

# TITLE 2. ADMINISTRATION

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**Chapter 2.01. In General.**

**2.01.010. Municipal Form of Government.**

Brigham City is considered a six-member form of government, with the Council consisting of six members, one of which is a mayor, in accordance with the Utah Code.

**2.01.020. Personnel Changes in Appointed Offices.**

Before any formal vote by the City Council upon a personnel change involving an appointed position, the specific appointed position involved in the change shall be designated in the City Council agenda which is published prior to the City Council meeting where a formal vote will be taken.<sup>1</sup>

**2.01.030. Official Oaths and Bonds.**

All officers, whether elected or appointed, shall, before entering upon the duties of their respective offices, take, subscribe and file the constitutional oath of office.

The City Treasurer's bonds shall be in compliance with the Utah State Money Management Act.-

**2.01.040. Salaries.**

The Mayor and Councilmembers, and all officers of the City shall receive such compensation as may be fixed by ordinance and all assistants and employees shall receive such compensation as may from time to time be fixed by ordinance.

**2.01.050. Audits of Officers' Accounts**

It shall be the duty of the Council to have made annually an independent audit of the financial records and financial report prepared in conformity with generally accepted accounting, as prescribed in the Uniform Accounting Manual for Utah Cities. Copies of all audit reports made in conformity with the provisions of this section and the Utah Code shall be filed with the City and a copy thereof filed with the state auditor's office.

**Chapter 2.02. Mayor.**

**2.02.010. Chief Executive Officer.**

The Mayor is the chief executive officer of the City and shall supervise the conduct of all City officers and employees.

**2.02.020. Duties Generally.**

The Mayor shall perform all duties which are or may be prescribed by law, or ordinance and shall see that the laws and ordinances are faithfully executed.

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<sup>1</sup> Ordinance No. 98-08, 3/5/98

**2.02.030. Appointments and Removal of Officers by Mayor.**

The following enumerated positions constituting directors, personal staff, police or fire department appointments and/or department heads shall serve at the pleasure of the Mayor and City Council:

- A. City Administrator
- B. City Attorney
- C. City Recorder
- D. City Treasurer
- E. Community Development Director
- F. Economic Development Director
- G. Emergency Services Director
- H. Finance Director
- I. Human Resource Coordinator
- J. Police Chief
- K. Public Power Director
- L. Public Works Director

The above-named positions shall be appointed by the Mayor on or before the first Monday in February following a municipal election with the advice and consent of the City Council. The Mayor, with the concurrence of the Council, may appoint deputies to any appointive office. All appointive officers and deputies shall serve at the pleasure of the Mayor and Council and may be removed without cause, by a majority vote of the Council.

The above listed positions shall not limit in any manner any other classification of employees listed.

**2.02.040. General Supervision of Departments; Delivery of Books, Etc., By Outgoing Officer to Successor.**

The Mayor, as chief executive officer of the City, shall exercise a general supervision over all the departments of the City government. The Mayor shall see that every officer, at the expiration of their term of office, or resignation or removal from office, delivers to their successor all the books, papers, maps, plats, furniture, fixtures or other property appertaining to the office.

**2.02.050. Rewards.**

The Mayor, when necessary, may offer a reward for the apprehension of offenders against the ordinances of the City, in any sum not exceeding five thousand dollars.

**2.02.060. Pardoning Power; Remission of Fines.**

The Mayor is authorized to release a person imprisoned for a violation of a municipal ordinance or to remit all or any part of a fine or penalty imposed. The Mayor shall report at the next regular meeting of the Council the number of fines and the amounts thereof so remitted, and the number of pardons granted, giving his reasons therefore.

**2.02.070. Limiting Use of Water.**

In the event of scarcity of water, the Mayor may, by proclamation, limit the use of water for any purpose other than domestic purposes to such extent as may be required for the public good in the judgment of the Council.

**2.02.080. Calling Out Inhabitants to Aid in Enforcing Law.**

The Mayor shall have the power, when necessary, to call on residents of the City over the age of twenty-one years to assist in enforcing the laws of the state and ordinances of the municipality.

