

MUNICIPAL AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions of the Utah Municipal Code related to the appointment and removal of certain officials.

Highlighted Provisions:

This bill:

- requires the advice and consent of the municipal council or legislative body with respect to the removal of department heads and officers and employees, commissions, boards, and committees, and for planning commission members.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

10-3-1219, as last amended by Chapter 156, Laws of Utah 2004

10-9a-301, as renumbered and amended by Chapter 254, Laws of Utah 2005

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

Section 1. Section **10-3-1219** is amended to read:

10-3-1219. Council-mayor form -- Powers and duties of mayor.



(1) In the optional form of government known as the council-mayor form, the mayor shall be a registered voter of the municipality from which he is elected and shall be elected for a term of four years.

(2) The mayor shall be the chief executive and administrative officer of the municipality and shall:

(a) enforce the laws and ordinances of the municipality;

(b) execute the policies adopted by the council;

(c) appoint and remove administrative assistants, including a chief administrative officer; ~~and~~

(d) with the advice and consent of the council, appoint department heads and all statutory officers, commissions, boards, and committees of the municipality, except as may otherwise be specifically limited by law;

(e) with the advice and consent of the council, remove department heads and officers and employees, commissions, boards, and committees;

(f) exercise control of all departments, divisions, and bureaus within the municipal government;

(g) attend all meetings of the council with the right to take part in all discussions and the responsibility to inform the council of the condition and needs of the municipality and make recommendations and freely give advice to the council, except that the mayor may not vote in council meetings;

(h) appoint a budget officer to serve in place of the mayor for the purpose of conforming with the requirements of the Uniform Municipal Fiscal Procedures Act and in all other respects fulfill the requirements of that act;

(i) appoint, with the advice and consent of the council, a qualified person to each of the offices in cities of recorder, treasurer, engineer, and attorney and, in towns, town treasurer and clerk;

(j) create any other offices that are considered necessary for the good government of the municipality, and make appointments to them;

(k) regulate and prescribe the powers and duties of all other officers of the municipality, within the general provisions of law and ordinance;

(l) furnish the municipal council with a report periodically, as determined by

ordinance, that is available for public inspection and sets forth:

- (i) the amounts of all budget appropriations;
- (ii) the total disbursements to date from these appropriations;
- (iii) the amount of indebtedness incurred or contracted against each appropriation, including disbursements and indebtedness incurred and not paid; and
- (iv) the percentage of the appropriations encumbered to date;
- (m) execute agreements within certified budget appropriations on behalf of the municipality, or delegate, by written executive order, the power to execute such agreements to executive officials, subject to the procedure described in Section 10-6-138; and
- (n) perform other duties as may be prescribed by this part or may be required by ordinance not inconsistent with this part.

Section 2. Section **10-9a-301** is amended to read:

10-9a-301. Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

- (1) (a) Each municipality shall enact an ordinance establishing a planning commission.
- (b) The ordinance shall define:
 - (i) the number and terms of the members and, if the municipality chooses, alternate members;
 - (ii) the mode of appointment and dismissal, requiring each appointment and dismissal to be with the advice and consent of the municipal legislative body;
 - (iii) the procedures for filling vacancies and removal from office;
 - (iv) the authority of the planning commission; and
 - (v) other details relating to the organization and procedures of the planning commission.
- (2) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.

Legislative Review Note
as of 1-29-07 1:03 PM

Office of Legislative Research and General Counsel

H.B. 457 - Municipal Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
