

Effective 5/12/2015

Part 6
Changing to Another Form of Municipal Government

10-3b-601 Authority to change to another form of municipal government.

- (1) As provided in this part, a municipality may change from the form of government under which it operates to:
 - (a) the council-mayor form of government with a five-member council;
 - (b) the council-mayor form of government with a seven-member council;
 - (c) the six-member council form of government; or
 - (d) the five-member council form of government.
- (2)
 - (a) A metro township that changes from the metro township council form of government to a form described in Subsection (1):
 - (i) is no longer a metro township; and
 - (ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority of a city or town.
 - (b) If a metro township with a population that qualifies as a town in accordance with Section 10-2-301 changes the metro township's form of government in accordance with this part, the metro township may only change to the five-member council form of government.
- (3) A municipality other than a metro township may not operate under the metro township council form of government.

Enacted by Chapter 352, 2015 General Session

10-3b-602 Voter approval required for a change in the form of government.

A municipality may not change its form of government under this part unless voters of the municipality approve the change at an election held for that purpose.

Enacted by Chapter 352, 2015 General Session

10-3b-603 Resolution or petition proposing a change in the form of government.

- (1) The process to change the form of government under which a municipality operates is initiated by:
 - (a) the council's adoption of a resolution proposing a change; or
 - (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives - Procedures, proposing a change.
- (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the declaring of a petition filed under Subsection (1)(b) as sufficient under Section 20A-7-507, the council shall hold at least two public hearings on the proposed change.
- (3)
 - (a) Except as provided in Subsection (3)(b), the council shall hold an election on the proposed change in the form of government at the next municipal general election or regular general election that is more than 75 days after, as the case may be:
 - (i) a resolution under Subsection (1)(a) is adopted; or
 - (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section 20A-7-507.

- (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of government may not be held if:
 - (i) in the case of a proposed change initiated by the council's adoption of a resolution under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or
 - (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b), enough signatures are withdrawn from the petition within 60 days after the petition is declared sufficient under Section 20A-7-507 that the petition is no longer sufficient.
- (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection (1)(b) shall:
 - (a) state the method of election and initial terms of council members; and
 - (b) specify the boundaries of districts substantially equal in population, if some or all council members are to be elected by district.
- (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing a change to a council-mayor form of government may require that, if the change is adopted, the mayor appoint, with the council's advice and consent and subject to Section 10-3b-202, a chief administrative officer, to exercise the administrative powers and perform the duties that the mayor prescribes.

Enacted by Chapter 352, 2015 General Session

10-3b-604 Limitations on adoption of a resolution and filing of a petition.

A resolution may not be adopted under Subsection 10-3b-603(1)(a) and a petition may not be filed under Subsection 10-3b-603(1)(b) within:

- (1) four years after an election at which voters reject a proposal to change the municipality's form of government, if the resolution or petition proposes changing to the same form of government that voters rejected at the election; or
- (2) four years after the effective date of a change in the form of municipal government or an incorporation as a municipality.

Enacted by Chapter 352, 2015 General Session

10-3b-605 Ballot form.

The ballot at an election on a proposal to change the municipality's form of government shall:

- (1) state the ballot question substantially as follows: "Shall [state the municipality's name], Utah, change its form of government to the [state "council-mayor form, with a five-member council," "council-mayor form, with a seven-member council," "six-member council form," or "five-member council form," as applicable]?"; and
- (2) provide a space or method for the voter to vote "yes" or "no."

Enacted by Chapter 352, 2015 General Session

10-3b-606 Election of officers after a change in the form of government.

- (1) If voters approve a proposal to change the municipality's form of government at an election held as provided in this part, an election of officers under the new form of government shall be held on the municipal general election date following the election at which voters approve the proposal.
- (2) If a municipality changes its form of government under this part resulting in the elimination of an elected official's position, the municipality shall continue to pay that official at the same rate

until the date on which the official's term would have expired, unless under the new form of government the official holds municipal office for which the official is regularly compensated.

- (3) A council member whose term has not expired at the time the municipality changes its form of government under this part may, at the council member's option, continue to serve as a council member under the new form of government for the remainder of the member's term.
- (4) The term of the mayor and each council member is four years or until a successor is qualified, except that approximately half of the initial council members, chosen by lot, shall serve a term of two years or until a successor is qualified.

Enacted by Chapter 352, 2015 General Session

10-3b-607 Effective date of change in the form of government.

A change in the form of government under this chapter takes effect at noon on the first Monday of January next following the election of officers under Section 10-3b-606.

Enacted by Chapter 352, 2015 General Session