

TITLE 3

ADMINISTRATION

CHAPTER 3-01.	APPOINTED OFFICES
CHAPTER 3-02.	DEPARTMENTS AND DIVISIONS
CHAPTER 3-03.	BOARDS AND COMMITTEES
CHAPTER 3-04.	HUMAN RESOURCES
CHAPTER 3-05.	GOVERNMENT RECORDS
CHAPTER 3-06.	PROCUREMENT AND SURPLUS PROPERTY

CHAPTER 3-01. APPOINTED OFFICES

3-01-010.	Appointed Offices.
3-01-020.	Appointment and Removal.
3-01-030.	Oath of Office.
3-01-040.	Bond.
3-01-050.	Salaries.
3-01-055.	Utah Retirement System.
3-01-060.	Transfer of Records.
3-01-070.	Conflicts of Interest.
3-01-080.	City Manager.
3-01-090.	City Recorder.
3-01-100.	City Treasurer.
3-01-110.	City Attorney.
3-01-120.	City Engineer.
3-01-130.	Police Chief.
3-01-140.	Fire Chief.

3-01-010. Appointed Offices.

The City Council may create any appointed office deemed necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City Manager, City Recorder, City Treasurer, City Attorney, City Engineer, Police Chief, and Fire Chief.

3-01-020. Appointment and Removal.

Appointed officers shall be appointed in accordance with the provisions of this Title and applicable provisions of *Utah Code Ann. §§ 10-3-901, et seq.*, as amended, regarding Appointed Officials. Except as otherwise provided herein regarding the appointment of the City Manager, the Mayor, with the advice and consent of the City Council, shall appoint and fill vacancies in all appointed offices provided for by law or ordinance. Except as otherwise provided herein regarding the dismissal of the City Manager and unless otherwise provided by law, appointed officers shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council. Unless sooner removed as provided herein, all appointed officers shall continue in office until their successors are appointed and qualified. The City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of any appointed officer as more particularly provided in Section 3-01-080. Except as otherwise provided herein, the Mayor and City Council will not recommend, suggest, or require of the City Manager the appointment or removal of any other City employee except for appointed officers as set forth in Section 3-01-010 and department heads as specified in Section 3-02-020.

3-01-030. Oath of Office.

(a) Required. Before entering on the duties of their respective offices, all appointed officers of the City shall take, subscribe and file the constitutional oath of office as set forth in Article IV, Section 10 of the Utah Constitution.

(b) Administered. The oath of office shall be administered by any judge, or notary public, or the City Recorder.

(c) Filed. All oaths of office shall be filed with the City Recorder, except that of the City Recorder, which shall be filed with the City Treasurer, pursuant to *Utah Code Ann.* § 52-1-4, as amended.

(d) Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

3-01-040. Bond.

(a) Required. The Treasurer and the Finance Director shall be required to furnish a bond in accordance with the provisions set forth herein. All other appointed officers of the City may, by resolution or ordinance, be required to furnish a personal bond with good and sufficient sureties or corporate surety bond payable to the City in such sum as the resolution or ordinance may establish, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law, or such officers may be included within public employee blanket bonds at such amounts as may be determined by the City Council.

(b) Treasurer and Finance Director's Bond. The City Treasurer and Finance Director's bond shall be in the amount established by the State Money Management Council pursuant to *Utah Code Ann.* § 51-7-15, as amended.

(c) Filed. All bonds shall be filed with the City Recorder, except the City Recorder's bond, if required, which shall be filed with the City Treasurer.

(d) Premium Charge. The premium charge by a corporate surety for any official bond shall be paid by the City.

(e) Additional Bonds. The City Council may at any time require further and additional bonds of any or all appointed officers of the City by resolution or ordinance.

3-01-050. Salaries.

(a) Salary. Appointed officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with notice and hearing requirements set forth in *Utah Code Ann.* § 10-3-818, as amended.

(b) Monthly Compensation. The compensation of municipal officers shall be paid at least monthly.

3-01-055. Utah Retirement System.

For purposes of determining eligibility under the Utah Retirement System and provisions of the Utah State Retirement and Insurance Benefit Act, as set forth in Title 49 of the *Utah Code*, the City hereby certifies that any appointive officer position requiring less than forty (40) hours of work per week shall be considered a part-time appointive officer position. Unless otherwise provided by law, any appointive officer appointed for the first time to a part-time appointive officer position on or after July 1, 2011, shall not be eligible for participation in the Utah Retirement System.

3-01-060. Transfer of Records.

Every officer of the City, upon expiration of his or her term for any cause whatsoever shall, within five (5) days after notification and request to do so, deliver to the City all books, property, keys, and records which are the property of the City.

3-01-070. Conflicts of Interest.

All appointed officers of the City shall conduct themselves in an appropriate manner, including adherence to the conflict of interest and disclosure filing provisions of the Utah Officers' and Employees' Ethics Act, set forth at *Utah Code Ann.* § 10-3-1301, *et seq.*, as amended, hereby adopted by reference as if fully set forth herein.

3-01-080. City Manager.

(a) **Appointment.** The office of City Manager has been heretofore created and established under existing law and shall continue in force and effect as an appointed office of the City. The City Council shall appoint a qualified person to act as City Manager. Pursuant to *Utah Code Ann.* § 10-3b-302, as amended, the Mayor shall have the right to vote in the appointment of the City Manager.

(b) **Term of Office and Severance Pay.** The City Manager shall serve at the pleasure of the City Council and may be terminated at any time with or without cause by a majority vote of the City Council. Pursuant to *Utah Code Ann.* § 10-3b-302, the Mayor shall have the right to vote in the dismissal of the City Manager. In any case where the City Manager is removed without cause, the City shall pay to the City Manager severance pay equal to six (6) months' salary and benefits at the current rate at the time of removal. The City Manager position is an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, the City Manager may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

(c) **Office.** The City Manager shall maintain an office in City Hall and shall spend such time in the performance of his or her duties as is necessary or as may be required from time to time by the City Council, but not less than forty (40) hours per week. The City Manager need not be a resident or qualified elector of the City, but should maintain his or her residence within a reasonable driving distance of the City.

(d) **Resignation.** Before voluntarily resigning from the position of City Manager, the City Manager shall give the City Council at least thirty (30) days notice in writing of his or her intent to resign.

(e) **Other Employment.** The City Manager shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.

(f) **Powers of Mayor not Delegated.** The legislative and judicial powers and ceremonial functions of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Manager. Any changes to the powers and duties of the Mayor, as delegated to the City Manager, shall comply with applicable provisions of *Utah Code Ann.* § 10-3b-303, as amended.

(g) **Duties.** The City Manager shall at all times be under the control and supervision of the City Council, and shall administer the day-to-day operations of the City and its services according to the policies and programs established by the City Council. The following duties and the authority to perform them are hereby delegated to the City Manager. The City Manager may delegate his or her duties to department heads or other subordinates as deemed appropriate.

(1) **Appointment and Removal of Employees.** The City Manager may recommend to the Mayor and City Council the appointment or removal of appointed officers, whose employment

or appointment may be terminated only by the City Council. The City Manager shall have authority to hire and terminate all other department heads with the advice and consent of the City Council. The City Manager shall have authority to hire and terminate all other City employees. The City Manager may delegate the authority to hire or terminate employees by authorizing the head of a department to hire, suspend, or remove subordinates in such department in accordance with City Personnel Policies and Procedures.

(2) Interpretation of Policy. The City Manager shall, whenever a question of the interpretation or operation of City policy arises, consult with the Mayor, who has full executive authority to interpret, apply, and implement City policy, subject to review, further direction, and revision of policy by the City Council at its meetings. Whenever the Mayor has been called upon to interpret, apply or implement City policy, the City Council shall be notified thereof at or prior to the next meeting of the City Council, in order that the City Council may consider City policy in light of its executive interpretation, application, implementation, and administration.

