

Municipal Election Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies a municipal council's power to dismiss a municipal manager.

Highlighted Provisions:

This bill:

- provides that, beginning on the day on which a municipal general election is held and ending on the day on which a council member-elect begins the council member's term of office, a six-member or five-member municipal council may not adopt an ordinance that establishes a more restrictive procedure for the dismissal of a municipal manager; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3b-303, as last amended by Laws of Utah 2011, Chapter 209

10-3b-403, as last amended by Laws of Utah 2011, Chapter 209

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-3b-303** is amended to read:

10-3b-303 . Council in six-member council form of government.

(1) The council in a municipality operating under a six-member council form of government:

- (a) exercises any executive or administrative power and performs or supervises the performance of any executive or administrative duty or function that:

- 29 (i) has not been given to the mayor under Section 10-3b-104; or
30 (ii) has been given to the mayor under Section 10-3b-104 but is removed from the
31 mayor under Subsection (1)(b)(i)(A);
32 (b) may:
33 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:
34 (A) removing from the mayor any power, duty, or function of the mayor under
35 Section 10-3b-104; or
36 (B) reinstating to the mayor any power, duty, or function previously removed
37 under Subsection (1)(b)(i)(A);
38 (ii) adopt an ordinance delegating to the mayor any executive or administrative
39 power, duty, or function that the council has under Subsection (1)(a);
40 (iii) subject to Subsection 10-3b-302(1)(b)(ii)(A):
41 (A) appoint, subject to Subsections (3) and (4), a manager to perform executive
42 and administrative duties or functions that the council by ordinance delegates
43 to the manager, subject to Subsection (1)(c); and
44 (B) subject to Subsection (3), dismiss a manager appointed under Subsection
45 (1)(b)(iii)(A); and
46 (iv) assign any or all council members, including the mayor, to supervise one or more
47 administrative departments of the municipality; and
48 (c) may not remove from the mayor or delegate to a manager appointed by the council:
49 (i) any of the mayor's legislative or judicial powers or ceremonial functions;
50 (ii) the mayor's position as chair of the council; or
51 (iii) any ex officio position that the mayor holds.
52 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the
53 mayor a power, duty, or function provided for in Section 10-3b-104 requires the
54 affirmative vote of:
55 (a) the mayor and a majority of all other council members; or
56 (b) all council members except the mayor.
57 (3)(a) As used in this Subsection (3), "interim vacancy period" means the period of time
58 that:
59 (i) begins on the day on which a municipal general election described in Section
60 10-3-201 is held to elect a council member; and
61 (ii) ends on the day on which the council member-elect begins the council member's
62 term.

(b)(i) [~~The council may not appoint a manager during an interim vacancy period.~~]

During an interim vacancy period, the council may not:

(A) appoint a manager; or

(B) adopt an ordinance establishing a procedure for the dismissal of a manager that is more restrictive than the procedure applicable at the time the manager was appointed.

(ii) Notwithstanding Subsection [~~(3)(b)(i)~~] (3)(b)(i)(A):

(A) the council may appoint an interim manager during an interim vacancy period; and

(B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended.

(c) Subsection (3)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term.

(4) A council that appoints a manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager.

Section 2. Section **10-3b-403** is amended to read:

10-3b-403 . Council in a five-member council form of government.

(1) The council in a municipality operating under a five-member council form of municipal government:

(a) exercises any executive or administrative power and performs or supervises the performance of any executive or administrative duty or function that:

(i) has not been given to the mayor under Section 10-3b-104; or

(ii) has been given to the mayor under Section 10-3b-104 but is removed from the mayor under Subsection (1)(b)(i)(A);

(b) may:

(i) subject to Subsections (1)(c) and (2), adopt an ordinance:

(A) removing from the mayor any power, duty, or function of the mayor under Section 10-3b-104; and

(B) reinstating to the mayor any power, duty, or function previously removed under Subsection (1)(b)(i)(A);

(ii) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function that the council has under Subsection (1)(a);

- 97 (iii) subject to Subsections (3) and (4), appoint a manager to perform executive and
98 administrative duties or functions that the council by ordinance delegates to the
99 manager, subject to Subsection (1)(c);
- 100 (iv) subject to Subsection (3), dismiss a manager appointed under Subsection
101 (1)(b)(iii); and
- 102 (v) assign any or all council members, including the mayor, to supervise one or more
103 administrative departments of the municipality; and
- 104 (c) may not remove from the mayor or delegate to a manager appointed by the council:
- 105 (i) any of the mayor's legislative or judicial powers or ceremonial functions;
- 106 (ii) the mayor's position as chair of the council; or
- 107 (iii) any ex officio position that the mayor holds.
- 108 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the
109 mayor a power, duty, or function provided for in Section 10-3b-104 requires the
110 affirmative vote of:
- 111 (a) the mayor and a majority of all other council members; or
- 112 (b) all council members except the mayor.
- 113 (3)(a) As used in this Subsection (3), "interim vacancy period" means the period of time
114 that:
- 115 (i) begins on the day on which a municipal general election described in Section
116 10-3-201 is held to elect a council member; and
- 117 (ii) ends on the day on which the council member-elect begins the council member's
118 term.
- 119 (b)(i) ~~[The council may not appoint a manager during an interim vacancy period.]~~
- 120 During an interim vacancy period, the council may not:
- 121 (A) appoint a manager; or
- 122 (B) adopt an ordinance establishing a procedure for the dismissal of a manager
123 that is more restrictive than the procedure applicable at the time the manager
124 was appointed.
- 125 (ii) Notwithstanding Subsection ~~[(3)(b)(i)]~~ (3)(b)(i)(A):
- 126 (A) the council may appoint an interim manager during an interim vacancy period;
127 and
- 128 (B) the interim manager's term shall expire once a new manager is appointed by
129 the new administration after the interim vacancy period has ended.
- 130 (c) Subsection (3)(b) does not apply if all the council members who held office on the

131 day of the municipal general election whose term of office was vacant for the election
132 are re-elected to the council for the following term.

133 (4) A council that appoints a manager in accordance with this section may not, on or after
134 May 10, 2011, enter into an employment contract that contains an automatic renewal
135 provision with the manager.

136 Section 3. **Effective date.**

137 This bill takes effect on May 7, 2025.