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CHAPTER 2-01. CITY COUNCIL

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2-01-010. Governing Body.

The governing body of Centerville City is a six-member council form of government consisting of six (6) members, one of whom is the Mayor and five (5) of whom are Council Members, which council is hereinafter referred to as the "City Council." The six-member council form of government is more particularly described in *Utah Code Ann.* §§ 10-3b-301, *et seq.*, as amended.

2-01-020. Powers and Duties.

The City Council is the legislative body of the City and exercises the legislative powers and performs the legislative duties and functions of the City, and may perform such other duties and functions as specifically provided or necessarily implied by law, including, but not limited to, such powers and duties set forth in *Utah Code Ann.* § 10-3b-105, as amended. The City Council may also exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function that has not been given to the Mayor in accordance with and subject to the provisions set forth in *Utah Code Ann.* § 10-3b-303, as amended.

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. In general, regular meetings of the City Council shall be held on the first and third Tuesdays of each month at the offices of Centerville City, 250 North Main, Centerville, Utah, which meetings shall begin at approximately 7:00 p.m. The City Council shall prepare and provide notice of its annual meeting schedule in accordance with Section 2-01-050.

¹ Amended & Recodified-Ord. No. 2015-26, November 4, 2015

(b) Special Meetings. If at any time the business of the City requires a special meeting of the City Council, a special meeting may be ordered by the Mayor or any two Council Members. Notice of the special meeting shall be provided in accordance with the provisions of the Utah Open and Public Meetings Act and *Utah Code Ann.* § 10-3-502, as amended. Each order convening a special meeting shall be entered into the minutes of the City Council. The personal appearance by a Council Member at a special meeting constitutes a waiver of the notice required.

(c) Closed Meetings. The affirmative vote of at least two-thirds of the City Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under *Utah Code Ann.* § 52-4-205, as amended. The reason or reasons for holding a closed meeting and the vote, by name, of each member of the City Council, either for or against the motion to hold the closed meeting, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

(d) Electronic Meetings. The City Council may convene and conduct an electronic meeting in accordance with the provisions of *Utah Code Ann.* § 52-4-207, as amended. The City Council shall comply with the procedures set forth in the Electronic Meetings Policy adopted by the City Council governing electronic meetings.

2-01-040. Open Meetings Law.

All meetings of the City Council shall be open to the public, except closed meetings, and shall be held in compliance with provisions of the Open and Public Meetings Act as set forth in *Utah Code Ann.* §§ 52-4-101, *et seq.*, as amended.

2-01-050. Notice of Meetings.

The City Council shall give not less than twenty-four (24) hours' public notice of each meeting, including the agenda, date, time and place of each of its meetings in accordance with *Utah Code Ann.* § 52-4-202, as amended, and *Utah Code Ann.* § 63F-1-701, as amended, regarding postings on the Utah Public Notice Website. The City Council shall also provide public notice at least once each year of its regular annual meeting schedule, specifying the date, time and place of the regular scheduled meetings in accordance with *Utah Code Ann.* § 52-4-202, as amended, and *Utah Code Ann.* § 63F-1-701, as amended. The City Council shall provide the best notice practicable for emergency meetings as more particularly provided in *Utah Code Ann.* § 52-4-202, as amended.

2-01-060. Agenda.

A written agenda for each regular meeting shall be prepared by the City Manager or his or her designee and approved by the Mayor or Mayor pro tempore in the Mayor's absence. Any member of the City Council desiring to place a matter on the agenda must have approval of the Mayor or the concurrent request of another City Council member. Each agenda shall provide reasonable specificity to notify the public as to the topics to be considered at the public meeting and topics discussed at the meeting shall comply with applicable provisions of *Utah Code Ann.* § 52-4-202, as amended.

2-01-070. Minutes and Recordings.

Except as otherwise provided by law, written minutes and a recording shall be kept of all meetings of the City Council in accordance with the provisions set forth in *Utah Code Ann.* §§ 52-4-203 and -206, as amended. The City Council shall comply with the procedures set forth in the Minutes Approval Policy as adopted by the City Council for approval of written minutes of its meetings. The City Council shall require any individual who, at an open public meeting of the City Council, publicly presents or provides electronic information related to an item on the City Council's meeting agenda, to provide the City Council an electronic or hard copy of the electronic information for inclusion in the public record.

