

**PERRY CITY
ORDINANCE 21-L**

Title 2 – MUNICIPAL ADMINISTRATION RE-ENACTED

**AN ORDINANCE OF PERRY CITY, UTAH, REPEALING AND RE-ENACTING
TITLE 2 ENTITLED “MUNICIPAL ADMINISTRATION” OF THE *PERRY
MUNICIPAL CODE*; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Perry City (hereafter the “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-3-701 and §10-3-702 authorizes the City Council to exercise its legislative powers by ordinance, including organization of departments and administration;

WHEREAS, Mayor and City Council desire to update the *Perry Municipal Code*;

NOW, THEREFORE, be it ordained by the City Council as follows:

Section 1: Repealer. Title 2 of the *Perry Municipal Code* is hereby repealed. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Title 2 of the *Perry Municipal Code* is re-enacted to read as follows:

**Title 2
Municipal Administration**

Chapters:

- 2.01 Government and Elected Officials.**
- 2.03 Elections**
- 2.05 Appointed Officials and Polices**
- 2.07 Compensation Schedules**
- 2.09 Community Development and Renewal Agency**
- 2.11 Justice Court**
- 2.13 Fire Services**
- 2.15 Financial and Property Administration**
- 2.17 Records Access and Management**
- 2.19 Rules and Ethics**

**Chapter 2.01
Government and Elected Officials**

Sections:

- 2.01.010 Form of Government.**
- 2.01.020 Oath of Office.**
- 2.01.030 Mayor.**

2.01.040 City Council.

2.01.050 Meetings.

2.01.010 Form of Government.

The City operates under the “Six-Member Council Form of Municipal Government” form of government as specified in Utah Code §10-3b-301, et seq., which consists of the Mayor and five (5) council members who collectively constitute the Governing Body.

2.01.020 Oath of Office.

Elected and appointed officials shall take and subscribe the State constitutional oath of office.

2.01.030 Mayor.

The Mayor shall perform the duties of that office which are, or may be, prescribed by Law, and shall see that the Laws are faithfully executed. The Mayor shall preside at all meetings of the City Council, and in case that the Mayor is absent from said meeting a member of the City Council may be appointed by the City Council as Mayor Pro Tempore to act during the absence of the Mayor.

2.01.040 City Council.

The City Council shall perform all duties as are, or may be, prescribed by Law, and shall perform such other acts consistent with Law.

2.01.050 Meetings.

Meetings of a City public body, as defined by State Law, are subject to the Utah Open and Public Meeting Act set forth in Title 52, Chapter 4 of the *Utah Code Annotated*, unless otherwise provided by Law.

Chapter 2.03 Elections

Sections:

2.03.010 Chief Election Officer.

2.03.020 Municipal Elections.

2.03.030 Campaign Finance Rules.

2.03.040 Vacancy.

2.03.010 Chief Election Officer.

The City Recorder is designated the Chief Election Officer of the City.

2.03.020 Municipal Elections.

The City Recorder shall administer all municipal elections as set forth in *Utah Code Annotated* §10-3-201, et seq., as amended, and otherwise provided in Law.

2.03.030 Campaign Finance Rules.

1. Adoption. *Utah Code Annotated* §10-3-208, as amended, is hereby adopted as the minimum requirement for campaign finance disclosure for each candidate for municipal elective office.
2. Requirement. All candidates for elective municipal office shall comply with the campaign finance and disclosure requirements set forth in State Law.
3. Expenditures. All personal use expenditures shall comply with *Utah Code Annotated* §10-3-209, as amended.
4. Violation. In addition to penalties provided by State Law, any candidate who fails to comply with the provisions of this Section is guilty of an infraction and a fine not to exceed \$50.

2.03.040 Vacancy.

Any vacancy in any of an elected office by death, resignation, removal, or otherwise shall be filled for the unexpired term of such office by a majority vote of the City Council as provided by State Law.

