MAGNA CITY COUNCIL

ORDINANCE NO. 2026-O-24 DATE: October 13, 2026

AN ORDINANCE OF THE MAGNA CITY COUNCIL RESTATING TITLE 1 (GENERAL PROVISIONS AND TITLE 2 (ADMINISTRATION AND PERSONNEL)

WHEREAS, Magna City ("**Magna**") incorporated as a metro township on January 1, 2017, and adopted the entire Salt Lake County Code in effect at the time of its incorporation pursuant to Utah Code § Subsection 10-2a-414(3), which H.B. 35 repealed in 2024; and

WHEREAS, during the 2024 legislative session, the Utah Legislature enacted H.B. 35, which converted the metro townships into cities or towns based on their 2020 census population numbers and made the conversion effective on May 1, 2024; and

WHEREAS, on May 1, 2024, Magna became a city of the third class pursuant to Utah Code § 10-2-301(2)(c); and

WHEREAS, on January 1, 2026, Magna transitioned to a six-member council form of government governed under Title 10, Chapter 3b, Part 301 of the Utah Code; and

WHEREAS, Magna has the authority to exercise general powers as provided in Utah Code, Title 10, Chapter 8, Part 1, Powers and Duties of Municipalities, to encourage conformity and promote ease for residents and staff to interpret and implement the Magna Municipal Code, and to promote the health, safety, general welfare, and prosperity of the City and its inhabitants as provided in Utah Code §§ 10-8-2, 10-8-84, and 10-9a-102; and

WHEREAS, Magna is empowered and has the authority to revise, codify and compile from time to time and to publish in book, pamphlet or looseleaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated pursuant to Utah Code §10-3-707; and

WHEREAS, the Magna City Council ("**Council**") desires to do a comprehensive restatement of Titles 1 (General Provisions) and Title 2 (Administration and Personnel) to fully repeal the remaining county code provisions within these titles and update these titles to account for Magna's transition to a city with a six-member council form of municipal government, and to more clearly delineate the respective roles of the Council, the Mayor, and the City Manager.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAGNA CITY COUNCIL AS FOLLOWS:

1. Enactment:

   a. Title 1, General Provisions, of the Magna Municipal Code is repealed and reinstated in its entirety with the language attached hereto as **Exhibit 1**; and

   b. Title 2, Administration and Personnel, of the Magna Municipal Code is repealed and reinstate in its entirety with the language attached hereto as **Exhibit 2**.

2. Severability: If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Direction to Staff: The City Manager and staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

4. Retroactive effect. A provision of the Magna Municipal Code is not retroactive, unless the provision is expressly declared to be retroactive.

5. Effect of Repeal. The repeal of a provision in the Magna Municipal Code does not revive a city code provision which the City inherited from Salt Lake County on July 1, 2017, or affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding commenced under or by virtue of the county code provisions then incorporated by reference into the city code.

6. Effective Date: This ordinance shall become effective immediately upon its posting.

[execution on following page]

APPROVED AND ADOPTED at a duly called meeting of the Magna City Council on this 13th day of October 2026.

MAGNA CITY COUNCIL

By: Mick Sudbury, Mayor

ATTEST:

Diana Baun, City Recorder

VOTING:

Council Member George	voting	aye
Council Member Jensen	voting	aye
Council Member Larson	voting	aye
Council Member Olsen	voting	aye
Council Member Prokopis	voting	aye

(Complete as Applicable)
Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711:
October 15, 2026
Effective date of ordinance: October 13, 2026

SUMMARY OF
CITY OF MAGNA
ORDINANCE NO. 2026-O-24

On October 13, 2026, the Magna City Council enacted Ordinance No. 2026-O-24 to restate Title 1 (General Provisions) and Title 2 (Administration and Personnel).

MAGNA CITY COUNCIL

By: Mick Sudbury, Mayor

ATTEST:

Diana Baun, City Recorder

Voting:

Council Member George	voting	aye
Council Member Jensen	voting	aye
Council Member Larson	voting	aye
Council Member Olsen	voting	aye
Council Member Prokopis	voting	aye

A complete copy of Ordinance No. 2026-O-24 is available in the office of the Magna City Recorder, 860 Levoy Drive, Suite 300, Taylorsville, Utah 84123.

EXHIBIT 1

TITLE 1. GENERAL PROVISIONS

CHAPTER 1 -- OFFICIAL NAME

1.01.010 Official Name

The official name of the City shall be the "Magna City." All official documents, agreements, letterheads, deeds, publications, and other City property shall bear the official name.

1.02.020 Adoption of City Seal and Logo

The following is adopted as the official seal and logo of the City:

CHAPTER 2 -- CODE ADOPTION

1.02.010 Code Adoption

Pursuant to the provisions of Utah Code §§ 10-3-701 and 10-3-707 the Council ordains as follows and has adopted the "Magna City Code of Municipal

Ordinances, 2026."

1.02.020 Title; Citation; Reference

This Code shall be known as the "Magna Code of Ordinances, 2026" and it shall be sufficient to refer to the Code as the "Magna Code of Ordinances, 2026" in any prosecution for the violation of any provision therein or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to, amendment to, correction or repeal of the "Magna Code of Ordinances, 2026." Whenever a reference is made to this Code as the "Code," the "Magna Code of Ordinances, 2026" or to any portion thereof, or to any ordinance of Magna, the reference shall apply to all amendments, corrections and additions made before, as of or after the effective date of the ordinance codified in this chapter.

1.02.030 Reference To Specific Ordinances

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with the ordinances which are therein specifically designated by number or otherwise and which are included within this Code but such references shall be construed to apply to the corresponding provisions contained in this Code.

1.02.040 Effective Date Of This Code

This Code shall be effective on November 1, 2026.

1.02.050. Interpretations. Rules of Construction. Conflicting Provisions

A. Interpretation, Generally. The provisions of this Code, Title 1, General Provisions, shall govern the interpretation of this Code, except if specifically provided otherwise.

B. Words and Phrases. Words and phrases are to be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as have acquired a peculiar and appropriate meaning in law, or are defined by statute, are to be construed according to such peculiar and appropriate meaning or definition.

C. Promotion of Justice. Each provision of, and each proceeding under this Code are construed to effectuate the objectives of the provision and to promote justice.

D. Retroactive Effect. A provision of the Code is not retroactive, unless the provision is expressly declared to be retroactive.

E. Effect of Repeal. The repeal of an ordinance does not revive an ordinance previously repealed, or affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding commenced under the repealed ordinance.

F. Specific Language Over General Language. If any Code provision is in conflict with another provision in this Title the more specific provision shall govern.

G. Recent Enactment Governs. If any Code provision remains in conflict with another provision in this Title and is not be resolved as provided in Subsection F., the most recent enactment shall govern.

H. State Code. If any Code provision conflicts or becomes in conflict with any state Code provision, the Code provision shall be considered to be repealed and to be of no effect for such period of time as such Code provision remains in conflict with state Code, and the state Code shall govern.

I. Successor Statutes and Code Provisions. Any statute or Code provision citied in the Code shall be deemed to include that statute or Code provision as amended, restated, and/or replaced to the same general intent and effect.

1.02.060 Rules of Construction

A. General:

1. In the construction of an ordinance in Code, the general rules listed in this section shall be observed, unless the construction would be:

   a. Inconsistent with the manifest intent of the city council; or

   b. Repugnant to the context of the Title.

2. The singular includes the plural, and the plural includes the singular.

3. A word used in one gender includes the other gender.

4. A word used in the present tense includes the future tense.

5. In accordance with Title 46, Chapter 4, Part 5, of the Utah Code, Electronic Records in Government Agencies, a word related to the medium used in the provision of a government service may include an electronic or other medium.

6. A term described in section 2.a. may be used when unusual circumstances exist that require the use of the term, including the use of the term:

a. In an interstate compact; or

b. To ensure consistency with a federal law or rule.

B. Discouraged Terms

1. Except as provided in this Section, the use of the word "should" is strongly discouraged, but may be used to:

a. Refer to a recommended action, including a provision that a person shall or may recommend whether an action "should" be taken;

b. Indicate an expected standard of knowledge, including a provision that a person "should" know:

a) whether a fact exists; or

b) that an action is likely to cause a specified result; or

c. Refer to a determination as to whether an action "should" have occurred.

2. The use of the word "must" is strongly discouraged when the term "shall" can be used in its place.

3. Except as provided in this Section, the use of the following terms in this Title is strongly discouraged:

a. "shall not";

b. "should not";

c. "must not"; or

d. “but not limited to" after "include," "includes," or "including."

C. Definitions. In the construction of the ordinances set out in this Code, and all subsequent amended ordinances, the following definitions shall be observed, unless such construction would be inconsistent with the manifest intent of the council, or repugnant to the context of the ordinance. These definitions shall be in addition to other definitions the Council may approve for specific titles, chapters, and sections.

1. “Administration” means administrative services that the City provides, including any administrative services that the City’s contractors or agents may provide.

2. “Administrative Law Judge” means a person appointed by the City Manager or their designee to preside over administrative hearings as provided in the Code. An Administrative Law Judge shall be an attorney licensed to practice law in the State of Utah and must not be a City employee.

3. “Administrative Hearing” means a hearing held pursuant to the procedures established by the Code.

4. “Animal services” means the animal services the City provides through its contractors and agents.

5. “Assessor” or “County Assessor” means the elected assessor of Salt Lake County, Utah.

6. “Attorney” or “City Attorney” means the Magna City Attorney appointed by the Council to serve as the City Attorney pursuant to Chapter 2.02 of the Code (if appointed b the Council).

7. “Board of health" means the Salt Lake County board of health.

8. “Business” means any enterprise carried on the purpose of gain, economic profit, or nonprofit for which a business license is required.

9. “Business enterprise” means a sole proprietorship, partnership, association, joint venture, corporation, limited liability company, or other entity used in the carrying on of business.

10. “Clerk” means the means the person who serves as the Recorder for Magna.

11. “City Manager” means the person appointed by the Council to serve as the City Manager pursuant to Chapter 2.02 of the Code (if appointed by the Council).

12. “Code” means the ordinances of Magna.

13. “Code Enforcement Official” means any person and the official’s designee authorized by Magna to enforce civil compliance with code, policies, regulations, or applicable state code as provided in Title 12 or otherwise in the Code.

14. “Council” means the Magna City Council, which consists of six members, one of whom is the Mayor.

15. “County” or “Salt Lake County” shall refer to Salt Lake County.

16. “Disaster” means a sudden calamitous manmade, natural, or war-caused event bringing great damage, loss, or destruction.

17. “District attorney” means the elected attorney of Salt Lake County, Utah.

18. “Director” means the Greater Salt lake Municipal Services District Director of Planning and Development Services, unless otherwise clearly indicated.

19. "Employee" means a person who is employed on a full-time, part-time, or contract basis by the City. "Employee" includes elected and appointed officers of the City.

20. “Enforcement Action” or “action” means any action by Magna to enforce compliance with any ordinance, policy, regulation, or applicable state statute, and includes a notice of violation, an administrative citation, departmental determination or board finding, and related order or corrective action. This term shall not include any criminal prosecution.

21. “Enforcement Official” means any person and the designee authorized by Magna, including the planning director, zoning officers, police officers, code enforcement officers, building and engineering inspectors, animal control officers, human resource officers, and health department officials to enforce compliance with code, policies, regulations, or applicable state code.

22. “Engineer” means the licensed engineer appointed by the Council to serve as the City’s engineer pursuant to Chapter 2.05 of the Code.

23. “Fire department” means the department or entity authorized by Magna to provide fire and emergency services to Magna.

24. “General Rule” means that all words and phrases shall be construed and understood according to the common use and understanding of the language; the technical words and phrases; and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.

25. "Gifts" means anything of value including a loan at a rate that is substantially less than a prevalent commercial rate, compensation for goods or services exceeding fair market value, goods or services provided for less than fair market value, gratuity, entertainment, hospitality or forbearance, unless consideration of equal or greater value is received.

26. “Governing body” means the Council..

27. “GRAMA” means the Utah Governmental Records Access Management Act, Title 63G, Chapter 2 of the Utah Code.

28. “Health department” means the Salt Lake County health department.

29. “Hearing Officer” means any person assigned by Magna to hear administrative appeals of enforcement actions or other actions taken by Magna, including an Administrative Law Judge.

