

**Title 2. GOVERNMENT ORGANIZATION.**

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**Chapter 2.01. City Council.**

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**2.01.01. Form of Government.**

Pursuant to Ordinance 07-1 and Utah Code §§ 10-3b-103, -301, -302, and -303, the City of Saratoga Springs operates under the six-member council form of government with a City Manager appointed by ordinance. This form of government shall not be the alternate council-manager form of government authorized pursuant to U.C.A. §10-3b-101, et. seq.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.01.02. Governing Body.**

The Governing body of the City of Saratoga Springs shall be a council composed of six members, one of whom shall be the Mayor, and five of whom shall be council members, which council is hereinafter referred to as the “City Council.”

(Ord. 11-9; Ord. 07-1)

**2.01.03. Powers and Duties.**

The City Council shall exercise the legislative and executive powers—except for executive powers delegated to the City Manager by ordinance—of the City of Saratoga Springs and may perform such other functions as may be specifically provided or necessarily implied by law.

(Ord. 11-9; Ord. 07-1)

## 2.01.04. Meetings.

### 1. Definitions.

- a. **“Closed Meeting”** means a meeting that is properly closed in accordance with the Utah Open and Public Meetings Act that takes place during a regular meeting, special meeting, or emergency meeting.
- b. **“Emergency Meeting”** means a meeting of an urgent or emergency nature that meets the requirements of the Utah Open and Public Meetings Act.
- c. **“Quorum”** means three members of the Council, excluding the Mayor.
- d. **“Regular Meeting”** means a meeting listed on the City Council’s annual meeting schedule that meets the requirements of the Utah Open and Public Meetings Act.
- e. **“Special Meeting”** means a meeting to consider matters of a non-emergency or non-urgent nature that is not listed on the City Council’s annual meeting schedule and that meets the requirements of the Utah Open and Public Meetings Act.

### 2. Regular Meetings.

- a. The City Council shall hold regular meetings at least once a month at a location designated by the City Council, in accordance with an annual meeting schedule adopted by the City Council.
- b. Notwithstanding Subsection (1)(a), if the regular meeting date is a legal holiday, the regular meeting may be cancelled or held on another day as directed by the City Council.

### 3. Emergency and Special Meetings.

- a. **Emergency Meetings.** The City Council may call emergency meetings to consider matters of an emergent or urgent nature so long as the requirements of the Utah Open and Public Meetings Act are met.
- b. **Special Meetings.**
  - i. The Mayor or any two Council Members may call a special meeting for the purpose of discussing and acting upon any business of the City so long as the requirements of the Utah Open and Public Meetings Act are met.
  - ii. The calling of a special meeting shall be entered into the minutes of the City Council.

### 4. Closed Meetings.

- a. The affirmative vote of at least two-thirds of the City Council, not including the Mayor, present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items allowed per the Utah Open and Public Meetings Act.
- b. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name, shall be entered on the minutes of the meeting.
- c. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

**5. Adjourned Meetings.**

- a. If the business noticed on the agenda of a regular, special, or emergency meeting is not completed before adjournment of that meeting, an adjourned meeting may be held to continue the uncompleted business.
- b. The continuation of said meeting may occur at any time in the future subject to City Code and the Open and Public Meetings Act.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.01.05. Open Meeting Law.**

All meetings of the City Council shall be open to the public except those closed meetings as defined in Section 2.01.04.

(Ord. 11-9; Ord. 07-1)

**2.01.06. Agenda.**

1. A written agenda for each regular meeting shall be prepared under the direction of the City Manager.
2. In the event that any member of the governing body desires to add or delete an item or items to any prepared agenda, consent must be obtained from either:
  - a. the Mayor and one City Council Member; or
  - b. from two City Council Members.
3. Upon receiving the request from either the Mayor and one City Council Member, or from two City Council Members, the City Manager shall add or delete the requested items to the prepared agenda.

(Ord. 11-9; Ord. 07-1)

**2.01.07. Minutes.**

Written minutes and audio recordings shall be kept of all meetings of the City Council as required by the Utah Open and Public Meetings Act and shall be presented to the City Council for review, correction, and approval.

(Ord. 11-9; Ord. 07-1)

**2.01.08. Public Records.**

1. The minutes, journals, accounts, and documents of the City Council shall be kept at the City Offices under the direction, control, and management of the City Recorder.

2. Approved copies of the public records listed in Subsection (1) shall be open and available to the public during regular business hours for examination and copying.

(Ord. 11-9; Ord. 07-1)

**2.01.09. Public Notice of Meetings.**

1. The City Council shall give public notice at least once each year of its annual meeting schedule as provided by law.
2. The City Council shall give not less than twenty-four hours public notice of the agenda, date, time, and place of each of its meetings, except for emergency meetings that meet the requirements of the Utah Open and Public Meetings Act.