(3) Supervision. The City Manager has general supervisory authority over all City employees and shall provide direct supervision to and have direct responsibility over all department heads. The City Manager shall manage, direct, or otherwise supervise the construction, reconstruction, maintenance or repair of public works and related facilities, and activities such as but not limited to the following: parks, playgrounds, cemeteries, waterworks, storm sewers, drains, ditches, culverts, streets, water courses, curbs and gutters, sidewalks, alleys, lanes, bridges, garbage collection and municipal buildings.

(4) Property. The City Manager shall be responsible for the care and custody of all real and personal property of the City, including equipment, buildings, parks and all other City property which is not by law, City Ordinance, or job description, assigned to some other department, employee, office or body for care and control.

(5) Buildings and Safety. The City Manager shall oversee the issuing of building permits; the inspection of buildings, plumbing, electrical, mechanical, and other installations; and supervise and oversee all functions of the Public Safety Department.

(6) Purchasing and Claims. The City Manager shall act as purchasing agent for the City. As such, the City Manager shall see that all goods purchased by and for the City are received as per contract, shall approve all claims before presentation to the City Council for payment, and shall enforce and carry out all provisions of the ordinances of the City relating to purchasing.

(7) Council Meetings. The City Manager shall attend all meetings of the City Council and may take part in the discussion and to recommend to the City Council adoption of such measures as the City Manager may deem necessary or expedient.

(8) Budget and Finances. The City Manager shall act as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Utah Uniform Municipal Fiscal Procedures Act. The City Manager shall prepare the budget annually and submit it to the City Council together with a message describing the important features, and shall administer the budget after its adoption. The City Manager shall also exercise budgetary control over City departments and services, pre-audit claims and disbursements of City funds, keep the City Council advised as to the financial condition and needs of the City, and make such recommendations to the City Council as may be desirable.

(9) Contracts. The City Manager shall review and make recommendations to the City Council concerning all proposed contracts to which the City may be a party and shall see that the terms of any contract to which the City is party are fully performed by all parties thereto.

(10) Policy Proposals. The City Manager shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.

(11) Management Controls. The City Manager shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.

(12) Organization. The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the City to the City Council for its approval prior to implementation.

(13) Records. The City Manager shall examine the books, records, and official papers of the City's departments and offices.

(14) Emergencies. The City Manager shall serve as Emergency Services Director with duties as prescribed under the Farmington City Emergency Preparedness Plan.

(15) Emergency Notification. The City Manager shall notify the Mayor immediately upon the City Manager's cognizance of any emergency situation existing in any department or office under his or her supervision where the emergency threatens to interrupt normal City operations. The City Manager will then inform members of the City Council of the emergency as soon as is reasonably possible.

(16) Utility Billing Disputes. The City Manager shall settle disputes regarding utility billings and fees in accordance with policies and procedures as set by resolution or ordinance of the City Council.

(17) Other. The City Manager shall have such other powers and shall perform such other duties and obligations as may be required of him or her by state law or by ordinance or resolution of the City Council.

(h) Disbursement of Funds. The City Manager shall not disburse funds of the City nor obligate the City to disburse funds, if the amount of such disbursement exceeds five thousand dollars (\$5,000), unless approval of the City Council is first obtained for such disbursement obligation. If the disbursement or obligation is contained within the intent of a duly adopted budget, or is made pursuant to a contract authorized by the City Council, or is made in payment of salary at an approved rate, then the disbursement or obligation shall be deemed approved for purposes of this subsection. An obligation made in violation of this subsection shall be null and void.

(i) Duties of Mayor Relative to City Manager. The duties of the Mayor relative to the City Manager shall be as follows:

(1) Appointment and Removal of City Manager. The Mayor shall recommend the appointment or removal of the City Manager, with or without cause, to the City Council, and may vote on the appointment or dismissal of the City Manager as provided by law.

(2) Appointment of Appointed Officers. The Mayor shall appoint appointed officers of the City, with the advice and consent of the City Council, as more particularly provided in Section 3-01-020. The City Manager may recommend the appointment or removal of appointed officers to the Mayor and City Council.

(3) Boards and Committees. The Mayor, with the advice and consent of the City Council, shall appoint persons to fill openings on City boards, committees and commissions.

(j) Duties and Powers of City Council Relative to City Manager. The duties and powers of the City Council relative to the City Manager shall be as follows:

(1) Appointment and Removal of City Manager. The City Council shall appoint and remove, with the participation of the Mayor as provided by law, the City Manager by majority vote thereof. The City Council may conduct annual performance evaluations of the City Manager.

(2) Policy. The City Council shall pass upon and determine all questions of policy unless such policies relate to the administrative duties of the City Manager as defined in Section 3-01-080 in which case the City Manager may create policies as needed to perform his or her defined duties.

(3) Appointments. The City Council shall give advice and consent to the appointment of all officers and the appointment of persons to City boards, committees and commissions, as more particularly provided by law and in these Ordinances.

(4) Administration. The City Council shall create new departments and organize the City's administration.

3-01-090. City Recorder.

(a) Appointment. 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 the office of City Recorder. The City Recorder position is an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, the City Recorder may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

(b) Office. The office of the City Recorder shall be located at City Hall or at some other place convenient thereto as the City Council may direct.

(c) Supervision. The City Recorder shall be supervised by the Finance Director under the direction of the City Manager.

(d) Corporate Seal. The City Recorder shall keep the Corporate Seal. When certified by the City Recorder under the Corporate Seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the City Council shall be admissible in all courts as originals.

(e) Meetings of City Council. The City Recorder, or his or her designee, shall attend the meetings and keep the record of the proceedings of the City Council.

(g) Actions of City Council. The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council.

(g) Contracts. The City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.

(h) Fiscal Procedures. The City Recorder's duties under the Uniform Fiscal Procedures Act for Utah Cities have been delegated to the Finance Director in accordance with *Utah Code Ann.* §§ 10-6-157, as amended.

(i) Elections and Appointments. The City Recorder shall manage all municipal election procedures and requirements as provided in Title 20A of the *Utah Code Annotated*, as amended, and shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person

appointed to fill any vacancy. Election duties may be performed by Davis County pursuant to agreement between the City and County.

(j) Records of the City. The City Recorder shall keep all of the books, records, accounts and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Utah Government Records Access and Management Act.

(k) Limitations. The City Recorder shall not serve as the City Treasurer.

(l) Warrants. In the event the City is without funds on deposit to pay any lawfully approved claims, the City Recorder shall draw and sign a warrant upon the City Treasurer for payment of the claim, pursuant to *Utah Code Ann.* § 10-6-140, as amended.

(m) Additional Duties. The City Recorder shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-100. City Treasurer.

(a) Appointment. 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 the office of City Treasurer. The City Treasurer position is an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, the City Treasurer may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

(b) Custodian. The City Treasurer shall be the custodian of all money, bonds, or other securities of the City.

(c) Collections. The City Treasurer shall collect and receive all monies payable to the City, including taxes, assessments, licenses, fines, forfeitures, service charges, fees and other revenues of the City. The City Treasurer shall keep an accurate account of all monies received hereunder and shall promptly deposit all such monies in the appropriate bank accounts of the City.

(d) Receipts. The City Treasurer shall give or cause to be given to every person paying money to the City Treasury, a receipt or other evidence of payment therefor, specifying the date of payment and the account paid. The City Treasurer shall file the duplicate of such receipt, a summary report, or other evidence of payment in the office of the Finance Director.

(e) Checks. The City Treasurer, or other person designated by the City Council, shall sign all checks prepared by the City and shall, prior to affixing said signature, determine or cause to be determined that sufficient funds are on deposit in the appropriate bank account of the City to honor such check.

(f) Warrants. In the absence of appropriate monies, the City Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment, pursuant to *Utah Code Ann.* § 10-6-144, as amended.

(g) Special Assessments. All monies received by the City Treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made.

(h) Accounting. The City Treasurer shall keep an accurate and detailed accounting of transactions, receipts, collections, disbursements and other matters within the Treasurer's charge as provided by State law or as the City may by ordinance or resolution direct.

