

**Municipal Governance Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keith Grover**

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**LONG TITLE****General Description:**

This bill provides a process by which a city council may retain or employ staff to assist the city council.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the council operating in a council-mayor form of government to retain or employ a person to assist the council in fulfilling its obligations under Title 10, Utah Municipal Code;

- ▶ states that a person retained or employed by a council in a council-mayor form of government:

- reports to the council; and
- does not report to the mayor;

- ▶ requires a council that retains or employs a person to assist the council to first establish certain parameters by ordinance or contractual agreement; and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-3b-104**, as enacted by Laws of Utah 2008, Chapter 19

**10-3b-105**, as enacted by Laws of Utah 2008, Chapter 19

**10-3b-201**, as enacted by Laws of Utah 2008, Chapter 19

**10-3b-202**, as last amended by Laws of Utah 2015, Chapter 352

**10-3b-203**, as enacted by Laws of Utah 2008, Chapter 19

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

32 Section 1. Section **10-3b-104** is amended to read:

33 **10-3b-104 . Powers and duties of mayor in six-member council and five-member**  
34 **council forms of government.**

35 (1) Except as provided in Subsection (2), the mayor in a municipality operating under a  
36 six-member council form of government or a five-member council form of government:

37 (a) is the chief executive officer of the municipality to whom all employees of the  
38 municipality report, except an employee described in Subsection (3);

39 (b) shall:

40 (i) keep the peace and enforce the laws of the municipality;

41 (ii) ensure that all applicable statutes and municipal ordinances and resolutions are  
42 faithfully executed and observed;

43 (iii) if the mayor remits a fine or forfeiture under Subsection (1)(c)(ii), report the  
44 remittance to the council at the council's next meeting after the remittance;

45 (iv) perform all duties prescribed by statute or municipal ordinance or resolution;

46 (v) report to the council the condition and needs of the municipality; and

47 (vi) report to the council any release granted under Subsection (1)(c)(iv); and

48 (c) may:

49 (i) recommend for council consideration any measure that the mayor considers to be  
50 in the best interests of the municipality;

51 (ii) remit fines and forfeitures;

52 (iii) if necessary, call on residents of the municipality over the age of 21 years to  
53 assist in enforcing the laws of the state and ordinances of the municipality;

54 (iv) release a person imprisoned for a violation of a municipal ordinance;

55 (v) with the council's advice and consent:

56 (A) assign or appoint a member of the council to administer one or more  
57 departments of the municipality; and

58 (B) appoint a person to fill:

59 (I) a municipal office; or

60 (II) a vacancy on a commission or committee of the municipality; and

61 (vi) at any reasonable time, examine and inspect the official books, papers, records,  
62 or documents of:

63 (A) the municipality; or

64 (B) any officer, employee, or agency of the municipality.

65 (2) The powers and duties in Subsection (1) are subject to:

- 66 (a) municipal ordinances in effect on May 4, 2008 modifying the powers and duties of  
 67 the mayor; and
- 68 (b) the council's authority to limit or expand the mayor's powers and duties under:
- 69 (i) Subsection 10-3b-303(2)(a), for a municipality operating under the six-member  
 70 council form of government; and
- 71 (ii) Subsection 10-3b-403(2)(a), for a municipality operating under the five-member  
 72 council form of government.

73 (3) A person retained or employed by the city council under Section 10-3b-105 reports to  
 74 the city council, as described by ordinance or contractual agreement.

75 Section 2. Section **10-3b-105** is amended to read:

76 **10-3b-105 . Municipal council in six-member council and five-member council**  
 77 **forms of government.**

78 (1) In a municipality operating under a six-member council form of government or a  
 79 five-member council form of government, the council:

80 ~~[(1)]~~ (a) is the legislative body of the municipality and exercises the legislative powers  
 81 and performs the legislative duties and functions of the municipality; and

82 ~~[(2)]~~ (b) may:

83 ~~[(a)]~~ (i) adopt rules and regulations, not inconsistent with statute, for the efficient  
 84 administration, organization, operation, conduct, and business of the municipality;

85 ~~[(b)]~~ (ii) prescribe by resolution additional duties, powers, and responsibilities for any  
 86 elected or appointed municipal official, unless prohibited by statute;

87 ~~[(c)]~~ (iii) require by ordinance that any or all appointed officers reside in the  
 88 municipality;

89 ~~[(d)]~~ (iv) create any office that the council considers necessary for the government of  
 90 the municipality;

91 ~~[(e)]~~ (v) provide for filling a vacancy in an elective or appointive office;

92 ~~[(f)]~~ (vi) take any action allowed under Section 10-8-84;

93 (vii) retain or employ a person to assist the council in complying with the  
 94 requirements and duties described in this title; and

95 ~~[(g)]~~ (viii) perform any function specifically provided for by statute or necessarily  
 96 implied by law.