(Ord. 11-9; Ord. 07-1)

**2.01.10. Attendance.**

The City Council shall have power to compel the attendance of its own members and to provide such penalties as it deems necessary for the failure to comply therewith.

(Ord. 11-9; Ord. 07-1)

**2.01.11. Rules of Procedure.**

The City Council has adopted specific rules of procedure that are on file in the City Recorder's Office. Any member of the public may request a copy of those rules by filing a records request in accordance with state law

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.01.12. Rules of Conduct.**

1. A Council member may be expelled from a meeting for disorderly conduct upon the vote of three members of the Council. The Mayor may vote in such a case.
2. Any person who exceeds a time limit, shows disrespect to any person attending or participating in the meeting, is disruptive, violates any law, or discusses irrelevant, redundant, or inappropriate issues may be removed at the direction of the Mayor.
3. The City Council has adopted more specific rules of conduct that are on file in the City Recorder's Office. Any member of the public may request a copy of those rules by filing a records request in accordance with state law.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.01.13. Attendance of Witnesses and Production of Evidence.**

The City Council may require the attendance of any person to give testimony or produce records, documents, or things for inspection, copying, or examination necessary or useful for the governance of the City of Saratoga Springs. The City Council shall issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this Section.

(Ord. 11-9; Ord. 07-1)

**2.01.14. Quorum.**

No action of the City Council shall be official or of any effect unless a quorum of the Council Members is present, except as provided by law. Three or more Council Members shall constitute a quorum.

(Ord. 11-9; Ord. 07-1)

**2.01.15. Voting.**

1. **How Taken.** A roll call vote shall be taken and recorded for ordinances, for resolutions, for any action that would create a liability against the City of Saratoga Springs, at the request of a Council Member, and for all items when a Council Member is participating electronically. Every resolution or ordinance shall be in writing before the vote is taken.
2. **Number Required.** The minimum number of “yes” votes required to pass any ordinance or resolution, or to take any action by the City Council, unless otherwise provided by law, shall never be less than three. Any ordinance, resolution, or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.01.16. Reconsideration.**

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of City Council Members present at the special meeting is equal to or greater than the number of members present at the meeting when the action was originally considered.

(Ord. 11-9; Ord. 07-1)

**Chapter 2.02. Mayor.**

**Sections:**

- 2.02.01. Powers of Mayor.**
- 2.02.02. Appointment and Removal of City Officials.**
- 2.02.03. Restrictions on the Mayor.**
- 2.02.04. Limitations.**

**2.02.01. Powers of Mayor.**

**1. Presiding Officer.**

- a. The Mayor shall be the Chairperson, preside at all meetings of the City Council, and exercise such powers and perform such other duties as are or may be conferred and imposed by this ordinance and by the general laws of this state.
- b. The Mayor shall not vote at council meetings except in the case of a tie, when the Mayor shall give the casting or deciding vote.
- c. The Mayor shall from time to time give the council information concerning the affairs of the City and recommend for its consideration such measures as may be deemed expedient.
- d. The Mayor shall be recognized as the head of the City government for all ceremonial and legal purposes, and, except for duties delegated to the City Manager in Chapter 2.03, the Mayor shall execute and authenticate legal instruments requiring the Mayor's signature.

2. **No veto.** The Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute.

**3. Mayor Pro Tempore.**

- a. In the temporary absence of the Mayor or because of his or her inability or refusal to act, the Mayor Pro Tempore shall preside at all City Council meetings, except for a vacancy under Utah Code §§ 20A-1-102 and 20A-1-510.
- b. The Mayor Pro Tempore shall have all of the duties and functions of the Mayor during his or her temporary absence.
- c. At the first City Council meeting in February of each year, the Council shall elect from among their members a Mayor Pro Tempore.
- d. The election of a Mayor Pro Tempore shall be entered in the minutes of the City Council meeting.
- e. Any City Council Member elected as Mayor Pro Tempore shall retain his or her power and authority as a member of the Council.
- f. The council member elected to serve as Mayor Pro Tempore shall, at all times, be entitled to cast his or her vote as a member of the council, including those occasions on which he or she is presiding as Mayor Pro Tempore.
- g. The Mayor Pro Tempore shall not be entitled to cast more than one vote on any matter before the council by reason of presiding or serving as Mayor Pro Tempore.

- h. The Mayor Pro Tempore shall not cast a second vote as Mayor to break a tie vote among council members.
4. **Authority to Represent.** The Mayor shall possess the authority to officially represent the City Council in all policy making and legislative matters with other public and private agencies; however, such authority shall not be construed to authorize the making of any binding commitments, contracts, or agreements which involve the encumbrance of the expenditure of City funds except as specifically authorized in advance by the City Council in accordance with the procedures set forth in the Utah Uniform Fiscal Procedures Act for Utah Cities.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.02.02. Appointment and Removal of City Officials.**

- 1. The Mayor shall appoint, with the advice and consent of the City Council, the Fire Chief, Police Chief, Recorder, Treasurer, and City Attorney, whose employment or appointment may be terminated only by the City Council.
- 2. 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 each of the offices of City Recorder and Treasurer. All other appointed officers shall continue in office until their successors are appointed and qualified.