**2.02.090. Mayor Pro Tem.**

In case of the temporary absence of the Mayor from the City, or in case of his/her temporary inability to perform the duties of his/her office, the Council may elect a member of the Council as mayor pro tem to preside at Council meetings and perform during the duties and functions of mayor. The City Recorder shall enter in the minutes of the Council meeting the election of a councilmember as mayor pro tem. During such time that such Councilmember is acting in the capacity of mayor pro tem, he/she shall have the power to exercise all the functions and duties of the Mayor. When the Mayor pro tem is presiding, his/her right to vote on all questions is not thereby impaired but he/she shall have the same right to vote as a Councilmember as he/she would were he not presiding.

### **2.02.100. Vacancy in Office of Mayor.**

Whenever a vacancy occurs in the office of Mayor, the City Council shall by a majority vote, appoint a registered voter in the City who meets the qualifications for office established in the Utah Code to fill the unexpired term of the office vacated until the next municipal election when a successor can be elected and qualified.

Before acting to fill the vacancy, the City Council shall give public notice of the vacancy as outlined in the Utah Code.

If for any reason the Council does not fill the vacancy within 30 days after the vacancy occurs, the two persons having the highest number of votes of the Council shall come before the Council and if there is not a majority vote by the Council the vacancy shall be filled by lot in the presence of the Council.

## **Chapter 2.03. Council.**

### **2.03.010. Number of Councilmembers; Elected at Large.**

The Council shall be composed of the Mayor and five councilmembers to be elected at large as provided by law and ordinance.

### **2.03.020. Meetings.**

The City Council shall meet every first and third Thursday in their chambers at 7:00 p.m. The Council shall hold at least one regular meeting each month. The Mayor or any two members of the Council may call a special meeting. The order shall be entered in the minutes of the Council, the order shall provide at least three 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 section.

### **2.03.030. Quorum.**

The number of members of the Council necessary to constitute a quorum is three or more, not including the Mayor. The Mayor and four councilmembers are necessary as a quorum if any item to be considered involves the rights or functions of the Mayor. The 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.

### **2.03.040. Rules of Order and Procedure for Council Meetings.<sup>2</sup>**

The City hereby adopts the following rules of order and procedure to govern the meetings of the City Council.

A. Meeting Procedures. The City shall comply with all required procedures contained in the Utah Code and as outlined in Section 2.03 of the City code as updated. The City Council does not formally adopt Robert's Rules of Order. City Council meeting agenda items will be conducted by introducing the item and having a discussion by the council members on the item. After sufficient discussion a motion and a second will be required for the council to vote. If no second to a motion is received then the motion becomes invalid and another motion can be considered. Other meeting procedures are outlined below in this section of the City Code. If any rule is in conflict with any provision of Utah State Code governing meeting procedures for the City Council, the City Council shall follow the provision of the Utah State Code. Unless otherwise stated in State Code, three votes are required to approve an item or any action.

B. Public Comment. Public Comment may be listed on the agenda of the City Council and may be limited to residents of Brigham City. The public comment portion of the meeting shall be limited to the public speaking to the Council on any item listed or not listed on the agenda. Members of the public shall be free to express any idea, question or viewpoint without limitation except for time and the manner of the presentation. Individual members of the public shall be limited to three (3) minutes time. The Chair of the meeting shall ensure that the public comment is civil and orderly. Personal attacks made publicly toward any person or City employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies. The Chair shall use its best efforts to allow the free expression of the public and keep the meeting in order. Councilmembers should not interrupt, argue with, or otherwise interfere with

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<sup>2</sup> Section added with Ordinance No. 11-32, 12/01/11.

any comment by a member of the public. The Mayor and City Council may ask clarifying questions of the member of the public making a presentation and other members of the public may ask clarifying questions of the presenter at the discretion of the Chair.

C. Public Participation in Meeting. Other than at a required public hearing and the public comment portion of the meeting, members of the public shall not be allowed to participate in the meeting unless they are on the agenda or requested to present to the Council by the Chair of the meeting or a member of the council. Any member of the public interrupting City Council proceedings, approaching the Council without permission, otherwise creating a disturbance, or failing to abide by the rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and, at the direction of the Chair, may be removed from Council Chambers by Police Department personnel or other agent designated by City Council or City Administrator.

D. Councilmember Participation. Any member of the Council wishing to speak on any item on the agenda shall be recognized by the Mayor to do so. This recognition can be informal. No councilmember shall interrupt another councilmember. Councilmembers shall conduct themselves at all times with civility and respect. They shall refrain from making any disparaging remarks concerning any other member of the government body, employees or the public. If the Chair feels that there has been sufficient discussion of an item and all councilmembers have had an opportunity to speak, the Chair can call for a motion on the item. If no motion is received the item will be considered continued to allow further thought by the councilmembers on the item. Any meeting designated as a work meeting shall be more informal and councilmembers may freely participate as long as proper decorum is maintained.

