♣ Approved for Filing: RHR♣ 12-17-98 9:18 AM♣ 4

1	CITY FORMS OF GOVERNMENT
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Blake D. Chard
5	AN ACT RELATING TO CITIES AND TOWNS; PROVIDING THAT A CHANGE IN A
6	MUNICIPALITY'S CLASS DOES NOT AFFECT ITS FORM OF GOVERNMENT; AND
7	MAKING TECHNICAL CORRECTIONS.
8	This act affects sections of Utah Code Annotated 1953 as follows:
9	AMENDS:
10	10-2-303, as last amended by Chapter 92, Laws of Utah 1987
11	10-3-103, as enacted by Chapter 48, Laws of Utah 1977
12	10-3-104, as enacted by Chapter 48, Laws of Utah 1977
13	10-3-105, as last amended by Chapter 278, Laws of Utah 1997
14	10-3-106, as enacted by Chapter 48, Laws of Utah 1977
15	REPEALS:
16	10-2-304, as enacted by Chapter 48, Laws of Utah 1977
17	10-2-305, as enacted by Chapter 48, Laws of Utah 1977
18	Be it enacted by the Legislature of the state of Utah:
19	Section 1. Section 10-2-303 is amended to read:
20	10-2-303. Effect of change in class.
21	[Whenever] (1) If a municipality changes from one class to another [class]:
22	(a) all property, property rights, and other rights [of every kind which] that belonged to or
23	were vested in the municipality at the time of the change shall belong to and be vested in it after
24	the change[. No];
25	(b) no contract, claim, or right of the municipality or demand or liability against it shall
26	be altered or affected in any way by the change[. The];
27	(c) each ordinance, order, and resolution in force in the municipality when it changes

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28	classes shall, to the extent that it is not inconsistent with law, not be affected by the change and
29	shall remain in effect until repealed or amended;
30	(d) the change shall not affect the identity of the municipality;
31	(e) each municipal officer in office at the time of the change shall continue as an officer
32	until that officer's term expires and a successor is duly elected and qualified; and
33	(f) notwithstanding Sections 10-3-103, 10-3-104, and 10-3-105, the municipality maintains
34	after the change in class the same form of government that it had immediately before the change.
35	(2) (a) A change [shall] in class does not [have any effect on or in any] affect an action at
36	law, prosecution, business, or work of the municipality changing classes, and proceedings shall
37	continue and may be conducted and proceed as if no change in [classification of the municipality]
38	class had [taken place] occurred. [However, when a different remedy is given by]
39	(b) Notwithstanding Subsection (2)(a), if the law [and is] applicable to [any] a
40	municipality under the new class provides the municipality a different remedy with respect to a
41	right [which the municipality] that it possessed at the time of the change [in classification], the
42	remedy shall be cumulative to the remedy applicable before the change[$\overline{,}$ and may be so used] \underline{in}
43	<u>class</u> .
44	Section 2. Section 10-3-103 is amended to read:
45	10-3-103. Governing body in cities of the first class.
46	[The] Except as provided under Subsection 10-2-303(1)(f), the governing body of [cities]
47	each city of the first class that has not adopted an optional form of government under Part 12,
48	Alternative Forms of Municipal Government Act, shall be a commission of five members of which
49	one shall be the mayor and the remaining four shall be commissioners.
50	Section 3. Section 10-3-104 is amended to read:
51	10-3-104. Governing body in cities of the second class.
52	[The] Except as provided under Subsection 10-2-303(1)(f), the governing body of [cities]
53	each city of the second class that has not adopted an optional form of government under Part 12,
54	Alternative Forms of Municipal Government Act, shall be a commission of three members of
55	which one shall be the mayor and the remaining two shall be commissioners.
56	Section 4. Section 10-3-105 is amended to read:
57	10-3-105. Governing body in cities of the third class.
58	[The] Except as provided under Subsection 10-2-303(1)(f), the governing body of [cities]

59	each city of the third class that has not adopted an optional form of government under Part 12,
60	Alternative Forms of Municipal Government Act, shall be a council composed of six members,
61	one of whom shall be the mayor and the remaining five shall be council members.
62	Section 5. Section 10-3-106 is amended to read:
63	10-3-106. Governing body in towns.
64	The governing body of [a] each town that has not adopted an optional form of government
65	under Part 12, Alternative Forms of Municipal Government Act, shall be a council of five persons
66	one of whom shall be the mayor and the remaining four shall be councilmen.
67	Section 6. Repealer.
68	This act repeals:
69	Section 10-2-304, Ordinances to continue in force No change in identity.

Legislative Review Note as of 8-19-98 9:11 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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Committee Note

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The Political Subdivisions Interim Committee recommended this bill.

Section 10-2-305, Change of classes -- Officers.