

**TITLE 2. ADMINISTRATION**

**Chapter 2.01. In General.**

**2.01.010. Legislative and Governing Body.**

The mayor and Council shall be the legislative and governing body of the City and as such shall have, exercise and discharge all of the rights, powers, privileges and authority conferred by law upon the City and shall perform all duties that may be required of them by law. (See U.C.A. 10-3-105).

**2.01.020. Appointment and Removal of Officers and Deputies.**

On or before the first Monday of February following a municipal election, the Mayor, with the advice and consent of the Council, shall appoint a person to each of the offices of City recorder, City Treasurer, chief of police and City Attorney, and shall create and fill such additional offices as in their opinion may be necessary or convenient in carrying out the governmental functions of the City. 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.

**2.01.025. Personnel Changes in Appointed Offices**

A. All appointed officers shall continue in office until their successors are appointed and qualified. In the event of a personnel change involving individuals holding such offices, such individuals shall be placed upon administrative leave with pay until such time as their successors have been formally approved by the City Council.

B. 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 and every such officer shall, before entering upon the duties of his office, execute a bond with good and sufficient sureties, payable to the City, as hereinafter provided or as may by resolution or ordinance be directed from time to time, conditioned upon the faithful performance of the duties of his office and the payment of all monies received by such officer according to law and the ordinances of the City. The bonds, unless otherwise directed as herein provided, shall be in the following amounts:

- Mayor . . . . . \$1,000.00
- City Recorder . . . . . 1,000.00
- Chief of Police . . . . . 1,000.00

The City Treasurer's bond shall be in compliance with the Utah State Money Management Act. All other elective or appointive officers shall furnish a bond in the sum of \$500.00 each.

Official bonds shall be approved as to form by the City attorney and shall also be approved by the Council, provided that the bonds of the councilmembers shall be approved by the Mayor.

Premiums charged by a corporate surety for any official bond shall be paid by the City. (See U.C.A. 10-3-819, 821, 824).

**2.01.040. Salaries.**

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 resolution.

The salaries of the Mayor and councilmembers shall be in the following amounts:

- Mayor, per annum . . . . . ~~\$9,645.95~~ \$10,031.84 <sup>2</sup>
- Councilmember, per annum (each) . . ~~\$5,705.17~~ \$5,933.46

(See U.C.A. 10-3-818).

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

<sup>2</sup>2005-06 Fiscal Budget

**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 shall be filed with the City and a copy thereof filed with the state auditor's office. (See U.C.A. 10-6-150 to 10-6-152).

**Chapter 2.02. Mayor.**

**2.02.010. Chief Executive Officer.**

The Mayor is the chief executive officer of the City. He 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.  
(See U.C.A. 10-3-809).

**2.02.030. Appointments 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. Director of Finance
- C. Director of Public Power
- D. ~~Public Works Director~~ *Director of Public Works*
- E. Police Chief
- F. ~~Director of Parks and Recreation~~ *Director of Leisure Services*
- G. City Treasurer
- H. Senior Citizen Director
- I. Museum-Gallery Director
- J. ~~City Planner~~<sup>3</sup>
- J. City Recorder<sup>3</sup>
- K. *Human Resource Manager*
- L. *Director of Emergency Services*
- M. *Director of Economic Development*<sup>4</sup>

The above-named positions shall be appointed by the Mayor with the advice and consent of the City Council and the individuals appointed to the above-named positions may be terminated with or without cause.

The above listed positions shall not limit in any manner any other classification of employees listed.  
(See UCA 10-3-1105, as amended).

In the event of a personnel change involving an individual holding an appointed position, the Mayor shall hold an executive session with the Council to discuss the proposed change, and no action shall be taken by either the Mayor or the Council with respect to that individual until the first Monday following said executive session.

**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. He shall see that every officer, at the expiration of his term of office, or resignation or removal from office, delivers to his successor all the books, papers, maps, plats, furniture, fixtures or other property appertaining to the office.

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<sup>3</sup> Ordinance No. 96-15, dated 9/19/96

<sup>4</sup> Ordinance No. 06-01, dated 01/19/06

**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 one hundred dollars.

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

The Mayor is authorized to grant full pardon in all cases presented under or by authority of the City for any violation of the ordinances thereof, or to remit all or any part of any fine or penalty imposed thereunder, together with the costs of prosecution. He 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 therefor. (See U.C.A. 10-3-809).

**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 upon every male inhabitant of the City over the age of twenty-one years to aid in enforcing the laws and ordinances, in suppressing riots and other disorderly conduct or in carrying into effect any law or ordinance of the City. (See U.C.A. 10-3-809).

**2.02.090. Mayor Pro Tem.**

In case of the temporary absence of the Mayor from the City, or in case of his temporary inability to perform the duties of his office, it shall be his duty to communicate such fact to the members of the Council, whereupon it shall become the duty of the Council to appoint some member thereof to act as Mayor pro tem. During such time that such Councilmember is so acting in the capacity of Mayor pro tem, he shall have the power to exercise all the functions and duties of the Mayor. When the Mayor pro tem is presiding, his right to vote on all questions is not thereby impaired but he shall have the same right to vote as a Councilmember as he would were he not presiding. (See U.C.A. 10-3-403).

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

Whenever any vacancy occurs in the office of Mayor, the City Council shall by a majority vote, appoint any registered voter in the City to fill the unexpired term of the office vacated until the next municipal election when a successor can be elected and qualified. 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. (See U.C.A. 10-3-303).

**Chapter 2.03. Council**

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

The Council shall be composed of five councilmembers to be elected at large as provided by law and ordinance. (See U.C.A. 10-3-105).

**2.03.020. Meetings.**

The City Council shall meet on every Thursday in their chambers at 7:00 p.m. Provided, however, the Council by majority vote may identify one or more Thursdays in a month, on which no meetings shall be held. 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 recorder or clerk 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. (See UCA 10-3-502).

**2.03.030. Quorum.**

The number of members of the Council necessary to constitute a quorum is three or more. 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. (See U.C.A. 10-3-504 and 505).

**2.03.040. Rules; Expulsion of Members.**

The Council shall determine its own rules or proceedings, may punish its members for disorderly conduct and, with the concurrence of two thirds of the members, may expel a member for cause. (See U.C.A. 10-3-606 and 607).

**2.03.050. Vacancy in Office.**

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. (See U.C.A. 10-3-303).

**2.03.060. Duties Generally.**

The Council shall perform all duties as are or may be prescribed by the statutes of this state or by the City ordinances and shall perform such other acts and take such other measures, not inconsistent with law, as may be necessary for the efficient government of the City.

**2.03.070. 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.

**2.03.080. 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.

**2.03.090. Improvement, Etc., of Streets, Etc.**

The City Council may by ordinance layout, establish, open, alter, widen, narrow, extend, grade, pave or otherwise improve streets, alleys, avenues, boulevards, sidewalks, parks, airports, parking lots or other facilities for the parking of vehicles off streets and public grounds and may vacate the same or parts thereof by ordinance.

**2.03.100. 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. (See UCA 10-6-133).

**2.03.110. 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. (See U.C.A. 63-30-2 et seq.).

**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. (See U.C.A. 10-6-137).

**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. (See U.C.A. 10-6-138).

**2.04.030. Officio Auditor.**

The City Recorder shall be ex officio City Auditor and shall perform the duties of such office without extra compensation. (See U.C.A. 10-3-916).

**2.04.040. Orders Upon Treasurer; Reports to Council; Accounts; Claims Against City.**

The City Recorder shall draw and countersign all orders upon the Treasurer in the pursuance of any order or resolution of the Council and shall keep a full and accurate account thereof in books provided for that purpose. He shall take to the Council from time to time, upon its order, reports of the financial condition of the City. He shall make and keep a list of outstanding bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear and recommend such action to the Council as shall secure the payment of the principal and interest of such bonds. He shall report annually, on or before the first day of June, to the Council an estimate of the expenses of the City and the revenue necessary to be raised for the current year. He shall keep regular books of account in which he shall enter all indebtedness of the City and which shall at all times show the financial condition of the City, the amount of bonds, orders certificates or other evidence of indebtedness issued by the City, the amount of all bonds, orders, certificates, or other evidence of indebtedness which have been redeemed and the amount of each outstanding. He shall keep accounts with all receiving and disbursing officers of the City, showing the amount they have received from the different sources of revenue and the amount which they have disbursed under the direction of the Council. He shall examine all reports, bonds, papers, vouchers and accounts of the City treasurer. He shall audit all claims and demands against the City before they are allowed by the Council and shall keep a record of claims presented and the action of the Council thereon.

**2.04.050. Limitation on Warrants.**

The City Recorder is forbidden to draw warrants on City funds except in accordance with and within the limits of the budget appropriations ordinance for the current year.

**2.04.060. Payment of Money Into City Treasury.**

The Recorder shall pay into the City treasury all money belonging to the City coming into his hands by virtue of his office and shall take a receipt for the same, which receipt shall be filed with other papers in the Recorder's office.

**2.04.070. Record of Ordinances and Officers.**

The municipal 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, if the governing body has not already done so. 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. He shall also keep in a book provided for that purpose the names of persons elected or appointed to any office within the City, together with the dates on which they entered upon the duties of their respective offices and the dates of their resignation or removing therefrom. (See U.C.A. 10-3-713).

**2.04.080. 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 63-2-101 through 63-2-909, Utah Code Annotated (1992) with the exception of Section 63-2-403 are hereby approved and adopted as part of the Code of Brigham City.

**A. Appeals to the City Council**

1. The petitioner, including an aggrieved person who did not participate in the appeal to the governmental entity's chief administrative officer, may appeal to the City Council by filing a notice of appeal with the City Recorder no later than:

a. 30 days after the chief administrative officer of the governmental entity has granted or denied the records request in whole or in part, including a denial under Subsection 63-2-204(7);

b. 45 days after the original request for records if:

l. the circumstances described in Subsection 63-2-401(1)(b) occur; and

- ii. the chief administrator officer failed to make a determination under Section 63-2-401.
2. The notice of appeal 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 63-2-308 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 no sooner than 15 days and no later than 30 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.
9.
  - a. The City Council may review the disputed records. The review shall be in camera.
  - 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), 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 63-2-201(3)(b);

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.

**B. Fee Schedule <sup>5</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. (See U.C.A. 10-6-141).

**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 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. (See U.C.A. 10-6-144).

**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. (See U.C.A. 10-6-142).

**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. (See U.C.A. 10-6-145).

**Chapter 2.06. City Attorney.**

**2.06.010. Duties.**

The City attorney 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 to witnesses for violations of City ordinances. (See U.C.A. 10-3-928).

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<sup>5</sup> Ordinance No. 04-06, dated 2/19/04

## **Chapter 2.07. Department of Inspections.**

### **2.07.010. Department Established.**

There is hereby established a department of inspections in the administrative service of the City.

### **2.07.020. Organization and Staff; Responsibilities of Supervisor.**

The department of inspection shall be organized and shall be staffed by the supervisor of the inspection's department and such other personnel as may be provided by the Mayor and Council. The supervisor of the inspections department shall be responsible for the inspections of all electrical installations, plumbing installations, gas installations and sewer installations.

### **2.07.030. Authority and Jurisdiction of Department.**

The department of inspection under the direction of the Mayor and Council shall have in its charge the issuance of all permits pertaining to the erection of buildings, plumbing installations, electrical installations, gas installations, and sign construction. It shall also be responsible for the issuance of sewer connection permits and water connection permits. The Department of Inspection shall have jurisdiction and authority and it shall be its duty to administer and enforce:

- A. The zoning ordinance of the City and all ordinances amendatory and supplementary thereto and all laws pertaining to zoning.
- B. The building code of the City and all ordinances amendatory and supplementary thereto and all laws relating to the construction, alteration, repair, moving, demolition, and occupancy of buildings.
- C. The plumbing code and the gas installation code of the City and all ordinances amendatory and supplementary thereto.
- D. The electrical code of the City and all ordinances amendatory and supplementary thereto.
- E. All ordinances of the City relating to the construction, installation and maintenance of signs.
- F. All ordinances of the City pertaining to the installation and maintenance of trailer courts and the use of trailer coaches and trailer houses.
- G. The assigning of house numbers for all new construction within the limits of the City.

### **2.07.040. Transfer of Duties and Authority Formerly Vested in Other Officers.**

All of the duties and authority heretofore vested in any City officer with respect to the administration of the ordinances enumerated in the next preceding section are hereby transferred to and vested in the supervisor of the inspections department, and any other officer heretofore vested with authority or duties with respect to the same is hereby relieved of his authority and obligations in the premises. In any of the ordinances aforesaid, whenever reference is made to any other City officer, such ordinance shall, hereafter, be deemed to refer to the supervisor of the inspections department.

### **2.07.050. Police Power of Inspectors.**

In all matters pertaining to the discharge of the duties assigned to them, the inspectors of the department of inspections shall have and exercise the powers and authority of police officers.