30. “Highway” or “public highway” means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or other public way situated within Magna, laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right- of-way.

31. "Honoraria" means the offering or acceptance of perquisite, gift or anything of value for speaking, writing or participating in a meeting, convention, social event, meal or like gathering.

32. "Individual" refers to any natural person including City clients and patrons; members of the public; and City officers, employees and volunteers.

33. “Justice Court Services” means the justice court, municipal prosecution, and indigent defense services authorized for Magna.

34. “Magna” means the City of Magna, Utah.

35. “Knowingly” means intentionally or with intent, or willfully with respect to the nature of the conduct or the result of the conduct, when it is the conscious objective or desire to engage in the conduct or cause the result.

36. “Law” means applicable federal law, the United States Constitution, Utah Constitution, Utah Code, Salt Lake County ordinances, or the Code, and any rule or regulation promulgated thereunder.

37. “License” includes any certificate or license that Magna may issue.

38. “License official” means the director of Magna’s planning and development services division or the director’s designee.

39. “Local emergency” means the proclamation by the Mayor invoking special powers and the emergency operation plan as a result of a disaster,

except the Mayor may not exercise powers to respond to a pandemic or an epidemic.

40. “May” means an action that is authorized or permissive.

41. “May not” means an action that is not authorized and is prohibited.

42. “Mayor” means the Mayor of Magna City.

43. “Mayor Pro Tempore” or “Mayor Pro Tem” means that member of the Council who the Council has elected to serve in the Mayor’s absence.

44. “Metro township” means the City of Magna.

45. “MSD” or “municipal services district” means the Greater Salt Lake Municipal Services District” that is the local district that operates pursuant to Title 17B-, Chapter 1, Section 101 et seq., Utah Code, and provides municipal services to Magna.

46. “Municipality” means the City of Magna.

47. “Municipal services district” means the MSD, which provides one or more of the services to its members, including administration, planning and development, animal services, municipal parks, public works operations and engineering, justice courts, and legal services as permitted by applicable law.

48. “Must” means, depending on the context in which it is used, that:

    1. An action is required or mandatory;

    2. An action or result is compelled by necessity;

    3. An item is indispensable; or

    4. An action or event is a condition precedent to:

        a. The authority to act;

        b. A prohibition;

        c. The accrual or loss of a right; or

        d. The imposition or removal of an obligation.

49. “Offense” means any act, action, or conduct prohibited by this Code or the failure to perform any acts required by this Code.

50. “Order” means any Magna order including a stop work order, notice of non- compliance, clean-up order, abatement action, revocation or suspension of a license or permit, assessment of charges or costs, notice of zoning violation, seizure of any animal or property, Code enforcement order relating to the occupancy of any structure or building, any written disciplinary action, the assessment of any costs or non- criminal penalty, or any other action seeking the cessation of any business or operation.

51. “Owner” applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant or less of the whole or of any part of the building or land.

52. “Parks and recreation” means the municipal land and associated activities on municipal land in Magna.

53. “Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, bodies politic, business trust, organization, or the manager, lessee, agent, officer, or employee of any of them, or any individual, partnership, association, corporation, or group of individuals, however styled or designated, and any other entity that is recognized by law as the subject of rights or duties, or who represents or is the agent of such person.

54. “Personal property” means and includes money, goods, chattels, things in action, and evidences of debt.

55. “Plan” or “general plan” means the Magna General Plan.

56. “Planning and development” means the services provided to Magna by the MSD.

57. “Police Department” means the department or entity authorized to provide law enforcement and police services to Magna.

58. “Policy and Procedures” means a written statement formally adopted by the Council providing for the implementation of ordinances, powers and duties for Magna’s governance and administration.

59. “Property” means and includes real and personal property.

60. “Property Owner” means the record owner of real property as shown on the records of the Salt Lake County Recorder.

61. “Public Works” means Magna’s operations and engineering services.

62. “Real property” means the means and includes lands, tenements, and hereditaments.

63. “Recorder” means the person who serves as the City’s Recorder pursuant to Chapter 2.03.

64. “Responsible Person” or "responsible party" means the person determined by Magna who is responsible for causing, maintaining, or remedying a violation of the Magna Code, policies, regulations, or applicable State codes. The term "responsible person" shall include a property owner, agent, tenant, lessee, occupant, business owner, business manager or employee, architect, builder, contractor, or other person who individually or together with another person is responsible for the violation of any provision of the Magna Code, policies, regulations, or applicable state codes.

65. “Shall” means an action that is required or mandatory.

66. “Sheriff” means the Salt Lake County Sheriff.

67. “State” means the state of Utah.

68. “Street” includes alleys, lanes courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.

69. “Surveyor” means the person who serves as the surveyor for Magna.

70. “Tenant” or “occupant,” applied to a building or land, means and includes any person who occupies the whole or any part of such building, either alone or with others.

71. “Treasurer” means the person who serves as the City Treasurer pursuant to Chapter 2.04.

72. “Year” means a calendar year unless specified otherwise.

73. “Will” means an action that is required or mandatory.

1.02.070 Severability

The provisions of the Code are declared to be severable, and if any provision of the Code shall, for any reason, be held to be invalid or unconstitutional or if the

application of the Code to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the validity of the remaining provisions of the ordinance codified in the Code.

1.02.080 Computation of Time

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, if Saturday, Sunday or a holiday, in which case the last day shall be the next following business day. When the period of time is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded.

1.02.090 Liability Of Employers And Agents To Penalty For Violation Of Ordinances

When the provisions of an ordinance prohibit the commission or omission of any act, the person doing the prohibited act or omitting the directed act and the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and subject to the penalty prescribed for the offense.

1.02.100 Penalty For Violation Of Code Provisions

When no other penalty is prescribed for violations of the Code, such violations shall be classified as Class B misdemeanors shall be punished accordingly in accordance with state criminal code.

1.02.110 Remedies and Prosecution

The City shall have sole discretion in deciding whether to pursue civil remedies or seek administrative enforcement for the violation of the Code and of its ordinances, policies, regulations, and applicable state statutes. This Code shall not limit the powers of the City or the district attorney in pursuing criminal charges for the violation of any City ordinances or state statutes, in addition to any civil action the City may take.

CHAPTER 3 – APPEALS AND ADMINISTRATIVE HEARINGS

1.03.010 Purpose and Scope

A. The purpose of this Chapter is to establish an administrative appeal process for City actions relating to the enforcement of this Code or other City ordinances, policies, regulations, and applicable state statutes through the City's administrative process.

B. If the Code establishes an administrative appeal process for a specific Title,

Chapter, or Section of this Code, the more specific administrative appeal process shall apply and the general administrative appeal process set forth in this Chapter shall not apply.

C. For appeals that are subject to this Chapter, no judicial review shall be available if the provisions of this chapter are not followed, and failure to timely request and participate in an administrative review under this Chapter shall bar any action in the state or federal courts by an aggrieved person.

1.03.020 Service of Notice Requirements

A. Whenever a notice is required to be given under this chapter it shall be in the form of a notice approved by the director and the notice shall be served by one of the following methods:

1. Personal service;

2. Regular mail, postage prepaid, to the last known address of a responsible person;

3. Posting the notice conspicuously on or in front of the property that is the subject of the action;

4. Publication in a newspaper of general circulation if service has not been accomplished after reasonable efforts to comply Subsections 1 through 3; or

5. As directed by the administrative judge.

B. Failure of a responsible person to actually receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above.

C. Service by regular mail in the manner set forth above shall be deemed served on the fourth day after the date of mailing.

D. The failure of a person, other than a responsible person, to be served notice in accordance with this section shall not affect the validity of any proceeding taken hereunder by any party aggrieved by the City's actions.

1.03.030 Appointment of Administrative Law Judge

The Council shall appoint an attorney or attorneys licensed to practice law in Utah to serve as the City's administrative law judge or judges to hear all appeals made under the Code. To be eligible for appointment as an administrative law judge, an attorney must be in good standing with the Utah State Bar.

1.03.040 Powers of Administrative Law Judge

A. An administrative law judge shall have authority to set the date, time, and place for holding an administrative hearing.

B. An administrative law judge may issue a scheduling order to guide the conduct of the case, to set the limits of any pre-hearing discovery, to provide for the identification of witnesses and their expected testimony, to list and exchange proposed exhibits, to approve stipulations regarding facts, applicable law, foundation to exhibits, and to govern such other matters related to hearing of the matter as deemed appropriate.

C. The administrative law judge holding a hearing shall arrange for the recording of any hearing.

D. The administrative law judge is empowered to issue subpoenas for the production of documents and things and to compel the appearance of witnesses in the pending action. It shall be unlawful for any person to willfully refuse or fail to obey a subpoena issued for an administrative hearing. A violation of this section shall be a class B misdemeanor.

1.03.050 Request For Administrative Hearing

A. A responsible person served with an enforcement action from the City shall have the right to request an administrative hearing.

B. A party who has been adversely affected by an action by the City may also request an administrative hearing. Adverse effect may arise from:

1. Any decision affecting the employment status, compensation, or treatment of an employee of the city;

2. Denial, revocation, or termination of any license issued by the City;

3. Any decision relating to the zoning or permitted use of real property located within the incorporated limits of the City;

4. Any decision relating to the award or failure to award a bid or proposal but which action must be brought within the time limitations and grounds set forth in the city ordinances and policies governing procurement;

5. Any notice of violation, animal seizure, assessment of costs, or other action taken by animal services; or

6. Such other violation, assessment, or action as designated by the Code or other City ordinance, policy, regulation, or state law.

C. The request for an administrative hearing shall be made in writing and delivered to the City Manager.

D. The written request for hearing must be received by the City Manager within fifteen (15) calendar days of the date the enforcement action is served upon the responsible party. Failure to request an administrative hearing within fifteen calendar days from the date of service shall constitute a waiver of the right to an administrative hearing and of the right to an appeal of the enforcement action to any state or federal court or agency.

E. Within fifteen (15) days of the issuance of an enforcement action, the City may request an administrative hearing for the purpose of compelling a responsible person to comply with the action.

F. If a responsible person fails to request a hearing after being issued an "enforcement action" the corrective action detailed within the action shall be considered the final administrative order and the person shall be deemed to have waived any appeal of that order.

1.03.060 Notification Of Administrative Hearing

A. As soon as practicable after receiving the written notice of the request for an administrative hearing, the City Manager shall appoint an administrative law judge if one has not been previously appointed or assign the appeal to a previously appointed administrative law judge, who shall schedule a date, time, and place for the administrative hearing.

B. Written notice of the date, time, and place of the administrative hearing shall be served on the responsible person as soon as practicable prior to its date.

C. The notice shall be served by any of the methods of service set forth in Section 1.03.020 of this Chapter.

1.03.070 Rules Of Discovery And Evidence For Administrative Hearings

A. The administrative law judge shall determine the scope of any pre-hearing discovery.

B. The formal rules of evidence and of civil procedure adopted by the courts shall not be applied in any administrative hearings; however, the administrative law judge shall determine the admissibility and weight to be accorded any evidence.

C. The administrative law judge shall issue written findings of fact and conclusions of law within forty-five (45) days after the conclusion of the hearing.

1.03.090 Appeal

A. The City or party adversely affected by a final administrative order issued pursuant to a hearing may file a petition for review in the Third Judicial District Court of the State of Utah in accordance with the Utah Rules of Civil Procedure.

B. A petition for review shall be barred unless it is filed within thirty (30) days after the administrative order is final, unless a statute provides otherwise.

C. The record of the administrative hearing including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court by the party filing the appeal and the costs of producing the record, including any transcripts, shall be borne by the party filing the appeal. If the proceeding was tape recorded, a transcript of such tape recording shall be deemed a true and correct transcript for purposes of this subsection.

D. The filing of a petition does not stay execution of an administrative order. Before filing a petition, a responsible person may request the administrative law judge to stay an administrative order. Upon receipt of a request to stay, the administrative law judge may order the administrative order to be stayed pending district court review if the administrative law judge finds such stay to be in the best interest of the City.

1.03.100 Adoption of Additional Rules

The Council may establish rules and procedures in addition to those set forth in this Chapter to govern administrative hearings, which rules may differ depending on the category and type of violation and appeal.

