

Section 3: MUNICIPAL GOVERNMENT

Section 3-100	The Governing Body
Section 3-101	Legislative and Executive Powers
Section 3-102	Other Functions
Section 3-103	In Cities of the First Class
Section 3-104	In Cities of the Second Class
Section 3-105	In Cities of the Third Class
Section 3-106	In Towns
Section 3-200	Election of Governing Body
Section 3-201	Municipal Election - Terms of Office
Section 3-202	Terms of Elected Municipal Officers
Section 3-203	Election of Officers in Cities of The First Class
Section 3-204	Election of Officers in Cities of The Second Class
Section 3-205	Election of Officers in Cities of The Third Class
Section 3-206	Election of Officers in Towns
Section 3-207	Determining Two and Four Year Terms
Section 3-208	Election Expenses To Be Published Penalty
Section 3-300	Membership on Governing body, Vacancies and power to Vote
Section 3-301	Eligibility and Qualifications
Section 3-302	Vacancies in Offices in Cities of the Third Class and Towns
Section 3-303	Vacancies in Offices in Cities of The Third Class and Towns
Section 3-400	Mayor as Member of Governing Body
Section 3-401	Mayor as Voting Member of Governing Body
Section 3-402	Mayor in Third Class City - No Vote Except in Case of a Tie
Section 3-403	Mayor as Presiding Officer - Mayor Pro Tempore
Section 3-404	No Veto
Section 3-500	Meetings, Procedure and Conduct – Voting
Section 3-501	Meetings in Cities of The First and Second Class
Section 3-502	Time, Place - Exceptions
Section 3-503	Meetings in The Cities of The Third Class and Towns
Section 3-504	Quorum Necessary to do Business
Section 3-505	Quorum Defined
Section 3-506	Attendance
Section 3-507	How the Vote is Taken

Section 3: MUNICIPAL GOVERNMENT

Section 3-508	Minimum Vote Required
Section 3-509	Reconsideration
Section 3-600	Public Meetings, Executive Sessions, Records and Publication, Procedure
Section 3-601	Business of Governing Body Conducted Only in Open Meeting
Section 3-602	Executive Sessions
Section 3-603	Government Records
Section 3-603-01	Purpose
Section 3-603-02	Definitions
Section 3-603-03	Right to Inspect and Receive Copies of Records
Section 3-603-04	Access to Public, Private, Controlled and Protected Documents
Section 3-603-05	Right of Privacy
Section 3-603-06	Duty to Evaluate, Designate and Classify Records
Section 3-603-07	Requests-Time Frame for Response and Extraordinary Circumstances
Section 3-603-08	Fees
Section 3-603-09	Appeal
Section 3-603-10	Access to Disabled Persons
Section 3-603-11	Request to amend a Record
Section 3-603-13	Duties of Governmental Entities
Section 3-603-14	Disposition of records
Section 3-603-15	Creation and Duty of City Archives and Records Services Section
Section 3-603-16	Access to Non-written Records
Section 3-603-17	Justice Court Records
Section 3-603-18	Criminal Penalty
Section 3-604	Publication or Proceedings, Expenses
Section 3-605	Penalty
Section 3-606	Rules of Procedure
Section 3-607	Rules of Conduct for Members of the Governing Body
Section 3-608	Rules of Conduct for the Public
Section 3-609	Action on Committee Reports
Section 3-610	Requiring Attendance of Witnesses, Production of Evidence
Section 3-700	Municipal Ordinances, Resolutions and Procedure

Section 3: MUNICIPAL GOVERNMENT

Section 3-701	Legislative Power Exercised by Ordinance
Section 3-702	Extent of Power Exercised by Ordinance
Section 3-703	Form of Ordinance
Section 3-705	Requirements as to Form
Section 3-706	Revision of Ordinances
Section 3-707	Power to Codify Ordinances
Section 3-708	Arrangement of Ordinances
Section 3-709	Repeal of Conflicting Provisions - Title
Section 3-710	Publication in Book, Pamphlet or Loose Leaf Form - State Statutes
Section 3-711	Publication of Ordinances
Section 3-712	Effective Date
Section 3-713	Recording, Numbering, and Certification of Passage
Section 3-714	Contents, Dates, Publication Proved Under Seal
Section 3-715	Municipal Ordinances Received in Evidence
Section 3-716	Fines and Forfeitures - Disposition
Section 3-717	Purpose of Resolutions
Section 3-718	Form of Resolution
Section 3-719	Resolutions Need No Publication Effective Date
Section 3-800	Municipal Administration
Section 3-801	Administrative Powers in Cities of the First Class
Section 3-802	Designation of Department Head in Cities of the First Class
Section 3-803	Officers Limited to One Office
Section 3-804	Change in Names, Functions, and Superintendents of Departments
Section 3-805	Administrative Powers in Cities of the Second Class
Section 3-806	Designation of Department Head in Cities of the Second Class
Section 3-807	Commissioners May Administer Two Departments – Change in Names, Functions and Superintendents
Section 3-808	Administration Vested in Mayor
Section 3-809	Powers of Mayors in Cities of the Third Class and towns
Section 3-810	Additional Powers and Duties of Elected Officials in Cities of the Third Class and towns
Section 3-811	Members of the Governing Body May Be Appointed to Administration in Cities of the Third Class and Towns

