

Part 2

Council-Mayor Form of Municipal Government

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

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

- (1) a council composed of five or seven members; and
- (2) a mayor and, under the mayor's supervision, any executive or administrative departments, divisions, and offices and any executive or administrative officers provided for by statute or municipal ordinance.

Enacted by Chapter 19, 2008 General Session

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

- (1) The mayor in a municipality operating under the council-mayor form of government:
 - (a) is the chief executive and administrative officer of the municipality;
 - (b) exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality;
 - (c) shall:
 - (i) keep the peace and enforce the laws of the municipality;
 - (ii) execute the policies adopted by the council;
 - (iii) appoint, with the council's advice and consent, a qualified person for each of the following positions:
 - (A) subject to Subsection (3), chief administrative officer, if required under the resolution or petition under Subsection 10-3b-603(1)(a) that proposed the change to a council-mayor form of government;
 - (B) recorder;
 - (C) treasurer;
 - (D) engineer; and
 - (E) attorney;
 - (iv) provide to the council, at intervals provided by ordinance, a written report to the council setting forth:
 - (A) the amount of budget appropriations;
 - (B) total disbursements from the appropriations;
 - (C) the amount of indebtedness incurred or contracted against each appropriation, including disbursements and indebtedness incurred and not paid; and
 - (D) the percentage of the appropriations encumbered;
 - (v) report to the council the condition and needs of the municipality;
 - (vi) report to the council any release granted under Subsection (1)(d)(xiii);
 - (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the remittance to the council at the council's next meeting after the remittance;
 - (viii) perform each other duty:
 - (A) prescribed by statute; or
 - (B) required by a municipal ordinance that is not inconsistent with statute;
 - (d) may:
 - (i) subject to budget constraints:

- (A) appoint:
 - (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and
 - (II) one or more deputies or administrative assistants to the mayor; and
 - (B)
 - (I) create any other administrative office that the mayor considers necessary for good government of the municipality; and
 - (II) appoint a person to the office;
 - (ii) with the council's advice and consent and except as otherwise specifically limited by statute, appoint:
 - (A) each department head of the municipality;
 - (B) each statutory officer of the municipality; and
 - (C) each member of a statutory commission, board, or committee of the municipality;
 - (iii) dismiss any person appointed by the mayor;
 - (iv) as provided in Section 10-3b-204, veto an ordinance, tax levy, or appropriation passed by the council;
 - (v) exercise control of and supervise each executive or administrative department, division, or office of the municipality;
 - (vi) within the general provisions of statute and ordinance, regulate and prescribe the powers and duties of each other executive or administrative officer or employee of the municipality;
 - (vii) attend each council meeting, take part in council meeting discussions, and freely give advice to the council;
 - (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill in all other respects the requirements of, as the case may be:
 - (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or
 - (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
 - (ix) execute an agreement on behalf of the municipality, or delegate, by written executive order, the authority to execute an agreement on behalf of the municipality:
 - (A) if the obligation under the agreement is within certified budget appropriations; and
 - (B) subject to Section 10-6-138;
 - (x) at any reasonable time, examine and inspect the official books, papers, records, or documents of:
 - (A) the municipality; or
 - (B) any officer, employee, or agent of the municipality;
 - (xi) remit fines and forfeitures;
 - (xii) if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality; and
 - (xiii) release a person imprisoned for a violation of a municipal ordinance; and
 - (e) may not vote on any matter before the council.
- (2)
- (a) The first mayor elected under a newly established mayor-council form of government shall, within six months after taking office, draft and submit to the council a proposed ordinance:
 - (i) providing for the division of the municipality's administrative service into departments, divisions, and bureaus; and
 - (ii) defining the functions and duties of each department, division, and bureau.
 - (b) Before the council adopts an ordinance on the municipality's administrative service, the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness in the divisions of the municipal government.
- (3)