CHAPTER 4 – ADMINISTRATIVE ADVISORY COMMITTEES AND ORGANIZATIONS

1.04.010 Purpose

The purpose of this Chapter is to provide for the creation, membership, and operation of Administrative Advisory Committees and Organizations ("AACOS"). AACOS shall provide reports, information and recommendations to the City Manager and the City Council. ACCOS created by this Chapter shall be self-governing, but if any provisions of this Chapter conflict with any provisions of any AACOS bylaws, rules, or articles of incorporation, this Chapter shall govern.

1.04.020 Creation, Membership, And Dissolution.

AACOS may be created or dissolved by the City Manager, with the advise and consent of the Council, as may be needed from time to time. AACOS created by the City Manager herein shall be composed of an appropriate number of members, appointed by the City Manager. The City Manager may remove or suspend members from AACOS at any time, for any reason.

1.04.030 Funds

AACOS shall not collect or disburse any City funds.

1.04.040 Operations

A. AACOS operate for the exclusive purpose of providing information, data, evidence, and recommendations to the City Manager and City Council related to:

   1. Solving problems and accomplishing goals in the community;

   2. Planning and implementing social, educational, cultural and recreational activities for the community;

   3. Identifying opportunities to improve community safety; and

   4. Promoting the community pride through activities, events and programs.

B. AACOS information, data, evidence, and recommendations shall be submitted to the City Manager in a written report.

C. AACOS shall not be public bodies. AACOS shall not be supported by, or otherwise collect, expend or disburse public funds. AACOS are not vested with any legislative or executive responsibilities or any authority to make decisions on behalf of the City or any public business. AACOS records shall not be public until submitted to the City. Upon receipt by the City, AACOS records shall be available to the public pursuant to the Government Records Access and Management Act under Title 63G of the Utah Code, or any successor statute.

1.04.050 Meetings

A. The time, place, and frequency of AACOS meetings shall be determined by the AACOS.

B. Elected officials and City employees may attend AACOS meetings.

1.04.060 Organizational Structure

AACOS may, but are not required to, elect a chairperson, vice chair, secretary, and additional officers as AACOS determine necessary. AACOS may, but are not required, to formally incorporate and become a legal entity.

EXHIBIT 2

TITLE 2 -- ADMINISTRATION AND PERSONNEL

CHAPTER 2.01 -- CITY COUNCIL

2.01.010 Form of Government

Magna operates as a six-member Council form of municipal government pursuant to applicable state law, and the powers of municipal government are vested in a Council consisting of five members and one Mayor.

2.01.020 Powers and Duties

The Council shall be the governing body of Magna and may exercise those powers and authorities and be bound by those duties and responsibilities set out in State law and in Magna Code.

2.01.030 Eligibility and Voting Districts

The Council shall consist of a Mayor elected at-large and five Council members, elected by district as provided in state law. Voting districts shall be determined pursuant to State law.

2.01.040 Term Of Office

Council members shall be elected at the next municipal election preceding the expiration of the term of office of incumbents. Council members shall be elected for four-year terms pursuant to State law. Each Council member shall hold office for the term of which elected and until a successor is elected and has qualified as provided in State law.

2.01.050 Vacancies

When a vacancy occurs in the Council, through ineligibility, resignation or death of an incumbent or of an officer-elect before qualifying, or refusal to act, or for any other reason, the vacancy shall be filled as provided in State law.

2.01.060 Mayor Pro Tempore and Appointment of Staff

A. With the consent of the Council, the Mayor shall designate a Council member at a duly noticed and open Council meeting to serve as the Mayor Pro Tempore to carry out all duties and responsibilities of the Mayor when the Mayor is absent or unable to perform his or her

duties. The Recorder shall enter in the minutes of the Council meeting the appointment of a Council member as Mayor Pro Tempore.

B. The Council may make such staff appointments as are necessary for the proper conduct of its business.

C. If the Mayor or Mayor Pro Tempore are unable to act, the remaining Council members present at a duly noticed open meeting shall, by an order entered in their minutes, select one of the members to act as Mayor temporarily.

D. The Recorder shall administer oaths to any person when necessary in the performance of official duties.

2.01.070 Powers And Duties of Mayor

A. The Mayor shall:

1. Be the chief executive officer of Magna and shall have such powers and duties as are prescribed by State law and Magna Code;

2. Serve as the Chair of the Council and preside at all Council meetings;

3. Exercise ceremonial functions on behalf of Magna; and

4. Have the powers and duties described in Utah Code §§ 10-3b-104 and 10-3b-302 or applicable successor statute, subject to the direction of the Council and the delegation of certain powers and duties to the City Manager in Magna Code.

B. The Mayor may not veto any ordinance, tax levy, or appropriation passed by the Council.

2.01.080 Powers and Duties of Council

A. The Council shall exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function of Magna that has not been delegated to the Mayor or City Manager under State law and Magna Code.

B. The Council may, by ordinance:

1. Pursuant to State law and Magna Code, remove from the Mayor

any power, duty, or function of the Mayor pursuant to State law, excluding the Mayor's legislative powers, judicial powers, ceremonial functions, position as Chair of the Council, and any ex officio position the Mayor may hold;

2. Reinstate to the Mayor any power, duty, or function previously removed under this Section;

3. Delegate to the Mayor any executive or administrative power, duty, or function of the Council;

4. Assign any or all Council members, including the Mayor, to supervise one or more administrative departments of Magna;

5. As provided in State law and this Title, appoint a City Manager to perform executive and administrative duties or functions that the Council by ordinance designates to the City Manager; and

6. Dismiss a City Manager appointed by the Council.

C. Removing or reinstating to the Mayor a power, duty, or function under this Code requires the affirmative vote of the Mayor or all Council members except the Mayor.

D. Removing or reinstating to the City Manager, if the Council appoints a City Manager, any power, duty, or function under this Code.

2.01.090 Recorder-Minutes

A. The Recorder, or designee, shall provide copies of the minutes of all meetings of the Council to its members in a manner and within the times as established by the Council and agreed upon by the Recorder.

B. In accordance with state law, the books, records and accounts of the Council must be maintained at the office of the Recorder and open at all times during usual business hours for public inspection.

C. The records and minutes of the Council must be signed by the Mayor and the Recorder.

2.01.100 Council Meetings

A. All meetings of the Council must be public, except as provided in this Chapter and by state law. Official action may be taken by the Council only in open public meetings unless otherwise permitted by

state law.

B. The Council shall conduct its business in accordance with the Utah Open and Public Meetings Act, Chapter 4 of Title 52. Utah Code Annotate, 1953, as amended, as it now exists or as it may hereinafter be amended.

C. The Council conducts the following types of meetings:

1. Regular Meetings;

2. Special Meetings;

3. Closed Meetings;

4. Work and other Meetings; and

5. Emergency Meetings.

D. The Council shall give public written notice at least once each year of its annual meeting schedule for regular meetings. The public notice shall specify the date, time and place of such meetings.

E. The Council, by majority vote of the members present, may direct the removal of any person who willfully disrupts a Council meeting to the extent that orderly conduct is seriously compromised.

F. The City Attorney or their designee may attend and assist the Council, but shall attend and assist the Council at all meetings when requested.

2.01.110 Work Meetings

A. The Council shall conduct its regular work sessions at the hour and place designated by public notice.

B. Work meetings shall be scheduled or cancelled as the public business requires and shall consist of discussion, review, testimony, requests and information from City employees, presentations by the public, review of regular meeting agendas, preparation for regular meetings, and such other matters and activities as may be necessary or scheduled by the Mayor in consultation with the Council.

C. Work meetings shall be open to the public in accordance with state law and public notice shall be given of all meetings in the same manner as required for regular meetings.

D. A quorum of Council members is necessary to conduct work meetings.

2.01.120 Regular/Special Meetings

A. The Council shall:

1. By ordinance prescribe the time and place for holding its regular meeting; and

2. Hold a regular meeting at least once each month.

B. The Mayor or two Council members may order the convening of a special meeting of the Council.

1. Each order convening a special meeting of the Council shall:

a. be entered in the minutes of the Council; and

b. b. provide notice of the special meeting as required by state law, including at least twenty-four (24) hours' public notice. The twenty-four-hour notice requirement may be disregarded only if, because of unforeseen circumstances, it is necessary to hold an emergency meeting to consider matters of an emergency or urgent nature, and the Council gives the best notice practicable, which shall, where practical, be not less than three (3) hours, of (i) the time and place of the emergency meeting and (ii) the topics to be considered at the emergency meeting. An emergency meeting may not be held unless (A) an attempt has been made to notify all members of the Council and (B) a majority of the members of the Council approve the meeting..

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

3. The personal appearance by the Council member at a special meeting of the Council constitutes a waiver of the notice required under this Section.

2.01.130 Closed Meeting

A. A closed meeting of the Council may be held upon the affirmative vote of two-thirds of the members present at an open meeting for which notice has been given in accordance with State law; provided,

however, that a quorum must be present.

B. No closed meeting is allowed except for matters exempted from open meetings under the Utah Open and Public Meetings Act, as it now exists or as it may hereinafter be amended.

C. No official action may be taken at a closed meeting.

D. The reason or reasons for holding a closed meeting and the vote thereon shall be entered in the minutes of the meeting.

2.01.140 Emergency Meetings

When, because of unforeseen circumstances, it is necessary for the Council to hold an emergency meeting to consider matters of an emergency or urgent nature, the normal notice requirements for a meeting may be disregarded and the best notice practicable given to the Council members and the public. No such emergency meeting of the Council shall be held unless an attempt has been made to notify all Council members and a majority of the Council votes in the affirmative to hold the meeting. Action may not be taken at an emergency meeting unless a quorum is present. A record shall be kept of the means utilized to contact the members and the number voting and names of the members voting to hold the meeting.

2.01.150 Additional Boards, Committees

A. The Council may establish additional boards or committees in accordance with Magna Code.

B. No official action may be taken in committee meetings other than the adoption of non- binding recommendations to the Council.

2.01.160 Agenda

A. An agenda shall be prepared by the Recorder in consultation with the City Manager in advance of each meeting, including emergency meetings to the extent possible. The agenda shall be published as provided by state law at least twenty-four hours in advance of the meeting.

B. Requests for matters to be placed upon the agenda by persons other than Council members or Mayor, shall be placed on the agenda at the discretion of the City Manager.

C. The Council, for its regular, work, and special meetings shall announce and post its agenda and provide notice of such meetings, in accordance

with the provisions of State law, at least twenty-four hours prior to the convening of the Council meeting and posted on the Utah Public Notice Website. Written notice of the agenda and meeting shall be posted at the office of the Council or the meeting location, as the case may be. For an emergency meeting, public notice and notice to the news media shall be given as may be practical under the circumstances.

D. The agenda may be changed by a majority vote of the Council, but no action may be taken on new matters introduced to the agenda unless twenty-four hours' notice has been duly given to the public or unless the matter is of an emergency nature, as approved by a separate majority vote of Council members present.

E. All agenda items pertaining to pending or proposed actions shall be considered as proposals for adoption. In the absence of a motion to adopt, postpone, or table pending or proposed actions, the Mayor shall, upon the conclusion of discussion on the matter, declare that the proposal fails adoption or, at the Mayor's discretion, declare the matter to be held over for a subsequent meeting.

2.01.170 Public Hearings.

A. Public hearings shall be deemed to include only those hearings specifically noticed and required to be conducted by the Council by State law or otherwise for the purposes of providing opportunities for the general public to comment upon and make inquiries or presentations with respect to specific proposals or matters under consideration by the Council including, but not limited to, planning and zoning, ordinances, budget hearings, hearings on the proposed issuance of bonds or debt, or other matters of significant public interest. The Council at its discretion may schedule public hearings for other matters under consideration.

B. Public hearings may be held as part of a regular, special, emergency, or other meeting of the Council. The decision to conduct a public hearing shall be made by the Council at a regular, special, or emergency meeting.

C. Schedules for public hearings shall be announced by the Mayor and public notice shall be given in the manner required for any public meeting of the Council as required by State law and Magna Code. The notice shall include the specific subject matter of the public hearing as well as the time, date and place thereof.

D. At the beginning of any public hearing, the Mayor may publicly state the rules of conduct for such public meetings including any time limits on speakers' presentations, any requirement of submitting

materials in writing with sufficient copies for all Council members and the Recorder, and such other rules as may be reasonably necessary for the proper and expeditious conduct of the public hearing.

