

Part 8 Municipal Administration

10-3-801 Administrative powers in cities of the first class.

The executive and administrative powers, authority and duties in cities of the first class shall be divided into and among five departments as follows:

- (1) Department of Public Affairs and Finance;
- (2) Department of Water Supply and Waterworks;
- (3) Department of Public Safety;
- (4) Department of Streets and Public Improvements; and
- (5) Department of Parks and Public Property.

Enacted by Chapter 48, 1977 General Session

10-3-803 Officers limited to one office -- Exceptions.

In cities of the first class, the mayor, commissioners, recorder and treasurer shall administer only one office under the city government, except that the offices of city recorder and auditor may be held by one person.

Enacted by Chapter 48, 1977 General Session

10-3-805 Administrative powers in cities of the second class.

The administrative powers, authority and duties in cities of the second class shall be divided into five departments which shall be:

- (1) Department of Public Affairs and Finances.
- (2) Department of Water and Waterworks.
- (3) Department of Public Safety.
- (4) Department of Streets and Public Improvements.
- (5) Department of Parks and Public Property.

Enacted by Chapter 48, 1977 General Session

10-3-818 Salaries in municipalities.

- (1) The elective and statutory officers of municipalities shall receive such compensation for their services as the governing body may fix by ordinance adopting compensation or compensation schedules enacted after public hearing.
- (2) Upon its own motion the governing body may review or consider the compensation of any officer or officers of the municipality or a salary schedule applicable to any officer or officers of the city for the purpose of determining whether or not it should be adopted, changed, or amended. In the event that the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.
- (3)
 - (a) Notice of the time, place, and purpose of the meeting shall be published at least seven days before the meeting by publication:

- (i) at least once in a newspaper published in the county within which the municipality is situated and generally circulated in the municipality; and
 - (ii) on the Utah Public Notice Website created in Section 63F-1-701.
- (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be given by posting this notice in three public places in the municipality.
- (4) After the conclusion of the public hearing, the governing body may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive officer of the municipality or adopting a compensation schedule applicable to any officer or officers.
- (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality establishing a salary or compensation schedule for its elective or appointive officers and any salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the municipality has enacted an ordinance pursuant to the provisions of this chapter.
- (6) The compensation of all municipal officers shall be paid at least monthly out of the municipal treasury provided that municipalities having 1,000 or fewer population may by ordinance provide for the payment of its statutory officers less frequently. None of the provisions of this chapter shall be considered as limiting or restricting the authority to any municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI, Section 5, to determine the salaries of its elective and appointive officers or employees.

Amended by Chapter 90, 2010 General Session

10-3-819 Bonds required.

The elected officers of each municipality and the treasurer in cities of the first and second class before taking office shall execute a bond with good and sufficient sureties, payable to the municipality in such amounts as are herein provided, conditioned for the faithful performance of the duties of the respective officers and the payment of all money received by such officer according to law and the ordinances of the municipality. All other officers of any municipality may, by resolution or ordinance, be required to furnish a personal bond with good and sufficient sureties or corporate surety bond payable to the municipality in such penal sum as the resolution or ordinance may establish, conditioned for the faithful performance of the duties of their office and the payment of all money received by such officers according to law and the ordinances of the municipality, or such officers may be included within public employee blanket bonds at such amounts as may be determined by the governing body.

Amended by Chapter 92, 1987 General Session

10-3-820 Bonds of officers in cities of the first and second class.

In cities of the first and second class, the mayor and each council member shall give a penal bond, with approved corporate surety, in the amount of not less than \$10,000 and the auditor shall give a penal bond with approved corporate surety in the sum of not less than \$20,000 conditioned for the faithful performance of the duties of their offices and payment of all money received by them according to law and the ordinances of the city.

Amended by Chapter 19, 2008 General Session

10-3-821 Bond of treasurers.

The municipal treasurer's bond, or the bond of any person who acts as municipal treasurer, may be set by resolution or ordinance in any amount, not less than that established by the state money management council.

Enacted by Chapter 48, 1977 General Session

10-3-822 Approval of bonds.

The bonds of the commissioners and of the councilmen shall be approved by the mayor and the bond of the mayor shall be approved by the commission or council at the first meeting of the governing body in January following a municipal election.

Enacted by Chapter 48, 1977 General Session

10-3-823 Premium paid by municipality.

The premium charged by a corporate surety for any bond required by this part shall be paid by the municipality.

Enacted by Chapter 48, 1977 General Session

10-3-824 Bonds of first officers after incorporation.

Whenever the inhabitants of any municipality incorporate under this act, the officers first elected or appointed, except the treasurer, shall give bonds in the penal sum of not less than \$500. The bonds required in this section shall remain in force until the passage of ordinances or resolutions by the governing body of such municipality providing for the bonds required of its officers under this act. The bond of the municipal treasurer shall be in a penal sum of not less than \$500 and may be established by an ordinance or resolution by the governing body, except that the bond of the treasurer shall be set in an amount provided by the rules and regulations of the state money management council if it has been established by the state money management council.

Enacted by Chapter 48, 1977 General Session

10-3-825 Additional bonds.

The governing body of any municipality may at any time require further and additional bonds of any or all officers elected or appointed. All bonds given by the officers of any municipality, except as otherwise provided by law, shall be filed with the recorder, except that the bond of the recorder shall be filed with the treasurer.

Enacted by Chapter 48, 1977 General Session

10-3-826 Official neglect and misconduct class A misdemeanor -- Removal from office.

In case any municipal officer shall at any time wilfully omit to perform any duty, or wilfully and corruptly be guilty of oppression, malconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any municipal office thereafter.

Amended by Chapter 178, 1986 General Session

10-3-827 Oaths.

All officers of any municipality, whether elected or appointed, before entering on the duties of their respective offices shall take, subscribe and file the constitutional oath of office.

Enacted by Chapter 48, 1977 General Session

10-3-828 Oath -- Filing.

The oath of office required under this part shall be administered by any judge, notary public, or by the recorder of the municipality. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath at any time before entering on their duties. All oaths of office shall be filed with the recorder of the respective municipality.

Amended by Chapter 59, 1990 General Session

10-3-829 Acts of officials not voided.

No official act of any municipal officer shall be invalid for the reason that he failed to take the oath of office.

Enacted by Chapter 48, 1977 General Session