

2nd Sub. S.B. 20
MUNICIPAL GOVERNMENT AMENDMENTS

Senator **Howard A. Stephenson** proposes the following amendments:

1. *Page 1, Line 18:*

18 five-member council forms of municipal government;

▶ 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;

▶ authorizes a mayor in certain municipalities to remove any of specified appointed officers;

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

2. *Page 2, Line 41:*

41 10-3-902, as enacted by Laws of Utah 1977, Chapter 48

= 10-3-916, as last amended by Laws of Utah 2003, Chapter 292

3. *Page 14, Line 409:*

409 Professional Engineers and Professional Land Surveyors Licensing Act.

Section 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, fourth, 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.

Renumber remaining sections accordingly.

4. Page 27, Line 811:

811 (2) (a) If the mayor is absent or unable ~~{or refuses}~~ to act, the council may elect a

5. Page 27, Line 828:

828 (a) subject to ~~{Subsection}~~ Subsections 10-3b-302(1)(b)(ii)(B) and 10-3b-501(2), adopt an ordinance:

6. Page 27, Line 830:

830 10-3b-104; or

7. Page , Line 832 through Page 28, Line 833:

832 Subsection (2)(a)(i); ~~{and}~~

833 ~~{(iii)}~~ (b) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function

8. Page 28, Line 835:

835 ~~{(b)}~~ (c) subject to Subsection 10-3b-302(1)(b)(ii)(A):

9. Page 28, Line 839:

839 ~~{(c)}~~ (d) assign any or all council members, including the mayor, to supervise one or more

10. Page 28, Line 861:

861 (2) (a) If the mayor is absent or unable ~~{or refuses}~~ to act, the council may elect a

11. Page 29, Line 878:

878 (a) subject to ~~{Subsection}~~ Subsections 10-3b-403(3) and 10-3b-501(2), adopt an ordinance:

12. Page 29, Line 880:

880 10-3b-104; ~~or~~

13. Page 29, Lines 882 through 883:

882 Subsection (2)(a)(i); ~~{and}~~

883 ~~{(iii)}~~ (b) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function

14. Page 29, Line 885:

885 ~~{(b)}~~ (c) appoint a manager to perform executive and administrative duties or functions that

15. Page 29, Lines 887 through 888:

887 ~~{(c)}~~ (d) dismiss a manager appointed under Subsection (2) ~~{(a)}~~ (e) ; and

888 ~~{(d)}~~ (e) assign any or all council members, including the mayor, to supervise one or more

16. Page 30, Lines 897 through 902:

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

899 ~~{(1)}~~ (a) the council-mayor form of government with a five-member council;

900 ~~{(2)}~~ (b) the council-mayor form of government with a seven-member council;

901 ~~{(3)}~~ (c) the six-member council form of government; or

902 ~~{(4)}~~ (d) 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.

(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.