E. Chairing the Meeting. The Mayor shall chair the meeting in a manner to accomplish the following goals:

1. The Mayor, as Chair, shall pace the meeting so that all items on the agenda should be addressed and either concluded or continued.

2. The Mayor shall open and introduce an item on the agenda in order, unless the Mayor feels like there is a good reason to go out of order.

3. The Mayor, as Chair, shall ensure that the time limits on the public comment portion of the meeting are complied with.

4. The Mayor, as Chair, shall use his/her best efforts to see that councilmembers and the public are treated at all times with respect and civility and that the meetings are orderly.

F. How the Vote is Taken. A roll call vote shall be recorded for all ordinances, resolutions, or any other item that a vote is required. A roll call vote will be considered taken as long as the actual vote of each individual member is recorded. It is not necessary to have each individual councilmember vote separately to be considered a roll call vote.

G. Quorum Defined and Minimum Vote Required. The number of councilmembers necessary to constitute a quorum is three excluding the Mayor. The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the Council, unless otherwise prescribed by law, is three. The Mayor is only allowed to vote in accordance with state law such as a tie vote or on items concerning the Mayor's rights and privileges defined in the State law.

H. Reconsideration. Any action taken by the Council may not be reconsidered or rescinded at any special meeting unless the number of members of the Council present at the meeting is equal to or greater than the number of members present at the meeting when the action was approved or disapproved.

I. Meeting Adjournment. Meetings of the City Council, as a goal, shall be scheduled to end at or before 10:00 PM and the Mayor and City Council shall use their best efforts to conclude the meeting in a timely manner. However, no motion to extend the time of the meeting is necessary to be made. The meetings of the City Council shall not be adjourned until either all items listed in the agenda have been acted upon or a motion to adjourn is made and approved by a majority of the City Council.

J. Attendance at Council Meetings. The City Council may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance.

K. Electronic Meetings Authorization and Requirements. In order to include members of the City Council through an electronic connection, a request for an electronic meeting must be made by a member of the City Council up to three days prior to the meeting to allow arrangements for the electronic meeting to be made. A quorum of councilmembers must be present at a single anchor location for the electronic meeting to be held. The City shall provide space and facilities at the anchor location so interested persons and the public may attend and monitor the option portions of the meeting. If comments from the public will be accepted during the electronic meeting, facilities at the anchor location shall be provided so

that interested persons and the public may attend, monitor and participate in the open portions of the meeting. The Council may restrict the number of separate connections for members of the Council that are allowed for an electronic meeting based on available equipment capability or establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.

1. In order to participate in meetings electronically, councilmembers shall establish and maintain their electronic connection for the entire Council meeting including all work sessions or other scheduled items appearing on the meeting agenda. Small disconnections due to technical problems are allowed in order to meet the intent of this requirement.

2. If the City Council convenes or conducts an electronic meeting they shall give public notice of the meeting in accordance with State Statute and post written notice at the anchor location. The City Recorder shall provide notice of the electronic meeting to the councilmembers at least 24 hours before the meeting so they may participate in and be counted as present for all purposes and a description of how the members will be connected to the electronic meeting.

3. The City Council may prohibit or limit electronic meetings based on budget, public policy or logistical considerations.

### **2.03.050. Vacancy in Office.**

Whenever a vacancy occurs in the office of City Council, the City Council shall by a majority vote, appoint a registered voter in the City who meets the qualifications for office established in the Utah Code to fill the unexpired term of the office vacated until the next municipal election when a successor can be elected and qualified.

Before acting to fill the vacancy, the City Council shall give public notice of the vacancy as outlined in the Utah Code. Any Brigham City resident who meets the qualifications may apply.

### **2.03.060. Unexpended Balances and Previous Deficits.**

All unexpended balances of appropriation shall at the end of the year revert to the general fund except appropriations made for special purposes, which balance shall not revert to the general fund until the special purpose is accomplished or discontinued. Any existing deficits arising through excessive expenditures of former years shall, to the extent of 10% of the revenue of the previous year, be deducted from the estimated revenue of the ensuing year in determining the estimated expendable revenue; provided, that if the total amount of the deficit is less than 10% of the revenue of the previous year, then the entire amount of such deficit shall be deducted.

