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**MUNICIPAL ELECTION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nelson T. Abbott**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies a municipal council's dismissal power.

**Highlighted Provisions:**

This bill:

- ▶ provides that, during an interim vacancy period, the council in a six-member or five-member form of municipal government, may not adopt an ordinance establishing a more restrictive procedure for the dismissal of a municipal manager; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-3b-303**, as last amended by Laws of Utah 2011, Chapter 209

**10-3b-403**, as last amended by Laws of Utah 2011, Chapter 209

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-3b-303** is amended to read:



28 **10-3b-303. Council in six-member council form of government.**

29 (1) The council in a municipality operating under a six-member council form of  
30 government:

31 (a) exercises any executive or administrative power and performs or supervises the  
32 performance of any executive or administrative duty or function that:

33 (i) has not been given to the mayor under Section 10-3b-104; or

34 (ii) has been given to the mayor under Section 10-3b-104 but is removed from the  
35 mayor under Subsection (1)(b)(i)(A);

36 (b) may:

37 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:

38 (A) removing from the mayor any power, duty, or function of the mayor under Section  
39 10-3b-104; or

40 (B) reinstating to the mayor any power, duty, or function previously removed under  
41 Subsection (1)(b)(i)(A);

42 (ii) adopt an ordinance delegating to the mayor any executive or administrative power,  
43 duty, or function that the council has under Subsection (1)(a);

44 (iii) subject to Subsection 10-3b-302(1)(b)(ii)(A):

45 (A) appoint, subject to Subsections (3) and (4), a manager to perform executive and  
46 administrative duties or functions that the council by ordinance delegates to the manager,  
47 subject to Subsection (1)(c); and

48 (B) subject to Subsection (3), dismiss a manager appointed under Subsection  
49 (1)(b)(iii)(A); and

50 (iv) assign any or all council members, including the mayor, to supervise one or more  
51 administrative departments of the municipality; and

52 (c) may not remove from the mayor or delegate to a manager appointed by the council:

53 (i) any of the mayor's legislative or judicial powers or ceremonial functions;

54 (ii) the mayor's position as chair of the council; or

55 (iii) any ex officio position that the mayor holds.

56 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to  
57 the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative  
58 vote of:

59 (a) the mayor and a majority of all other council members; or

60 (b) all council members except the mayor.

61 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
62 time that:

63 (i) begins on the day on which a municipal general election described in Section  
64 10-3-201 is held to elect a council member; and

65 (ii) ends on the day on which the council member-elect begins the council member's  
66 term.

67 (b) (i) [~~The council may not appoint a manager during an interim vacancy period.~~]

68 During an interim vacancy period, the council may not:

69 (A) appoint a manager; or

70 (B) adopt an ordinance establishing a procedure for the dismissal of a manager that is  
71 more restrictive than the procedure applicable at the time the manager was appointed.

72 (ii) Notwithstanding Subsection [~~(3)(b)(i)~~] (3)(b)(i)(A):

73 (A) the council may appoint an interim manager during an interim vacancy period; and

74 (B) the interim manager's term shall expire once a new manager is appointed by the  
75 new administration after the interim vacancy period has ended.

76 (c) Subsection (3)(b) does not apply if all the council members who held office on the  
77 day of the municipal general election whose term of office was vacant for the election are  
78 re-elected to the council for the following term.

79 (4) A council that appoints a manager in accordance with this section may not, on or  
80 after May 10, 2011, enter into an employment contract that contains an automatic renewal  
81 provision with the manager.

82 Section 2. Section **10-3b-403** is amended to read:

83 **10-3b-403. Council in a five-member council form of government.**

84 (1) The council in a municipality operating under a five-member council form of  
85 municipal government:

86 (a) exercises any executive or administrative power and performs or supervises the  
87 performance of any executive or administrative duty or function that:

88 (i) has not been given to the mayor under Section 10-3b-104; or

89 (ii) has been given to the mayor under Section 10-3b-104 but is removed from the

90 mayor under Subsection (1)(b)(i)(A);

91 (b) may:

92 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:

93 (A) removing from the mayor any power, duty, or function of the mayor under Section  
94 10-3b-104; and

95 (B) reinstating to the mayor any power, duty, or function previously removed under  
96 Subsection (1)(b)(i)(A);

97 (ii) adopt an ordinance delegating to the mayor any executive or administrative power,  
98 duty, or function that the council has under Subsection (1)(a);

99 (iii) subject to Subsections (3) and (4), appoint a manager to perform executive and  
100 administrative duties or functions that the council by ordinance delegates to the manager,  
101 subject to Subsection (1)(c);

102 (iv) subject to Subsection (3), dismiss a manager appointed under Subsection  
103 (1)(b)(iii); and

104 (v) assign any or all council members, including the mayor, to supervise one or more  
105 administrative departments of the municipality; and

106 (c) may not remove from the mayor or delegate to a manager appointed by the council:

107 (i) any of the mayor's legislative or judicial powers or ceremonial functions;

108 (ii) the mayor's position as chair of the council; or

109 (iii) any ex officio position that the mayor holds.

110 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to  
111 the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative  
112 vote of:

113 (a) the mayor and a majority of all other council members; or

114 (b) all council members except the mayor.

115 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
116 time that:

117 (i) begins on the day on which a municipal general election described in Section  
118 10-3-201 is held to elect a council member; and

119 (ii) ends on the day on which the council member-elect begins the council member's  
120 term.

121 (b) (i) [~~The council may not appoint a manager during an interim vacancy period.~~]

122 During an interim vacancy period, the council may not:

123 (A) appoint a manager; or

124 (B) adopt an ordinance establishing a procedure for the dismissal of a manager that is

125 more restrictive than the procedure applicable at the time the manager was appointed.

126 (ii) Notwithstanding Subsection [~~(3)(b)(i)~~] (3)(b)(i)(A):

127 (A) the council may appoint an interim manager during an interim vacancy period; and

128 (B) the interim manager's term shall expire once a new manager is appointed by the

129 new administration after the interim vacancy period has ended.

130 (c) Subsection (3)(b) does not apply if all the council members who held office on the

131 day of the municipal general election whose term of office was vacant for the election are

132 re-elected to the council for the following term.

133 (4) A council that appoints a manager in accordance with this section may not, on or

134 after May 10, 2011, enter into an employment contract that contains an automatic renewal

135 provision with the manager.

136 Section 3. **Effective date.**

137 This bill takes effect on May 1, 2024.