(Ord. 11-9; Ord. 07-1)

**2.02.03. Restrictions on the Mayor.**

The Mayor may not serve as an appointed officer of the City or be employed in any other capacity by the City other than as Mayor.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.02.04. Limitations.**

The legislative, judicial, and ceremonial powers of the Mayor, his or her position as chairperson of the City Council, and any ex-officio position he or she may hold, shall not be delegated to the City Manager.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**Chapter 2.03. City Manager.**

**Sections:**

- 2.03.01. Office Created.**
- 2.03.02. Appointment and Removal.**
- 2.03.03. Residence.**
- 2.03.04. Resignation.**
- 2.03.05. Compensation.**
- 2.03.06. Office and Time Spent.**
- 2.03.07. Duties, Control, and Discretion.**
- 2.03.08. Finance Director.**
- 2.03.09. Acting City Manager.**

**2.03.01. Office Created.**

The office of City Manager is hereby created and established pursuant to Utah Code § 10-3b-303, and shall continue in force and effect as an appointed office of the City.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.03.02. Appointment and Removal.**

The City Council shall by a majority vote appoint a qualified person to the office of City Manager. In doing so, the Mayor shall act as a voting member of the Council. The term of office, salary, benefits, duties, and termination of the City Manager shall be set out in written contract prior to the time of appointment, which contract shall be negotiated and approved by vote of the City Council.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.03.03. Residence.**

Unless otherwise provided by contract, the City Manager need not be a resident or a qualified elector of the City of Saratoga Springs at the time of his or her appointment or thereafter.

(Ord. 11-9; Ord. 07-1)

**2.03.04. Resignation.**

Before voluntarily resigning from the position of City Manager, the City Manager shall give the City Council at least thirty days' notice in writing of his or her intention to resign, unless otherwise provided by contract.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.03.05. Compensation.**

The salary, fringe benefits, and other compensation of the City Manager shall be set from time to time by the City Council.

(Ord. 11-9; Ord. 07-1)

**2.03.06. Office and Time Spent.**

The City Manager shall maintain an office in the City offices 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 as provided by contract.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.03.07. Duties, Control, and Discretion.**

1. **Generally.** The City Manager 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 City Manager shall at all times be under the control and supervision of the City Council and shall answer directly to the City Council in all matters relating to the City and its employees, functions, relationships, activities, and status.
2. **Quarterly Reports.** The City Manager shall prepare and furnish to the City Council on a quarterly basis, or more often as requested by the City Council, a summary and status report setting out in adequate detail such information as to inform the City Council on the status of the following:
  - a. administrative matters;
  - b. city departments and agencies;
  - c. personnel matters;
  - d. fiscal and budgetary affairs, including monthly and quarterly reports as provided for in Section 2.03.08;
  - e. legal matters pending or asserted; and
  - f. any other matters requested by the City Council.
3. **Specific Duties.** Subject to the limits set forth herein, the following duties and the authority to perform them are hereby delegated to the City Manager.
  - a. **Administrative Officer.** The City Manager shall be the Chief Administrative and Executive Officer of the City under the advice and consent of the City Council and subject to those powers specifically reserved for the Mayor by ordinance or State law.
  - b. **Personnel Administrator.** The City Manager shall be the Personnel Administrator to whom all employees of the City shall report and shall be responsible for implementing and enforcing the personnel policies and procedures of the City.

- c. **Appoint and Remove Employees.** Except as provided in Section 2.02.02, the City Manager shall have authority to appoint and remove department heads with the advice and consent of the City Council. The City Manager shall have authority to appoint and remove all other City employees.
- d. **Supervise Departments.** The City Manager shall direct and supervise the administration of all City departments, offices, and agencies, except as otherwise provided by the City Council.
- e. **Inventory Property.** The City Manager shall keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City Manager shall be responsible for the care and custody of all such property, including equipment, buildings, parks, and all other City property that is not by law assigned to some other officer or body for care and control.
- f. **Purchasing and Claims.** The City Manager 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.
- g. **Council Meetings.** The City Manager or designee shall attend all meetings of the City Council with the right to take part in the discussion and to recommend to the City Council adoption of such measures as the City Manager may deem necessary or expedient, but not to vote.
- h. **Budget Officer.** The City Manager 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 Fiscal Procedures Act for Utah Cities. The City Manager shall also ensure that all executive procedures and activities of the City are in compliance with the provisions of the Utah Uniform Fiscal Procedures Act for Utah Cities.
- i. **Review and Sign Contracts and Agreements.** Under the direction of the City Council, and unless otherwise prohibited by law, the City Manager shall review, approve, and sign all 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.
- j. **Propose Plans and Programs.** The City Manager 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.
- k. **Implement Policy.** The City Manager shall implement all policy changes and directives of the City Council through regularly-scheduled staff meetings.
- l. **Management Controls.** The City Manager shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.
- m. **Organization.** The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus, and offices necessary for the governing of the City to the City Council for its approval prior to implementation.
- n. **Records.** The City Manager shall examine the books, records, and official papers of the City's departments and offices.
- o. **Emergencies.** The City Manager shall notify the City Council and the Mayor of any emergency existing in any department or matter under his or her supervision.