### **2.03.070. Reduction of Budget Appropriation.**

Any budget appropriation may be reduced by action of the Council at any regular meeting, provided notice of the proposed action shall have been given to all members of the Council at least one week in advance of such action. The requirement for notice shall not apply in cases of emergency where loss of life or great loss of property is involved.

### **2.03.080. Annual Tax Levy.**

Not later than the second Monday in August of each year, the Council, at a regular meeting shall, by ordinance or resolution, levy on the real and personal property within the City made taxable by law. The levy shall not exceed the limitations that are or may hereafter be prescribed by the laws of this state. The City Recorder shall certify the ordinance or resolution making the levy to the County auditor or clerk, as the case may be, immediately after the passage of the same.

### **2.03.090. Claims Against the City.**

It shall be the duty of the Council to examine carefully all claims presented against the City, when properly verified, and such of them as are found to be valid obligations of the City shall be approved and ordered paid in accordance with State Code.

### **2.03.100. Disposal of City-Owned Real Property.** <sup>3</sup>

The City Council may declare any City-owned significant parcel of real property (as defined below) to be surplus. The City Administrator may declare any City-owned non-significant parcel of real property (as defined below) to be surplus if he or she finds that the parcel is no longer needed by the City.

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<sup>3</sup> Ordinance No. 09-11, dated 8/6/09

After city-owned real property is declared to be surplus, the City may dispose of the real property pursuant to the following guidelines:

A. Definitions. For purposes of this Section, the designated words shall have the following meaning:

1. Significant Parcel of Real Property. A “significant parcel of real property” means a parcel of real property that is larger than 5,000 square feet in size or that has a fair market value in excess of \$20,000. The following parcels of real property are excluded from the definition of “significant parcel of real property,” even if they meet the size or valuation standards set forth above:

a. Parcels disposed of by the City as part of a boundary line agreement or adjustment.  
b. Parcels created by a right-of-way vacation or an easement vacation.  
c. Parcels that are undevelopable unless combined with an adjacent parcel. A parcel will be considered to be undevelopable if it cannot be developed as an independent parcel due to City ordinance requirements or due to the physical characteristics of the parcel.

e. Parcels acquired by eminent domain or other means if the City is statutorily or contractually obligated to first offer the parcel to a specific party, provided that the parcel is offered, sold, or conveyed to the party holding the right to acquire the parcel.

2. Non-Significant Parcel or Real Property. A “non-significant parcel of real property” shall mean any parcel of real property that is not included in the definition of “significant parcel of real property.”

3. Reasonable Notice. “Reasonable notice” shall mean a brief summary of the proposed disposition including 1) a general description of the parcel (including the approximate address of the parcel, the approximate size of the parcel, the zone designation of the parcel, and the current use of the parcel), and 2) the date, time and location where the public can comment on the proposed disposition. The notice shall be published at least once in a newspaper of general circulation in Brigham City, and posted in at least one location at Brigham City Hall.

B. Disposal of Significant Parcel of Real Property. Before disposing of a significant parcel of real property, the City shall:

1. Notice. Provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment; and

2. Public Comment. Allow an opportunity for public comment on the proposed disposition. The opportunity for public comment shall take place at a Brigham City Council meeting.

C. Disposal of Non-significant Parcels of Real Property. The City Administrator may dispose of any non-significant parcel of real property pursuant to a policy adopted by the City Administrator.

D. Manner of Disposal. The City may dispose of real property by sale, trade, lease, sublease or other means deemed to be in the best interests

## **Chapter 2.04. City Recorder.**

### **2.04.010. Office; Duties Generally; Copies of Records Evidence.**

The office of the City Recorder shall be located at the place of the Council or at some other place convenient thereto as the Council may direct. The City Recorder or Deputy City Recorder shall attend the meetings and keep the record of the proceedings of the Council. Copies of all papers filed in the Recorder's office and transcripts from all records of the Council, if certified by the Recorder under the corporate seal, are admissible in all courts as originals.

### **2.04.020. Countersigning Contracts.**

The City Recorder shall countersign all contracts made on behalf of the City and shall maintain a properly indexed record of all such contracts.

### **2.04.030. Officio Auditor.**

The City Recorder shall be ex officio City Auditor and shall perform the duties of that office.

