Senator Carlene M. Walker proposes the following substitute bill:

MUNICIPAL GOVERNMENT AMENDMENTS
2008 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Carlene M. Walker
House Sponsor: Aaron Tilton

LONG TITLE

General Description:
This bill modifies provisions of the Utah Municipal Code.

Highlighted Provisions:
This bill:
- rewrites and reorganizes provisions relating to forms of municipal government and municipal administration;
- repeals provisions relating to forms of municipal government that have been rewritten or made obsolete by the rewritten provisions;
- clarifies the forms of government under which a municipality may operate;
- clarifies provisions relating to the council-mayor, six-member council, and five-member council forms of municipal government;
- specifies that an election on a proposed change in the form of municipal government occur on a municipal general election or regular general election date;
- provides that a council modifying a mayor's powers, duties, or functions in a six-member council form or five-member council form of government constitutes a change in the form of government, requiring voter approval;
- eliminates a mayor's refusal to act as a basis for the council appointing a mayor pro tempore in a six-member council form or five-member council form of government;
- requires persons appointed to an appointed municipal office in certain municipalities to be appointed based on qualifications; ✕$
§ 18j  authorizes a mayor in certain municipalities to remove any of specified appointed officers;

§ 18k  provides that following the removal of an appointed officer in certain municipalities, the position remains vacant until a successor is appointed;

§ 19  requires municipalities to operate under a council-mayor, six-member council, or five-member council form of government, except those currently operating under a specified council-manager form;

§ 20  requires municipalities operating under the former council-manager form of government to continue to operate under that form of government, subject to a future potential change to another form; and

§ 21  makes technical and conforming changes.
26 Monies Appropriated in this Bill:
   None
28 Other Special Clauses:
   None
30 Utah Code Sections Affected:
31 AMENDS:
32 10-2-112, as last amended by Laws of Utah 2004, Chapter 202
33 10-2-114, as last amended by Laws of Utah 2004, Chapter 202
34 10-2-125, as last amended by Laws of Utah 2007, Chapter 212
35 10-2-303, as last amended by Laws of Utah 2004, Chapter 202
36 10-3-301, as last amended by Laws of Utah 2000, Chapter 65
37 10-3-502, as last amended by Laws of Utah 2003, Chapter 292
38 10-3-504, as last amended by Laws of Utah 2004, Chapter 202
39 10-3-507, as last amended by Laws of Utah 2004, Chapter 202
40 10-3-820, as enacted by Laws of Utah 1977, Chapter 48
41 10-3-902, as enacted by Laws of Utah 1977, Chapter 48
41a § 10-3-916, as last amended by Laws of Utah 2003, Chapter 292 ◄§
42 10-3-1106, as last amended by Laws of Utah 2004, Chapter 260
43 10-6-151, as last amended by Laws of Utah 2005, Chapter 71
44 10-9a-103, as last amended by Laws of Utah 2007, Chapters 188, 199, and 329
45 20A-1-102, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329
46 20A-1-506, as last amended by Laws of Utah § [2006, Chapter 16] 2008, Chapter 3 ◄§
47 20A-1-510, as last amended by Laws of Utah 2000, Chapter 3
48 20A-9-203, as last amended by Laws of Utah 2007, Chapters 83, 97, and 256
49 § [78-5-134, as last amended by Laws of Utah 2006, Chapter 16]
49a 78A-7-202, as renumbered and amended by Laws of Utah 2008, Chapter 3 ◄§
50 ENACTS:
51 10-3b-101, Utah Code Annotated 1953
52 10-3b-102, Utah Code Annotated 1953
53 10-3b-103, Utah Code Annotated 1953
54 10-3b-104, Utah Code Annotated 1953
55 10-3b-105, Utah Code Annotated 1953
56 10-3b-201, Utah Code Annotated 1953
10-3b-202, Utah Code Annotated 1953
10-3b-203, Utah Code Annotated 1953
10-3b-204, Utah Code Annotated 1953
10-3b-205, Utah Code Annotated 1953
10-3b-301, Utah Code Annotated 1953
10-3b-302, Utah Code Annotated 1953
10-3b-303, Utah Code Annotated 1953
10-3b-401, Utah Code Annotated 1953
10-3b-402, Utah Code Annotated 1953
10-3b-403, Utah Code Annotated 1953
10-3b-501, Utah Code Annotated 1953
10-3b-502, Utah Code Annotated 1953
10-3b-503, Utah Code Annotated 1953
10-3b-504, Utah Code Annotated 1953
10-3b-505, Utah Code Annotated 1953
10-3b-506, Utah Code Annotated 1953
10-3b-507, Utah Code Annotated 1953

10-3-101, as last amended by Laws of Utah 2004, Chapter 202
10-3-102, as enacted by Laws of Utah 1977, Chapter 48
10-3-106, as last amended by Laws of Utah 2004, Chapters 90 and 202
10-3-206, as last amended by Laws of Utah 2004, Chapter 202
10-3-207, as enacted by Laws of Utah 1977, Chapter 48
10-3-403, as enacted by Laws of Utah 1977, Chapter 48
10-3-404, as enacted by Laws of Utah 1977, Chapter 48
10-3-501, as last amended by Laws of Utah 1979, Chapter 30
10-3-503, as last amended by Laws of Utah 1987, Chapter 92
10-3-802, as last amended by Laws of Utah 1987, Chapter 92
10-3-804, as last amended by Laws of Utah 1977, Chapter 39
10-3-806, as last amended by Laws of Utah 1993, Chapter 4
10-3-807, as last amended by Laws of Utah 1977, Chapter 39
10-3-808, as last amended by Laws of Utah 2003, Chapter 292
10-3-809, as last amended by Laws of Utah 2003, Chapter 292
10-3-810, as last amended by Laws of Utah 2003, Chapter 292
10-3-811, as last amended by Laws of Utah 2003, Chapter 292
10-3-812, as last amended by Laws of Utah 2003, Chapter 292
10-3-813, as enacted by Laws of Utah 1977, Chapter 48
10-3-814, as enacted by Laws of Utah 1977, Chapter 48
10-3-815, as enacted by Laws of Utah 1977, Chapter 48
10-3-816, as enacted by Laws of Utah 1977, Chapter 48
10-3-817, as enacted by Laws of Utah 1977, Chapter 48
10-3-830, as last amended by Laws of Utah 2007, Chapter 266
10-3-901, as enacted by Laws of Utah 1977, Chapter 48
10-3-1201, as enacted by Laws of Utah 1977, Chapter 48
10-3-1202, as enacted by Laws of Utah 1977, Chapter 48
10-3-1203, as last amended by Laws of Utah 2004, Chapters 202 and 371
10-3-1204, as enacted by Laws of Utah 1977, Chapter 48
10-3-1205, as enacted by Laws of Utah 1977, Chapter 48
10-3-1206, as last amended by Laws of Utah 1985, Chapter 222
10-3-1207, as enacted by Laws of Utah 1977, Chapter 48
10-3-1208, as last amended by Laws of Utah 2004, Chapter 202
10-3-1210, as enacted by Laws of Utah 1977, Chapter 48
10-3-1211, as enacted by Laws of Utah 1977, Chapter 48
10-3-1212, as last amended by Laws of Utah 2006, Chapter 14
10-3-1213, as enacted by Laws of Utah 1977, Chapter 48
10-3-1214, as enacted by Laws of Utah 1977, Chapter 48
10-3-1215, as enacted by Laws of Utah 1977, Chapter 48
10-3-1216, as last amended by Laws of Utah 1991, Chapter 54
10-3-1217, as last amended by Laws of Utah 1981, Chapter 47
10-3-1218, as repealed and reenacted by Laws of Utah 1993, Chapter 1
10-3-1219, as last amended by Laws of Utah 2004, Chapter 156
10-3-1219.5, as enacted by Laws of Utah 1979, Chapter 39
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 10-2-112 is amended to read:

10-2-112. Ballot used at the incorporation election.

(1) The ballot at the incorporation election under Subsection 10-2-111(1) shall pose the incorporation question substantially as follows:

Shall the area described as (insert a description of the proposed city) be incorporated as the city of (insert the proposed name of the proposed city)?

(2) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection (1).

(3) (a) The ballot at the incorporation election shall also pose the question relating to the form of government substantially as follows:

If the above incorporation proposal passes, under what form of municipal government shall (insert the name of the proposed city) operate? Vote for one:

Five-member [City] Council form
Six-member [City] Council form
Five-member council-mayor form
Seven-member council-mayor form

(b) The ballot shall provide a space for the voter to vote for one form of government.

(4) (a) The ballot at the incorporation election shall also pose the question of whether to elect city council members by district substantially as follows:

If the above incorporation proposal passes, shall members of the city council of (insert
the name of the proposed city) be elected by district?

(b) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection (4)(a).

Section 2. Section 10-2-114 is amended to read:

10-2-114. Determination of number of council members -- Determination of election districts -- Hearings and notice.

(1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of the canvass of the election under Section 10-2-111:

(a) if the voters at the incorporation election choose [either] the council-mayor [or the council-manager] form of government, determine the number of council members that will constitute the council of the future city;

(b) if the voters at the incorporation election vote to elect council members by district, determine the number of council members to be elected by district and draw the boundaries of those districts, which shall be substantially equal in population;

(c) determine the initial terms of the mayor and members of the city council so that:

(i) the mayor and approximately half the members of the city council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

(ii) the remaining members of the city council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(2); and

(d) submit in writing to the county legislative body the results of the sponsors' determinations under Subsections (1)(a), (b), and (c).

(2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition sponsors shall hold a public hearing within the future city on the applicable issues under Subsections (1)(a), (b), and (c).

(b) (i) The petition sponsors shall publish notice of the public hearing under Subsection (2)(a) in a newspaper of general circulation within the future city at least once a week for two successive weeks before the hearing.

