

TITLE 3. CITY GOVERNMENT.

CHAPTER 3-100. THE GOVERNING BODY.

Part 3-101. Governing Body – Legislative and Executive Powers. See U.C.A. § 10-3-101.

3-102. Governing Body – Other Functions. See U.C.A. § 10-3-102.

CHAPTER 3-200. ELECTIONS OF GOVERNING BODY.

Part 3-201. Municipal Election - Terms of Office. See U.C.A. § 10-3-201.

3-202. Terms of Elected Municipal Officers. See U.C.A. § 10-3-202.

3-205. Election of Officers in Municipalities Operating under a City Council Form of Government. See U.C.A. § 10-3-205.

3-207. Determining Two and Four Year Terms. See U.C.A. § 10-3-207.

3-208. Campaign Finance Statement in Municipal Election. See U.C.A. § 10-3-208.

CHAPTER 3-300. MEMBERSHIP ON GOVERNING BODY, VACANCIES AND POWER TO VOTE.

Part 3-301. Eligibility and Residency Requirements for Elected Municipal Office. See U.C.A. § 10-3-301.

3-302. Mayoral or City Council Vacancy of a Municipality. See U.C.A. § 10-3-302.

CHAPTER 3-400. MAYOR AS A MEMBER OF GOVERNING BODY.

Part 3-401. Mayor as a Voting Member of Governing Body.

3-402. City Council-Manager Form - Election and Powers and Duties of Mayor. See U.C.A. § 10-3-1223.

3-403. Mayor as Presiding Officer - Mayor Pro Tempore. See U.C.A. § 10-3-403.

3-404. No Veto. See U.C.A. § 10-3-404.

CHAPTER 3-500. MEETINGS, PROCEDURE AND CONDUCT – VOTING.

3-501. Meetings in Cities of the First and Second Class. See U.C.A. § 10-3-501.

3-502. Meetings in Cities of the Third, Fourth, or Fifth Class and Towns. See U.C.A. § 10-3-502.

3-502.5 Time, Place - Exceptions. In accordance with U.C.A. § 10-3-502(1)(b), the City Council shall hold at least one regular meeting a month. Meetings shall be scheduled to be held on the first and third Tuesday of each month at 102 S. Tremont, Tremonton, Utah, which meetings shall begin promptly at 6:00 p.m. Mountain Time (or Mountain Daylight Time) for the work meeting and at 7:00 p.m. for the City Council Policy Meeting provided that:

(1) There shall be no regularly held meeting on the third Tuesday in December.

(2) If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday.

3-502.6 Special Meetings. In accordance with U.C.A. § 10-3-502, the Mayor of a municipality or two City Council members may order the convening of a special meeting of the City Council.

(1) Each order convening a special meeting of the City Council shall:

(a) be entered in the minutes of the City Council; and

(b) provide at least three (3) hours' notice of the special meeting.

(2) The City Recorder shall serve notice of the special meeting on each City Council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.

(3) The personal appearance by a City Council member at a special meeting of the City Council constitutes a waiver of the notice required under Subsection (2).

3-503. Quorum Necessary to Do Business. See U.C.A. § 10-3-503.

3-504. Quorum Defined. See U.C.A. § 10-3-504.

3-505. Attendance. See U.C.A. § 10-3-505.

3-506. How the Vote Is Taken. See U.C.A. § 10-3-506.

3-507. Minimum Vote Required. See U.C.A. § 10-3-507.

3-508. Reconsideration. See U.C.A. § 10-3-508.

3-509. Agenda. The agenda for the City Council meeting will be the guide to the meeting. Items may only be placed on the agenda by the Mayor, City Council members, City Manager, or City Recorder. While matters not on the agenda may at times come up for discussion, no final action can be taken on any matter not on the agenda.

(1) The Mayor shall open and introduce an item on the agenda in order, unless the Mayor feels like there is a good reason to go out of order. If the item is one that requires discussion, the City Council members can consider the item in a polite, civil, free-for-all type exchange of ideas for as long as they feel necessary. The Mayor may or may not, at his or her discretion, allow members of the public or staff to participate in the discussion. When the Mayor thinks the discussion has gone on long enough, and the item is one that requires a decision of the City Council, the Mayor can ask for vote on the matter. Any City Councilmember who has had enough of the discussion, can at any time also ask the Mayor to either move on to the next item or call for a vote on the item. If a majority of the others on the City Council agree, the Mayor shall call for a vote or move on to the next item as appropriate. No formal motions or seconds are required or necessary.

3-510. The Mayor and City Council members shall treat each other with respect and in a courteous manner to each other and the public.

CHAPTER 3-600. PUBLIC MEETINGS, EXECUTIVE SESSIONS, RECORDS AND PUBLICATION PROCEDURE.

Part 3-601. Business of Governing Body Conducted Only in Open Meeting. See U.C.A. § 10-3-601 and 52-4-101 through 52-4-305.

3-603. Public Records. See U.C.A. § 10-3-603, 63-2-101 through 63-2-1001

3-604. Annual Examination of Municipal

Finances – Publication of Results. See U.C.A. § 10-3-604.

3-605. Penalty. See U.C.A. § 10-3-605.

3-606. Rules of Procedure. See U.C.A. § 10-3-606.

3-607. Rules of Conduct for Members of the Governing Body. See U.C.A. § 10-3-607.

3-608. Rules of Conduct for the Public. See U.C.A. § 10-3-608.

3-609. Action on Committee Reports. See U.C.A. § 10-3-609.

3-610. Requiring Attendance of Witnesses, Production of Evidence. See U.C.A. § 10-3-610.

3-615. Electronic Meeting Rules.

(1) The Mayor, Mayor Pro Tempore or Chairperson of any Tremonton City public body shall accommodate a member of a public body's request to participate in a public meeting via electronic means (i.e.: telephonic or telecommunications conference) or a request from persons with disabilities needing special assistance to participate in a public meeting so long as the request is made forty-eight (48) hours in advance of the start of the public meeting and excepting any logistical limitations that prevent the requested accommodation of participating in the public meeting via electronic means.

(2) Upon receiving a request for participation in a public meeting via electronic means the Mayor, Mayor Pro Tempore or Chairperson of any Tremonton City public body shall notify the City Recorder, who shall be responsible to ensure proper public notice per U.C.A. § 52-4-207 (3) (a). The City Recorder shall ensure that other notice requirements are met, and that an anchor location is set, and space for the public is at the anchor location as required by U.C.A. § 52-4-207 (3) (b).

(3) The City's responsibility to provide electronic or telephonic connections that will allow participation in a public meeting via electronic means shall be restricted to the capability of the City's current equipment. Determination as to individuals that will receive an electronic or telephonic connection will be determined by the order that individuals' requests are received by the Mayor, Mayor Pro Tempore or Chairperson.

(4) Prior to, or at the beginning of, the public meeting or portion of the public meeting in which individuals will be participating by electronic means, the Mayor, Mayor Pro Tempore or Chairperson shall confirm that individuals are connected.

(5) Due to limitations and technical difficulties associated with electronic and telephonic connections or equipment, the City cannot guarantee that individuals requesting to join a public meeting via electronic means will be connected or able to adequately hear or participate in a public meeting via electronic means. If attempts to make an electronic or telephonic connection becomes a distraction, or if the electronic or telephonic connection or the individual connected by electronic means becomes disruptive, the Mayor, Mayor Pro Tempore or Chairperson may at his or her discretion decide to terminate the connection.

(6) If voting is required, the Mayor, Mayor Pro Tempore or Chairperson may require a roll call vote, so that the non-present member's votes may be counted.

(7) The Mayor, Mayor Pro Tempore or Chairperson may require those at anchor locations to verbalize their statements and responses, so that the non-present individuals participating by electronic means may hear the proceedings. The Mayor, Mayor Pro Tempore or Chairperson, to the extent that they deem practical, may require visual aids and written materials not available to the non-present individuals to be verbally described. (Ord. No. 13-04 passed 06/04/13)

3-620. Procedure for the Approval of Minutes for Open Public Meetings.

(1) DEFINITIONS: For purposes of this ordinance the following definitions shall apply so long as they are consistent with the definitions of the same terms found in the Utah Open and Public Meetings Act. If a term is defined differently in the Utah Open and Public Meetings Act, the definition found in that Act shall apply:

(a) "Convening" means the calling of a Meeting of a Public Body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that Public Body has jurisdiction or advisory power.

(b) (i) "Meeting" means the convening of a Public Body, with a quorum present, including a workshop or an executive session whether the Meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the Public Body has jurisdiction or advisory power.

(ii) "Meeting" does not mean:

- (A) a chance meeting;
- (B) a social meeting; or
- (C) the convening of a Public Body that has both legislative and

executive responsibilities where no public funds are appropriated for expenditure during the time the Public Body is convened and:

(I) the Public Body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the Public Body is required; or

(II) the Public Body is convened solely for the discussion or implementation of administrative or operational matters that would not come before the Public Body for discussion or action.

