

MUNICIPAL FORMS OF GOVERNMENT IN UTAH

There are five forms of government currently in use in Utah cities and towns. They are the "Council-Mayor Form of Government"; "Five-Member Council Form of Government"; "Six-member Council Form of Government"; "Council-Manager Form of Government", and "Charter Form of Government".

COUNCIL–MAYOR FORM OF GOVERNMENT

The Council-Mayor Form of municipal government was created by the Laws of Utah 1977, Chapter 48. This form of government may not be adopted by a city or town without voter approval. A city or town does not have this form of government unless it has held an election at some time to choose this form.

This form has two separate, independent, and equal branches of municipal government consisting of a legislative branch—a council composed of five or seven members; and an executive branch--the mayor and, under the mayor's supervision, any executive or administrative departments, divisions, and offices and any executive or administrative officers provided for by statute or municipal ordinance.

The mayor in a city or town operating under the council-mayor form of government is the chief executive and administrative officer. He or she exercises the executive and administrative powers and performs of the municipality. The mayor has the responsibility to execute the policies adopted by the council. The Mayor appoints, with the council's advice and consent, qualified persons to the city or town's officers and positions including such things as recorder and treasurer.

The mayor may veto an ordinance, tax levy, or appropriation passed by the council subject to the council's power to override the veto.

While not a member of the council, or its chair, the mayor may attend each council meeting, take part in council meeting discussions, and freely give advice to the council.

The council in a municipality operating under a council-mayor form of government: is the legislative body of the city or town and by ordinance or resolution determines the broad policy for the city or town and some specific policies such as the manner in which municipal property is bought, sold, traded, encumbered, or otherwise transferred; and a subdivision or annexation is approved, disapproved, or otherwise regulated.

The council enacts laws, appropriates funds, and reviews municipal administration. The council elects one of its members to be the chair of the council.

The council may make suggestions or recommendations to mayor or mayor's subordinates and investigate any an officer, department, or agency of the city or town municipality, but it may not direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office; interfere in any way with an executive officer's performance of the officer's duties; or publicly or privately give orders to a subordinate of the mayor.

SIX MEMBER COUNCIL FORM OF GOVERNMENT

The powers of municipal government in a municipality operating under the six-member council form of government are vested in a council consisting of six members, one of which is a mayor.

The mayor in a municipality operating under a six-member council form of municipal government is, except in limited circumstances a nonvoting member of the council. The mayor votes as a voting member of the council on each matter for which there is a tie vote of the other council members present at a council meeting; or when the council is voting on whether to appoint or dismiss a municipal manager; or on an ordinance that enlarges or restricts the mayor's powers, duties, or functions

The mayor is the chair of the council and presides at all council meetings. The mayor exercises ceremonial functions for the municipality such as ribbon cuttings and municipal appearances. The mayor may not veto an ordinance, tax levy, or appropriation passed by the council.

The mayor is the chief executive officer. This means that all employees of the municipality report to him or her. The mayor, among other things, is required to keep the peace; enforce the laws of the municipality; and ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed. The mayor, with the council's advice and consent, can assign or appoint a member of the council to administer one or more departments of the municipality; and appoint a person to fill a municipal office.

The powers and duties of the mayor in a six member council for of government can be taken from the mayor and given to either the council or such as a city manager or a city administrator by the adoption of an ordinance by the council. The vote on this ordinance must either be by the unanimous vote of the council or the ordinance must have the vote of a majority of the council and the mayor.

In the six-member council form of government the council is the legislative body of the city or town and exercises the legislative powers and performs the legislative duties and functions of the municipality. This is done by either ordinance or resolution as may be appropriate

The council in a municipality operating under a six-member council form of government: can exercise executive or administrative power that has not been given to the mayor under state law, or has been given to the mayor under state law, but has been delegated to the council by the mayor. In addition the council can remove from the mayor, by an appropriately passed ordinance, the mayor's executive and administrative power and give it to itself or to an appointed manager or administrator. The council may not remove any of the mayor's legislative or judicial powers or ceremonial functions, the mayor's position as chair of the council; or any ex officio position that the mayor holds.

An ordinance removing from or reinstating to the mayor a power, duty, or function requires the affirmative vote of the mayor and a majority of all other council members; or all council members except the mayor

FIVE MEMBER COUNCIL FORM OF GOVERNMENT

The powers of municipal government in a municipality operating under the five-member council form of municipal government are vested in a council consisting of five members, one of which is a mayor.

The mayor in a municipality operating under a five-member council form of municipal government is a regular and voting member of the council. The mayor is the chair of the council and presides at all council meetings. The mayor exercises ceremonial functions for the municipality. The mayor may not veto any ordinance, tax levy, or appropriation passed by the council.

The mayor is the chief executive officer. This means that all employees of the municipality report to him or her. The mayor, among other things, is required to keep the peace; enforce the laws of the municipality; and ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed. The mayor with the council's advice and consent: can assign or appoint a member of the council to administer one or more departments of the municipality; and appoint a person to fill a municipal office.

The powers and duties of the mayor in a five-member council form of government can be taken from the mayor and given to either the council or hired administrators such as city managers or city administrators by vote of the council. The vote must either be unanimous or the ordinance must have the consent of the mayor.

In the five-member council form of government the council is the legislative body of the city or town and exercises the legislative powers and performs the legislative duties and functions of the municipality; and may adopt rules and regulations for the efficient administration, organization, operation, conduct, and business of the municipality. This is done by either ordinance or resolution as may be appropriate.

The council in a municipality operating under a five-member council form of government: can exercise executive or administrative power that has not been given to the mayor under state law, or has been given to the mayor under state law, but has been delegated to the council by the mayor. In addition the council can remove from the mayor, by an appropriately passed ordinance, the mayor's executive and administrative power and give it to itself or to an appointed manager or administrator. The council may not remove any of the mayor's legislative or judicial powers or ceremonial functions, the mayor's position as chair of the council; or any ex officio position that the mayor holds.

An ordinance removing from or reinstating to the mayor a power, duty, or function requires the affirmative vote of the mayor and a majority of all other council members; or all council members except the mayor.

COUNCIL-MANAGER FORM OF GOVERNMENT

The Council-Manager form of government is a form of municipal government that was created by Laws of Utah 1977, Chapter 48. It could not have been adopted without voter approval. This form of government has been removed from state law and is no longer an option for Utah cities and towns. A municipality operating on May 4, 2008 under the council-manager form of government continues to operate under the council-manager form of government according to the applicable provisions of Laws of Utah 1977, Chapter 48.

In this form of government a city manager is the chief executive officer of the city or town and has the following powers and duties prescribed by the state law, including the power to appoint individuals to municipal offices and positions. The city manager runs the day to day operations of the city and all employees report to this individual.

The mayor in this form of government is a ceremonial mayor only. The mayor chairs the council and votes on all issues as a full voting member of the council.

The council is the legislative policy making body of the city or town. The manager is hired and can be fired by the council. Council members may not have any administrative or executive functions in the city or town.

CHARTER FORM OF GOVERNMENT

The Utah Constitution provides that the voters of any communities can, within some limits, create their own form of city or town government. This is called a charter and is similar to having an individualized municipal code for that city or town. In order to have a charter a process of petition, public hearing, and election must take place. This process is set out in Article XI Section 5 of the Utah Constitution.