E. Public hearings shall be opened upon the declaration of the Mayor that the Council is at that time in a public hearing and the Mayor shall state the specific purpose of that public hearing. Upon the conclusion of the public hearing and a motion duly made, seconded, and carried by a majority of the Council, the Mayor shall declare the public hearing concluded or continued to another date, if permitted by law. The Mayor shall state the conditions of any continuance.

F. Where permitted by State law, the Council may rehear any matter decided after a public hearing where an aggrieved person files a written request for rehearing that includes new evidence which the Council determines to justify reconsideration of its decisions. A request for rehearing shall be filed within ten (10) calendar days from the date of the original decision. If a request for rehearing is granted by the Council, the rehearing shall follow the same procedures as the original hearing. No rehearing shall be allowed on any matter where a rehearing would be contrary to State law.

2.01.180 Electronic Meetings

A. General: The Council may conduct an electronic meeting that some or all of the Council members may attend through an electronic video, audio, or both video and audio connection, including telephonic, telecommunication, or computer conference methods in compliance with Utah Code § 52-4-207. Any Council member may request that a meeting of the Council be an electronic meeting, provided that Council member makes the request at least 24 hours in advance of that meeting.

B. Participation. The primary purpose for holding electronic meetings is to enable some or all members of the Council to participate in the meeting electronically. A member of the public may attend remotely by electronic means to monitor an open meeting of the Council provided that the member of the public sends a written request to the Recorder and further provided that the Council is not required to acquire any equipment, facilities, or expertise which the Council does not already possess to accommodate the request. Notwithstanding anything to the contrary in this Section, with the exception of a public hearing, the Council is not required to provide the public an opportunity to participate in, as opposed to attend and monitor, an electronic meeting. The Council member who chairs the electronic meeting shall be physically present at the anchor location.

C. Anchor Location: The Council shall provide space and facilities at an anchor location for all electronic meetings except as provided in this Section. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. At least one anchor location for an electronic meeting shall be the principal office building, such as the city hall or principal location, where the Council would normally meet if not holding an electronic meeting. A quorum of the Council is not required to be present at a single anchor location for an electronic meeting to be convened and conducted. As few as one Council member may be present at the anchor location pursuant to this Policy and Utah Code § 52-4-207. If the meeting is a public hearing, the Council shall provide space and facilities at an anchor location so that the public may attend, monitor, and participate in the hearing. If all Council members attend the meeting remotely through an electronic video, audio, or both video and audio connection, there is no requirement to provide an anchor location for the public to attend unless the Council receives a written request to provide an anchor location with at least twelve (12) hours' notice before the scheduled meeting time.

D. Notice: The Recorder shall provide public notice of the electronic meeting to the Council members and the public with at least 24 hours advance public notice, including the agenda, date, time, location, and a description of how each member the Council can be connected to the electronic meeting. The Recorder shall post a written notice for each electronic meeting at the principal office of Magna or at the building where the meeting is to be held if no principal office exists. The Council shall provide written or electronic notice in accordance with the Open and Public Meetings Act. These notice requirements are minimum requirements and are not to be construed as precluding such additional postings and notifications as may be directed by the Council to members of the public.

E. Budget or Logistical Considerations – Exceptions: The Mayor may determine, based upon budget, public policy, logistical considerations, or health or safety concerns, prior to or during the electronic meeting, that it is not in the best interest of the Council to hold an electronic meeting and provide public notice of said determination, the determinative facts, and alternative means for the public to participate. The Mayor may also restrict the number of separate electronic connections that are allowed for an electronic meeting based on available equipment capacity. A request from a member of the public to participate in a meeting electronically may be denied by the Mayor based on budget, public policy, logistical considerations, or health or safety concerns as determined sufficient by the Mayor.

F. Conduct of Electronic Meeting: No action may be taken and no business may be conducted at a meeting of the Council unless a quorum, consisting of a simple majority of the members of the Council, is present in person and electronically. A Council member who is not physically present may nevertheless participate in the meeting through electronic means and be counted

toward the required quorum in accordance with Utah Code § 52-4-207. Any Council member participating via electronic means may make, second, and vote on any motion or recommendation to the Council and participate in the discussion as though present. Nevertheless, the Council member who chairs the meeting must be present at the anchor location. If the Mayor or Mayor Pro Tempore is not physically present at the anchor location and there is still a quorum, a Council member who is physically present at the anchor location shall preside over the meeting. In any event, any electronic meeting and notice of any electronic meeting shall comply with the Open and Public Meetings Act.

2.01.190 Form Of Action

The Council may take action in the form of ordinances, policies, resolutions, motions upon requests or memorials.

A. Ordinances.

1. The Council, except as expressly limited by statute, shall exercise its legislative powers through ordinances and may adopt any ordinance to regulate, require, prohibit, govern, control or supervise any activities, business, conduct, or condition.

2. All ordinances must be in written form before a vote is taken.

3. Any ordinance passed by the Council shall contain and be in substantially the following order and form:

   a. Ordinance number and date;

   b. A Title which indicates the nature of the subject matter of the ordinance;

   c. An explanation stating the need or reason for the ordinance and summarizing its contents;

   d. An ordaining clause which states "The Magna Council ordains as follows;"

   e. The body or subject of the ordinance;

   f. When applicable, a statement indicating the penalty for violation of the ordinance;

   g. A statement indicating the effective date of the ordinance;

h. A signature line for the Mayor;

i. An attestation line for the Recorder;

j. The votes of the Council members;

k. A space to indicate when the ordinance is posted pursuant to state law; and

l. An ordinance summary if required by statute.

4. Except in exigent circumstances, or when directed by a majority of Council members present, all ordinances, including ordinances relating to planning and zoning matters, shall be introduced in writing and read or described to the Council prior to the Council's consideration for adoption of the ordinance. Copies of the proposed ordinance shall be noticed and posted in accordance with state law, along with the agenda for the meeting at which the ordinance is to be considered.

5. Upon adoption, each ordinance shall be signed as required within five (5) business days.

B. Resolutions.

1. The Council may exercise all administrative powers by resolution, including, establishing fees and rates for municipal services, administrative policies and guidelines, and the use and operation of Magna property.

2. Resolutions shall be considered and adopted in those matters required by law or otherwise and may be used for policy declarations and proposals not appropriately addressed by ordinance and may be used to exercise Council authority in matters of statements of policy and communication.

3. Resolutions shall be in a form and contain sections substantially similar to that prescribed for ordinances, excluding those requirements that pertain to the posting of ordinances and ordinance summaries.

4. The Council may not impose a punishment, fine, or forfeiture by resolution.

C. Memorials.

1. Memorials shall be adopted in the form of resolutions or motions, as may be deemed appropriate, and shall be used as a statement of policy to respond to or commend persons or groups for notable activities which have been called to the attention of the Council.

2. Memorials may be considered and adopted at the same meeting in which they have been proposed and, in all events, shall be recorded in the minutes.

D. Commemorative Street Names

1. Commemorative street names shall be adopted in the form of a resolution.

2. Consideration of a commemorative street name is initiated by a written request from a person, organization, or other entity requesting the commemorative name. The written request shall include the requested commemorative name, the reason justifying the commemoration, the existing street number or name, the range or length of the requested commemorative name, and any information regarding requested signage or plaques.

3. A proposed commemorative name must meet all applicable requirements, rules, and regulations of Salt Lake County and the State of Utah.

4. The following factors shall be considered in the review and approval of a proposed commemorative name:
   (i) a sense of place, continuity, and belonging reflecting the geographic location, community, and neighborhood;
   (ii) recognizes the historical significance of an area;
   (iii) reflects any unique characteristics of the area; or,
   (iv) honors a person, organization, or event of great import to the City.

5. If approved by the City Council, the commemorative name shall be processed by the addressing office, which shall record the commemorative name as officially adopted.

6. A street's official numerical designation or other certified name shall be used in official records, not the commemorative name.

7. Any and all costs related to the commemorative name, including the making and installing appropriate plaques or signs, shall be paid by the person, organization, or entity making the request.

E. Policies, Procedures, Rules and Regulations.

1. Policies, procedures, rules and regulations shall be considered and adopted in those matters determined to be appropriate by the Council and not prohibited by State law.

2. Policies, procedures, rules and regulations shall be presented, considered and given notice in the same manner as prescribed for ordinances and shall be in such form as directed by the Council.

F. All resolutions, policies, procedures, rules, regulations and ordinances shall be numbered, recorded and maintained in accordance with provisions of state law.

2.01.200 Quorum

The number of Council members necessary to constitute a quorum is three.

2.01.210 Rules Of Order and Procedure-General

Procedural rules or order and procedure not specifically provided herein or by State law, or City ordinance, shall be regulated, interpreted and construed in accordance with the Council's Rules of Order and Procedure as may be adopted by resolution from time to time by the Council.

2.01.220 Board Appointment Duties and Responsibilities

Pursuant to and in accordance with all applicable provisions of Magna Code and State law, the appointment and reappointment of members of boards within the jurisdiction and under the appointment or consent power of the Council shall be as herein provided.

A. All board appointments or reappointments of Council members shall be made annually with the consent of a majority of the Council.

B. Unless otherwise set forth in Magna Code, the following shall apply to board appointments involving individuals who are not members of the Council:

1. Boards whose members hold terms of three years or less, board members may be reappointed to a consecutive term on their respective boards with the consent of a majority of the Council; and

2. For boards whose members hold terms of longer than three years, no board member shall be reappointed to a consecutive term on the same board unless, for good cause shown and to prevent significant disruption of current board activities, the Council approves such reappointment.

C. The restrictions upon the reappointment of board members, as provided under this section, shall be limited to the extent that this section may be in direct conflict with federal or state law and where the appointment of board members is set out by or limited under the laws of the United States or the State of Utah.

D. When representing Magna or the Council on any board or similar organization, Council members shall vote according to the will of the Council on those matters for which the Council has taken an official position. In the absence of an official position by the Council, Council members shall exercise their best judgment to determine how best to vote in accordance with the best interests of Magna.

2.01.230 Greater Salt Lake Municipal Services District ("MSD")

Magna is a member of the MSD, which is a special district that provides certain administrative and municipal services to Magna and its other members, including human resources, finance and budgeting, information technology, communications, planning and zoning, engineering, business licensing, and code enforcement services. The MSD is authorized to act as Magna's official agent in providing its services, provided that the Council may remove or expand the services the MSD provides in accordance with applicable law.

CHAPTER 2.02 -- CITY MANAGER

2.02.010 General

The provisions of this Chapter shall apply to the selection and appointment of a City Manager.

2.02.020 Process to Appoint City Manager

The Council may budget for and appoint by majority vote a City Manager pursuant to a competitive selection process to direct the City's operations and to serve as the City's chief administrative officer with authority to implement municipal policy, oversee daily operations of City departments and employees, and exercise any other duties the Council may assign. The City Manager shall be an at-will employee and shall serve at the pleasure of the Council. The Council may terminate the City Manager's employment at any time and for any

legal reason.

2.02.030 Term

The term of office, salary, benefits, duties and termination of the City Manager shall be set out in written contract prior to the time of appointment, which contract shall be negotiated and approved by a resolution of the Council, except that the Council shall employ the City Manager for a term not to exceed four (4) years and the contract may not automatically renew. The Council, however, may renew the City Manager's term of employment at any time. Any contract the Council may approve regarding a City Manager's employment shall comply with the provisions of Section 2.02.020.

2.02.040 Salary

The Council shall establish the City Manager's salary, benefits, and other compensation from time to time in accordance with applicable State law and Magna Code.

2.02.050 Powers and Duties

A. The City Manager shall have the following powers and duties:

1. Exercise the City's administrative powers under the direction and supervision of the Council.

2. Oversee, prepare, and approve the Council agenda for each Council meeting.

3. Serve as the chief administrative officer to whom all City employees, contractors, and agents shall report. All City employees shall make up the administrative service of the City and, as such, are subordinates to the City Manager.

4. The City Manager shall be responsible to the Council for the day-to-day operations of the City and for such other professional duties as assigned or needed.

5. The City Manager shall be at all times under the control and supervision of the Council and shall answer directly to the Council in all matters relating to the City, its employees, functions, relationships, activities and status.

6. The City Manager may 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 all personnel.

7. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council, nor any member thereof, including the Mayor, shall give orders to any subordinates of the City Manager, either publicly or privately.

8. The City Manager shall have the right to attend and participate in meetings of the Council but shall not have the right to vote in said meetings.

