

Superseded 5/12/2015

10-3b-503 Resolution or petition proposing a change in the form of government.

- (1) The process to change the form of government under which a municipality operates is initiated by:
 - (a) the council's adoption of a resolution proposing a change; or
 - (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives - Procedures, proposing a change.
- (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the declaring of a petition filed under Subsection (1)(b) as sufficient under Section 20A-7-507, the council shall hold at least two public hearings on the proposed change.
- (3)
 - (a) Except as provided in Subsection (3)(b), the council shall hold an election on the proposed change in the form of government at the next municipal general election or regular general election that is more than 75 days after, as the case may be:
 - (i) a resolution under Subsection (1)(a) is adopted; or
 - (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section 20A-7-507.
 - (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of government may not be held if:
 - (i) in the case of a proposed change initiated by the council's adoption of a resolution under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or
 - (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b), enough signatures are withdrawn from the petition within 60 days after the petition is declared sufficient under Section 20A-7-507 that the petition is no longer sufficient.
- (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection (1)(b) shall:
 - (a) state the method of election and initial terms of council members; and
 - (b) specify the boundaries of districts substantially equal in population, if some or all council members are to be elected by district.
- (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing a change to a council-mayor form of government may require that, if the change is adopted, the mayor appoint, with the council's advice and consent and subject to Section 10-3b-202, a chief administrative officer, to exercise the administrative powers and perform the duties that the mayor prescribes.