## **Chapter 2.08. Industrial Commission.**

### ~~**2.08.010. Creation and Composition of Commission; Compensation of Members.**~~

~~There is hereby created an Industrial Commission in and for the City, to be known as "The Brigham City Industrial Commission." The commission shall consist of six members, all appointed by the Mayor, with the consent of the City Council, from among qualified electors of the City. Three of such members shall be appointed by the Mayor from a list of not less than three nominees furnished and certified to the Mayor by the City Chamber of Commerce. Members shall serve without compensation, but may be reimbursed for reasonable and necessary expenses.~~

### ~~**2.08.020. Terms of Office and Removal of Members; Filling of Vacancies.**~~

~~The term of office for each member appointed to the industrial commission shall be for a period of two years; provided, that initially, three members appointed shall serve only one year, to-wit: From July 1, 1970, to June 30, 1971. Terms shall begin on July 1 and end on June 30. Vacancies occurring otherwise than through the expiration of the terms of office shall be filled by appointment by the Mayor with the consent of the City Council. Members may be removed for just cause upon the recommendation of the Mayor and a majority vote for such removal by the City Council.~~



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**2.08.030. Chairman; Rules; Record of Proceedings; Annual Report to Council:**

~~The Mayor shall, with the consent of the City Council, appoint from among the six industrial commission members a chairman to serve for a period of one year, such period to be during the second year of such members' term of office, except, that the initial chairman shall serve from July 1, 1970, to June 30, 1971, during his first year of appointment.~~

~~The chairman shall have full voting rights on all commission business or affairs, the same as each commission member. The commission shall adopt rules and bylaw for its own organization, procedure and the transaction of business, not however in conflict with law, and shall keep records of its proceedings, minutes, resolutions and other actions. The chairman shall cause a report of commission proceedings, expenditures and resolutions to be furnished to the City Council annually, on or before the fifteenth day of April of each calendar year.~~

**2.08.040. Employees; Budget; Limitation on Expenditures; Annual Audit:**

~~The industrial commission may appoint or hire such assistants, secretaries, directors or other aides as may be necessary, and insofar as the funds appropriated or furnished to such commission shall permit. In no event, however, shall the commission have authority to bind or obligate the City for services, goods or any purpose whatsoever in excess of the funds appropriated by the City to the commission for the current year. The commission shall prepare an annual budget for each fiscal year which shall run from July 1 of each calendar year to the succeeding June 30, and present recommendations to the City Council for the adoption of such budget, on or before May 1 of each calendar year. No expenditures shall be made by such commission except such as are provided for in the annual budget as finally approved and funded by the City Council. The commission shall from its own funds cause an annual audit of commission's books and records to be made and furnished to the City Council.~~

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**2.08.050. Scope and Purpose of Commission:**

~~The commission is created for the purpose of encouraging the growth and development of the City and its immediate area by aiding and assisting the United States Government, the state, sundry business and industrial organizations and other similar activities in locating and maintaining their businesses and establishments within the immediate area of the City, and for the purpose of creating and operating an industrial bureau.~~

**Chapter 2.08. Human Resource Manager.**

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

*There is hereby created and established the office and position of Human Resource Manager. The Human Resource Manager shall be appointed by the Mayor with the advice and consent of the City Council.*

**2.08.020. Qualifications.**

*The Human Resource Manager shall have at least the following qualifications:*

- A. Graduation from college with a bachelors degree in personnel administration, public administration or a related field.*
- B. Either six (6) years of progressively responsible professional human resource work experience including, but not limited to, staffing, compensation, benefits, training or HRIS, including three (3) years of administrative and supervisory responsibilities, or an equivalent combination of education and experience.*
- C. Considerable knowledge of human resource management theory, development, methods and practices, including the current legal environment relating thereto.*
- D. A working knowledge of current laws and regulations governing accounting responsibility, payroll processing, bidding requirements and general office management.*
- E. Proficiency in the operation of a computer and basic computer programs.*

**2.08.030. Duties.**

*The Human Resource Manager 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 Manager 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 shall be subject to appointment on committees or commissions as directed by the Mayor, with the advice and consent of the Council.

**2.08.040. Employee Grievances.**

The Human Resource Manager 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.

**2.08.050. Risk Management.**

The Human Resource Manager shall serve as the City's risk manager and coordinate the City's risk management functions. In performing this function, the Human Resource manager shall coordinate with the City's risk management association, URMMA.<sup>6</sup>

**Chapter 2.09. Public Works Department.**

**2.09.010. Department of Public Works Created.**

There is hereby created and established a department of public works within the administrative branch of the Brigham City Government.

**2.09.020. Office of Director of Public Works Created.**

There is hereby created the office of director of public works. The director of public works shall be appointed by the Mayor with the advice and consent of the City Council.

**2.09.030. Qualifications of Director of Public Works.**

The director of public works shall be qualified by reason of training, or experience in practical engineering problems, surveying and general construction, management of materials, personnel, budgets and purchasing. Ability to interpret and apply laws, rules and regulations to everyday activities and to administer such programs with a large and diverse group of employees to be qualified as a director of public works.

**2.09.040. Duties.**

The director of public works shall be responsible for and have charge of the following divisions constituting the department of public works:

- A. Buildings;
- B. Inspection;
- C. Streets and Highways;
- D. Engineering;
- E. Airport;
- F. Water;
- G. Waste Treatment;
- H. Refuse Collection;
- I. Fleet Operations<sup>7</sup>
- J. Storm Water, Drainage Utility Fund.

The Director of Public Works shall be responsible to the Mayor as the chief executive officer as may be authorized by the City Council and have charge of all matters relating to the operation, construction and maintenance of all physical facilities of the above-named divisions, and may receive additional assignments under the direction of the Mayor, by and with the consent of the Council.

Division superintendents or supervisors shall be under the direction of the director of public works and shall be accountable to him on all matters. The director of public works shall supervise and coordinate the personnel of such divisions and all functions and services of each division. The director of public works may also act as superintendent of one or more divisions. A properly qualified person, duly appointed, may act as superintendent of one or more divisions. The director of public works shall be subject to appointment on committees or commissions as directed by the Mayor, with the advice and consent of the Council.

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<sup>6</sup> Ordinance No. 06-01, 01/19/06

<sup>7</sup> Ordinance No. 99-33, 12/2/99

**2.09.050. Office of Director of Public Power Created.**

There is hereby created the office of director of public power. The director of public power shall be appointed by the Mayor with the advice and consent of the City Council.

**2.09.060. Qualifications of Director of Public Power.**

The director of public power shall be qualified by reason of training, or experience in electrical engineering plus seven years of electrical engineering experience of which three (3) must have been in a supervisory capacity to be qualified as a director of public power.

**2.09.070. Duties.**

The director of public power shall be responsible for and have charge of the following division constituting the department of public power:

- A. Public power

The director of public power shall be responsible to the Mayor as the chief executive officer as may be authorized by the City Council and have charge of all matters relating to the operation, and maintenance of all physical facilities of the above-named department, and may receive additional assignments under the direction of the Mayor, by and with the consent of the Council.

Superintendents or supervisors shall be under the direction of the director of public power and shall be accountable to him on all matters. The director of public power shall supervise and coordinate the personnel of the department and all functions and services. The director of public power shall be subject to appointment on committees or commissions as directed by the Mayor, with the advice and consent of the Council.

**2.09.080. Office of Director of Leisure Services Created.**

There is hereby created the office of Director of Leisure Services. The Director of Leisure Services shall be appointed by the Mayor with the advice and consent of the City Council.

**2.09.090. Qualifications of Director of Leisure Services.**

The Director of Leisure Services shall be qualified by reason of training, or experience in parks and recreation administration, horticulture, forestry, landscape, architecture, physical education, and progressively responsible work in parks and supervisory or administrative capacity to be qualified as a Director of Leisure Services.

**2.09.100. Duties.**

The Director of Leisure Services shall be responsible for and have charge of the following divisions constituting the Department of Leisure Services:

- A. Parks;
- B. Recreation;
- C. Cemetery;
- D. Golf Course;

The Director of Leisure Services shall be responsible to the Mayor as the chief executive officer as may be authorized by the City Council and have charge of all matters relating to the operation, construction and maintenance of all physical facilities of the above-named divisions, and may receive additional assignments under the direction of the Mayor, by and with the consent of the Council.

Division superintendents or supervisors shall be under the direction of the Director of Leisure Services and shall be accountable to him on all matters. The Director of Leisure Services shall supervise and coordinate the personnel of such divisions and all functions and services of each division. The Director of Leisure Services may also act as superintendent of one or more divisions. A properly qualified person, duly appointed, may act as superintendent of one or more divisions. The Director of Leisure Services shall be subject to appointment on committees or commissions as directed by the Mayor, with the advice and consent of the Council.

**2.09.110. Responsible to Mayor and Council.**

The director of public works shall be directly responsible to the City Council through the Mayor for all orders, directives, all work to be accomplished and action to be taken.

The Mayor and Council shall sit as a policy board to review and consider all plans and recommendations submitted by the director of public works on matters of consequence and, in turn, the Mayor will inform the director of public works of the final decision of the Council on such matters.

**2.09.120. Transfer of Duties and Authority Formerly Vested in Other Officers.**

All of the duties and authority heretofore vested in any City officer with respect to the administration of the divisions enumerated in 2.09.040 above are hereby transferred to and vested in the director of public works, and any other officer heretofore vested with authority or duties with respect to the same is hereby relieved of his authority and obligations in the premises. In any of the ordinances aforesaid, whenever reference is made to any other City officer, such ordinances shall, hereafter, be deemed to refer to the director of public works.

**2.09.200 City Planner.**

There is hereby created the office of City Planner. The City Planner shall, under general supervision, perform land use planning and economic development to facilitate the healthy and orderly growth of Brigham City. The City Planner shall act as staff to the Brigham City Planning Commission, as Economic Development Director for Brigham City and as executive Director of the Brigham City Redevelopment Agency.

**2.09.210 Qualifications of City Planner.**

The City Planner shall have at least the following qualifications:

- A. At least a Bachelor's Degree in urban planning, geography, public administration or a related field.
- B. A master's Degree in urban planning or the equivalent.
- C. AICP certification.
- D. At least five (5) years progressive experience as a City Planner.
- E. Knowledge of applicable laws and regulations concerning urban planning, redevelopment and related areas.
- F. Ability to work well with the general public, builders and developers, other City employees and elected officials. Must be able to exercise good judgment and have good negotiation skills and the ability to deal with disputes between various parties.
- G. Good research, analytical and communication skills.
- H. Possess a valid Utah driver's license.
- I. Good supervision and management skills and ability to set goals.
- J. Competent and able to use state-of-the-art computer equipment and knowledgeable with all GIS mapping.

**2.09.220 Duties of City Planner.**

The City Planner shall be responsible for and perform the following duties:

- A. Manage the zoning process, including rezoning requests. Work with developers, citizen groups, the Planning Commission and the City Council in processing applications.
- B. Develop and update the Brigham City General Plan and coordinate with all of affected Brigham City agencies and officials. Conduct participation by citizens in the process.
- C. Perform, study and compile statistical data relating to City planning and growth and write detailed staff reports on specific projects to be reviewed by the Planning Commission and the City Council.
- D. Facilitate economic development within Brigham City by seeking out new business and assisting existing businesses in expansion. In conjunction therewith, manage the City's business loan and grant programs.
- E. Manage the work of the Brigham City Redevelopment Agency and ensure that it is in compliance with all federal, state and local laws.
- F. Act as an advisor to the Planning Commission on all applications, and read, interpret and analyze all development proposals and plans, prepare and deliver logical and coherent presentations on such applications, proposals and plans to the Planning Commission and the City Council.
- G. Prepare and administer the budget for the Planning and zoning Department.
- H. Provide general information on the planning process to interested citizens and facilitate public understanding of and involvement in the planning process.
- I. Regularly attend Planning Commission, Board of Adjustment and Board of Appeals meetings.

J. Perform all other duties as may be required and assigned.<sup>8</sup>

**2.09.230. Fleet Manager.**

The Mayor, by and with the consent of the City Council, may appoint a Fleet Manager whose duties shall be to manage and direct all business connected with or pertaining to the fleet operations.

**2.09.240. Division of Fleet Operations Created.**

A. There is created the Division of Fleet Operations within the Department of Public Works.

B. The Division of Fleet Operations is an internal service fund agency and its financial affairs shall be accounted for as an internal service fund.

**2.09.250. Division; Duties.**

A. The Division shall:

1. Coordinate all purchases of City vehicles and equipment;
2. Establish departmental vehicle and equipment monthly lease rates for each unit incorporating fuel, oil, service, maintenance, and replacements costs;
3. Establish one or more fleet automation and information systems for the City vehicles and equipment;
4. Make rules establishing requirements for:
  - a. Maintenance operations for City vehicles and equipment;
  - b. Use requirements for City vehicles and equipment;
  - c. Fleet safety and loss prevention programs;
  - d. Preventative maintenance programs;
  - e. Procurement of City vehicles and equipment, including authorization requirements for fleet expansion and standards for vehicle sizing, alternative fuel vehicles, short and long-term lease programs, and warranty recover programs;
  - f. Fuel management programs;
  - g. Cost management programs;
  - h. Business and personal use practices, including commute standards;
  - i. Cost recovery and billing procedures;
  - j. Disposal of City vehicles and equipment;
  - k. Reassignments of City vehicles and equipment to other departments;
  - l. Standard use and rate structures for City vehicles and equipment; and
  - m. Risk management requirements.
5. Establish a parts inventory as needed;
6. Emphasize customer service when dealing with City departments' employees; and
7. Conduct an annual audit of all City vehicles and equipment compliance with division requirements.

B. Each City department shall subscribe to the fuel dispensing service provided by the Division of Fleet Operations; and

1. A City department may not provide or subscribe to any other fuel dispensing service, system or product other than those provided by the Division of Fleet Operations.

**2.09.260 Buildings Maintenance Supervisor.**

The Mayor, by and with the consent of the City Council, may appoint a Buildings Maintenance Supervisor whose duties shall be to manage and direct all business pertaining to new building construction and preventative maintenance performed on City-owned buildings.

