Part 4
Five-Member Council Form of Municipal Government

10-3b-401 Municipal government powers vested in a five-member council.

The powers of municipal government in a municipality operating under the five-member council form of municipal government are vested in a council consisting of five members, one of which is a mayor.

Enacted by Chapter 19, 2008 General Session

10-3b-402 Mayor in a five-member council form of government.

(1) The mayor in a municipality operating under a five-member council form of municipal government:
  (a) is a regular and voting member of the council;
  (b) is the chair of the council and presides at all council meetings;
  (c) exercises ceremonial functions for the municipality;
  (d) may not veto any ordinance, tax levy, or appropriation passed by the council; and
  (e) except as modified by ordinance under Subsection 10-3b-403(2), has the powers and duties described in Section 10-3b-104.

(2)
  (a) If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore, to:
    (i) preside at a council meeting; and
    (ii) perform, during the mayor's absence, disability, or refusal to act, the duties and functions of mayor.
  (b) The municipal clerk or recorder shall enter in the minutes of the council meeting the election of a council member as mayor pro tempore under Subsection (2)(a).

Enacted by Chapter 19, 2008 General Session

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);

(iii) subject to Subsections (3) and (4), appoint a manager to perform executive and administrative duties or functions that the council by ordinance delegates to the manager, subject to Subsection (1)(c);
(iv) dismiss a manager appointed under Subsection (1)(b)(iii); and
(v) assign any or all council members, including the mayor, to supervise one or more administrative departments of the municipality; and
(c) may not remove from the mayor or delegate to a manager appointed by the council:
(i) any of the mayor's legislative or judicial powers or ceremonial functions;
(ii) the mayor's position as chair of the council; or
(iii) any ex officio position that the mayor holds.
(2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative vote of:
(a) the mayor and a majority of all other council members; or
(b) all council members except the mayor.
(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 council member; and
(ii) ends on the day on which the council member-elect begins the council member's term.
(b)
(i) The council may not appoint a manager during an interim vacancy period.
(ii) Notwithstanding Subsection (3)(b)(i):
(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.

Amended by Chapter 209, 2011 General Session