Section 3: MUNICIPAL GOVERNMENT

Section 3-812	Change of Duties in Cities of the third Class and Towns
Section 3-813	General Administrative Powers of All Municipalities
Section 3-814	Personnel Assigned to One or More Departments
Section 3-815	Rules and Regulations For Administration of Municipality
Section 3-816	May Require That Appointed Officers Reside in Municipality
Section 3-817	Elected Executives to Appoint their Deputies
Section 3-818	Compensation and Salaries
Section 3-819	Amount of Bond
Section 3-820	Cities of the First and Second Class
Section 3-821	Bond of Treasurers
Section 3-822	Approval of Bonds
Section 3-823	Premium Paid by Municipality
Section 3-824	Bonds of first Officers After Incorporation
Section 3-825	Additional Bonds
Section 3-826	Official Neglect and Misconduct - Penalty
Section 3-827	Oath Required Before Taking Office or Performing Duties
Section 3-828	Oath-Given-Filed
Section 3-829	Acts of Officials Not Voided
Section 3-900	Appointed Officials and Their Duties
Section 3-901	Creating Offices - Filling Vacancies Cities of the First and Second Class
Section 3-902	Appointment of Recorder, Treasurer, Engineer, Attorney in
Section 3-903	Custodian of Records of Public Improvements
Section 3-904	Books and Supplies - Recording, Filing and Inspection
Section 3-905	Fees To Be Paid in Advance
Section 3-906	Seal
Section 3-907	Recordation Not To Interfere With Other Recordation
Section 3-908	Noncompliance a Misdemeanor
Section 3-909	Police and Fire Departments in Cities of the First and Second Class
Section 3-910	Heads of Departments and Subordinate Officers
Section 3-911	Removal of Departmental Heads
Section 3-912	Department Heads May Suspend Subordinates

Section 3: MUNICIPAL GOVERNMENT

Section 3-913	Powers and Duties of Chief of Police
Section 3-914	Police Officers - Powers and Duties
Section 3-915	Rights to Arrest Without Warrant
Section 3-916	Recorder, Treasurer, Marshal in Cities of the Third Class and Towns
Section 3-917	Engineer in Cities of the third Class and Towns
Section 3-918	Marshal in Third Class Cities and Towns
Section 3-919	Powers, Duties and Obligations of Police Chief, Marshal and Their Assistants in Cities of the Third Class and Towns
Section 3-920	Bail Commissioner - Powers and Duties
Section 3-921	Fines - Collection by Bail Commissioner Accounting
Section 3-922	Term of Bail Commissioners - Salary-Bond of Oath
Section 3-923	City and Town Justices of the Peace - Appointment - Vacancies - Disqualification - Compensation - Payment of Fees, Fines, Forfeitures or other Sums to Treasurer
Section 3-924	Appointment of Manager
Section 3-924.1	City Manager
Section 3-924.2	Office Created
Section 3-924.3	Appointment and Term
Section 3-924.4	Residence
Section 3-924.5	Eligibility
Section 3-924.6	Compensation
Section 3-924.7	Bond of the City Manager
Section 3-924.8	Powers and Duties
Section 3-925	Term of Office
Section 3-926	Duties of the Manager
Section 3-927	Legislative Powers and Official Position of the Mayor not Delegated
Section 3-928	Attorney
Section 3-1000	Civil Service Commission
Section 3-1001	Subordinates in Police, Health, and Fire Departments to be Appointed From List
Section 3-1002	Classified Civil Service - Employment Constituting
Section 3-1003	Commission - Number, Term, Vacancies
Section 3-1004	Qualifications of Commissioners - Salary - Removal
Section 3-1005	Organization of Commission - Secretary - Offices

Section 3: MUNICIPAL GOVERNMENT

Section 3-1006	Rules and Regulations - Printing and distribution
Section 3-1007	Examinations
Section 3-1008	Appointments From Civil Service List-Probation Period
Section 3-1009	Certification of Applicants for Position - Number - Eligible Lists, Removal
Section 3-1010	Promotions - Basis - Certification of Applicants
Section 3-1011	Temporary Employees
Section 3-1012	Discharge by Department head - Appeal to Commission - Hearing and Decision
Section 3-1100	Personnel Rules and Benefits
Section 3-1101	Monthly Pension and Health or Termination Benefits Authorized for Officers or Employees-Administration of Systems
Section 3-1102	Creation and Administration of Retirement Systems
Section 3-1103	Sickness, Disability and Death Benefits
Section 3-1104	Library Personnel - Monthly Wage Deductions and Matching Sums - Time of Inclusion
Section 3-1105	Appointive Officers and Employees-Duration and termination of Term of Office
Section 3-1106	Discharge or Transfer-Appeals-Board-Procedure
Section 3-1107	Cost of Living Adjustment - Price Index Used
Section 3-1200	Appeal Board
Section 3-1201	Board Established
Section 3-1202	Nominations
Section 3-1203	Elections
Section 3-1204	Regular Meeting
Section 3-1205	Appointment
Section 3-1206	Vacancies
Section 3-1207	Term of Service
Section 3-1500	Economic Development
Section 3-1510	Establishment of an Economic Development Board
Section 3-1511	Term of Office
Section 3-1512	Vacancies and Removal for Cause
Section 3-1513	Compensation
Section 3-1514	Officers
Section 3-1515	Quorum and Vote
Section 3-1516	Employee's and Expenditures

Section 3: MUNICIPAL GOVERNMENT

- Section 3-1517** **Duties and Responsibilities**
- Section 3-1518** **Review by Kanab City Council**