**2.09.270 Division of Buildings Created.**

A. There is created a Division of Buildings within the Department of Public Works.

B. The Division of Buildings is an internal service fund agency and its financial affairs shall be accounted for as an internal service fund.

C. The Division of Buildings shall be organized and shall be staffed by the Buildings Superintendents and such other personnel as may be provided by the Mayor and City Council.

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<sup>8</sup> Ordinance No. 96-12, 8/22/96

**2.09.280 Division; Duties and Jurisdiction.**

- A. The supervisor shall have in his charge the power to out-source projects on an as-needed basis.
- B. The supervisor will bid out all new building construction projects and award them to qualified vendors.
- C. The supervisor will bid out service contracts to licensed vendors for services such as HVAC (heating, ventilation and air conditioning), etc.
- D. The supervisor will be responsible for custodial services and contracts including purchasing of cleaning related materials.
- E. The supervisor shall be a contact person for other departmental and divisional heads to schedule new building construction, maintenance and emergency services.
- F. The supervisor shall be responsible for daily maintenance performed on all City buildings or shall delegate other responsible parties to complete such maintenance.<sup>9</sup>

**Chapter 2.10. Advisory Council on Aging.**

**2.10.010. Created. Name.**

In order to more fully utilize and coordinate the skills, services and programs provided by and for Brigham City's senior citizens there is hereby established the Advisory Council on Aging hereafter to be referred to as the Brigham City Advisory Council on Aging and hereinafter referred to as the Advisory Council.

**2.10.020. Purpose and Functions.**

The purpose and functions of the Brigham City Advisory Council on Aging shall be advisory to the Senior Citizen Director at the Brigham City Community Center.

- A. To advise on matters relating to senior citizen programs at the Brigham City Community Center.
- B. To advise on matters relevant to serving senior citizens in the service area of the Brigham City Community Center Senior Citizen Programs, including but not limited to, regular oversight of the financial status of and activities sponsored by the SPIKE Club and the Box Elder Golden Spike Senior Services.<sup>10</sup>
- C. To facilitate coordination of existing services and resources within the service area where such services may not be addressed by the Bear River Association of Governments Area Agency on Aging or where such coordination will assist the work of the Bear River Association of Governments Area Agency on Aging.
- D. To promote and develop programs of interest and value to senior citizens.
- E. To assist in evaluating and monitoring senior citizen programs.

The Advisory Council shall have no administrative powers and shall serve in an advisory capacity only to the Senior Citizen's Director, the Mayor, and the Brigham City Council. Members of the Advisory Council shall not in any manner participate in the hiring, assigning or terminating of any Brigham City employees.

- F. To assist in the preparation of the Brigham City Senior Center's annual budget and make recommendations to the Mayor and City Council relating to budget items and provide fiscal oversight of the actual revenues collected and expenses incurred by the Brigham City Senior Center throughout the fiscal year.

**2.10.030. Membership; Qualifications, Appointment, Term of Office, Compensation and Removal of Members; Filling of Vacancies; Chairman; Bylaws; Record of Proceedings.**

A. Membership. The Advisory Council shall consist of eleven (11) members all appointed by the Mayor with the consent of the City Council with at least one-half of the membership being individuals age 60 and over. The Advisory Council shall also include a member of the City Council appointed by the Mayor with the consent of the Council to serve on the Advisory Council and act as liaison between the two entities. Members shall serve without compensation, but may be reimbursed for reasonable and necessary expenses.

B. Terms of Office, Vacancies and Removal. The term of office for each member appointed to the Advisory Council shall be for a period of two (2) years provided, however, that the term of office of six (6) members appointed at the inception shall be for one (1) year and the term of office of five (5) members appointed at the inception shall be for two (2) years so that appointments to the Council shall in future years be staggered. Said appointments shall terminate on June 30 of the year in which their term expires. Vacancies occurring otherwise or through the expiration of the term of office shall be filled by appointment by

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<sup>9</sup> Ordinance No. 99-33, 12/2/99

<sup>10</sup> Ordinance No. 05-05, 2/17/05

the Mayor with the consent of the City Council. Members may be removed from the Advisory Council without cause upon the recommendation of the Mayor and a majority vote of the City Council in favor of such removal.

C. Council Chairman, Rules, Record of Proceedings. The Mayor shall, with the consent of the City Council, appoint from among eleven (11) Advisory Council Members a chairman to serve for a period of one (1) year beginning July 1 of each calendar year and ending the succeeding June 30. The chairman shall not vote on Council business or affairs except that in case of a tie vote of the Council on any issue, the chairman shall vote for the purpose of breaking such tie vote. The Council shall adopt the rules and bylaws for its own organization, procedure, meetings and transaction of business, not, however, in conflict of law and shall keep records of proceedings, minutes and other actions.

#### **2.10.040. Appointment of Senior Citizen Director and Other Personnel, Budget, Annual Audit.**

To provide supervision and direction of senior citizen programs and activities, the Mayor of Brigham City with the advice and consent of the Brigham City Council may appoint or hire and remove a director, assistants, and other aides as may be necessary insofar as the funds appropriated or furnished to such Council shall permit. Such director and assistants or aides, if any, shall be employees of and paid by Brigham City and such salaries and expenses shall be chargeable to the Senior Citizen's budget.

The Senior Citizen Director shall prepare an annual budget for each fiscal year which shall run from July 1 of each calendar year to the succeeding June 30, and shall present such proposed budget to the Mayor on or before April 1 of each calendar year as part of the regular City budget process.

### **Chapter 2.11. Museum-Gallery Board.**

#### **2.11.010. Created; Membership; Qualifications, Appointment, Term of Office, Compensation and Removal of Members.**

There is hereby created the Brigham City Museum-Gallery Board consisting of eight members, all appointed by the Mayor with the advice and consent of the City Council, each for a period of two years. The initial eight appointees shall serve as presently constituted and their term shall expire as presently appointed under the prior ordinance. Board members shall serve without remuneration; except, that any board member shall be reimbursed by the board for reasonable and necessary expenses incurred for official Museum-Gallery Board business. Membership on such board shall include not more than two members knowledgeable in the field of art, two in the field of history, two in the field of natural resources and two members at large. Members may be removed with or without cause upon the recommendation of the Mayor and majority vote of the City Council for such removal.

#### **2.11.020. Purpose of Board.**

The board is created for the purpose of advising and assisting the director of the Brigham City Museum-Gallery in the following areas:

- A. Promoting and preserving cultural opportunities.
- B. Promoting an interest in and an appreciation of the history and accomplishments of the people of the area and preserving the history and accomplishments of the people of the area.
- C. Promoting an understanding of the natural history and natural resources, including the wildlife of the area.
- D. Promoting an appreciation and understanding of art.
- E. Developing, preserving, and maintaining a permanent art collection.

#### **2.11.030. Chairman; Rules; Annual Report to Council.**

The Mayor shall, with the consent of the City Council, appoint from among the eight members a chairman to serve for a period of one year, beginning July 1 of each calendar year and ending the succeeding June 30. The chairman shall not have voting rights except to break a tie vote on all board business or affairs. The board shall adopt rules and bylaws for its own organization, procedure, meetings and transaction of business, not, however, in conflict with the law or ordinances of Brigham City, and shall keep records of its proceedings, minutes, resolutions and other actions.

#### **2.11.040. Reports and Recommendations to Council.**

It shall be the duty of the board to make such reports and recommendations to the City Council and the director on or before June 30 of each calendar year as to any matter the Museum-Gallery deems advisable to report and recommend, or to any matter requested by the City Council or the director.

#### **2.11.050. Appointment of Museum-Gallery Director and Other Personnel; Budget; Annual Audit.**

To provide proper assistance and direction of the Museum-Gallery Board the Mayor of Brigham City after reviewing the recommendations of the Museum-Gallery Board and with the advice and consent of the Brigham City Council shall appoint and hire a director of the Brigham City Museum-Gallery. The Mayor shall also, with the advice and consent of the Brigham City Council and after reviewing the recommendations of the Museum-Gallery Board, remove the director of the Brigham City Museum-Gallery as is deemed necessary.

To carry out the purposes of the Brigham City Museum-Gallery, the director shall conduct, oversee, and supervise the daily operations and functions of the Museum-Gallery.

The director shall be responsible to maintain, store, exhibit and display such artistic, historical, natural or environmental works, relics and information as is deemed significant and necessary to carry out the purposes of the Brigham City Museum-Gallery.

The director shall be responsible to maintain adequate books and/or records of acquisitions, storage, expenditures and inventory of the property of the Museum-Gallery as is necessary and shall further make annual reports and recommendations to the City Council on or before June 30 of each calendar year, as are requested by the City and as are deemed appropriate by the director.

To assist the director of the Museum-Gallery in his/her duties and after reviewing the recommendations of the director, the Mayor of Brigham City with the advice and consent of the Brigham City Council may appoint or hire and may remove such aides and assistants as may be necessary insofar as the funds appropriated or furnished for the Museum-Gallery shall permit. The director and assistants or aides if any, shall be employees of and paid by the City and such salaries and expenses shall be chargeable to the Museum-Gallery budget. The Museum-Gallery Director after receiving the advice from the Museum-Gallery Board shall prepare an annual budget for each fiscal year which shall run from July 1 of each calendar year to the succeeding June 30 and shall present such proposed budget to the City Council on or before May 1 of each calendar year. No expenditures shall be made by the Museum-Gallery or any of its personnel including the paid staff and the board, except as such are provided for in the annual budget as finally approved and funded by the City.

## **Chapter 2.12. City Administrator.**

### **2.12.010. Office of City Administrator Created.**

There is hereby created and established the Office of City Administrator. The City Administrator shall be appointed by the Mayor. He shall serve as an assistant to the Mayor.

### **2.12.020. Qualifications.**

The City Administrator shall be qualified by reason of training and experience to coordinate activities for all departments of Brigham City and such assignments as prescribed by the Mayor.

### **2.12.030. 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.

### **2.12.040. 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. At least once each year the Mayor will evaluate the performance of the City Administrator and report his findings and recommendations to the City Council.

## **Chapter 2.13. Director of Finance.**

### **2.13.010. 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.



**2.13.020. Qualifications.**

The Director of Finance shall be qualified by reason of education, training or experience to coordinate and oversee the financial affairs of the City.

**2.13.030. 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. Handle debt administration.
- D. Make interim and annual financial reports.
- E. Administer all insurance programs.
- F. Such other duties as assigned.

The Director of Finance shall be responsible to the Mayor and Council, through the Mayor, for all of these duties. The duties of the Director of Finance shall include and be restricted to relevant provisions of Utah State Law including, but not limited to, Section 10-6-157 of the Utah Code Annotated 1953 as amended or its succeeding provisions.

**Chapter 2.14. Recreation Commission.**

**2.14.010. Recreation Commission Created.**

There is hereby created the Brigham City Recreation Commission. The Commission shall consist of six (6) members to be appointed by the Mayor with the consent of the City Council. Members shall be selected without respect to political affiliation, race or national origin, religious affiliation or sex, and shall serve without compensation except for reasonable expenses.

The purpose of the Brigham City Recreation Commission shall be to aid the Brigham City Recreation Director in his duties of organizing, managing and evaluating recreation programs for the citizens of Brigham City.

**2.14.020. Terms of Office and Vacancies.**

The term of office for each member of the Commission shall be three years. Two members of the Commission shall be regularly appointed every year so that the term of two of the six members shall expire every year. Vacancies occurring other than through the expiration of terms shall be filled by appointment by the Mayor with the consent of the City Council for the period of the unexpired term.

**2.14.030. Chairman of Recreation Commission.**

A Chairman of the Recreation Commission shall be appointed by the Mayor from the six (6) members of the Commission who shall serve for a term of one year. The chairman shall conduct the meetings of the Commission, and shall vote on any motions only to break a tie vote.

**2.14.040. Conduct and Duties of Recreation Commission.**

The Commission may adopt rules of its organization, and for the transaction of business not in conflict with the law. It shall keep a public record of its proceedings and shall meet at least once a month at a regularly scheduled time and place previously made known to the City Council and the general public.

The Brigham City Recreation Director shall be a non-voting member of the Commission, as will one member of the City Council appointed by the Mayor to act as liaison between the Mayor and Council and the Commission.

The Recreation Commission shall study the recreational needs of the citizens of Brigham City and suggest to the Recreation Director programs to meet the needs of those citizens. The Recreation Commission shall help the Recreation Director in the preparation of his budget. The Recreation Commission shall organize volunteers to help the Recreation Director manage programs that require volunteer assistance. The Recreation Commission shall suggest, support, inspire, recruit, and undertake all other appropriate activities that will strengthen the recreation programs of Brigham City.

**Chapter 2.15. Municipal Officers and Employees Disclosure Act.**

**2.15.010. Citation of Act.**

This part may be cited as the "Municipal Officers and Employees Disclosure Act." (See U.C.A. 10-3-1301).

**2.15.020. Purpose.**

The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests. (See U.C.A. 10-3-1302).

**2.15.030. Definitions.**

As used in this part:

Appointed Officer means any person appointed to any statutory office or position or any other person appointed to any position of employment with a City, except special employees. Appointed officers include, but are not limited to, persons serving on special, regular or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality.

Assist means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.

Business Entity means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

Compensation means anything of economic value, however designated, which is paid, lent, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.

Elected Officer means any person elected or appointed to the office of Mayor, commissioner or Council member.

Governmental Action means any action on the part of a municipality, including, but not limited to:

- A. Any decision, determination, finding, ruling, or order; and
- B. Any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect to.

