



MEMORANDUM TO CITY COUNCIL

To: Salt Lake City Council Victoria Petro, Chair

Date: March 22, 2024
Date Received by City Council Office _____

From: Katherine Lewis, City Attorney 
Sara Montoya, Senior City Attorney 

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:

In response to the Legislative Intent of Fiscal Year 2024 and to provide clarity and proposed updates to the City’s code defining and discussing the respective roles of City departments, the City Attorney’s Office is providing the proposed amendments to Title 2 related to the Sustainability Department for consideration of the City Council.

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 operations 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 the shared framework and understanding.

The City Attorney’s Office is first reviewing and proposing changes to Sustainability’s roles and functions under Title 2.

Chapter 2.08 was amended in 2016 to formally create the Department of Sustainability¹, with the original purpose of the department described as “collaborat[ing] across city departments and functions, with other

¹ Pursuant to Ordinance 38 of 2016 (Amending Chapter 2.08 of Administrative Organization) passed by the Salt Lake City Council on June 14, 2016.

governmental agencies, business, and other key stake-holders to address air quality, land and water management, and climate change.” 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 identified this section as lacking specificity, given that under current City Code, the Department of Sustainability’s responsibility is for sustainability. The intent of the attached changes is to establish specificity and a shared understanding of the City functions that the Department of Sustainability is charged with executing.

In the nearly eight years since the Department of Sustainability was created, the challenges and opportunities facing the City in matters of environment and sustainability have quickly grown and evolved, necessitating additional legislative input to redefine policy principles that will guide the department’s functions and responsibilities. The proposed amendments more clearly articulate the Department’s functions and responsibilities, so that when the Department proposes programs or new budget items, the Council and Administration can tie these requests to the roles and functions established in Title 2 by the Council.

The proposed ordinance accomplishes 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.
- Provides a method of prioritizing programs to guide the Department in managing current and proposed new programs. The prioritization, in order of precedence, is described as follows: first, programs that are focused on city-specific issues and impacts, then partnership programs that fill programmatic gaps in the community, then programs that leverage other stakeholder resources, and finally, programs that position the City as a community leader in areas of sustainability.

In drafting these amendments, the City Attorney’s Office consulted with the Department of Sustainability and largely found alignment with the Department’s view of its functions and duties. Some areas where we engaged in further discussion, and that may warrant additional City Council consideration, are outlined below:

- “Protect natural resources”: The City Attorney’s Office had questions for the Department as to whether this was primarily a function of other City departments or outside the scope of the local focus that the City’s administration should have. The Department felt this does fall within its core responsibilities, pointing out that waste reduction, reuse, and recycling, as well as energy efficiency and renewable energy all work toward reducing the use of virgin materials to protect natural resources.
- “Local food systems”: We understand the City Council has previously considered whether programs protecting or establishing local food systems should be a municipal function, rather than the responsibility of community groups and other regional partners. The Department believes local food programs are a core municipal role within their responsibilities for a variety of reasons. One notable reason is because the Department has identified many activities and programs within City operations that already directly influence the local food environment and

access. Thus, there is potential for the Department to serve as the central coordinator of the City's approach to food issues and help create efficiencies across City departments. To help further this discussion, the Department created a Food Equity Program Update for the Council to provide information on the food equity program within the context of local government's role in the food economy. The City Attorney's Office believes this is a policy decision as to whether this is a core function of City government.

- "Environmental Justice and Equity": The City Attorney's Office suggested adding a core function of environmental justice and equity, to capture the Department's work in local food systems as a subset of the broader role the Department plays in promoting environmental justice and equity across all areas of City functions.² The Department agrees that such a focus area is important, but would rather see environmental justice and equity and food systems as two distinct areas of core functions. This is another policy discussion for the Council and Administration.
- Subsection 4: The City Attorney's Office included this prioritization structure to create a method of guiding the Department in ranking the priority of Departmental programs when allocating budget and committing City resources. The Department suggested that this prioritization method could be valuable for all departments which create programs with municipal resources.

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. Proposed Ordinance Amending City Code Section 2.08.120
- B. Legislative Draft Ordinance Amending City Code Section 2.08.120

² Of note, environmental justice is also relevant to the City's Title VI Plan and required for federal compliance for certain federally funded programs.

ATTACHMENT A: ORDINANCE (CLEAN)

ATTACHMENT B: LEGISLATIVE DRAFT ORDINANCE