

**FORMS OF MUNICIPAL GOVERNMENT**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carlene M. Walker**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill repeals a provision relating to a form of municipal government.

**Highlighted Provisions:**

This bill:

► repeals a provision authorizing the governing body of a municipality to change to a manager form of government, appoint a person as a manager, and prescribe the powers, duties, and obligations of the manager, by adopting an ordinance and without voter approval.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-3-101**, as last amended by Chapter 202, Laws of Utah 2004

**10-3-809**, as last amended by Chapter 292, Laws of Utah 2003

REPEALS:

**10-3-830**, as enacted by Chapter 147, Laws of Utah 1997

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



28 Section 1. Section **10-3-101** is amended to read:

29 **10-3-101. Governing body -- Legislative and executive powers.**

30 (1) (a) Each municipality, except a municipality operating under a council-mayor form  
31 of government, shall have a governing body that consists of:

32 (i) in a five-member council form of government, five council members, of which one  
33 is a mayor, who shall vote as a member of the governing body and who exercises ceremonial  
34 and administrative functions, and four are council members;

35 (ii) in a six-member council form of government, six council members, of which one is  
36 a mayor, who shall vote only in the case of a tie [~~or in the appointment or dismissal of a city~~  
37 ~~manager under Section 10-3-830~~] and who exercises ceremonial and administrative functions,  
38 and five are council members; and

39 (iii) in a council-manager form of government, a council of five or seven members,  
40 who shall appoint a manager.

41 (b) Each governing body under Subsection (1)(a) shall exercise the legislative and  
42 executive powers of the municipality.

43 (2) The government of a municipality operating under the council-mayor form of  
44 government is vested in two separate, independent, and equal branches of municipal  
45 government consisting of:

46 (a) the mayor, who exercises executive powers and, under the mayor's supervision, the  
47 administrative departments and officers; and

48 (b) a council of five or seven members, who exercise the legislative powers.

49 Section 2. Section **10-3-809** is amended to read:

50 **10-3-809. Powers of mayors in a city of third, fourth, or fifth class or a town.**

51 (1) The mayor in a city of the third, fourth, or fifth class or a town is the chief  
52 executive officer to whom all employees of the municipality shall report.

53 (2) The mayor shall:

54 (a) keep the peace and enforce the laws of the city or town;

55 (b) remit fines and forfeitures;

56 (c) report remittances under Subsection (2)(b) to the council at its next regular session;

57 (d) perform all duties prescribed by law, resolution, or ordinance;

58 (e) ensure that all the laws, ordinances, and resolutions are faithfully executed and

59 observed;

60 (f) report to the council the condition of the city or town and recommend for council  
61 consideration any measures that the mayor considers to be in the best interests of the city or  
62 town;

63 (g) when necessary, call on the residents of the city or town over the age of 21 years to  
64 assist in enforcing the laws of the state and ordinances of the municipality;

65 (h) appoint, with the advice and consent of the council, persons to fill municipal offices  
66 or vacancies on commissions or committees of the municipality; and

67 (i) report to the council any release granted under Subsection ~~[(4)]~~ (3)(b).

68 ~~[(3) Subsection (2)(h) does not apply to the appointment of a manager under Section~~  
69 ~~10-3-830.]~~

70 ~~[(4)]~~ (3) The mayor may:

71 (a) at any reasonable time, examine and inspect the official books, papers, records, or  
72 documents of the city or town or any officer, employee, or agent of the city or town; and

73 (b) release any person imprisoned for violation of any municipal ordinance.

74 Section 3. **Repealer.**

75 This bill repeals:

76 Section **10-3-830, Appointment of city or town manager.**

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**Legislative Review Note**

as of 11-15-06 1:52 PM

**Office of Legislative Research and General Counsel**

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**S.B. 41 - Forms of Municipal Government**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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*1/8/2007, 9:26:51 AM, Lead Analyst: Wilko, A.*

**Office of the Legislative Fiscal Analyst**