(ii) The last publication of notice under Subsection (2)(b)(i) shall be at least three days before the public hearing under Subsection (2)(a).
(c) (i) If there is no newspaper of general circulation within the future city, the petition sponsors shall post at least one notice of the hearing per 1,000 population in conspicuous places within the future city that are most likely to give notice of the hearing to the residents of the future city.

(ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven days before the hearing under Subsection (2)(a).

Section 3. Section 10-2-125 is amended to read:

10-2-125. Incorporation of a town.

(1) As used in this section:

(a) "Base petition" means a petition under this section proposing the incorporation of a town and signed by the owners of private real property that:

(i) is located within the area proposed to be incorporated;

(ii) covers at least a majority of the total private land area within the area proposed to be incorporated; and

(iii) is equal in value to at least 1/3 but not more than 1/2 of the value of all private real property within the area proposed to be incorporated.

(b) "Qualifying petition" means a petition under this section proposing the incorporation of a town and signed by the owners of private real property that:

(i) is located within the area proposed to be incorporated;

(ii) covers at least a majority of the total private land area within the area proposed to be incorporated; and

(iii) is equal in value to more than 1/2 of the value of all private real property within the area proposed to be incorporated.

(2) (a) A contiguous area of a county not within a municipality, with a population of at least 100 but less than 1,000, may incorporate as a town as provided in this section.

(b) (i) The population figure under Subsection (2)(a) shall be derived from the most recent official census or census estimate of the United States Bureau of the Census.

(ii) If the population figure is not available from the United States Bureau of the Census, the population figure shall be derived from the estimate from the Utah Population Estimates Committee.

(3) (a) The process to incorporate an area as a town is initiated by filing a petition with
the clerk of the county in which the area is located.

(b) Each petition under Subsection (3)(a) shall:

(i) be signed by the owners of private real property that:

(A) is located within the area proposed to be incorporated;

(B) covers a majority of the total private land area within the area; and

(C) is equal in value to at least 1/3 of the value of all private real property within the area;

(ii) state the legal description of the boundaries of the area proposed to be incorporated as a town;

(iii) designate up to five signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address of each owner signing as a sponsor;

(iv) be accompanied by and circulated with an accurate map or plat, prepared by a licensed surveyor, showing the boundaries of the proposed town; and

(v) substantially comply with and be circulated in the following form:

PETITION FOR INCORPORATION OF (insert the proposed name of the proposed town)

To the Honorable County Legislative Body of (insert the name of the county in which the proposed town is located) County, Utah:

We, the undersigned owners of real property within the area described in this petition, respectfully petition the county legislative body for the area described in this petition to be incorporated as a town. Each of the undersigned affirms that each has personally signed this petition and is an owner of real property within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a town is described as follows: (insert an accurate description of the area proposed to be incorporated).

(c) A petition under this section may not describe an area that includes some or all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

(i) was filed before the filing of the petition; and

(ii) is still pending on the date the petition is filed.

(4) Section 10-2-104 applies to a petition for incorporation as a town in any county, except that the notice under Subsection 10-2-104(1) shall be sent within seven calendar days
after the filing of a petition under Subsection (3).

(5) (a) (i) The legislative body of each county with which a base petition is filed under this section shall commission and pay for a feasibility study as provided in Section 10-2-103.

(ii) If the results of the feasibility study under Subsection (5)(a)(i) meet the requirements of Subsection 10-2-109(3), the county legislative body shall grant the petition.

(iii) If the results of the feasibility study under Subsection (5)(a)(i) do not meet the requirements of Subsection 10-2-109(3), the county legislative body may:

(A) deny the petition;

(B) grant the petition; or

(C) with the consent of the petition sponsors, grant the petition, after:

(I) imposing conditions to mitigate the fiscal inequities identified in the feasibility study; or

(II) altering the boundaries of the area proposed to be incorporated as a town to approximate the boundaries necessary to meet the requirements of Subsection 10-2-109(3).

(iv) Each town that incorporates pursuant to a petition granted after the county legislative body imposes conditions under Subsection (5)(a)(iii)(C)(I) shall comply with those conditions.

(b) The legislative body of each county of the second, third, fourth, fifth, or sixth class with which a qualifying petition is filed shall grant the petition.

(6) (a) Upon the granting of a petition filed under this section, the legislative body of the county in which the proposed town is located shall appoint a mayor and members of the town council from a list of qualified individuals approved by the petition sponsors.

(b) The officers appointed under Subsection (6)(a) shall hold office until the next regular municipal election and until their successors are elected and qualified.

(7) Each newly incorporated town shall operate under the [six-member] five-member council form of government as [described] defined in Section [10-3-101] 10-3b-102.

(8) (a) Each mayor appointed under Subsection (6) shall, within seven days of appointment, file articles of incorporation of the new town with the lieutenant governor.

(b) The articles of incorporation shall meet the requirements of Subsection 10-2-119(2).

(9) A town is incorporated upon the lieutenant governor's issuance of a certificate of
entity creation under Section 67-1a-6.5.

(10) The legislative body of the new town shall comply with the notice requirements of Section 10-1-116.

Section 4. Section 10-2-303 is amended to read:

10-2-303. Effect of change in class.

(1) [ (a) If a municipality changes from one class to another:

(i) all property, property rights, and other rights that belonged to or were vested in the municipality at the time of the change shall belong to and be vested in it after the change;

(ii) no contract, claim, or right of the municipality or demand or liability against it shall be altered or affected in any way by the change;

(iii) each ordinance, order, and resolution in force in the municipality when it changes classes shall, to the extent that it is not inconsistent with law, not be affected by the change and shall remain in effect until repealed or amended;

(iv) the change shall not affect the identity of the municipality;

(v) each municipal officer in office at the time of the change shall continue as an officer until that officer's term expires and a successor is duly elected and qualified; and

(vi) except as provided in Subsection (1)(b),

(f) the municipality maintains after the change in class the same form of government that it had immediately before the change.

(b) (i) If a town operating under a five-member council form of government changes classes to a fifth class city, its form of government shall, upon issuance of the lieutenant governor's certificate under Section 10-2-302, change to a six-member council form.

(ii) As soon as practicable after the change in form of government under Subsection (1)(b)(i), the governing body shall appoint a sixth council member to serve until a successor is elected at the next municipal general election at which the mayor is not subject to election.

(2) (a) A change in class does not affect an action at law, prosecution, business, or work of the municipality changing classes, and proceedings shall continue and may be conducted and proceed as if no change in class had occurred.

(b) Notwithstanding Subsection (2)(a), if the law applicable to a municipality under the new class provides the municipality a different remedy with respect to a right that it possessed at the time of the change, the remedy shall be cumulative to the remedy applicable before the...
change in class.

Section 5. Section 10-3-301 is amended to read:

10-3-301. Eligibility and residency requirements for elected municipal office.

(1) [(a)] A person filing a declaration of candidacy for a municipal office shall [(i)]

have been a resident of the municipality in which the person seeks office for at least 365

even days immediately before the date of the election; and [(ii)] meet the [other]

requirements of Section 20A-9-203.

[(b) A person living in an area annexed to a municipality meets the residency

requirement of this subsection if that person resided within the area annexed to the

municipality for at least 365 consecutive days before the date of the election:]

[(c) For purposes of determining whether a person meets the residency requirement of

Subsection (1)(a)(i) in a municipality that was incorporated less than 365 days before the

election, the municipality shall be considered to have been incorporated 365 days before the

election:] [(d)

(2) Any person elected to municipal office shall be a registered voter in the

municipality in which the person was elected.

(3) (a) Each elected officer of a municipality shall maintain residency within the

boundaries of the municipality during the officer's term of office.

(b) If an elected officer of a municipality establishes a principal place of residence as

provided in Section 20A-2-105 outside the municipality during the officer's term of office, the

office is automatically vacant.

(4) If an elected municipal officer is absent from the municipality any time during the

officer's term of office for a continuous period of more than 60 days without the consent of the

municipal legislative body, the municipal office is automatically vacant.

(5) (a) A mayor of a municipality may not also serve as the municipal recorder or

treasurer.

(b) The recorder of a municipality may not also serve as the municipal treasurer.

Section 6. Section 10-3-502 is amended to read:

10-3-502. Regular and special council meetings.

[In each city of the third, fourth, or fifth class and each town, the governing body shall]

(1) The council of each municipality shall:
by ordinance prescribe the time and place for holding its regular meeting [which shall be held], subject to Subsection (1)(b); and
(b) hold a regular meeting at least once each month. [If at any time the business of such city or town requires a special meeting of the governing body, such meeting may be ordered by the mayor or any two members of the governing body. The order shall]

(2) (a) The mayor of a municipality or two council members may order the convening of a special meeting of the council.
(b) Each order convening a special meeting of the council shall:
(i) be entered in the minutes of the council; and
(ii) provide at least three hours' notice of the special meeting [and notice thereof shall be served by the].
(c) The municipal recorder or clerk shall serve notice of the special meeting on each council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.
(d) The personal appearance by a council member at [any specially called] a special meeting of the council constitutes a waiver of the notice required [in this section] under Subsection (2)(c).

Section 7. Section 10-3-504 is amended to read:

10-3-504. Quorum defined.
[(+) The number of council members [of the governing body] necessary to constitute a quorum is:
[(a) in a municipality operating under a five-member or six-member city council form of government or a five-member council-manager form of government, three or more; or]
[(b) in a seven-member council-manager form of government, four or more.]
[(2) The number of members of the legislative body of a municipality operating under a council-mayor form of government necessary to constitute a quorum is:]
[(a) for a five-member council-mayor form, three; and]
[(b) for a seven-member council-mayor form, four.]
[(1) in a municipality with a seven-member council, four;
(2) in a municipality with a five-member council, three; and
(3) in a municipality operating under a six-member council form of government, three.
excluding the mayor.