**Chapter 2.05
Appointed Officials and Policies**

Sections:

- 2.05.010 Statutory Officers.**
- 2.05.020 City Administrator.**
- 2.05.030 Appointed Officers.**
- 2.05.040 Policies and Procedures.**

2.05.010 Statutory Officers.

As provided by State Law, the Mayor shall appoint a qualified person as City Recorder and a qualified person as City Treasurer. The term for each statutory officer shall continue until a successor is qualified and appointed. The Governing Body may remove any statutory officer as provided by Law.

2.05.020 City Administrator.

1. Appointment. A City Administrator shall be appointed and removed by the Governing Body subject to the terms and conditions of any employment contract or agreement contemporaneous or subsequent to the appointment.
2. Limitations. The following limitations apply:
 - a. Nothing in this Section shall be construed to limit the powers of the Mayor or Council, nor does this Section change the form of government under *Utah Code Annotated* §10-3b-103.
 - b. A member of the Governing Body may not serve as City Administrator.
 - c. The City Administrator shall not simultaneously serve as City Recorder, City Treasurer, or other appointed position.
3. Duties. The City Administrator shall be under the supervision and control of the Governing Body and perform the following duties:

- a. Under the direction of the Mayor, administer and exercise supervisory authority over all departments and subordinate employees of the City.
- b. Manage the day-to-day operations of the City as directed by the Mayor.
- c. Recommend the hiring, disciplining, or termination of any City employee, or appointed officer.
- d. Conduct performance evaluations for subordinates, recommend pay increases for City employees, and initiate pay adjustments as prescribed by ordinance or policy.
- e. Assist in the formulation, administration, and enforcement of all Laws, policies, and procedures.
- f. Assist in matters relating to land use and development.
- g. Assist in the preparation of the annual budget and financial administration.
- h. Attend meetings as necessary and speak as needed.
- i. Employ consultants and professionals to aid City administration as needed.
- j. Administer contracts for the City.
- k. Assist with public relations as coordinated with the Mayor.
- l. Perform such other duties as may be delegated or assigned.

2.05.030 Appointed Officers.

The Mayor appoints department heads, statutory officers, and other appointed officials subject to the advice and consent of the City Council. Unless otherwise provided, the term for each appointed officer shall continue until a successor is qualified and appointed. The Governing Body may remove any appointed officer as provided by Law.

2.05.040 Policies and Procedures.

1. Personnel. The Governing Body hereby adopts the “Personnel Policies and Procedures Manual” and may update the same as needed by resolution. Title 10, Chapter 3, Part 11 of the Utah Code Annotated governs certain “Personnel Rules and Benefits” as may be applicable under State Law.
2. Public Works. The “Public Works Standards for Development, Design, and Construction” dated September 23, 2021, as prepared by Jones & Associates Consulting Engineer, is hereby adopted. The Mayor and Public Works Director are hereby delegated authority to make any update, modification, or amendment to the same upon recommendation by the City Engineer so long as such update, modification, or amendment is not in direct conflict with the currently adopted General Plan. Any reference to any public works specifications in this code is hereby amended to read “Public Works Standards for Development, Design, and Construction” as stated in this Part.
3. Public Safety. The “Police Policy and Procedures” are hereby adopted. The Mayor is hereby delegated authority to make any update, modification, or amendment upon recommendation by the Police Chief.
4. Firing Range. The Mayor and Chief Range Safety Officer (RSO) is hereby delegated authority to adopt any policies and procedures for the operation and maintenance of a public firing range. Funds to operate a public firing range is subject to approval by the City Council.

Chapter 2.07 Compensation Schedules

Sections:

- 2.07.010 Compensation.**
- 2.07.020 Elected Officers.**
- 2.07.030 Appointed Officers.**

2.07.010 Compensation.

The compensation schedule for elected and certain appointed officers shall be set from time-to-time by the Governing Body subject to *Utah Code Annotated* §10-3-818.

2.07.020 Elected Officers.

1. Compensation. Effective with the paycheck including pay for work performed on and after July 1, 2021, the compensation on a two (2) week basis and annual basis for the referenced elected officers shall be as follows:
 - a. Mayor: \$389.91 every two (2) weeks; \$10,137.72 annually. The Mayor may opt to receive medical and dental benefits, in addition to compensation in this Section, the same manner as other employees of the City.
 - b. City Council Member: \$188.03 every two (2) weeks; \$4,888.75 annually.
2. Increase. Elected officers receive an annual cost-of-living adjustment equal to that given other employees of the City. In the event no cost-of-living adjustment is offered in any given year, the elected officers of the City shall not receive a cost-of-living adjustment for that year. The cost-of-living adjustment is subject to being annually appropriated by the Governing Body. In the event the Governing Body chooses to fund the salary increase, the Governing Body shall include any such increase as part of the annual budget process to become effective July 1 of the following fiscal year.