2-01-080. Mayor Presides.

The Mayor shall be the chairperson and preside at the meetings of the City Council. 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 in accordance with the procedures set forth in Section 2-02-060.

2-01-090. Quorum.

No action of the City Council shall be official or of any effect except when a quorum of the Council Members are present, provided, that fewer than a quorum may adjourn a meeting. The number of Council Members necessary to constitute a quorum is three (3), excluding the Mayor.

2-01-100. Voting.

(a) How Taken. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote. Every resolution or ordinance shall be in writing before the vote is taken.

(b) Number Required. The minimum number of "yes" votes required to pass any ordinance or resolution, or to take any action by the City Council, unless otherwise prescribed by law, is a majority of the voting members of the City Council, regardless of absence or vacancy. Any ordinance, resolution, or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid. Notwithstanding the foregoing, a council meeting may be adjourned by a majority vote of the Council even though the majority is less than required herein. If a vacancy exists in one or more council seats, a majority of the Council Members presently occupying council seats, regardless of number, may vote to fill the vacancy as provided in *Utah Code Ann.* § 20A-1-510, as amended.

(c) Mayor Voting. Except as provided in Section 2-02-040, or as otherwise provided by law, the Mayor is a nonvoting member of the City Council.

2-01-110. Reconsideration.

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

2-01-120. Summary Action.

When any agenda items for a City Council meeting are determined by the City Manager to be of a routine nature, such items may be placed upon a Summary Action Calendar on the agenda. The Summary Action Calendar may be voted upon by the Council as one matter and shall have the same effect as if a separate vote on each Summary Action Calendar item was taken. Prior to a final vote on the Summary Action Calendar, any member of the City Council may request to take any or all items off the Summary Action Calendar for discussion, debate or question. Any question, debate or discussion regarding an item on the Summary Action Calendar, except in the nature of clarification or brief explanation of the content of an item, shall require a request to remove the item from the Summary Action Calendar. No items requiring a public hearing shall be placed on the Summary Action Calendar.

2-01-130. Rules of Order and Procedure.

Pursuant to *Utah Code Ann.* § 10-3-606, as amended, the City Council hereby adopts the following rules of order and procedure governing public meetings of the City Council ("Rules of Order and Procedure"). All public meetings of the City Council shall be conducted in accordance with the Rules of Order and Procedure. The Rules of Order and Procedure shall be made available to the public at each public meeting of the City Council and on the City's website.

(a) Parliamentary Order and Procedure. The City Council's meetings shall be conducted in general accordance with Robert's Rules of Order. The City Council may adopt by resolution additional rules of order and procedure for the proper conduct of its meetings.

(b) Ethical Behavior. Members of the City Council are elected officers within the meaning of the Utah Municipal Officers' and Employees' Ethics Act, as set forth in *Utah Code Ann.* §§ 10-3-1301, *et seq.*, as amended ("Ethics Act"). City Council members shall comply with the provisions of the Ethics Act in all matters pertaining to the City and in public meetings of the City Council.

(c) Civil Discourse. Remarks and comments made in public meetings of the City Council should be relevant to the matters before the City Council. Speakers should speak in an audible and clear tone and refrain from attacking City Council members or others or their motives. City Council meetings should be conducted in a courteous manner to promote an atmosphere in which all points of view may be expressed and heard. Council members should not interrupt other members during discussion and debate. Remarks should be addressed through the Mayor who shall allow reasonable opportunity for all points of view to be expressed.

2-01-140. Rules of Conduct for Members.

Except as otherwise provided in *Utah Code Ann.* § 10-3-607, as amended, the City Council may not expel a member of the governing body from an open public meeting or prohibit the member from attending an open public meeting. As provided Section 10-3-607, following a two-thirds vote of the City Council, the City Council may fine or expel a member of the City Council for: (1) disorderly conduct at an open public meeting; (2) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or (3) a commission of a crime during the open public meeting.

2-01-150. Rules of Conduct for the Public.

The City Council on a two-thirds vote of its members may expel any person who is disorderly and/or disruptive during the meeting of the City Council. This Section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law.

2-01-160. Attendance of Members.

The City Council shall have the power to compel the attendance of its own members at its meetings and to provide penalties it considers necessary for the failure to comply with an exercise of authority to compel attendance.

