

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: _____

LONG TITLE

General Description:

This bill modifies a provision relating to a manager form of municipal government.

Highlighted Provisions:

This bill:

- ▶ modifies the procedure for establishing a manager form of municipal government;
- ▶ requires notice and public hearings before a municipal governing body may adopt an ordinance establishing or disestablishing a manager form of government;
- ▶ requires voters to approve the establishing or disestablishing of a manager form of government;
- ▶ prohibits additional proposals to change the form of government for specified periods; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **10-3-830**, as enacted by Chapter 147, Laws of Utah 1997

27 **10-3-1203**, as last amended by Chapters 202 and 371, Laws of Utah 2004

28

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

30 Section 1. Section **10-3-830** is amended to read:

31 **10-3-830. Manager form of government.**

32 (1) As used in this section:

33 (a) "Applicable municipality" means a municipality operating under a five-member
34 council or six-member council form of government.

35 (b) "Manager form of government" means the form of government that an applicable
36 municipality operates under after the municipality reassigns some of the mayor's duties to an
37 appointed manager.

38 ~~[(1)]~~ (2) The governing body of [a city or town, organized as provided under Title 10,
39 Chapter 3, Part 1, Governing Body,] an applicable municipality may, by ordinance and as
40 provided in this section:

41 (a) establish a manager form of government and appoint a person to act as city or town
42 manager, to serve at the pleasure of the governing body[-]; or

43 (b) disestablish a previously established manager form of government and revert to the
44 form of government in place before the manager form was established.

45 (3) (a) Before adopting an ordinance under Subsection (2), the governing body shall:

46 (i) provide notice, as required under Subsection (3)(b), by:

47 (A) publishing a notice, at least ten days before the first hearing held under Subsection
48 (2)(a)(ii), in a newspaper of general circulation within the municipality;

49 (B) posting notice in at least three public places within the municipality; and

50 (C) posting notice on the municipality's web site, if it has one;

51 (ii) hold at least two public hearings on separate days to allow public comment on the
52 proposal; and

53 (iii) after holding the hearings required under Subsection (3)(a)(ii), place a measure on
54 the ballot at the next regularly scheduled election that is at least 90 days after the hearings,
55 allowing voters to vote on the proposal to establish or disestablish, as the case may be, the
56 manager form of government.

- 57 (b) Each notice under Subsection (3)(a)(i) shall:
58 (i) explain the proposal to change the municipality's form of government;
59 (ii) if the proposal is to change to a manager form of government, identify the powers
60 and duties currently held by the mayor that will be reassigned to a manager;
61 (iii) state the date, time, and place of each public hearing that will be held on the
62 proposal; and
63 (iv) state that voters in the municipality will have an opportunity to vote whether to
64 establish or disestablish, as the case may be, the manager form of government.
65 (c) (i) If a majority of voters voting on a proposal to establish a manager form of
66 government vote in favor of the proposal:
67 (A) the municipal governing body may adopt an ordinance under Subsection (2);
68 (B) any action to disestablish the manager form of government under this section or to
69 initiate a change to another form of government under Part 12, Optional Forms of Municipal
70 Government, within four years after the adoption of the ordinance is invalid.
71 (ii) If a majority of voters voting on a proposal to establish a manager form of
72 government vote against the proposal, the municipal governing body may not:
73 (A) adopt an ordinance under Subsection (2); and
74 (B) propose the establishment of a manager form of government for two years from the
75 date of the election rejecting the proposal.
76 (d) (i) If a majority of voters voting on a proposal to disestablish a manager form of
77 government vote in favor of the proposal, the municipality reverts to the form of government
78 under which it operated before the establishment of the manager form of government.
79 (ii) If a majority of voters voting on a proposal to disestablish a manager form of
80 government vote against the proposal:
81 (A) the municipality continues to operate under the manager form of government; and
82 (B) the municipal governing body may not propose the disestablishment of the
83 manager form of government for two years from the date of the election rejecting the proposal.
84 ~~[(2)]~~ (4) (a) The governing body of a city or town that appoints a manager under
85 ~~[Subsection (1)]~~ a manager form of government, established as provided in this section, shall,
86 by ordinance or resolution, prescribe the powers, duties, and obligations of the manager.
87 ~~[(3)]~~ (b) The governing body may not delegate to the manager:

- 88 ~~[(a)]~~ (i) the mayor's legislative or judicial powers;
- 89 ~~[(b)]~~ (ii) the mayor's position as chairman of the governing body; or
- 90 ~~[(c)]~~ (iii) any ex officio position that the mayor holds.

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

92 **10-3-1203. Election requirements and procedure for organization under different**
93 **form of government.**

94 (1) Except as provided in Subsection 10-2-303(1)(b), each municipality retains the
95 form of government under which it is operating unless it changes its form as provided in this
96 part.

97 (2) (a) Regardless of its class under Section 10-2-301, a municipality may reorganize as
98 provided in this part and may choose as a form of government:

- 99 ~~[(a)]~~ (i) a five-member council form;
- 100 ~~[(b)]~~ (ii) a six-member council form;
- 101 ~~[(c)]~~ (iii) a council-mayor form; or
- 102 ~~[(d)]~~ (iv) a council-manager form.

103 (b) A municipality operating under a five-member council or six-member council form
104 of government may establish a manager form of government, as provided in Section 10-3-830.

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

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

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

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

115 (b) The ballot for the special election to adopt or reject one of the forms of municipal
116 government shall be in substantially the following form:

117 _____

118 Shall (name of municipality), Utah, adopt Yes

119 the (council-mayor) (council-manager)

120 (five-member council)

121 (six-member council) form of

122 municipal government?

No

123