(i) Limitations. The City Treasurer shall not serve as the City Recorder.

- (j) Supervision. The City Treasurer shall be supervised by the Finance Director.
- (k) Investments. The City Treasurer shall invest the City's idle funds with qualified depositories as determined by the standards set forth by the Utah Money Management Council and under the supervision and direction of the Finance Director.
- (l) Payroll. The City Treasurer shall prepare the City payroll.
- (m) Additional Duties. The City Treasurer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-110. City Attorney.

(a) Appointment. The City may contract with, retain, or appoint an attorney licensed to practice law in the State of Utah to the office of City Attorney to provide such legal assistance to the City as may be necessary. The City Attorney shall be appointed by the Mayor with the advice and consent of the City Council. The City Attorney shall act as legal advisor to the City in all matters pertaining to contracts with or by the City or questions of legality arising out of any law, ordinance or otherwise, and shall advise all City officers in relation to their official duties.

(b) Criminal Prosecutor. The City may contract with, retain or appoint an attorney or attorneys licensed to practice law in the State of Utah for the performance of criminal prosecutorial legal services.

(c) At-Will Position. If the City hires or appoints a person to act as City Attorney or Criminal Prosecutor, such positions are deemed at-will positions and are exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, any person hired or appointed to act as City Attorney or Criminal Prosecutor may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

3-01-120. City Engineer.

(a) Appointment. The City may contract with, retain, or appoint an engineer licensed to practice engineering in the State of Utah to the office of City Engineer. The City Engineer shall be appointed by the Mayor with the advice and consent of the City Council. Any person appointed or retained as City Engineer shall be a registered professional engineer under Title 58, Chapter 22 of the *Utah Code*, as amended. If the City hires or appoints a person to act as City Engineer, such position is deemed an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, any person hired or appointed to act as the City Engineer may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

(b) Records. The City and/or the City Engineer shall maintain all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the City and the holder of such records shall ensure public accessibility to the same as required by law.

(c) Recording. The City Engineer shall record and file all drawings and documents pertaining to public lands and improvements of the City, and shall maintain such records and files in good condition allowing no alteration, mutilation or changes to be made. The recording or filing of any drawing or instrument with the City shall not conflict in any way with the recording or filing of the same in other offices of record.

(d) Fees. The City Engineer shall not record any drawings or instruments, file any papers or notices, furnish any copies, or render any service connected with his or her official duties, until the required fees for the same are paid or tendered as required by law or City ordinance.

(e) Seal. The City Engineer shall have a seal for his or her use, which seal shall be affixed to every certification approval.

(f) Additional Duties. The City Engineer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-130. Police Chief.

(a) Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of Police Chief. Pursuant to Section 3-01-080, the City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of the Police Chief. The Police Chief position is an at-will position and is exempt from the protections of *Utah Code Ann. § 10-3-1105(1)(a)*, as amended. As such, the Police Chief may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann. § 10-3-1106*, as amended.

(b) Supervised by City Manager. The Police Chief shall be under the direction, control and supervision of the City Manager, as delegated from the appointing authority, and shall exercise and perform such duties as may be prescribed by the City Council.

(c) Hiring. Pursuant to City Personnel Policies and Procedures, the Police Chief may hire police officers as may be authorized in the budget by the City Council. The appointment of any assistants to the Police Chief shall be made pursuant to *Utah Code Ann. § 10-3-918*, as amended, requiring the consent of the person or body who appointed the Chief of Police.

(d) Duties. The Police Chief shall have the same authority and responsibilities as sheriffs and constables of Davis County, Utah, as provided by law, and shall, in addition to other Statewide authority as otherwise provided by law:

- (1) suppress riots, disturbances, and breaches of the peace;
- (2) apprehend all persons violating State laws or City ordinances;
- (3) diligently discharge his or her duties and enforce all ordinances of the City to preserve the peace, good order, and protection of the rights and property of all persons;
- (4) attend court when required, on behalf of the City; and
- (5) exercise and perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-140. Fire Chief.

(a) Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of Fire Chief. Pursuant to Section 3-01-080, the City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of the Fire Chief. The Fire Chief position is an at-will position and is exempt from the protections of *Utah Code Ann. § 10-3-1105(1)(a)*, as amended. As such, the Fire Chief may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann. § 10-3-1106*, as amended.

(b) Supervised by City Manager. The Fire Chief shall be under the direction, control and supervision of the City Manager, and shall exercise and perform such duties as may be prescribed by the City Council.

(c) Hiring. Pursuant to City Personnel Policies and Procedures, the Fire Chief may hire fire fighters as may be authorized in the budget by the City Council.

(d) Duties. The Fire Chief shall have the authority and responsibility of fire prevention and suppression within the City and shall perform such other duties as may be prescribed by the City Council or as provided by law.

CHAPTER 3-02. DEPARTMENTS AND DIVISIONS

- 3-02-010. Departments.**
- 3-02-020. Department Heads.**
- 3-02-030. Public Works Department.**
- 3-02-040. Public Works Director.**
- 3-02-050. Community Development Department.**
- 3-02-060. Community Development Director.**
- 3-02-070. Parks & Recreation Department.**
- 3-02-080. Parks & Recreation Director.**
- 3-02-090. Finance Department.**
- 3-02-100. Finance Director/Assistant City Manager.**
- 3-02-110. Police Department.**
- 3-02-120. Police Chief.**
- 3-02-130. Fire Department.**
- 3-02-140. Fire Chief.**

3-02-010. Departments.

The City Council may create any department, division or section deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers and duties of such departments, divisions or sections.

3-02-020. Department Heads.

Except as otherwise provided by law, the City Manager, with the advice and consent of the City Council, shall appoint a qualified person to direct and administer each department, to be known and referred to as "Department Heads." Unless otherwise provided by law, Department Heads shall serve at the pleasure of the City Council and may be removed by the City Manager, with the advice and consent of the City Council, with or without cause. Department Heads shall be under the direct control and supervision of the City Manager. Department Heads shall obtain annual written approval from the City Manager prior to accepting or pursuing employment outside his or her duties as a City Department Head. The powers and duties of the Department Heads shall be prescribed by ordinances, resolutions, regulations and job descriptions approved and adopted by the City Council, or as delegated from the City Manager. All Department Head positions described in this Chapter shall be deemed to constitute a "head of a municipal department" as such term is used in *Utah Code Ann.* § 10-3-1105, as amended. All Department Head positions are deemed at-will positions and are exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, Department Heads may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

3-02-030. Public Works Department.

There is hereby created and established a Public Works Department within the City which shall be responsible for maintaining public properties of the City including, but not limited to, streets, storm drain facilities, and water facilities of the City.

3-02-040. Public Works Director.

There is hereby created the position of Public Works Director who shall act as the Department Head of the Public Works Department. The Public Works Director shall have such powers and duties as designated and assigned to him or her by the City Council. The Public Works Director position is an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, the Public Works Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

3-02-050. Community Development Department.

There is hereby created and established a Community Development Department within the City which shall be responsible for the administration of planning and zoning policies of the City and which shall oversee and regulate all building, construction and development activities within the City.

3-02-060. Community Development Director.

There is hereby created the position of Community Development Director who shall act as the Department Head of the Community Development Department. The Community Development Director shall have such powers and duties as set forth in Title 11 of the City Zoning Ordinances and as otherwise designated or assigned to him or her by the City Council. The Community Development Director position is an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, the Community Development Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

3-02-070. Parks & Recreation Department.

There is hereby created and established a Parks & Recreation Department within the City which shall be responsible for developing, maintaining and managing public properties of the City, including, but not limited to, City parks, trails and cemetery. The Parks & Recreation Department shall also develop, manage, plan and implement activities, programs and policies regarding recreation, cultural and leisure opportunities within the City.

3-02-080. Parks & Recreation Director.