(c) "Recorder" shall mean the City Recorder (or his or her acting deputies) for the City Council, or shall mean the person assigned by a Public Body, other than a City Council, to record and to take the written minutes of a Meeting of a Public Body of this Municipality.

(d) "Minutes" of a Meeting is a written record of the Meeting that shall include:

(i) the date, time, and place of the Meeting;

(ii) the names of members present and absent;

(iii) the substance of all matters proposed, discussed, or decided by the Public Body which may include a summary of comments made by members of the Public Body;

(iv) a record, by individual member, of each vote taken by the Public Body;

(v) the name of each person who:

(A) is not a member of the Public Body; and

(B) after being recognized by the presiding member of the Public Body, provided testimony or comments to the Public Body;

(vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and

(vii) any other information that is a record of the proceedings of the Meeting that any member requests be entered in the minutes or recording.

(e) "Proposed Minutes" shall mean the written minutes prepared by the Recorder that have been given to the members of a Public Body for their review and approval.

- (f) (i) "Public Body" means any administrative, advisory, executive, or legislative body of this Municipality that:

(A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

(B) consists of two or more persons;

(C) expends, disburses, or is supported in whole or in part by tax revenue; and

(D) is vested with the authority to make decisions regarding the public's business.

(2) **POLICY FOR APPROVAL OF MINUTES.**

The following shall be the policy and procedure for the approval of Minutes for this Municipality.

(a) Written Minutes shall be taken for all Open Public Meetings of any Public Body of Tremonton City. The Minutes of all Public Meetings of any Public Body of Tremonton City shall be recorded and taken down by the Recorder during the course of any Open Public Meeting of the Public Body.

(b) Within thirty (30) working days from the end of the Meeting, the Recorder shall prepare Proposed Minutes for the Meeting and give a copy of the Proposed Minutes to each member of the Public Body for his or her review and comments.

(c) Once the Proposed Minutes have been given to the members of the Public Body, the Recorder shall immediately make available to the public the Proposed Written Minutes, which shall be clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the Proposed Minutes are subject to change until formally approved and they shall become a public document available to any member of the public who requests to read or copy the Proposed Minutes.

(d) The Public Body shall consider the Proposed Minutes for approval at the first Meeting of the Public Body that immediately follows the Recorder giving the Proposed Minutes to the members of the Public Body. The members of the Public Body shall either approve the proposed written minutes as presented; or vote to correct and amend the proposed written minutes and then approve the corrected and amended written minutes at that Meeting.

(e) If the Public Body fails to consider the Proposed Minutes, or does not take any action to approve the Proposed Minutes at the

first Public Meeting held by the Public Body immediately following the Public Body's receipt of the Proposed Minutes from the Recorder, the Proposed Minutes shall be accessible to the public, in draft form only, upon appropriate request, but shall not be deemed to have been approved by the Public Body until such approval is given after the Body's consideration in a Public Meeting.

(f) Once the Proposed Minutes have been approved by the Public Body, they shall become the official record of the proceedings of the Public Body and shall be signed by the Recorder of the Meeting and shall be retained in the official records of this Municipality and shall be a public document available for the inspection and copying by members of the public as appropriate under Utah law. (Ord. No. 09-15)

CHAPTER 3-700. RULES OF ORDER AND PROCEDURE FOR THE TREMONTON CITY COUNCIL

3-701. Introduction. These Rules of Order and Procedure are made pursuant to Utah Code Annotated ("U.C.A") 10-3-606

3-702. Mayor.

(1) The Mayor: (Mayor Pro-Tem) shall have no veto power and no other special substantive authority. In conjunction with the City Manager, the Mayor is responsible for developing the Council Agenda, facilitating the Council Meetings, and signing the Council approved documents. The Mayor does not represent the Council as a whole body unless directed by the majority of the Council Members during a meeting.

(2) Presides: The Mayor shall be the presiding officer at all meetings and hearings of the governing body.

(3) Mayor Pro-Tem: In the absence of the Mayor at a City Council meeting, the longest-serving City Council Member shall serve as a Mayor Pro-Tem. If there are multiple City Council Members with the same tenure, the Mayor shall ask one of the longest tenure City Council Members to serve in the position of Mayor Pro-Tem. The Mayor Pro-Tem's authority only extends for the duration of that specific meeting. The City Council Member who is serving as a Mayor Pro-Tem may continue to vote during the City Council meeting.

(4) Control of Chamber: The Mayor shall have and maintain control of the Council Chamber.

(5) Points of Order: The Mayor shall preserve order and decide all points of order and procedure, subject to appeal of membership.

(6) Roll Call Vote: All matters involving an expenditure of funds require a roll call vote.

(7) Declare Votes: Motions may be determined by voice vote, show of hands, or at the request of any member by roll call. The Mayor shall declare all votes. If any member requests it, a roll call shall be ordered.

(8) Sign Documents, and Contracts, and Agreements: The Mayor shall sign resolutions, ordinances, and other documents issued by the governing body. The Mayor shall sign all contracts and agreements approved by the City Council on behalf of the Council. When appropriate, the Mayor may delegate such signatory authority to the Mayor Pro-Tem or City Manager. The Mayor shall consult with the City Manager and the City Attorney for a review of above said documents as deemed appropriate.

(9) Training on Open Meetings Act: The Mayor shall ensure that all members are provided with annual training on the Open Meetings Act. U.C.A. § 52-4-104

(10) Voting Rights and Authority: The Mayor shall have the same rights to debate on issues before the City Council. However, the Mayor shall be a non-voting official unless in the case of a tie vote or when the City Council considers adopting an ordinance that delegates some of the executive power to the City Manager.

(11) Seating Positions: With the duty of the Mayor to preside over the meeting, the Mayor shall have the ability to determine the seating positions of each City Council Member on the dais. City Council Members shall sit in their assigned seats during the meeting, except for agenda items where a City Council Member has a conflict of interest and is required to leave the dais.

3-703. Council Members.

(1) Use of Members' Titles: Council Members shall not use their titles in any communication that is not Official Tremonton City Council business.

(2) City Meeting Attendance: Council Members shall make their best effort to attend all regularly scheduled Council Meetings and meetings of the Boards/Commissions on which they are appointed to serve.

(3) Participation in Local, State, or Federal Committees: Council Members are encouraged to participate in other local, state, and federal committees and associations and seek appointment by the appropriate authority when necessary.

(4) City Council Documents: The official Tremonton City letterhead logo shall be used only for official City Council business.

(5) Council Communications: Council Members, including the Mayor, shall not imply that they are speaking for the Council or for Tremonton City in written or verbal communication without

specific prior approval from the Council at a lawful meeting unless the Council has previously taken an official position on the matter. For example, phrases such as "I am just speaking for myself...", "Speaking as an individual...", "My position on this does not represent the Council or the City...", or "The Council has not voted on this..." may be used to clarify this issue.

3-704. Council Meetings.

(1) Open Meetings Act: All Council Meetings shall comply with the Open Meetings Act U.C.A. § Title 52 Chapter 4. All Council Meetings will be open to the public. Any closed executive sessions shall be in accordance with U.C.A. 52-4-204.

(2) Approval of Annual Schedule of Meetings: The Council shall approve its annual meeting schedule during the December meeting and publish the approved schedule per U.C.A. § 52-4-202.

(3) Council Meeting Dates and Times: The Council shall hold regular meetings on the first and third Tuesday of each month.

(4) Special Meetings: The Mayor, by his/her determination or upon request by any Council Member, shall call special meetings in accordance with the U.C.A. Open Meetings Act as it becomes necessary.

3-705. Decorum and Debate.

(1) Being Recognized: When a Member desires to speak or make a motion, they shall politely, cordially, and orderly ask to be recognized by the Mayor.

(2) First Person Recognized: When more than one Member addresses the Mayor, the Mayor shall name the person who is to speak, recognizing the person who first addressed the Mayor.

(3) Interruptions: No Member shall interrupt another except when permitted by parliamentary procedure.

(4) Decorum: Members should be attentive during meetings. No Member shall indulge in personalities, arraign motives of Members, or use language tending to hold a Member up to contempt.

(5) Debate with the Public: No Member shall debate with the public and/or employees during meetings or workshops.

(6) Limitation of Debate: No Member of the Council or public shall be allowed to speak more than once on any one subject until all members have had an opportunity to speak. Council Members will generally be limited to two statements on any issue under consideration.

(7) Leaving Chambers: If a Member needs to depart the Council Chambers during session, they should do so in an orderly fashion, and when practicable, shall inform the Mayor of the basis for the departure.

(8) Side Conversations: City Council Members shall refrain from having a separate discussion or conversation during the time when the City Council meeting is in session. While it is the duty of each City Council Member to follow this policy, it may be necessary as a measure to maintain control of the Chambers to remind City Council Members of their responsibility to refrain from having a separate discussion.

3-706. Motions.

(1) Making and Withdrawing: When a motion is made, the Mayor may restate the motion and call for a second. If the motion receives a second, the Mayor may restate the motion before the debate commences. If there is no second to the motion, the motion shall die without further debate due to the lack of a second. A motion may not be withdrawn by the person making the motion without the consent of the member seconding it once it has been stated.