Section 8. Section 10-3-507 is amended to read:

10-3-507. Minimum vote required.

(1) (a) The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the [governing body] council, unless otherwise prescribed by law, [shall be] is a majority of [the] all voting members of the [quorum, but may never be less than:] council, without considering any vacancy in the council.

[(i) for a municipality operating under a five-member or six-member council form of government or a five-member council-manager form of government, three; or]

[(ii) for a municipality operating under a seven-member council-manager form of government, four.]

[(b) The minimum number of yes votes requires to pass an ordinance or resolution or to take an action by the legislative body of a municipality operating under a council-mayor form of government, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but may never be less than:]

[(i) for a five-member council-mayor form, three; and]

[(ii) for a seven-member council-mayor form, four.]

(2) (a) Any ordinance, resolution, or motion of the [governing body] council having fewer favorable votes than required in this section [shall be considered] is defeated and invalid[, except].

(b) Notwithstanding Subsection (2)(a), a council meeting may be adjourned to a specific time by a majority vote of the [governing body] council even though [such] the majority vote is less than that required in this section.

(3) A majority of the council members [of the governing body], regardless of number, may fill any vacancy in the [governing body] council.

Section 9. Section 10-3-820 is amended to read:

10-3-820. Cities of the first and second class.

In cities of the first and second class, the mayor and each [commissioner] council member shall give a penal bond, with approved corporate surety, in the amount of not less than $10,000 and the auditor shall give a penal bond with approved corporate surety in the sum of not less than $20,000 conditioned for the faithful performance of the duties of their offices and
Section 10.  Section 10-3-902 is amended to read:

10-3-902.  City engineer required to be licensed.

[In cities of the first and second class the board of commissioners shall appoint a
qualified person to each of the offices of recorder, treasurer, engineer and attorney, and may
create any other office that may be deemed necessary for the government of the city, and
regulate and prescribe the powers, duties and compensation of all officers of the city, except as
otherwise provided by law. The]

Each person [so] appointed as city engineer shall be a registered professional engineer
under Title 58, Chapter 22[.—The board of commissioners may appoint all officers and agents as
may be provided for by law or ordinances, and fill all vacancies occurring therein],
Professional Engineers and Professional Land Surveyors Licensing Act.

§ 11.  Section 10-3-916 is amended to read:

10-3-916.  Appointment of recorder and treasurer in a city of third, fourth, or fifth
class or a town -- Vacancies in office.

(1) In each city of the third, fourth, or fifth class and in each town, on or before the
first Monday in February following a municipal election, the mayor, with the advice and
consent of the city council, shall appoint a qualified person to each of the offices of city
recorder and treasurer.

(2) The city recorder is ex officio the city auditor and shall perform the duties of that
office.

(3) (a) The mayor, with the advice and consent of the council, may also appoint and fill
vacancies in all offices provided for by law or ordinance.

[(4) All appointed officers shall continue in office until their successors are appointed and
qualified:]

(b) Each person appointed under this section shall be appointed solely on the basis of
the person's abilities, integrity, and prior experience relating to the duties of the office.

(4) (a) The mayor in a city of the third, four, or fifth class or a town may remove any
officer appointed under this section.

(b) If a mayor removes a person under Subsection (4)(a), the position from which the
person was removed shall remain vacant until another person is appointed, as provided in this
section. ATIC

Section 12.  Section 10-3-1106 is amended to read:

10-3-1106.  Discharge, suspension without pay, or involuntary transfer -- Appeals
-- Board -- Procedure.

(1) An employee to which Section 10-3-1105 applies may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration:

(a) because of the employee's politics or religious belief; or

(b) incident to, or through changes, either in the elective officers, governing body, or heads of departments.

(2) (a) If an employee is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any reason, the employee may, subject to Subsection (2)(b), appeal the discharge, suspension without pay, or involuntary transfer to a board to be known as the appeal board, established under Subsection (7).

(b) If the municipality provides an internal grievance procedure, the employee shall exhaust the employee's rights under that grievance procedure before appealing to the board.

(3) (a) Each appeal under Subsection (2) shall be taken by filing written notice of the appeal with the municipal recorder within ten days after:

(i) if the municipality provides an internal grievance procedure, the employee receives notice of the final disposition of the municipality's internal grievance procedure; or
(ii) if the municipality does not provide an internal grievance procedure, the discharge, suspension, or involuntary transfer.

(b) (i) Upon the filing of an appeal under Subsection (3)(a), the municipal recorder shall forthwith refer a copy of the appeal to the appeal board.

(ii) Upon receipt of the referral from the municipal recorder, the appeal board shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for the discharge, suspension, or transfer.

(4) An employee who is the subject of the discharge, suspension, or transfer may:

(a) appear in person and be represented by counsel;

(b) have a public hearing;

(c) confront the witness whose testimony is to be considered; and

(d) examine the evidence to be considered by the appeal board.

(5) (a) (i) Each decision of the appeal board shall be by secret ballot, and shall be certified to the recorder within 15 days from the date the matter is referred to it, except as provided in Subsection (5)(a)(ii).

(ii) For good cause, the board may extend the 15-day period under Subsection (5)(a)(i) to a maximum of 60 days, if the employee and municipality both consent.

(b) If it finds in favor of the employee, the board shall provide that the employee shall receive:

(i) the employee's salary for the period of time during which the employee is discharged or suspended without pay; or

(ii) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

(6) (a) A final action or order of the appeal board may be appealed to the Court of Appeals by filing with that court a notice of appeal.

(b) Each notice of appeal under Subsection (6)(a) shall be filed within 30 days after the issuance of the final action or order of the appeal board.

(c) The Court of Appeals' review shall be on the record of the appeal board and for the purpose of determining if the appeal board abused its discretion or exceeded its authority.

(7) (a) The method and manner of choosing the members of the appeal board, the number of members, the designation of their terms of office, and the procedure for conducting
an appeal and the standard of review shall be prescribed by the governing body of each municipality by ordinance.

(b) For a municipality operating under a form of government other than a council-mayor form under [Part 12, Optional Forms of Municipal Government Act] § Subsection 10-36-103(3) Chapter 3b, Part 2, Council-Mayor Form of Municipal Government $\leftrightarrow$ an ordinance adopted under Subsection (7)(a) may provide that the governing body of the municipality shall serve as the appeal board.

Section § [12] 13 $\leftrightarrow$ Section 10-3b-101 is enacted to read:

CHAPTER 3a. (RESERVED)

CHAPTER 3b. FORMS OF MUNICIPAL GOVERNMENT


10-3b-101. Title.

This chapter is known as "Forms of Municipal Government."

Section § [13] 14 $\leftrightarrow$ Section 10-3b-102 is enacted to read:

10-3b-102. Definitions.

As used in this chapter:

(1) "Council-mayor form of government" means the form of municipal government that:

(a) (i) is provided for in Laws of Utah 1977, Chapter 48;

(ii) may not be adopted without voter approval; and

(iii) consists of two separate, independent, and equal branches of municipal government; and

(b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal Government.

(2) "Five-member council form of government" means the form of municipal government described in Part 4, Five-Member Council Form of Municipal Government.

(3) "Six-member council form of government" means the form of municipal government described in Part 3, Six-Member Council Form of Municipal Government.

Section § [14] 15 $\leftrightarrow$ Section 10-3b-103 is enacted to read:

10-3b-103. Forms of municipal government -- Form of government for towns -- Former council-manager form.

(1) A municipality operating on May 4, 2008 under the council-mayor form of
government:

(a) shall, on and after May 5, 2008:

(i) operate under a council-mayor form of government, as defined in Section 10-3b-102;

(ii) be subject to:

(A) this part;

(B) Part 2, Council-Mayor Form of Municipal Government;

(C) Part 5, Changing to Another Form of Municipal Government; and

(D) except as provided in Subsection (1)(b), other applicable provisions of this title;

and

(b) is not subject to:

(i) Part 3, Six-Member Council Form of Municipal Government; or

(ii) Part 4, Five-Member Council Form of Municipal Government.

(2) A municipality operating on May 4, 2008 under a form of government known under the law then in effect as the six-member council form:

(a) shall, on and after May 5, 2008 and whether or not the council has adopted an ordinance appointing a manager for the municipality:

(i) operate under a six-member council form of government, as defined in Section 10-3b-102;

(ii) be subject to:

(A) this part;

(B) Part 3, Six-Member Form of Municipal Government;

(C) Part 5, Changing to Another Form of Municipal Government; and

(D) except as provided in Subsection (2)(b), other applicable provisions of this title;

and

(b) is not subject to:

(i) Part 2, Council-Mayor Form of Municipal Government; or

(ii) Part 4, Five-Member Council Form of Municipal Government.

(3) A municipality operating on May 4, 2008 under a form of government known under the law then in effect as the five-member council form:

(a) shall, on and after May 5, 2008:
(i) operate under a five-member council form of government, as defined in Section 10-3b-102;
(ii) be subject to:
(A) this part;
(B) Part 4, Five-Member Council Form of Municipal Government;
(C) Part 5, Changing to Another Form of Municipal Government; and
(D) except as provided in Subsection (3)(b), other applicable provisions of this title;
and
(b) is not subject to:
(i) Part 2, Council-Mayor Form of Municipal Government; or
(ii) Part 3, Six-Member Council Form of Municipal Government.
(4) Subject to Subsection (5), each municipality incorporated on or after the effective date of this section shall operate under:
(a) the council-mayor form of government, with a five-member council;
(b) the council-mayor form of government, with a seven-member council;
(c) the six-member council form of government; or
(d) the five-member council form of government.
(5) Each town shall operate under a five-member council form of government unless:
(a) before May 5, 2008, the town has changed to another form of municipal government; or
(b) on or after May 5, 2008, the town changes its form of government as provided in Part 5, Changing to Another Form of Municipal Government.
(6) (a) As used in this Subsection (6), "council-manager form of government" means the form of municipal government:
(i) provided for in Laws of Utah 1977, Chapter 48;
(ii) that cannot be adopted without voter approval; and
(iii) that provides for an appointed manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.
(b) A municipality operating on May 4, 2008 under the council-manager form of government:
(i) shall:
(A) continue to operate, on and after May 5, 2008, under the council-manager form of
government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

(B) be subject to:

(I) this Subsection (6) and other applicable provisions of this part;

(II) Part 5, Changing to Another Form of Municipal Government; and

(III) except as provided in Subsection (6)(b)(ii), other applicable provisions of this
title; and

(ii) is not subject to:

(A) Part 2, Council-Mayor Form of Municipal Government;

(B) Part 3, Six-Member Council form of Municipal Government; or

(C) Part 4, Five-Member Council Form of Municipal Government.

