

**CHAPTER 3-01: APPOINTED OFFICES**

- 3-01-010. Appointed Offices.**
- 3-01-020. Appointment and Vacancies.**
- 3-01-030. Oath of Office.**
- 3-01-040. Bond.**
- 3-01-050. Salaries.**
- 3-01-060. Transfer of Records.**
- 3-01-070. Conflicts of Interest.**
- 3-01-080. City Administrator.**
- 3-01-090. City Recorder.**
- 3-01-100. City Treasurer.**
- 3-01-110. City Attorney.**
- 3-01-120. City Engineer.**
- 3-01-130. City Chief of Police.**
- 3-01-140. City Justice Court Judge.**

**3-01-010. Appointed Offices.**

The City Council may create any appointed office deemed necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City Administrator, the City Recorder, the City Treasurer, the City Attorney, the City Engineer, the City Police Chief, the City Justice Court Judge and Department Heads.

**3-01-020. Appointment and Vacancies.**

The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all appointed offices provided for by law or ordinance. Unless sooner removed by the Mayor, with the advice and consent of the City Council, all appointed officers shall continue in office until their successors are appointed and qualified. Unless otherwise provided by law, appointed officers shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council.

**3-01-030. Oath of Office.**

(a) Required. Before entering on their respective duties, all appointed officers of the City shall take the constitutional oath of office as set forth in Article IV, Section 10 of the Utah Constitution.

(b) Administered. The oath of office shall be administered by the City Recorder or any judge, justice court judge, or notary public.

(c) Filed. All oaths of office shall be filed with the City Recorder, except that of the City Recorder, which shall be filed with the City Treasurer.

(d) Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

**3-01-040. Bond.**

(a) Required. Before commencing the duties of office, the City Recorder and City Treasurer shall execute a bond with good and sufficient sureties payable to the City or shall be included within public employee blanket bonds conditioned for the faithful performance of the duties of his or her office

and the payment of all monies received by such officer according to the law and the ordinances of the City in the applicable amount set forth by the State Money Management Council.

(b) Limitation on Treasurer's Bond. The City Treasurer's bond may not be set at an amount less than that established by the State Money Management Council pursuant to *Utah Code Ann.* § 51-7-15, as amended.

(c) Filed. All bonds shall be filed with the City Recorder, except the City Recorder's bond, which shall be filed with the City Treasurer.

(d) Premium Charge. The premium charge by a corporate surety for any official bond shall be paid by the City.

(e) Additional Bonds. The City Council may at any time require further and additional bonds of any or all appointed officers of the City by resolution or ordinance.

**3-01-050. Salaries.**

(a) Salary. Appointed officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with notice and hearing requirements set forth in *Utah Code Ann.* § 10-3-818, as amended.

(b) Monthly Compensation. Unless otherwise provided by ordinance, the compensation of municipal officers shall be paid at least monthly.

**3-01-060. Transfer of Records.**

Every officer of the City, upon expiration of his or her term for any cause whatsoever, shall deliver to his or her successor all books and records which may be the property of the City immediately after notification and/or request to do so.

**3-01-070. Conflicts of Interest.**

All appointed officers of the City shall disclose conflicts of interest and otherwise adhere to provisions of the Utah Officers' and Employees' Ethics Act, set forth at *Utah Code Ann.* § 10-3-1301, *et seq.*, as amended, hereby adopted by reference as if fully set forth herein.

**3-01-080. City Administrator.**

(a) Office Created. The office of City Manager has been heretofore created and established and shall continue in force and effect as an appointed office of the City. The City Manager shall be designated as and is referred to in this Code as the "City Administrator."

(b) Office. The City Administrator shall maintain an office in City Hall and shall spend such time in the performance of his or her duties as is necessary or as may be required from time to time by the City Council, but not less than forty (40) hours per week.

(c) Term of Office. The City Administrator shall serve at the pleasure of the City Council and may be terminated at any time with or without cause.

(d) Resignation. Before voluntarily resigning from the position of City Administrator, the City Administrator shall give the City Council at least thirty (30) days notice in writing of his or her intent to resign.

(e) Other Employment. The City Administrator shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.

(f) Powers of Mayor Not Delegated. The legislative and judicial powers of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Administrator.