There is hereby created the position of Parks & Recreation Director who shall act as the Department Head of the Parks & Recreation Department. The Parks & Recreation Director shall have such powers and duties as set forth in City Ordinances and as otherwise designated or assigned to him or her by the City Council. The Parks & Recreation Director position is an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, the Parks & Recreation Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

3-02-090. Finance Department.

There is hereby created and established a Finance Department within the City which shall be responsible for maintaining and managing all accounts and investments, preparing financial reports and budgets, monitoring expenditures and advising the City Council on financial matters.

3-02-100. Finance Director/Assistant City Manager.

There is hereby created the position of Finance Director/Assistant City Manager who shall act as the Department Head of the Finance Department. The Finance Director/Assistant City Manager shall perform all the financial duties and responsibilities of the City Recorder as set forth in the Uniform Fiscal Procedures Act, pursuant to the provisions of *Utah Code Ann.* § 10-6-157, as amended, and shall have such powers and duties as set forth in City Ordinances and as otherwise designated or assigned to him or her by the City Council. Pursuant to *Utah Code Ann.* § 10-6-157, as amended, the Finance Director/Assistant City Manager shall be appointed and removed by the Mayor, with the advice and consent of the City Council. The Finance Director/Assistant City Manager may not assume the statutory duties of the City Treasurer. The Finance Director/Assistant City Manager position is an at-will position and is exempt from the protections of *Utah Code Ann.* § 10-3-1105(1)(a), as amended. As such, the Finance Director/Assistant City Manager may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann.* § 10-3-1106, as amended.

3-02-110. Police Department.

There is hereby created and established a Police Department within the City which shall be responsible for enforcing the traffic and criminal ordinances of the City and protecting the lives and property within the City.

3-02-120. Police Chief.

There is hereby created the position of Police Chief who shall act as the Department Head of the Police Department. The Police Chief shall be appointed and have such powers and duties as set forth in Chapter 1 of Title 3 regarding appointed offices.

3-02-130. Fire Department.

There is hereby created and established a Fire Department within the City which shall be responsible for providing fire protection services within the City and administering and enforcing applicable provisions of the Fire Code, as adopted by the City.

3-02-140. Fire Chief.

There is hereby created the position of Fire Chief who shall act as the Department Head of the Fire Department. The Fire Chief shall be appointed and have such powers and duties as set forth in Title 7. The Fire Chief position is an at-will position and is exempt from the protections of *Utah Code Ann. § 10-3-1105(1)(a)*, as amended. As such, the Fire Chief may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in *Utah Code Ann. § 10-3-1106*, as amended.

CHAPTER 3-03. BOARDS AND COMMITTEES

- 3-03-010. Boards and Committees.**
- 3-03-020. General Rules for Boards and Committees.**
- 3-03-030. Reserved.**
- 3-03-040. Farmington City Historic Preservation Commission.**
- 3-03-050. Reserved.**
- 3-03-060. Farmington City Trails Committee.**
- 3-03-070. Farmington City Youth City Council.**

3-03-010. Boards and Committees.

The City Council may create any agencies, boards, bureaus, committees or commissions deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers and duties of such bodies.

3-03-020. General Rules for Boards and Committees.

Unless otherwise provided by law or these ordinances, such as Title 11 regarding the Planning Commission and Board of Adjustment, the following rules shall apply to City agencies, boards, bureaus, committees or commissions, which are hereinafter collectively referred to as "Committees."

- (a) **Advisory.** Committees shall be advisory boards only unless otherwise specifically authorized by ordinance or resolution.
- (b) **Number of Members.** Committees shall consist of a number of members as the City Council shall provide by ordinance or resolution.
- (c) **Removal of Members.** Committee members may be removed from office with or without cause by a majority vote of the City Council.
- (d) **Vacancies.** A vacancy occurring on any Committee for any reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term.
- (e) **No Compensation.** Committee members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties, and except as otherwise provided, shall be deemed volunteers for purposes of governmental immunity.
- (f) **Funding.** Committees may receive funds by an annual appropriation in the City budget, by government, corporate or private grants or donations, and from proceeds of approved Committee functions, which funds shall be held and managed as directed by the City Council.
- (g) **Council Liaison Member.** The Mayor, with the advice and consent of the City Council, may appoint a City Council member to any Committee to serve as liaison between the City Council and the Committee. The selection of Council member shall be approved by the City Council by resolution. The Council member shall serve in an advisory capacity only and shall have no voting or other authority. The Council member shall serve as a liaison for a term of two years.
- (h) **Chairperson.** The Chairperson of each Committee, or his or her designee, shall give a report to the City Council regarding the Committee's activities and proposals. Such reports shall be provided at least annually and more frequently as requested or directed by the City Council.

3-03-030. Reserved.

3-03-040. Farmington City Historic Preservation Commission.

There is hereby created and established a Farmington City Historic Preservation Commission within the City for the purpose of encouraging and fostering the preservation of the City's historical, architectural and archeological resources. The organization, powers and duties of the Farmington City Historic Preservation Commission shall be as follows:

(a) Number. The Commission shall be comprised of at least seven (7) members appointed by the Mayor with the advice and consent of the City Council. These members shall have a demonstrated interest, competence or knowledge in historic preservation or architecture. To the extent available in the community, two (2) Commission members shall be "professionals" from the disciplines of history, architecture or architectural history, as defined by the National Park Service regulations.

(b) Term. The members of the Commission shall be appointed to staggered terms of three (3) years, provided that members may be appointed to terms shorter than three (3) years when necessary to provide for staggered terms. These terms are renewable.

(c) Chairperson. The members of the Commission shall appoint one of their members as chairperson, subject to being ratified by the City Council. The chairperson shall serve for a term of one year, which term may be renewed. The chairperson shall oversee the proceedings and activities of the Farmington City Historic Preservation Commission.

(d) Meetings. The Commission may hold meetings at such times as the Commission determines it is necessary and as properly called with notice given to each Commission member.

(e) Rules. The Commission may adopt reasonable rules and regulations in accordance with the provisions of this Section for governing the conduct of its business and the establishment of subcommittees. Such rules and regulations shall be adopted by resolution of the City Council.

(f) Duties. It shall be the duty of the Commission to act in an advisory and voluntary capacity to the City Council and in accordance with Chapter 11-39 of this Code, to help identify, preserve, protect and enhance historic buildings, sites, monuments, streetscapes and landmarks within the City deemed architecturally or historically significant. The Commission's duties shall include, but are not limited to, the following:

(1) provide advice to City officials, departments and committees regarding the identification and protection of local historic and archeological resources;

(2) conduct or cause to be conducted a survey of the historic, architectural and archeological resources within the City, which will be compatible with the Utah Inventory of Historic and Archeological Sites;

(3) establish and maintain a Historic Sites List and a Historic Landmark Register as provided in Chapter 11-39 of this Code;

(4) review and comment to the State Historic Preservation Office on all proposed National Register nominations for properties within the boundaries of the City, seeking expertise by professionals as necessary when an area of expertise is not represented on the Commission;

(5) help sponsor historic home tours and help educate citizens regarding historic preservation and the community's history;

(6) assist with local preservation projects including the creation of historic districts, the creation of a historical magazine or newspaper, and the creation of slide or video presentations about Farmington City History;

(7) support the enforcement of all State laws relating to historic preservation, including, but not limited to *Utah Code Ann.* § 9-8-301, et seq., as amended, regarding the protection of Utah archeological and anthropological resources and antiquities; and *Utah Code Ann.* § 9-8-401, et seq. as amended, regarding the placement of historic sites on the State Register or National Register; and

(8) report activities of the Commission to the City Council annually, and as otherwise requested by the City Council.

3-03-050. Reserved.

3-03-060. Farmington City Trails Committee.

There is hereby created the Farmington City Trails Committee to recommend and monitor the establishment of public trails and related facilities, programs and policies to meet the recreational needs of the citizens of Farmington City. The organization, powers and duties of the Trails Committee shall be as follows:

(a) Number. The Committee shall be comprised of not more than nine (9) but no less than seven (7) regular members who shall be appointed by the Mayor with the advice and consent of the City Council.