Section 3-100 The Governing Body

Section 3-101 Legislative and Executive Powers

See U.C.A. 10-3-101

Section 3-102 Other Functions

See U.C.A. 10-3-102

Section 3-103 In Cities of the First Class

See U.C.A. 10-3-103

Section 3-104 In Cities of the Second Class

See U.C.A. 10-3-104

Section 3-105 In Cities of the Third Class

See U.C.A. 10-3-105

Section 3-106 In Towns

See U.C.A. 10-3-106

Section 3-200 Election of Governing Body

Section 3: MUNICIPAL GOVERNMENT

Section 3-201 Municipal Election - Terms of Office

See U.C.A. 10-3-201

Section 3-202 Terms of Elected Municipal Officers

See U.C.A. 10-3-202

Section 3-203 Election of Officers in Cities of The First Class

See U.C.A. 10-3-203

Section 3-204 Election of Officers in Cities of The Second Class

See U.C.A. 10-3-204

Section 3-205 Election of Officers in Cities of The Third Class

See U.C.A. 10-3-205

Section 3-206 Election of Officers in Towns

See U.C.A. 10-3-206

Section 3-207 Determining Two and Four Year Terms

See U.C.A. 10-3-207

Section 3-208 Election Expenses To Be Published Penalty

See U.C.A. 10-3-208

Section 3-300 Membership on Governing body, Vacancies and power to Vote

Section 3: MUNICIPAL GOVERNMENT

Section 3-301 Eligibility and Qualifications

See U.C.A. 10-3-301

Section 3-302 Vacancies in Offices in Cities of the Third Class and Towns

See U.C.A. 10-3-302

Section 3-303 Vacancies in Offices in Cities of The Third Class and Towns

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

Section 3-400 Mayor as Member of Governing Body

Section 3-401 Mayor as Voting Member of Governing Body

See U.C.A. 10-3-401

Section 3-402 Mayor in Third Class City - No Vote Except in Case of a Tie

See U.C.A. 10-3-402

Section 3-403 Mayor as Presiding Officer - Mayor Pro Tempore

See U.C.A. 10-3-403

Section 3-404 No Veto

See U.C.A. 10-3-404

Section 3-500 Meetings, Procedure and Conduct – Voting

Section 3-501 Meetings in Cities of The First and Second Class

See U.C.A. 10-3-501

Section 3: MUNICIPAL GOVERNMENT

Section 3-502 Time, Place - Exceptions

The governing body shall hold two regular meeting(s) which shall be held on the second and fourth Tuesdays of each month. The meeting(s) shall begin promptly at 7:00 o'clock p.m. with a work meeting beginning at 6:00 o'clock p.m.

A. The governing body may by resolution provide for a different time and place for holding regular meetings of the governing body.

Section 3-503 Meetings in The Cities of The Third Class and Towns

See U.C.A. 10-3-503

Section 3-504 Quorum Necessary to do Business

See U.C.A. 10-3-504

Section 3-505 Quorum Defined

See U.C.A. 10-3-505

Section 3-506 Attendance

See U.C.A. 10-3-506

Section 3-507 How The Vote is Taken

See U.C.A. 10-3-507

Section 3-508 Minimum Vote Required

See U.C.A. 10-3-508

Section 3-509 Reconsideration

Section 3: MUNICIPAL GOVERNMENT

See U.C.A. 10-3-509

Section 3-600 Public Meetings, Executive Sessions, Records and Publication, Procedure

Section 3-601 Business of Governing Body Conducted Only in Open Meeting

See U.C.A. 10-3-601

Section 3-602 Executive Sessions

See U.C.A. 10-3-602

Section 3-603 Government Records

The City Council of Kanab City, Utah, finds the following:

A. It is in the best interests of Kanab City and the citizens thereof, and essential for the administration of City government, to maintain and preserve accurate governmental records; to provide ready access to records which are defined by law as open to the public; to maintain the security of records which are defined by law as non-public; and to ensure the preservation of vital and historically valuable records.

B. As the records of Kanab City government agencies are a resource containing information which

(1) allows government programs to function; (2) provides officials with a basis for making decisions and ensuring continuity with past operations; and (3) permits citizens to research and document matters of personal and community importance; this resource must be systematically and efficiently managed.

C. It is the policy of the City that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens as set forth in this ordinance.

Section 3: MUNICIPAL GOVERNMENT

D. The City recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Act and this Chapter, for the public good.

Section 3-603-01 Purpose

In enacting this chapter, it is the purpose and the intent of the City Council to provide, in accordance with the Government Records Access and Management Act (hereinafter referred to as "the Act"), Chapter 2 of Title 63 of the Utah Code Annotated (1953), an ordinance acknowledging and complying with the Act and providing for its application in the City. City agencies shall comply with the provisions of this ordinance and with the Act and shall also comply with other federal and state statutory and regulatory record-keeping requirements.

Section 3-603-02 Definitions

As used in this ordinance, the following definitions shall be applicable.

A. "Act" shall refer to the Government Records Access and Management Act, 63-2-1, et seq., Utah Code Annotated, 1953, as amended.

B. "Agency" shall refer to any office, department, division, section, staff office, board, committee or other division of Kanab City government, any public or private entity or person which contracts with the City to provide goods or services directly to the City, or any private non-profit entity that receives funds from the City.

