

**MUNICIPAL CLERK AND RECORDER**

**RESPONSIBILITIES**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley G. Last**

Senate Sponsor: Dennis E. Stowell

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to municipal clerks and recorders.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the legislative body of a town to establish a director of finance position;
- ▶ eliminates a requirement that cities operating under an optional form of government establish a director of finance position;
- ▶ clarifies the appointment and removal of a director of finance; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**10-5-123**, as last amended by Laws of Utah 2004, Chapter 206

**10-6-157**, as last amended by Laws of Utah 2003, Chapter 292

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

Section 1. Section **10-5-123** is amended to read:

**10-5-123. Fund records maintained -- Pre-audit of claims and demands --**

30 **Certifications on check copy -- Bids received and advertisement records -- Time for**  
31 **keeping.**

32 (1) ~~[The]~~ Except to the extent that the town clerk's financial duties and responsibilities  
33 are performed by a director of finance appointed pursuant to a resolution or ordinance adopted  
34 under Subsection 10-6-157(1), the town clerk shall:

35 (a) maintain the general books for each fund of the town and all subsidiary records  
36 relating ~~[thereto]~~ to each fund, including a list of the outstanding bonds, their purpose,  
37 amount, terms, date, and place payable~~[-]; and~~

38 ~~[(2) The town clerk shall preaudit all claims and demands]~~

39 (b) (i) pre-audit each claim and demand against the town before ~~[they are]~~ it is  
40 allowed~~[-, and shall];~~

41 (ii) prepare the necessary ~~[checks]~~ check in payment~~[-. The town clerk shall]~~ of the  
42 claim or demand; and

43 (iii) certify on the ~~[voucher or]~~ check copy~~[-, as appropriate,]~~ that:

44 ~~[(a)]~~ (A) the claim or demand has been ~~[preaudited]~~ pre-audited and documented;

45 ~~[(b)]~~ (B) the claim or demand has been directly approved by the council;

46 ~~[(c)]~~ (C) the claim or demand is within the lawful debt limit of the town; and

47 ~~[(d)]~~ (D) the claim or demand does not overexpend the appropriate departmental  
48 budget established by the ~~[council]~~ legislative body.

49 ~~[(3) Whenever any]~~ (2) If a town is required by law to receive bids for purchases,  
50 construction, repairs, or any other purpose requiring the expenditure of funds, ~~[that]~~ the town  
51 shall keep on file all bids received, together with proof of advertisement by publication or  
52 otherwise, for:

53 (a) at least three years following the letting of any contract pursuant to those bids; or

54 (b) three years following the first advertisement for the bids, if all bids pursuant to that  
55 advertisement are rejected.

56 Section 2. Section **10-6-157** is amended to read:

57 **10-6-157. Director of finance in certain cities and towns.**

58           (1) The [governing] legislative body of a city of the third, fourth, or fifth class or of a  
59 town may, [~~and the cities under an optional form of city government shall,~~] by resolution or  
60 ordinance, create a director of finance position to perform the financial duties and  
61 responsibilities of the city recorder [~~in third, fourth, and fifth class cities or the city auditor in~~  
62 ~~first and second class cities~~] or town clerk, as the case may be, as established by this chapter.  
63 [~~The~~]

64           (2) A director of finance:  
65           (a) shall be:  
66           (i) a qualified person; and  
67           (ii) appointed and removed by the mayor, with the advice and consent of the  
68 [governing] legislative body~~[-]~~; and  
69           (b) may not assume the duties of the city or town treasurer.

70           (3) The [governing] legislative body may [~~also~~] adopt the financial administrative  
71 duties of the director of finance prescribed in the Uniform Accounting Manual for Utah Cities.