2.07.030 Appointed Officers.

1. Compensation Schedule. The City may adopt an update to its Compensation Schedule from time-to-time.
2. Benefits. In addition to the Compensation Schedule, Appointed Officers also receive benefits such as medical, dental, disability, and retirement.
3. Increase. Compensation increases may be awarded based on budget availability as follows:
 - a. Merit or performance increases may be awarded annually based on employee's annual performance review.
 - b. Cost-of-living adjustment as determined by the Governing Body.
 - c. Salary surveys may be conducted periodically and result in market-based increases approved by the City Council.

Chapter 2.09 Community Development and Renewal Agency

Sections:

- 2.09.010 Creation.**
- 2.09.020 Agency Board.**
- 2.09.030 Powers.**
- 2.09.040 Boundaries.**

2.09.010 Creation.

In accordance with *Utah Code Annotated* §17C-1-201.5, as amended, the City Council hereby creates the Perry Community Reinvestment Agency (hereafter “Agency”) for the purpose of implementing Title 17C of the Utah Code Annotated, as amended, known as the “Limited Purpose Local Government Entities – Community Reinvestment Agencies Act”.

2.09.020 Agency Board.

In accordance with *Utah Code Annotated* §17C-1-203, the City Council shall constitute the governing board of the Agency.

2.09.030 Powers.

The Agency shall exercise all the powers set forth in *Utah Code Annotated* §17C-1-202, as amended, and another applicable Law.

2.09.040 Boundaries.

In accordance with *Utah Code Annotated* §17C-1-201.5, as amended, the boundaries of the Agency shall be coterminous with the boundaries of Perry City, Utah.

**Chapter 2.11
Justice Court**

Sections:

- 2.11.010 Justice Court.**
- 2.11.020 City Prosecutor.**

2.11.010 Justice Court.

1. Designation. The Governing Body is authorized to enter an interlocal agreement with a justice court of competent jurisdiction as provided in *Utah Code Annotated* §78A-7-102(4), as amended, and as required by State Law.
2. Administration. The City Administrator shall oversee the proper and effective administration of the Justice Court.

2.11.020 Prosecuting Attorney.

The Mayor, subject to the advice and consent of the City Council, may appoint or enter into a contract with a duly licensed attorney in the State to serve as the City Prosecutor. The City Prosecutor acts under the direction of the City Attorney.

**Chapter 2.13
Fire Services**

Sections:

2.13.010 Equipment.

2.13.020 Fire Service.

2.13.010 Equipment.

The Governing Body may provide necessary firefighting equipment for the City.

2.13.020 Fire Service.

The Governing Body may contract or otherwise provide for fire protection services by interlocal agreement with a county, municipality, local district, or otherwise.

**Chapter 2.15
Financial and Property Administration**

Sections:

2.15.010 Definitions.

2.15.020 Uniform Fiscal Procedures Act.

2.15.030 Finance Administration.

2.15.040 Municipal Property.

2.15.050 Procurement of Architect or Engineer Services.

2.15.060 Building Improvements and Public Works Projects.

2.15.070 Contracts and Obligations Generally.

2.15.080 Grants.

2.15.090 Ethics and Sanctions.

2.15.010 Definitions.

The definitions of Utah Code Annotated §10-6-106 and §11-39-101, 1953 as amended, are hereby incorporated in this Chapter by this reference. Unless the context requires otherwise, the following additional definitions apply:

1. "Finance Officer" means the City employee designated by the City Council to administer finances in accordance with *Utah Code Annotated* §10-6-158.
2. "Encumbrance" means an obligation of the City.
3. "Services" shall mean professional and other skilled services such as auditing, architecture, engineering, surveying, appraisals, legal service, or counseling, sought or obtained from sources other than regular city employees, and does not include any contract for municipal type services, such as law enforcement, fire protection, garbage removal, snow removal, and other similar services.
4. "A significant parcel of real property" for the purposes of *Utah Code Annotated* §10-8-2, means any Real Property owned by the City over one (1) acre in size, and does not include any road, street, public right-of-way, or easement.
5. "Supplies" means any and all tangible articles or things which shall be furnished to or used by any City department or employee within the scope of employment with the City.