C. "Computer software program" means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide, storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals, or other source material explaining how to operate the software program. "Software" does not include the original data or record which is manipulated by the software.

D. "Controlled" records shall be those defined as controlled under the provisions of this ordinance and in accordance with the provisions of the Act.

Section 3: MUNICIPAL GOVERNMENT

E. "Data" shall refer to individual entries (for example, birth date, address) in records.

F. "Designate" or "designation" means to give an initial or primary classification to a record or record series indicating the likely classification that a majority of such records or record series would be given if classified.

G. "Dispose" means to destroy, or render irretrievable or illegible, a record of the information contained in it by any physical, electronic, or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, non-written formats, data processing, or other records.

H. "Non-public" records shall refer to those records defined as private, controlled, or protected under the provisions of this ordinance and of the Act.

I. "Private" records shall refer to those records classified as private under the provisions of this ordinance and the Act.

J. "Protected" records shall refer to those records classified as protected under the provisions of this ordinance and the Act.

K. "Public" records shall refer to those records which have not been classified as non-public in accordance with the provisions of this ordinance and the Act.

L. 1. "Record" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

2. "Record" does not mean:

a. Temporary drafts or similar material prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;

b. Materials that are legally owned by an individual in his private capacity;

c. Materials to which access is limited by the laws of copyright or patent;

Section 3: MUNICIPAL GOVERNMENT

- d. Junk mail or commercial publications received by the City or by an officer or employee of the City;
- e. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of City libraries open to the public, regardless of physical form or characteristics of the material;
- f. Personal notes or daily calendars prepared by any City employee for personal use or the personal use of a supervisor or such notes, calendars or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to Utah Open Meetings Act; or
- g. Proprietary computer software programs as defined in subsection C. above that are developed or purchased by or for the City for its own use.

Section 3-603-03 Right to Inspect and Receive Copies of Records

- A.** Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the City, of all City governmental records designated as "public" under the provisions of this Chapter, the Act and policies and procedure developed hereunder.
- B.** The City has no obligation to create a record or record series in response to a request from a member of the public if the record requested is not otherwise regularly maintained or kept.
- C.** When a record is temporarily held by a custodial City agency, pursuant to that custodial agency's statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this Chapter. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the City. Only when records have been formally filed for permanent archival retention shall City Archives be responsible for responding to records requests.

Section 3: MUNICIPAL GOVERNMENT

Section 3-603-04 Access to Public, Private, Controlled and Protected Documents

A. Public records shall be those City records as defined in the Act, 63-2-301 (U.C.A., 1953, as amended) as public. Public records shall be made available to any person. All City records are considered public unless they are expressly classified otherwise in accordance with policies and procedures established by this Chapter or are made non-public by the Act or other applicable law.

B. Private records shall be those City records classified as "private", as defined in the Act, 63-2-302 (U.C.A., 1953, as amended) and as classified and defined in procedures established pursuant to this Chapter and in accordance with the Act. Private records shall be made available to the following persons: (1) the subject of such record, (2) the parent or legal guardian of an unemancipated minor who is the subject of a record, (3) the legal guardian of an incapacitated individual who is the subject of the record, (4) any person who has a power of attorney or a notarized release dated not more than 90 days prior to the request from the subject of the record or his legal representative, or (5) any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

C. Controlled records shall be those City records classified as "controlled", as defined in the Act, 63-2-303 (U.C.A., 1953, as amended) and as classified and defined in procedures established in this Chapter and in accordance with the Act. Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release dated not more than 90 days prior to the request from the subject of the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

D. Protected records shall be those City records classified as "protected", as defined in the Act, 63-2-304 (U.C.A., 1953, as amended) and as classified and defined in procedures established in this Chapter and in accordance with the Act. Protected records shall be made available to the person who submitted the information in the record, to a person who has power of attorney or notarized release dated not more than 90 days prior to the request from any persons or governmental entities whose interests

Section 3: MUNICIPAL GOVERNMENT

are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge or competent jurisdiction.

E. Under circumstances set out by the Act, it may be appropriate to disclose non-public records to persons other than those set out in this section. The determination to so release records shall be at the discretion of the Department Director or elected official, consistent with the Act, and upon the advice of the City Attorney.

Section 3-603-05 Right of Privacy

A. The City recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The City also recognizes that the Act and Utah case law establish a presumption that governmental records will generally be considered open and public, with certain specific exceptions. In circumstances where a record's public or non-public status is not specifically established by the Act or another statute, by this ordinance, or by policies established or designations made under this ordinance, the public's right to access and the record subject's right of privacy must be compared. In accordance with decisions of the Utah Supreme Court, City records which have not been specifically made public by statute and which refer to named or readily identifiable individuals which deal with matters of a delicate nature which could engender shame or humiliation in the subject of that record, in accordance with accepted standards of social propriety, release of which may constitute a clearly unwarranted invasion of privacy or potential violation of individuals rights to a fair trial, shall generally not be classified as public records and, in accordance with the Act and procedures established by this ordinance, certain items of data may be rendered non-public, although other items of data in the record, or the record itself, may be classified public.

B. The City may, as determined appropriate by the agency director of the agency responding to a request for records, notify the subject of a record that a request for access to the subject's record has been made.