### **2.04.040 Record of Ordinances.**

The City Recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the governing body. The Recorder shall give each ordinance a number. Immediately following each ordinance, or codification of ordinances, the 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.

**2.04.050. Election Officer.**

The City Recorder shall be the City's Elections Officer and perform the duties of that office as outlined in the Utah Code.

**2.04.060. Government Records Access and Management Act.**

The "Government Records Access and Management Act" (GRAMA) as adopted by the State of Utah and contained in Sections 63G-2-101 through 63G-2-901, Utah Code Annotated (as amended), with the exception of Section 63G-2-403, are hereby approved and adopted as part of the Code of Brigham City.

A. Appeals to the City Council <sup>4</sup>

1. Any person aggrieved by a Brigham City Corporation entity's access determination under Utah Code 63, chapter Two, may appeal the determination within 30 days to the Brigham City Council by Filing a notice of appeal.

2. If the Brigham City entity claims extraordinary circumstances and specifies the date when the records will be available under Subsection 63G-2-204(3) as amended, and if the requester believes the extraordinary circumstances to not exist or that the time specified is unreasonable the requester may appeal the Brigham City entity's claim of circumstances by the governmental entity, despite the lack of a "determination" or its equivalent under Subsection 63G-2-204(7) as amended.

3. The notice of appeal shall be filed with the City Recorder and shall contain the following information:

- a. The petitioner's name, mailing address, and daytime telephone number;
- b. A copy of any denial of the records requests; and
- c. The relief sought.

3. The petitioner may file a short statement of facts, reasons and legal authority in support of the appeal.

4. No later than three business days after receiving a notice of appeal, the City Recorder shall:

- a. schedule a hearing for the City Council to discuss the appeal which shall be held no sooner than 15 days and no later than 30 days from the date of the filing of the appeal;
- b. send a copy of the notice to the petitioner; and
- c. send a copy of the notice of appeal, supporting statement, and a notice of hearing to:
  - i. each member of the City Council;
  - ii. the records officer and the chief administrative officer of the governmental entity from which the appeal originated;
  - iii. any person who made a business confidentiality claim under Section 63G-2-308 for a record that is the subject of the appeal; and
  - iv. all persons who participated in the proceedings before the governmental entity's chief administrative officer.

5. No later than ten business days after receiving the notice of appeal, the governmental entity may submit to the City Recorder of the City Council a written statement of facts, reasons, and legal authority in support of its position. The governmental entity shall send a copy of the written statement to the petitioner by first class mail, postage prepaid. The City Recorder shall forward a copy of the written statement to each member of the City Council.

6. No later than ten business days after the notice of appeal is sent by the City Recorder a person whose legal interest may be substantially affected by the proceeding may file a request for intervention before the City Council. Any written statement of facts, reasons, and legal authority in support of the intervener's position shall be filed with the request for intervention. The person seeking intervention shall provide copies of the statement to all parties to the proceedings before the City Council.

7. The City Council shall hold a hearing at least 14 days after the date of the notice of appeal is filed but no longer than 52 calendar days after receiving the notice of appeal.

8. At the hearing, the City Council shall allow the parties to testify, present evidence, and comment on the issues. The City Council may allow other interested persons to comment on the issues.

- a. The City Council may review the disputed records. The review shall be in camera.

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<sup>4</sup> Ordinance No. 11-17, 6/1/11.

b. Members of the City Council may not disclose any information or record reviewed by the City Council in camera unless the disclosure is otherwise authorized by this chapter.

10. a. Discovery is prohibited, but the City Council may issue subpoenas or other orders to compel production of necessary evidence.

b. The City Council's review shall be de novo.

11. a. No later than three business days after the hearing, the City Council shall issue a signed order either granting the petition in whole or in part or upholding the determination of the governmental entity in whole or in part.

b. The City Council may, upon consideration and weighing of the various interest and public policies pertinent to the classification and disclosure or non-disclosure, order the disclosure of information properly classified as private, controlled, or protected if the public interest favoring access outweighs the interest favoring restriction of access.

c. In making a determination under Subsection (b), the City Council shall consider and, where appropriate, limit the requestor's use and further disclosure of the record in order to protect privacy interests in the case of private or controlled records, business confidentiality interest in the case of records protected under Subsections 63-2-304(1) and (2), as amended and privacy interest of the public interest in the case of other protected records.