97 (2) If the council retains or employs a person to assist the council, as described in

98 Subsection (1)(b)(vii), the council shall first, at a minimum, establish by ordinance or  
 99 contractual agreement:

- 100 (a) the term and nature of the person's employment;  
 101 (b) compensation; and  
 102 (c) how the person shall report to, and take direction from, the city council.

103 Section 3. Section **10-3b-201** is amended to read:

104 **10-3b-201 . Separate branches of government under a council-mayor form of**  
 105 **government.**

106 The powers of municipal government in a municipality operating under the  
 107 council-mayor form of government are vested in two separate, independent, and equal  
 108 branches of municipal government consisting of:

- 109 (1) a council composed of five or seven members and, if applicable, a person retained or  
 110 employed to assist the council as described in Subsection 10-3b-105(2); and  
 111 (2) a mayor and, under the mayor's supervision, any executive or administrative  
 112 departments, divisions, and offices and any executive or administrative officers provided  
 113 for by statute or municipal ordinance.

114 Section 4. Section **10-3b-202** is amended to read:

115 **10-3b-202 . Mayor in council-mayor form of government.**

- 116 (1) The mayor in a municipality operating under the council-mayor form of government:  
 117 (a) is the chief executive and administrative officer of the municipality;  
 118 (b) exercises the executive and administrative powers and performs or supervises the  
 119 performance of the executive and administrative duties and functions of the  
 120 municipality;  
 121 (c) shall:  
 122 (i) keep the peace and enforce the laws of the municipality;  
 123 (ii) execute the policies adopted by the council;  
 124 (iii) appoint, with the council's advice and consent, a qualified person for each of the  
 125 following positions:  
 126 (A) subject to Subsection (3), chief administrative officer, if required under the  
 127 resolution or petition under Subsection 10-3b-603(1)(a) that proposed the  
 128 change to a council-mayor form of government;  
 129 (B) recorder;  
 130 (C) treasurer;  
 131 (D) engineer; and  
 132 (E) attorney;  
 133 (iv) provide to the council, at intervals provided by ordinance, a written report to the

- 134 council setting forth:
- 135 (A) the amount of budget appropriations;
- 136 (B) total disbursements from the appropriations;
- 137 (C) the amount of indebtedness incurred or contracted against each appropriation,
- 138 including disbursements and indebtedness incurred and not paid; and
- 139 (D) the percentage of the appropriations encumbered;
- 140 (v) report to the council the condition and needs of the municipality;
- 141 (vi) report to the council any release granted under Subsection (1)(d)(xiii);
- 142 (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the
- 143 remittance to the council at the council's next meeting after the remittance;
- 144 (viii) perform each other duty:
- 145 (A) prescribed by statute; or
- 146 (B) required by a municipal ordinance that is not inconsistent with statute;
- 147 (d) may:
- 148 (i) subject to budget constraints:
- 149 (A) appoint:
- 150 (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and
- 151 (II) one or more deputies or administrative assistants to the mayor; and
- 152 (B)(I) create any other administrative office that the mayor considers
- 153 necessary for good government of the municipality; and
- 154 (II) appoint a person to the office;
- 155 (ii) with the council's advice and consent and except as otherwise specifically limited
- 156 by statute, appoint:
- 157 (A) each department head of the municipality;
- 158 (B) each statutory officer of the municipality; and
- 159 (C) each member of a statutory commission, board, or committee of the
- 160 municipality;
- 161 (iii) dismiss any person appointed by the mayor;
- 162 (iv) as provided in Section 10-3b-204, veto an ordinance, tax levy, or appropriation
- 163 passed by the council;
- 164 (v) exercise control of and supervise each executive or administrative department,
- 165 division, or office of the municipality;
- 166 (vi) within the general provisions of statute and ordinance, regulate and prescribe the
- 167 powers and duties of each other executive or administrative officer or employee of

- 168 the municipality;
- 169 (vii) attend each council meeting, take part in council meeting discussions, and freely  
170 give advice to the council;
- 171 (viii) appoint a budget officer to serve in place of the mayor to comply with and  
172 fulfill in all other respects the requirements of, as the case may be:
- 173 (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or  
174 (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
- 175 (ix) execute an agreement on behalf of the municipality, or delegate, by written  
176 executive order, the authority to execute an agreement on behalf of the  
177 municipality:
- 178 (A) if the obligation under the agreement is within certified budget appropriations;  
179 and
- 180 (B) subject to Section 10-6-138;
- 181 (x) at any reasonable time, examine and inspect the official books, papers, records, or  
182 documents of:
- 183 (A) the municipality; or  
184 (B) any officer, employee, or agent of the municipality;
- 185 (xi) remit fines and forfeitures;
- 186 (xii) if necessary, call on residents of the municipality over the age of 21 years to  
187 assist in enforcing the laws of the state and ordinances of the municipality; and
- 188 (xiii) release a person imprisoned for a violation of a municipal ordinance; and
- 189 (e) may not:
- 190 (i) vote on any matter before the council[-] ; or  
191 (ii) publicly or privately give orders to a person retained or employed by the council.
- 192 (2)(a) The first mayor elected under a newly established mayor-council form of  
193 government shall, within six months after taking office, draft and submit to the  
194 council a proposed ordinance:
- 195 (i) providing for the division of the municipality's administrative service into  
196 departments, divisions, and bureaus; and
- 197 (ii) defining the functions and duties of each department, division, and bureau.
- 198 (b) Before the council adopts an ordinance on the municipality's administrative service,  
199 the mayor may establish temporary rules and regulations to ensure efficiency and  
200 effectiveness in the divisions of the municipal government.
- 201 (3)(a) As used in this Subsection (3), "interim vacancy period" means the period of time