Section 3: MUNICIPAL GOVERNMENT

Section 3-603-06 Duty to Evaluate, Designate and Classify Records

All City records and records series, of any format, shall be evaluated, designated, classified and scheduled for retention according to the provisions of the Act and this Chapter. The City may designate or redesignate or classify or reclassify records or data at any time and is not required to classify a particular record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention. Records designation, classification and scheduling for retention shall be conducted under the supervision of and proposed schedules submitted to the City Records Officer who shall be assisted by a Records Officer or designee and the agency director of the agency in charge of the record in question, or designee. Assistance may be requested from the City Attorney as needed. Designation, classification and retention scheduling form and guidelines shall be prepared and promulgated by the Records Officer and the Records Policy Administration.

Section 3-603-07 Requests-Time Frame for Response and Extraordinary Circumstances

A. Under circumstances in which an agency is not able to immediately respond to a records request, the requester shall fill out and present to the agency a written request on forms provided by the City. The date and time of the request shall be noted on the written request form and all times provided under this Chapter shall commence from that time and date. Requesters of non-public records shall adequately identify themselves and, if applicable, their status when requesting access to non-public records.

B. An agency may respond to a request for a record by approving the request and providing the records, denying the request, or such other appropriate response as may be established by policies and procedures. If a request is denied in whole or in part, the agency shall provide a notice of denial to the requester. The denial notice shall include information regarding the appeals process and such other information as may be required by this Chapter and the Act.

Section 3: MUNICIPAL GOVERNMENT

C. 1. An agency shall respond to a written request for a record as soon as reasonably possible, but no later than ten business days after receiving the request or five business days after receiving a request if the requester satisfactorily demonstrates that an expedited response time primarily benefits the public at large, rather than the requester individually. A requester seeking records for publication or broadcast purposes is presumed to be acting primarily for the benefit of the public at large.

2. The following extraordinary circumstances shall justify an agency's failure to timely respond to a written request for a record and shall extend the time for response thereto to that time reasonably necessary to

respond to the request, as determined by the agency director. Extraordinary circumstances include:

(a) The agency, another agency, or some other governmental entity is currently and actively using the record requested;

(b) The record requested is for either a voluminous quantity of records or requires the agency to review a large number of records or perform extensive research to locate the materials requested;

(c) The agency is currently processing either a large number of records requests or is subject to extraordinary seasonal workloads in the processing of other work;

(d) The release of a record involves legal issues that require an agency to seek legal counsel for analysis of applicable laws;

(e) The request involves extensive editing to separate public data in a record from that which is not public; or

(f) Providing the information request requires computer programming or other format manipulation.

3. When a record request cannot be responded to in a timely manner, the agency shall notify the requester that it cannot immediately approve or deny the request because of extraordinary circumstances, and provide an estimate of the time required to respond to the request.

D. The failure or inability of an agency to respond to a request for a record within the time frames set out herein, or the agency's denial of

Section 3: MUNICIPAL GOVERNMENT

such a request, shall give the requester the right to appeal as provided in Section 3-603-9.

E. Any City record which is subject to pending litigation or audit or has been requested in accordance with this ordinance and the Act, that is disposable by approved retention schedule, may not be disposed of until the litigation or audit has been resolved or the request is granted and fulfilled, or 60 days after the request is denied if no appeals are filed, or 60 days after all appeals are completed, pursuant to Section 3-603-9.

F. In response to a request for access, an agency may redesignate or reclassify the record or segregate data in the requested record in accordance with this Chapter and the Act.

Section 3-603-08 Fees

A. An agency may charge a reasonable fee, which shall be established by ordinance or written formal policy, to cover its actual cost of duplicating a record or compiling a record in a form other than that maintained by the agency.

B. An agency may fulfill a record request without charge and is encouraged to do so when it determines that:

1. Releasing the record primarily benefits the public rather than a person;
2. The individual requesting the record is the subject of the record; or
3. the requester's rights are directly implicated by the information in the record, and the requester is impecunious.

C. Fee policies adopted under this Chapter shall be consistent with this section.

Section 3-603-09 Appeal

A. 1. Persons aggrieved by the City's classification of a record or by an agency's response to a record request may request and be granted an initial administrative appeal of that grievance, in accordance with policies adopted by the Records Policy Administration. An initial administrative appeal may be made, at the requester's option, to a hearing board

Section 3: MUNICIPAL GOVERNMENT

convened pursuant to policies adopted by the Records Policy Administration.

2. A written notice of appeal shall be filed with the director of the involved agency, who shall immediately notify the City Records Officer. The Records Officer shall institute the initial convening of the hearing board within 10 business days after the date the written notice of appeal is received.

3. The Records Officer shall send a notice of the date and location of the hearing to the requester, members of the hearing board and the director of the involved agency.

B. 1. A requester who is aggrieved by the hearing board decision or who prefers to proceed directly to a hearing before the City Council may file an appeal with the City Council.

2. A City Council review of the appeal shall be initially convened within 30 days following the decision of the hearing board or other appeal request.

3. Notices and staff assistance regarding the City Council hearing shall be provided by the City Records Officer and shall be provided as set out in subsection A. above and in policies and procedures.

4. The appeal of a decision of the City Council may be made to the District Court, in accordance with the Act and the Utah Rules of Civil Procedure.

C. The appellant shall set forth in writing the nature and date of the request, attaching a copy of the request form, if available, and setting out the basis and legal authority for the request.

D. The decisions of any hearing board or the City Council regarding access to or classification of records shall be forwarded to the City Records Policy Administrator for corrective action including any reclassification or designation of data or records which may be necessitated by the appellate decision.