2.15.020 Uniform Fiscal Procedures Act.

The accounting, budgeting, and financial reporting procedures of the municipality shall be in accordance with the Uniform Fiscal Procedures Act, provided in Title 10, Chapter 6 of the *Utah Code Annotated*, or successor statute.

2.15.030 Finance Administration.

1. Oversight. The Governing Body provides financial oversight and authorization and is ultimately responsible for the proper creation of the City's financial statements.
2. Department. Financial management is governed by Law under the Administrative Department, as supervised by the Mayor.
3. City Treasurer. The City Treasurer shall perform the functions provided by Law.
4. Finance Officer. The Finance Officer shall perform the functions set forth by the Governing Body or established by policy. The Finance Officer shall provide monthly, quarterly, and annual financial reporting as provided by law. Monthly reporting shall be made to the Governing Body as per its direction, including the preparation of the City's financial statements.
5. Purchase Orders. The City Treasurer shall administer all purchase orders in a uniform manner for any expenditures over \$500.
6. Petty Cash. A petty cash fund may be maintained by the City Treasurer in an amount not to exceed \$750.
7. Formalities. Payment of any debt shall be tendered in the form and manner authorized by the Mayor.
8. Conflict. Notwithstanding the provisions of this Chapter, any purchase involving state or federal funding shall comply with the applicable state or federal regulations governing such funding.
9. Indemnification. The City shall indemnify its officials against all legitimate civil claims brought by another for reason of any expenditure in excess of the approved budget or for non-conformance to Law.
10. Budget. The Mayor is the Budget Officer and shall prepare and submit to the City Council a balanced tentative budget, including any proposed fee or tax increases on or before the first meeting each April. Preparation of the annual budget shall be coordinated with each department head in conjunction with the Finance Officer. The City Council shall approve or amend the tentative budget, and adopt the final budget as provided by State Law.
11. Interlocal Agreements. Any interlocal agreement requires approval by resolution of the Governing Body.
12. Allotment. Allotments shall be made within the limits of the budget, except where approved by the City Council by amendment to the budget.
13. Annual Audit. The Governing Body shall cause an annual audit to be prepared by an independent auditor in accordance with Law and appropriate guidance from the Office of the Utah State Auditor.
14. Emergency. In case of an actual emergency, an authorized official who purchases Services or Supplies in the normal course of duty may purchase directly any Services or Supplies whose immediate procurement is essential for life, health, safety, or welfare of the public. The authorized purchasing official shall promptly send the Finance Officer a

requisition and a copy of the over-the-counter delivery order, and, if required by the Mayor, a full written report of the circumstances of the emergency.

15. Indemnification. The City shall indemnify its officials against all legitimate civil claims brought by another for reason of any expenditure in excess of the approved budget or for non-conformance to Law.

2.15.040 Real Property.

1. Policy. The appropriation, acquisition, or disposal of property shall conform to the applicable requirements of *Utah Code Annotated* §10-8-2, 1953 as amended, and the provisions of this Section.
2. Real Property. The disposition of Real Property is as follows:
 - a. The disposal of a significant parcel of real property owned by the City shall be made in accordance with *Utah Code Annotated* §10-8-2(4).
 - b. The disposal of a non-significant parcel of real property shall be made by the Mayor subject to the approval of the City Council in accordance with any additional policy.
 - c. Consideration shall be given for fair market value of any disposal of Real Property.
 - d. Methods for disposal may include, but are not limited to: listing with a broker, auction, or private negotiations.