9. The City Manager may make suggestions to the Council and shall advise the Council on matters of policy, procedure, and business requiring Council approval or awareness. The City Manager shall use his or her best efforts to lawfully implement the final decisions of the Council to lawfully implement the final decisions of the Council and shall represent and defend the final decisions of the Council.

10. The City Manager shall notify the Council and the Mayor of any emergencies existing in any department or matter under his or her supervision.

11. The City Manager is designated as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Uniform Municipal Fiscal Procedures Act. As budget officer, the City Manager shall prepare and submit the annual budget to the Council, along with any proposed amendments to the budget.

12. The City Manager shall have the authority to sign contracts and approve invoices on behalf of the City, subject to applicable provisions of Magna Code regarding Council approvals.

B. In the absence of a City Manager, the Council shall delegate the duties and responsibilities of the City Manager among Council members and the Mayor.

CHAPTER 2.03 -- RECORDER

2.03.020 Appointment

The Council appoints the MSD to serve as the Recorder in accordance with Utah Code § 17B-2a-1104, or applicable successor statute. Pursuant to

applicable state law, the Council may appoint someone other than the MSD to serve as the Recorder, by majority vote of the Council.

2.03.030 Oath Required

The Recorder, before assuming the duties of the office, shall take and subscribe the constitutional oath required under state law.

2.03.040 Duties

A. The Recorder shall perform all duties as may by law devolve upon him/her as Recorder of a City of the third class under state law. The Recorder shall keep records properly indexed of all City contracts, and the records shall be open to inspection by all interested persons. Unless otherwise provided by ordinance, the Recorder shall be ex-officio City collector. The Recorder shall perform such other and further duties as the Council may by ordinance provide. Within the office of the Recorder a properly qualified employee may be appointed by the Recorder as a deputy Recorder. The deputy Recorder is authorized to perform, and shall perform, all duties of the Recorder during such times when the Recorder is unavailable or unable to perform same. Any official act of the deputy Recorder taken in the absence of the Recorder shall be valid and binding to the same extent as if done by the Recorder. The Recorder, in addition to the powers and duties imposed by law and ordinance, shall perform the following duties:

    1. The Recorder shall issue notices to the members of the Council, when directed to do so by that body, and to members of the different committees and to all persons whose attendance is required before any committee, when directed or requested so to do by the chairman of such committee. The Recorder shall also issue notices of special meetings of the Council.

    2. The Recorder shall attest all licenses granted under this Code or any other ordinance of the City, and shall keep a record of the issuance thereof.

    3. The Recorder shall, without delay, deliver to the officers of the City, and all committees of the Council, all resolutions and communications referred to such officers or committees by that body.

    4. The Recorder shall, without delay, deliver to the Mayor all ordinances or resolutions which may be required to be approved or otherwise acted upon by the Mayor, together with all papers on which the same are founded.

5. The Recorder shall sign and attest all ordinances passed by the Council that are signed by the Mayor or other officer.

6. The Recorder shall certify to the publication of all ordinances, resolutions, or other official documents.

7. The Recorder shall attest all papers signed by the Mayor officially, and keep and affix the corporate seal.

8. The Recorder shall keep correct records and minutes of all proceedings of the Council, recording the same to the extent otherwise provided by law.

9. The Recorder shall countersign all contracts made on behalf of the City or to which the City is a party. Any City contract shall be void unless signed by the Recorder. The Recorder shall endorse a certificate upon every bond, warrant, or other evidence of debt issued pursuant to law by the City stating that the same is within the lawful debt limit of the City, and is issued according to law.

10. The Recorder shall deliver to the successor in office the corporate seal, together with all books, papers, records and other property of the City.

11. The Recorder shall have the power to administer oaths in all matters in any way connected with the City government.

12. The Recorder shall attend to all official correspondence and report the same to the Council as needed.

2.03.050 Record of Ordinances to be Kept

A. The Recorder shall keep records of all ordinances, together with proofs of posting. Before taking effect, all ordinances shall be deposited in the office of the Recorder.

B. The originals of all ordinances passed by the Council shall be filed in the Recorder's office.

2.03.060 Papers, Records, Transcripts – Copies

Upon request and upon the payment of such fees set by the Council, the Recorder shall make, affix the corporate seal thereto, and certify copies of all papers filed in the Recorder's office and transcripts of all records of which the Recorder is the

lawful custodian.

CHAPTER 2.04 -- CITY TREASURER

2.04.020 Appointment

The Council appoints the MSD to serve as the City Treasurer in accordance with Utah Code § 17B-2a-1104, or applicable successor statute. Pursuant to applicable state law, the Council may appoint someone other than the MSD to serve as the Treasurer, by majority vote of the Council.

2.04.030 Oath Required

The Treasurer, before assuming the duties of the office, shall take and subscribe the constitutional oath required under state law.

2.04.040 Appointment of Deputies and Assistants

The Treasurer shall have power to appoint from within the office of the Treasurer a properly qualified employee who shall be designated the Deputy Treasurer. The Deputy Treasurer is authorized to perform, and shall perform, all duties of the Treasurer during such times when the Treasurer is unavailable or unable to perform same. Any official act of the Deputy Treasurer taken in the absence of the Treasurer shall be valid and binding to the same extent as if done by the Treasurer.

2.04.050 Powers and Duties Generally

The Treasurer shall receive all money belonging to the City, including all taxes, license fees, utility billings, fines, and other funds owed to or held by the City, and shall keep an accurate and detailed account thereof, in such manner as may be provided by law, and shall collect all special taxes and assessments as provided by law. The Treasurer shall reconcile all accounts with the Recorder, as the Council may direct at the end of every month, and turn over all warrants, interest coupons, bonds or other evidence of the indebtedness of the City which may have been redeemed during the month, taking the receipts of the Recorder therefor, and all such warrants, orders or other evidence of indebtedness shall be cancelled by the Treasurer and have written or stamped thereon the date of their payment or redemption.

2.04.060 Collection of Special Taxes

The Treasurer is ex-officio collector of special taxes.

2.04.070 Receipts to be Given

The Treasurer shall give every person paying money to the City a receipt therefor,

specifying the date of payment and upon what account paid; and he/she shall also file the duplicate of such receipt with the Recorder at the date of the monthly report.

2.04.050 Payments

The Treasurer shall not pay any funds owned or held by the City to any person unless the expenditure is duly appropriated and authorized upon action of the Council, the purchasing agent, or the City Manager (if appointed) as otherwise provided by law.

2.04.060 Investment Decisions at Authorized Banking Institutions

A. The Treasurer is authorized to take any and all such actions in the name of and on behalf of the City to utilize investment opportunities available at banking institutions approved by the Utah Money Management Act. Such actions shall include but not be limited to setting up sweep accounts, zero balance accounts, automatic transfer of funds accounts and similar deposit and investment arrangements, entering into transactions similar to the foregoing, and performing such actions as may be required in connection with any of the foregoing. From time to time the Treasurer shall present to the Council for approval all necessary resolutions for designation of depository institutions and authorized signatories.

B. Agreements, instruments, or documents properly executed and delivered to any banking institution approved by the Utah Money Management Act by the Treasurer shall be binding and enforceable obligations of the City, enforceable in accordance with their respective terms.

CHAPTER -- 2.05 CITY ENGINEER

2.05.010 Appointment

The Council appoints the MSD to serve as the Engineer in accordance with Utah Code §§ 10-3-917 and 17B-2a-1104, or applicable successor statute. Pursuant to applicable state law, the Council may appoint someone other than the MSD to serve as the Engineer, by majority vote of the Council.

2.050.020 Engineer Required to be Licensed

Each person who serves as the Engineer shall be a registered professional engineer in accordance with applicable state law.

2.05.030 Powers and Duties

The Engineer shall perform all powers and duties required under applicable law, including those powers and duties set forth in Title 10, Part 9 of the Utah Code.

CHAPTER 2.06 -- CITY ATTORNEY

2.06.010 Establishment

There is established the office of City Attorney. The person(s) providing legal services to the City as City Attorney may be part-time or full-time employees of the City, or may be independent contractors.

2.06.020 Appointment Generally

The Council shall appoint the City Attorney, who shall serve at the Council's pleasure. The Council may appoint different individuals, firms, or entities to represent the City on civil and criminal matters, and may hire and retain special legal counsel to represent the City on specific matters as the Council may deem necessary. If the Council appoints an independent contractor to serve as City Attorney or to otherwise represent the City on a legal matter, the Council shall make such appointment in accordance with applicable State law and Magna Code, as applicable. Persons, firms, or entities providing legal services to the City may do so without a specified term, provided that all contracts for legal services shall authorize the Council to terminate such contracts at any time as the Council may deem necessary.

2.06.020 City Attorney Required to be Licensed

Each person who serves as the City Attorney or otherwise provides legal representation to the City shall be a licensed attorney in good standing with the Utah State Bar in accordance with applicable state law.

2.06.030 Powers and Duties

The City Attorney, and other attorneys the Council may hire or otherwise retain, shall perform all powers and duties required under applicable law, including those powers and duties set forth in Title 10, Part 9 of the Utah Code.

2.06.040 Succession

Upon the termination of legal services or upon request by the City, the City Attorney shall promptly deliver to any successor or such person(s) designated by the City copies of all books and papers, including but not limited to those in electronic form, pertaining to pending or concluded city legal matters.

CHAPTER 2.07 – CITY ETHICS CODE

2.07.010 Purpose

The purpose of this Chapter is to establish the Magna Ethics Code, which shall apply to all city elected officials, officers, and employees when acting in their official capacity on behalf of the City.

2.07.020 Definitions

A. For the purposes of this Chapter, the following definitions are in addition to the definitions in Section 1.02.060 and shall control:

1. "Compensation" or "compensated" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.

2. "Conflict of interest" means either a restricted conflict of interest or an unrestricted conflict of interest as defined in this section.

3. "Financial interest" means, but may not be limited to, any employment by or compensated representation as an agent of any individual, corporation, business entity, organization, or committee. A financial interest also includes any beneficial ownership of one percent or more of a corporation or other business entity.

4. "Governmental action" means any official action on the part of the City, including, but not limited to:

    a. Any decision, determination, finding, ruling, or order, or discussions thereof;

    b. Any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect thereto; or

    c. Any legislative, administrative, appointive, or discretionary act of any public servant or volunteer public servant.

5. "Representative" means any authorized agent of the City. Representatives shall include any appointed person, other than an employee, serving on a special, regular, or full-time committee, commission, authority, agency, or board of the City, who is not paid a salary or an hourly wage by the City for his or her services thereon.

6. "Restricted conflict of interest" means any financial interest held by the employee or representative of the City, or by members of an employee's or representative's household, or those providing regular financial support to the employee or representative.

7. "Unrestricted conflict" or "unrestricted conflict of interest" means any and all other interests including political, family, fraternal, social, and other interests or associations which may reasonably create the appearance or the actuality of a conflict of interest between an employee's or representative's outside interest and his or her City responsibilities. "Unrestricted conflict" or "unrestricted conflict of interest" also means other conflicts as defined by state law, and any campaign contribution made to the officer, employee, or representative, or to any member of his or her household, of more than five hundred dollars during the prior calendar year.

2.07.030 Ethics Statement

All employees, before commencing the duties of their respective offices, shall read and review the following ethics statement:

> Magna employees support, obey and defend the Constitution of the United States, The Constitution of the State of Utah, the laws of the State of Utah, and City ordinances, to the best of their abilities and will always strive to meet the highest ethical standards implicit in their employment and in the furtherance of the best public interest.

2.07.040 Ethics Training

All employees shall attend ethics training every two years regarding their ethical duties and responsibilities as established by state law and by this Chapter. This training shall be conducted based on a specific curriculum approved by the Council. Attendance at the ethics training is mandatory.

2.07.050 Government In The Sunshine

A. Magna is an open records and open meetings government and all employees are directed to observe, with exactness, all applicable provisions of state statue and City ordinance regarding open records and open meetings including GRAMA, the Open and Public Meetings Act, and City ordinances and policies regarding those state laws.

B. In the interests of maintaining openness and transparency in City, all employees are directed to give strong consideration to the application of an impartial balancing test established by GRAMA when determining whether a record should be released. Officers and employees shall seek to achieve GRAMA's express goals of openness while also giving due consideration to individual privacy rights. Where justified, in accordance with GRAMA, and all other considerations being equal, access should be balanced in favor of openness and transparency.