2-01-170. Attendance of Witnesses and Production of Evidence.

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the 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 in accordance with *Utah Code Ann.* § 10-3-610, as amended.

2-01-180. 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 all elected official positions of the City are part-time. Unless otherwise provided by law, any elected official taking office on or after July 1, 2011, shall not be eligible for participation in the Utah Retirement System.

CHAPTER 2-02. MAYOR

- 2-02-010. General Powers.**
- 2-01-020. Administrative Powers.**
- 2-02-030. Presiding Officer.**
- 2-02-040. Voting Authority.**
- 2-02-050. Veto Authority.**
- 2-02-060. Mayor Pro Tem.**
- 2-02-070. Restrictions.**

2-02-010. General Powers.

The Mayor shall have such powers and duties as set forth in *Utah Code Ann.* § 10-3b-104, 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. Any change in the powers and duties of the Mayor shall comply with applicable provisions of *Utah Code Ann.* § 10-3b-303, as amended.

2-02-020. Administrative Powers.

The ceremonial functions and administrative powers, authority, and duties of the City are vested in and/or delegated to the Mayor, except as otherwise delegated to the City Manager. The Mayor is the chief executive officer of the City to whom the City Manager reports. All other employees shall report to the City Manager.

2-02-030. Presiding Officer.

The Mayor is the chair of the Council and presides at all meetings of the City Council.

2-02-040. Voting Authority.

Except as otherwise provided herein, the Mayor is a nonvoting member of the Council. The Mayor shall vote as a voting member of the Council: (1) on each matter for which there is a tie vote of the other Council members present at the meeting; (2) when the Council is voting on whether to appoint or dismiss the City Manager; (3) when the Council is voting on an ordinance that enlarges or restricts the Mayor's power, duties or function; and (4) as otherwise provided by law.

2-02-050. Veto Authority.

The Mayor shall have no power to veto any ordinance, tax, levy, appropriation, or act of the City Council.

2-02-060. 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 act as Mayor pro tempore. The election of the Mayor pro tempore shall be entered in the minutes of the City Council meeting at which the Mayor pro tempore is elected. The Mayor pro tempore shall preside at the Council meeting and perform, during the Mayor's absence, disability, or refusal to act, the duties and functions of the Mayor. 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.

2-02-070. Restrictions.

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

CHAPTER 2-03. ELECTION AND QUALIFICATION

- 2-03-010. Elections.
- 2-03-020. Notice of Election for Municipal Offices.
- 2-03-030. Declaration of Candidacy.
- 2-03-040. Nomination Petition.
- 2-03-050. Eligibility Requirements.
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- 2-03-070. Campaign Finance Statements.
- 2-03-080. Term of Office.
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- 2-03-100. Oath of Office.
- 2-03-110. Bond.
- 2-03-120. Salaries.
- 2-03-130. Return of Property.
- 2-03-140. Ethics Act.
- 2-03-150. Political Activities.

2-03-010. Elections.

Consistent with the provisions of *Utah Code Ann.* § 20A-1-202, as amended, and as more particularly provided herein, the offices of Mayor and Council Members shall be filled by election of the registered voters of Centerville City in an at-large municipal election held on the Tuesday after the first Monday in November in odd-numbered years. In accordance with *Utah Code Ann.* § 10-3-205, as amended, the offices of Mayor and two (2) Council Members shall be filled in municipal elections held in 1977 and every four (4) years thereafter. The offices of the remaining three (3) Council Members shall be filled in municipal elections held in 1979 and every four (4) years thereafter. All municipal elections for the offices of Mayor or Council Members shall be conducted in the manner provided in the Utah Election Code, set forth in Title 20A of the *Utah Code Annotated*, and applicable provisions of *Utah Code Ann.* §§ 10-3-201, *et seq.*, as amended.

2-03-020. Notice of Election for Municipal Offices.

On or before February 1 in each year in which there is a municipal general election, the City Recorder shall publish a notice that identifies the municipal offices to be voted on in the municipal general election and the dates for filing a declaration of candidacy for such offices. The City Recorder shall publish the notice of municipal offices up for election in accordance with the provisions of *Utah Code Ann.* 10-3-301, as amended.

2-03-030. Declaration of Candidacy.