(b) Term. The members shall be appointed to staggered terms of three (3) years, provided that members may be appointed to terms shorter than three (3) years when necessary to provide for staggered terms. These terms are renewable.

(c) Chairperson. The members of the Committee shall appoint one of the members as chairperson, subject to being ratified by the City Council. The chairperson shall serve for a term of one year, which term may be renewed. The chairperson shall oversee the proceedings and activities of the Committee.

(d) Rules. The Committee may adopt reasonable rules and regulations in accordance with this Ordinance for governing the conduct of its business. The rules and regulations shall be adopted by resolution of the City Council.

(e) Meetings. The Committee may hold meetings at such times as the Committee determines is necessary and as properly called with notice given to each Committee member.

(f) Duties. It shall be the duty of the Committee to act in an advisory and voluntary capacity in the development of trails and related facilities for Farmington City residents, including, but not limited to, the following:

(1) recommend to the City Council and the Planning Commission a Trails Master Plan;

(2) review and recommend appropriate changes and updates to the Trails Master Plan to the City Council and Planning Commission;

(3) recommend projects, legislation, policies, funding allocations, and other measures, programs, or activities for the development of parks, trails and recreation opportunities for the benefit of City residents;

(4) carry out projects, programs, or activities as directed by the City Council;

(5) initiate, sponsor, and promote involvement, activities and contributions by the private sector for the development of parks, trails and recreation for City residents; and

(6) provide input in the planning and approval process for City developments shown on the Trails Master Plan to include a present or future trail.

3-03-070. Farmington City Youth City Council.

There is hereby created and established the Farmington City Youth City Council (FYCC) within the City for the purpose of initiating, recommending, planning and implementing activities and programs authorized by the City Council which promote and enhance youth citizenship and volunteerism within Farmington City. All activities and programs of the Farmington City Youth City Council shall be supervised by one or more duly appointed adult advisors and conducted in accordance with rules and regulations adopted by ordinance or resolution of the City Council. The Mayor of the City may appoint and remove adult youth advisors to assist with efforts of the FYCC.

(a) Members.

(1) Qualifications. All members must reside within the Farmington City limits and must be in at least the Ninth Grade.

(2) Selection and terms. Members will be selected by vote of the current FYCC according to the applicant's qualifications and the needs of the FYCC. Members are sworn in at the City Council meeting in March. Members may continue to serve until March 1st of their Senior year. Members lose their voting status once new officers and members have been selected and sworn in, however they may remain associated with the FYCC as a Junior Advisor through the consent of advisors and the majority vote of the new members.

(b) Attendance. FYCC members must attend 75 percent of all FYCC activities and meetings. Members are expected to be in attendance to each regular meeting unless excused by an officer. Each member is also required to attend at least two City Council Meetings each year while a member.

(c) Removal. Members may be removed if recommended by the officers and approved by a vote of the FYCC. Grounds for removal may include non-participation in meetings and other activities. A member may also be removed for cause.

(d) Voting and Quorum. Business of the FYCC may be conducted at any meeting where at least half of the members are present. Action may be taken by a simple majority of those present, except for removal of a member or officer, which requires a two-thirds majority of those present.

(e) Officers. The members of the FYCC shall appoint members of the FYCC to the positions of Youth Mayor, Director of Youth Citizenship, Director of Volunteerism, Chairs of Publicity, Historian, Treasurer Secretary, Parliamentarian, and Sergeant of Arms. In the absence of the Youth Mayor, the other officers listed may serve as Acting Youth Mayor in the order listed.

(1) Selection. Officers will be nominated and elected in February before the selection of new members occurs. Officers will be nominated and elected by current FYCC members. Advisors and the current Youth Mayor may not participate in the election of new officers. Officers are subject to the ratification of the City Council.

(2) Term. Officers will serve from the time elected until the time new officers are elected in February of the following year.

(3) Vacancies. A vacancy in an unexpired term of office shall be filled by nomination and vote of the FYCC at the next regular meeting.

(4) Removal. Any officer may be removed for cause.

(5) Duties. Specific duties of the officers shall be as follows:

(a) The Youth Mayor shall preside at all meetings of the FYCC, coordinate all projects and activities that involve the FYCC, prepare agendas for regular meetings, notify the officers to contact and inform members of meetings and activities, and oversee the efforts of other officers.

(b) The Director of Youth Citizenship shall notify youth council members of meetings and activities at the direction of the Youth Mayor, publicize all activities involving the community, and appoint members to Chairs of Publicity from schools or organizations in the Farmington area.

(c) The Chairs of Publicity shall publicize activities of the FYCC in the schools and community of Farmington and assist the Director of Citizenship.

(d) The Director of Volunteerism shall coordinate all activities which include the community, including fund-raisers, collecting donations, contacting public places for use, etc.

(e) The Historian shall collect pictures, articles, flyers, etc. from FYCC activities and projects and compile them into a book which will remain with future councils.

(f) The Treasurer shall keep record of all FYCC expenses and balance the FYCC budget.

(g) The Secretary shall keep minutes of the meetings of the FYCC and assist all other officers.

(h) The Parliamentarian shall ensure that the Roberts Rules of Order are followed at all meetings.

(i) The Sergeant of Arms shall be responsible for maintaining order and removal from meetings of any disruptive person.

CHAPTER 3-04. HUMAN RESOURCES

- 3-04-010. Human Resources Director.**
- 3-04-020. Personnel Policies and Procedures.**
- 3-04-030. Equal Opportunity Employer.**
- 3-04-040. Employee Appeals.**
- 3-04-045. Exclusions.**
- 3-04-050. Employee Appeal Board.**
- 3-04-060. Volunteers.**

3-04-010. Human Resources Director.

The City Manager is hereby designated as the Human Resources Director . As Human Resources Director, the City Manager shall implement and maintain the provisions of this Chapter and perform other duties as required by ordinance, resolution or policy of the City Council.

3-04-020. Personnel Policies and Procedures.

The City may establish and adopt personnel policies and procedures consistent with State and Federal laws and regulations for the administration, organization, operation, and conduct of its personnel.

3-04-030. Equal Opportunity Employer.

Farmington City is an "Equal Opportunity Employer" and it is the policy of the City to comply with Federal and State equal employment opportunity laws and guidelines. It is the policy of the City to prevent discrimination in the hiring, employment, promotion, and other employment practices with respect to its employees on the basis of race, color, national origin, religion, sex, political affiliation, age, pregnancy, childbirth or pregnancy-related condition, disability, genetic information, or status as a veteran, in accordance with applicable State and Federal laws.

3-04-040. Employee Appeals.

(a) Except as provided in Section 3-04-045, each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided herein.

(b) If an employee other than an employee excluded under Section 3-04-045 is discharged, suspended without pay for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, the employee may appeal the final decision to discharge, suspend without pay, or involuntarily transfer to the Employee Appeal Board in accordance with and subject to the procedures set forth *Utah Code Ann.* § 10-3-1106, as amended.

3-04-045. Exclusions.

Section 3-04-040 does not apply to any officers, employees or positions described herein, which positions are deemed at-will and subject to termination with or without cause and without appeal rights pursuant to *Utah Code Ann.* 10-3-1105, as amended.

(a) Designated Positions. Section 3-04-040 does not apply to a person who holds a position or equivalent position described as follows:

- (1) a police chief
- (2) a deputy or assistant police chief;

- (3) a fire chief;
- (4) a deputy or assistant fire chief;
- (5) a head of a municipal department or division;
- (6) a superintendent;
- (7) a probationary or introductory employee;
- (8) a part-time employee;
- (9) seasonal, temporary or limited employees;
- (10) a person who works in the office of an elected official; or
- (11) a secretarial or administrative assistant support position that is specifically designated as a position to assist an elected official or the head or deputy head of a municipal department

(b) **Appointed Officers.** Section 3-04-040 does not apply to any person appointed to a position under Part 9, Appointed Officials and Their Duties, including, but not limited to, the City Manager, City Recorder, City Treasurer, City Engineer, City Attorney, Police Chief, and Fire Chief.