1. As technology presents new developments in the means of communication, including electronic messaging and social media, City elected officials, officers, and employees are directed to apply GRAMA standards of openness or confidentiality based on the content of a record, regardless of the medium used.

2. Because many modern forums of electronic media, including social media, reduce or eliminate the City's ability to retain, store, retrieve and copy such communications, City elected officials, officers, and employees are encouraged to seek appropriate and cost-effective solutions to make City records that are transmitted in electronic media and are classified as public more available for public review and distribution.

C. Unless otherwise set forth in Magna Code, all City meetings of any deliberative board, committee, or agency, including boards or committees conducting quasi-judicial administrative hearings, shall conduct all aspects of their decision making process in accordance with the Open and Public Meetings Act, including both the gathering of evidence and deliberations regarding a decision, in an open and public meeting, with appropriate notice and minutes, unless the nature of the hearing permits closure to the public under exceptions provided in state law.

D. Under rare circumstances, where a deliberative body has good cause to close only its deliberation sessions, and is compliant with the applicable provisions of State law, the body may conduct only its deliberative process in private.

2.07.060 Conflicts of Interest

A. General prohibitions.

1. Employees are governed by the Municipal Officers and Employees Disclosure Act regarding outside interests and conflicts that are prohibited or that require disclosure.

2. Officers, employees, and representatives are prohibited from using non-public information in a manner that could provide themselves or another a gain or benefit.

3. Officers, employees, and representatives shall not use or attempt to use their position in a manner that could secure special privileges or exemptions for themselves or others.

4. Employees and representatives are prohibited from engaging in any outside activity, or financial investment which constitutes a restricted conflict of interest where such conflict could impair their judgment

regarding the faithful performance of City responsibilities.

B. Restricted conflicts of interest.

1. City employees and representatives are required to fully and publicly disclose any restricted conflict of interest and shall recuse themselves from, and have no involvement in, any governmental action in which they have a restricted conflict of interest.

2. If an employee or representative is not aware of the financial interest, he or she must disclose the financial interest and recuse as soon as he or she learns of the financial interest.

3. Any action, vote, contract, or other governmental action which has been undertaken by an officer, employee, or representative who has a restricted conflict of interest shall be terminable by the body that took the action, or by the City officer with authority to void or terminate the action. That body or the applicable City officer may also ratify any prior governmental action that was taken in violation of this section.

C. Unrestricted conflicts of interest.

1. Employees must publicly disclose any and all unrestricted conflicts of interest at any meeting, hearing, or deliberation where the employee or representative is present and the unrestricted conflict of interest could impair the judgment of the employee or representative.

2. Employees who have unrestricted conflicts are not required to recuse themselves but may do so.

D. Disclosure.

1. Employees are required to comply with all legal requirements setting a responsibility to disclose restricted and unrestricted conflicts of interests between their public duties and private activities. In particular, employees are bound by the requirements of the Municipal Officer's and Employees Ethics.

2. Oral or written disclosures must be made in accordance with state law, other sources of the law, and this section.

3. Employees are required to file written disclosures in accordance with the provisions of state law and City ordinance. All written disclosures must be kept current and are filed both with the officer or employee's immediate chain of command and with the Council.

E. Contractual representatives.

1. Individuals and business entities who contract to represent the City's interests shall disclose to the City the names of other clients they represent and those clients' respective issues and interests that are relevant to the City's interests. Unless they receive written permission from the Council, such individuals or business entities are prohibited from representing other clients about the same or substantially same issues and interests as covered by the City representation.

2. Individuals and business entities who contract to represent the City's interests by lobbying the State Legislature or any other municipal, state or federal office or agency are prohibited from engaging in any lobbying of City officers, employees, agencies or offices, as defined in this Chapter.

2.07.070 City Endorsements

Notwithstanding the provisions of this Chapter, the City or a City employee may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.

2.07.080 Gifts

City employees shall not knowingly accept or solicit any gift for themselves, family members or organizations of the officer or employee or others, except as permitted in Section 2.07.110.

2.07.090 Gifts And The Procurement Process

A. Without exception, receipt or solicitation of any gift or a request for employment by any City employee, contractor, or public official to any person including a vendor of goods, seller or buyer of real property, or service provider is illegal and punishable as provided by State law.

B. It is unlawful and punishable as provided by statute for any payment, gift or offer of employment to be offered or made by any person to a public officer or employee or contractor of the City to obtain a specific procurement, disposal, contract or subcontract.

C. Contracts entered into resulting from a violation of this section are voidable and any payments made on these contracts shall be recoverable to the City.

2.07.100 Honoriria

Officers and employees of the City shall not accept honoraria in regard to activities

related to their City duties or purpose except as provided in Section 2.07.207.

2.07.110 Exceptions

The following are exceptions to the gifts and honoraria requirements of this Chapter:

A. The gift is a political contribution authorized by law and reported as part of the campaign disclosure requirements of the City or any other governmental entity;

B. Token items of nominal value, including but not limited to, educational materials, t-shirts, coffee mugs, parking validations or other commemorative or similar souvenir items;

C. Snacks, beverages or educational or informational materials provided at meetings or other functions;

D. Transportation to and attendance at conventions, seminars, or events of a primarily educational nature, including meals and entertainment that are part of the required registration, and any associated educational or informational materials directly related to the official duties of the officer or employee;

E. Gifts not related to the activities of the officer and employee with the City;

F. Awards publicly made for public service;

G. Food or a beverage given at a widely attended reception, meal, or meeting by an organization before whom the recipient appears to represent the City, make a speech, answer questions or participate in part of a program;

H. Attendance at political events that are primarily sponsored by a political party or political candidate;

I. Flowers, plants, balloons or similar tokens which are given to express condolences, congratulations, or sympathy for ill health, or to commemorate holiday or special occasions;

J. City sponsored programs activities or work;

K. Gifts for the City that become the property of the City;

L. Gifts to City officers, employees or agencies from other City officers, employees or agencies;

M. Death transfers including bequests and inheritances; and

N. Gifts to blind trusts related to legal defense funds for imminent or pending litigation against officers or employees (related to their official duties).

2.07.120 Restrictions on Post-City Employment

A. When an employee, excluding uncompensated volunteers, voluntarily leaves City service they are prohibited for a period of one year from directly communicating, for compensation, with the City for the purpose of attempting to influence any action on any matter pending before the City. This prohibition does not apply to routine government services which do not require the exercise of discretion or to the normal scope of a person's licensed professional capacity.

B. Any private business entity or individual whose employee or contractor is found to be in violation of this section shall be prohibited from contracting or conducting any non-statutory transaction with the City for a period of one year from date of the violation.

C. A former officer or employee is not prohibited from holding any City office, but must disclose in writing and resolve any conflicts of interest arising from their previous City employment which conflicts of interest would tend to interfere with the City's best interest.

2.07.130 Nepotism

The Council shall adopt and maintain in place a policy to comply with Utah Code Ann. § 52-2-3, or as it now exists or as it may hereinafter be amended.

2.07.140 Political Activities Of Employees

A. Except as otherwise provided by law, City officers or employees may voluntarily participate in political activity subject to the following provisions:

1. No person shall be denied the opportunity to become an applicant for a position under the merit system in any covered department by virtue of political opinion or affiliation.

2. No person employed by the City under the merit system may be dismissed from service as a result of political opinion or affiliation.

3. A City career service employee may voluntarily contribute funds to political groups and become a candidate for public office.

4. No City officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any officer or employee covered

under the merit system to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No City officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the officer's or employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.

5. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from City employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contribution by a City employee to the party or candidate of the employee's choice.

6. Nothing contained in this Chapter shall be construed to permit partisan political activity by any City officer or employee who is prevented or restricted from engaging in such political activity by the provisions of the federal Hatch Act.

B. Officers and employees, including employees covered by a merit system, may become candidates for political office or for leadership positions in political parties. Officers and employees doing so shall refrain from engaging in any political activities or campaigning during City working hours. Officers and employees may take an unpaid leave of absence in order to run for political office. Such a leave is at the employee's discretion and may be for some or all of the time between filing a declaration of candidacy and the end of the political campaign. No adverse employment action may be taken against officers or employees who file for office or take a leave of absence.

2.07.150 Prohibitions On Political Use Of City Resources

No employee shall use any property or resources of the City, including but not limited to time, other City employees, equipment, material, the City seal, buildings or facilities in connection with any political activity, except in accordance with established City policy regarding the acceptable use of public resources.

2.07.160 Discrimination Prohibited

Discrimination in City government services based on age, marital status, color, disability, national origin, sex, sexual orientation, gender identity, race or religion is prohibited. Individuals shall be assured of equal access, opportunity and protection in all areas of City government services. This section is not intended to expand the services of City government beyond those required by state or federal law.

CHAPTER 2.08 – CITY POLICIES AND PROCEDURES

2.08.010 Personnel Policy

The Council shall adopt a Personnel Policy, which may be amended from time to time, for the purpose of guiding the City's efforts for quality performance, equity in employment, and career development of its employees. The Personnel Policy shall be applied in conformance with all applicable federal and State laws and regulations, including but not limited to Title 10, Chapter 3, Part 11 of the Utah Code, and any successor statute. The Personnel Policy shall not create any contractual rights for employees.

2.08.020 Council Initiated Policies And Procedures

Whenever a majority of the Council suggest a policy or procedure, the City Manager shall prepare and include the matter on the appropriate agenda for the Council meeting.

2.08.030 Policies And Procedures--Adoption

All policies and procedures the Council adopts must bear the signatures of the Mayor and Recorder.

2.08.040 Policies And Procedures--Recordkeeping And Distribution

It shall be the responsibility of the Council to keep a current record of all Council-approved policies and procedures.

2.08.050 Conflict Between Policies And State laws

Whenever a City policy and procedure conflicts with a State law, State law governs.

CHAPTER 2.09 -- CITY LITIGATION

2.09.010 Litigation--Control And Direction

Any litigation involving or against the City is governed by the provisions of State law and applicable case law precedents.

2.09.020 Litigation Against the City

The legal authority of any employee, acting in an official capacity, to engage in litigation against or on behalf of the City or against any City official, officer or employee must be within that employee's express authority under state law or City

ordinance. If the employee has no such legal authority, City funds shall not be used to pay attorney's fees or other legal costs, except in the following circumstances:

A. The use of City funds is approved in advance by the Council and City Attorney; or

B. The litigation against the City or its officials, officers or employees ultimately and substantially succeeds on the merits or payment is ordered by the court.

2.09.030 Limitations

A. Nothing in this Chapter shall be construed to authorize any City employee to bring a lawsuit against the City.

B. Nothing in this Chapter shall be construed to limit the authority of a court of competent jurisdiction from levying costs or attorneys' fees in accordance with applicable law.

CHAPTER 2.10 -- ESTABLISHING FEES

2.10.010 Fee Requirements And Limitations

The Council may impose fees for providing government services in accordance with the provisions of this Chapter and as may be required or permitted by law. Fees shall be calculated and imposed in an amount that will reimburse the City for its expenses in enforcing regulations or providing services or benefits and may not be imposed in an amount which significantly exceeds those costs.

2.10.020 Fee Establishment Process

A. The Council shall approve all City fees.

B. In establishing the amount of a fee, the Council may consider costs and other elements it deems relevant in accordance with applicable law, including:

1. City employee expenses, including full compensation costs of all employees normally required to provide the services;

2. All direct costs:

a. For internal division costs, in accordance with accepted accounting standards; and

b. For City indirect costs, in amounts established by the auditor's office;

3. Any expenditures the City is required to make to other government entities,

private contractors or other third parties;

4. Reserves for liability, asset replacement, and capital improvements; and

5. Costs and materials of other direct operational expenses.

C. Fees shall be posted and available to the public either electronically or by physical posting at the City offices or within a public place within the City.

D. Fees may be amended at times other than during budget approval by submitting a letter requesting a fee amendment to the Council for its review and approval.

2.10.030 Council Powers--Fees

A. The Council shall review and approve a schedule of all fees imposed by the City.

CHAPTER 2.12 -- QUASI-JUDICIAL FUNCTIONS STANDARDS OF CONDUCT

2.12.010 Purpose

The Council recognizes the importance of guaranteeing both the reality and perception that all individuals appearing before quasi-judicial officials or bodies in the City are afforded a full, fair and impartial hearing on the merits. The Council finds it in the best interests of the citizens of the City to provide uniform standards of conduct for all members of quasi-judicial bodies. To that end, the Council hereby provides uniform standards of conduct for individuals performing quasi-judicial functions in the City.