Special Employee means any person hired on the basis of a contract to perform a special service for the municipality pursuant to an award of a contract following a public bid.

Substantial Interest means the ownership, either legally or equitably, by an individual, his spouse, and his minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity. (See U.C.A. 10-3-1303).

**2.15.040. Use of Office for Personal Benefit Prohibited.**

No elected or appointed officer shall:

- A. Disclose confidential information acquired by reason of his official position or use such information to secure special privileges or exemptions for himself or others;
- B. Use or attempt to use his official position to secure special privileges for himself or others; or
- C. Knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties, but this subsection does not apply to:
  - 1. An occasional nonpecuniary gift having a value of less than \$50; or
  - 2. An award publicly presented; or
  - 3. Any bona fide loan made in the ordinary course of business; or
  - 4. Political campaign contributions actually used in a political campaign.

(See U.C.A. 10-3-1304).

**2.15.050. Transactions Involving Municipality - Disclosure Statement Required.**

A. No elected or appointed officer may receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which he is an officer unless he files with the Mayor a sworn statement giving the information required by this section, and provides written notice of the filing of the statement to each commissioner or Councilmember.

B. The statement required to be filed by this section shall be filed ten days prior to the date of any agreement between the elected or appointed officer and the person or business entity being assisted or ten days prior to the receipt of compensation by the business entity. The statement is public information and shall be available for examination by the public.

C. The statement shall contain the following information:

1. The name and address of the officer;
2. The name and address of the person or business entity being or to be assisted; and
3. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed. (See U.C.A. 10-3-1305).

**2.15.060. Disclosure of Interest in Business Regulated by City.**

Every appointed or elected officer who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the municipality in which he is an elected or appointed officer shall disclose the position held and the precise nature and value of his interest upon first becoming appointed or elected, and again during January of each year thereafter during which he continues to be an appointed or elected officer. The disclosure shall be made in a sworn statement filed with the Mayor. This section does not apply to instances where the value of the interest does not exceed \$2,000, and life insurance policies and annuities shall not be considered in determining the value of any such interest. (See U.C.A. 10-3-1306).

**2.15.070. Interest in Entity Doing Business With Municipality - Disclosure.**

Every appointed or elected officer who is an officer, director, agent, or employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer, shall disclose, prior to any discussion by the governing body concerning any matter relating to such business entity, the nature of his interest in that business entity. (See U.C.A. 10-3-1307).

**2.15.080. Investment Creating Conflict of Interest - Disclosure.**

Any personal investment by any elected or appointed official of a municipality which creates a substantial conflict between the person's personal interest and his public duties shall be fully disclosed to the governing body in the manner required by Section 6 and to the committee, agency, board or commission for which the person serves. (See U.C.A. 10-3-1308).

**2.15.090. Inducing Officer to Violate Part Prohibited.**

No person shall induce or seek to induce any appointed or elected officer to violate any of the provisions of this part. (See U.C.A. 10-3-1309).

**2.15.100. Violation Misdemeanor.**

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part is guilty of a class B misdemeanor and shall be dismissed from employment or removed from office. (See U.C.A. 10-3-1310).

**2.15.110. Procedure on Complaints Charging Violation.**

A. Any complaint against a person who is under the merit system, charging that person with a violation of this part, shall be filed and processed in accordance with the provisions of the merit system.

B. If the person charged with the violation is not under any merit system, then the complaint shall be filed with the Mayor or City manager. The Mayor or City manager shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the finds and the recommendation of the Mayor or City manager shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person. (See U.C.A. 10-3-1311).

**2.15.120. Rescission of Prohibited Transaction.**

If any transaction is entered into in connection with a violation of Section 2.15.060 or 2.15.070, the municipality may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality. (See U.C.A. 10-3-1312).

**Chapter 2.16. Brigham City Youth Commission**

**2.16.010. Youth Commission Created.**

There is hereby created and established as a function of the government of Brigham City, Utah, the Brigham City Youth Commission.

**2.16.020. Purpose and Functions.**

The purpose of the Brigham City Youth Commission shall be to aid the Mayor and City Council in facilitating, promoting, monitoring and coordinating activities, programs, and services of the youth of Brigham City. The commission's function shall include:

- A. Using the resources of its members and other citizens to address youth problems and issues such as the prevention of juvenile crime, family violence, teen pregnancy, suicide and depression, illiteracy, and alcohol and drug abuse, etc.
- B. Advising the City Council on matters relating to youth programs, activities and services.
- C. Facilitating the coordination of existing youth services and resources to prevent duplication and increase effectiveness.
- D. Promoting and cultivating programs, activities and services of interest and value to youth.
- E. Assisting in the monitoring of youth programs, activities and services.
- F. Supporting all other appropriate activities that will strengthen the programs and services provided to the youth in Brigham City in accordance with the direction and support of the Brigham City Council.

The Brigham City Youth Commission shall have no administrative powers and shall serve in an advisory capacity to the Mayor of Brigham City and the Brigham City Council.

**2.16.030. Youth Commission Executive Board and Compensation.** <sup>11</sup>

The Brigham City Youth Commission shall be governed by the Youth Commission Executive Board consisting of a chair, vice chair, one member of the City Council, Youth City Council Mayor and five local professionals/specialists one each in the following five (5) speciality areas: law enforcement, education, health services, parents, community champion. Four (4) members of the Youth Commission Executive Board shall constitute a quorum. Youth Commission Executive Board Members except the chair, shall have voting privileges. The chair will vote in case of a tie. All members of the Youth Commission Executive Board shall be appointed by the Mayor with the advice and consent of the City Council.

Members of the commission shall not be paid for their services, but shall be reimbursed for reasonable expenses associated therewith.

The Youth Commission shall be given necessary staff support by the City staff personnel. The following staff personnel shall, when directed to do so by the Mayor and/or assigned councilmember, assist the commission by providing support and technical assistance. These include: secretarial support, the police chief, finance director, City attorney, City administrator, volunteer center director, other personnel as necessary. The availability and participation in the action of the commission by members of City staff shall be made in accordance with adopted City policy.

**2.16.40. Terms of Office** <sup>12</sup>

The Mayor of Brigham City, with the advice and consent of the Brigham City Council, shall make Youth Commission Executive Board appointments, including a chairperson and vice chairperson. The Mayor may reappoint individuals as members of the Youth Commission Executive Board regardless of prior service. The Mayor, with the advice and consent of the Brigham City Council, shall in the event of a vacancy, appoint another individual to fill the unexpired term. The chairperson and vice chairperson shall serve terms of four (4) years and may be reappointed by the Mayor to serve up to two (2) consecutive terms. Upon expiration of the term of the chairperson and vice chairperson, the chairperson shall become a Key Leader member of

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<sup>11</sup> Ordinance No. 03-21, 5/29/03

<sup>12</sup> Ordinance No. 03-21, 5/29/03

the Youth Commission Executive Board, the vice chairperson shall become the chairperson and the Mayor shall appoint a new vice chairperson. Terms of office for the committee chairs shall be for four (4) years, except that members appointed in conjunction with the restructure (in November 2002) of the commission's service shall be staggered with two appointments for 4.5 years, two appointments for 3.5 years and one appointment for 2.5 years. Chair and vice chair will initially serve 4.5 years. Youth City Council Mayor will serve concurrently with his/her terms of office. Terms for the Key Leader members shall be for four (4) years.

The appointed Councilmember shall serve for the duration of his/her current term of office on the City Council unless determined otherwise by the Mayor.

Youth Commission Executive Board members can be reappointed for additional terms by the Mayor. Vacancies shall be filled by appointment from the Mayor for the unexpired term of the individual who resigns or otherwise ends his/her service on the commission. Any member of the commission may be removed by the Mayor for failure to serve and upon recommendation of a majority of the full Youth Commission Executive Board.

#### **2.16.050. Duties of the Chairman.**<sup>10</sup>

The chairperson shall preside at the Executive Board meetings and perform other duties as specified by the Executive Board through its bylaws. The chairperson shall ensure that Executive Board meetings start promptly, and that they follow all applicable open meeting laws, rules and regulations. The vice chairperson shall fulfill the duties of the chairperson in the absence of the chairperson. The Brigham City Councilmember shall not be eligible to serve as chairperson or vice chairperson. Ex officio members shall not be eligible to serve as chairperson or vice chairperson. Meetings of the Executive Board shall be conducted in accordance with Robert's Rules of Order.

#### **2.16.060. Bylaws.**

The Executive Board shall establish bylaws for its operation and the conduct of its meetings. Initial bylaws and subsequent amendments shall be subject to approval of the City Council. The bylaws of the Executive Board shall contain language requiring the members to comply with the Municipal Officers and Employees Ethics Act, Section 10-3-1301, et seq. Utah Code Annotated, 1953, as amended, or its successor.<sup>10</sup>

#### **2.16.070. Key Leaders.**<sup>13</sup>

The Youth Commission chair shall appoint Key Leaders as non-voting members to the commission as such may be helpful to the work of the commission. Key Leaders may be appointed to represent community groups and organizations who control resources, effect policy or influence public opinion of youth related issues. These may include, but not be limited to, business, education, public health, social services, law enforcement, faith, community, government, media, parents and youth.

Key Leaders serve as an advisory group to the Executive Board. Key Leaders will meet on a quarterly basis.

#### **2.16.075. Community Board**

Youth Commission chair shall appoint Community Board Members as recommended by the Community Coordinator and/or Key Leaders. The Brigham City Youth Commission shall foster principles that develop healthy behaviors in youth. As such the Youth Commission Executive Board will establish a Community Board that includes a broad representation from the community. These include, but are not limited to, the following: high school principal (or designee), middle school principal (or designee), intermediate school principal (or designee), elementary school principal (or designee), Box Elder School District, PTA, Lincoln Center Boys and Girls Club, Youth City Council Members, Youth City Council Advisor, DARE officer, High School Resource Officer, Family Support Center, YWCA, Bear River Health Department, Division of Child and Family Services, Utah State University Extension, 4-H, churches, American Mothers, Utah Homemakers, Juvenile Court, Department of Work Force Services, mental health, youth counselors, substance abuse, Youth Corrections, Alternative High School, citizens, etc.

The Community Board shall be divided into work groups which may include, but not be limited to, the following: Risk and Protective Factor Assessment, Resource Assessment and Evaluation, Community Outreach and Public Relations, Funding, Community Board Maintenance and Youth Involvement work groups. Each work group shall appoint a chair, vice chair and secretary.

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<sup>13</sup> Ordinance No. 03-21, 5/29/03

**2.16.076. Community Council**

The Community Council shall consist of no more than eight (8) members and provide oversight and accountability for the Community Board activities. The chair of each work group of the Community Board shall comprise the Community Council. The Council shall appoint from its body a chair, vice chair and secretary. A majority of the members of the Community Council shall constitute a quorum and all shall have equal voting privileges. The Community Coordinator will vote in case of a tie.

**2.16.78. Community Board Coordinator**

A Community Board Coordinator will coordinate the work of the Community Board by following approved procedures. The Coordinator will bring recommendations made by the Community Board to the Youth Commission Executive Board and/or Key Leaders as necessary.

**2.16.080. Relationship to City Council.**

The commission shall report its progress to the City Council as the Council determines to be necessary but not less frequently than once every year. The City Council may approve a budget for the commission as part of the regular budget process. The Mayor shall release funds for the use of the commission in accordance with the annual operating budget and through procedures established by the Mayor.<sup>14</sup>

**2.16.90. Relationship to Youth City Council.<sup>15</sup>**

Youth City Council Members shall be assigned by the Mayor to serve on each of the work groups including but not limited to Risk and Protective Factor Assessment, Resource Assessment and Evaluation, Community Outreach and Public Relations, Funding, Community Board Maintenance and Youth Involvement work groups. The Youth City Council Mayor shall serve on the Youth Commission Executive Board and will have voting privileges.

**2.17 Community Action Council.**

**2.17.010 Definitions.**

- A. For the purpose of this section, the following words shall have the meaning as given herein:
  - 1. "City" shall mean and have reference to Brigham City, a municipal corporation of the State of Utah.
  - 2. "Council" shall be the Community Action Council for Brigham City.
  - 3. "Committee Member" shall mean a person or persons qualified and acting as a voting member of the board, appointed by the Mayor with the advice and consent of the City Council.
  - 4. "City Council" shall mean the Brigham City Council which is the legislative body of Brigham City, Utah.
  - 5. "Mayor" shall mean the Mayor of Brigham City, Utah.
  - 6. "Administrator" shall mean the Mayor and staff personnel of the Mayor.

**2.17.020 Community Action Council Members.**

A. There is hereby created a Community Action Council, within and for the City, to be known as the Brigham City Community Action Council.

B. Members shall be selected without respect to political affiliations, be a resident of Brigham City, and no person shall serve on the Board while actively engaged or employed in any commercial activity which sells goods or services directly the Brigham City Police Department. Members shall serve without compensation, except for reasonable expenses as determined by the Mayor with the advice and consent of the Council.

C. Members shall be subject to and bound by the provisions of the municipal officers and employees disclosure act, Section 10-31-1301, et seq, Utah Code Annotated, 1953, as amended, or its successor. Any violation of the provisions of such act, or as the act shall be from time to time amended, shall be grounds for removal from office.

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<sup>14</sup> Section 2.16 added by Ordinance No. 96-04, 3/28/96

<sup>15</sup> Ordinance No. 03-21, 5/29/03

**2.17.030 Terms of Office, Vacancies, Removal.**

A. The term of office of the City Council member designated as a member of the board shall be determined by the Mayor with the advice and consent of the Council.