Section 3-603-10 Access to Disabled Persons

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with policies developed under this Chapter.

Section 3: MUNICIPAL GOVERNMENT

Section 3-603-11 Request to amend a Record

Records held by the City may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the agency having custody or the records and setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a government record is made, generally both the original record and the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this Chapter.

Section 3-603-13 Duties of Governmental Entities

A. There shall be appointed a City Records Officer to oversee and coordinate records access and management and City archives activities. The Records Officer shall make annual reports of records services activities to the City Council.

B. There is hereby created the Government Records Access and Management Policy Administration ("Records Policy Administration"), to be chaired by the City Records Officer. Members of the Records Policy Administration shall include representatives from the City office staff, the City departments, and from the elected offices. The Records Policy Administration shall meet periodically as needed, as determined by the City Records Officer. The minutes and other records of the Records Policy Administration shall be maintained and staff provided by the City office.

C. Each agency of City government shall appoint a Records Representative to assist with and be directly responsible for the implementation of this ordinance. Regular training shall be provided under the direction of the Records Policy Administration to Agency Records Representatives.

D. The Records Policy Administration shall develop and provide records management, maintenance and access standards, policies and procedures, as approved by the City Council, to govern and implement the provisions of the Act and this Chapter. Approval and promulgation of

Section 3: MUNICIPAL GOVERNMENT

records policies and procedures shall be in accordance with the provisions of this code of ordinances and the Act. Copies of any rule or policy promulgated under this ordinance shall be forwarded by the City Records Officer to the Utah State Division of Archives within thirty (30) days after its effective date. Any agency's internal policies regarding records management and access shall be consistent with this ordinance and state law.

Section 3-603-14 Disposition of records

A. There shall be appointed a City Records Officer to oversee and coordinate records access and management and City archives activities. The Records Officer shall make annual reports of records services activities to the City Council.

B. There is hereby created the Government Records Access and Management Policy Administration ("Records Policy Administration"), to be chaired by the City Records Officer. Members of the Records Policy Administration shall include representatives from the City office staff, the City departments, and from the elected offices. The Records Policy Administration shall meet periodically as needed, as determined by the City Records Officer. The minutes and other records of the Records Policy Administration shall be maintained and staff provided by the City office.

C. Each agency of City government shall appoint a Records Representative to assist with and be directly responsible for the implementation of this ordinance. Regular training shall be provided under the direction of the Records Policy Administration to Agency Records Representatives.

D. The Records Policy Administration shall develop and provide records management, maintenance and access standards, policies and procedures, as approved by the City Council, to govern and implement the provisions of the Act and this Chapter. Approval and promulgation of records policies and procedures shall be in accordance with the provisions of this code of ordinances and the Act. Copies of any rule or policy promulgated under this ordinance shall be forwarded by the City Records Officer to the Utah State Division of Archives within thirty (30) days after its effective date. Any agency's internal policies regarding records

Section 3: MUNICIPAL GOVERNMENT

management and access shall be consistent with this ordinance and state law.

Section 3-603-15 Creation and Duty of City Archives and Records Services Section

There is created the City Archives and Records Services Section, to be managed by the City Records Officer. It is the responsibility of the section to receive, store, and preserve City agency records and other materials and to store and to provide reasonable access thereto as may be calculated to accurately and safely maintain City records over the long term in compliance with this Chapter and the Act. Policies and guidelines regarding the nature of records and record series which are to be received and stored by City Archives shall be developed and promulgated by the Records Policy Administration. City Archives shall be considered the formal, official repository of the City records; the central depository for reports, publications, productions in other media, rules, policies, and regulations of the City, where not otherwise determined by law; and, where appropriate, historical artifacts. Each agency shall be responsible for assisting the City Archives in the collection of such records, depository materials, and artifacts through methods promulgated by the Records Policy Administration.

Section 3-603-16 Access to Non-written Records

A. The City retains and reserves to itself the right to use any type of non-verbal or non-written formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment systems, which are not prohibited by state statute and do not compromise legal requirements for record, storage, retrieval, security and maintenance, to store and maintain City records. All computerized and non-written formal records and data which are designated and classified in accordance with the Act and this Chapter, shall be made available to a requester in accordance with this Chapter and the Act.

Section 3: MUNICIPAL GOVERNMENT

B. The methods of access to records in non-written formats or data processing systems shall be as determined appropriate by the agency director of the agency maintaining the records, considering all circumstances. Access may include but not be limited to the following:

1. By using a City computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any non-public records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;
2. By providing paper or "hard" copies of record printouts or by providing magnetic tapes, disks, or other means of electronic storage containing the non-written format or data processing system records; or
3. By the use, where appropriate, of remote terminals which have access to City computer, data processing or electronic information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that non-public records will not be available by remote terminal access.

C. Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this Chapter of the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the City and software and other materials which have been copyrighted by the City.

Section 3-603-17 Justice Court Records

Records activities of the City Justice Court system shall comply with and be governed by Section 63-2-702 of the Act.

Section 3-603-18 Criminal Penalty

Knowing violation of this Chapter is a misdemeanor, punishable as set forth in this code of the ordinances.