(7) Nothing in this section may be construed to prevent or limit a municipality
operating under any form of municipal government from changing to another form of
government as provided in Part 5, Changing to Another Form of Municipal Government.

Section 15. Section 10-3b-104 is enacted to read:

10-3b-104. Powers and duties of mayor.

(1) Except as provided in Subsection (2), the mayor in a municipality operating under a
six-member council form of government or a five-member council form of government:

(a) is the chief executive officer of the municipality to whom all employees of the
municipality report;

(b) shall:

(i) keep the peace and enforce the laws of the municipality;

(ii) ensure that all applicable statutes and municipal ordinances and resolutions are
faithfully executed and observed;

(iii) if the mayor remits a fine or forfeiture under Subsection (1)(c)(ii), report the
remittance to the council at the council's next meeting after the remittance;

(iv) perform all duties prescribed by statute or municipal ordinance or resolution;

(v) report to the council the condition and needs of the municipality; and

(vi) report to the council any release granted under Subsection (1)(c)(iv); and

(c) may:

(i) recommend for council consideration any measure that the mayor considers to be in
the best interests of the municipality;

(ii) remit fines and forfeitures;

(iii) if necessary, call on residents of the municipality over the age of 21 years to assist

in enforcing the laws of the state and ordinances of the municipality;

(iv) release a person imprisoned for a violation of a municipal ordinance;

(v) with the council's advice and consent, assign or appoint a member of the council to

administer one or more departments of the municipality; and

(vi) at any reasonable time, examine and inspect the official books, papers, records, or

documents of:

(A) the municipality; or

(B) any officer, employee, or agency of the municipality.

(2) The powers and duties in Subsection (1) are subject to:

(a) municipal ordinances in effect on May 4, 2008 modifying the powers and duties of

the mayor; and

(b) the council's authority to limit or expand the mayor's powers and duties under:

(i) Subsection 10-3b-303(2)(a), for a municipality operating under the six-member

form of government; and

(ii) Subsection 10-3b-403(2)(a), for a municipality operating under the five-member

form of government.

Section 16. Section 10-3b-105 is enacted to read:

10-3b-105. Municipal council.

In a municipality operating under a six-member council form of government or a

five-member council form of government, the council:

(1) is the legislative body of the municipality and exercises the legislative powers and

performs the legislative duties and functions of the municipality; and

(2) may:

(a) adopt rules and regulations, not inconsistent with statute, for the efficient

administration, organization, operation, conduct, and business of the municipality;

(b) prescribe by resolution additional duties, powers, and responsibilities for any

elected or appointed municipal official, unless prohibited by statute;

(c) require by ordinance that any or all appointed officers reside in the municipality;
(d) create any office that the council considers necessary for the government of the municipality;

(e) provide for filling a vacancy in an elective or appointive office;

(f) take any action allowed under Section 10-8-84; and

(g) perform any function specifically provided for by statute or necessarily implied by law.

Section 17. Section 10-3b-201 is enacted to read:

Part 2. Council-Mayor Form of Municipal Government

10-3b-201. Separate branches of government under a council-mayor form of government.

The powers of municipal government in a municipality operating under the council-mayor form of government are vested in two separate, independent, and equal branches of municipal government consisting of:

(1) a council composed of five or seven members; and

(2) a mayor and, under the mayor's supervision, any executive or administrative departments, divisions, and offices and any executive or administrative officers provided for by statute or municipal ordinance.

Section 18. Section 10-3b-202 is enacted to read:


(1) The mayor in a municipality operating under the council-mayor form of government:

(a) is the chief executive and administrative officer of the municipality;

(b) exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality;

(c) shall:

(i) keep the peace and enforce the laws of the municipality;

(ii) execute the policies adopted by the council;

(iii) appoint, with the council's advice and consent, a qualified person for each of the following positions:

(A) subject to Subsection (3), chief administrative officer, if required under the resolution or petition under Subsection 10-3b-503(1)(a) that proposed the change to a
council-mayor form of government;

(B) recorder;

(C) treasurer;

(D) engineer; and

(E) attorney;

(iv) provide to the council, at intervals provided by ordinance, a written report to the
council setting forth:

(A) the amount of budget appropriations;

(B) total disbursements from the appropriations;

(C) the amount of indebtedness incurred or contracted against each appropriation,
including disbursements and indebtedness incurred and not paid; and

(D) the percentage of the appropriations encumbered;

(v) report to the council the condition and needs of the municipality;

(vi) report to the council any release granted under Subsection (1)(d)(xiii);

(vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the
remittance to the council at the council's next meeting after the remittance;

(viii) perform each other duty:

(A) prescribed by statute; or

(B) required by a municipal ordinance that is not inconsistent with statute;

(d) may:

(i) subject to budget constraints:

(A) appoint;

(I) a chief administrative officer; and

(II) one or more deputies or administrative assistants to the mayor; and

(B)(I) create any other administrative office that the mayor considers necessary for
good government of the municipality; and

(II) appoint a person to the office;

(ii) with the council's advice and consent and except as otherwise specifically limited
by statute, appoint:

(A) each department head of the municipality;

(B) each statutory officer of the municipality; and
(C) each member of a statutory commission, board, or committee of the municipality;

(iii) dismiss any person appointed by the mayor;

(iv) as provided in Section 10-3b-204, veto an ordinance, tax levy, or appropriation passed by the council;

(v) exercise control of and supervise each executive or administrative department, division, or office of the municipality;

(vi) within the general provisions of statute and ordinance, regulate and prescribe the powers and duties of each other executive or administrative officer or employee of the municipality;

(vii) attend each council meeting, take part in council meeting discussions, and freely give advice to the council;

(viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill in all other respects the requirements of, as the case may be:

(A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or

(B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, as the case may be;

(ix) execute an agreement on behalf of the municipality, or delegate, by written executive order, the authority to execute an agreement on behalf of the municipality:

(A) if the obligation under the agreement is within certified budget appropriations; and

(B) subject to Section 10-6-138;

(x) at any reasonable time, examine and inspect the official books, papers, records, or documents of:

(A) the municipality; or

(B) any officer, employee, or agent of the municipality;

(xi) remit fines and forfeitures;

(xii) if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality; and

(xiii) release a person imprisoned for a violation of a municipal ordinance; and

(e) may not vote on any matter before the council.

(2) (a) The first mayor elected under a newly established mayor-council form of government shall, within six months after taking office, draft and submit to the council a proposed ordinance:
708 (i) providing for the division of the municipality's administrative service into
709 departments, divisions, and bureaus; and
710 (ii) defining the functions and duties of each department, division, and bureau.
711 (b) Before the council adopts an ordinance on the municipality's administrative service,
712 the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness
713 in the divisions of the municipal government.
714 (3) Each person appointed as chief administrative officer under Subsection
715 (1)(c)(iii)(A) shall be appointed on the basis of:
716 (a) the person's ability and prior experience in the field of public administration; and
717 (b) any other qualification prescribed by ordinance.
718 Section 19. Section 10-3b-203 is enacted to read:
719 10-3b-203. Council in a council-mayor form of government.
720 (1) The council in a municipality operating under a council-mayor form of government:
721 (a) shall:
722 (i) by ordinance, provide for the manner in which:
723 (A) municipal property is bought, sold, traded, encumbered, or otherwise transferred;
724 and
725 (B) a subdivision or annexation is approved, disapproved, or otherwise regulated;
726 (ii) pass ordinances, appropriate funds, and review municipal administration;
727 (iii) perform all duties that the law imposes on the council; and
728 (iv) elect one of its members to be the chair of the council;
729 (b) may:
730 (i) adopt an ordinance, to be known as the municipal administrative code:
731 (A) dividing the municipality's administrative service into departments, divisions, and
732 bureaus; and
733 (B) defining the functions and duties of each department, division, and bureau;
734 (ii) adopt an ordinance:
735 (A) creating, consolidating, or abolishing departments, divisions, and bureaus; and
736 (B) defining or altering the functions and duties of each department, division, and
737 bureau;
738 (iii) notwithstanding Subsection (1)(c)(iii), make suggestions or recommendations to a
subordinate of the mayor;

(iv) (A) notwithstanding Subsection (1)(c), appoint a committee of council members or citizens to conduct an investigation into:

(I) an officer, department, or agency of the municipality; or

(II) any other matter relating to the welfare of the municipality; and

(B) delegate to an appointed committee powers of inquiry that the council considers necessary;

(v) make and enforce any additional rule or regulation for the government of the council, the preservation of order, and the transaction of the council's business that the council considers necessary; and

(vi) take any action allowed under Section 10-8-84; and

(c) may not:

(i) direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office;

(ii) interfere in any way with an executive officer's performance of the officer's duties;

or

(iii) publicly or privately give orders to a subordinate of the mayor.

(2) A member of a council in a municipality operating under the council-mayor form of government may not have any other compensated employment with the municipality.

Section 20. Section 10-3b-204 is enacted to read:

10-3b-204. Presenting council action to mayor -- Veto -- Reconsideration -- When ordinance, tax levy, or appropriation takes effect.