(2) Division of Motion: If the motion contains two or more divisional propositions, the Mayor or a City Council Member may request the motion be divided into two motions.

(3) Motions Out of Order: The Mayor may not at any time permit a Member to introduce an ordinance, resolution, or motion out of the regular order as set forth in the agenda unless approved by the quorum present.

(4) Reconsideration of Motion: A motion may be reconsidered at any time only if the motion to reconsider is introduced by a Member who had voted on the prevailing side. Only after the motion to reconsider has been approved by the majority can the main motion be considered.

(5) Postponing a Motion: Any item on the agenda may be postponed until the next meeting or a specific future date. A motion to postpone shall include the future time of consideration postponement.

(6) Tabling a Motion: Any item on the agenda may be tabled until a later meeting. A motion to table temporarily suspends further consideration or action on an agenda item until a later meeting.

3-707. Voting.

(1) To Pass Acts: The majority votes of the quorum present at a City Council meeting shall be necessary to pass any resolution, ordinance, or act of the governing body.

(2) Conflict(s) of Interest: For purposes of this Ordinance, a conflict of interest shall include any conflict listed in the Municipal Officers' and Employees' Ethic Act contained in Utah Code Title 10, Chapter 3, Sections 1301-1312. Additionally, for purposes of this Ordinance, a conflict of interest shall include any voting matter where the matter being considered shall have a direct impact on financial

gains for a Member or a Member's immediate family member(s). When a conflict of interest, as defined herein, arises, the conflicted Member(s) shall not vote. The Member shall not debate the matter, and the Mayor shall excuse the conflicted Member from the dais. The conflicted Member may remain in the Council Chambers. The conflicted Member shall make no effort to persuade the non-conflicted Members on the matter for which the conflicted Member has the conflict.

(a) Exception to Conflict of Interest Voting Prohibition: Members may vote on the topic of City Council Member salary.

(3) Failure to Vote: A failure to vote by a Council Member shall be considered a non-vote.

(4) Leaving Seat: Excepting in cases of conflict of interest, when a call for the vote is commenced, no matter shall leave until the vote is disclosed.

(5) Change of Vote: A member may change their vote after the call for the vote has been completed and before the announcement of the result, but not thereafter.

(6) Abstentions: Although it is the duty of every Member who has an opinion on a question to express it by their vote, they can abstain since they cannot be compelled to vote. (An abstention shall be considered a non-vote.)

(7) Questions Affecting Oneself: Members are permitted to vote for themselves for an office or other position to which Members are generally eligible, including when other Members are included with them in the motion.

3-708. Public Hearings.

(1) Posting of Public Hearing: All public hearings shall be posted in accordance with Utah State Code.

(2) Staff Presentation: The appropriate staff may make a presentation to the City Council and the public.

(3) Questions: Council Members may direct questions to the applicant and/or staff in order to bring out relevant facts, circumstances, or conditions affecting the case and may call for questions from the staff.

(4) Open Hearing: The Mayor shall open the hearing and invite the public to the podium for comment.

(5) Closing Hearings: The Mayor may close the public hearing at the meeting upon their determination that there are no other members of the public desiring to speak.

3-709. Participation by the Public.

(1) Employee/Public Recognized: No person in the Council Chambers shall speak unless recognized by the Mayor. Upon being recognized, they should be directed to the dais and state their full name.

(2) No Interruptions: No person shall interrupt City Council proceedings.

(3) Three-Minute Rule: No person shall speak more than three (3) minutes except upon waiver by the Mayor or on motion of the membership.

(4) Procedure: Orderly procedure requires that each person shall proceed without interruption from the audience and shall retire when their time is up; that all arguments shall be addressed to the governing body, and that there be no questioning or argument between individuals.

(5) Questions: The Members of the governing body and staff members may ask questions and make appropriate comments; however, no Member shall argue or debate an issue with the petitioner.

(6) No Assignment of Time: If there are several speakers on a matter, one person may not assign their time to another. Citizen groups may select a person to make their presentation in their behalf.

(7) Orderly Conduct: Citizens attending meetings shall observe rules of propriety, decorum, and good conduct. Any persons making personal, impertinent, or slanderous remarks, or who become boisterous while addressing the governing body may be removed if directed by the Mayor. Such persons may be barred from further audience before the governing body. Unauthorized remarks and similar demonstrations shall not be permitted by the Mayor who may direct offenders from the Chambers.

CHAPTER 3-800. CITY ORDINANCES, RESOLUTIONS AND PROCEDURE.

3-801. Legislative Power Exercised by Ordinance. See U.C.A. § 10-3-701.

3-802. Extent of Power Exercised by Ordinance. See U.C.A. § 10-3-702.

3-803. Criminal Penalties for Violation of Ordinance. Civil Penalties Prohibited – Exceptions. See U.C.A. § 10-3-703.

3-803.7 Administrative Proceedings – Procedures – Appeals. See U.C.A. § 10-3-703.7.

3-804. Form of Ordinance. See U.C.A. § 10-3-704.

3-805. Requirements as to Form – Effective Date. See U.C.A. § 10-3-705.

3-806. Revision of Ordinances. See U.C.A. § 10-3-706.

3-807. Power to Codify Ordinances. See U.C.A. § 10-3-707. The City Recorder or their designee is

the Codifier of the Revised Ordinances of Tremonton City Corporation. The City Recorder shall codify all ordinances of a general and permanent nature adopted by the City Council into the Revised Ordinances of Tremonton City Corporation.

3-808. Arrangement of Ordinances. See U.C.A. § 10-3-708. The City Recorder or their designee is the Editor of the Revised Ordinances of Tremonton City Corporation. The City Recorder or their designee, with the prior approval of the City Attorney and or City Manager, shall edit and revise the ordinances for consolidation without changing the meaning of any ordinance in the following manner:

(1) number sections, parts of sections, articles, chapters, and titles;

(2) change the wording of sections or subsection titles, or delete subsection titles, and change or provide new titles for sections, articles, chapters and titles;

(3) change capitalization for the purpose of uniformity;

(4) change phrases such as “the preceding section”, “this ordinance”, and like terms for the purpose of uniformity;

(5) substitute the proper calendar date for “effective date of this ordinance”, “date of adoption of this ordinance”, and other phrases of similar import;

(6) strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;

(7) correct manifest errors that are clerical, typographical, or errors in spelling or errors by way of additions or omissions;

(8) correct manifest errors in references to laws, regulations, ordinances, and this code;

(9) rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in this code;

(10) change all sections, when possible, to read in the present tense, indicative mood, active voice and if the use of personal pronouns cannot be avoided in a section change the section to read in the third person, and singular number, or any other necessary grammatical change in the manner generally followed in this code;

(11) delete or change sections or parts of sections if a deletion or change is necessary because of other City Council amendments that did not specifically amend or repeal them;

(12) omit all temporary ordinances, all titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity, and construction clauses unless, from their nature, it

may be necessary to retain them to preserve the full meaning and intent of the ordinance;

(13) omit ordinances from the Revised Ordinances of Tremonton City Corporation that are no longer applicable or in effect;

(14) edit and revise the ordinances as they are adopted by the City Council, without changing the meaning of any ordinance, so as to avoid the use of pronouns denoting masculine or feminine gender.

3-808.5 Numbering Ordinances.

(1) The Recorder, insofar as possible, shall assign all ordinances of a general nature adopted after these Revised Ordinances a number which shall conform to the numbering system used in this Code and shall indicate upon the face of the ordinance the date adopted.

(2) The Recorder shall keep all ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies, in a separate book of "Special Ordinances" properly indexed and organized according to date adopted. The first number of such an ordinance shall be the last two digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such special ordinance was adopted during the year.

(3) Failure to comply with this section shall not affect or render invalid any ordinance of this City.

3-809. Repeal of Conflicting Provisions - Title. See U.C.A. § 10-3-709.

3-810. Publication in Book, Pamphlet or Looseleaf Form State Statutes. See U.C.A. § 10-3-710.

3-811. Publication and Posting of Ordinances. See U.C.A. § 10-3-711.

3-812. Effective Date. See U.C.A. § 10-3-712.

3-813. Recording, Numbering, and Certification of Passage. See U.C.A. § 10-3-713.

3-814. Contents, Dates, Publication Proved under Seal. See U.C.A. § 10-3-714.

3-815. Municipal Ordinances Received in Evidence. See U.C.A. § 10-3-715.

3-816. Fines and Forfeitures - Disposition. See U.C.A. § 10-3-716.

3-817. Purpose of Resolutions. See U.C.A. § 10-3-717.

3-818. Form of Resolution. See U.C.A. § 10-3-718.

3-819. Resolutions Need No Publication Effective Date. See U.C.A. § 10-3-719.

3-850. APPOINTING A TEMPORARY JUSTICE COURT.

