

Senator Carlene M. Walker proposes the following substitute bill:

FORMS OF MUNICIPAL GOVERNMENT

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carlene M. Walker

House Sponsor: Aaron Tilton

LONG TITLE

General Description:

This bill modifies a provision relating to a form of municipal government and creates the Forms of Municipal Government Task Force.

Highlighted Provisions:

This bill:

- ▶ prohibits the establishment of a manager form of municipal government until May 5, 2008;
- ▶ requires the repeal of an ordinance establishing a manager form of government if adopted on or after ~~Ĥ~~→ [January 1, 2007] September 1, 2006 ←Ĥ ; and
- ▶ creates the Forms of Municipal Government Task Force, providing for membership and compensation of members and duties of the task force and requiring a report to the Political Subdivisions Interim Committee.

Monies Appropriated in this Bill:

This bill appropriates:

- ▶ ~~Ĥ~~→ [\$3,480] \$4,000 ←Ĥ to the Senate; and
- ▶ ~~Ĥ~~→ [\$9,280] \$11,000 ←Ĥ to the House of Representatives.

Other Special Clauses:

This bill repeals uncodified material on November 30, 2007.

S.B. 41



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **10-3-830**, as enacted by Chapter 147, Laws of Utah 199729 **Uncodified Material Affected:**

30 ENACTS UNCODIFIED MATERIAL

31

32 *Be it enacted by the Legislature of the state of Utah:*33 Section 1. Section **10-3-830** is amended to read:34 **10-3-830. Appointment of city or town manager.**

35 (1) ~~[The]~~ (a) Except as provided in Subsection (1)(b), the governing body of a city or
 36 town, organized as provided under Title 10, Chapter 3, Part 1, Governing Body, may by
 37 ordinance establish a manager form of government and appoint a person to act as city or town
 38 manager, to serve at the pleasure of the governing body.

39 (b) (i) A governing body may not establish a manager form of government under
 40 Subsection (1)(a) before May 5, 2008.

41 (ii) Each governing body that adopted an ordinance establishing a manager form of
 42 government under Subsection (1)(a) on or after ~~Ĥ~~→ [January 1, 2007] September 1,
 42a1 2006 ←Ĥ shall

42a repeal the ordinance.

43 (2) The governing body of a city or town that appoints a manager under Subsection (1)
 44 shall, by ordinance or resolution, prescribe the powers, duties, and obligations of the manager.

45 (3) The governing body may not delegate to the manager:

46 (a) the mayor's legislative or judicial powers;

47 (b) the mayor's position as chairman of the governing body; or

48 (c) any ex officio position that the mayor holds.

49 **Section 2. Forms of Municipal Government Task Force -- Creation -- Membership**
 50 **-- Quorum -- Compensation -- Staff.**

51 (1) There is created the Forms of Municipal Government Task Force consisting of the
 52 following 15 members:

53 (a) three members of the Senate appointed by the president of the Senate, no more than
 54 two of whom may be from the same political party;

55 (b) eight members of the House of Representatives appointed by the speaker of the
 56 House of Representatives, no more than five of whom may be from the same political party;

57 and

58 (c) four members appointed by the Utah League of Cities and Towns as nonvoting
59 members.

60 (2) (a) The president of the Senate shall designate a member of the Senate appointed
61 under Subsection (1)(a) as a cochair of the task force.

62 (b) The speaker of the House of Representatives shall designate a member of the House
63 of Representatives appointed under Subsection (1)(b) as a cochair of the task force.

64 (3) A majority of the voting members of the task force constitutes a quorum. The
65 action of a majority of the voting members present at a meeting at which a quorum is present
66 constitutes the action of the task force.

67 (4) (a) Salaries and expenses of the members of the task force who are legislators shall
68 be paid in accordance with Section 36-2-2 and Legislative Joint Rule 15.03.

69 (b) A member of the task force who is not a legislator may not receive compensation
70 for the member's work associated with the task force, but may receive per diem and
71 reimbursement for travel expenses incurred as a member of the task force at the rates
72 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

73 (5) The Office of Legislative Research and General Counsel shall provide staff support
74 to the task force.

75 Section 3. **Duties -- Interim report.**

76 (1) The task force shall review and make recommendations on the following issues:

77 (a) whether a municipality's adoption of the manager form of government under
78 Section 10-3-830 should require voter approval; and

79 (b) other issues relating to the manager form of government.

80 (2) A final report, including any proposed legislation shall be presented to the Political
81 Subdivisions Interim Committee before November 30, 2007.

82 Section 4. **Appropriation.**

83 There is appropriated from the General Fund for fiscal year 2006-07 only:

84 (1) ~~§→ [\$3,480]~~ \$4,000 ←§ to the Senate to pay for the compensation and expenses of
84a senators on the
85 task force; and

86 (2) ~~§→ [\$9,280]~~ \$11,000 ←§ to the House of Representatives to pay for the compensation
86a and expenses
87 of representatives on the task force.

88 Section 5. **Repeal date.**

89 The uncodified material that creates the Forms of Municipal Government Task Force is
90 repealed on November 30, 2007.