(1) The council in each municipality operating under a council-mayor form of municipal government shall present to the mayor each ordinance, tax levy, and appropriation passed by the council.

(2) (a) The mayor in a municipality operating under a council-mayor form of municipal government may veto an ordinance or tax levy or all or any part of an appropriation passed by the council.

(b) If a mayor vetoes an ordinance or tax levy or all or any part of an appropriation, the mayor shall return the ordinance, tax levy, or appropriation to the council within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor, with a statement
(3) At its next meeting following a mayor's veto under Subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation.

(4) An ordinance, tax levy, or appropriation passed by the council takes effect upon recording as provided in Chapter 3, Part 7, Municipal Ordinances, Resolutions, and Procedure, if:

(a) the mayor signs the ordinance, tax levy, or appropriation;
(b) the mayor fails to sign the ordinance, tax levy, or appropriation within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor; or
(c) following a veto, the council reconsiders the ordinance, tax levy, or appropriation and passes it by a vote of at least two-thirds of all council members.

Section 21. Section 10-3b-205 is enacted to read:

10-3b-205. Rules and regulations by municipal officers.

A municipal officer in a municipality operating under a council-mayor form of government may prescribe rules and regulations, not inconsistent with statute, municipal ordinance, or the merit plan.

Section 22. Section 10-3b-301 is enacted to read:

Part 3. Six-Member Council Form of Municipal Government

10-3b-301. Municipal government powers vested in a six-member council.

The powers of municipal government in a municipality operating under the six-member council form of government are vested in a council consisting of six members, one of which is a mayor.

Section 23. Section 10-3b-302 is enacted to read:

10-3b-302. Mayor in six-member council form of government -- Mayor pro tempore.

(1) The mayor in a municipality operating under a six-member council form of municipal government:

(a) is, except as provided in Subsection (1)(b), a nonvoting member of the council;
(b) votes as a voting member of the council;
(i) on each matter for which there is a tie vote of the other council members present at a council meeting; or
(ii) when the council is voting on:
(A) whether to appoint or dismiss a municipal manager; or
(B) an ordinance that enlarges or restricts the mayor's powers, duties, or functions;
(c) is the chair of the council and presides at all council meetings;
(d) exercises ceremonial functions for the municipality;
(e) may not veto an ordinance, tax levy, or appropriation passed by the council;
(f) except as modified by ordinance under Subsection 10-3b-303(2), has the powers
and duties described in Section 10-3b-104; and
(g) may, within budget constraints, appoint one or more administrative assistants to the
mayor.

(2) (a) If the mayor is absent or unable \(\rightarrow\) to act, the council may elect a
member of the council as mayor pro tempore, to:
(i) preside at a council meeting; and
(ii) perform, during the mayor's absence, disability, or refusal to act, the duties and
functions of mayor.
(b) The municipal clerk or recorder shall enter in the minutes of the council meeting
the election of a council member as mayor pro tempore under Subsection (2)(a).

Section 24. Section 10-3b-303 is enacted to read:

The council in a municipality operating under a six-member council form of
government:
(1) exercises any executive or administrative power and performs or supervises the
performance of any executive or administrative duty or function that:
(a) has not been given to the mayor under Section 10-3b-104; or
(b) has been given to the mayor under Section 10-3b-104 but is removed from the
mayor under Subsection (2)(a)(i);
(2) may:
(a) subject to \(\rightarrow\) Subsections \(\leftrightarrow\) 10-3b-302(1)(b)(ii)(B) \(\rightarrow\) and
10-3b-501(2) \(\leftrightarrow\), adopt an ordinance:
(i) removing from the mayor any power, duty, or function of the mayor under Section
10-3b-104; \(\rightarrow\) or \(\leftrightarrow\)
(ii) reinstating to the mayor any power, duty, or function previously removed under
Subsection (2)(a)(i): **§ [and]**

—(iii) (b) adopt an ordinance ◄§ delegating to the mayor any executive or administrative

to power, duty, or function

that the council has under Subsection (1):

§ [+] (c) ◄§ subject to Subsection 10-3b-302(b)(ii)(A):

(i) appoint a manager to perform executive and administrative duties or functions that

the council by ordinance delegates to the manager, subject to Subsection (3); and

(ii) dismiss a manager appointed under Subsection (2)(b)(i); and

§ [+] (d) ◄§ assign any or all council members, including the mayor, to supervise one or

more

administrative departments of the municipality; and

(3) may not remove from the mayor or delegate to a manager appointed by the council:

(a) any of the mayor's legislative or judicial powers or ceremonial functions;

(b) the mayor's position as chair of the council; or

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

Section 25. Section 10-3b-401 is enacted to read:

**Part 4. Five-Member Council Form of Municipal Government**

10-3b-401. Municipal government powers vested in a five-member council.

The powers of municipal government in a municipality operating under the

five-member council form of municipal government are vested in a council consisting of five

members, one of which is a mayor.

Section 26. Section 10-3b-402 is enacted to read:

10-3b-402. Mayor in a five-member council form of government.

(1) The mayor in a municipality operating under a five-member council form of

municipal government:

(a) is a regular and voting member of the council;

(b) is the chair of the council and presides at all council meetings;

(c) exercises ceremonial functions for the municipality;

(d) may not veto any ordinance, tax levy, or appropriation passed by the council; and

(e) except as modified by ordinance under Subsection 10-3b-403(2), has the powers

and duties described in Section 10-3b-104.

(2) (a) If the mayor is absent or unable ◄§ [or refuses] ◄§ to act, the council may elect a

member of the council as mayor pro tempore, to:
(i) preside at a council meeting; and

(ii) perform, during the mayor's absence, disability, or refusal to act, the duties and

functions of mayor.

(b) The municipal clerk or recorder shall enter in the minutes of the council meeting

the election of a council member as mayor pro tempore under Subsection (2)(a).

Section 27. Section 10-3b-403 is enacted to read:

10-3b-403. Council in a five-member council form of government.

The council in a municipality operating under a five-member council form of municipal
government:

(1) exercises any executive or administrative power and performs or supervises the

performance of any executive or administrative duty or function that:

(a) has not been given to the mayor under Section 10-3b-104; or

(b) has been given to the mayor under Section 10-3b-104 but is removed from the

mayor under Subsection (2)(a)(i);

(2) may:

(a) subject to [Subsection] Subsections [10-3b-403(3)] 10-3b-403 and 10-3b-501(2),

adopt an ordinance:

(i) removing from the mayor any power, duty, or function of the mayor under Section

10-3b-104; or

(ii) reinstating to the mayor any power, duty, or function previously removed under

Subsection (2)(a)(i); and

(b) adopt an ordinance delegating to the mayor any executive or administrative

power, duty, or function

that the council has under Subsection (1);

[10-3b-403(3)] (c) appoint a manager to perform executive and administrative duties or

functions that

the council by ordinance delegates to the manager, subject to Subsection (3); and

[10-3b-403(3)] (d) dismiss a manager appointed under Subsection (2); and

[10-3b-403(3)] (e) assign any or all council members, including the mayor, to supervise one or

more

administrative departments of the municipality; and

(3) may not remove from the mayor or delegate to a manager appointed by the council:

(a) any of the mayor's legislative or judicial powers or ceremonial functions;

(b) the mayor's position as chair of the council; or

(c) any ex officio position that the mayor holds.
Section 28. Section 10-3b-501 is enacted to read:

Part 5. Changing to Another Form of Municipal Government

10-3b-501. Authority to change to another form of municipal government.

(1) As provided in this part, a municipality may change from the form of government under which it operates to:

(1) the council-mayor form of government with a five-member council;

(2) the council-mayor form of government with a seven-member council;

(3) the six-member council form of government; or

(4) the five-member council form of government.

(2)(a) A removal of a power, duty, or function of a mayor under a six-member council form of government or five-member council form of government is a change in the form of municipal government requiring the approval of voters of the municipality, as provided in this part.

(2)(b) The reinstatement of a previously removed power, duty, or function of a mayor under a six-member council form of government or a five-member council form of government is a change in the form of municipal government requiring the approval of voters of the municipality, as provided in this part.

Section 29. Section 10-3b-502 is enacted to read:

10-3b-502. Voter approval required for a change in the form of government.

A municipality may not change its form of government under this part unless voters of the municipality approve the change at an election held for that purpose.

Section 30. Section 10-3b-503 is enacted to read:

10-3b-503. Resolution or petition proposing a change in the form of government

(1) The process to change the form of government under which a municipality operates is initiated by:

(a) the council's adoption of a resolution proposing a change; or

(b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives Procedures, proposing a change.

(2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the declaring of a petition filed under Subsection (1)(b) as sufficient under Section 20A-7-507, the council shall hold at least two public hearings on the proposed change.

(3)(a) Except as provided in Subsection (3)(b), the council shall hold an election on the proposed change in the form of government no less than 90 days but within 12 months after, as the case may be:

(i) a resolution under Subsection (1)(a) is adopted; or

(ii) a petition filed under Subsection (1)(b) is declared sufficient under Section 20A-7-507.

(b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of government may not be held if:
(i) in the case of a proposed change initiated by the council's adoption of a resolution under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or
(ii) in the case of a proposed change initiated by a petition under Subsection (1)(b), enough signatures are withdrawn from the petition within 60 days after the petition is declared sufficient under Section 20A-7-507 that the petition is no longer sufficient.

(4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection (1)(b) shall:

(a) state the method of election and initial terms of council members; and
(b) specify the boundaries of districts substantially equal in population, if some or all council members are to be elected by district.

(5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing a change to a council-mayor form of government may require that, if the change is adopted, the mayor appoint, with the council's advice and consent, a chief administrative officer, to exercise the administrative powers and perform the duties that the mayor prescribes.

Section 31. Section 10-3b-504 is enacted to read:

10-3b-504. Limitations on adoption of a resolution and filing of a petition.