B. The terms of office of the originally appointed members shall be two and four year terms; three shall be appointed for four years and three shall be appointed for two years. Thereafter, the terms of office of each appointed member shall be four years. Vacancies occurring otherwise than through the expiration of terms shall be filled by appointment by the Mayor with the advice and consent of the City Council.

C. Members may be removed without cause upon recommendation of the Mayor and a majority vote of the City Council for such removal.

**2.17.040 Chairperson, Vice Chairperson, Rules, Records of Proceedings.**

A. The Mayor, with the advice and consent of the Council, shall appoint a chairperson, who shall preside over the meetings of the Council, and a vice chairperson, who shall sit for the chairperson during his/her absences.

B. The Council shall adopt rules for the conduct of its meetings. No action shall be taken by the board except by the affirmative vote of at least four (4) members. Four (4) members of the board shall constitute a quorum. It shall also keep a public record of its proceedings.

**2.17.050 Meetings.**

A. The Community Action Council shall meet from time to time as necessary to accomplish the purpose for which the Council is created. The Council shall keep its meetings open to the public. Special meetings may be ordered by a majority of the Council. The chairman of the Council, or City Council member may order a special meeting.

**2.17.060 Power and Duties of Board.**

A. The Community Action Council may recommend to the Mayor and City Council from time to time as said Council deems advisable, its recommendation(s) concerning the needs and requirements of the Community Oriented Policing Program.

B. The Council may:

1. Initiate and utilize community policing implementation strategies.
2. Coordinate volunteer activities within the community related to community policing.
3. Utilize professional assistance from the Brigham City Police Department and other local law enforcement agencies.
4. Other private funding provided by donations, fund-raising, etc.
5. Cooperate with local law enforcement agencies to obtain available funding derived through the non-profit organization.
6. Utilize and organize additional volunteer committees to accomplish the mission of the Council.
7. Provide training for local volunteers through local and national professional organizations.
8. Coordinate and cooperate with Brigham City Youth Commission in youth related matters.

**2.17.070 Staff Support.**

A. The Council shall be given necessary staff support by the City staff personnel. The availability and participation in the actions of the board by members of the City staff shall be made in accordance with adopted City policy. The following staff personnel shall, when directed to do so by the City Council or its representative, assist the community by providing support and technical assistance:

1. Police Chief
2. Finance Director
3. City Attorney
4. City Administrator
5. Police Secretary
6. Lieutenant(s)
7. Sergeant(s)
8. Corporal(s)
9. Police Officer(s)
10. Volunteer Center Director
11. Chair of the Youth Commission

12. Other personnel as necessary and approved by the City Council <sup>16</sup>

## **2.18 Economic Development Board.** <sup>17</sup>

### **2.18.01 Definitions.**

For the purpose of this section, the following words shall have the meaning as given herein:

- A. "Administrator" shall mean the Mayor and staff personnel of the Mayor.
- B. "Board" shall mean the Brigham City Economic Development Board.
- C. "Board Member" shall mean a person or persons qualified and acting as a voting or ex officio member of the Board, appointed by the Mayor, with the advice and consent of the City Council.
- D. "City" shall mean and have reference to Brigham City, a municipal corporation of the State of Utah.
- E. "Council" shall mean the Brigham City Council which is the legislative body of Brigham City, Utah.
- F. "Mayor" shall mean the Mayor of Brigham City, Utah.

### **2.18.02 Economic Development Board Members, Terms of Office, Vacancy and Removal.**

There is hereby created the Brigham City Economic Development Board. The Board shall consist of a total of fifteen (15) voting members, as follows:

- A. the Mayor of Brigham City for the duration of the Mayor's term of office;
- B. two members of the Brigham City Council, with terms of office on the Board at the discretion of the Mayor (in order to ensure continuity of City Council representation on the Board, the Mayor may appoint City Council members to staggered terms on the Board);
- C. the chairperson of the Brigham City Planning Commission for the duration of his or her term in said capacity, or a member of the Brigham City Planning Commission designated by the chairperson;<sup>18</sup>
- D. the Executive Director of the Brigham City Area Chamber of Commerce, for the duration of his or her employment in said capacity;
- E. ten (10) individuals chosen at large, five (5) for initial terms of four (4) years, and five (5) for initial terms of two (2) years, following which all other terms shall be for a period of four (4) years.

The Board may also include any number of ex officio members as needed to represent particular issues or interests but without a vote on the Board. At a minimum, ex officio members shall include past Board chairpersons, the Box Elder County Community and Economic Development Department, the Box Elder Education Center, the Brigham City-Tremonton Board of Realtors, and the Box Elder County School Board. A member of the Heritage and Cultural Arts Board chosen by the chairperson of the Heritage and Cultural Arts Board shall also serve as an ex officio member.

The Board may establish subcommittees representing downtown business development and its impact upon downtown revitalization, telecommunications, business expansion and retention, recruitment and new business development, marketing, the City Airport, the Bear River Migratory Bird Refuge, recreation, and other subcommittees as it deems necessary. <sup>19</sup>

Subcommittee chairs shall be chosen from among the voting members of the Board and shall be appointed by the Board chairperson with advice and consent of the voting members of the Board. Subcommittee vice-chairs shall also be appointed by the Board chairperson and may be chosen from among the voting members of the Board, ex officio members of the Board, or subcommittee members who are not members of the Board.

At its discretion, the Board may establish an Executive Committee with membership, duties and responsibilities to be established by the Board's bylaws.

Members shall be selected without respect to political affiliations. Members shall serve without compensation, except for reasonable expenses as determined by the Mayor with the advice and consent of the Council. Members shall be subject to and bound by the provisions of the municipal officers and employees disclosure act, Section 10-13-1301, et seq, Utah Code Annotated, 1953, as amended, or its successor. Any violation of the provisions of such act, or as the act shall be from time to time amended, shall be grounds for removal from office. The Mayor may remove members at any time for cause, with the advice

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<sup>16</sup> Ordinance No. 99-21, dated 8/26/99

<sup>17</sup> Section 2.18 added 6/20/02, Ordinance No. 02-16.

<sup>18</sup> Ordinance No. 03-32, dated 7/31/03

<sup>19</sup> Ordinance No. 02-24, dated 07/18/02



and consent of the City Council. In addition, members may be removed by the Mayor for failure to serve following a recommendation by the majority of the Board, and with the advice and consent of the City Council.<sup>14</sup>

The Mayor of Brigham City, with the advice and consent of the City Council, shall make Board appointments, including chairperson, chairperson, ex officio members, and sub-committee members. The Mayor may reappoint individuals as members of the Board, regardless of prior service. The Mayor shall, in the event of a vacancy, appoint another individual to fill the unexpired term. The chairperson and chairperson shall serve terms of two (2) years and may be reappointed by the Mayor to serve two consecutive terms.<sup>14</sup> Upon expiration of the term of the chairperson and chairperson, the chairperson shall become chairperson and the Mayor shall appoint a new vice-chairperson.

A. The chairperson shall preside at the Board's meetings and perform other duties as specified by the Board through its bylaws.

B. The chairperson shall ensure that Board meetings start promptly, and that they follow all applicable open meeting laws, rules and regulations.

C. The chairperson shall fulfill the duties of the chairperson in the absence of the chairperson.

D. The Mayor of Brigham City and the representative of the Brigham City Council shall not be eligible to serve as chairperson or chairperson.

E. Ex officio members shall not be eligible to serve as chairperson or chairperson.

F. Meetings of the Board shall be conducted in accordance with Robert's Rules of Order.

#### **2.18.03. Bylaws.**

The Board shall establish bylaws for its operation and the conduct of its meetings. Initial bylaws and subsequent amendments shall be subject to approval of the City Council. The bylaws of the Board shall contain language requiring the members to comply with the Municipal Officers and Employees Ethics Act, Section 10-3-1301, et seq, Utah Code Annotated, 1953, as amended, or its successor.<sup>20</sup>

#### **2.18.04. Powers and Duties of the Board.**

The Board shall perform the following:

A. recommend policy for Brigham City economic development to the City Council;

B. as empowered by the City Council, pursue implementation of economic development policy;

C. adopt such rules concerning the Board's procedures, meetings, notices and other matters as are lawful and consistent with its purpose and goals;

D. conduct its business according to applicable State Statute governing such bodies;

E. establish committees as needed, each to be chaired by a member of the Board;

F. meet with appropriate public and private boards, agencies, commissions, and individuals responsible for or having impact on economic development;

G. review annually the Economic Development Strategic Plan and prepare recommendations for updates to be adopted by the Brigham City Council;

H. provide an annual report to the Brigham City Council; and

I. establish a system for informing Brigham City citizens on the status of economic development activities except where such information would jeopardize projects or violate the law.

#### **2.18.05. Staff Support.**

The Brigham City Planning and Economic Development Coordinator (herein after "Coordinator") shall serve as staff to the Board.

A. The Coordinator shall serve as Brigham City Corporation staff with duties and responsibilities as outlined in the appropriate ordinance and job description for such position by Brigham City Corporation. Supervision and chain of command for the Coordinator shall be as outlined in such ordinances and job descriptions.

B. The Coordinator shall not be a member of the Board, but shall attend Board and Executive Committee meetings.

C. Under supervision of the Mayor, the Coordinator shall serve as staff to the Board and shall be responsible to coordinate activities and initiatives of the Board with other planning and economic development related activities of Brigham City Corporation, its departments, employees, and appointed and elected officials, as well as external agencies, organizations and individuals.

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<sup>20</sup> Ordinance No. 02-24, dated 07/18/02.

The Mayor shall also appoint a secretary from the City staff to perform clerical duties for the Board.

**2.19.01. Brigham City Heritage and Cultural Arts Advisory Board.**<sup>21</sup>

**2.19.02. Definitions.**

For the purpose of this section, the following words shall have the meaning as given herein:

- A. "Administrator" shall mean the Mayor and staff personnel of the Mayor.
- B. "Board" shall mean the Brigham City Heritage and Cultural Arts *Advisory* Board.
- C. "Board Member" shall mean a person or persons qualified and acting as a voting or ex officio member of the Board, appointed by the Mayor with the advice and consent of the City Council.
- D. "City" shall mean and have reference to Brigham City, a municipal corporation of the State of Utah.
- E. "Council" shall mean the Brigham City Council which is the legislative body of Brigham City, Utah.
- F. "Mayor" shall mean the Mayor of Brigham City, Utah.

**2.19.03 Heritage and Cultural Arts *Advisory* Board Members, Terms of Office, Vacancy and Removal.**

There is hereby created the Brigham City Heritage and Cultural Arts *Advisory* Board. The Board shall consist of a total of thirteen (13) voting members, as follows:

- A. two members of the Brigham City Council, with a term of office on the Board at the discretion of the Mayor;
- B. a member chosen from the Brigham City Planning Commission, with a term of office on the Board at the discretion of the Mayor;
- C. ten (10) individuals chosen at large; four (4) for initial terms of four (4) years, and six (6) for initial terms of two (2) years, following which all other terms shall be for a period of four (4) years. At least one member of the Board chosen at large shall serve upon the board of a non-profit foundation dedicated to the preservation of Brigham City's Heritage upon formation of that board by the City.

The Board may also include any number of ex officio members as needed to represent particular issues or interests but without a vote on the Board. At a minimum, the Board shall include past Board chairpersons, the Brigham City Museum/Gallery Director, and a member of the Economic Development Board chosen by the chairperson of the Economic Development Board as ex officio members.

At its discretion the Board may establish subcommittees representing downtown cultural arts activity and its impact upon downtown revitalization, visual arts, drama, performing arts (dance, theater, etc.), music literary arts, heritage preservation, cultural and artistic festivals, and other subcommittees, as it deems necessary.

Subcommittee chairs shall be chosen from among the voting members of the Board and shall be appointed by the Board chairperson with advice and consent of the voting members of the Board. Subcommittee vice-chairs shall also be appointed by the Board chairperson and may be chosen from among the voting members of the Board, ex officio members of the Board, or subcommittee members who are not members of the Board.

At its discretion, the Board may establish an Executive Committee with membership, duties and responsibilities to be established by the Board's bylaws.

Members shall be selected without respect to political affiliations. Members shall serve without compensation, except for reasonable expenses as determined by the Mayor with the advice and consent of the Council. Members shall be subject to and bound by the provisions of the Municipal Officers and Employees Ethics Act, Section 10-3-1301, et seq, Utah Code Annotated, 1953, as amended, or its successor. Any violation of the provisions of such act, or as the act shall be from time to time amended, shall be grounds for removal from office. Members shall serve at the will and pleasure of the Mayor with the advice and consent of the City Council, and may be removed by the Mayor for any reason, with the advice and consent of the City Council.

The Mayor of Brigham City, with advice and consent of the Brigham City Council, shall make board appointments, including chairperson, chairperson, ex officio members, and sub-committee members. The Mayor may reappoint individuals as members of the Board, regardless of prior service. The Mayor shall, in the event of a vacancy, appoint another individual to fill the unexpired term. The chairperson and chairperson

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<sup>21</sup> Section 2.19 added with approval of Ordinance No. 02-23 on 08/15/02, amended with Ordinance No. 03-05, 1/30/03

shall serve terms of two (2) years and may be reappointed by the Mayor to serve two consecutive terms. Upon expiration of the term of the chairperson and chairperson, the chairperson shall become an ex officio member of the Board, the chairperson shall become chairperson and the Mayor shall appoint a new chairperson.

A. The chairperson shall preside at the Board's meetings and perform other duties as specified by the Board through its bylaws.

