

CHAPTER 7

OFFICERS AND EMPLOYEES

SECTION:

- 1-7-1: Creating Offices; Filling Vacancies
- 1-7-2: Compensation
- 1-7-3: Bond Requirements
- 1-7-4: Oaths
- 1-7-5: Official Neglect and Misconduct
- 1-7-6: City Recorder, City Treasurer and City Manager
- 1-7-7: City Attorney
- 1-7-8: Duties of All Officers
- 1-7-9: Supervision

1-7-1: **CREATING OFFICES; FILLING VACANCIES:**

- A. Offices Created By Council: The City Council may create any office deemed necessary for the government of the City and provide for filling vacancies in elective and appointive offices.
- B. Mayor to Appoint and Fill Vacancies: The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all offices provided for by law or ordinance.
- C. Continuation in Office: All appointed officers shall continue in office until their successors are appointed and qualified. (1998 Code)

1-7-2: **COMPENSATION:**

- A. Established: The salary of the officers and employees of the City shall be paid in the amount and at such times as is established by resolution of the City Council. (1977 Code 3-552; 1998 Code)
- B. Serving Two or More Positions: Whenever any person serves in two (2) or more positions either as officers or employees of the City, unless otherwise specifically provided in the employment agreement, by ordinance or by resolution, that person shall receive the salary or compensation of the office or employment paying the greater amount. (1977 Code 3-553)

- C. Reimbursement For Travel Expenses: In addition to all other compensation or salaries, any officer or employee of the City may receive, following the submission to the City Recorder of a claim, travel expenses and per diem established by the Utah State Department of Finance for expense actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the City Council. (1977 Code 3-554)

1-7-3: **BOND REQUIREMENTS:**

- A. Approval of Bonds: The bonds of the Council members shall be approved by the Mayor and the bond of the Mayor shall be approved by the City Council at the first meeting of the City Council in January following a City election. (1998 Code)
- B. Premium Paid by City: The premium charged by a corporate surety for any bond required by the City shall be paid by the City. (1977 Code 3-521C)
- C. Additional Bonds: The City Council may at any time require further and additional bonds of any or all officers elected or appointed. All bonds given by the officers, except as otherwise provided by law, shall be filed with the City Recorder, except that the bond of the City Recorder shall be filed with the City Treasurer. (1998 Code)
- D. Bond Amounts: Before taking the oath of office and entering on the duties of their respective office, City officials shall each give a bond with good and sufficient securities, payable to the City, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to Utah Code Annotated section 51-7-15 and rule 4 of the State Money Management Council. (1977 Code 3-521A; 1998 Code)
- E. Treasurer's Bond:
1. The City Treasurer's bond, or the bond of any person who acts as City Treasurer, may be set by resolution or ordinance in any amount not less than that established by the State Money Management Council. (1998 Code)
 2. The Treasurer's bond shall be superseded by any rules, regulation or directive of the State Money Management Council when such rule, regulation or directive is binding on the City. (1977 Code 3-521B)
- F. Blanket Bond: The bond required in this Section may be a blanket bond. (1977 Code 3-521D)

1-7-4: **OATHS:**

- A. Constitutional Oath of Office: All officers, whether elected or appointed, before entering on the duties of their respective offices shall take, subscribe and file the constitutional oath of office. (1977 Code 3-531, 3-532; 1998 Code)
- B. Oath; Filing: The oath of office required under this section is administered by any judge, notary public, or by the City Recorder. Elected officials shall take their oath of office at twelve o'clock (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 at any time before entering on their duties. All oaths of office shall be filed with the City Recorder.
- C. Acts Of Officials Not Validated: No official act of any City officer shall be invalid for the reason that he failed to take the oath of office. (1998 Code)

1-7-5: **OFFICIAL NEGLIGENCE AND MISCONDUCT:** In case any City officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, misconduct, misfeasance, or malfeasance in office, the person is guilty of a Class A Misdemeanor¹ shall be removed from office, and is not eligible for any City office thereafter. (1998 Code)

1-7-6: **CITY RECORDER, CITY TREASURER AND CITY MANAGER:**

- A. Appointment: On or before the first Monday in February following a City 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 City Treasurer.
- B. Ex Officio Auditor: The City Recorder is ex officio the City Auditor and shall perform the duties of that office. (1998 Code)
- C. A City Manager may be appointed by the City Council and will serve at the pleasure of the governing body. (Ordinance Modification 012-01 12/11/01)

1-7-7: **CITY ATTORNEY:** The City Attorney may prosecute violations of City Ordinances, and under State law, infractions and misdemeanors occurring within the boundaries of the City and has the same powers in respect to the violations as are exercised by a county attorney, including, but not limited to, granting immunity to witnesses. The City Attorney shall represent the interests of the State of the City in the appeal of any matter prosecuted in any trial court by the City Attorney. (1998 Code)

¹ U.C.A. 76-3-204 for penalty provisions.

1-7-8: **DUTIES OF ALL OFFICERS:** It shall be the duty of all officers of the City to:

- A. Documents to Successor: Deliver to their successor within one week after the change of office all records, documents and property which belong to the City.
- B. Deliver Funds: Deliver to the City Treasurer within one week after receipt of such funds, all funds of the City which the officer receives.
- C. Sign Required Records: Sign within a reasonable time all papers, documents and records received by him which require his signature.
- D. Perform All Duties: Perform all duties imposed on him by virtue of the office held.
- E. Give Receipts: Give receipts on forms provided by the City Recorder for all sums of money received, collected or paid them or their assistants. (1977 Code 3-361)

1-7-9 **SUPERVISION:** The Mayor shall supervise the official conduct of all officers of the City and investigate or cause to be investigated and present any complaint to the City Council, together with the results of the investigation, at the next regular meeting of the City Council after the complaint is received by him. (1977 Code 3-623)