12. The order of the City Council shall include:

a. A statement of reasons for the decision, including citations to this chapter, court rule or order, and other state statute, federal statute, or federal regulation that governs disclosure of the record, provided that the citations do not disclose private, controlled, or protected information;

b. A description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose private, controlled, or protected information, or information exempt from disclosure under Subsection 63G-2-201(3)(b) as amended;

c. A statement that any party to the proceeding before the City Council may appeal the City Council's decision to District Court; and

d. A brief summary of the appeals process, the time limits for filing an appeal, and a notice that in order to protect its rights on appeal, the party may wish to seek advice from an attorney.

13. If the City Council fails to issue a decision within 35 days of the filing of the notice of appeal, that failure shall be considered the equivalent of an order denying the appeal. The petitioner shall notify the City Council in writing if he considers the appeal denied.

14. Option for appealing a denial.<sup>5</sup>

a. If the Brigham City Council denies the records request in accordance with this section, the petition may:

i. Appeal the denial to the records committee as provided in Utah Code 63G-2-403 as amended; or

ii. Petition for judicial review in district court as provided in Section 63G-2-404 as amended.

B. Fee Schedule<sup>6</sup>

The associated fees to obtain records under this Title shall be set by resolution of the City Council. These fees may be changed from time to time as determined by resolution of the City Council.

## **Chapter 2.05. City Treasurer.**

### **2.05.010. City Treasurer - Duties Generally.**

The City treasurer shall: (1) be custodian of all money, bonds or other securities of the City; (2) determine the cash requirements of the City and provide for the investment of all idle cash; (3) receive all money payable to the City, within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue, and keep an accurate detailed account thereof in the manner provided in this chapter, and as the governing body of the City may by ordinance or resolution from time to time direct; and (4) collect all special taxes and assessments as provided by law and ordinance.

### **2.05.020. Payments.**

The City Treasurer shall pay no money out save upon lawful warrant, except bonds and interest coupons, which, when due, may be paid upon presentation, or in case the same are payable at some

<sup>5</sup> Ordinance No. 11-17, 6/1/11.

<sup>6</sup> Ordinance No. 04-06, dated 2/19/04

other place, then the money for their redemption shall be sent to the place where they are payable, in time to meet such payment when due.

**2.05.030. Order of Payment of Warrants.**

The 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 treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.

**2.05.040. Receipts for Money Paid Into Treasury.**

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, as appropriate, the date of payment and upon which account paid and shall file the duplicate of the receipt, a summary report, or other evidence of payment in the office of the auditor or Recorder.

**2.05.050. Special Assessment Funds.**

All money received by the treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made. The money shall be used for the payment of interest and principal on bonds or other indebtedness issued in settlement thereof, and shall be used for no other purpose whatever, except as otherwise provided in U.C.A. 10-6-131.

**Chapter 2.06. City Attorney.**

**2.06.010. Duties.**

The City Attorney and Deputy City Attorneys shall have the duty to prosecute violations of City ordinances and shall have the same powers in respect to violations of City ordinances as may be exercised by a County Attorney in respect to violations of state law, including, but not limited to, granting immunity for violations of City ordinances, infractions and misdemeanors and shall represent the interests of the City in the appeal of any matter prosecuted in any trial court by the City Attorney.

**Chapter 2.07. City Administrator.**

**2.07.010. Office of City Administrator Created.**

The City Administrator shall be appointed by the Mayor with the advice and consent of the City Council. He or she shall serve as an assistant to the Mayor and be responsible for the day-to-day operations of the departments as directed by the Mayor.

**2.07.020. Duties.**

The City Administrator shall act as the Mayor's deputy in the administration of the City and as a staff assistant to the Mayor. The City Administrator shall exercise general supervision over all the departments of the City government in the temporary absence or unavailability of the Mayor or Mayor Pro Tem, or at the direction of the Mayor or Mayor Pro Tem. The City Administrator shall perform various administrative duties as designated by the Mayor. The City Administrator shall coordinate the functions of the various City departments under the direction of the Mayor. The City Administrator shall be subject to appointment on committees or commissions as directed by the Mayor.

**2.07.030 Responsible to Mayor and Council.**

The City Administrator shall be directly responsible to the Mayor and shall receive direction for all work to be done and assignments to be completed through the Mayor-

**Chapter 2.08. Human Resource Coordinator.**

**2.08.010. Office of Human Resource Coordinator Created.**

The Human Resource Coordinator shall be appointed by the Mayor with the advice and consent of the City Council.