A resolution may not be adopted under Subsection 10-3b-503(1)(a)(i) and a petition may not be filed under Subsection 10-3b-503(1)(b) within:

(1) two years after an election at which voters reject a proposal to change the municipality's form of government, if the resolution or petition proposes changing to the same form of government that voters rejected at the election; or

(2) four years after the effective date of a change in the form of municipal government.

Section 32. Section 10-3b-505 is enacted to read:

10-3b-505. Ballot form.

The ballot at an election on a proposal to change the municipality's form of government shall:

(1) state the ballot question substantially as follows: "Shall (state the municipality's name), Utah change its form of government to the (state "council-mayor form, with a five-member council," "council-mayor form, with a seven-member council," "six-member council form," or "five-member council form," as applicable)?"; and

(2) provide a space or method for the voter to vote "yes" or "no."
Section 33. Section 10-3b-506 is enacted to read:

**10-3b-506. Election of officers after a change in the form of government.**

(1) If voters approve a proposal to change the municipality's form of government at an election held as provided in this part, an election of officers under the new form of government shall be held on the municipal general election date following the election at which voters approve the proposal.

(2) If a municipality changes its form of government under this part resulting in the elimination of an elected official's position, the municipality shall continue to pay that official at the same rate until the date on which the official's term would have expired, unless under the new form of government the official holds municipal office for which the official is regularly compensated.

(3) A council member whose term has not expired at the time the municipality changes its form of government under this part may, at the council member's option, continue to serve as a council member under the new form of government for the remainder of the member's term.

(4) The term of the mayor and each council member is four years or until a successor is qualified, except that approximately half of the initial council members, chosen by lot, shall serve a term of two years or until a successor is qualified.

Section 34. Section 10-3b-507 is enacted to read:

**10-3b-507. Effective date of change in the form of government.**

A change in the form of government under this chapter takes effect at noon on the first Monday of January next following the election of officers under Section 10-3b-506.

Section 35. Section 10-6-151 is amended to read:

**10-6-151. Independent audits required.**

Independent audits of all cities are required to be performed in conformity with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act. [In the case of a city organized under Title 10, Chapter 3, Part 12, Optional Forms of Municipal Government Act, the council shall appoint an independent auditor for the purpose of complying with the requirements of this section and of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.]
Section 36. Section 10-9a-103 is amended to read:

10-9a-103. Definitions.

As used in this chapter:

1. "Affected entity" means a county, municipality, local district, special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:
   a. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
   b. the entity has filed with the municipality a copy of the entity's general or long-range plan; or
   c. the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

2. "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

3. "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

4. "Charter school" includes:
   a. an operating charter school;
   b. a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
   c. an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

[(5) "Chief executive officer" means the:
   a. mayor in municipalities operating under all forms of municipal government except the council-manager form; or]

[(b) city manager in municipalities operating under the council-manager form of]
"Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(7) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
(b) Utah Constitution Article I, Section 22.

(8) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

(9) (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

(10) "Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

(11) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

(12) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

(13) "Identical plans" means building plans submitted to a municipality that are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality and describe a building that is:

(a) located on land zoned the same as the land on which the building described in the previously approved plans is located; and
(b) subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

(14) "Land use application" means an application required by a municipality's land use ordinance.

(15) "Land use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

(16) "Land use ordinance" means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

(17) "Land use permit" means a permit issued by a land use authority.

(18) "Legislative body" means the municipal council.

(19) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

(20) "Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

(21) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

(22) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and
(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

(23) "Noncomplying structure" means a structure that:

(a) legally existed before its current land use designation; and
(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

(24) "Nonconforming use" means a use of land that:

(a) legally existed before its current land use designation;
(b) has been maintained continuously since the time the land use ordinance governing
the land changed; and
(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(25) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the municipality's general plan.

(26) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(27) "Plan for moderate income housing" means a written document adopted by a city legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the city;

(b) an estimate of the need for moderate income housing in the city for the next five years as revised biennially;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the city's program to encourage an adequate supply of moderate income housing.

(28) "Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

(29) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

(30) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

(31) "Record of survey map" means a map of a survey of land prepared in accordance
"Receiving zone" means an area of a municipality that the municipality's land use authority designates as an area in which an owner of land may receive transferrable development rights.

"Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not include a health care facility as defined by Section 26-21-2.

"Residential facility for persons with a disability" means a residence:

(a) in which more than one person with a disability resides; and

(b) (i) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(ii) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

"Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

"Sending zone" means an area of a municipality that the municipality's land use authority designates as an area from which an owner of land may transfer transferrable development rights to an owner of land in a receiving zone.

"Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

"Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

(a) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
(ii) except as provided in Subsection  \[\text{(39)}\] (38) \[\text{c}\] (c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(ii) a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:

(A) no new lot is created; and

(B) the adjustment does not violate applicable land use ordinances;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

(B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances; or

(iv) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance.

(d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection \[\text{(39)}\] (38) \[\text{c}\] as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

\[\text{40}\] (39) "Transferrable development right" means the entitlement to develop land within a sending zone that would vest according to the municipality's existing land use ordinances on the date that a completed land use application is filed seeking the approval of development activity on the land.

\[\text{41}\] (40) "Unincorporated" means the area outside of the incorporated area of a city or town.
(42) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 37. Section 20A-1-102 is amended to read:


As used in this title:

1. "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

2. "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

3. "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.

4. "Ballot sheet":
   a. means a ballot that:
      i. consists of paper or a card where the voter's votes are marked or recorded; and
      ii. can be counted using automatic tabulating equipment; and
   b. includes punch card ballots, and other ballots that are machine-countable.

5. "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot sheets that do not display that information.

6. "Ballot proposition" means opinion questions specifically authorized by the Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that are submitted to the voters for their approval or rejection.

7. "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

8. "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

9. "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

10. "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.
(11) "Canvass" means the review of election returns and the official declaration of 
election results by the board of canvassers.

(12) "Canvassing judge" means a poll worker designated to assist in counting ballots at 
the canvass.

(13) "Convention" means the political party convention at which party officers and 
delegates are selected.

(14) "Counting center" means one or more locations selected by the election officer in 
charge of the election for the automatic counting of ballots.

(15) "Counting judge" means a poll worker designated to count the ballots during 
election day.

(16) "Counting poll watcher" means a person selected as provided in Section 
20A-3-201 to witness the counting of ballots.

(17) "Counting room" means a suitable and convenient private place or room, 
immediately adjoining the place where the election is being held, for use by the poll workers 
and counting judges to count ballots during election day.

(18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

(19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

(20) "County officers" means those county officers that are required by law to be 
elected.

(21) "Election" means a regular general election, a municipal general election, a 
statewide special election, a local special election, a regular primary election, a municipal 
primary election, and a local district election.

(22) "Election Assistance Commission" means the commission established by Public 
Law 107-252, the Help America Vote Act of 2002.

(23) "Election cycle" means the period beginning on the first day persons are eligible to 
file declarations of candidacy and ending when the canvass is completed.

(24) "Election judge" means a poll worker that is assigned to:

(a) preside over other poll workers at a polling place;

(b) act as the presiding election judge; or

(c) serve as a canvassing judge, counting judge, or receiving judge.

(25) "Election officer" means:
(a) the lieutenant governor, for all statewide ballots;
(b) the county clerk or clerks for all county ballots and for certain ballots and elections as provided in Section 20A-5-400.5;
(c) the municipal clerk for all municipal ballots and for certain ballots and elections as provided in Section 20A-5-400.5;
(d) the local district clerk or chief executive officer for certain ballots and elections as provided in Section 20A-5-400.5; and
(e) the business administrator or superintendent of a school district for certain ballots or elections as provided in Section 20A-5-400.5.

(26) "Election official" means any election officer, election judge, or poll worker.
(27) "Election results" means, for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
(28) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
(29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.
(30) (a) "Electronic voting device" means a voting device that uses electronic ballots.
(b) "Electronic voting device" includes a direct recording electronic voting device.
(31) "Inactive voter" means a registered voter who has been sent the notice required by Section 20A-2-306 and who has failed to respond to that notice.
(32) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.
(33) "Judicial office" means the office filled by any judicial officer.
(34) "Judicial officer" means any justice or judge of a court of record or any county court judge.
(35) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.
(36) "Local district officers" means those local district officers that are required by law to be elected.
(37) "Local election" means a regular municipal election, a local special election, a local district election, and a bond election.
(38) "Local political subdivision" means a county, a municipality, a local district, or a local school district.
(39) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.
(40) "Municipal executive" means:
   [(a) the city council or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;]
   [(b) the mayor in the council-mayor [optional] form of government defined in Section 10-3-101; and]
   [(c) the mayor in the council-manager [optional] form of government defined in Section 10-3-101.]
(41) "Municipal general election" means the election held in municipalities and local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.
(42) "Municipal legislative body" means[·(a)] the [city] council of the city or town [council] in [the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body] any form of municipal government.
   [(b) the municipal council in the council-mayor optional form of government defined in Section 10-3-101; and]
   [(c) the municipal council in the council-manager optional form of government defined in Section 10-3-101.]}
(43) "Municipal officers" means those municipal officers that are required by law to be elected.
(44) "Municipal primary election" means an election held to nominate candidates for municipal office.
(45) "Official ballot" means the ballots distributed by the election officer to the poll
workers to be given to voters to record their votes.

(46) "Official endorsement" means:

(a) the information on the ballot that identifies:
   (i) the ballot as an official ballot;
   (ii) the date of the election; and
   (iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:
   (i) the poll worker's initials; and
   (ii) the ballot number.

(47) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(48) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record his vote for each office and for or against each ballot proposition.

(49) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures.

(50) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

(51) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(52) "Polling place" means the building where voting is conducted.

(53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.

(54) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or
(c) whose identity was not sufficiently established by a poll worker.

(55) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(56) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(57) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.