4. **Additional Duties.** The City Manager shall have such other powers and shall perform such other duties and obligations as may be required by state law or by ordinance, resolution, or policy of the City Council.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.03.08. Finance Director.**

1. **Creation and Appointment.** As authorized by Utah Code § 10-6-157, the City Council hereby creates the position of Finance Director. The City Manager shall act as the Finance Director and may delegate any such responsibilities as allowed by law.
2. **Duties.** The City Manager, or designee, shall perform the financial duties and responsibilities of the City Recorder, but not the City Treasurer, as established by the Uniform Fiscal Procedures Act for Utah Cities found in Title 10, Chapter 6 of the Utah Code. The City Manager, or designee, shall also perform the duties of the ex-officio auditor in Utah Code § 10-3-916.

(Ord. 13-17)

**2.03.09. Acting City Manager.**

In the absence of the City Manager, the City Manager may appoint an Acting City Manager. If the City Manager is unable or refuses to act, the City Council may appoint by majority vote a qualified person to serve as Acting City Manager to perform and undertake the duties and responsibilities of the City Manager with such authority as is vested in the office. In such a case, the Mayor shall be a voting member of the Council per state law.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

## Chapter 2.04.            Legislation.

### Sections:

- 2.04.01.        **Ordinances.**
- 2.04.02.        **Resolutions.**
- 2.04.03.        **Regulations.**
- 2.04.04.        **Public Records.**

### 2.04.01.        **Ordinances.**

1.    **Power to Enact.** Except as otherwise specifically provided, the City Council may exercise its legislative powers through ordinances.
2.    **Extent of Power.** As authorized by law, the City Council may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition.
3.    **Form.** Every ordinance shall be in writing before the vote is taken and shall contain and be in substantially the following order and form:
  - a. a number;
  - b. a title which indicates the nature of the subject matter of the ordinance;
  - c. a preamble which states the need or reason for the ordinance;
  - d. an ordaining clause such as: “Be it ordained by the City Council of the City of Saratoga Springs”;
  - e. the body or subject of the ordinance;
  - f. when applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance that prescribes the punishment for the violation of the ordinance;
  - g. 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 law;
  - h. a line for the signature of the Mayor or Mayor Pro Tempore to sign the ordinance;
  - i. a place for the City Recorder to attest the ordinance and fix the seal of the City of Saratoga Springs; and
  - j. when applicable, a citation to provisions of the City of Saratoga Springs City Code which are amended by the ordinance.
4.    **Improper Form.** No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of this Section.
5.    **Effective Date.** Unless otherwise provided in the ordinance, ordinances shall become effective twenty days after publication or posting, or thirty days after final passage of the City Council, whichever is sooner.

6. **Signed.** Ordinances passed or enacted by the City Council shall be signed by the Mayor, or if he or she is absent, by the Mayor Pro Tempore or by a quorum of the Council Members, before taking effect.
7. **Recording.** Ordinances passed or enacted by the City Council shall be recorded by the City Recorder in a book, used exclusively for that purpose, before taking effect. The City Recorder shall give each ordinance a number, if the City Council has not already done so, and shall make or cause to be made a certificate stating the date of passage and date of publication or posting of the ordinance, as required.
8. **Publication.** All ordinances, except those enacted pursuant to Utah Code § 10-3-706 through 10-3-710, shall be deposited in the office of the City Recorder and a short summary of the ordinance shall be published at least once: (a) in a newspaper published within the City of Saratoga Springs, or, if there is no newspaper published in the City of Saratoga Springs, in a newspaper of general circulation within the City; or (b) posted in three public places within the City of Saratoga Springs, before taking effect.
9. **Adoption of Non-State Codes.** Any ordinance, code, or book, other than the state code, relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and shall take effect without further publications or posting, if reference is made to the ordinance, code, or book and at least one copy has 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. The ordinance adopting the code or book shall be published in the manner provided in this Section.
10. **Adoption of State Codes.** Any state law relating to building or safety standards, municipal 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.
11. **Prima Facie Evidence.** The record and certificate prepared by the City Recorder, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification. In addition, the ordinances printed and published by the authority of the City Council, shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in the publication, in all courts and administrative proceedings.
12. **Proved Under Seal.** The contents of all the City of Saratoga Springs ordinances, dates of passage, and dates of publication or posting, may be proved by the certification of the City Recorder under the seal of the City of Saratoga Springs.
13. **Penalty.** For a violation of any municipal ordinance, the City Council may establish an administrative or civil penalty, or it may establish a criminal penalty by a fine and imprisonment not to exceed the maximum fine and term of imprisonment as specified in the Title 76, Chapter 3 of the Utah Code. The City Council may also impose a civil

penalty for the unauthorized use of municipal property, including the use of parks, streets, and other public grounds or equipment.