2.12.020 Definitions

For the purposes of this Chapter, the following definitions are in addition to the definitions in Section 1.02.060 and shall control:

A. A "conflict of interest" exists when a quasi-judicial official has a direct or indirect financial interest which will be or is reasonably likely to be affected by the outcome of the matter currently pending before the official; or resolution of the matter before the official will or is reasonably likely to create a material personal gain or provide a gain or advantage to relatives, friends, agents, business associates, or to groups and associations which hold some share of the official's loyalty. membership in a group or association alone shall not be considered a conflict of interest with respect to any matter affecting such group or association unless a reasonable and informed person would conclude that such membership in itself would prevent an objective quasi-judicial consideration of the matter.

B. "Ex-parte contact or communication" means contact by one side only of a matter before an individual, board or Council when said individual, board or Council is acting in a quasi-judicial capacity and the contact is outside of the hearing or official proceedings in the matter.

C. "Interested party" in a quasi-judicial proceeding means any applicant, party, representative or agent of an applicant or party, any person or entity who may claim to be adversely affected by the resolution of a matter or any issue of fact or law related to a matter, and any person or entity who claims a substantial property interest which could be adversely affected by the resolution of a matter or an issue of fact or law related to a matter.

D. "Legislative capacity" means activity by a board or Council when involved with the framing and enactment of ordinances and policies for the City included without limitation in such category is the adoption of or amendment to the Code of ordinances, policies and procedures or administrative rules of the City.

E. "Quasi-judicial capacity" means the role of an individual, board, or Council acting to investigate facts and draw conclusions therefrom as a basis for its official actions and the exercise of discretion of a judicial nature is a matter which is currently before the individual, board or Council, or which would come under the individual's, board's or Council's jurisdiction pursuant to an appeal of an administrative determination including the Council. In determining whether the individual or entity is quasi-judicial in nature, the nature of the activity engaged in shall control over the Title of the individual or entity or the other duties assigned to or otherwise engaged in by the individual or entity.

2.12.030 Conflict of Interest

A. Any official acting in a quasi-judicial capacity with or reasonably likely to have a conflict of interest with regard to an applicant or its agent who has a matter before the official, must declare his or her conflict of interest and the nature of the interest giving rise to the conflict publicly prior to discussion of the matter and enter the same upon the record of the proceeding. The official must abstain from deliberating or voting on the matter and may not discuss the matter either publicly or privately with any other official participating in the proceeding. The vote of an official experiencing a conflict of interest who fails to disqualify himself shall be disallowed.

B. A conflict of interest may exist under this section although an official may not believe that an actual conflict exists. Therefore, any official who has a question as to whether a conflict of interest exists under this section with respect to his or her participation or the participation of another official participating in the proceeding should raise the matter with the other officials participating in the proceeding at a public meeting and with the attorney's office in order that a determination may be made as to whether a conflict of interest exists.

2.12.040 Gifts And Favors

No quasi-judicial official, relative or agent of a quasi-judicial official shall accept any gift, favor or advantage from any party, individual, or from their agents or representatives if the party or individual has a matter currently before the quasi-judicial body or in circumstances when the quasi-judicial official has knowledge that said party or individual intends to or commonly brings matters before the quasi-judicial official for adjudication. Gifts, favors or advantages shall not include a meal with a value of less than twenty-five dollars provided in conjunction with a meeting at which the subject of a quasi-judicial proceeding is discussed. The meal and the communication shall be disclosed pursuant to Section 2.11.050(B). Campaign contributions shall be subject to all other provisions of applicable law but shall not be prohibited under this section.

2.12.050 Ex-Parte Communication

A. No quasi-judicial official shall initiate contact or initiate discussion with any party or the representative or agent of any party or a person who may claim to be "adversely affected" by the resolution of the matter with respect to an issue of law or fact in issue on a matter which is either currently before the quasi-judicial official for adjudication or which is reasonably likely to come before the quasi-judicial official unless the official provides notice to all parties and an opportunity to participate. Any such discussion, after notice and with an opportunity for participation by the public or other affected parties, shall occur in a meeting duly convened and noticed pursuant to the Utah Open Meetings Act and shall be made a matter of the official record of the proceeding.

B. Any quasi-judicial official who receives an ex-parte communication with respect to a matter which is either currently before the official or reasonably likely to come before the official shall, at the next public meeting following the communication, place into the official minutes or record the following:

    1. The name of the party making the communication;

    2. If the communication was in writing, a copy of the communication;

    3. If the communication was oral, a summary of the communication;

    4. The date of the communication.

C. Following disclosure of the communication at the hearing on the matter, the public and opposing parties shall be given an opportunity to submit written responses to the communication prior to the quasi-judicial official or entity closing the evidentiary phase of the proceedings. All ex-parte communication, with the exception of discussions of procedural matters such as the dates and

times of hearings, is prohibited after the conclusion of the evidentiary phase of the proceedings.

D. Engaging in prohibited ex-parte communications or the failure of a quasi-judicial official to disclose a communication and place the communication or a summary of it in the public record shall be grounds for voiding the official's vote on the matter.

E. An ex-parte contact or communication does not include:

1. Discussions of procedural matters such as the dates and times of hearings which are unrelated to the merits of the appeal, proceeding or motion;

2. Communications by the quasi-judicial official, whether in person or otherwise, with City employees or representatives.

2.12.060 Other Provisions Applicable

The standards of conduct provided for by this Chapter are in addition to other legal requirements imposed on quasi-judicial officials and bodies of the City including the Municipal Officers and Employees Ethics Act, the Governments Records Access and Management Act, the Open and Public Meetings Act and City ordinances and policies applicable specifically to the quasi-judicial body.

CHAPTER 2.13 -- SECURITY OF PERSONAL IDENTIFIERS

2.13.010 Definitions

For the purposes of this Chapter, the following definition is in addition to the definitions in Section 1.02.060 and shall control:

A. "Personal identifiers" means and includes an individual's home address, home telephone number, personal cellular telephone number, signature, social security number, birth date, personal email address, driver's license number, passport number, and any financial identification numbers, including, but not limited to, bank account numbers, credit card numbers and information obtained to authenticate a cardholder or effectuate a payment card transaction.

2.13.020 Protecting Personal Identifiers

The City shall ensure that all personal identifiers in the City's control are kept confidential and secure and are not used for any purpose other than a bona fide government necessity.

A. The City shall not collect or maintain personal identifiers except where provided by law or ordinance, or where necessary to the functioning of the

City. The collection of credit card numbers is permitted for those agencies which accept payment, in the regular course of county business, by credit card.

B. Any City agency which collects, maintains or transmits personal identifiers shall make a formal determination, in writing, which explains why personal identifiers are collected, maintained or transmitted and explains which specific personal identifiers are necessary. Agencies shall collect or use only those specific personal identifiers which are necessary to government business.

C. Except for outside contractors that provide administrative services for the City, each City agency shall have in place a written regulation or policy which establishes procedures for the secure collection, maintenance, transmission, transfer, or disposal of personal identifiers.

D. City agencies are bound by the provisions of state and federal law regarding the public or confidential nature of records containing personal identifiers, including but not limited to GRAMA and the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.

2.13.030 Private Contractors

If the City contracts with a private entity and the contract contemplates or provides for the transmission or use of any individual's personal identifiers, the contract shall include mandatory provisions requiring that the contractor exercise care to ensure the protection of personal identifiers and that the contractor shall be legally liable for any breach of that duty.

2.13.040 Penalty

Any City officer or employee who knowingly violates this Chapter may be guilty of a Class B misdemeanor and shall be subject to appropriate disciplinary action.

CHAPTER 2.14 -- RECORDS MANAGEMENT

2.14.010 Government Records Findings--Recognition Of Public Policy

The Council finds the following:

A. It is in the best interests of the City and the citizens thereof, and essential for the administration of the City government, to maintain and preserve accurate governmental records; to provide ready access to records which are defined by law as open to the public; to maintain the security of records which are defined by law as nonpublic; and to ensure the preservation of vital and historically valuable records.

B. As the records of the City are a resource containing information which (1)

allows government programs to function; (2) provides officials with a basis for making decisions and ensuring continuity with past operations; and (3) permits citizens to research and document matters of personal and community importance; this resource must be systematically and efficiently managed.

C. It is the policy of the City that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens as set forth in this Chapter.

D. The City recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Act and this Chapter, for the public good.

2.14.020 Purpose And Intent

In enacting this Chapter, it is the purpose and intent of the Council to provide, in accordance with GRAMA, GRAMA and providing for its application in the City.

2.14.030 Public Access

A. Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the City and subject to applicable ordinance, of all City governmental records designated as "public" under the provisions of this Chapter, and of GRAMA and policies and procedures developed hereunder.

B. The City has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

C. When a record is temporarily held by a custodial county agency, pursuant to that custodial agency's statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purpose of this Chapter. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the county. Only when records have been formally filed for permanent archival retention shall county archives be responsible for responding to requests for another agency's records.

2.14.040 Appeals

A. Persons aggrieved by the City's classification of a record, the fees charged for a record, or by a response to a record request may request and be granted an initial administrative appeal of that grievance, in accordance with countywide

policies and procedures adopted by the Council. The initial administrative appeal is made to the MSD.

B. A written notice of appeal shall be filed with the MSD within thirty calendar days after notice of the date of the action has been sent. The notice of appeal shall state the basis of the appeal and the relief requested.

C. Unless otherwise stipulated by the City and the persons aggrieved, the shall have seven (7) calendar days after the MSD's receipt of the notice of appeal (or fourteen calendar days after the City sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.

D. The MSD, in consultation with the City Manager, shall hear an appeal using a reasonable process chosen within the MSD's discretion and issue decision in writing to appellant.

E. If the MSD, in consultation with the City Manager, affirms the access denial or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the decision to affirm the access denial in accordance with state law.

2.14.050 Amendments And Corrections

Records held by the City may be amended or corrected as needed and as authorized by law. Requests for amendments, corrections or other changes shall be made in writing setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a government record is made, generally both the original record and the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this Chapter.

2.14.060 Access Management And Archiving

A. The Recorder shall serve as the City's records manager and shall oversee and coordinate records access and management and the City archives activities. The records manager shall make annual reports of records services activities to the Council.

B. The records manager shall develop and provide records management, maintenance and access standards, policies and procedures, as approved by the Council to govern and implement the provisions of GRAMA and this Chapter. Approval and promulgation of records policies and procedures shall be in accordance with the provisions of this Code of ordinances and the Act. Copies of any rule or policy promulgated under this Chapter shall be forwarded by the

City record manager to the Utah State Division of Archives within thirty (30) calendar days after its effective date.

2.14.070 Custody And Control

A. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve City records safely and accurately over the long term. The records manager shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of City records and shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use and maintenance of records. City policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the Council.

B. All City records which constitute an intellectual property right shall remain the property of the City unless federal or state legal authority provides otherwise. All other records shall be the property of the state. Property rights to City records may not be permanently transferred from the City to any private individual or entity, including those legally disposable obsolete City records of City archives or other agencies. This prohibition does not include the provision of record copies for release or distribution under this Chapter. All records disposals shall be conducted in accordance with policies and procedures.

C. Any City officer or employee having custody or control of any City records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the City records manager.

2.14.080 Retention Scheduling

A. All City records as defined by state law, whether hard copy, electronic or otherwise, shall be scheduled for retention and retained based on the standards and requirements set out in the Act and this ordinance.

B. The responsibility for developing retention schedules shall reside with the Council, with the assistance and advice of the county records manager.

C. In scheduling records for retention, the following considerations shall be taken into account:

1. Any specific retention requirement established by law, statute or ordinance;

2. Reasonable records standards and needs, based on best business practices, retention storage capabilities, and particular industry or professional requirements or standards;

3. Legal needs, including pending or likely litigation;

4. Applicable statutes of limitation;

5. Any pending fiscal or performance audit process;

6. Administrative and policy needs; and

7. Historical value.

D. Based on the considerations in subparagraph C, a record may have an extremely limited retention schedule, permitting the deletion of a record immediately or after administrative need ceases. Such records may be deleted immediately and without further processing.

E. City officials and employees shall observe and adhere to all applicable retention schedules. Records which have reached the end of their retention schedules should be deleted, removed or destroyed in a timely manner.