(g) Duties. The City Administrator shall at all times be under the control and supervision of the City Council, and shall administer the day-to-day operations of the City and its services according to the policies and programs established by the City Council. The following duties and the authority to perform them are hereby delegated to the City Administrator.

(1) Appoint and Remove Employees. Unless otherwise delegated to the Mayor, the City Administrator shall have the authority to appoint, employ and remove employees as provided herein. The City Administrator shall also be responsible for reviewing the status and performance of any personnel being considered for discharge, transfer, or demotion from appointment or employment with the City.

(2) Supervise Department Heads. The City Administrator shall provide direct supervision of and have direct responsibility over the offices of City Recorder, City Treasurer, and other Department Heads.

(3) Personnel Director. The City Administrator shall be the personnel director, and as such shall be responsible for implementing and enforcing the personnel policies and procedures of the City.

(4) Inventory Property. The City Administrator shall keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City Administrator shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other City property which is not by law assigned to some other officer or body for care and control.

(5) Purchasing and Claims. The City Administrator shall act as purchasing agent for the City, and as such shall implement and enforce all provisions of the ordinances of the City relating to purchasing.

(6) Council Meetings. The City Administrator shall attend meetings of the City Council and may take part in the discussion and recommend to the City Council adoption of such measures as the City Administrator may deem necessary or expedient.

(7) Budget Officer. The City Administrator shall act 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 Utah Uniform Municipal Fiscal Procedures Act. The City Administrator shall also ensure that all executive procedures and activities of the City are in compliance with such Act.

(8) Review Contracts. The City Administrator shall review and make recommendations to the City Council concerning all proposed contracts to which the City may be a party, and shall see that the terms of any contract to which the City is a party are fully performed by all parties thereto.

(9) Propose Plans and Programs. The City Administrator shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.

(10) Implement Policy. The City Administrator shall implement all policy changes and directives of the Mayor and the City Council through regularly scheduled staff meetings.

(11) Management Controls. The City Administrator shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.

(12) Organization. The City Administrator shall recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the City to the City Council for its approval prior to implementation.

(13) Records. The City Administrator shall examine the books, records, and official papers of the City's departments and offices.

(14) Additional Duties. The City Administrator shall have such other powers and shall perform such other duties and obligations as may be required of him or her by State law or by ordinance, resolution, or policy of the City Council.

**3-01-090. City Recorder.**

(a) Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder.

(b) Office. The City Recorder shall occupy an office in the City offices or at some other place convenient thereto as the City Council may direct.

(c) City Auditor. The City may engage the services of an independent auditor to perform audit services for the City from time to time, however, if no such independent auditor is engaged, the City Recorder shall be ex officio City Auditor, and shall perform the duties of such office.

(d) Corporate Seal. The City Recorder shall keep the Corporate Seal. When certified by the City Recorder under the Corporate Seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the City Council shall be admissible in all courts as originals.

(e) Meetings of City Council. The City Recorder, or his or her designee, shall attend meetings and keep the record of the proceedings of the City Council.

(f) Actions of City Council. The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council.

(g) Contracts. The City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.

(h) Accounting. The City Recorder shall maintain the general books for each fund of the City and shall keep accounts with all receiving and disbursing officers of the City including all subsidiary records relating thereto.

(i) Bonds. The City Recorder shall maintain a list of all outstanding bonds of the City, including their purpose, amount, terms, date and place payable.

(j) Claims. The City Recorder shall pre-audit all claims and demands against the City before they are allowed.

(k) Payments. The City Recorder shall prepare and certify the necessary checks in payment pursuant to *Utah Code Ann.* § 10-6-139, as amended.

(l) Warrants. In the event the City is without funds on deposit in one of its appropriate bank accounts with which to pay any lawfully approved claim, the City Recorder shall draw and sign a warrant upon the City Treasurer for the payment of the claim and tender the warrant to the payee named thereon.

(m) Elections and Appointments. The City Recorder shall manage all municipal election procedures and requirements as provided in the *Utah Code Annotated*, as amended, and shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy.

(n) Records of the City. The City Recorder shall keep all of the books, records, accounts and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Utah Government Records Access and Management Act.

(o) Limitations. The City Recorder shall not serve as the City Treasurer.

(p) Additional Duties. The City Recorder shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

### **3-01-100. City Treasurer.**

(a) Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Treasurer.

(b) Custodian. The City Treasurer shall be the custodian of all money, bonds, or other securities belonging to the City.

(c) Collections. The City Treasurer shall collect and receive all monies payable to the City, including taxes, assessments, licenses, fines, forfeitures, service charges, fees and other revenues of the City. The City Treasurer shall keep an accurate account of all monies received hereunder and shall promptly deposit all such monies in the appropriate bank accounts of the City.

(d) Receipts. The City Treasurer shall give or cause to be given to every person paying money to the City Treasury, a receipt or other evidence of payment therefor, specifying the date of payment and the account paid. The City Treasurer shall file the duplicate of such receipt, a summary report, or other evidence of payment in the office of the City Recorder.

(e) Checks. The City Treasurer, or other designated person, shall sign all checks prepared by the City Recorder and shall, prior to affixing said signature, determine or cause to be determined that sufficient funds are on deposit in the appropriate bank account of the City to honor such check.

(f) Warrants. The City Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.

(g) Special Assessments. All monies received by the City Treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made.

(h) Accounting. The City Treasurer shall keep an accurate and detailed accounting of all transactions, receipts, collections, disbursements and other matters within the Treasurer's charge as provided by State law or as the City may by ordinance or resolution direct.

(i) Limitations. The City Treasurer shall not serve as the City Recorder.

(j) Additional Duties. The City Treasurer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

**3-01-110. City Attorney.**

(a) Appointment. The City Council may contract with, retain, or appoint an attorney licensed to practice law in the State of Utah to the office of City Attorney to provide such legal assistance to the City as may be necessary. The City Attorney shall act as legal advisor to the City in all matters pertaining to contracts with or by the City or questions of legality arising out of any law, ordinance or otherwise, and shall advise all City officers in relation to their official duties.

(b) Criminal Prosecutor. The City may make a separate contract with an attorney or attorneys for the performance of criminal prosecutorial legal services.

**3-01-120. City Engineer.**

(a) Appointment. The City Council may contract with, retain, or appoint an engineer licensed to practice engineering in the State of Utah to the office of City Engineer. Any person appointed or retained as City Engineer shall be a registered professional engineer under Title 58, Chapter 22 of the *Utah Code Annotated*, as amended.

(b) Records. The City and/or the City Engineer shall maintain all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the City and the holder of such records shall ensure public accessibility to the same as required by law.

(c) Recording. The City Engineer shall record and file all drawings and documents pertaining to public lands and improvements of the City, and shall maintain such records and files in good condition allowing no alteration, mutilation or changes to be made. The recording or filing of any drawing or instrument with the City shall not conflict in any way with the recording or filing of the same in other offices of record.

(d) Fees. The City Engineer shall not record any drawings or instruments, file any papers or notices, furnish any copies, or render any service connected with his or her official duties, until the required fees for the same are paid or tendered.

(e) Seal. The City Engineer shall have a seal for his or her use, which seal shall be affixed to every certification approval.

(f) Additional Duties. The City Engineer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

**3-01-130. City Chief of Police.**

(a) Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of City Chief of Police.

(b) Supervised by Administrator. The Chief of Police shall be under the direction, control and supervision of the City Administrator, as delegated from the Mayor, and shall exercise and perform such duties as may be prescribed by the City Council.

(c) Duties. The Chief of Police shall have the same authority and responsibilities as sheriffs and constables of Davis County, Utah, as provided by law, and shall:

(1) suppress riots, disturbances, and breaches of the peace;

(2) apprehend all persons violating State laws or City ordinances;

(3) diligently discharge his or her duties and enforce all ordinances of the City to preserve the peace, good order, and protection of the rights and property of all persons;

(4) attend the municipal Justice Court of the City when required, provide security for such Court, and obey its orders and directions; and

(5) perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

**3-01-140. City Justice Court Judge.**

The office of City Justice Court Judge is hereby created, who shall act as the Justice Court Judge of the Woods Cross City Justice Court. The Justice Court Judge shall be appointed and shall have such powers and duties as set forth in Title 4 of this Code and as otherwise designated or assigned to him or her by the City Council.