B. The chairperson shall ensure that Board meetings start promptly, and that they follow all applicable open meeting laws, rules and regulations.

C. The vice chairperson shall fulfill the duties of the chairperson in the absence of the chairperson.

D. The Mayor of Brigham City and the representative of the Brigham City Council shall not be eligible to serve as chairperson or vice-chairperson.

E. Ex officio members shall not be eligible to serve as chairperson or vice-chairperson.

F. Meetings of the Board shall be conducted in accordance with Robert's Rules of Order.

#### **2.19.04. Bylaws.**

The Board shall establish bylaws for its operation and the conduct of its meetings. Initial bylaws and subsequent amendments shall be subject to approval of the City Council. The bylaws of the Board shall contain language requiring the members to comply with the Municipal Officers and Employees Ethics Act, Section 10-3-1301, et seq, Utah Code Annotated, 1953, as amended, or its successor.

#### **2.19.05. Powers and Duties of the Board.**

The Board shall perform the following:

A. recommend policy regarding heritage and cultural arts activity to the City Council;

B. recommend policy regarding downtown cultural arts activity and its impact upon downtown revitalization to the Brigham City Redevelopment Agency and City Council;

C. as empowered by the Brigham City Redevelopment Agency and City Council, pursue implementation of heritage and cultural arts policy;

D. adopt such rules concerning the Board's procedures, meetings, notices and other matters as are lawful and consistent with its purpose and goals;

E. conduct its business according to applicable State statute governing such bodies;

F. establish committees as needed, each to be chaired by a member of the Board;

G. meet with appropriate public and private boards, agencies, commissions, and individuals responsible for or having impact on arts and cultural activity in Brigham City;

H. provide an annual report to the Brigham City Council; and

I. establish a system for informing Brigham City citizens on the status of heritage and cultural arts activities except where such information would jeopardize projects or violate the law.

#### **2.19.06. Staff Support.**

The Brigham City Planning and Economic Development Coordinator (herein after "Coordinator") shall serve as staff to the Board.

A. The Coordinator shall serve as Brigham City Corporation staff with duties and responsibilities as outlined in the appropriate ordinance and job description for such position by Brigham City Corporation. Supervision and chain of command for the Coordinator shall be as outlined in such ordinances and job descriptions.

B. The Coordinator shall not be a member of the Board, but shall attend Board and Executive Committee meetings.

C. Under supervision of the Mayor, the Coordinator shall serve as staff to the Board and shall be responsible to coordinate activities and initiatives of the Board with other planning and economic development related activities of Brigham City Corporation, its departments, employees and appointed and elected officials, as well as external agencies, organizations and individuals.

The Mayor shall also appoint a secretary from the City staff to perform clerical duties for the Board.

### **2.20 Volunteer Center Advisory Board.<sup>22</sup>**

#### **2.20.01. Created; Name.**

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<sup>22</sup> Entire Section 2.20 added with Ordinance No. 03-10, dated 2/2/03.

In order to offer opportunities for citizens of Brigham City to volunteer and give back to their community there is hereby established an advisory board to assist the Volunteer Center, hereafter to be referred to as the Brigham City Volunteer Center Advisory Board.

**2.20.02. Purpose and Functions.**

The purpose and functions of the Brigham City Volunteer Center Advisory Board shall be advisory to the Volunteer Center Director and include the following:

- A. to advise on matters relating to Volunteer Center Programs;
- B. to advise on matters relevant to volunteers serving in Brigham City;
- C. to facilitate coordination of volunteer services and agencies within the service area where such services may be ordered;
- D. to promote volunteer programs and activities of interest to citizens;
- E. to assist in evaluating and monitoring volunteer activities and programs.

The Advisory Board shall have no administrative power and shall serve in an advisory capacity only to the Volunteer Center Director, the Mayor and the Brigham City Council. Members of the Advisory Board shall not in any manner participate in the hiring, assigning or terminating of any Brigham City employees.

**2.20.03. Membership; Qualification, Appointment, Term of Office, Compensation and Removal of Members; Filing of Vacancies; Chair; Relationship to City Council.**

A. **Membership.** The Advisory Board shall consist of seven (7) members, all appointed by the Mayor with the consent of the City Council. The Advisory Board shall also include a member of the City Council appointed by the Mayor with the consent of City Council to act as liaison between the two entities. There shall be no compensation for service, but reimbursement may be provided for reasonable necessary expenses.

B. **Terms of Office.** The term of office for each member shall be for a period of two years, with the possibility of reappointment. Said appointments shall terminate according to the initial appointment date. Vacancies occurring otherwise or through the expiration of the term of office shall be filled by appointment by the Mayor with the consent of the City Council. Members may be removed from the Advisory Board without cause upon the recommendation of the Mayor and majority vote of the City Council in favor of such removal.

C. **Board Chair, Rules, and Record of Proceedings.** The Mayor shall, with the consent of the City Council, appoint from among the seven (7) Advisory Board Members a chairman to serve for a period of one (1) year. The chairman shall not have voting rights except to break a tie vote on all board business or affairs. The board shall adopt rules for its own organization, procedure, meetings and transaction of business, and shall keep records of proceedings, minutes and other actions. There shall be records kept of proceedings, minutes and other actions at each Advisory Board meeting. It shall be the duty of the board to make such reports and recommendations to the City Council and the Volunteer Center Director on or before June 30 of each calendar year as to any matter the Volunteer Center deems advisable to report and recommend or to any matter requested by the City Council or the Volunteer Center Director.

D. **Relationship to City Council.** The Board shall report its progress to the City Council as the Council determines to be necessary but not less frequently than once every year. The City Council may approve a budget for the Board as part of the regular budget process. The Mayor shall release funds for the use of the Board in accordance with the annual operating budget and through procedures established by the Mayor.

**2.21. Golf Course Commission** <sup>23</sup>

**2.21.010. Golf Course Commission Created.**

There is hereby created the Brigham Golf Course Commission. The Commission shall consist of six (6) members, from among qualified electors of the City, to be appointed by the Mayor with the advice and consent of the City Council.

**2.21.020. Terms.**

All members of the Brigham City Golf Course Commission shall serve without compensation or enumeration of any kind except for reasonable expenses. Each member shall serve two (2) years. Of the

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<sup>23</sup> Entire Section 2.21 added with Ordinance No. 03-22, dated 5/29/03.

initial members appointed, the term of three shall be one (1) year, the term of three shall be two (2) years and thereafter each member appointed shall serve a two (2) year term.

Vacancies other than by term expiration shall be filled by the Mayor with the advice and consent of the City Council for the unexpired terms. Members may be removed from the Brigham City Golf Course Commission without cause upon the recommendation of the Mayor and a majority vote of the City Council in favor of such removal. Said appointments shall terminate on September 30th of the year in which their term expires.

**2.21.030. Chair, Rules, Record of Proceedings**

The Mayor shall, with the consent of the City Council, appoint from the six (6) Commission members, a chairperson and vice-chairperson to serve for a period of one (1) year beginning October 1st of each calendar year and ending the succeeding September 30th. The chairperson shall not vote on the Commission business or affairs. In the case of a tie vote of the Commission, on any issue, the chairperson shall vote for the purpose of breaking such tie votes. The Commission shall organize and conduct its business as established in the Brigham City Golf Course Commission procedures and in compliance with applicable laws, and shall keep records of proceedings, minutes and other actions.

**2.21.040. Meetings.**

The Brigham City Golf Course Commission shall hold a minimum of quarterly meetings. The Commission may hold a special meeting whenever the Mayor, the Commission chairperson, or a majority of commission members call for a special meeting with a minimum of twenty-four (24) hours notice to all members. A quorum shall be defined as three (3) voting members and a quorum is necessary to conduct all business.

**2.21.050. Ex-Officio Members.**

The City Councilmember assigned to the golf course, the Director of Leisure Services, the Golf Course Professional, and the Golf Course Superintendent shall be ex-officio members of the Brigham City Golf Course Commission. All ex-officio members of the Commission shall be without any voting rights. The City Councilmember will act as a coordinator between the Commission and the City Council.

**2.21.060. Secretary.**

The Mayor shall appoint an employee who, in addition to other duties, shall be secretary of the Brigham City Golf Course Commission. The secretary shall attend or record all Commission meetings, shall keep minutes and other records, shall prepare the agenda under the direction of the chairperson, shall give all notices required by law or policies for meetings and actions taken therein and perform all other duties as directed by the Commission. The Commission may request information or assistance from other City Officers.

**2.21.070. Advisory Capacity.**

The Brigham City Golf Course Commission shall serve in an advisory capacity to the Mayor and City Council. The Commission shall have no administrative powers and members of the Brigham City Golf Course Commission shall not in any manner participate in the hiring, assigning, supervising, or terminating of any employee or contractual employee of Brigham City.

**2.21.080. Purposes and Functions.**

The Brigham City Golf Course Commission shall be advisory to the Mayor and City Council concerning the Brigham City Eagle Mountain Golf Course, including but not limited to the following:

- A. to support golf course programs and services, advocating and promoting their use throughout Northern Utah;
- B. to advice on matters relating to golf course policies, facilities and programs;
- C. to advice on golf course utilization fees, future course plans and improvements;
- D. to promote and develop services and programs of interest and value to golfers;
- E. assist in creating public understanding and support of the golf course;
- F. recommend physical improvements or additions to the course with supporting recommendations on appropriate funding sources;
- G. may create Ad hoc committees to assist the Commission;
- H. shall act in its advisory capacity to represent the needs of the citizens of Brigham City to the Mayor and City Council in matters pertaining to the golf course;
- I. shall respond to requests for advice from the Mayor and/or City Council concerning petitions or proposed actions relating to the golf course.

**2.22. Citizen Corps Council** <sup>24</sup>

**2.22.010. Definitions.**

For the purpose of this section, the following words shall have the meaning as given herein:

- A. "City" shall mean and have reference to Brigham City, a municipal corporation of the State of Utah.
- B. "Citizen Corps" shall be the Citizen Corps Council for Brigham City.
- C. "Brigham City Citizen Corps Council Executive Committee Member" shall mean a person or an organization qualified and acting as a voting member of the board, appointed by the Mayor and with the advice and consent of the City Council.
- D. "City Council" shall mean the Brigham City Council which is a legislative body of Brigham City, Utah.
- E. "Mayor" shall mean the Mayor of Brigham City, Utah.
- F. "Administrator" shall mean the Mayor and staff personnel of the Mayor.
- G. "Emergency Services Director" shall mean the Emergency Services Director for Brigham City.
- H. "Citizen Corps Member" shall mean a person or organization who has made application to join the Brigham City Citizen Corps Council,
- I. "Brigham City Citizen Corps By-Laws" is a document outlining the operations of the Council.
- J. "Citizen Corps Boundary Districts" shall mean geographical districts located within Brigham City. These districts will follow the established boundaries established by the local school district.<sup>25</sup>

**2.22.020. Citizen Corps Council Organization and Members.**

There is hereby created a Citizen Corps Council, within and for the City, to be known as the Brigham City Citizen Corps.

- A. Executive committee members
  - 1. Representative of the Brigham City Volunteers in police service
  - 2. Representative of the Brigham City Community Emergency Response Team (CERT)
  - 3. Representative of the Box Elder School District
  - 4. Member of the Brigham City Council
  - 5. Citizen at large member
  - 6. Representative of Neighborhood Price Committee
  - 7. Representative of Medical Reserve Corps
- B. Executive Committee Ex Officio Members
  - 1. Mayor of Brigham City
  - 2. Representative of the Brigham City Police Department
  - 3. Representative of th Brigham City Fire Department
  - 4. Representative of the Brigham City Ambulance Department

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<sup>24</sup>Entire Section 2.22 added with Ordinance No. 03-34, dated 8/28/03.

<sup>25</sup> Ordinance No. 04-15, dated 6/11/04.

5. Brigham City Emergency Services Director
6. Representative of the Brigham City Community Development Department
7. Representatives from each of the following districts:
  - a. Lakeview
  - b. Discovery
  - c. Bunderson
  - d. Mtn. View
  - e. High school
  - f. Foothill
8. Secretary (appointed by Mayor)<sup>26</sup>

C. Citizen Corps may also include any number of ex-officio members as needed to represent particular issues or interests. These ex-officio members may be selected from the various organizations, committees, task force and advisory boards.

D. The Citizen Corps Executive Committee may also establish committees to address or research particular issues before the Citizen Corps. Each committee will have a chairperson who is a voting member of the Executive Committee. The chairperson of the Executive Committee shall select the committee chairperson. A quorum for the Executive Committee will be four (4) members.<sup>27</sup>

E. Members shall serve without compensation, except for reasonable expenses as determined by the Mayor and with the advice and consent of the City Council.

F. Members shall be subject to and bound by the provisions of the municipal officers and employees disclosure act, Section 10-3-1301, et seq, Utah Code Annotated, 1953 as amended, or its successor. Any violation of the provision of such act, or the act shall be from time to time amended, shall be grounds for removal from office.

G. The Mayor shall appoint all members of the Citizen Corps, including ex-officio members. The appointment will be with the advice and consent of the City Council.

H. The Citizen Corps shall meet monthly at the EMS Building, 442 West Forest, Brigham City, Utah.

I. Any business needing to be added to the agenda must be cleared by the chairperson 24 hours prior to meeting. Items can be submitted to the secretary for submission.

J. Ex-officio members shall not hold office within the Brigham City Citizen Corps Executive Committee and shall not be eligible to vote.<sup>28</sup>

**2.22.030. Executive Committee Chairperson, Vice Chairperson, Rules and Meetings.**

A. Members of the Executive Committee shall elect a chairperson and vice chairperson during the December meetings (two-year terms).