**2.08.020. Duties.**

The Human Resource Coordinator shall assume management responsibilities for the Human Resource Department services and activities, recommend and implement guidelines and practices to

enhance efficiency and effectiveness of human resource management programs (i.e., recruitment, selection, compensation, classification, performance management, incentive systems and employee relations), research laws, codes and statutes, solicit legal opinions and recommend new procedures as necessary. The Human Resource Coordinator shall also ensure compliance with personnel policies, federal and state human resources management regulations and shall review and analyze reports, legislation, court cases, and related personnel matters. The Human Resource ~~Manager~~ Coordinator shall be subject to appointment on committees or commissions as directed by the Mayor, with the advice and consent of the Council.

#### **2.08.030. Employee Grievances.**

The Human Resource Coordinator shall coordinate the employee grievance hearing process, assure timely processing of all employee grievances and assist management staff in preparing and processing responses to employee grievances.

### **Chapter 2.09. Director of Finance.**

#### **2.09.010. Office of Director of Finance Created.**

There is hereby created and established the office of Director of Finance. The Director of Finance shall be appointed by the Mayor with the advice and consent of the Council and shall serve thereafter at the pleasure of the Mayor and Council. The Director of Finance may be an individual holding some other administrative position with the City or may be employed solely to this position.

#### **2.09.020. Duties.**

The duties of Director of Finance shall include:

- A. Supervision of all City financial activities, including the activities of the City Recorder and the City Treasurer as they relate to the financial activities of the City.
- B. Advise Mayor on fiscal policy.
- C. Such other duties as assigned.
- D. Handle debt administration.
- E. Specific financial procedures as outlined in City Policy.

### **Chapter 2.10. Municipal Officers and Employees Ethics Act.**

#### **2.10.010. Adoption of Act.**

The Municipal Officers and Employees' Ethics Act, Utah Code Annotated Title 10, as amended and subsequent revisions, is hereby adopted as a City ordinance.

### **Chapter 2.11. Board of Appeals.**

#### **2.11.010. Membership of Board.**

The Board of Appeals shall consist of persons appointed by the chief appointing authority as follows:

- A. One for five years, one for four years, one for three years, one for two years, and one for one year.
- B. Thereafter, each new member shall serve for five years or until a successor has been appointed.
- C. The chief appointing authority shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.
- D. No member shall be reappointed to serve more than two consecutive terms.
- E. Members shall only be removed from office prior to the end of their terms only for cause. Continued absence of any member from regular meetings of the board shall, at the discretion of the applicable governing body, render any such member liable to immediate removal from office.
- F. The building Official shall be an ex-officio member of said Board but shall have no vote on any matter before the board.

**2.11.020. Qualifications.**

The Board of Appeals shall consist of five individuals, one from each of the following professions or disciplines or any other qualified individual in a similar profession or discipline in the case that these individuals are not available within the jurisdiction:

A. Registered design professional with architectural experience or a builder or superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.

B. Registered design professional with structural engineering experience.

C. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

D. Registered design professional with electrical engineering experience or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

E. Registered design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

**2.11.030. Rules and Procedures.**

The Board shall establish policies and procedures necessary to carry out its duties.

**2.11.040. Chairperson.**

The Board shall select one of its members to serve as chairperson.

**2.11.050. Disqualification of Member.**

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**2.11.060. Secretary.**

The chief administrative officer shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**2.11.070. Legal Counsel.**

The jurisdiction shall furnish legal counsel to the Board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties in accordance with Utah Code.

**2.11.080. Compensation of Members.**

Members shall serve without enumeration or compensation.

**2.11.090. Application.**

The application for appeal shall be filed on a form obtained from the Building Official within twenty days (20) after the notice was served.

**2.11.100. Notice of Meeting.**

The Board shall meet upon notice from the chairperson, within ten days (10) of the filing on an appeal or at stated periodic meetings.

A. Open Hearing - all hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard.

B. Procedure - the Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

C. Postponed Hearing - When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**2.11.110. Board Decision.**

A concurring vote of two-thirds shall be required to modify or reverse the decision of the Building Official.

A. The Building Official shall take immediate action in accordance with the decision of the Board.

B. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing.<sup>6</sup>

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<sup>6</sup> Section 2.60 created with Ordinance No. 07-03, dated 3/15/07.