



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29 shall remain in effect until repealed or amended;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[, and may be so used] in  
43 class.

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.**

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

**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**

**Committee Note**

The Political Subdivisions Interim Committee recommended this bill.