1. The chairperson and vice chairperson may hold office for two (2) consecutive terms, a total of four (4) years.

2. The past chairperson will become an administrator to the current chairperson, to provide for the continuity of the organization.

B. Financial oversight shall be furnished by the Finance Director's office. The Finance Director shall ensure that the Citizen's Corps has a current 501c3 classification and that reporting requirements are current.

C. The chairperson shall preside at the Citizen Corps Executive Committee meetings and perform other duties as specified by the Citizen Corps through its by-laws.

1. The chairperson shall ensure that the Citizen Corps meetings start promptly and that they follow all applicable open meeting laws, rules and regulations.

2. The vice chairperson shall fulfill the duties of the chairperson in the absence of the chairperson.

3. The Mayor of Brigham City and the representative of the Brigham City Council shall not be eligible to serve as chairperson or vice-chairperson.

4. Meetings of the Citizen Corps shall be conducted in accordance with Robert's Rules of Order.

5. Chairperson will appoint members to the Citizen Corps Council after reviewing the appropriate applications.

D. A quorum for the Executive Committee will be four (4) members.

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<sup>26</sup> Ordinance No. 04-15, dated 6/11/04.

<sup>27</sup> Ordinance No. 04-15, dated 6/11/04.

<sup>28</sup> Ordinance No. 04-15, dated 6/11/04.

- E. Each member of the Executive Committee will have one vote.
- F. Financial grant applications shall be coordinated with the chairperson, Finance Director and the Emergency Service Director of Brigham City.
- G. Members of the Citizen Corps will have input, however, the Executive Committee can take no formal action; they will forward to appropriate committees for action.
- H. The Citizen Corps Executive Committee shall keep a public record of its proceedings.
- I. The Citizen Corps Executive Committee shall give an annual report to the City Council on its operations and financial accountability during the past year. This report shall be given during first quarter.
- J. The Citizen Corps Executive Committee shall meet at least bi-monthly or more often if needed to accomplish their goals and objectives.
- K. Members will abide by the Brigham City Citizen Corps by-laws established and adopted by the Citizen Corps.
- L. The Citizen Corps shall establish by-laws for its operations and the conduct of its meetings. The bylaws of the Citizen Corps shall contain language requiring the members to comply with the Municipal Officers and Employees Ethics Act, Section 10-31-1301, et seq, Utah Code Annotated, 1953, as amended or its successor. They by-laws shall be presented to the Brigham City Council for formal approval.<sup>29</sup>

**2.22.040. Citizen Corps Council.**

The vice chairperson shall preside at the meetings of the Citizen Corps Council meetings and perform other duties as specified by the Citizen Corps Council through its by-laws.

- A. Vice chairperson shall ensure that the Citizen Corps meetings start promptly and that they follow all applicable open meeting laws, rules and regulations.
- B. Meetings of the Citizen Corps Council shall be conducted in accordance with Robert's Rules of Order.
- C. The Citizen Corps Council shall meet at least quarterly or more often as needed to meet the goals and objectives established by the City and the Citizen Corps Executive Committee.
- D. Members of the Citizen Corps shall be members of the community, City employees or have an interest in meeting the objectives of the Citizen Corps.
- E. Terms of office are for three (3) years and will be staggered to ensure continuity of the Citizen Corps. Members/organizations may reapply for membership.
  - 1. Application for membership is accomplished by submitting a letter indicating interest in belonging. The letter should state the following:
    - a. Name
    - b. Organization
    - c. Mailing address
    - d. E-mail address
    - e. Point of contact
- F. Input may be taken during the meeting; however, no actions may be taken until the next regular Citizen Corps Executive Committee meeting.
- G. Information gathered during the meeting will be referred to the appropriate committee for review and recommendation.

**2.22.050. Citizen Corps Vision.**

The Brigham City Citizen Corps encourages and supports engaging citizens in homeland security, promoting community preparedness and family safety and neighborhood pride within their community<sup>30</sup> in three principle ways:

- A. through public education and outreach;
- B. through training opportunities, particularly the Community Emergency Response Team program;
- C. through volunteer programs that draw on special skills and interests.

**2.22.060. Citizen Corps Objectives.**

- A. Community Emergency Response Teams (CERT)  
Promoting individual, family, business and community safety and emergency preparedness through public information and education and through the establishment and maintenance of Community

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<sup>29</sup> Ordinance No. 04-15, dated 6/11/04.

<sup>30</sup> Ordinance No. 04-15, dated 6/11/04.



Emergency Response Teams trained with the emphasis on responding with the City environment. CERT will encourage and support developing of Community Emergency Response Teams throughout the City, school districts and the private sector. <sup>31</sup>

B. Volunteers in Police Service

Engaging citizens in crime Prevention, Neighborhood Watch, Homeland Security and Citizens Police Academy activities and work to encourage a commitment from citizens to become involved in these programs.

C. Public Information Committee

Enhancing public awareness regarding public health measures including those which potentially occur in a homeland security situation and use all potential outreach and educational opportunities to educate the public on the matters of public health.

D. Neighborhood Pride Committee

Encouraging the public to take an active roll in defining and creating clean, orderly and peaceful neighborhoods:

1. Promote voluntary service activities, block parties and effective communication between citizens to strengthen and enhance neighborhoods;
2. Working within respective districts, Neighborhood Pride Committee will:
  - a. work to improve the overall beauty of Brigham City;
  - b. assist neighbors in keeping clean lots, yards and homes;
  - c. assist in identifying and applying for grants to assist with the above listed activities;
  - d. coordinate with other Citizen Corps members to provide a safe and beautiful community;
  - e. organize city-wide projects;
  - f. determine yearly awards to neighborhoods that demonstrate Items a. and b.

**Chapter 2.30. Neighborhood Pride Council.** <sup>32</sup>

**2.30.10. Definitions.**

For the purpose of this section, the following words shall have the meaning as given herein:

- Utah.
- A. "City" shall mean and have reference to Brigham City, a municipal corporation of the State of Utah.
  - B. "Citizen Corps" shall be the Citizen Corps Council for Brigham City.
  - C. "NP Council" shall mean the Brigham City Neighborhood Pride Council.
  - D. "City Council" shall mean the Brigham City Council which is a legislative body of Brigham City, Utah.
  - E. "Mayor" shall mean the Mayor of Brigham City, Utah.
  - F. "Administrator" shall mean the Mayor or the appointed staff of the Mayor.
  - G. "Emergency Services Director" shall mean the Emergency Services Director for Brigham City.
  - H. "Neighborhood Pride Councilmember" shall mean a person that has been appointed by the Mayor to join the Brigham City Neighborhood Pride Council at the advice and consent of the City Council.
  - I. "Brigham City Neighborhood Pride Council By-Laws" is a document outlining the operations of the Council.
  - J. "Neighborhood Pride Council Boundary Districts" shall mean geographical districts located within Brigham City. These districts will follow the elementary school boundaries established by the local school district.

**2.30.20. Neighborhood Pride Council Organization and Members.**

There is hereby created a Neighborhood Pride Council, which shall be a division of the Citizen Corps Council, devoted to promoting clean, orderly and peaceful neighborhoods through voluntary efforts of the citizens. This Council shall be known as the Neighborhood Pride Council.

A. NP Councilmembers

1. A representative from each of the following elementary school districts.
  - a. Lakeview
  - b. Discovery
  - c. Bunderson

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<sup>31</sup> Ordinance No. 04-15, dated 6/11/04.

<sup>32</sup> Chapter 2.30 added with Ordinance No. 04-18, dated July 15, 2004

- d. Mtn. View
  - e. Foothill West (also known as BE High School)
  - f. Foothill East
2. A member of the Brigham City Council
- B. Ex-Officio Councilmembers
- 1. Mayor
  - 2. Brigham City Emergency Services Director
  - 3. A representative of the City Planning and Economic Development Office
  - 4. A representative from the Brigham City Community Development Department
- C. The NP Council may also include any number of ex-officio members as needed to represent particular issues or interests. These ex-officio members shall be named by the NP Council Chair and may be selected from various organizations, committees, task forces and advisory boards.
- D. The NP Council may also establish committees to address or research particular issues before the NP Council. Each committee will have a chairperson who is a member of an ex-officio member of the NP Council. A quorum for the committee shall be a majority of the committee members. Members of a committee shall be named by the NP Council chair.
- E. Members of the NP Council will serve without compensation, except for reasonable expenses as determined by the Mayor and with the advice and consent of the City Council.
- F. Members of the NP Council shall be subject to and bound by the provisions of the Municipal Officers and Employees Disclosure Act, Section 10-3-1301, et seq, Utah Code Annotated, 1953 as amended or its successor. Any violation of the provision of such act, or the act shall be from time to time amended, shall be grounds for removal from office.
- G. Members of the NP Council shall be a resident of Brigham City, City employees or individuals who have an interest in assisting Brigham City meets its objectives established by the NP Council.
- 1. NP Councilmembers term of office is for three (3) years ending December 31. The membership during the term of the initial members shall be staggered as follows:
    - a. Lakeview, Discovery (3 years)
    - b. Bunderson, Mtn. View (2 years)
    - c. Foothill East, Foothill West (1 year)
  - 2. Members may apply or reapply for membership.
  - 3. Application for membership shall be accomplished by submitting a letter to the Mayor indicating interest in belonging. The letter should state the following:
    - a. Name
    - b. Organization
    - c. Mailing address
    - d. E-mail address
- H. The Mayor shall appoint members of the NP Council from applications or personal choice. The appointment will be with the advice and consent of the City Council.

**2.30.30. NP Council Chairperson, Vice Chairperson, Rules and Meeting.**

Members of the NP Council shall elect a chairperson and vice-chairperson during the December meeting for a two (2) year term.

- A. The chairperson and vice chairperson may hold office for two (2) consecutive terms, a total of four (4) years.
- B. The Mayor, City Councilmember and ex-officio members shall not be eligible to serve as NP Council chairperson or vice-chairperson.
- C. The past chairperson will become an advisor to the current chairperson, to provide for the continuity of the organization.
- D. Financial oversight shall be furnished by the Brigham City Finance Director's Office. The Brigham City Finance Department shall keep the Brigham City 501-C-3 classification and reporting requirements current.
- E. The Mayor shall appoint secretarial support.
- F. The NP Council shall meet at the time and date determined by the NP Council at their first meeting and established in the by-laws.
- G. Any business needing to be added to the NP Council agenda must be cleared by the NP Council chairperson 24 hours prior to meeting. Items can be submitted to the secretary for submission.
- H. The NP Council chairperson shall preside at the NP Council meetings and perform other duties as specified by the NP Council by-laws, such as:

1. the NP Council chairperson shall ensure that the NP Council meetings start promptly and that it follows all applicable open meeting laws, rules and regulations;
2. the NP Council vice chairperson shall fulfill the duties of the NP Council chairperson in the absence of the NP Council chairperson;
3. meetings of the NP Council shall be conducted in accordance with Robert's Rules of Order.
  - I. A quorum for the NP Council shall be a majority of the current NP Councilmembers (excluding ex-officio members) and shall each have one vote.
  - J. Financial grant applications shall be coordinated with the NP Council chairperson, the City Finance Director, Emergency Services Director and Superintendent of the Brigham City Community Development Department.
  - K. The NP Council shall keep a public record of its proceedings.
  - L. The NP Council shall give an annual report to the City Council on its operations and financial accountability during the past year. This report shall be given during the first quarter.
  - M. The NP Council shall meet at least bi-monthly or more often if needed to accomplish their goals and objectives.
  - N. The NP Council shall establish by-laws for its operations and the conduct of its meetings.

**2.30.40. Neighborhood Pride Vision.**

The NP Council shall encourage and support citizens in taking an active roll in defining and creating clean, orderly and peaceful neighborhoods.

**2.30.50. Neighborhood Pride Objectives.**

The NP Council shall have the following objectives.

- A. Promote voluntary service activities, block parties and effective communication between citizens to strengthen and enhance neighborhoods.
- B. Working with respective districts, the NP Council will:
  1. work to improve the overall beauty of Brigham City;
  2. assist neighbors in keeping clean lots, yards and homes;
  3. assist in identifying and applying for grants, donations and other funding sources to assist with the listed activities;
  4. coordinate with other Citizen Corps members to provide a safe and beautiful community;
  5. participate in the annual City Preparedness Fair;
  6. participate in the annual "City-wide" clean up;
  7. organize projects to fulfill objectives;
  8. establish yearly awards to individual citizens or neighborhoods that meet predetermined objectives;
  9. other objectives as determined by the NP Council.

**2.40. Community Emergency Response Team Council <sup>33</sup>**

**2.40.010. Definitions.**

For the purpose of this section, the following words shall have the meaning as given herein:

- A. "City" shall mean and have reference to Brigham City, a municipal corporation of the State of Utah.
- B. "Citizen Corps" shall be the Citizen Corps Council for Brigham City.
- C. "CERT" shall mean the Brigham City Community Emergency Response Team Council.
- D. "City Council" shall mean the Brigham City Council which is a legislative body of Brigham City, Utah.
- E. "Mayor" shall mean the Mayor of Brigham City, Utah.
- F. "Administrator" shall mean the Mayor or the appointed staff of the Mayor.
- G. "Emergency Services Director" shall mean the Emergency Services Director for Brigham City.
- H. "CERT Member" shall mean a person that has volunteered to join the Brigham City Community Emergency Response Team.
- I. "Brigham City Volunteers in Police Service Council By-Laws" is a document outlining the operation of the Council.