3-851. Municipal Court Operation. Tremonton City currently operates a Municipal Justice Court, in accordance with Utah Code Annotated ("UCA") 78A-7-101.5 et al;

3-852. City Council Authority to Appoint Temporary Judge. Pursuant to UCA 78A-7-208, when necessary, the Tremonton City Council is delegated the authority to appoint a temporary Justice Court Judge. When the Tremonton City Council necessarily needs to appoint a Justice Court Judge, the Council is required to appoint a Senior Justice Court Judge or a Justice Court Judge currently holding office within the First Judicial District or in an adjacent county.

CHAPTER 3-900. CITY ADMINISTRATION.

3-901. Administrative Powers in Cities of the First Class. See U.C.A. § 10-3-801.

3-902. Designation of Department Head in Cities of the First Class. See U.C.A. § 10-3-802.

3-903. Officers Limited to One Office – Exceptions. See U.C.A. § 10-3-803.

3-904. Change in Names, Functions, and Superintendents of Departments. See U.C.A. § 10-3-804.

3-905. Administrative Powers in Cities of the Second Class. See U.C.A. § 10-3-805.

3-906. Designation of Department Head in Cities of the Second Class. See U.C.A. § 10-3-806.

3-907. Commissioners May Administer Two Departments - Change in Names, Functions and Superintendents. See U.C.A. § 10-3-807.

3-908. Administration Vested in Mayor. See U.C.A. § 10-3-808.

3-909. Powers of Mayors in a City of Third, Fourth, or Fifth Class or a Town. See U.C.A. § 10-3-809.

3-910. Additional Powers and Duties of Elected Officials in a City of the Third, Fourth, or Fifth Class or a Town. See U.C.A. § 10-3-810.

3-911. Members of the Governing Body May Be Appointed to Administration in a City of the Third, Fourth, or Fifth Class or a Town. See U.C.A. § 10-3-811.

3-912. Change of Duties in a City of the Third, Fourth, or Fifth Class and or a Town. See U.C.A. § 10-3-812.

3-913. General Administrative Powers of All Municipalities. See U.C.A. § 10-3-813.

3-914. Personnel Assigned to One or More Departments. See U.C.A. § 10-3-814.

3-915. Rules and Regulations for Administration of Municipality. See U.C.A. § 10-3-815.

3-916. Appointed Officers - Residency Requirement Authorized. See U.C.A. § 10-3-816.

3-917. Elected Executives to Appoint Their Deputies. See U.C.A. § 10-3-817.

3-918. Officer and Employee Compensation.

(1) The wages paid to the officers and employees of this City shall be in accordance with the Tremonton City Compensation and Classification Plan adopted by Resolution of the City Council.

(2) In addition to the wages paid the officers and employees of this City, they shall receive benefits in accordance with the Tremonton City Personnel Policies and Procedures adopted by the resolution of the City Council.

3-919. Public Official Bonds.

(1) See U.C.A. § 10-3-819-825.

(2) Treasurer's Bond. Utah Code Annotated CA 51-7-14 requires all Public Treasurers to acquire bonds, public official bonds, or crime or theft insurance in amounts specified by Rule Number 4 of the Utah Money Management Council. Regardless of the exact title of a Tremonton City Official a Public Treasurer is defined as any official who has the responsibility for the safekeeping and investments of any public funds U.C.A. § 51-7-3(28) and are thus required to acquire bonds or crime or theft insurance in the amounts specified amount. (Ord. No. 02-01)

(3) The premium charged by any bonds, public official bonds, or crime or theft insurance required in this section shall be paid by this City. (Ord. No. 02-01)

3-920. Cities of the First and Second Class. See U.C.A. § 10-3-820.

3-921. Bond of Treasurers. See U.C.A. § 10-3-821.

3-922. Approval of Bonds. See U.C.A. § 10-3-822.

3-923. Premium Paid by Municipality. See U.C.A. § 10-3-823.

3-924. Bonds of First Officers after Incorporation. See U.C.A. § 10-3-824.

3-925. Additional Bonds. See U.C.A. § 10-3-825.

3-926. Official Neglect and Misconduct Class A Misdemeanor – Removal from Office - Penalty. See U.C.A. § 10-3-826.

3-927. Oaths. See U.C.A. § 10-3-827. See Constitution of Utah, Article IV, § 10 for form of Oath.

3-928. Oath - Filing. See U.C.A. § 10-3-828.

3-929. Acts of Officials Not Voided. See U.C.A. § 10-3-829.

Part 3-930. City Council on Aging.

3-931. Preamble. Due to Tremonton City's great interest in improving, developing, coordinating and strengthening all programs concerned with a rapidly increasing aged and aging population and to more fully utilize the potential of our older citizens, their skills, their wisdom, and their experience, the City Council hereby creates a City Council on Aging, hereafter referred to as the Bear River Valley City Council on Aging.

3-932. Purpose, Duties and Responsibilities. The purpose, duties and responsibilities of the City Council on Aging are:

(1) To serve as the successor to all functions of diverse groups left without authorization, at the formation of the Bear River Valley City Council on Aging.

(2) To promote and develop programs to interest and provide for the welfare of senior citizens.

(3) To cooperate with the Utah Division of Aging and also with both public and private companion agencies on the state and national levels to more

effectively meet the need of and provide opportunities for older persons.

(4) To integrate the activities of such other groups with the kindred aims of providing opportunities for senior adults of volunteer or paid service to the community and to their fellow men, and for opportunities in educational, recreational and social pursuits.

(5) To be aware of and interested in the aspect and needs of the aging, to promote appropriate public relations endeavors, and to coordinate activities and fiscal management.

(6) To seek out resources at the local, state and national level to provide services to the aging adult.

3-933. Organization.

(1) Tremonton City shall hire a Senior Center Director to administer and coordinate approved programs in the Bear River Valley.

(2) The Director shall hire a Secretary-Bookkeeper and other necessary personnel.

(3) The Director shall fill positions and develop and provide opportunity for volunteer services by qualified senior citizens as much as possible. (Ord. No. 02-01)

3-934. Budget. A budget shall be established annually by the City Council, which may follow the recommendations of the Bear River Valley Senior Citizens City Council on Aging, it being the desire of all concerned that this City Council on Aging be independent and self-sufficient insofar as possible and subject only to a minimum of control and supervision of the City Council.

3-935. Operations Policy and Job Descriptions. The City Council may adopt policy for operation of the City Council and job descriptions for any person employed by it.

Part 3-940. Library Board.

3-941. Establishment. There is hereby established the Tremonton City Library Board to carry out the duties and responsibilities contained in this ordinance.

(1) Board Composition and Appointment. The Library Board shall consist of seven (7) to nine (9) persons chosen from the citizens at large of Tremonton, Utah, with reference to their fitness for such office. One member of the board shall be a member of the Tremonton City Council. The other members of the Library Board shall be recommended for appointment by the Board, and shall be subject to approval of the Tremonton City Council. The Tremonton City Council shall, before the first (1st) day of July of each year, appoint three (3) year term Board members, to replace retiring Board members.

(2) Terms. Each Board member shall be appointed for a three (3) year term, or until their successors is appointed. Board members shall not serve more than two (2) consecutive full terms. All members, currently serving as of the effective date of this ordinance, are appointed to the Tremonton City Library Board according to already existing terms.

(3) Vacancies. In the event of a vacancy on the Library Board, replacement candidates shall be recommended by the Library Board and approved by the Tremonton City Council. Vacancies in the Library Board shall be filled for an unexpired term in the same manner as original appointments.

(4) Board Members Compensation. Each Board member shall serve without compensation; however, actual and necessary expenses incurred in the performance of official duties may be paid from library funds when the expense is authorized prior to the purchase by the Library Director.

(5) Removal of Members. The Tremonton City Council may, at any time, remove any board member for misconduct or neglect of duty. The Library Board's recommendation and approval of the Tremonton City Council is required for any removal of a Board member.

3-942. Officers & Bylaws.

(1) Officers. Board members shall annually select a chairperson, vice chair, and secretary.

(2) Chairperson. The chairperson of the Board shall preside at all meetings, authorize calls for any special meetings, and generally perform the duties of a presiding officer along with other duties prescribed by the bylaws.

(3) Vice-Chair. The vice-chairperson shall assume the responsibilities in the absence of the chairperson.

(4) Officer Elections. The Library Board shall elect officers at their first regularly scheduled meeting in July of each year.

(5) Secretary. The Secretary shall notify Board members of meetings and performs such other duties as requested by the Chairperson. The secretary presides in the absence of the Chairperson and Vice-Chairperson.

(6) Bylaws. The Library Board may propose bylaws for the establishment of protocol and conducting of the Board's business. Bylaws shall not duplicate the content of this ordinance but rather shall reference this ordinance as may be deemed appropriate. The proposed bylaws shall be reviewed by the City Manager and as necessary the City Attorney for compliance with City and State laws. The City Council shall approve the Bylaws by resolution and maintain the original in the City Recorder's Office for the purposes of historical record keeping and reference.

3-943. Meetings & Voting.