(c) **Layoffs and Reorganizations.** Section 3-04-040 does not apply to any employee who is discharged or involuntarily transferred to a position with less remuneration if the discharge or involuntary transfer is the result of a layoff, reduction in force, reorganization, or other non-disciplinary action.

(d) **Statutory Exclusion.** Section 3-04-040 does not apply to any officer, employee, or position that is excluded under and in accordance with the provisions of *Utah Code Ann.* § 10-3-1105(2), as amended.

3-04-050. Employee Appeal Board.

(a) **Created.** There is hereby created an Employee Appeal Board in accordance with *Utah Code Ann.* § 10-3-1106, as amended, to hear appeals of covered employees who have been discharged, suspended for more than two days without pay, or involuntarily transferred to a position with less remuneration.

(b) **Members.** The Employee Appeal Board shall consist of five (5) members, three (3) of whom shall be chosen by and from the appointed officers and employees of the City and two (2) of whom shall be members of the City Council. Alternate members shall also be appointed as provided herein.

(c) **Selection of Members and Alternates.**

(1) **Council Members and Alternates.** The City Council shall designate two (2) of its members to serve on the Employee Appeal Board, hereinafter referred to as the "Council Members," and two (2) of its members to serve as Alternate Council Members.

(2) **Officer and Employee Members and Alternates.** The appointed officers and employees of the City shall elect three (3) of its members to serve on the Employee Appeal Board, hereinafter referred to as "Employee Members," and three (3) of its members to serve as Alternate Employee Members in the following manner.

(i) **Nomination.** The City Manager shall send written notice to all appointed officers and employees of the City that they may make written nominations for officer and employee candidates to serve on the Employee Appeal Board and the closing date for

filing such nominations with the City Recorder. Nominations received by the City Recorder after the closing date will not be considered.

(ii) Voting. Upon the closing of nominations, an election shall be held by all appointed officers and employees of the City to elect three (3) Employee Members of the Board and three (3) Alternate Employee Members. The election shall be by secret ballot. The three (3) individuals receiving the highest number of votes shall be deemed elected as Employee Members, and the next three (3) individuals receiving the highest number of votes shall be deemed elected as Alternate Employee Members.

(d) Limitation on Members. No person may sit on the Employee Appeal Board who also sat on a pre-disciplinary hearing of the appealing employee or whose employment with the City has terminated. No employee member of the Employee Appeal Board may sit on the Employee Appeal Board if they themselves or an employee they supervise is the appealing employee. Should such a situation occur, the City Manager shall appoint by random lot an alternate employee member to sit for the appeal.

(e) Term. Elected and Employee and Council Members shall serve for a term of two (2) years from the date of their election or appointment. Members may serve additional terms in accordance with the election and appointment procedures set forth herein.

(f) Vacancies. Any vacancy in an Employee Member position shall be first filled by an Alternate Employee Member by drawing lots, and if no Alternate Employee Member is available, by nomination and election as provided herein at the time such vacancy occurs. Any vacancy in a Council Member position shall be filled first by an Alternate Council Member by drawing lots, and if no Alternate Council Member is available, by appointment as provided herein at the time such vacancy occurs.

(g) Procedures. All appeals to the Employee Appeal Board shall be conducted in accordance with *Utah Code Ann.* § 10-3-1106, as amended, and applicable provisions of the personnel policies and procedures adopted by the City.

3-04-060. Volunteers.

(a) Defined. "Volunteer" means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the City.

(b) Status. All volunteers of the City shall be subject to the provisions of the Volunteer Government Workers Act, as set forth in *Utah Code Ann.* §§ 67-20-1, *et seq.*, as amended. A volunteer may not donate any service to the City unless and until the volunteer services are approved by the City Manager.

(c) Government Employee. Except as provided in *Utah Code Ann.* § 67-20-3, as amended, regarding volunteer safety officers, an approved volunteer is considered a government employee for purposes of:

(1) receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act, for any injury sustained while engaged in the performance of any authorized service for the City;

(2) the operation of motor vehicles or equipment if the volunteer is properly licensed and authorized to do so; and

(3) liability protection and indemnification normally afforded paid government employees.

(d) Expenses. Volunteers may receive reimbursement for transportation, meals, travel expenses, lodging, uniforms, and supplies, in the discretion of and when authorized and approved by the City Manager.

CHAPTER 3-05. GOVERNMENT RECORDS

- 3-05-010. Government Records.**
- 3-05-015. Records Officer.**
- 3-05-020. Retention Schedule.**
- 3-05-030. Records Requests.**
- 3-05-040. Fees.**
- 3-05-050. Fee Waiver.**
- 3-05-060. Appeal to City Manager.**
- 3-05-070. Appeal to Records Committee or District Court.**

3-05-010. Government Records.

All government records of the City shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act set forth at *Utah Code Ann. §§ 63G-2-101, et seq.*, as amended.

3-05-015. Records Officer.

The City Recorder is hereby appointed as records officer of the City to work with the Utah Division of Archives and Records Service in the care, maintenance, scheduling, designation, classification, disposal, and preservation of City records. Pursuant to *Utah Code Ann. § 63G-2-108*, as amended, the records officer shall, on an annual basis, successfully complete online training and certification from the State Archives regarding government records access and management.

3-05-020. Retention Schedule.

All government records of the City shall be retained in accordance with the Utah Municipal General Records Retention Schedule, as created and retained by the Utah Division of Archives and Records Service, which is hereby adopted by reference as the Farmington City Records Retention Schedule. The City may classify or reclassify a particular record, record series, or information in a record at any time, in accordance with applicable provisions of *Utah Code Ann. § 63G-2-307*, as amended.

3-05-030. Records Requests.

Any person requesting a record shall file a written Government Records Access and Management Request Form as provided by the City. Such request shall be submitted and processed in accordance with the Government Records Access and Management Act. All government records requests shall contain the requestor's name, mailing address, and daytime phone number, if available, and shall provide a description the record requested that identifies the record with reasonable specificity.

3-05-040. Fees.

The City may charge a reasonable fee to cover the City's actual cost of providing a record. Fees for providing a record shall be adopted and set forth in the City's Fee Schedule, which fees may be amended from time to time, and are adopted herein by reference. When the City compiles a record in a form other than that normally maintained by the City in response to a records request, the actual costs for compiling the record may include those costs set forth in *Utah Code Ann. § 63G-2-203*, as amended; provided, no charge may be made for the first quarter hour of staff time. The City may require payment of past fees and future estimated fees before beginning to process a request if the fees are expected to exceed fifty dollars (\$50.00); or the requester has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.

3-05-050. Fee Waiver.

In accordance with *Utah Code Ann.* § 63G-2-203, as amended, the City may fulfill a record request without charge when it determines that:

- (a) releasing the record primarily benefits the public rather than a person;
- (b) the individual requesting the record is the subject of the record, or an individual specified in Subsections 63G-2-202(1) or (2) of the Act; or
- (c) the requester's legal rights are directly implicated by the information in the record and the requester is impecunious.

3-05-060. Appeal to City Manager.

Any person aggrieved by the City's access determination made or fees imposed under this Chapter may appeal the determination within thirty (30) days to the City Manager by filing a written notice of appeal with the City Manager in accordance with the provisions set forth in *Utah Code Ann.* § 63G-2-401, as amended. The notice of appeal shall contain the petitioner's name, mailing address, daytime phone number, and the relief sought. The notice of appeal should also contain a brief statement of facts, reasons, and legal authority in support of the appeal. The City Manager shall make a determination on the appeal within the time periods set forth in *Utah Code Ann.* § 63G-2-401, as amended. The City Manager shall send written notice of his or her determination to all participants, including notice of any right to appeal in accordance with Section 3-05-070.

3-05-070. Appeal to Records Committee or District Court.