(58) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(59) "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(60) "Registration form" means a book voter registration form and a by-mail voter registration form.

(61) "Regular ballot" means a ballot that is not a provisional ballot.

(62) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(63) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.

(64) "Resident" means a person who resides within a specific voting precinct in Utah.

(65) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(66) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.

(67) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's vote.

(68) "Special election" means an election held as authorized by Section 20A-1-204.
"Spoiled ballot" means each ballot that:
(a) is spoiled by the voter;
(b) is unable to be voted because it was spoiled by the printer or a poll worker; or
(c) lacks the official endorsement.

"Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

"Stub" means the detachable part of each ballot.
"Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.
"Ticket" means each list of candidates for each political party or for each group of petitioners.
"Transfer case" means the sealed box used to transport voted ballots to the counting center.
"Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

"Valid voter identification" means:
(a) a form of identification that bears the name and photograph of the voter which may include:
(i) a currently valid Utah driver license;
(ii) a currently valid identification card that is issued by:
(A) the state;
(B) a local government within the state; or
(C) a branch, department, or agency of the United States;
(iii) an identification card that is issued by an employer for an employee;
(iv) a currently valid identification card that is issued by a college, university, technical school, or professional school that is located within the state;
(v) a currently valid Utah permit to carry a concealed weapon;
(vi) a currently valid United States passport; or
(vii) a valid tribal identification card; or
(b) two forms of identification that bear the name of the voter and provide evidence
that the voter resides in the voting precinct, which may include:

(i) a voter identification card;
(ii) a current utility bill or a legible copy thereof;
(iii) a bank or other financial account statement, or a legible copy thereof;
(iv) a certified birth certificate;
(v) a valid Social Security card;
(vi) a check issued by the state or the federal government or a legible copy thereof;
(vii) a paycheck from the voter's employer, or a legible copy thereof;
(viii) a currently valid Utah hunting or fishing license;
(ix) a currently valid United States military identification card;
(x) certified naturalization documentation;
(xi) a currently valid license issued by an authorized agency of the United States;
(xii) a certified copy of court records showing the voter's adoption or name change;
(xiii) a Bureau of Indian Affairs card;
(xiv) a tribal treaty card;
(xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
(xvi) a form of identification listed in Subsection (76)(a) that does not contain a
photograph, but establishes the name of the voter and provides evidence that the voter resides
in the voting precinct.

(77) "Valid write-in candidate" means a candidate who has qualified as a write-in
candidate by following the procedures and requirements of this title.

(78) "Voter" means a person who meets the requirements for voting in an election,
meets the requirements of election registration, is registered to vote, and is listed in the official
register book.

(79) "Voter registration deadline" means the registration deadline provided in Section
20A-2-102.5.

(80) "Voting area" means the area within six feet of the voting booths, voting
machines, and ballot box.

(81) "Voting booth" means:
(a) the space or compartment within a polling place that is provided for the preparation
of ballots, including the voting machine enclosure or curtain; or
(b) a voting device that is free standing.

(82) "Voting device" means:

(a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance;

(c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;

(d) an automated voting system under Section 20A-5-302; or

(e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

(83) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

(84) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

(85) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

(86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

(87) "Western States Presidential Primary" means the election established in Title 20A, Chapter 9, Part 8.

(88) "Write-in ballot" means a ballot containing any write-in votes.

(89) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section 38. Section 20A-1-506 is amended to read:


(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county:

(A) the chair of the county commission in {counties} a county having the county commission form of county government; and

(B) the county executive in {counties} a county having the county commission form of county government; or

(ii) in another governmental jurisdiction:

(1) by the governing body of the governmental jurisdiction;

(2) by the legislative body of the governmental jurisdiction;

(3) by another governmental authority of the governmental jurisdiction; or

(4) by some other authority of the governmental jurisdiction.

(ii) in a governmental jurisdiction of any type:

(A) by the governing body of the governmental jurisdiction;

(B) by the legislative body of the governmental jurisdiction;
§-§ [executive-council form of government; and

(iii) the chair] (ii) for a city, or town, the mayor of the city [council] or town [council
in municipalities having:];

[(A) the traditional management arrangement established by Title 10, Chapter 3, Part 1;

Governing Body; and]

[(B) the council-manager optional form of government defined in Section 10-3-101;]

and]

[(iv) the mayor, in the council-mayor optional form of government defined in Section
10-3-101;]

(b) "Local legislative body" means:

(i) the county commission or county council; and

(ii) the [city] council of the city or town [council].

(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the

completion of his term of office, the appointing authority may:

(i) fill the vacancy by appointment for the unexpired term by following the procedures

and requirements for appointments in Section 78-5-134; or

(ii) contract with a justice court judge of the county, an adjacent county, or another

municipality within those counties for judicial services.

(b) When the appointing authority chooses to contract under Subsection (2)(a)(ii), it

shall ensure that the contract is for the same term as the term of office of the judge whose

services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in

writing of the appointment, resignation, or the contractual agreement for services of a judge

under this section within 30 days after filling the vacancy.

(3) (a) If a vacancy occurs in the office of a county justice court judge before the

completion of that judge's term of office, the appointing authority may fill the vacancy by

appointment for the unexpired term by following the procedures and requirements for

appointments in Section 78-5-134.

(b) The appointing authority shall notify the Office of the State Court Administrator in

writing of any appointment of a county justice court judge under this section within 30 days

after the appointment is made.]}
§ [(4) (a) When a vacancy occurs in the office of a justice court judge, the appointing
authority shall:
(i) advertise the vacancy and solicit applications for the vacancy;
(ii) appoint the best qualified candidate to office based solely upon fitness for office;
(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting
employment of relatives in making appointments to fill the vacancy; and
(iv) submit the name of the appointee to the local legislative body.
(b) If the local legislative body does not confirm the appointment within 30 days of
submission, the appointing authority may either appoint another of the applicants or reopen the
vacancy by advertisement and solicitations of applications.]
(1) As used in this section:
(a) "Appointing authority" means:
(i) for a county:
   (A) the chair of the county commission in a county
   having the county commission or expanded county commission form of county government;
   and
   (B) the county executive in a county having the county executive-council form of government;
   and
   (ii) for a city or town, the mayor of the city or town
   (A) the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body; and
   (B) the council-manager optional form of government defined in Section 10-3-101;
   and
   (iii) the mayor, in the council-mayor optional form of government defined in Section 10-3-101;
(b) "Local legislative body" means:
(i) for a county, the county commission or county council; and
(ii) for a city or town, the council of the city or town.
(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the
completion of his term of office, the appointing authority may:
(i) fill the vacancy by appointment for the unexpired term by following the procedures
and requirements for appointments in Section 78A-7-202; or
(ii) contract with a justice court judge of the county, an adjacent county, or
another municipality within those counties for judicial services.

(b) When the appointing authority chooses to contract under Subsection (2)(a)(ii), it shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.

(3) (a) If a vacancy occurs in the office of a county justice court judge before the completion of that judge's term of office, the appointing authority may fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A-7-202.

(b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.

(4) (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:

(i) advertise the vacancy and solicit applications for the vacancy;

(ii) appoint the best qualified candidate to office based solely upon fitness for office;

(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.

(b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

Section 39. Section 20A-1-510 is amended to read:


(1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality who meets the qualifications for office established in Section 10-3-301 to fill the unexpired term of the office vacated until the January following the next municipal election.

(b) Before acting to fill the vacancy, the municipal legislative body shall:

(i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy; and
identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the municipal legislative body shall vote upon the names that have been submitted.

(ii) The two persons having the highest number of votes of the municipal legislative body shall appear before the municipal legislative body and the municipal legislative body shall vote again.

(iii) If neither candidate receives a majority vote of the municipal legislative body at
that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

(2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

(i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and

(ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

(b) In appointing an interim replacement, the municipal legislative body shall comply with the notice requirements of this section.

(3) A member of a municipal legislative body may not participate in any part of the process established in this section to fill a vacancy if that member is being considered for appointment to fill the vacancy.

(4) (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:

(i) the council may appoint a person to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and

(ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection (1) or (2) to fill the vacancy, the council chair shall serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.

(b) While serving as acting mayor under Subsection (4)(a)(ii), the council chair continues to:

(i) act as a council member; and

(ii) vote at council meetings.

Section 40. Section 20A-9-203 is amended to read:


(1) (a) (i) A person may become a candidate for any municipal office if:

(A) the person is a registered voter; and

(B) the person has resided within the municipality in which that person seeks to
hold elective office for the 12 consecutive months immediately before the date of the election; or

(ii) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality for 12 months immediately before the date of the election.

(ii) For purposes of determining whether a person meets the residency requirement of Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before the election, the municipality shall be considered to have been incorporated 12 months before the date of the election.

(b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which they are elected.

(c) In accordance with Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.5.

(2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to become a candidate for a municipal office shall:

(i) file a declaration of candidacy, in person with the city recorder or town clerk, during office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year; and

(ii) pay the filing fee, if one is required by municipal ordinance.

(b) (i) As used in this Subsection (2)(b), "registered voters" means the number of persons registered to vote in the municipality on the January 1 of the municipal election year.

(ii) A third, fourth, or fifth class city that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election or a town that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election may, by ordinance, require, in lieu of the convention system, that candidates
for municipal office file a nominating petition signed by a percentage of registered voters at the
same time that the candidate files a declaration of candidacy.

(iii) The ordinance shall specify the number of signatures that the candidate must
obtain on the nominating petition in order to become a candidate for municipal office under
this Subsection (2), but that number may not exceed 5% of registered voters.

(c) Any resident of a municipality may nominate a candidate for a municipal office by:
(i) filing a nomination petition with the city recorder or town clerk during office hours,
but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and
(ii) paying the filing fee, if one is required by municipal ordinance.

(d) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended
until 5 p.m. on the following regular business day.