(1) Meetings. Regular meetings shall be held a minimum of four (4) times a year. The Library Board shall convene as often as necessary to meet the objectives, responsibilities, and duties of this ordinance. Special meetings may be called at any time by the Chairman notice shall be given to all Board members at least twenty-four (24) hours in advance.

(2) Open Meetings. The Library Board and associated meeting shall be established and conducted in accordance with U.C.A. § Title 52, Chapter 4 (Open and Public Meetings Act).

(3) Quorum and Voting. A quorum at any meeting shall consist of at least five (5) Board members. The Chairperson of the Library Board and member of the City Council shall be voting members.

(4) Public Comment. The Library Board meetings shall have a set agenda item that allows for the public to express their opinion and provide input.

(5) Meeting Rules. Robert's Rules of Order shall apply to meeting conduct.

3-944. Library Board Committees.

(1) Committees. The entire board shall act as a "Committee of the Whole" when considering budget requests, personnel, financial reports, etc. Ad Hoc committees for study and investigation of temporary problems may be appointed by the Chairperson to serve until the completion of the work for which they were assigned. The participation of the public shall be sought for such study and investigation.

3-945. Duties and Responsibilities of Library Board Members.

(1) General Duties. The Library Board shall, in cooperation with the Library Director, work to implement Tremonton City Library objectives maintain and care for the library; and in general, carry out the spirit and intent of the provisions of this ordinance. Library Board members shall attend Board meetings regularly. Irregular meeting attendance may be cause for dismissal from the Library Board.

(2) Operational Policies. The Library Board shall make, amend, and repeal policies, not inconsistent with law, for the governing of the Library. The Library's general services shall be free to use for the citizens of Tremonton City, subject to the policies adopted by the Board. The Library Board may exclude from the use of the library any person who willfully violates the Library Board's policies. The Library Board may extend the privileges and use of the Library to persons residing outside of the City upon terms and conditions it may prescribe by policy.

Operational policies shall be in similar form as a resolution as prescribed by U.C.A. § 10-3-718. Upon

the Library Board approval of the resolution adopting policies and/or amending policies, the Chairperson and the representative of the Tremonton City Council shall sign such documents before their implementation. An original copy of the resolution shall also be given to the City Recorder for retention.

(3) Budget Considerations. The Library Board may provide budget recommendations for the City Council's consideration. At the request of the City Council budget considerations may be presented to the Tremonton City Council by the Chairperson of the Library Board and the Library Director.

(4) Hiring and Release of Employees. The Library Board shall approve hiring of the Library Director with the concurrence of the City Council. The Library Board will appoint, upon recommendation and concurrence of the Library Director, other library employees as needed. Library staffing and hiring of employees will be contingent upon the Library's budget and the needs of the Library. The Library Director and other library employees can be dismissed for cause upon recommendation of the Library Board and approval of the City Administration.

(5) Reports. The Library Board shall be responsible for preparation and submission of the following reports: an annual report to the City Council on the condition and operation of the library, including a financial statement; and the keeping of records required for the creation of an annual for to the State Library Board. The Library Board may delegate the preparation and submission of the aforementioned reports to the Library Director. If preparation and submission responsibility is delegated to the Library Director then the Library Board shall review and approve the reports for submission.

3-946. Duties and Responsibilities Not Prescribed to the Library Board Members. The Library Board shall not have control of the expenditures and shall not have the power to purchase, lease, or sell land or buildings for the benefit of the library.

3-947. Duties and Responsibilities of the Director.

(1) Supervision. The Library Director shall be responsible for the direction of the staff, for the efficiency of the Library's services, for the operation of the library, and for expenditures provided by the annual budget.

(2) Library Board Meetings. The Library Director or their designee shall be responsible for ensuring compliance with the Open and Public Meetings Act which shall include but is not limited to: posting of agenda; preparation of meeting minutes; etc. The Library Director shall also assist the Library Board as needed to fulfill the duties and responsibilities of this ordinance.

(3) **Operational Policies.** The Library Director shall be responsible for the day-to-day administration of library operation under the policies adopted by the Library Board. The Library Director shall also recommend to the Library Board such policy changes and library operating procedures that will promote the efficiency of the Library and improve services to its patrons.

(4) **Library Property.** Within a realm of reasonableness, the Library Director shall be responsible to the Library Board and City Council for all properties belonging to the library.

(5) **Reports.** If assigned by the Library Board, the Library Director shall prepare and submit for approval required and auxiliary reports to the Library Board for approval. Once approved the Library Director shall submit the reports to the Tremonton City Council and as appropriate the State Library Board. (Ord. No. 09-22)

Part 3-950. City Tree Board.

3-951. Creation and Establishment of a City Tree Board. There is hereby created an established Tremonton City Tree Board for the City of Tremonton, Utah (hereafter referred to as "Tree Board" or "Board").

3-952. Composition of Tree Board and Term.

(1) The Tree Board shall consist of five (5) members. The following City positions are appointed to serve on the City Tree Board as members: Parks and Recreation Director, Public Works Director, Parks Superintendent, City Manager and a person designated by the Mayor.

(2) The term of office for the Tree Board shall be concurrent with an individual's appointment to their position of employment with the City. The Mayor shall determine the term of office for the member that he or she appoints.

3-953. Compensation. City employees that serve on the Board shall be compensated according to the terms of their employment. Other members of the Board who are not City employees shall serve without compensation.

3-954. Duties and Responsibilities. It shall be the responsibility of the Board to study, investigate, and provide for the planting, and under certain circumstances, the removal of trees. The Board, when requested by the City Council, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its responsibilities.

3-955. Tree Board Officers. The Parks and Recreation Director shall serve as the Chairperson of the Tree Board with the Vice-Chairperson being the City Manager. The Chairperson of the Board shall preside at all meetings, authorize calls for any special meetings, and generally perform the duties of a presiding officer along with other duties prescribed by the bylaws. The Vice-Chairperson shall assume the responsibilities of the Chairperson in their absence.

3-956. Rules of Conduct. Robert's Rules of Order shall be used when conducting a meeting. The Tree Board may propose bylaws for the establishment of protocol and conducting of the Board's business. Bylaws shall not duplicate the content of this ordinance but rather shall reference this ordinance as may be deemed appropriate. The proposed bylaws shall be reviewed by the City Manager and, as necessary, the City Attorney for compliance with City and State laws. The City Council shall approve the Bylaws by resolution and maintain the original in the City Recorder's Office for the purposes of historical recordkeeping and reference.

3-957. Meetings. The City Tree Board shall convene as often as necessary to meet the objectives, responsibilities, and duties of this ordinance. Special meetings may be called at any time by the Chairperson; notice shall be given to all Board members at least twenty-four (24) hours in advance. The Tree Board and associated meeting shall be established and conducted in accordance with U.C.A. § Title 52, Chapter 4 (Open and Public Meetings Act).

3-958. Agenda and Minutes. The City Recorder shall appoint a person from within his or her office to prepare and post agendas and to prepare minutes of the proceeding of the Tree Board.

3-959. Quorum and Voting. Three (3) members of the Tree Board shall be present to be a quorum, and it shall take the majority of the quorum present to pass Tree Board business. The Chairperson and Vice-Chairperson of the Tree Board shall be voting members.

3-960. Ad Hoc Committees. Ad hoc committees to investigate or prepare a report may be appointed by the Chairperson. Members of ad hoc committee may or may not be members of the Tree Board.

3-961. Review by City Council. The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make final decision.

Part 3-970. Main Street Mix.

(Repealed by Ordinance No. 24-12 – October 29, 2024).

Part 3-985. Arts Council.

3-986. Arts Council Purpose. The Tremonton Arts Council is established for the purpose of fostering an environment where the arts can thrive and become an integral part of Tremonton City. The Arts Council shall create art opportunities and enhance the visual and aesthetic environment that incorporates art into the lives of Tremonton residents by focusing on but not being limited to the following elements and conditions:

(1) Create economic prosperity through the creation of a vibrant downtown which will add character and enhanced appearance to Tremonton City that draws people to the Main Street and Downtown Areas.

(2) Create art related events that increases social interactions for residents and encourages visitors to come to Tremonton.

(3) Create a sense of place and improve the image of Tremonton City by providing culture and art opportunities that reflect and promote personality, historic and cultural identity, and values which are inspiring and unique to Tremonton City.

(4) Create art opportunities that provide entertainment, enjoyment, and appreciation for the arts.

(5) Promote inclusive multi-cultural arts and the diversity of cultures in the area.

(6) Share the arts with the greatest number of people, regardless of race, gender, color, religion, national origin, or disability.

3-987. Functions, Responsibilities and Authority.

The Arts Council is an advisory body to the Tremonton City Council and hereby has the following functions, responsibilities and authority:

(1) Work to improve and advance elements and conditions enumerated in the Arts Council Purpose section of this Ordinance.

(2) Provide the City Council with facts, opinions, advice, and recommendations on issues related to the elements and conditions enumerated in the Arts Council Purpose section of this Ordinance.