14. **Liability.** An officer of the City of Saratoga Springs shall not be convicted of a criminal offense where he or she relied on or enforced an ordinance he or she 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 or she enforced an ordinance on advice of legal counsel.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

#### **2.04.02. Resolutions.**

1. **Power to Enact.** Unless otherwise required by law, the City Council may exercise all powers 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. **Effective Date.** Resolutions 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 months from the date of passage.
4. **Publication.** Resolutions need not be published or posted.
5. **Filing.** Resolutions shall be retained on file in the records of the City Recorder but need not be codified.
6. **Limitation.** No punishment, fine, or forfeiture may be imposed by resolution.
7. **Proved Under Seal.** The contents and dates of passage of all the City of Saratoga Springs resolutions may be proved by the certification of the City Recorder under the seal of the City of Saratoga Springs.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

#### **2.04.03. Regulations.**

1. **Authorization.** When and to the extent authorized by ordinance, an administrative officer of the City may promulgate regulations governing the administration of the City.
2. **Defined.** A regulation is any administrative rule, policy, or decision of the City which is or can be applied to recurrent situations or problems or which is intended to govern one or more activities or services of the City for an extensive period of time.
3. **Requirements.** In promulgating a regulation, the administrative officer shall substantially comply with the following:

- a. **Written.** The regulation shall be in writing.
  - b. **Consistency.** The regulation shall be consistent with the City of Saratoga Springs City Code and other provisions of the law.
  - c. **Not Arbitrary or Capricious.** The regulation, in whole or in part, shall not be arbitrary or capricious.
  - d. **City Manager Approval.** The regulation shall be submitted to and approved by the City Manager.
  - e. **City Attorney.** After approval by the City Manager, the regulation shall be submitted to the City Attorney for review and approval.
  - f. **City Council.** After approval of the City Manager and review and approval by the City Attorney, the regulation must be incorporated by reference into a resolution of the City Council. Such resolution must be duly passed and adopted by the City Council.
4. **Ratification.** In the event any act performed or position taken by a City Official on behalf of the City is called into question for failure to comply with the requirements of Subsection (3) of this Section, the City Council may ratify such act or position by resolution, in which event such act shall be deemed to have been performed and such position shall be deemed to have been taken pursuant to a valid regulation.
  5. **Effect.** Regulations adopted shall have the force and effect of resolutions adopted by the City Council.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

#### **2.04.04. Public Records.**

The ordinances, resolutions, regulations, and any other books, records, accounts, or documents of the City of Saratoga Springs shall be kept at the office of the City Recorder or at a location within his or her control. Approved copies shall be open and available to the public during regular business hours for examination and copying pursuant to the Utah Government Records Access and Management Act.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**Chapter 2.05. Appointed Officers.**

**Sections:**

- 2.05.01. Office Creation.**
- 2.05.02. Vacancies.**
- 2.05.03. City Recorder.**
- 2.05.04. City Treasurer.**
- 2.05.05. City Attorney.**

**2.05.01. Office Creation.**

The City Council may create any office deemed necessary for governing the City of Saratoga Springs and shall, by resolution or ordinance, prescribe the power and duties to be performed by appointed officials.

(Ord. 11-9; Ord. 07-1)

**2.05.02. Vacancies.**

The City may appoint and fill vacancies in all appointed offices as provided by law or ordinance. All appointed officers shall continue in office until their successors are appointed and qualified.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.05.03. City Recorder.**

1. **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.
2. **Bond.** Before commencing his or her duties, the City Recorder shall execute and file with the City Treasurer a bond as provided by resolution.
3. **Office.** The City Recorder shall maintain an office in the City Offices.
4. **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.
5. **Meetings of the City Council.** The City Recorder shall attend the meetings as assigned and keep the record of the proceedings of the City Council.

6. **Actions of the City Council.** The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council in the manner provided in §§ 2.04.01 and 2.04.02.
7. **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.
8. **Elections and Appointments.** The City Recorder shall manage all municipal election procedures and requirements as provided in the Utah Code 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.
9. **Limitations.** The City Recorder shall not serve as the City Treasurer or perform any of the financial duties of the Finance Director.
10. **Records of the City.** Except for financial records maintained by the City Finance Director in § 2.03.08, the City Recorder shall keep all the books, records, accounts, and documents of the City Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Utah Government Records and Access Management Act.
11. **Additional Duties.** The City Recorder shall perform such other and further duties as required by law and as the City Council may provide by ordinance, resolution, regulation, or directive.
12. **Per Diem.** The City Recorder shall receive mileage and per diem for all trips approved by the City Manager.