(3) (a) Before the filing officer may accept any declaration of candidacy or nomination
petition, the filing officer shall:
(i) read to the prospective candidate or person filing the petition the constitutional and
statutory qualification requirements for the office that the candidate is seeking; and
(ii) require the candidate or person filing the petition to state whether or not the
candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the
office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the
filing officer shall:
(i) inform the candidate that the candidate's name will appear on the ballot as it is
written on the declaration of candidacy;
(ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
Electronic Voter Information Website Program and inform the candidate of the submission
deadline under Subsection 20A-7-801(4)(a);
(iii) provide the candidate with a copy of the pledge of fair campaign practices
described under Section 20A-9-206 and inform the candidate that:
(A) signing the pledge is voluntary; and
(B) signed pledges shall be filed with the filing officer; and
(iv) accept the declaration of candidacy or nomination petition.
(d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(i) accept the candidate's pledge; and

(ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

(4) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____, County of ____, state of Utah, Zip Code ____. Telephone Number (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____ (stating the term). I request that my name be printed upon the applicable official ballots. (Signed) _______________

Subscribed and sworn to (or affirmed) before me by ____ on this __________(month\day\year).

(Signed) _______________ (Clerk or other officer qualified to administer oath)"

(5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated for municipal office by submitting a petition signed by:

(i) 25 residents of the municipality who are at least 18 years old; or

(ii) 20% of the residents of the municipality who are at least 18 years old.

(b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

(6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated for municipal office by submitting a petition signed by the same percentage of registered voters in the municipality as required by the
ordinance passed under authority of Subsection (2)(b).

(b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of (name of office) for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

(7) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two or four-year term, the clerk shall consider the nomination to be for the four-year term.

(8) (a) The clerk shall verify with the county clerk that all candidates are registered voters.

(b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.

(9) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in the municipality; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(10) A declaration of candidacy or nomination petition filed under this section may not be amended after the expiration of the period for filing a declaration of candidacy.

(11) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.

(b) If an objection is made, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after it is filed.
(c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

(d) (i) The clerk’s decision upon objections to form is final.

(ii) The clerk’s decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(12) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk.

Section 41. §[Section 78-5-134] 78A-7-202 is amended to read:

§[78-5-134. Justice court judges to be appointed -- Procedure -- Report to Judicial Council -- Retention election -- Vacancy.]

(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county:

(A) the chair of the county commission in a county having the county commission form of county government; and

(B) the county executive in a county having the county executive-council form of government;

(ii) for a city or town, the mayor of the city or town [council in municipalities having the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body];

(iv) the city manager, in the council-manager optional form of government defined in Section 10-3-101; and]

(v) the mayor, in the council-mayor optional form of government defined in Section 10-3-101.]

(b) "Local legislative body" means:

(i) the county commission or county council; and

(ii) the [city] council of the city or town [council];
(2) Justice court judges shall be appointed by the appointing authority and confirmed by a majority vote of the local legislative body.

(3) (a) After a newly appointed justice court judge has been confirmed, the local legislative body shall report the confirmed judge's name to the Judicial Council.
(b) The Judicial Council shall certify the judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the county or municipal attorney that the judge meets the statutory qualifications for office.
(c) A justice court judge may not perform judicial duties until certified by the Judicial Council.

(4) Upon the expiration of a county justice court judge's term of office the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A-12-201.

(5) Upon the expiration of a municipal justice court judge's term of office a municipal justice court judge shall be reappointed absent a showing of good cause by the appointing authority.
(a) If an appointing authority asserts good cause to not reappoint a municipal justice court judge, at the request of the judge, the good cause shall be presented at a formal hearing of the local legislative body.
(b) The local legislative body shall determine by majority vote whether good cause exists not to reappoint the municipal justice court judge:
(c) The decision of the local legislative body is not subject to appeal:
(d) In determining whether good cause exists to not reappoint a municipal justice court judge, the appointing authority and local legislative body shall consider:
(i) whether or not the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial Council; and
(ii) any other factors considered relevant by the appointing authority.

(6) Before reappointment or retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Subsection 78-3-21(4):

(7) (a) At the conclusion of a term of office or when a vacancy occurs in the position of justice court judge, the appointing authority may contract with a justice court judge in the...

(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county: the chair of the county commission in a county having the county commission or expanded county commission form of county government; and

(B) the county executive in a county having the county executive-council form of government; and

(iii) the chair for a city or town, the mayor of the city council in municipalities having the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body; and

(iv) the city manager, in the council-manager optional form of government defined in Section 10-3-101; and

(b) "Local legislative body" means:

(i) for a county, the county commission or county council; and

(ii) for a city or town, the council of the city or town council in municipalities having the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body; .

(2) Justice court judges shall be appointed by the appointing authority and confirmed by a majority vote of the local legislative body.

(3) (a) After a newly appointed justice court judge has been confirmed, the local legislative body shall report the confirmed judge's name to the Judicial Council.

(b) The Judicial Council shall certify the judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the county or municipal attorney that the judge meets the statutory qualifications for office.

(c) A justice court judge may not perform judicial duties until certified by the Judicial Council.

(4) Upon the expiration of a county justice court judge's term of office.
office the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A-12-201.

(5) Upon the expiration of a municipal justice court judge's term of office a municipal justice court judge shall be reappointed absent a showing of good cause by the appointing authority.

(a) If an appointing authority asserts good cause to not reappoint a municipal justice court judge, at the request of the judge, the good cause shall be presented at a formal hearing of the local legislative body.

(b) The local legislative body shall determine by majority vote whether good cause exists not to reappoint the municipal justice court judge.

(c) The decision of the local legislative body is not subject to appeal.

(d) In determining whether good cause exists to not reappoint a municipal justice court judge, the appointing authority and local legislative body shall consider:

(i) whether or not the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial Council; and

(ii) any other factors considered relevant by the appointing authority.

(6) Before reappointment or retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Subsection 78A-2-104(5).

(7) (a) At the conclusion of a term of office or when a vacancy occurs in the position of justice court judge, the appointing authority may contract with a justice court judge in the county or an adjacent county to serve as justice court judge.

(b) The contract shall be for the duration of the justice court judge's term of office.

(8) Vacancies in the office of justice court judge shall be filled as provided in Section 20A-1-506. 

Section 42. Repealer.

This bill repeals:

Section 10-3-101, Governing body -- Legislative and executive powers.

Section 10-3-102, Governing body -- Other functions.

Section 10-3-106, Governing body in towns.

Section 10-3-206, Election of officers in towns operating under a five-member council form of government.

Section 10-3-207, Determining two and four year terms.
Section 10-3-403, Mayor as presiding officer -- Mayor pro tempore.

Section 10-3-404, No veto.

Section 10-3-501, Meetings in cities of the first and second class.

Section 10-3-503, Quorum necessary to do business.

Section 10-3-802, Designation of department head in cities of the first class.

Section 10-3-804, Change in names, functions and superintendents of departments.

Section 10-3-806, Designation of department head in cities of the second class.

Section 10-3-807, Commissioners may administer two departments -- Change in names, functions and superintendents.

Section 10-3-808, Administration vested in mayor.

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

Section 10-3-810, Additional powers and duties of elected officials in a city of the third, fourth, or fifth class or a town.

Section 10-3-811, Members of the governing body may be appointed to administration in a city of the third, fourth, or fifth class or a town.

Section 10-3-812, Change of duties in a city of the third, fourth, or fifth class or a town.

Section 10-3-813, General administrative powers of all municipalities.
Section 10-3-814, Personnel assigned to one or more departments.

Section 10-3-815, Rules and regulations for administration of municipality.

Section 10-3-816, Appointed officers -- Residency requirement authorized.

Section 10-3-817, Elected executives to appoint their deputies.

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

Section 10-3-901, Creating offices -- Filling vacancies.

Section 10-3-1201, Citation of act.

Section 10-3-1202, Legislative finding.

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

Section 10-3-1204, Application of act.

Section 10-3-1205, Rights, powers, and duties of municipality operating under optional form.

Section 10-3-1206, Limitation on changing form of government.

Section 10-3-1207, Disapproval of optional form by voters -- Limitation on resubmission.

Section 10-3-1208, Election of officers -- When new government operative -- Compensation of officials without position in new government.

Section 10-3-1210, Functions of the council.

Section 10-3-1211, Council members -- Qualifications -- Terms of office.

Section 10-3-1212, Meetings of council -- Access to records.

Section 10-3-1213, Chairmen of councils -- Power to call witnesses and administer oath -- Quorum -- Voting procedure.

Section 10-3-1214, Ordinance adoption under council-mayor form -- Powers of mayor.

Section 10-3-1215, Rules and regulations for government of council.

Section 10-3-1216, Council members elected from districts -- Boundary -- Adjustments.

Section 10-3-1217, Limitations on actions and authority of council members -- Investigatory committees.

Section 10-3-1218, Vacancy in council.
Section 10-3-1219, Council-mayor form -- Powers and duties of mayor.

Section 10-3-1219.5, Council-mayor form -- Ordinances on transfer of municipal property and regulation of subdivisions or annexations.

Section 10-3-1220, Council-mayor form -- Appointment of chief administrative officer.

Section 10-3-1221, Municipal administrative code in council-mayor form.

Section 10-3-1222, Council-mayor form -- Vacancy in office of mayor.

Section 10-3-1223, Council-manager form -- Election and powers and duties of mayor.

Section 10-3-1224, Council-manager form -- Appointment of municipal manager.

Section 10-3-1225, Manager -- Removal from office.

Section 10-3-1226, Manager -- Powers and duties.

Section 10-3-1227, Municipal administrative code in council-manager form.

Section 10-3-1228, Manager -- Working time and compensation.
S.B. 20 2nd Sub. (Salmon) - Municipal Government Amendments

Fiscal Note

2008 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.


Office of the Legislative Fiscal Analyst