202 that:

203 (i) begins on the day on which a municipal general election described in Section  
204 10-3-201 is held to elect a mayor; and

205 (ii) ends on the day on which the mayor-elect begins the mayor's term.

206 (b) Each person appointed as chief administrative officer under Subsection (1)(c)(iii)(A)  
207 shall be appointed on the basis of:

208 (i) the person's ability and prior experience in the field of public administration; and

209 (ii) any other qualification prescribed by ordinance.

210 (c)(i) The mayor may not appoint a chief administrative officer during an interim  
211 vacancy period.

212 (ii) Notwithstanding Subsection (3)(c)(i):

213 (A) the mayor may appoint an interim chief administrative officer during an  
214 interim vacancy period; and

215 (B) the interim chief administrative officer's term shall expire once a new chief  
216 administrative officer is appointed by the new mayor after the interim vacancy  
217 period has ended.

218 (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the  
219 municipal general election is re-elected to the mayor's office for the following term.

220 (4) A mayor who appoints a chief administrative officer in accordance with this section  
221 may not, on or after May 10, 2011, enter into an employment contract that contains an  
222 automatic renewal provision with the chief administrative officer.

223 Section 5. Section **10-3b-203** is amended to read:

224 **10-3b-203 . Council in a council-mayor form of government.**

225 (1) The council in a municipality operating under a council-mayor form of government:

226 (a) shall:

227 (i) by ordinance, provide for the manner in which:

228 (A) municipal property is bought, sold, traded, encumbered, or otherwise  
229 transferred; and

230 (B) a subdivision or annexation is approved, disapproved, or otherwise regulated;

231 (ii) pass ordinances, appropriate funds, and review municipal administration;

232 (iii) perform all duties that the law imposes on the council; and

233 (iv) elect one of its members to be the chair of the council;

234 (b) may:

235 (i) adopt an ordinance, to be known as the municipal administrative code:

- 236 (A) dividing the municipality's administrative service into departments, divisions,  
 237 and bureaus; and
- 238 (B) defining the functions and duties of each department, division, and bureau;
- 239 (ii) adopt an ordinance:
- 240 (A) creating, consolidating, or abolishing departments, divisions, and bureaus; and  
 241 (B) defining or altering the functions and duties of each department, division, and  
 242 bureau;
- 243 (iii) notwithstanding Subsection (1)(c)(iii), make suggestions or recommendations to  
 244 a subordinate of the mayor;
- 245 (iv)(A) notwithstanding Subsection (1)(c), appoint a committee of council  
 246 members or citizens to conduct an investigation into:
- 247 (I) an officer, department, or agency of the municipality; or  
 248 (II) any other matter relating to the welfare of the municipality; and
- 249 (B) delegate to an appointed committee powers of inquiry that the council  
 250 considers necessary;
- 251 (v) make and enforce any additional rule or regulation for the government of the  
 252 council, the preservation of order, and the transaction of the council's business that  
 253 the council considers necessary; [~~and~~]
- 254 (vi)(A) adopt an ordinance describing the process by which the council may  
 255 retain or employ a person to assist the council, as described in Subsection  
 256 10-3b-105(2); or
- 257 (B) enter into a contractual agreement to retain or employ a person to assist the  
 258 council, as described in Subsection 10-3b-105(2); and
- 259 [~~(vi)~~] (vii) take any action allowed under Section 10-8-84; and
- 260 (c) may not:
- 261 (i) direct or request, other than in writing, the appointment of a person to or the  
 262 removal of a person from an executive municipal office;
- 263 (ii) interfere in any way with an executive officer's performance of the officer's  
 264 duties; or
- 265 (iii) publicly or privately give orders to a subordinate of the mayor.
- 266 (2) A member of a council in a municipality operating under the council-mayor form of  
 267 government may not have any other compensated employment with the municipality.
- 268 **Section 6. Effective date.**
- 269 This bill takes effect on May 7, 2025.