Any eligible and qualified person desiring to run for the elected municipal office of Mayor or Council Member shall file a declaration of candidacy with the City Recorder in accordance with the filing requirements set forth in Title 20A, Chapter 9 of the *Utah Code Annotated*, including, but not limited to, Section 20A-9-203, as amended, regarding declarations of candidacy for municipal elections.

2-03-040. Nomination Petition.

Any resident of the City may nominate a candidate for elected municipal office by filing a nomination petition with the City Recorder in accordance with the filing requirements set forth in Title 20A, Chapter 9 of the *Utah Code Annotated*, including, but not limited to, Section 20A-9-203, as amended, regarding nomination petitions for municipal elections.

2-03-050. Eligibility Requirements.

Persons eligible to file a declaration of candidacy or to be nominated for the elected office of Mayor or Council Member shall be a registered voter of Centerville City, shall have resided in Centerville City for the twelve (12) consecutive months immediately before the date of the election, and shall meet the filing requirements of *Utah Code Ann.* § 20A-9-203, as amended.

2-03-060. Residency Requirements.

Pursuant to *Utah Code Ann.* § 10-3-301, as amended, each person elected to the office of Mayor or Council Member shall maintain residency within the boundaries of the City during his or her term of office. If a person elected to the office of Mayor or Council Member establishes his or her principal place of residence outside the municipality during his or her term of office, the office is automatically vacant. If a person elected to the office of Mayor or Council Member is absent from the City anytime during his or her term of office for a continuous period of more than sixty (60) days without the consent of the City Council, that person's elected office is automatically vacant.

2-03-070. Campaign Finance Statements.

Any candidate for municipal office shall comply with the campaign finance disclosure requirements set forth in *Utah Code Ann.* 10-3-208, as amended. In addition to the campaign finance disclosure requirements set forth in Section 10-3-208, any candidate for municipal office shall also file with the City Recorder a campaign finance disclosure statement no later than seven (7) days before the day on which the municipal primary election is held. Such campaign finance disclosure statement filed before the municipal primary election shall comply with all applicable provisions of Section 10-3-208 regarding campaign finance disclosure statements and any reference to "campaign finance statement" set forth in Section 10-3-208 shall be deemed to refer to the municipally required campaign finance disclosure statement due prior to the municipal primary election as set forth herein. The penalties that apply for failure to file a timely campaign finance disclosure statement prior to the municipal primary election as required herein, shall be the same as provided in Section 10-3-208(8) for failure to file a disclosure form before the municipal general election, including required removal of the candidate's name from the ballot. Any candidate for municipal office shall also comply with and be subject the personal use expenditure restrictions set forth in *Utah Code Ann.* 10-3-209, as amended, and shall be subject to the enforcement penalties set forth therein.

2-03-080. Term of Office.

Persons elected to the office of Mayor or Council Member shall begin their term of office at 12 o'clock noon on the first Monday in January following their election, and shall continue in office for four (4) years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office.

2-03-090. Vacancies.

Vacancies in the offices of Mayor or Council Member shall be filled in accordance with the provisions of *Utah Code Ann.* § 20A-1-510, as amended.

2-03-100. Oath of Office.

All elected officials of the City shall take, subscribe and file the Constitutional oath of office before entering upon the duties of their respective offices. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical. The oath of office shall be administered by the City Recorder or any judge or notary public. All oaths of office shall be filed with the City Recorder. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

2-03-110. Bond.

Elected officers of the City before taking office shall be included within public employee blanket bonds of the City in the amount of \$10,000 conditioned for the faithful performance of the duties of the respective officers and the payment of all monies received by such officers according to the law and the ordinances of Centerville City. The premium charged for the public employee blanket bonds shall be paid by the City. The bonds of Council Members shall be approved by the Mayor, and the bond of the Mayor shall be approved by the City Council, at the first meeting of the City Council in January following a municipal election. All bonds of elected officers shall be filed with the City Recorder.

2-03-120. Salaries.

(a) Elected Officer Compensation. Elected officers shall receive such compensation for their services as set forth herein or as the City Council may fix or amend by ordinance in accordance with the notice and hearing requirements set forth in *Utah Code Ann.* § 10-3-818, as amended. The compensation of elected officers shall be paid at least monthly.