- (a) As used in this Subsection (3), "interim vacancy period" means the period of time that:
 - (i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a mayor; and
 - (ii) ends on the day on which the mayor-elect begins the mayor's term.
- (b) Each person appointed as chief administrative officer under Subsection (1)(c)(iii)(A) shall be appointed on the basis of:
 - (i) the person's ability and prior experience in the field of public administration; and
 - (ii) any other qualification prescribed by ordinance.
- (c)
 - (i) The mayor may not appoint a chief administrative officer during an interim vacancy period.
 - (ii) Notwithstanding Subsection (3)(c)(i):
 - (A) the mayor may appoint an interim chief administrative officer during an interim vacancy period; and
 - (B) the interim chief administrative officer's term shall expire once a new chief administrative officer is appointed by the new mayor after the interim vacancy period has ended.
- (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the municipal general election is re-elected to the mayor's office for the following term.
- (4) A mayor who appoints a chief administrative officer 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 chief administrative officer.

Amended by Chapter 352, 2015 General Session

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

- (1) The council in a municipality operating under a council-mayor form of government:
 - (a) shall:
 - (i) by ordinance, provide for the manner in which:
 - (A) municipal property is bought, sold, traded, encumbered, or otherwise transferred; and
 - (B) a subdivision or annexation is approved, disapproved, or otherwise regulated;
 - (ii) pass ordinances, appropriate funds, and review municipal administration;
 - (iii) perform all duties that the law imposes on the council; and
 - (iv) elect one of its members to be the chair of the council;
 - (b) may:
 - (i) adopt an ordinance, to be known as the municipal administrative code:
 - (A) dividing the municipality's administrative service into departments, divisions, and bureaus; and
 - (B) defining the functions and duties of each department, division, and bureau;
 - (ii) adopt an ordinance:
 - (A) creating, consolidating, or abolishing departments, divisions, and bureaus; and
 - (B) defining or altering the functions and duties of each department, division, and bureau;
 - (iii) notwithstanding Subsection (1)(c)(iii), make suggestions or recommendations to a subordinate of the mayor;
 - (iv)
 - (A) notwithstanding Subsection (1)(c), appoint a committee of council members or citizens to conduct an investigation into:
 - (I) an officer, department, or agency of the municipality; or
 - (II) any other matter relating to the welfare of the municipality; and

- (B) delegate to an appointed committee powers of inquiry that the council considers necessary;
- (v) make and enforce any additional rule or regulation for the government of the council, the preservation of order, and the transaction of the council's business that the council considers necessary; and
- (vi) take any action allowed under Section 10-8-84; and
- (c) may not:
 - (i) direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office;
 - (ii) interfere in any way with an executive officer's performance of the officer's duties; or
 - (iii) publicly or privately give orders to a subordinate of the mayor.
- (2) A member of a council in a municipality operating under the council-mayor form of government may not have any other compensated employment with the municipality.

Enacted by Chapter 19, 2008 General Session

10-3b-204 Presenting council action to mayor -- Veto -- Reconsideration -- When ordinance, tax levy, or appropriation takes effect.

- (1) The council in each municipality operating under a council-mayor form of municipal government shall present to the mayor each ordinance, tax levy, and appropriation passed by the council.
- (2)
 - (a) The mayor in a municipality operating under a council-mayor form of municipal government may veto an ordinance or tax levy or all or any part of an appropriation passed by the council.
 - (b) If a mayor vetoes an ordinance or tax levy or all or any part of an appropriation, the mayor shall return the ordinance, tax levy, or appropriation to the council within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor, with a statement explaining the mayor's objections.
- (3) At its next meeting following a mayor's veto under Subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation.
- (4) An ordinance, tax levy, or appropriation passed by the council takes effect upon recording as provided in Chapter 3, Part 7, Municipal Ordinances, Resolutions, and Procedure, if:
 - (a) the mayor signs the ordinance, tax levy, or appropriation;
 - (b) the mayor fails to sign the ordinance, tax levy, or appropriation within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor; or
 - (c) following a veto, the council reconsiders the ordinance, tax levy, or appropriation and passes it by a vote of at least two-thirds of all council members.

Enacted by Chapter 19, 2008 General Session

10-3b-205 Rules and regulations by municipal officers.

A municipal officer in a municipality operating under a council-mayor form of government may prescribe rules and regulations, not inconsistent with statute, municipal ordinance, or the merit plan.

Enacted by Chapter 19, 2008 General Session