CHAPTER 2.15 EMERGENCY RESPONSE AND RECOVERY

2.15.010 Intent--Liberal Construction

It is the intent of this Chapter to provide the organization, powers and authority necessary to enable the timely and effective use of all available City resources to prepare for, respond to and recover from emergencies and disasters likely to affect the health, security, safety, or property of the inhabitants of the City. It is intended to grant the broadest powers permitted. The provisions of this Chapter shall be liberally construed to allow for the greatest opportunity to preserve and protect life and property.

2.15.020 Definitions

As used in this Chapter, As used in this Chapter, the following definitions are in addition to the definitions in Section 1.02.060 and shall control:

A. "Attack" means a nuclear, conventional, biological, or chemical warfare action against the United States of America, the State of Utah, Salt Lake County, or the City.

B. "Disaster" or "emergency" means a situation causing or threatening to cause widespread damage, injury or loss of life, or significant property damage

resulting from an attack, internal disturbance, natural phenomena, public health emergency, or technological hazard.

C. “FEMA” means the Federal Emergency Management Agency.

D. "Internal disturbance" means a riot, prison break, disruptive terrorism, or a widespread strike, which strike causes significant social disruption or injury to persons or property.

E. "Natural phenomena" means any earthquake, tornado, storm, flood landslide, avalanche, forest or range fire, drought or epidemic.

F. "Public health emergency" means an occurrence or imminent credible threat of an illness or health condition caused by bioterrorism, epidemic or pandemic disease, or novel and highly infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Such illness or health condition includes an illness or health condition resulting from a natural disaster Utah Code § 26-23b-102(b).

G. "State of emergency" means a condition in the City which requires City government emergency assistance to save lives and to protect property, public health and safety, and to reduce the threat and effects of a disaster.

H. "Technological hazard" means any hazardous materials spill or accident, mining accident, train derailment, aircraft crash, radiation incident, pollution, structural fire or explosion.

2.15.30 Declaration Of An Emergency

A. The Mayor is authorized to declare a state of emergency when the Mayor finds that the City or any part thereof is suffering from or is in imminent danger of suffering an emergency or disaster.

B. Any declaration of an emergency or disaster by the Mayor shall be announced through general publicity of the declaration. The Mayor shall promptly notify the Council of any declaration of an emergency or disaster.

C. The declaration of an emergency or disaster shall be in effect as determined by the Mayor for a period of up to thirty (30) calendar days in accordance with the Utah Disaster Response and Recovery Act. This period may be continued or renewed only upon the approval of the Council. The Council may, by resolution, express its opinion regarding an emergency declaration by the Mayor.

D. The declaration of an emergency provided in this Chapter shall become

effective immediately upon issuance by the Mayor and the only required publication is the general dissemination to the public by appropriate news media.

E. The declaration shall, to the extent possible, state the nature of the emergency, the area threatened, and any applicable duration, conditions, actions or needs pursuant to Section 2.15.050. The declaration may be amended and periodically brought up to date as needed.

2.15.040 Succession

A. If the Mayor is unavailable to perform the duties set out herein, the Mayor Pro Tem shall have the same authority as granted to the Mayor. If both the Mayor and the Mayor Pro Tempore are unavailable, the authority to exercise the powers set out in this Chapter vests in the Chief of the Unified Fire Authority.

B. Notwithstanding the order of succession set forth in subsection A, if the Mayor is unavailable to issue an evacuation order as set forth in Section 2.15.050, only the fire official assigned to the City by the Unified Fire Authority may issue an evacuation order, including any orders establishing evacuation routes, for a period not to exceed thirty-six hours, if the order is necessary for the preservation of life. The Mayor may ratify, modify, or revoke the fire official's order if he becomes available.

2.15.050 Powers Of The Mayor

A. In a state of emergency, declared by either the Mayor or the governor, the Mayor is empowered to make all necessary efforts to respond to, prevent, or ameliorate the effects of an emergency or disaster, including, but not limited to, using all City resources, issuing evacuation orders, establishing evacuation routes, suspending the sale of alcoholic beverages, controlling entry to and exit from any disaster area, clearing or removing debris or wreckage, invoking the provisions of any mutual aid agreement with another governmental entity, and such other powers and authority which are reasonably necessary for the preservation of life and property and as may be set out the Utah Disaster Response and Recovery Act.

B. The Mayor shall have full power to secure the availability of supplies, clothing, vehicles, fuel, equipment, food and water as may be reasonably necessary to respond to the emergency.

C. In a state of emergency, the Mayor may:

1. Exercise emergency powers and functions in response to the exigencies of the disaster, including waiving compliance with any time consuming

procedures and formalities, including notices, as may otherwise be required.

2. Issue any and all such other orders or undertake such other functions and activities as the Mayor reasonably believes is required to protect the health, safety, or welfare of persons or property within the City or to otherwise preserve the public peace or to abate, clean up, or mitigate the effects of any emergency or disaster. Rules and regulations adopted by the Mayor in response to the state of emergency have the force and effect of law, upon filing with the county clerk. All rules and regulations adopted in response to a state of emergency shall expire once the state of emergency is no longer in effect.

D. In a state of emergency, the Mayor is responsible to:

1. Coordinate the activities and management of private volunteers, including maintaining records of volunteer work in accordance with FEMA needs;

2. Ensure that all records and receipts for funds expended in emergency response are maintained in accordance with FEMA's needs;

3. Coordinate and ensure prompt communication with the media about the emergency, providing to the extent possible, one consistent voice regarding county activities; and

4. Maintain ongoing communication with the Council, the MSD, the Unified Fire Authority, and other government entities.

E. In the event of a public health emergency, the Mayor may declare a state of emergency at the request of the director of the health department or the board of health. To prevent or contain the outbreak and spread of a communicable or infectious disease, the Mayor, together with the director of the health department, may issue orders to:

1. Close theaters, schools and other public places and prohibit gatherings of people when necessary to protect the public health. (Utah Code § 26A-1-114(1)(e));

2. Exercise physical control over property and over individuals as the Health Department finds necessary for the protection of public health. (Utah Code § 26A-1-114(1)(b));

3. Exclude from school attendance any person, including teachers, who is suffering from any communicable or infectious disease, if the person is likely to convey the disease to those in attendance. (Utah Code §

26A-1-114(3)(b));

4. The authority of the director of the health department extends to a public health emergency wholly located within a municipality.

F. UPD's officers and such other law enforcement and peace officers as may be authorized by the Mayor are further authorized and directed to enforce the orders, rules and regulations made or issued pursuant to this Chapter.

1. During the period of a declared emergency or disaster, a person shall not:

a. Enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment;

b. Violate any orders duly issued by the Mayor or authorized personnel; or

c. Willfully obstruct, hinder, or delay any duly authorized government officers, employees or volunteers in the enforcement or exercise of the provisions of this Chapter, or in the undertaking of any activity pursuant to this Chapter.

2.15.060 Powers Of The Council

A. Nothing in this Chapter shall prevent the Council from acting as the legislative body of City government in a state of emergency, or from exercising those powers and authorities set out in state law. The Council's legislative authority shall include the power to legislate, budget, and appropriate and to perform any other duties as required by state law and by the plan.

B. The Council shall also fulfill those duties and responsibilities as required by any emergency response declaration or order to the extent it does not conflict with federal, state, or local law, or the provisions of this Chapter.

2.15.070 Relocation Of Offices

A. Whenever an emergency or disaster makes it imprudent or impossible to conduct the affairs of the City at its regular locations, the Council may meet at any safe and convenient place, inside or outside Salt Lake County. Any temporary meeting location shall continue until a new location is established, the emergency or disaster is terminated, or City operations are able to return to their normal locations.

B. Any official act or meeting required to be performed at any regular location of

the Council is valid when performed at any temporary location under the terms of this section.

2.15.080 Mutual Aid

A. The Mayor may, on behalf of the City, enter into such reciprocal aid, mutual aid, intergovernmental cooperation agreements or other contracts or plans with other governmental entities for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel and services and do not require fair and adequate consideration.

B. The City may act as a participating political subdivision consistent with the Statewide Mutual Aid Act.

2.15.090 Contracts For Goods And Services During An Emergency

In accordance with the provisions of the City procurement ordinances or policies, the City may acquire goods and services in response to the exigencies of the emergency or disaster as are necessary and the Mayor may suspend or waive compliance with time consuming ordinances, policies, procedures and formalities prescribed by law pertaining thereto, City purchasing ordinances regarding the acquisition of goods and services.

2.15.100 Criminal Penalties

Any person who knowingly refuses to comply with an order to evacuate issued under this Chapter or who refuses to comply with any other order issued during a state of emergency, as provided in this Chapter and after notice of the order has been given to that person, is guilty of a Class B Misdemeanor.

CHAPTER 2.16 -- CITY BUDGET PROCESS

2.16.010 Provisions

This Chapter shall define the process of preparing and adopting the annual fiscal year City budget. The Chapter further defines the Council's responsibilities, and the City's relationship with the MSD in the budget process as defined by law.

2.16.020 Definitions

For the purposes of this Chapter, the following definitions are in addition to the definitions in Section 1.02.060 and shall control:

A. "Final budget" means the budget finally adopted by the Council pursuant to its legislative authority.

B. "Proposed budget" means the budget prepared in the format of the tentative budget by the Council and forwarded to the MSD Board of Trustees for review and approval.

C. "Tentative budget" means the budget approved by the MSD after submittal of the proposed budget by the Council to the MSD.

2.16.030 Authority

This Chapter is based upon the requirements of state law regarding the administration and operation of City, the responsibilities of the county and the MSD in the City's, and the Uniform Fiscal Procedures Act for Cities.

2.16.040 Tentative Budget

A. The Council shall prepare and submit to the MSD a proposed budget in sufficient detail, content and scope and in a manner and on forms provided by the MSD pursuant to the Uniform Fiscal Procedures Act for Cities. The Council shall submit the proposed budget to the MSD before the deadline established by the MSD Board of Trustees. The time of submittal of the proposed budget may be extended if requested by a majority of the MSD Board of Trustees.

B. Prior to submission of the proposed budget to the MSD, the Council shall review the proposed budget for consistency with statute, ordinance and fiscal and budget policies including the Uniform Fiscal Procedures Act for Cities and recommend modifications where necessary after consultation with the MSD Board of Trustees, other cities, and affected county offices, agencies and departments.

C. The proposed budget shall projected revenues, projected expenditures, and budget requests for all funds, along with any additional items deemed necessary by the Council, with recommendations as the Council feels appropriate.

D. In preparing the proposed budget, the Council may include a budget for capital improvements and maintenance in the capital improvements fund.

E. After the Council submits the proposed budget to the MSD, the Council and MSD Board of Trustees may hold joint meetings for purposes of preparing the tentative budget, which the City's budget officer will do no later than the first regularly scheduled Council meeting in May.

F. The Council may revise and update revenue projections and expenditure projections throughout the budget process and fiscal year and shall notify the

MSD as soon as possible of any adjustments to the revenue projections in the proposed, tentative, and final budgets.

G. The Council shall adopt the tentative budget in accordance with State law.

2.16.050 Council Budget--Final Budget

After the MSD approves a tentative budget for the City, the Council shall adopt a final budget for the City on or before June 30 of each year for the following fiscal year. The Council shall set the date for the time and place of a public hearing to adopt a final budget, and cause notice of the same to be published and posted in accordance with state law. The Council shall also make the tentative budget available to the public in accordance with state law. All interested parties shall have an opportunity to be heard at the public hearing pursuant to rules established by the Council. The Council may make adjustments to the budget after the public hearing on the final budget. The Recorder shall file with the state auditor a certified copy of the final budget within thirty (30) calendar days after adoption.

2.16.060 Budget Limitations

The Council shall not propose or adopt any proposed, tentative or final budget or make any appropriation in the final budget of any fund that exceeds the estimated expendable revenue, including fund balances and reserves, of the fund for the fiscal year as required by state law.

2.16.070 Final Adopted Budget Amendments

The Council may amend a final fiscal year budget pursuant to law and any budget increase in any fund shall require five days' notice and a public hearing except under emergency conditions declared by the Council. If the Council amends the budget, the MSD shall amend the budget to account for the same.

2.16.080 Budget And Financial Policies

The Council may adopt policies or issue orders not inconsistent with law or this Chapter in regard to the budget process.