(b) Compensation Review. Every four (4) years, beginning in 2010, as part of the regular budget process, City staff should review the appropriateness of the compensation received by the Mayor and City Council members and recommend adjustments, taking into consideration the impact of inflation, and the compensation of elected officials in cities of similar size.

(c) Mayor. The total compensation to be received by the Mayor shall be \$1,200 per month, a portion of which may be funded by the RDA for the Mayor's role as the Chair of the RDA. The Mayor shall also be provided a vehicle allowance in the amount of \$100 per month.

(d) Council Members. The total compensation to be received by each member of the City Council shall be \$625 per month, a portion of which may be funded by the RDA for Council Member's role as a member of the RDA.

2-03-130. Return of Property.

Every officer of the City upon expiration of his or her term for any cause whatsoever shall deliver to the City Recorder all books, records, keys and any other items which are the property of the City.

2-03-140. Ethics Act.

All elected officers shall comply with the provisions, conditions and requirements of the Utah Municipal Officers' and Employees' Ethics Act as set forth in *Utah Code Ann.* §§ 10-3-1301, *et seq.*, as amended.

2-03-150. Political Activities.

Pursuant to the Political Activities of Public Entities Act, as set forth in *Utah Code Ann.* §§ 20A-11-1201, *et seq.*, as amended, unless specifically permitted by law, the City may not make expenditures from public funds for political purposes or to influence a ballot proposition. In addition to the restrictions set forth in the Political Activities of Public Entities Act, all elected officials of the City shall comply with and be subject to the political activities provisions of *Utah Code Ann.* § 10-3-1108, as amended.

CHAPTER 2-04. LEGISLATION

- 2-04-010. Ordinances.**
- 2-04-020. Resolutions.**
- 2-04-030. Public Records.**

2-04-010. Ordinances.

- (a) Legislative Power. Except as otherwise specifically provided by law, the City Council shall exercise its legislative powers through ordinances.
- (b) Extent of Power. The City Council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by law.
- (c) Form. Any ordinance passed by the City Council shall contain and be in substantially the order and form as set forth in *Utah Code Ann.* § 10-3-704, as amended. No ordinance shall be void or unlawful by reason of its failure to conform to applicable provisions of Section 10-3-704.
- (d) Effective Date. Unless otherwise provided in the ordinance, ordinances shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the City Council, whichever is sooner. Ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance. In accordance with *Utah Code Ann.* § 10-3-705, as amended, all ordinances shall be recorded with the City Recorder before taking effect.
- (e) Signed. Ordinances passed or enacted by the City Council shall be signed by the Mayor, or if the Mayor is absent, by the Mayor pro tempore or by a quorum of the Council Members as required by law.
- (f) Publication. Except as otherwise provided by law, all ordinances, before taking effect, shall be posted and/or published in accordance with applicable provisions of *Utah Code Ann.* § 10-3-711, as amended.
- (g) Recording. The City Recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the City Council. The City Recorder shall give each ordinance a number, if the City Council has not already done so. The City Recorder shall make or cause to be made a certificate stating the date of passage and the date of publication or posting of the ordinance, as required. All ordinances shall be recorded as provided herein before taking effect.
- (h) Prima Facie Evidence. The record and certificate prepared by the City Recorder, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification. In addition, the ordinances printed and published by the authority of the City Council, shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in the publication in all courts and administrative proceedings.
- (i) Proved Under Seal. The contents of all Centerville City ordinances, the dates of passage, and the dates of publication or posting, may be proved by the certification of the City Recorder under the seal of Centerville City.

2-04-020. Resolutions.

- (a) Administrative Powers. Unless otherwise required by law, the City Council may exercise all administrative powers by resolution.
- (b) Form. Any resolution passed by the City Council shall be in a form and contain sections substantially similar to that prescribed for ordinances.

(c) Effective Date. Resolutions may take effect on passage or at a later date as the City Council may determine, but resolutions may not become effective more than three (3) months from the date of passage.

(d) Publication. Resolutions may become effective without publication or posting.

(e) Limitation. No punishment, fine, or forfeiture may be imposed by resolution.

2-04-030. Public Records.

The ordinances, resolutions, minutes, and other books, records, accounts or documents of the City shall be kept at the office of the City Recorder. Approved copies of public records shall be open and available to the public during regular business hours for examination and copying in accordance with the Utah Government Records Access and Management Act, as adopted by the City.