to the Department of Sustainability)

An ordinance amending Section 2.08.120 of the *Salt Lake City Code* pertaining to the functions of the department of sustainability.

WHEREAS, Chapter 2.08 “Administrative Organization” sets out the Salt Lake City Corporation’s (“City’s”) administrative organization by describing each operating department and its associated duties, functions, and responsibilities; and

WHEREAS, Section 2.08.120 “Department of Sustainability” describes the specific functions assigned to the department;

WHEREAS, the Salt Lake City Council finds that updates to the current ordinance are necessary to clarify, provide policy priorities, and further describe the duties, functions, and responsibilities of the department of sustainability; and

WHEREAS, upon codification of the proposed updates to the current ordinance, the department of sustainability is directed to execute upon the policy priorities expressed by the Salt Lake City Council; and

WHEREAS, the proposed updates to the current ordinance identify several focus areas of the department of sustainability, which reflect Citywide priorities that are also promoted through the functions and responsibilities of other City departments in tandem with Sustainability; and

WHEREAS, upon consideration of the proposed role of the department of sustainability, the Salt Lake City Council assigns certain functions for the purpose of attaining the greatest local impact in matters of sustainability.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending Section 2.08.120. Section 2.08.120 of the *Salt Lake City Code*

shall be, and hereby is, amended to read as follows:

A. Purpose: Developing and coordinating policies and programs across city departments and throughout the community that will protect the air, land, and water, reduce pollution, slow climate change, and establish a path toward greater climate resiliency for city operations and the community.

A.B. Functions: The department of sustainability shall have charge of and be responsible for:

1. ~~Developing and coordinating policies and programs across city departments and throughout the community that will protect natural resources, reduce pollution, slow climate change, and establish a path toward greater resiliency for city operations and the community.~~ Developing policies and programs will be aimed at achieving the greatest local impact, including for communities that are disproportionately impacted by adverse environmental conditions, and shall intended to address the following focus areas:
 - a. Environmental compliance of city operations
 - b. Climate change mitigation and adaptation
 - c. Air quality
 - d. Energy efficiency
 - e. Renewable energy
 - f. ~~Environmental justice and equity, I~~ local food system supports
 - g. Greenhouse gas emissions reduction
 - h. Waste reduction, reuse, and recycling.
2. Providing waste and recycling services in accordance with Chapter 9.08 of this code.
3. Developing strategies and resources to equitably engage and educate the public on department focus areas.
4. ~~Prioritizing use of limited city resources by recognizing the following order of precedence in managing new and existing department programs:~~
 - a. ~~City-specific programs or programs tailored to make a city-specific impact or address a city-specific concern;~~
 - b. ~~Partnership or supplementary programs designed to fill in gaps between other community or governmental initiatives;~~
 - c. ~~Programs that leverage financial or programmatic resources of other community or governmental organizations; and~~
 - d. ~~Programs that position the city as a community leader to effectuate change in department focus areas and stimulate greater community impact.~~

SECTION 2. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 20254.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Bill No. _____ of 20254.

Date: _____

Published: _____.

Sara Montoya, Senior City Attorney

SALT LAKE CITY ORDINANCE

No. _____ of 2024

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1. Developing and coordinating policies and programs across city departments and throughout the community that will protect natural resources, reduce pollution, slow climate change, and establish a path toward greater resiliency for city

operations and the community. Policies and programs will be aimed at achieving the greatest local impact, and shall address the following focus areas:

- a. Environmental compliance of city operations
 - b. Climate change mitigation and adaptation
 - c. Air quality
 - d. Energy efficiency
 - e. Renewable energy
 - f. Environmental justice and equity, local food systems
 - g. Greenhouse gas emissions reduction
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 - c. Programs that leverage financial or programmatic resources of other community or governmental organizations; and
 - d. Programs that position the city as a community leader to effectuate change in department focus areas and stimulate greater community impact.

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Passed by the City Council of Salt Lake City, Utah this ___ day of _____, 2024.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2024.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: March 21, 2024

Sara Montoya
Sara Montoya, Senior City Attorney