2.15.050 Other Property.

1. Generally. This Section governs the acquisition, use, and disposal of all non-real estate property of the City in accordance with *Utah Code Annotated* §10-8-2, 1953 as amended. Each department head, or their designee, is authorized to acquire equipment, services, or other property within the limits of the annual budget.
2. Property Use. This policy presumes that incidental or personal use or possession of public property by a City officer or employee is authorized. This policy is enacted to minimize exposure under *Utah Code Annotated* §76-8-402 and other applicable Law. The City recognizes the benefits to the community when officials and employees are able to use City property for incidental or personal use in addition to the primary use of fulfilling their duties. To enable officers and employees to continue to use their issued equipment in a manner that best serves the public, officers and employees are authorized to use or possess any City property issued to them for any incidental or personal use, so long as the property is used in a lawful manner. This policy presumes that any public property issued to an officer or employee is properly in that person's possession and that the use or possession of said property is fulfilling their duties or otherwise appropriate.
3. Property Classification. Each department head, or other designee, is authorized to report to the Finance Officer property that should be classified as an asset for Audit purposes or determine whether certain property classified as material consumed in normal operations of the City.
4. Property Disposal. A department head may submit a list of assets to the City Council to be declared surplus for the purpose of disposal. This Part does not apply to property consumed in normal operations or that is classified as garbage or junk. City property shall be disposed of or released to ownership by anyone other than the City only after such

property has been declared surplus by the City Council and put up for sale on a public forum.

2.15.050 Procurement of Architect or Engineer Services.

The City may procure the Services of an architect or engineer in accordance with the requirements of *Utah Code Annotated* §10-7-20.5, as amended.

2.15.060 Building Improvements and Public Works Projects.

1. Capital Projects. The City shall follow the procedures of *Utah Code Annotated* §11-39-101, et. seq, as amended, for all applicable building improvements or public works projects that exceed the amount specified under State Law.
2. Expenditure. Any applicable building improvement or public works project paid for by the City shall be in accordance with *Utah Code Annotated* §11-39-102, as amended.
3. Bids. The City shall issue a request for bids or proposals for applicable projects in accordance with *Utah Code Annotated* §11-39-103, as amended.
4. Award Procedures. The procedure for award is as follows:
 - a. The City reserves the right to reject any and all bids or proposals.
 - b. No bidder or proposal shall have any right, legal or equitable, or claim against the City for any expense or cost incurred in the preparation or submission of a bid or proposal, which is rejected, regardless of the reasons for the rejection.
 - c. The City expressly reserves the right to waive minor or slight irregularities in a bid which are in the best interest of the City.
 - d. The decision on award of a bid or proposal is final and shall not create any right to any bidder or proposal.
 - e. Generally bids shall be awarded, particularly for Supplies and Services, to the lowest responsible bidder defined in *Utah Code Annotated* §11-39-101. In determining the lowest responsible bidder, the City may consider the following criteria, in addition to price, in rejecting a bid:
 - i. The ability, capacity, and skill of the bidder to perform as required.
 - ii. Whether the bidder can perform promptly, or within the time specified without delay or interference.
 - iii. The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
 - iv. The quality of past performance by the bidder.
 - v. Prior and current compliance by the bidder with the laws and ordinances.
 - vi. Sufficiency of the financial resources of the bidder to perform.
 - vii. Quality, availability, and adaptability of the supplies or services to the particular use required.
 - viii. The ability of the bidder to provide future maintenance or service.
 - ix. The number and scope of conditions attached to the bid or price quotation.
 - x. Such other factors as may be specified in *Utah Code Annotated* §11-39-101, et. seq, or as otherwise provided by Law, including the ability of the City to determine factors based upon the specifics of the project, project inventory, any expertise, or considerations for ease in maintenance.

- xi. In the event that a bid award is not given to the low bidder, a statement for placing the award elsewhere should be prepared by the City and filed with the other documents relating to the bid.
- 5. No Bid. A project involving a building improvement or public works project not requiring a bid, as provided in this Section, such shall be administered in by the applicable department subject to oversight by the Mayor.