(3) Assist with the implementation of programs that are approved, authorized, and delegated to the Arts Council by the City Council.

(4) Work to facilitate art events and programs and shall report to the City Council at least once per year to give an update on programs and projects.

(5) The Arts Council may be responsible for advising City staff on program planning; proposing sites; reviewing design, execution and placement of artwork. The City is responsible for overseeing project budget and maintenance of the artwork and the process for removal or reassignment of artwork from the City's public art collection.

(6) The Arts Council may invite professionals in the visual arts and design fields to serve in the artist selection process in order to ensure works of highest quality, or to assist in the determination or artistic merit of works of art offered to the City as donation or for purchase. The Arts Council shall also ensure appropriate community participation in this process and public education activities as part of the public art projects.

(7) The Arts Council may coordinate, investigate, review and recommend to the City other means by which artwork may be obtained, including donations to the public art fund, gifts of artwork, grant applications and outside resources for public art projects.

(8) The Arts Council may encourage public art throughout the City and shall educate and stimulate the participation of all citizens in a joint public and private effort to promote art in public places.

(9) Prior to the selections and reviewing of disbursements and the recommendation of the acceptance of works of art relative to such disbursements, the Arts Council shall submit the action proposed to be taken to the City staff representative over the budget of the Arts Council for final authorization of expenditure of funds.

(10) The Arts Council shall adopt rules, regulations, implementation guidelines, selection, procedures and organizational policies including the creations of subcommittees, to implement this Ordinance.

(11) Oversee other public art related issues delegated to it by the City Council.

3-988. Terms of Appointment. The Mayor shall propose and the City Council shall appoint any member to serve on the Arts Council. All members shall either be residents or provide expertise necessary in the performance of the duties of the Arts Council, but in no event, shall Art Council membership be comprised of less than a majority of Tremonton City residents. Each member of the Arts Council shall be appointed for a term of four (4) years, or less if appointed to fill the remainder of a term of a removed member. Members shall serve staggered terms. Initial appointment shall be staggered so that two (2) members shall be appointed to serve an initial two-year term, three (3) members shall be appointed to serve an initial four-year term; thereafter, all terms shall be four (4) years with no term limits.

3-989. Composition. The Arts Council shall be composed of up to seven (7) members who shall be appointed, or removed for any reason, by the City Council. The Arts Council shall be composed of the following members:

- (1) At least three (3) persons, knowledgeable in the field of public art, art education, performing art, community affairs, or related field that would aid the Arts Council in accomplishing the Arts Council Purpose section of this Ordinance ; and
- (2) A member of the City Council; and
- (3) Serving as an ex officio staff member, the City Manager or his or her appointee.

3-990. Conduct of Meetings. Meetings of the Arts Council shall be held at least quarterly. The Arts Council may meet more often, should the demand necessitate to carry out assigned responsibilities. The presence of at least two thirds (2/3) of the members of the Arts Council shall constitute a quorum. Meetings shall be held in conformance of the Utah Open and Public Meetings Act. The Arts Council may establish rules and procedures, not inconsistent with law or City ordinances, for conducting business and meetings. The Arts Council shall have audio recordings and take minutes of the meetings. Copies shall be filed with the City Recorder's office.

(1) Calling Meetings: The Chairperson of the Arts Council may call meetings of the Arts Council. Meetings may also be called by written notice signed by at least 4 members of the Arts Council.

(2) Administrative Support And Meeting Space: The City shall furnish administrative support and meeting space for the purpose of assisting in the implementation of recommendations and advice of the Arts Council, and is limited by City resources at the discretion of the city manager or his or her appointee.

(3) Approval By Motion: Any decision requiring approval by the Arts Council shall be by motion and approved by a majority of those members present and voting.

3-991. Attendance. Members of the Arts Council are expected to attend all regular and special meetings of the Arts Council. If a member is unable to attend a meeting, the member shall notify the Chairperson of the Arts Council prior to the meeting.

3-992. Removal. Any member of the Arts Council who fails to attend consecutive meetings without good cause shown or without prior approval of the Chairperson of the Arts Council may be removed by the City Council.

3-993. Compensation. Members of the Arts Council shall not be entitled to compensation. All members shall receive reimbursement for parking and

for mileage for any Arts Council related business except travel to and from regularly scheduled and specially called meeting. Such reimbursement shall be in accordance with City policy.

3-994. Art Council Officers. The Arts Council shall elect a Chairperson and Vice-Chairperson to perform the duties enumerated in this Ordinance.

(1) Chairperson Duties. Special duties and responsibilities of the Chairperson include, but are not limited to:

- (a) Leads meetings; ensures meetings begin and end on time.
- (b) Plans meeting agenda in cooperation with the staff Liaison.
- (c) Encourages full participation by all Arts Council members.
- (d) Serves as the Arts Councils primary contact.
- (e) Makes Arts Council presentations to the City Council at designated meetings.

(2) Vice Chairperson Duties. Special duties and responsibilities of the Chairperson include, but are not limited to:

- (a) Assists Chairperson in accomplishing the Chairperson's duties.
- (b) Serves as the Chairperson in the Chair's absence.

3-995. City Staff Support. As determined by the City Manager, City staff shall assist the Arts Council in the following ways:

- (1) Assists in the development of the meeting agenda.
- (2) Informs the members of items of special interest.
- (3) Ensures that the Arts Councils work complements community goals.
- (4) Provides information as required.
- (5) Researches and provides background information and analysis on issues under consideration by the Arts Council.

(6) Drafts letters, memorandums, and other items of communication as requests by the Arts Council.

(7) Provides technical assistance.

(8) City Attorney shall provide legal counsel as may be reasonably necessary by the Arts Council for the performance of its functions.

(9) Perform administrative tasks associated with compliance with the Utah Open Meeting Act which includes but is not limited to the posting of agendas, preparing minutes of the Arts Council meeting, etc.

3-996. Duration. The Arts Council shall remain in effect until the Tremonton County Council adopts an ordinance dissolving the Committee.

3-997. Amendments. As often as necessary the City Council shall make amendments to the organization of the Arts Council to ensure that the organization of the Arts Council is functioning effectively. (Ord. No. 18-03)

CHAPTER 3-1000. APPOINTED OFFICIALS AND THEIR DUTIES.

3-1001. Creating Offices – Filling Vacancies. See U.C.A. § 10-3-901.

3-1003. City Engineer – Custodian of Records of Public Improvements. See U.C.A. § 10-3-903.

3-1004. Books and Supplies – Recording, Filing and Inspection. See U.C.A. § 10-3-904.

3-1005. Fees to Be Paid in Advance. See U.C.A. § 10-3-905.

3-1006. Seal. See U.C.A. § 10-3-906.

3-1007. Recordation Not to Interfere with Other Recordation. See U.C.A. § 10-3-907.

3-1008. Noncompliance a Misdemeanor. See U.C.A. § 10-3-908.

3-1010. Heads of Departments and Subordinate Officers. See U.C.A. § 10-3-910.

3-1012. Chief of Department May Suspend Subordinates. See U.C.A. § 10-3-912.

3-1013. Authority of Chief of Police. See U.C.A. § 10-3-913.

3-1014. Police Officers – Authority. See U.C.A. § 10-3-914.

(1) **Tremonton Police Department Employees.** Except as noted herein, all Employees of the Tremonton City Police Department, including, but not limited to, Chief, Lieutenant, Sergeant, Detective, Investigator, Patrol Officer, School Resource Officer, Animal Control Officer, Special Weapons and Tactics (“SWAT”) Team Member, Strike Force Member, and Code enforcement Officer shall be at least twenty-one (21) years of age and not over the age of seventy (70) years, and be physically, mentally, and intellectually capable of fulfilling the duties and responsibilities of their job description.

(2) Crossing Guards shall be at least twenty-one (21) years of age and be physically, mentally, and

intellectually capable of fulfilling the duties and responsibilities of their job description.

(3) At the discretion of the Chief of Police, employees under the age of twenty-one (21) and/or over the age of seventy (70) may be hired to fill non-public safety non-law enforcement, clerical positions within the Police Department.

3-1015. Rights to Arrest Without Warrant. See U.C.A. § 10-3-915.

3-1016. Appointment of Recorder and Treasurer in a City of Third, Fourth, or Fifth Class or a Town. See U.C.A. § 10-3-916.

3-1017. Engineer in a City of the Third, Fourth, or Fifth Class or Town. See U.C.A. § 10-3-917.

3-1018. Chief of Police or Marshal in a City of the Third, Fourth or Fifth Class or Town. See U.C.A. § 10-3-918.

3-1019. Powers, Duties and Obligations of Police Chief, Marshal and Their Assistants in a City of the Third, Fourth or Fifth Class or Town. See U.C.A. § 10-3-919.

3-1020. Bail Commissioner – Powers and Duties. See U.C.A. § 10-3-920.

3-1021. Fines – Collection by Bail Commissioner Disposition. See U.C.A. § 10-3-921.

3-1022. Term of Bail Commissioners – Salary – Bond of Oath. See U.C.A. § 10-3-922.

