

LOCAL GOVERNMENTS FORM OF GOVERNMENT

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peggy Wallace

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions relating to forms of municipal and county government.

Highlighted Provisions:

This bill:

- requires cities of the first or second class to operate under a council-manager form of government; and

- requires counties of the first class to operate under a council-manager form of government.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****10-3-106**, as last amended by Chapters 90 and 202, Laws of Utah 2004**10-3-1203**, as last amended by Chapters 202 and 371, Laws of Utah 2004**17-52-102**, as last amended by Chapter 241, Laws of Utah 2001**17-52-201**, as last amended by Chapter 241, Laws of Utah 2001

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

Section 1. Section **10-3-106** is amended to read:

10-3-106. Required forms of government.

(1) Each city of the first or second class shall operate under a council-manager form of government.

(2) Unless it has adopted another form of government under Part 12, Optional Forms of Municipal Government Act, each town shall operate under a five-member council form of government.

Section 2. Section **10-3-1203** is amended to read:

10-3-1203. Election requirements and procedure for organization under different form of government.

(1) Except as provided in ~~[Subsection]~~ Subsections 10-2-303(1)(b) and 10-3-106(1), each municipality retains the form of government under which it is operating unless it changes its form as provided in this part.

(2) ~~[Regardless of its class under Section 10-2-301]~~ Except for a city of the first or second class, a municipality, regardless of its class under Section 10-2-301, may reorganize as provided in this part and may choose as a form of government:

- (a) a five-member council form;
- (b) a six-member council form;
- (c) a council-mayor form; or
- (d) a council-manager form.

(3) Reorganization under Subsection (2) shall be by approval of a majority of registered voters of the municipality voting in a special election held for that purpose.

(4) (a) The proposal may be entered on the ballot by resolution passed by the governing body of the municipality or by initiative as provided for in Title 20A, Chapter 7, Part 5, Local Initiatives - Procedures.

(b) The resolution or petition shall state the number, method of election, and initial terms of council members and shall specify the boundaries of districts substantially equal in population if some or all council members are to be chosen from these districts.

(5) (a) The proposal shall be voted upon at a special election to be held not more than twelve months after the resolution is passed or after receipt of a valid initiative petition.

(b) The ballot for the special election to adopt or reject one of the forms of municipal

59 government shall be in substantially the following form:

60

61 _____
61 Shall (name of municipality), Utah, adopt Yes

62 the (council-mayor) (council-manager)

63 (five-member council)

64 (six-member council) form of

65 municipal government? No

66

67 Section 3. Section **17-52-102** is amended to read:

68 **17-52-102. Forms of county government -- County commission form required**

69 **unless another is adopted.**

70 (1) Each county shall operate under one of the following forms of county government:

71 (a) the county commission form under Section 17-52-501;

72 (b) the expanded county commission form under Section 17-52-502;

73 (c) the county [~~executive and council~~] executive-council form under Section

74 17-52-504; or

75 (d) the council-manager form under Section 17-52-505.

76 (2) (a) Each county of the first class shall operate under the council-manager form of

77 government under Section 17-52-505.

78 [~~(2)~~] (b) Unless it adopts another form of government as provided in this chapter, each

79 county that is not a county of the first class shall operate under the county commission form of

80 government under Section 17-52-501.

81 Section 4. Section **17-52-201** is amended to read:

82 **17-52-201. Procedure for initiating adoption of optional plan -- Limitations --**

83 **Pending proceedings.**

84 (1) An optional plan proposing an alternate form of government for a county may be

85 adopted, as provided in this chapter, by a county that is not a county of the first class.

86 (2) The process to adopt an optional plan establishing an alternate form of county

87 government may be initiated by:

88 (a) the county legislative body as provided in Section 17-52-202; or

89 (b) registered voters of the county as provided in Section 17-52-203.

90 (3) (a) If the process to adopt an optional plan has been initiated under Chapter 26,
91 Laws of Utah 1973, Section 3, 4, or 5, or Section 17-52-202 or 17-52-203, the county
92 legislative body may not initiate the process again under Section 17-52-202 unless the earlier
93 proceeding:

94 (i) has been concluded by an affirmative or negative vote of registered voters; or

95 (ii) has not been concluded but has been pending for at least two years.

96 (b) A county legislative body may not initiate the process to adopt an optional plan
97 under Section 17-52-202 within four years of an election at which voters approved or rejected
98 an optional plan proposed as a result of a process initiated by the county legislative body.

99 (c) Registered voters of a county may not initiate the process to adopt an optional plan
100 under Section 17-52-203 within four years of an election at which voters approved or rejected
101 an optional plan proposed as a result of a process initiated by registered voters.

Legislative Review Note

as of 7-20-05 2:59 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Local Governments Form of Government***16-Jan-06***Bill Number HB0206***4:34 PM*

State Impact

Passage of this bill would result in increased costs to local government of approximately \$1,500,000 to implement provisions of the bill.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst