

Chapter 6

MAYOR AND CITY COUNCIL

1-6-1: GOVERNING BODY:

- A. Composition: The governing body of the city shall be a council composed of six (6) members, one of whom shall be the mayor and the remaining five (5) shall be council members. (1995 Code § 2-2-1)
- B. Mayor As Member: The mayor of the city shall sit as a voting member of the city council only in case of a tie vote of the council. (1995 Code § 2-2-2)
- C. Mayor To Preside: The mayor shall be the chairman of the city council, and preside at the meetings of the governing body. (1995 Code § 2-2-3)
- D. Veto Power: The mayor shall have no power to veto any act of the governing body unless otherwise specifically authorized by statute. (1995 Code § 2-2-4)
- E. Vacancy: Mayoral or council vacancies shall be filled as provided in Utah Code Annotated section 20A-1-510. (2003 Code)

1-6-2: MAYOR:

- A. Chief Executive; Signature; Mayor Pro Tempore: The mayor is the chief executive officer of the city. He shall see that all ordinances and laws are enforced. He shall sign his name officially for and in behalf of the city, and shall sign all deeds, bonds, bills, notes and obligations and other agreements, documents and papers to which the city is legally a party and shall perform such other duties as may be provided by law or ordinance. During his temporary absence or disability, the city council shall elect one of its members to act as mayor pro tempore, who, during such absence or disability, shall possess the power of mayor. (1995 Code § 3-2-1)

- B. Residency Requirement: If a mayor at any time during his term of office shall move from the limits of the city, his office shall thereby become vacant. (1995 Code § 3-2-3)
- C. Powers, Generally: The mayor may exercise within the city limits the powers conferred upon him to suppress disorder and keep peace; and he may remit fines and forfeitures and release any person imprisoned for violation of any city ordinance, and shall report such remittance or release with the cause thereof to the city council at its next session. (1995 Code § 3-2-5)
- D. Appointment Of Officers: The mayor shall appoint, by and with the advice and consent of the city council, all officers whose appointment is not by the laws of this state otherwise provided for, and in like manner shall fill all vacancies among the same, except as otherwise provided by law; provided, that elective officers shall have the sole right to appoint all their deputies and assistants, who shall be confirmed by the city council. (1995 Code § 3-2-6)
- E. Appointive Officers: In addition to the appointment of the city recorder, city treasurer and justice of the peace, as provided in section 1-7-1 of this title, the mayor shall appoint, by and with the consent of the city council, on or before the first Monday in February following a municipal election, the following officers: city attorney, street superintendent, water superintendent and sewer superintendent, and all other appointive officers provided by law or ordinance. (1995 Code § 3-2-7; amd. 2003 Code)
- F. Removal Of Officers: The mayor shall have power by and with the concurrence of the majority of the members of the city council, and the city council shall have the power, by and with the concurrence of the mayor, for cause and after notice, to remove any appointed officer when they shall be of the opinion that the interests of the city require such removal. (1995 Code § 3-2-8)
- G. Supervision Of Officers: The mayor shall supervise the official conduct of all the officers of the city and shall examine the grounds of all reasonable complaints made against any of them and cause any violation of duty or offense to be promptly resolved. (1995 Code § 3-2-9)
- H. Report To City Council: The mayor shall from time to time give the city council information relative to the affairs of the city, and shall recommend for their consideration such measures as he shall deem expedient. (1995 Code § 3-2-10)

- I. May Examine Books: The mayor shall have power at all times to examine and inspect the books, records and papers of any officer or agent employed by the city. (1995 Code § 3-2-11)
- J. May Call Out Inhabitants: The mayor shall have power, when necessary, to call upon the residents of the city over the age of twenty one (21) years to assist in enforcing the laws of the state and ordinances of the city. (1995 Code § 3-2-12; amd. 2003 Code)
- K. Power In Case Of Riot: It is hereby made the duty of the mayor, or in his absence, the justice of the peace, in all cases of riot, unlawful assembly or disorderly conduct, by an assembly of persons within this city, to make proclamation in the hearing of such riotous or disorderly persons, commanding all persons so assembled or engaged to desist such disorderly conduct and forthwith disperse in a quiet and peaceable manner. (1995 Code § 3-2-13)
- L. Revision Of Ordinances: The mayor may appoint, by and with the advice and consent of the city council, one or more competent persons to prepare and submit to the city council for their adoption or rejection, an ordinance in revision of the ordinances of the city, and for the government of the city, the compensation of such revisors to be determined and fixed by the city council and paid out of the city treasury. (1995 Code § 3-2-14)
- M. Map Of City Recorded: It shall be the duty of the mayor to have recorded in the recorder's office of Emery and Grand Counties, state of Utah, a plat or map describing the correct boundaries of this city, if the said records do not contain a record of such boundaries. (1995 Code § 3-2-15)
- N. Further Duties: The mayor shall perform all duties which are or may be prescribed by law, or by ordinance, and shall see that the laws and ordinances are faithfully executed. (1995 Code § 3-2-16)

1-6-3: POWERS AND DUTIES OF CITY COUNCIL:

- A. Acquisition And Disposal Of Property: The city council may:

1. Appropriate money for city purposes only;
 2. Provide for payment of debts and expenses of the city;
 3. Purchase, receive, hold, sell, lease, convey and dispose of real and personal property for the benefit of the city, whether the property is within or without the city's corporate boundaries;
 4. Improve, protect and do any other thing in relation to the property that any individual could do. (1995 Code § 2-1-3)
- B. Special Taxes And Licenses: The city council may, according to and within the context of city ordinances, fix the amount, terms and manner of issuing licenses; and, consistent with general law, provide the manner and form in which special taxes are levied and collected. (1995 Code § 2-1-4)
- C. Borrowing Power: The city council may borrow money on the credit of the city for city purposes in the manner and to the extent allowed by the Utah constitution and laws, and issue warrants and bonds therefor in such amounts and forms and on such conditions as they shall determine. (1995 Code § 2-1-5)
- D. Other Services And Structures: The city council may provide for all services and structures as may be needed for the health, safety, prosperity, moral well-being, peace, order, comfort or convenience of the inhabitants of the city as provided in the state statutes and the ordinances of the city. (1995 Code § 2-1-6)

1-6-4: MEETINGS OF CITY COUNCIL:

- A. Location: The city council shall hold its meetings in the city council chambers located at 240 East Main Street. (1995 Code § 2-3-1)
- B. Dates And Times: The dates and times for meetings will be set by the city council by ordinance at their first meeting in January of each year, and these times and dates will be posted in a conspicuous place within the city offices at all times. There shall be at least one meeting each month. (1995 Code § 2-3-2)

- C. Special Meetings: If at any time the business of the city requires a special meeting of the city council, such meeting may be ordered by the mayor or any two (2) members of the city council. The order shall be entered in the minutes of the city council. The order shall provide at least three (3) hours' notice of the special meeting and notice thereof shall be served by the city recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this subsection. (1995 Code § 2-3-3)
- D. Quorum: The number of members of the city council necessary to constitute a quorum is three (3) or more. No action of the city council shall be official or of any effect except when a quorum of the members are present. (1995 Code § 2-3-4)
- E. Attendance: The city council shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith. (1995 Code § 2-3-5)
- F. Votes: A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the city, and in any other case at the request of any member of the governing body, by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken. (1995 Code § 2-3-6)
- G. Minimum Vote Required: The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the governing body unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3). (1995 Code § 2-3-7)
- H. Reconsideration: Any action taken by the city council shall not be reconsidered or rescinded at any special meeting unless the number of members of the city council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved. (1995 Code § 2-3-8)
- I. Open Meetings: All meetings of the city council shall be held in compliance with the provisions of Utah Code Annotated title 52, chapter 4, relating to open and public meetings. (1995 Code § 2-3-9)

- J. Rules Of Procedure: Except as otherwise provided by law, the city council may establish its own rules of procedures for the proper conduct of its meetings. (1995 Code § 2-3-10)
- K. Records Maintained: The city council shall keep a journal of its proceedings. The books, records, accounts and documents of the city shall be kept at the office of the city recorder and approved copies shall be open and available to the public during regular business hours for examination and copying. (1995 Code § 2-3-11)

1-6-5: ORDINANCES AND RESOLUTIONS:

- A. Power Exercised By Ordinance: The city council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by statute or any other provision of law. An officer of the city shall not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he enforced an ordinance on advice of legal counsel.
- B. Form Of Ordinance: Any ordinance passed by the city council shall contain and be in substantially the following order and form:
1. A number;
 2. A title which indicates the nature of the subject matter of the ordinance;
 3. A preamble which states the need or reason for the ordinance;
 4. An ordaining clause which states "Be it ordained by the city of Green River:";
 5. The body or subject of the ordinance;
 6. When applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of the city ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
 7. A statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this section;
 8. A line for the signature of the mayor or mayor pro tempore to sign the ordinance; and
 9. A place for the city recorder to attest the ordinance and affix the seal of the city.

C. Requirements As To Form; Effective Date:

1. Ordinances passed or enacted by the city council shall be signed by the mayor, or if he is absent, by the mayor pro tempore, or by a quorum of the city council, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of Utah Code Annotated section 10-3-704(1) through (4). Ordinances which do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the city council, whichever is sooner.
2. Ordinances shall become effective twenty (20) days after publication or posting or thirty (30) days after final passage by the city council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.

D. Publication And Posting Of Ordinances: All ordinances, except those enacted pursuant to Utah Code Annotated sections 10-3-706 through 10-3-710, before taking effect shall be deposited in the office of the city recorder and a short summary of the ordinance published at least once in a newspaper published within the city, or if there is no newspaper published therein, then by posting complete copies in three (3) public places within the city. Any ordinance, code or book, other than the state code, relating to building or safety standards, city functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least three (3) copies have been filed for use and examination by the public in the office of the city recorder prior to the adoption of the ordinance by the city council. Any state law relating to building or safety standards, city functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code. The ordinance adopting the code or book shall be published in the manner provided in this section.

E. Recording; Numbering; Certification Of Passage: The city recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the city council. The city recorder shall give each ordinance a number, if the city council has not already so done. Immediately following each ordinance, or codification of ordinances, the city recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage and publication or posting of the ordinance or codification.

F. Resolutions:

1. Purpose: Unless otherwise required by law, the city council may exercise all administrative powers by resolution, including, but not limited to: a) establishing water and sewer rates; b) charges for garbage collection and fees charged for city services; c) establishing personnel policies and guidelines; and d) regulating the use and operation of the city property. Punishment, fines or forfeitures may not be imposed by resolution.
2. Form: Any resolution passed by the city council shall be in a form and contain sections substantially similar to that prescribed for ordinances.
3. Publication; Effective Date: Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the city council may determine, but resolutions may not become effective more than three (3) months from the date of passage. (2003 Code)