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2-01-010. Governing Body.

The governing body of Farmington City shall be a six-member council form of government consisting of six (6) members, one of whom shall be the Mayor and five (5) of whom shall be Council Members, which council is hereinafter referred to as the "City Council."

2-01-020. Powers and Duties.

The City Council shall exercise the legislative and executive powers of the City and may perform such other functions as may be specifically provided or necessarily implied by law.

2-01-030. Meetings.

(a) Regular Meetings. The City Council shall hold regular meetings to conduct the business of the City at least once each month and shall prescribe by ordinance the time and place for holding its regular meetings. Unless otherwise provided, regular meetings of the City Council shall be held at the offices of Farmington City, 130 North Main Street, Farmington, Utah.

(b) Special Meetings. If at any time the business of the City requires a special meeting of the City Council, such a special meeting may be ordered by the Mayor or any two Council Members. Notice of

City. The City Council may issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this Section.

2-01-170. Council Committees.

(a) Generally. The City Council may from time to time delegate portions of its authority by resolution to committees composed of at least two members of the City Council.

(b) Authority. Committees of the City Council shall be limited in authority to the specific assignment of the City Council and shall exercise their authority subject to a standard specified by the Council in making the delegation.

(c) As a Whole. The authority delegated to any committee of the Council must be exercised by vote of the committee as a whole and no individual committee member may exercise the delegated authority independently.

(d) Administrative Directives Limited. A committee of the Council may not issue instructions or recommendations to the City Manager or other City employees other than for routine support services without express delegation of authority to do so by the City Council.

(e) Reporting. The committee may return any recommendation or suggestions to the City Council which may at any time extend, restrict, or otherwise alter the delegation of authority to the committee.

(f) Designation of Chair. The assignment of a Committee Chair shall be made by the City Council when delegating any portion of its authority to a committee of the Council.

CHAPTER 2-03. MAYOR

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2-03-010. Administrative Powers.

The ceremonial functions and administrative powers, authority, and duties of Farmington City are vested in the Mayor, except as delegated to the City Manager.

2-03-020. General Powers.

The Mayor shall have such duties as set forth in *Utah Code Ann.* § 10-3-809, as amended, and such additional duties, powers and responsibilities as the City Council may, by ordinance, resolution or directive, prescribe to the extent permitted by law.

2-03-030. Presiding Officer.

The Mayor shall be the chairperson and preside at the meetings of the City Council.

2-03-040. Voting Authority.

The Mayor shall not vote at meetings of the City Council, except in case of a tie vote of the City Council or as otherwise provided by law.

2-03-050. Veto Authority.

The Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute.

2-03-060. Mayor Pro Tem.

In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor pro tempore, who shall have all of the powers and duties of the Mayor during his or her absence or disability. The election of a Mayor pro tempore shall be entered in the minutes of the City Council meeting at which he or she is elected. Any member of the City Council elected as Mayor pro tempore shall still retain his or her power and authority as a member of the Council and shall be entitled to vote as a member of the City Council on all matters.

2-03-070. Restrictions.

The Mayor may not serve as the City Recorder or as the City Treasurer.

TITLE 3

ADMINISTRATION

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CHAPTER 3-01. APPOINTED OFFICES

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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, the City Recorder, the City Treasurer, the City Attorney, the City Engineer, the City Police Chief, and the City Fire Chief.

3-01-020. Appointment and Vacancies

Appointed officers shall be appointed or vacancies filled in accordance with the provisions of this Title and applicable provisions of Title 10, Chapter 3 of the Utah Code Annotated. The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all appointed offices provided for by law or ordinance. 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.

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 and shall continue in force and effect as an appointed office of the City in accordance with *Utah Code Ann.* § 10-3-830, as amended. The City Council shall appoint a qualified person to act as City Manager. Pursuant to *Utah Code Ann.* § 10-3-101, 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.* § 10-3-101, 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.

(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 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.

(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) **Appointed Officers.** 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 appoint and remove all other department heads with the advice and consent of the City Council. The City Manager shall have authority to appoint and remove all other City employees. The City Manager may delegate this authority by authorizing the head of a department or office to appoint, suspend, or remove subordinates in such department or office 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

(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 hundred dollars (\$500.00), 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) Officers. The Mayor shall appoint and remove appointed officers of the City, with the advice and consent of the City Council as more particularly provided in Title 2, Chapter 2. 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.

(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.

(b) Office. The City Recorder shall occupy an office in the 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 shall perform all required duties of the Uniform Fiscal Procedures Act for Utah Cities as set forth in *Utah Code Ann.* §§ 10-6-101, *et seq.*, as amended.

(i) Elections and Appointments. The City Recorder shall manage all municipal election procedures and requirements as provided in 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.

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