(Ord. 13-17; Ord. 12-10; Ord. 11-9; Ord. 07-1)

#### **2.05.04. City Treasurer.**

1. **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.
2. **Bond.** Before commencing his or her duties, the City Treasurer shall execute and file with the City Recorder a bond as provided in the requirements set forth in the State of Utah Legal Compliance Audit Guide and in accordance with Utah Code § 51-7-15.
3. **Custodian.** The City Treasurer shall be the custodian of all money, bonds, or other securities belonging to the City.

4. **Collections.** The City Treasurer shall cause to be collected and received 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. The City Treasurer shall keep all money belonging to the City separate and distinct from his or her own money.
5. **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 therefore, specifying the date of payment and the account paid. The City Treasurer shall file a duplicate of such receipt or evidence of payment in the office of the City Recorder.
6. **Checks.** The City Treasurer 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.
7. **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 make provisions for the payment of all warrants issued prior to signing any subsequently issued checks.
8. **Special Assessments.** The City Treasurer shall receive all monies received by the City on any special assessment and shall apply the payments thereof to the cost 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 Section 10-6-131.
9. **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.
10. **Limitations.** The City Treasurer shall not serve as the City Recorder.
11. **Additional Duties.** The City Treasurer shall perform such other and further duties as required by law and as the City Council may provide by ordinance, resolution, regulation, or directive.
12. **Per Diem.** The City Treasurer shall receive mileage and per diem for all trips approved by the governing body according to the schedules adopted by the Utah Department of Finance.

(Ord. 13-17; Ord. 12-10; Ord. 11-9; Ord. 07-1)

**2.05.05. City Attorney.**

**1. Appointment.**

- a. The City Attorney shall be appointed by a majority vote of the City Council.
- b. The City may contract with or retain an attorney licensed to practice law in the State of Utah. The City may make a separate contract with an attorney or attorneys for performance of criminal prosecutorial legal services.
- c. All attorneys under contract with the City shall communicate with each other as necessary to properly correlate their efforts.

**2. Duties.**

- a. 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.
- b. The City Attorney shall appear on behalf of the City in all suits at law or in equity in which the City is a party, and shall prosecute or defend them, as the case may be, in all courts until they are finally disposed of.
- c. The City Attorney shall advise all City officers in relation to their official duties, prepare and draft all ordinances, resolutions, and regulations as the City Council or City Manager may from time to time request, and perform such other duties as the ordinances of the City and the general laws require or as the City Council may direct.
- d. The City Attorney may, with consent of the City Council, retain special counsel on matters pertaining to the legal affairs of the City if the same is deemed necessary and desirable and such special counsel shall be compensated by the City.
- e. The City Attorney shall, when requested to do so, furnish written opinions on subjects submitted by the City Council or by the City Manager.

- 3. Additional Duties.** The City Attorney shall perform such other and further duties as specified in the Utah Code and as the City Council may provide by ordinance, resolution, regulation, or directive.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**Chapter 2.06. Taking Office.**

**Sections:**

- 2.06.01. Eligibility for Mayor and Council Members.**
- 2.06.02. Election of Mayor and Council Members.**
- 2.06.03. Campaign Financial Disclosure.**
- 2.06.04. Term of Office for Mayor and Council Members.**
- 2.06.05. Vacancies in Office of Mayor or Council Member.**
- 2.06.06. Oath of Office.**
- 2.06.07. Reserved.**
- 2.06.08. Duties and Powers Defined.**
- 2.06.09. Official Neglect or Misconduct.**
- 2.06.10. Transfer of Records.**

**2.06.01. Eligibility for Mayor and Council Members.**

1. **Chosen by Voters.** The Mayor and Council Members shall be elected by the registered voters of the City of Saratoga Springs.
2. **Resident and Registered Voter.**
  - a. As provided by Utah Code § 10-3-301, any person elected to the office of Mayor or Council Member must be a resident of and a registered voter in the City of Saratoga Springs.
  - b. Each elected officer of the City of Saratoga Springs shall maintain residency within the boundaries of the City during his or her term of office in accordance with the Utah Code.
  - c. If an elected officer of the City establishes his or her principal place of residence outside the municipality during his or her term of office, that person's elected office is automatically vacant.
  - d. If an elected officer is absent from the City anytime during his or her term of office for a continuous period of more than sixty days without the consent of the City Council, that person's elected office is automatically vacant.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.06.02. Election of Mayor and Council Members.**

1. **Elected.** The Mayor and Council Members shall be elected in an at-large municipal election held on the Tuesday after the first Monday in November, as provided in Utah Code §§ 10-3-201 and 10-3-205.
2. **Procedure.** The municipal elections and primary elections for Mayor and Council Members shall be conducted in the manner provided for in the Utah Election Code for Cities as set forth in Utah Code §§ 20A-9-203 and 20A-9-404.