3-1024. Creation of Position of City Manager – Appointment and Qualifications of Manager.

(1) There is hereby created the Position of City Manager of Tremonton, Utah.

(2) The Mayor of Tremonton City Corporation, by and with the consent and confirmation of the City Council, shall appoint a person to act as City Manager. He or she shall be chosen solely upon the basis of administrative qualifications and need not be a resident of the City of Tremonton or of the State of Utah when appointed. The City Manager shall reside within Tremonton City limits or relocate to live within Tremonton City after assuming the position within a reasonable period of time set by the Mayor as part of the final job offer. The term of employment shall be set by the City Council at the time of appointment, and the contract of employment may contain provisions and methods by which the contract is terminated and by which it is renewed. He or she may be removed with or without cause by a majority vote of the City Council on thirty (30) days notice. (Ord. No. 24-04 passed 2/6/2024)

3-1025. Powers and Duties of Manager. The City Manager shall be at all times under the control and supervision of the Mayor and City Council of Tremonton.

(1) The City Manager shall be the chief administrative officer of the City government and require the faithful performance of all administrative duties, and shall:

- (a) Faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises leases permits, contracts, licenses, and privilege granted by the City are observed;
- (b) Carry out the policies and programs established by the City Council;
- (c) Organize and direct the management of the executive affairs of the municipality in a manner consistent with state laws and with City ordinances;
- (d) Prepare the annual budget (to be construed as a financial estimate only) and keep the City Council advised as to the financial condition and needs of the City;
- (e) Appoint, with the advise and consent of the City Council, a qualified person to each of the offices of Police Chief, Fire Chief, Community Services Director, Parks & Recreation Director, Food Pantry Director, Senior Center Director, City Recorder, Finance Director, City Treasurer, Information Technology Director, Building Official, Community Development Director, Public Works Director, City Engineer, City Attorney, and Emergency Manager.

The City Manager may also appoint with the advise of the respective Department Head, and the advise and consent of the City Council, a qualified person to each of the following positions Assistant Public Works Director, Assistant Police Chief, and Assistant Fire Chief.

The City Manager shall determine the process whereby to select a qualified person to propose for appointment for the aforementioned offices or positions. At the City Manager's election the process may include but is not limited to an open recruitment or a promotion of an existing employee. If the City Manager interviews potential candidates they may invite others to participate in the interview process.

The City Manager may also create any other offices as may be deemed necessary, with the

consent of the City Council, for the good government of the City; and regulate and prescribe the powers and duties of all other officers of the City, except as provided by law or by ordinance;

(f) Examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the City, and make investigations and require reports from personnel;

(g) Appoint, subject to the provisions of law and of the personnel Code and with the advice and consent of the City Council, suspend or remove heads of City offices, departments and agencies;

(h) Establish standards, qualifications, criteria and procedures to govern the appointments by heads of offices, departments, and agencies, or by other authorized officers, or divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and Personnel Code;

(i) Submit to the City Council plans and programs relating to the development and needs of the City, and reports concerning the financial, administrative, and operational activities of City offices, departments, agencies, boards and commissions, together with their evaluation and recommendations relating to them;

(j) In accordance with Governmental Accounting Standards Board (GASB) fund balance reporting requirements be the official to designate funds to the *Assigned Fund Balance* category and any sub-categories associated with preparing the City's Financial Statements. Amounts designated by the City Manager to the *Assigned Fund Balance* category and any sub-categories shall not be construed as an appropriation of any funds to be expended and the City Council after accepting the audit of the City's Financial Statements may amend amounts classified by the City Manager to the *Assigned Fund Balance* by motion.

(k) Attend all meetings of the City Council and take part in its discussions and deliberations, but without the right to vote;

(l) Appoint, with approval by majority vote of the full membership of the City Council, an acting City Manager to serve in their absence or temporary incapacity to perform the powers and duties provided for in this part;

(m) Discharge any other duties specified by statute or imposed by the City Council; and

(n) To notify the Mayor and the City Council of any emergency existing in any department under their supervision.

(2) Supplemental Powers and Duties: In addition to the above-enumerated powers and duties, the City Manager may;

(a) Authorize a Department Head or officer responsible to them to appoint and remove subordinates serving under that Department Head or officer;

(b) Designate themselves or some other officer or employee to perform the duties of any office or position in the administrative service under their control which is vacant or which lack administration due to the absence or disability of the incumbent;

(c) Assign any employee of the City to any department or branch thereof requiring services appropriate to the personnel system classification of the employee so assigned;

(d) Prescribe such rules and regulations as they shall deem necessary or expedient for the conduct of administrative agencies subject to their authority, and revoke, suspend, or amend any rule or regulation of the administrative service by whomever prescribed;

(e) Have the power, either by themselves or by an officer or person designated for the purpose by them, to investigate and to examine or inquire into the affairs or operation of any department, division, or office; and when so authorized by the City Council, they shall have power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries;

(f) Have the power to examine all proposed contracts to which the City may be a party and approve and release on behalf of the City all performance bonds for on-site and off-site improvements and similar obligations. All such approvals and releases shall be listed on the consent calendar portion of the City Council agenda, ratified by the City Council, and referenced in the minutes of the meeting;

(g) Have the power to approve merit pay increases and bonuses for City employees when appropriate with the consent and approval of City Council;

(h) Have the power to set aside any action taken by a Department Head;

(i) Have the power to direct any department, division, or office to perform the work for any other department, division, or office; and

(j) Have the power to set the dates of all

public hearings. All such dates shall be placed on the consent calendar portion of the City Council agenda, ratified by the City Council, and referenced in the minutes of the meeting.
(Ord. No.10-09)

3-1026. Legislative Powers and Official Position of the Mayor Not Delegated. Nothing contained in this section is intended to diminish or impair the legislative and judicial powers of the Mayor in his position as Chairman of the Governing Body and any ex officio position the Mayor shall hold and said powers and positions shall not be delegated to the City Manager.

3-1028. Attorney Duties – Deputy Public Prosecutor. See U.C.A. § 10-3-928.

CHAPTER 3-1100. CIVIL SERVICE COMMISSION. – Rescinded 5/2/06

CHAPTER 3-1200. PERSONNEL RULES AND BENEFITS.

3-1203. Sickness, Disability and Death Benefits. See U.C.A. § 10-3-1103.

3-1204. Library Personnel – Monthly Wage Deductions and Matching Sums – Time Inclusion. See U.C.A. § 10-3-1104.

3-1205. Municipal Employees – Duration and Termination of Employment – Exceptions. See U.C.A. § 10-3-1105.

3-1206. Discharge Suspension without pay, or Involuntary Transfer – Appeals – Board – Procedure. See U.C.A. § 10-3-1106.

3-1207. Cost of Living Adjustment - Price Index Used. See U.C.A. § 10-3-1107.

CHAPTER 3-1300. HISTORIC PRESERVATION.

Part 3-1310. General. (Authority: U.C.A. § 10-8-85.9)

(1) Purpose. Tremonton City recognizes that the historical heritage of the community is among its most valued and important assets. It is, therefore, the intent of Tremonton to identify, preserve, protect and enhance historic buildings, structures, sites, objects, and districts lying within the city limits of Tremonton City.

Part 3-1320. Historic Preservation Commission.

A Historic Preservation Commission is hereby established by Tremonton City with the following provisions:

- (1) The commission shall consist of a minimum of five (5) members.
- (2) All commission members must have a demonstrated interest, knowledge, or experience in the fields related to historic preservation.
- (3) To the extent available in the community, at least two (2) members of the commission shall be professionals in fields related to historic preservation (i.e., history, architectural history, archaeology, historic architecture, or planning).
- (4) Commission meetings shall be held at least twice a year.
- (5) Written minutes of each commission meeting shall be prepared and made available for public inspection.

Part 3-1330. Commission Duties. The Historic Preservation Commission shall have the following duties:

- (1) Advise the City Council and other interested parties in the community on matters related to historic preservation and history.
- (2) Coordinate with other City entities and community organizations to promote collaborated efforts related to the community's history and cultural affairs.
- (3) Conduct surveys of local historic properties in compliance with standards set by the State Historic Preservation Office.
- (4) Maintain an inventory of surveyed historic properties, including site forms and related support materials, in a publicly accessible location.
- (5) Participate in planning and land-use processes undertaken by the City that have the potential to affect historic properties.
- (6) Promote and conduct educational and interpretive programs related to the community's history and historic properties.
- (7) Review and comment to the State Historic Preservation Office regarding all proposed National Register nominations of properties in the community.
- (8) Apply for and administer grants and other financial aid for historic preservation and history-related projects in the City.

Part 3-1340. Standards for Rehabilitation and Design Guidelines. The Historic Preservation Commission shall use the following standards and guidelines in advising the City Council and other parties on the appropriate treatment of historic properties:

- (1) Standards for Rehabilitation. These standards apply to historic buildings of all periods, styles, types,

materials, and sizes. They apply to both the exterior and the interior of historic buildings. The standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

- (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the

essential form and integrity of the historic property and its environment would be unimpaired.

