

MUNICIPAL CLERK AND RECORDER

RESPONSIBILITIES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: Dennis E. Stowell

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

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



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

29 **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 ~~[hereto]~~ to each fund, including a list of the outstanding bonds, their purpose, amount,
37 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.

Legislative Review Note
as of 9-1-09 6:56 AM

Office of Legislative Research and General Counsel

H.B. 199 - Municipal Clerk and Recorder Responsibilities

Fiscal Note

2010 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.