2.15.070 Obligations and Contracts Generally.

- 1. Appropriations. No liability or obligation against the City is created and no expenditure of public funds may be made unless for a valid corporate purpose and in accordance with *Utah Code Annotated* §10-8-2, as amended.
- 2. Validity. No contract obligation is valid or binding against the City unless:
 - a. In written form within budgetary limits.
 - b. Approved by the City Council, where expressly required.
 - c. Approved as to form, if required.
 - d. Executed by the Mayor.
 - e. Attested by the City Recorder.
- 3. Insurance. The City may require insurance certificates or bonds as part of an obligation, liability, or contract which may also:
 - a. Name the City and/or others involved as an additional insured.
 - b. Outline an approved cancellation clause.
 - c. Be in a sum sufficient to protect the interest of the City.
 - d. Be issued by an entity authorized to conduct business in the State.
 - e. The contractor under any contract for a building improvement or public works project may be required to post performance and/or material bonds as determined by the City.
- 4. Withholding Payment. Payment may be withheld as retainage under the terms of a contract, for non-performance, or other reason under Law or the contract. The City prefers to have a retainage provision favorable to the City in contracts.
- 5. Refuse Bid. Subject to due process and the general appeal process established in the municipal code, and in conjunction with the applicable department, the Mayor may establish rules and procedures and/or issue determinations to preclude contractors or suppliers from submitting bids where:
 - a. Contractor has failed to perform prior contracts or services as required.
 - b. Contractor has not satisfactorily completed a prior contract.
 - c. Contractor has violated the Law.
- 6. Cooperation. The Finance Officer may maximize public benefit and costs as appropriate to join with other units of government in cooperative purchasing arrangements. The purchasing agent may purchase supplies, materials, and equipment from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office at the quoted price, without any solicitation or price quotation or invitation to bid.
- 7. Negotiation. The City may negotiate with any prospective awarded bidder relating to the final contract terms and conditions. Should negotiations fail to reach a final contract, the City may terminate negotiation and proceed with the next appropriate bidder, in order, until satisfactory terms are negotiated.

8. Exceptions. This Section does not apply to contracts involving: sole source providers, interlocal agreements, legal settlements, court or administrative proceedings, interpreters, expert witnesses, emergency situations, investigatory services, situations waived by the Mayor, or contracts administered by another agency where the City is a participant.
9. Contract Review. The City Administrator may periodically inventory and review the contracts and agreements to determine the status.

2.15.080 Grants.

Any grant application that anticipates or proposes to bind the City to a particular project, commits the City financially, or requires matching funds must first be authorized by the Mayor or City Administrator, unless such project is appropriated in the annual budget.

2.15.090 Ethics and Sanctions.

1. Ethical Practices. In order to provide for fairness and accountability, the following practices violate rules of ethical conduct:
 - a. For any bidder or prospective bidder, or any employee or officer thereof, in restraint of freedom of competition or otherwise, by agreement with any other Person, bidder, or prospective bidder, to bid a fixed price, or to “rotate” bidding practices among competitors.
 - b. For any Person to offer or to give to any employee of the City or any member of their immediate family, any gain, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or other form, under circumstances in which it could reasonably be intended to influence them or could reasonably be expected to influence them in their duties concerning the award of any contract or order of purchase, or for any City employee to directly or indirectly solicit or directly or indirectly accept any such gift for such purpose.
 - c. For any City employee or officer to disclose, in advance of the opening of the bids the content of any bid invited through the formal competitive bidding procedure.
 - d. For any City employee or officer to actively participate in the awarding of a contract from which they directly benefit without disclosure of the same.
 - e. For any City employee or officer or other Person to appropriate public property for personal or private use without prior approval under this Chapter.
2. Sanctions. Where a violation of the rules of ethical conduct occur where a contract would not have been entered into on behalf of the City if such had been discovered prior to execution the City may:
 - a. Deem that there was no authority, either actual, apparent or implied, to negotiate or execute any contract.
 - b. Deem the contract voidable.
 - c. Ratify by majority vote any contract where misconduct was discovered and made known to the City Council and found to be insignificant.
 - d. Place an employee or officer in violation on unpaid administrative leave, as determined by the Mayor, while the City seeks any appropriate legal redress.
 - e. Deem any employee, officer, Person in violation of this Section liable to the City for any losses incurred from the violation.