Section 3-604 Publication or Proceedings, Expenses

Section 3: MUNICIPAL GOVERNMENT

See U.C.A. 10-3-604

Section 3-605 Penalty

See U.C.A. 10-3-605

Section 3-606 Rules of Procedure

See U.C.A. 10-3-606

Section 3-607 Rules of Conduct for Members of the Governing Body

See U.C.A. 10-3-607

Section 3-608 Rules of Conduct for the Public

See U.C.A. 10-3-608

Section 3-609 Action on Committee Reports

See U.C.A. 10-3-609

Section 3-610 Requiring Attendance of Witnesses, Production of Evidence

See U.C.A. 10-3-610

Section 3-700 Municipal Ordinances, Resolutions and Procedure

Section 3-701 Legislative Power Exercised by Ordinance

See U.C.A. 10-3-701

Section 3-702 Extent of Power Exercised by Ordinance

See U.C.A. 10-3-702

Section 3: MUNICIPAL GOVERNMENT

Section 3-703 Form of Ordinance

See U.C.A. 10-3-704

Section 3-705 Requirements as to Form

See U.C.A. 10-3-705

Section 3-706 Revision of Ordinances

See U.C.A. 10-3-706

Section 3-707 Power to Codify Ordinances

See U.C.A. 10-3-707

Section 3-708 Arrangement of Ordinances

See U.C.A. 10-3-708

Section 3-709 Repeal of Conflicting Provisions - Title

See U.C.A. 10-3-709

Section 3-710 Publication in Book, Pamphlet or Loose Leaf Form - State Statutes

See U.C.A. 10-3-710

Section 3-711 Publication of Ordinances

See U.C.A. 10-3-711

Section 3-712 Effective Date

See U.C.A. 10-3-712

Section 3: MUNICIPAL GOVERNMENT

Section 3-713 Recording, Numbering, and Certification of Passage

See U.C.A. 10-3-713

Section 3-714 Contents, Dates, Publication Proved Under Seal

See U.C.A. 10-3-714

Section 3-715 Municipal Ordinances Received in Evidence

See U.C.A. 10-3-715

Section 3-716 Fines and Forfeitures - Disposition

See U.C.A. 10-3-716

Section 3-717 Purpose of Resolutions

See U.C.A. 10-3-717

Section 3-718 Form of Resolution

See U.C.A. 10-3-718

Section 3-719 Resolutions Need No Publication Effective Date

See U.C.A. 10-3-719

Section 3-800 Municipal Administration

Section 3-801 Administrative Powers in Cities of the First Class

See U.C.A. 10-3-801

Section 3-802 Designation of Department Head in Cities of the First Class

See U.C.A. 10-3-802

Section 3: MUNICIPAL GOVERNMENT

Section 3-803 Officers Limited to One Office

See U.C.A. 10-3-803

Section 3-804 Change in Names, Functions, and Superintendents of Departments

See U.C.A. 10-3-804

Section 3-805 Administrative Powers in Cities of the Second Class

See U.C.A. 10-3-805

Section 3-806 Designation of Department Head in Cities of the Second Class

See U.C.A. 10-3-806

Section 3-807 Commissioners May Administer Two Departments - Change in Names, Functions and Superintendents

See U.C.A. 10-3-807

Section 3-808 Administration Vested in Mayor

See U.C.A. 10-3-808

Section 3-809 Powers of Mayors in Cities of the Third Class and towns

See U.C.A. 10-3-809

Section 3-810 Additional Powers and Duties of Elected Officials in Cities of the Third Class and towns

See U.C.A. 10-3-810

Section 3: MUNICIPAL GOVERNMENT

Section 3-811 Members of the Governing Body May Be Appointed to Administration in Cities of the Third Class and Towns

See U.C.A. 10-3-811

Section 3-812 Change of Duties in Cities of the third Class and Towns

See U.C.A. 10-3-812

Section 3-813 General Administrative Powers of All Municipalities

See U.C.A. 10-3-813

Section 3-814 Personnel Assigned to One or More Departments

See U.C.A. 10-3-814

Section 3-815 Rules and Regulations For Administration of Municipality

See U.C.A. 10-3-815

Section 3-816 May Require That Appointed Officers Reside in Municipality

See U.C.A. 10-3-816

Section 3-817 Elected Executives to Appoint their Deputies

See U.C.A. 10-3-817

Section 3-818 Compensation and Salaries

A. The salary of the officers and employees of this municipality shall be paid in the amount and at such times as is specified in compensation schedules as shall be adopted in the City Council. Compensation for elected and statutory officers shall be set following public hearing at which all interested persons shall be given an opportunity to be heard.

Section 3: MUNICIPAL GOVERNMENT

Notice of the time, place and purpose of the meeting shall be published at least seven days prior thereto by publication at least once in a newspaper published within Kane County and generally circulated in the municipality. After the conclusion of the public hearing, the Council may adopt a compensation schedule.

B. In addition to the salary paid the officers and employees of this municipality, they shall receive the following benefits:

1. The employees' share of the social security tax.
2. Health and accident insurance for themselves and their families on such basis and cost to the employee or officer as the governing body may from time to time establish by resolution.
3. Vacation and sick leave on such basis as the governing body may from time to time establish by resolution.
4. Participation in the Utah state retirement program on such basis and cost as the governing body may from time to time by resolution establish.

C. Whenever any person serves in two or more positions either as officers or employees of this municipality, unless otherwise specifically provided in the employment agreement, by ordinance or resolution, the person shall receive the salary or compensation of the office or employment paying the greater amount.

D. In addition to all other compensation or salaries any officer or employee of this municipality may receive, following the submission to the recorder/clerk of a claim, travel expense and per diem established by the Utah state department of finance for expenses actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the governing body.