3. **Precincts.** As provided in Utah Code § 20A-5-301, the City Council may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if it designates the location and address of that combined voting precinct. If only two precincts are combined, the polling place shall be within the combined precinct or within one-half mile of the boundaries of the combined voting precinct. If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precincts.
4. **Primary Elections.** No primary elections shall be held for the offices of Mayor or City Council Members and all openings for such offices shall be filled at the November general municipal election of the City of Saratoga Springs, unless:
  - a. the number of candidates exceeds twice the number of offices to be filled; or
  - b. the primary election is otherwise required by law, in which cases a primary election shall be held in the manner provided in the Utah Election Code, as set forth in Utah Code § 20A-9-404.
5. **Designation of Council Seats.** All Council seats are “at-large” seats and no districts or geographic areas have been designated or authorized for the purpose of public elections under the City’s ordinances.

(Ord. 11-9; Ord. 07-1)

### **2.06.03. Campaign Financial Disclosure.**

1. **General.** All candidates for elective municipal office shall comply with the campaign finance disclosure requirements set forth in this Chapter.
2. **Definitions.** The following definitions shall be applicable to this Chapter:
  - a. **“Candidate”** means any person who:
    - i. files a declaration of candidacy for an elective office of the City;
    - ii. is nominated by a committee, party or petition;
    - iii. received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person’s nomination or election to such office; or
    - iv. causes on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed, or disseminated which indicates an intention to seek such office.
  - b. **“Contribution”** means monetary and non-monetary contributions such as in-kind contributions and contributions of tangible things but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.
3. **Filing of Disclosure Reports.** Each candidate for elective office shall file with the City Recorder dated and signed financial disclosure reports which comply with this Chapter and Utah Code 10-3-208. Forms shall be made available by the City. Other forms in substantially the same format are also acceptable.

**4. Time of Filing.**

- a. Each candidate for municipal office shall file a financial disclosure report at least seven days before the primary election.
- b. Each candidate for municipal office who is not eliminated at the primary election shall file additional financial disclosure reports at least seven days before the general election and at least once within thirty days following the general election.
- c. Each candidate for municipal office who is eliminated at the primary election shall file a final financial disclosure report within thirty days of the date of the primary election.

**5. Contents of Financial Disclosure Reports.**

- a. The financial disclosure reports filed seven days before the elections shall include:
  - i. a list of each contribution of more than \$50.00 received by the candidate, and the name of the donor;
  - ii. an aggregate total of all contributions of \$50.00 or less received by the candidate; and
  - iii. a list of each expenditure for political purposes made by the candidate during the campaign period as of ten days before the date of the election, and the recipient of each expense.
- b. The financial disclosure reports filed thirty days after the elections shall include:
  - i. a list of each contribution of more than \$50.00 received by the candidate after the cutoff date for the financial disclosure report filed seven days before the election, and the name of the donor;
  - ii. a total of all contributions of \$50.00 or less received by the candidate after the cutoff date for the financial disclosure report filed seven days before the election;
  - iii. a list of all expenditures for political purposes made by the candidate after the cutoff date for the financial disclosure report filed seven days before the election, and the recipient of each expense; and
  - iv. all contributions and expenditures related to the candidate's candidacy between the pre-election and post-election statement.

**6. Penalty for Noncompliance.** Any candidate who fails to comply with the provisions of this Chapter is guilty of an infraction.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.06.04. Term of Office for Mayor and Council Members.**

The elected Mayor and Council Members shall begin their term of office at 12:00 noon on the first Monday in January following their election, and shall continue in office for four years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office.

(Ord. 11-9; Ord. 07-1)

**2.06.05. Vacancies in Office of Mayor or Council Member.**

1. If any vacancy occurs in the office of Mayor or Council Member of the City, the City Council shall appoint a registered voter in the City who meets the qualifications for office established in Utah Code § 10-3-301, to fill the unexpired term of office vacated until the January following the next municipal election.
2. Before acting to fill the vacancy, the City Council shall:
  - a. give public notice of the vacancy at least two weeks before the City Council meets to fill the vacancy;
  - b. identify in the notice:
    - i. the date, time, and place of the meeting where the vacancy will be filled;
    - ii. the person to whom a person interested in being appointed to fill the vacancy may submit his or her name for consideration; and
    - iii. any deadline for submitting an interested person's name; and
  - c. in an open meeting, interview each person meeting the qualifications for office, whose name was submitted for consideration regarding the person's qualifications.
3. If, for any reason, the City Council does not fill the vacancy within thirty days after the vacancy occurs, the City Council shall vote upon the names that have been submitted. The two persons having the highest number of votes of the City Council after a first vote is taken shall come before the City Council and the City Council shall vote again.
4. If neither candidate receives a majority vote of the City Council at that time, the vacancy shall be filled by lot in the presence of the City Council.
5. A vacancy in the office of Mayor or City Council member shall be filled by an interim appointment, followed by an election to fill a two year term, if:
  - a. the vacancy occurs, or a letter of resignation is received, by the City Council at least fourteen days before the deadline for filing for election in an odd-numbered year; and
  - b. two years of the vacated term will remain after the first Monday of January following the next municipal election.
6. In appointing an interim replacement, the City Council shall:
  - a. comply with the notice requirements of this Section; and