(2) General Design Guidelines. These guidelines expand on some of the concepts articulated in the Standards in Part 13-1240 (1).

(a) Historic Sites, Historic Buildings, and Contributing Buildings in Historic Districts.

(i) Avoid demolition of historic and contributing buildings. They are a finite resource and cannot be replaced.

(ii) Vacant buildings should be weather- and vandal-proofed to minimize further deterioration and the threat to public safety.

(iii) Rehabilitation work, especially on the exterior and the principal facade, should preserve existing historic features or replace them, if absolutely necessary, with features and materials known to have existed on the building. Avoid “dressing up” buildings by adding features based on speculation.

(iv) Avoid moving buildings whenever possible, especially to create artificial groupings of historic buildings. If buildings must be moved, the new site should be similar to the original site, and the original setback and orientation of the building on the lot should be replicated.

(b) Additions to Historic Buildings and New Construction Within a Historic District.

(i) New additions to historic buildings should be subordinate to the original building, that is, lower in height, attached to the rear or set back along the side, and subordinate in scale and architectural detailing.

(ii) Height, width, setback, roof shape, and the overall scale and massing of new buildings within a historic district should be compatible with surrounding historic buildings and the overall streetscape.

(iii) Materials on at least the primary facade(s) should be similar to original materials on facades of surrounding historic buildings (usually brick, stucco, stone, or wood siding, depending on the specific characteristics of the district).

(iv) Architectural details (including wood or metal trim, porches, cornices, arches, window and door features, etc.) should be compatible with but not replicate historic features on surrounding historic buildings.

(v) Window and door openings should be similar in size and orientation (vertical or horizontal) to openings on historic buildings and should take up about the same percentage of the overall facade as those on surrounding historic buildings.

(vi) Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape. Wider new buildings can be divided into segments that more closely resemble the facade widths of historic buildings.

(vii) Roof Shape. The roof shape of a building shall be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, pitches, and colors are discouraged.

CHAPTER 3-1400. APPEALS BOARD.

3-1401. Creation of Board and Purpose. In accordance with U.C.A. § 10-3-1106 (7) (a) there is hereby created a Tremonton Employee Appeal Board (hereafter referred to as Board) for the purpose of a Post-Deprivation Hearing (also referred to as “appeal hearing” or “appeal”) for employees that are eligible as per U.C.A. § 10-3-1105.

3-1402. Purpose Explained. The Post-Deprivation Hearing or Appeal Hearing is part of the “due process” requirement provided to eligible government employees. The Post-Deprivation Hearing stems from a court case in which the United States Supreme Court held that non-probationary civil servants had a property right to their employment and such employment could not be deprived unless employees were given an opportunity to hear and respond to the charges against them prior to being deprived.

3-1403. Method and Manner of Choosing Board Members. The Board shall consist of five (5) regular members to hear an employee’s appeal and four (4) alternate members. The regular Board member and alternates shall be as follows:

(1) City Council. Two (2) regular members of the Board and one (1) alternate shall be from the Tremonton City Council. Whenever the Board is assembled to conduct business the longest tenured City Council members are appointed to be regular Board members. If there is a tie regarding the longest tenured City Council members than the two City Council members’ who last name comes first alphabetically will be regular Board members. With the next longest

tenured City Council member being an alternate member.

(2) Department Head. One (1) regular member of the Board shall be the Public Works Director. If the Public Works Director is involved in the disciplinary action in which the employee is appealing than the Police Chief shall be the alternate member to sit to hear the employee's appeal in the place of the Public Works Director.

(3) Employees. Two (2) regular members of the Board and two (2) alternates shall be comprised of employees eligible as per U.C.A. § 10-3-1105. The regular employee Board members and alternates shall be elected by popular vote administered by the City Recorder or their deputies. Each Tremonton City employee who is eligible to request a Post-Deprivation Hearing (appeal hearing) shall vote for four (4) Tremonton City's employees. The top two (2) vote-getters shall be regular Board members with the 3rd and 4th vote-getters serving as alternates.

3-1404. Chairperson. The Chairperson of the Board shall be the one (1) of the two (2) sitting City Council members and shall be determined by a flip of a coin administered by the City Recorder. The Chairperson shall be a voting member.

3-1405. Secretary. The Board's secretary shall be the City Recorder or their deputies. The Board Secretary shall prepare the agenda, post the agenda and prepare the minutes of the proceedings of the Board and otherwise ensure compliance with the Open and Public Meeting Act.

3-1406. Board Members Term. The terms of regular Board members and alternate Board members for the City Council shall be concurrent with their elected office. The terms for the Public Works Director, Police Chief, and other employees shall be concurrent with their employment with Tremonton City. Vacancies on the Board shall be filled in the same manner as described in Section 3-1303. Method and Manner of Choosing Board Members.

3-1407. Quorum & Voting. Three members of the Board shall be present to be a quorum, and it shall take the majority of the quorum present to conduct any Board business. As per U.C.A. § 10-3-1106 (5) (a) (i) the decisions of the Board shall be by secret ballot, and shall be certified by the City Recorder within fifteen (15) days from the date the matter referred to except as provided in U.C.A. § 10-3-1106 (5) (a) (ii) as amended.

3-1408. Open Meetings Act. The Board is a public body and as such its associated meeting shall be established and conducted in accordance with U.C.A.

§ Title 52, Chapter (Open and Public Meeting Act). As per U.C.A. § 10-3-1106(4)(b) the employee may have a public hearing. The Board may vote to close the meeting as allowed by U.C.A. § 52-4-204 and U.C.A. § 52-4-205 as amended.

3-1409. Assembling a Quorum. It is the intent of this ordinance to have sufficient regular Board members and alternate Board members to expeditiously assemble a quorum of the Board as the need arises as envisioned by U.C.A. § 10-3-1106(5)(a) without delaying the "due process" rights of an employee. The City Recorder or their deputies have the authority to assemble a quorum upon receipt of a filed written notice of the appeal from an eligible employee. The City Recorder shall try to contact every regular Board member as to the date, time, and place of the meeting and if a message is left wait a reasonable period for the regular Board member to respond as their availability to participate in the appeal hearing. After attempting to contact regular Board members and waiting a reasonable period the City Recorder shall have the sole authority to make the determination as to which regular Board members are available to participate in the appeal hearing and which alternate Board members shall sit in the place of a regular Board member.

3-1410. Procedure for Conducting an Appeal. Eligible employees as per U.C.A. § 10-3-1105 who are being subject to: termination; suspension of over two (2) days without pay; or involuntary transfer to a position with less remuneration may appeal their deprivation of property rights to the Board. Appellant-employees shall file written notice of the appeal with the City Recorder in accordance with U.C.A. § 10-3-1106(3)(a) and declare therein if they desire a public hearing as allowed in 10-3-1106 (4) (b). Appellant-employees, the City Recorder, and Board shall conduct any properly filed appeal in accordance with U.C.A. § 10-3-1106(3) through U.C.A. § 10-3-1106(6) as amended.

3-1411. Standard of Review. The Board's standard of review for deciding appeals shall be "Clearly Erroneous". The Board shall investigate, take and receive evidence, and fully hear and determine those matters which are appealed to the Board to determine if after reviewing the Findings of Facts surrounding the disciplinary action if Plain Error was made in administering the discipline. Harmless Error shall not be grounds for reversing disciplinary action.

3-1412. Overturn Employee Disciplinary Action. If the Board votes to overturns the termination; suspension of over two (2) days without pay; or involuntary transfer to a position with less remuneration than: (1) the City shall reinstate any loss of pay

associated with the Employee Disciplinary Action; (2) the Mayor or City Manager shall remove the record of the disciplinary action from the employee's personnel file.

3-1413. Court of Appeals. If the Appeal Board upholds the termination; suspension of over two (2) days without pay; or involuntary transfer to a position with less remuneration, an appellant-employee has no additional appeal rights with the City, but the final action of the Board may be reviewed by the Court of Appeals as per U.C.A. § 10-3-1106 (6) as amended.

CHAPTER 3-1500. TREMONTON CITY REDEVELOPMENT AGENCY.

3-1501. Establishment of Redevelopment Agency. Desiring to establish a redevelopment agency operating pursuant to the Utah Neighborhood Development Act, *Utah Code Annotated 1953, 11-19-1 et seq.*, as amended, the City Council and others as needed are hereby designated as the Redevelopment Agency of Tremonton City. (Ord. No. 81-1)

3-1502. Authority of Redevelopment Agency. The Redevelopment Agency of Tremonton City shall be authorized to enter into contracts generally and shall have power to transact the business and exercise all the powers set forth in the Utah Neighborhood Development Act, *Utah Code Annotated 1953, 11-19-1 et seq.*, and all provisions of said State law are hereby adopted by reference and shall be modified as amendments are made thereto by the Utah State legislature. (Ord. No. 81-1)

ORD 24-04
ORD 24-12
ORD 25-03