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<sup>33</sup> Section 2.40 added with Ordinance No. 04-19, dated 7/15/04.

J. "CERT Councilmember" shall mean a person that has been appointed by the Mayor with the advice and consent of the City Council.

**2.40.020. Community Emergency Response Team Council Organization and Members.**

There is hereby created a CERT Council, which shall be a division of the Citizen Corps, devoted to engaging citizens in crime prevention, Neighborhood Watch, Homeland Security and Citizen Police Academy activities.

A. CERT Councilmembers

1. CERT members to fill following positions:

- a. CERT organization
- b. CERT operations
- c. CERT training
- d. CERT media
- e. CERT special events
- f. A representative from each of the following elementary school districts:
  - i. Lakeview
  - ii. Discovery
  - iii. Bunderson
  - iv. Mtn. View
  - v. Foothill West (also known as BE High School)
  - vi. Foothill East

2. A member of the Brigham City Council

B. Ex-Officio Councilmembers

- 1. Mayor
- 2. Brigham City Emergency Services Director
- 3. A representative of the City Police Department
- 4. A representative of the Brigham City Fire Department
- 5. A representative of the Brigham City Ambulance Department

C. The CERT Council may also include any number of ex-officio members as needed to represent particular issues or interest. These ex-officio members shall be selected from various organizations, committees, task forces and advisory boards.

D. The CERT Council may also establish committees to address or research particular issues before the CERT Council. Each committee will have a chairperson who is a member of an ex-officio member of the CERT Council. A quorum for the committee shall be a majority of the committee members. Members of a committee shall be named by the CERT Council chair.

E. Members of the CERT Council will serve without compensation, except for reasonable expenses as determined by the Mayor and with the advice and consent of the City Council.

F. Members of the CERT Council shall be subject to and bound by the provisions of the Municipal Officers and Employees Disclosure Act, Section 10-3-1301, et seq, Utah Code Annotated, 1953 as amended or its successor. Any violation of the provision of such act, or the act shall be from time to time amended, shall be grounds for removal from office.

G. Members of the CERT Council shall be a resident of Brigham City, City employees or individuals who have an interest in assisting Brigham City meet its objectives established by the CERT Council.

1. CERT Councilmembers term of office is for three (3) years ending December 31. The membership during the term of the initial members shall be staggered as follows:

- a. Lakeview, Discovery (3 years)
- b. Bunderson, Mtn. View (2 years)
- c. Foothill East, Foothill West (1 year)

2. CERT councilmembers specifically

- a. Organization (2 years)
- b. Operations (3 years)
- c. Training (3 years)
- d. Media (3 years)
- e. Special Events (2 years)

3. Members may apply or reapply for membership.

4. Application for membership shall be accomplished by submitting a letter to the Mayor indicating interest in belonging. The letter should state the following:

- a. Name

- b. Organization
- c. Mailing address
- d. E-mail address

H. The Mayor shall appoint members of the CERT Council from applications or personal choice. The appointment will be with the advice and consent of the City Council.

**2.40.30. CERT Council Chairperson, Vice Chairperson, Rules and Meeting.**

Members of the CERT Council shall elect a chairperson and vice-chairperson during the December meeting for a two (2) year term.

A. The chairperson and vice chairperson may hold office for two (2) consecutive terms, a total of four (4) years.

B. The Mayor, City Councilmember and ex-officio members shall not be eligible to serve as CERT Council chairperson or vice-chairperson.

C. The past chairperson will become an advisor to the current chairperson, to provide for the continuity of the organization.

D. Financial oversight shall be furnished by the Brigham City Finance Director's Office. The Brigham City Finance Department shall keep the Brigham City 501-C-3 classification and reporting requirements current.

E. The Mayor shall select secretarial support.

F. The CERT Council shall meet at the time and date determined by the CERT Council at their first meeting and established in the by-laws.

G. Any business needing to be added to the CERT Council agenda must be cleared by the CERT Council chairperson 24 hours prior to meeting. Items can be submitted to the secretary for submission.

H. The CERT Council chairperson shall preside at the CERT Council meetings and perform other duties as specified by the CERT Council by-laws, such as:

1. The CERT Council chairperson shall ensure that the CERT Council meetings start promptly and that it follows all applicable open meeting laws, rules and regulations.

2. The CERT Council vice chairperson shall fulfill the duties of the CERT Council chairperson in the absence of the CERT Council chairperson.

3. Meetings of the CERT Council shall be conducted in accordance with Robert's Rules of Order.

I. A quorum for the CERT Council shall be a majority of the current CERT Councilmembers (excluding ex-officio members) and shall each have one vote.

J. Financial grant applications shall be coordinated with the CERT Council chairperson, the City Finance Director and Emergency Service Director.

K. The CERT Council shall keep a public record of its proceedings.

L. The CERT Council shall give an annual report to the City Council on its operations and financial accountability during the past year. This report shall be given during the first quarter.

M. The CERT Council shall meet at least bi-monthly or more often if needed to accomplish their goals and objectives.

N. The CERT Council shall establish by-laws for its operations and the conduct of its meetings.

**2.40.40. CERT Vision.**

The CERT Council shall promote individual, family, business and community safety and emergency preparedness through public information and education.

**2.40.50. CERT Objectives.**

The CERT Council shall have the following objectives.

A. Promote emergency preparedness and safety through CERT classes being offered and trained CERT members conducting these classes.

B. Organizing CERT Teams in the respective school districts and areas.

C. Re-certifying CERT Teams with quarterly training sessions.

D. Organize a mock disaster training yearly.

E. Working with the respective districts, the CERT Council will:

1. assist district leaders to keep area leaders current;

2. assist in volunteer service to the community;

3. coordinate with Citizen Corps to provide opportunities to enhance the training of the CERT

members;

4. assist with the Emergency Preparedness Fair and mock disaster;
5. other objectives as determined by the CERT Council.

## **2.50. Volunteers in Police Service Council <sup>34</sup>**

### **2.50.010. Definitions.**

For the purpose of this section, the following words shall have the meaning as given herein:

- A. "City" shall mean and have reference to Brigham City, a municipal corporation of the State of Utah.
- B. "Citizen Corps" shall be the Citizen Corps Council for Brigham City.
- C. "VIPS" shall mean the Brigham City Volunteers in Police Service Council.
- D. "City Council" shall mean the Brigham City Council which is a legislative body of Brigham City, Utah.
- E. "Mayor" shall mean the Mayor of Brigham City, Utah.
- F. "Administrator" shall mean the Mayor or the appointed staff of the Mayor.
- G. "Emergency Services Director" shall mean the Emergency Services Director for Brigham City.
- H. "VIPS Member" shall mean a person that has been appointed by the Mayor to join the Brigham City Volunteers in Police Service Council at the advice and consent of the City Council.
- I. "Brigham City Volunteers in Police Service Council By-Laws" is a document outlining the operation of the Council.
- J. ~~"VIPS Councilmember" shall mean a person that has been appointed by the Mayor with the advice and consent of the City Council.~~ <sup>35</sup>

### **2.50.020. Volunteers in Police Service Council Organization and Members.**

There is hereby created a VIPS Council, which shall be a division of the Citizen Corps, devoted to engaging citizens in crime prevention, Neighborhood Watch, Homeland Security and Citizen Police Academy activities.

A. *Ten (10)* VIPS Councilmembers

1. A representative from each of the following:
  - a. Neighborhood Watch Committee
  - ~~b. Mobile Watch Committee~~
  - ~~c. Citizen Police Academy Committee~~
  - b. *Citizens on Patrol Committee* <sup>36</sup>
  - c. A representative from each of the following elementary school districts:
    - i. Lakeview
    - ii. Discovery
    - iii. Bunderson
    - iv. Mtn. View
    - v. Foothill West (also known as BE High School)
    - vi. Foothill East
2. A member of the Brigham City Council
3. *A citizen at large.*

B. Ex-Officio Councilmembers

1. Mayor
2. Brigham City Emergency Services Director
3. A representative of the Brigham City Police Department as advisor

C. The VIPS Council may also include any number of ex-officio members as needed to represent particular issues or interests. These ex-officio members shall be named by the VIPS Council chair and may be selected from various organizations, committees, task forces and advisory boards.

D. The VIPS Council may also establish committees to address or research particular issues before the VIPS Council. Each committee will have a chairperson who is a member of an ex-officio member of the

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<sup>34</sup> *Entire section added with Ordinance No. 04-20, dated July 17, 2004.*

<sup>35</sup> *Ordinance No. 05-16, dated June 30, 2005.*

<sup>36</sup> *Ordinance No. 05-16, dated June 30, 2005.*

VIPS Council. A quorum for the committee shall be a majority of the committee members. Members of a committee shall be named by the VIPS Council chair.

E. Members of the VIPS Council will serve without compensation, except for reasonable expenses as determined by the Mayor and with the advice and consent of the City Council.

F. Members of the VIPS Council shall be subject to and bound by the provisions of the Municipal Officers and Employees Disclosure Act, Section 10-3-1301, et seq, Utah Code Annotated, 1953 as amended or its successor. Any violation of the provision of such act, or the act shall be from time to time amended, shall be grounds for removal from office.

G. Members of the VIPS Council shall be a resident of Brigham City, City employees or individuals who have an interest in assisting Brigham City meet its objectives established by the VIPS Council.

1. VIPS Councilmembers term of office is for three (3) years ending December 31. The membership during the term of the initial members shall be staggered as follows:

- a. Lakeview, Discovery (3 years)
- b. Bunderson, Mtn. View (2 years)
- c. Foothill East, Foothill West (1 year)

~~2. Members may apply or reapply for membership.~~

~~3. Application for membership shall be accomplished by submitting a letter to the Mayor indicating interest in belonging. The letter should state the following:~~

- ~~a. Name~~
- ~~b. Organization~~
- ~~c. Mailing address~~
- ~~d. E mail address<sup>37</sup>~~

H. The Mayor shall appoint members of the VIPS Council from ~~applications~~ recommendations or personal choice. The appointment will be with the advice and consent of the City Council.

## **2.50.30. VIPS Council Chairperson, Vice Chairperson, Rules and Meeting.**

~~Members of the VIPS Council shall elect a chairperson and vice-chairperson during the December meeting for a two (2) year term.~~

*The Mayor of Brigham City shall appoint members of the VIPS Council a Chairperson and a Vice-Chairperson. The Chairperson shall vote only in the case of tie votes. The Vice-Chairman will be a voting representative of the VIPS Council.*

A. *Term of office is for three (3) years ending December 31. The initial Vice Chair appointment shall be a two (2) year appointment.*<sup>38</sup>

A. The chairperson and vice chairperson may hold office for two (2) consecutive terms, a total of four (4) years.

B. The Mayor, City Councilmember and ex-officio members shall not be eligible to serve as VIPS Council chairperson or vice-chairperson.

C. The past chairperson will serve as an ex-officio and become an advisor to the current chairperson, to provide for the continuity of the organization.

D. Financial oversight shall be furnished by the Brigham City Finance Director's Office. The Brigham City Finance Department shall keep the Brigham City 501-C-3 classification and reporting requirements current.

E. The Mayor shall appoint secretarial support.

F. The VIPS Council shall meet at the time and date determined by the VIPS Council at their first meeting and established in the by-laws.

G. Any business needing to be added to the VIPS Council agenda must be cleared by the VIPS Council chairperson 24 hours prior to meeting. Items can be submitted to the secretary for submission.

H. The VIPS Council chairperson shall preside at the VIPS Council meetings and ~~perform other duties as specified by the VIPS Council by-laws, such as:~~ shall represent the VIPS Council on the Citizens Corps Council Board.

I. *The VIPS Council shall establish by-laws for its operations and the conduct of its meetings such as:*

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<sup>37</sup> Ordinance No. 05-16, dated June 30, 2005.

<sup>38</sup> Ordinance No. 05-16, dated June 30, 2005.

1. The VIPS Council chairperson shall ensure that the VIPS Council meetings start promptly and that it follows all applicable open meeting laws, rules and regulations;

2. the VIPS Council vice chairperson shall fulfill the duties of the VIPS Council chairperson in the absence of the VIPS Council chairperson;

3. meetings of the VIPS Council shall be conducted in accordance with Robert's Rules of Order.

J. A quorum for the VIPS Council shall be a majority of the current VIPS Councilmembers (excluding ex-officio members) and shall each have one vote.

K. Financial grant applications shall be coordinated with the VIPS Council chairperson, the City Finance Director and Emergency Service Director.

L. The VIPS Council shall keep a public record of its proceedings.

M. The VIPS Council shall give an annual report to the City Council on its operations and financial accountability during the past year. This report shall be given during the first quarter.

N. The VIPS Council shall meet at least bi-monthly or more often if needed to accomplish their goals and objectives.

~~O. The VIPS Council shall establish by-laws for its operations and the conduct of its meetings.~~

#### **2.50.40. VIPS Vision.**

The VIPS Council shall engage citizens in crime prevention, Neighborhood Watch, Homeland Security and Citizen ~~Police Academy~~ *On Patrol* activities and work to encourage a commitment from citizens to become involved in these programs.

#### **2.50.50. VIPS Objectives.**

The VIPS Council shall have the following objectives:

A. engage the citizens in volunteer service, block parties, effective communication between law enforcement and the citizens;

B. provide opportunities for the citizens to learn more about police work through the Citizens police Academy;

C. organize block captains;

D. provide training and instruction for the citizens of Brigham City;

E. other objectives as determined by the VIPS Council.