If the City Manager denies a records request under Section 3-05-060, the requester may appeal the denial to the State Records Committee as provided in *Utah Code Ann.* § 63G-2-403, as amended, or petition for judicial review in district court as provided in *Utah Code Ann.* § 63G-2-404, as amended. Any person aggrieved by a determination of the City Manager under Section 3-05-060, including persons who did not participate in the appeal proceedings before the City Manager, may appeal the determination to the State Records Committee as provided in *Utah Code Ann.* § 63G-2-402, as amended.

CHAPTER 3-06. PROCUREMENT AND SURPLUS PROPERTY

- 3-06-010. Compliance.**
- 3-06-020. Purchasing Agent.**
- 3-06-030. Budget Limitation.**
- 3-06-040. Purchase Requisition.**
- 3-06-050. Classification of Expenditures.**
- 3-06-060. Formal Bidding Procedures.**
- 3-06-070. Informal Bidding Procedures.**
- 3-06-080. Additional Data.**
- 3-06-082. Retention of Bids.**
- 3-06-084. Restrictions on Architect or Engineering Services.**
- 3-06-090. Delivery.**
- 3-06-100. Surplus Property Definitions.**
- 3-06-110. Disposal of Surplus Property.**
- 3-06-115. Use of Recycled Goods.**

3-06-010. Compliance.

All expenditures of the City shall conform to the procurement policies and procedures adopted by the City and all applicable provisions of State law including, but not limited to, the Uniform Fiscal Procedures Act set forth at *Utah Code Ann.* §§ 10-6-101, *et seq.*, as amended. Any expenditures of the City involving federal assistance funds shall comply with applicable federal law and regulations. Any expenditures of the City involving the construction, maintenance or improvement projects of a class C road shall comply with applicable provisions of the State Transportation Code including but not limited to *Utah Code Ann.* §§ 72-6-108 and -109, as amended.

3-16-020. Purchasing Agent.

The City Manager is hereby designated as the Purchasing Agent for the City. The Purchasing Agent shall be subject to the direction and supervision of the City Council and shall have the powers and duties concerning procurement as established in this Chapter and the authority to delegate such powers and duties, including but not limited to:

- (a) administer and interpret the procurement system provided herein, in accordance with any rules and regulations established by the City;
- (b) procure or supervise the procurement of all supplies, services, and construction needed by the City, including preparation of specifications and negotiation of contracts connected therewith;
- (c) exercise general supervision and control over all inventories or supplies of the City and the inspection of and accounting for all such inventories or supplies;
- (d) prepare and maintain forms and reports as are reasonably necessary to the operation of the Chapter and other rules and regulations of the City;
- (e) keep generally informed of current developments in the field of procurement, including but not limited to market conditions and new products; and
- (f) recommend to the City Council from time to time such new or revised procurement rules and regulations as are desirable and in conformance with other statutory requirements.

3-06-030. Budget Limitation.

All expenditures or encumbrances made by the City for supplies, services or construction shall be made in accordance with the Uniform Fiscal Procedures Act for Utah Cities, set forth at *Utah Code Ann.* §§ 10-6-101, et seq., as amended. Except as provided in said Act or herein, all expenditures or encumbrances shall be made or incurred within the appropriate budget limitations adopted or subsequently amended by the City. The City Manager is authorized to approve certain transfers of funds from one expenditure account to another within a department or an excess expenditure of one or more line items, provided the total of all excess expenditures or encumbrances do not exceed the total unused appropriations within the department at the close of the budget year, in accordance with *Utah Code Ann.* § 10-6-124, as amended. The City Manager may not make adjustments to Capital Funds Budgets without prior approval from the City Council.

3-06-040. Purchase Requisition.

Before any order may be placed for the purchase of any supply, service or construction having a unit value in excess of \$3,000, a Purchase Requisition Form shall be submitted to the Purchasing Agent. The Purchasing Agent shall review all Purchase Requisitions and determine whether the expenditure requested is for a City purpose, properly budgeted, and in compliance with City ordinances and state law. If the Purchasing Agent determines the expenditure requested complies with these requirements, he or she shall sign the Purchase Requisition and initiate the appropriate procedures set forth herein for procurement of the supply, service or construction. A Purchase Requisition shall not be required for service contracts entered into between the City and the contracting party specifying the cost of service.

3-06-050. Classification of Expenditures.

(a) Large Expenditures. Except as otherwise provided herein, any expenditure of the City of Twenty-five Thousand Dollars (\$25,000) or more shall be referred to as a "large expenditure" and shall be made pursuant to formal bidding procedures set forth in Section 3-06-060.

(b) Small Expenditures. Except as otherwise provided herein, any expenditure of the City of less than Twenty-five Thousand Dollars (\$25,000) shall be referred to as a "small expenditure" and may be made pursuant to formal bidding procedures set forth in Section 3-06-060 or pursuant to informal bidding procedures set forth in Section 3-06-070. It shall be unlawful to artificially divide a purchase or expenditure so as to constitute a small expenditure under this Section.

(c) Exempt Expenditures. The following expenditures of the City shall be referred to as "exempt expenditures" and may be made without formal or informal bidding procedures, but should be made with as much competition as practicable under the circumstances. The Purchasing Agent should maintain a record of expenditures made hereunder, other than minor expenditures, documenting information such as the supplier's name, the amount and type of expenditure, and the supplies, services, or construction procured.

(1) Minor. Any expenditure amounting to less than Three Thousand Dollars (\$3,000). Such minor expenditures may be made by Department Heads and the Finance Director as authorized or delegated by the City Manager. Chairpersons of volunteer committees are not considered Department Heads as referred to herein, but shall be permitted to make minor expenditures amounting to less than Two Hundred Fifty Dollars (\$250) but only when authorized or delegated by the City Manager.

(2) Single Source. Any expenditure for goods or services which by their nature are not reasonably adapted to award by competitive bidding. These expenditures include, but are not limited to goods or services which can only be purchased from a single source, contracts for additions to and repair and maintenance of equipment already owned by the City which may be more efficiently added to, repaired or maintained by a certain person or firm, and equipment which, by reason of the training of the personnel or an inventory of replacement parts is compatible with the existing equipment owned by the City. The Purchasing Agent or his or her

designee shall make a written determination that there is only one source for the required supply, service or construction.

(3) Professional Services. Any expenditure for professional services which by their nature are not reasonably adapted to award by competitive bidding. Such expenditures shall be awarded at the discretion of the City Council based on the City Council's evaluation of the professional qualifications, service ability, experience, cost of services and other applicable criteria.

(4) Emergency. Any expenditure made under the existence of an emergency condition threatening the public health, welfare, or safety. The Purchasing Agent or his or her designee shall prepare a written determination of the basis for the emergency and the selection of the particular supplier or contractor.

(5) State Bidding. Any expenditure for which competitive bidding or price negotiation has already occurred on the State level.

(6) Interlocal Cooperation. Any expenditure made in conjunction with an agreement approved by resolution of the City Council between the City and another city or governmental entity.

(7) Special Sale. Any expenditure made in conjunction with any public auction, closeout sale, bankruptcy sale or other similar sale when the Purchasing Agent determines in writing that such purchase may be made at a cost below the market cost for the same or similar goods.

(8) Exchanges. Any exchange of supplies, materials, property, or equipment between the City and other public or private party made by mutual agreement of the respective parties.

3-06-060. Formal Bidding Procedure.

Except as otherwise provided herein, all large expenditures shall be made by written contract or Purchase Requisition between the City and the lowest responsible bidder according to the following procedure:

(a) Specifications. Specifications should be prepared by the Purchasing Agent when he or she deems them appropriate and practical, which specifications shall be submitted to the City Council for approval and authorization prior to any advertisement for bids.

(b) Invitation for Bids. An invitation for bids shall be prepared by or under the direction of the Purchasing Agent which invitation shall:

- (1) describe the goods or services to be purchased or work to be performed;
- (2) set forth all contract terms, conditions and bond requirements applicable to the purchase or work;
- (3) set forth the criteria that will be used to evaluate the bid;
- (4) state where plans, specifications and other information may be obtained;
- (5) state the time and place of the bid opening; and
- (6) reserve for the City the right to reject any and all bids for any reason without liability.