Chapter 2.17

Records Access and Management

Sections:

2.17.010 Adoption of State Law.

2.17.020 Fees.

2.17.030 Retention Schedule.

2.17.010 Adoption of State Law.

Title 63G, Chapter 2, of the Utah Code Annotated, entitled “Government Records Access and Management Act” (GRAMA) is adopted and incorporated herein by this reference. The City Recorder is the records manager for the City and may distribute and classify City records in accordance with GRAMA.

2.17.020 Records Fees.

The City imposes a records fee equal to the costs of the time and expenses of the City Recorder to research, obtain records, and respond to a record request in addition to any duplicating costs.

2.17.030 Retention Schedule.

The City adopts the Utah State Retention Schedule as prepared by the Utah State Archives as the retention schedule for the City.

Chapter 2.19

Rules and Ethics

2.19.010 Rules of Order and Procedure.

2.19.020 Ethics

2.19.030 Conflict of Interest.

2.19.040 Public and Private Information.

2.19.050 Political Activity.

2.19.010 Rules of Order and Procedure.

The City Council shall adopt and update by resolution Rules of Order and Procedure in accordance with Utah Code Annotated §10-3-606.

2.19.020 Ethics.

All City officers and employees should abide by *Utah Code Annotated* §10-3-1301, et. seq., as amended, and the same is adopted by reference as the rules of ethical conduct.

2.19.030 Conflict of Interest.

1. General Rule. Officials for whom private benefits may come as the result of any action should not be a participant in the action, if:
 - a. The private benefit may be direct or indirect.

- b. The private benefit may create a material personal gain or provide a distinct advantage to relations or friends or to groups and associations which hold some share of a City official's loyalty.
- 2. Membership. Mere membership itself in a group or organization shall not be considered a conflict of interest, unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
- 3. Declaration. An official experiencing a conflict of interest should declare that conflict publicly, then:
 - a. Not attempt to include any other official for the benefit of the official with a conflict.
 - b. Be excused from the meeting where the discussion and action occurs.
 - c. Abstain from voting on the action.
 - d. The vote of any official with a conflict of interest who fails to declare a conflict of interest is disqualified.
 - e. A conflict of interest may exist under these rules even though an official may not believe there exists an actual conflict.
 - f. An official who has a question as to whether a conflict of interest exists should raise the question with other land use officials in public meeting or with the City Attorney in order to determine if a conflict of interest exists.
 - g. No official should engage in any transaction in which the official has a direct or indirect financial interest, unless the transaction is disclosed publicly, and the transaction is determined to be lawful.
- 4. Safeguards. Ex parte communication or private meetings between a planning commissioner or member of the City Council relating to a land use applicant, their agents, or other interested parties are prohibited. Partisan information or any other relevant information on any application received by a City decision maker should be made part of the public record.

2.19.040 Public and Private Information.

It is important to distinguish between information that belongs to the public and information that does not. Public reports and official records are open on an equal basis to all inquiries under GRAMA. Certain information regarding private affairs prepared by a private party and obtained in the course of performing public duties should be treated within confidence and is protected under GRAMA. Certain private affairs become public affairs when an official action such as an application is submitted, so some information may not be public until based upon the facts and circumstances of the information. Information contained in studies in progress is generally not disclosed except in accordance with policies or upon completion of the study.

2.19.050 Political Activity.

The City is non-partisan. Membership by a City official in a political party and the extent of participation in political activities should be governed by professional judgment. A City official should not use their position to obtain contributions, support, or partisan favors for a political party.

Section 3: 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.

Section 4: Effective date. This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2021.

Mayor

VOTING:

Watkins	Yea <u>x</u>	Nay ____
Wright	Yea <u>x</u>	Nay ____
Montgomery	Yea <u>x</u>	Nay ____
Tueller	Yea <u>x</u>	Nay ____
Ostler	Yea <u>x</u>	Nay ____
Jeppsen	Yea <u>x</u>	Nay ____

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2021.

PUBLISHED OR POSTED this ____ day of _____, 2021.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) City Hall 3005 S. 1200 W., 2) www.perrycity.org, and 3) www.pmn.gov, on the above referenced dates.

City Recorder

DATE:_____