- b. in an open meeting, interview each person meeting the qualifications for office whose name was submitted for consideration regarding the person's qualifications.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.06.06. Oath of Office.**

1. **Required.** Before entering on their respective duties, all officers of the City of Saratoga Springs, whether elected or appointed, shall take the constitutional oath of office as set forth in Article IV, 10 of the Constitution of Utah.
2. **Time.** Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath of office at any time before entering on their duties.
3. **Administered.** The oath of office shall be administered by the City Recorder, any Judge, or any Notary Public.
4. **Filed.** All oaths of office shall be filed with the City Recorder.
5. **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.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

**2.06.07. Reserved.**

**2.06.08. Duties and Powers Defined.**

The duties, powers, and privileges of all elected and appointed officers of the City shall be defined by the City Council pursuant to State law.

(Ord. 11-9; Ord. 07-1)

**2.06.09. Official Neglect or Misconduct.**

In any case, if an officer of the City willfully omits to perform a duty, or willfully and corruptly commits oppression, misconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any City office thereafter.

(Ord. 11-9; Ord. 07-1)

**2.06.10. Transfer of Records.**

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

(Ord. 11-9; Ord. 07-1)

## **Chapter 2.07. Electronic Meetings.**

### **Sections:**

- 2.07.01. Definitions.**
- 2.07.02. Electronic Meetings Authorized.**
- 2.07.03. Procedure for Electronic Meeting.**

### **2.07.01. Definitions.**

As used in this Chapter:

1. **“Anchor location”** means the physical location from which the electronic meeting originates or from which the participants are connected.
2. **“Electronic meeting”** means a meeting convened or conducted by a public body by means of a telephonic, telecommunications, computer conference, or other electronic means.
3. **“Electronic notice”** means electronic mail or fax.
4. **“Monitor”** means to:
  - a. hear live, by speaker, or by other equipment all of the public statements of each member of the public body who is participating in a meeting; or
  - b. see, by computer screen or other visual medium, all public statements of each member of the public body who is participating in a meeting.
5. **“Participate”** means the ability to communicate with all of the members of the public body, either verbally or electronically, so that each member of the public body can hear or see the communication.
6. **“Public body”** shall have the same definition as “public body” in the Utah Open and Public Meetings Act, Utah Code Chapter 52-4.
7. **“Public hearing”** means a meeting at which comments from the public will be accepted.
8. **“Public statement”** means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(Ord. 11-10)

### **2.07.02. Electronic Meetings Authorized.**

Any public body of the City of Saratoga Springs may, by following the procedures and requirements of this Chapter, convene and conduct an electronic meeting. The public body convening or conducting an electronic meeting shall:

1. give public notice of the meeting at the anchor location and otherwise meet the requirements of Utah Code § 52-4-202;
2. provide notice of the electronic meeting to the members of the public body at least twenty-four hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
3. provide in the public notice a description of how the members will be connected to the electronic meeting.

(Ord. 11-10)

**2.07.03. Procedure for Electronic Meeting.**

1. The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic meeting of the public body. The Mayor/Chair or Mayor/Chair Pro-Tem shall conduct the meeting and the meeting shall be held pursuant to the agenda posted for that meeting.
2. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Utah Open and Public Meetings Act. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.
3. The primary anchor location for meetings of the public body shall be City Hall at 1307 N. Commerce Drive, Saratoga Springs, Utah. However, the public body may hold meetings in other anchor locations if the public body complies with the Open and Public Meetings Act. If the meeting is a public hearing, space and facilities will be provided at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.
4. If the meeting is connected telephonically, then a speakerphone will be connected in such a manner that comments made by the members of the public body participating electronically will be broadcast through the public address system at the anchor location. To ensure full participation of each member present, and those participating electronically, members will be given a specific opportunity to make inquiries and participate in the discussion through a roll call method. Votes taken in these circumstances shall be by roll call method, with each member audibly verbalizing their vote.
5. If a member or members are participating by webcast, the webcast shall be projected upon a surface with the audio being connected in such a manner that comments made by the members participating electronically will be broadcast through the public address system at the anchor location.

(Ord. 11-10)