(c) Notice. The invitation for bids shall be published at least twice in a newspaper of general circulation in the jurisdiction of the City at least five (5) days prior to the opening of bids. In the event there is no newspaper of general circulation printed or published within the jurisdiction of the City, the notice shall be posted at least five (5) days prior to the opening of bids in at least three (3) public places in the City which notice shall remain posted for at least three (3) days.

(d) Amending Invitation. The invitation to bid may be amended, supplemented, or cancelled at any time prior to the opening of bids when the Purchasing Agent determines that such action is in the best interest of the City. The reasons for the amendment or cancellation of the invitation shall be in writing and shall be made a part of the City's records.

(e) Sealed Bids. All bids shall be received by the City in sealed envelopes labeled "Bid for (item)" which shall not be opened prior to the time set for opening of the bids, except as provided in subsection (f).

(f) Correction of Bids. The Purchasing Agent may permit correction or withdrawal of inadvertently erroneous bids in appropriate circumstances, provided that no changes in bid prices or other provisions of bids which are prejudicial to the interest of the City or fair competition shall be permitted. Any decision to permit the correction or withdrawal of bids shall be supported by a written determination prepared by the Purchasing Agent.

(g) Opening Bids. The bids shall be opened publicly by the Purchasing Agent in the presence of one or more witnesses at the time and place designated in the invitation for bids.

(h) Recording Bids. The amount of each bid and the name of the bidder shall be read aloud as the bids are opened, and such information shall be recorded and open to public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening.

(i) Evaluating Bids. The bids shall be evaluated within a reasonable time by the Purchasing Agent to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the invitation for bids:

- (1) Price. The total price of the bid.
- (2) Quality. The overall quality of the goods or work to be provided and/or the ability, capacity and skill of the bidder to provide any services or work required.
- (3) Conditions. The number and scope of any conditions or qualifications set forth in the bid.
- (4) Time. The time limit within which the bidder can provide the goods, services or work.
- (5) Reputation. The character, integrity, reputation, judgment, experience and efficiency of the bidder and the quality of previous goods, services or work obtained from the bidder.
- (6) Compliance. The previous and existing compliance by the bidder with laws and ordinances relating to the goods, services or work.
- (7) Financial Resources. The sufficiency of the financial resources and ability of the bidder to provide the goods, services or work.
- (8) Future Service. The ability of the bidder to provide future maintenance and service and the local availability of parts, materials, etc.

(j) Determination. The Purchasing Agent shall determine the lowest responsible bidder and communicate such determination, in writing, to the City Council. The City Council may accept, reject, or modify the Purchasing Agent's determination and thereupon award the contract or reject any and all bids. All information relating to the selection of the lowest responsible bidder shall be retained by the City in accordance with the City Government Records Access and Management Ordinance.

(k) Cancellation and Rejection of Bids. The City reserves the right to cancel an invitation for bids or to reject any or all bids for any reason. Such cancellation or rejection shall be in writing and shall be made part of the City's records. In the event all bids are rejected and the City determines to make the improvement or purchase, it shall advertise anew as provided herein. If after twice advertising, no satisfactory bid is received, the City Council may proceed to negotiate or make the improvement or acquisition or enter such other agreements as it deems necessary or desirable.

(l) Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council shall accept the lowest bid made by and after negotiation with the tie bidders after the time of the bid opening.

(m) Bonds. Prior to entering any contract hereunder, the City Council may require performance and payment bonds to be provided in such form and amounts as required by law and by the City Council as reasonably necessary to protect the best interest of the City.

(n) Responsibility of the Bidder. The Purchasing Agent may request additional information with respect to the responsibility of a bidder. The unreasonable failure of a bidder to promptly supply information in connection with a request of the Purchasing Agent regarding responsibility may be grounds for a determination of a non-responsibility and/or non-responsiveness of the bidder.

3-06-070. Informal Bidding Procedure.

Except as otherwise provided herein, all small expenditures of the City may be awarded to the lowest responsible bidder according to the formal bidding procedure set forth above or to the lowest responsible bidder according to the following procedure:

(a) Invitation of Bids. The Purchasing Agent shall invite bids from at least three (3) potential, responsible providers of the supplies, services or construction needed or desired. Such invitations may be made in writing or orally, including by telephone, and shall be made without unfair favoritism or bias. A record of all invitations and bids made hereunder shall be kept by the Purchasing Agent.

(b) Evaluation. The Purchasing Agent shall evaluate the bids to determine the lowest responsible bidder based upon the criteria set forth in Section 3-06-060.

(c) Determination. The Purchasing Agent shall determine the lowest responsible bidder and award the contract to such bidder, unless otherwise directed by the City Council. All information relating to the bids obtained and the selection of the lowest responsible bidder shall be retained by the City in accordance with the City Government Records Access and Management Ordinance.

3-06-080. Additional Data.

Any additional relevant data pertaining to the selected bidder shall be added to the Purchase Requisition or contract documents. If required by law, a written contract shall be entered into between the City and the selected bidder. Contracts involving construction work shall further provide for a bid security in the amount equal to at least five percent (5%) of the amount of the bid which bid security shall be provided in a form specified by the Purchasing Agent and/or the bid documents.

3-06-082. Retention of Bids.

Whenever the City is required by State law to receive bids for purchases, construction, repairs or any other purpose requiring the expenditure of funds, the City shall keep on file all bids received together with proof of advertisement by publication or otherwise, in accordance with *Utah Code Ann. § 10-6-122*, as amended.

3-06-084. Restrictions on Architect or Engineering Services.

When the City elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process, the City may not award the contract for such services solicited to a higher education entity or any part of one, in accordance with and subject to the provisions of *Utah Code Ann. § 10-7-20.5*, as amended. When the City engages the services of a professional architect, engineer, or surveyor and considers more than one such professional for the engagement, the City shall comply with applicable provisions of *Utah Code Ann. § 10-7-86*, as amended.

3-06-090. Delivery.

When supplies ordered are delivered, the Purchasing Agent, or the employee who requested the supplies, shall inspect the supplies received to assure that the correct quantity and quality have been delivered. If the supplies delivered are satisfactory, the supplies shall be accepted and a copy of the packing slip, invoice, or other delivery document shall be stapled to the Purchase Requisition and forwarded to the appropriate employee for review, payment, and filing.

3-06-100. Surplus Property Definitions.

(a) "Significant parcel of real property" shall mean a parcel of one (1) acre or more in size or a parcel having a value of more than \$100,000 as determined by the City Council.

(b) "Reasonable notice" shall mean publishing a notice of the proposed disposition and of a public hearing before the City Council to consider such disposition once in a newspaper of general circulation within the City.

3-06-110. Disposal of Surplus Property.

(a) The City shall have the authority to sell, lease, convey and dispose of real and personal property for the benefit of the City as provided by *Utah Code Ann. § 10-8-2*, as amended.

(b) Before the City may dispose of a significant parcel of real property, the City shall:

(1) Provide reasonable notice of the proposed disposition at least fourteen (14) days before a scheduled meeting at which the City will hear public comment; and

(2) Hold a meeting at which the City Council accepts public comment on the proposed disposition.

(c) All disposal, leases, or subleases of such property of the City other than a significant parcel of real property, shall be made, as nearly as possible, under the same conditions and limitations as required by City Ordinances and State law for the purchase or sale of property.

(d) The City Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value, and the interests of the City, the sale of any surplus property, through public auction or other method designed to best serve the interests of City residents and produce a fair return; the trade or exchange or any surplus property; and the lease or sublease of any surplus property.

3-06-120. Use of Recycled Goods.

The procurement officer or other person responsible for purchasing supplies for the City shall give recycled items consideration when inviting bids and purchasing supplies in accordance with applicable provisions of *Utah Code Ann. § 10-7-87*, as amended, and *Utah Code Ann. § 11-37-101*, as amended.