

ORDINANCE NO. 2022-12

AN ORDINANCE FORGIVING OVERPAYMENT OF COMPENSATION TO VIRGIN'S ELECTED AND APPOINTED OFFICERS FOR THE 4-YEAR PERIOD FROM JULY 2018 TO JUNE 2022 DUE TO FAILURE TO AMEND VIRGIN MUNICIPAL PROCEDURES CODE SECTION 3.06.030 FROM JUNE 2018 TO JUNE 2021.

RECITALS

WHEREAS Utah Code Section 10-3-818(1) provides that “elective and statutory officers of municipalities shall receive such compensation for their services as the governing body may fix by ordinance adopting compensation or compensation schedules enacted after public hearing”;

WHEREAS Utah Code Section 10-3-818(4) provides that “after the conclusion of the public hearing, the governing body may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive officer of the municipality or adopting a compensation schedule applicable to any officer or officers”;

WHEREAS Utah Code Section 10-9a-301 provides for the appointment of planning commission, which are statutory/appointed officers of the Town;

WHEREAS, since the adoption of MPC Section 3.06.030 in 2015, the Town, without amending MPC Section 3.06.030, changed the compensation of the town council members (in 2018, 2020, & 2021) of the mayor (in 2018, 2019, 2020, & 2021), planning and zoning commissioners (in 2018, 2020, & 2021) and chair of planning commission (in 2018, 2019, 2020, & 2021) to the following: Mayor \$1,000 Town Council members to \$350, Planning and Zoning Chair to \$300, and Planning and Zoning Commissioners \$250;

WHEREAS a public hearing was held on November 16, 2022.

WHEREAS preliminary calculations of compensation paid to Virgin's elected and appointed officials from July 1, 2018 to June 30, 2022 show payments totaling \$78,240.00 that were not provided for in Virgin's MPC 3.06.030 during that time period (see attached spreadsheet detailing the calculations);

WHEREAS these payments totaling \$78,240.00 would have been unquestioned had Virgin's MPC Section 3.06.030 been properly amended pursuant to Utah Code Section 10-3-818 in 2018, 2019, 2020, and 2021 to reflect the increased compensation each year;

WHEREAS, these payments were the result of procedural errors and without corrupt intent;

WHEREAS, the Town Council hereby finds that the overpayment of \$78,240.00 to Virgin's elected and statutory/appointed officers should be forgiven.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH:

Section 1. That overpayment of compensation due to procedural errors to the Mayor, Town Councilmembers, Planning & Zoning Commission Chair, and Planning & Zoning Commissioners who served between July 1, 2018 and June 30, 2022 is hereby forgiven.

Section 2. The aforementioned overpayment of compensation due to procedural errors is roughly estimated to be \$78,240.00.

Section 3. Severability. If any section, clause, or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL ORDINANCE# 2022-12 will become effective on this 16th day of November 2022 based upon the following vote:

Council Member:

Gene Garate	AYE	___	NAE	___
LeRoy Thompson	AYE	___	NAE	___
Mistie Baird	AYE	___	NAE	___
Paul Luwe	AYE	___	NAE	___
Jean Krause, Mayor	AYE	___	NAE	___

VIRGIN TOWN
a Utah municipal corporation

Jean Krause, Mayor

ATTEST:

Krystal Percival, Town Clerk/Recorder