Section 3-819 Amount of Bond

A. Before taking the oath of office and entering on the duties of their respective office, the following named municipal officials shall each give a bond with good and sufficient securities, payable to the municipality conditioned for the faithful performance of the duties of their office and

Section 3: MUNICIPAL GOVERNMENT

the payment of all monies received by such officers according to law and the ordinance of this municipality in the following amounts:

1.	Mayor	\$2,500.00
2.	Council Member	\$2,500.00
3.	Treasurer	\$1,000.00
4.	Recorder/Clerk/City Manager	\$20,000.00
5.	Marshall	\$1,000.00
6.	Deputy	\$1,000.00
7.	Justice of the Peace	\$1,000.00

B. The treasurer's bond shall be superseded by any rules, regulation or directive of the state money management council when such rule, regulation or directive is binding on this municipality.

C. The premium charged by any corporate surety for any bond required in this section shall be paid by this municipality.

D. The bond required in this section may be a blanket bond.

Section 3-820 Cities of the First and Second Class

See U.C.A. 3-820

Section 3-821 Bond of Treasurers

See U.C.A. 10-3-821

Section 3-822 Approval of Bonds

See U.C.A. 10-3-822

Section 3-823 Premium Paid by Municipality

See U.C.A. 10-3-823

Section 3: MUNICIPAL GOVERNMENT

Section 3-824 Bonds of first Officers After Incorporation

See U.C.A. 10-3-824

Section 3-825 Additional Bonds

See U.C.A. 10-3-825

Section 3-826 Official Neglect and Misconduct - Penalty

See U.C.A. 10-3-826

Section 3-827 Oath Required Before Taking Office or Performing Duties

See U.C.A. 10-3-827. (See Constitution of Utah Article IV, 10 for form of oath.)

Section 3-828 Oath-Given-Filed

See U.C.A. 10-3-828

Section 3-829 Acts of Officials Not Voided

See U.C.A. 10-3-829

Section 3-900 Appointed Officials and Their Duties

Section 3-901 Creating Offices - Filling Vacancies

See U.C.A. 10-3-901

Section 3-902 Appointment of Recorder, Treasurer, Engineer, Attorney in Cities of the First and Second Class

See U.C.A. 10-3-902

Section 3: MUNICIPAL GOVERNMENT

Section 3-903 Custodian of Records of Public Improvements

See U.C.A. 10-3-903

Section 3-904 Books and Supplies - Recording, Filing and Inspection

See U.C.A. 10-3-904

Section 3-905 Fees To Be Paid in Advance

See U.C.A. 10-3-905

Section 3-906 Seal

See U.C.A. 10-3-906

Section 3-907 Recordation Not To Interfere With Other Recordation

See U.C.A. 10-3-907

Section 3-908 Noncompliance a Misdemeanor

See U.C.A. 10-3-908

Section 3-909 Police and Fire Departments in Cities of the First and Second Class

See U.C.A. 10-3-909

Section 3-910 Heads of Departments and Subordinate Officers

See U.C.A. 10-3-910

Section 3-911 Removal of Departmental Heads

See U.C.A. 10-3-911

Section 3: MUNICIPAL GOVERNMENT

Section 3-912 Department Heads May Suspend Subordinates

See U.C.A. 10-3-912

Section 3-913 Powers and Duties of Chief of Police

See U.C.A. 10-3-913

Section 3-914 Police Officers - Powers and Duties

See U.C.A. 10-3-914

Section 3-915 Rights to Arrest Without Warrant

See U.C.A. 10-3-915

Section 3-916 Recorder, Treasurer, Marshal in Cities of the Third Class and Towns

See U.C.A. 10-3-916

Section 3-917 Engineer in Cities of the third Class and Towns

See U.C.A. 10-3-917

Section 3-918 Marshal in Third Class Cities and Towns

See U.C.A. 10-3-918

Section 3-919 Powers, Duties and Obligations of Police Chief, Marshal and Their Assistants in Cities of the Third Class and Towns

See U.C.A. 10-3-919

Section 3-920 Bail Commissioner - Powers and Duties

Section 3: MUNICIPAL GOVERNMENT

See U.C.A. 10-3-920

Section 3-921 Fines - Collection by Bail Commissioner Accounting

See U.C.A. 10-3-921

Section 3-922 Term of Bail Commissioners - Salary-Bond of Oath

See U.C.A. 10-3-922

Section 3-923 City and Town Justices of the Peace - Appointment - Vacancies - Disqualification - Compensation - Payment of Fees, Fines, Forfeitures or other Sums to Treasurer

See U.C.A. 10-3-923

Section 3-924 Appointment of Manager

See U.C.A. 10-3-924

Section 3-924.1 City Manager

Section 3-924.2 Office Created

The office of the City Manager of the City of Kanab is hereby created and established, pursuant to Utah Code Ann. 10-3-924.

Section 3-924.3 Appointment and Term

The City Manager shall be appointed by the Mayor and approved by the City Council. Appointment shall be based upon administrative and executive abilities. His term of office shall be for a period not exceeding 3 years, to be set in the resolution establishing his appointment. He shall hold office at the pleasure of the City Council. The term of employment may be renewed at any time.

Section 3: MUNICIPAL GOVERNMENT

Section 3-924.4 Residence

Residence in the City at the time of appointment of a City Manager shall not be required as a condition of the appointment, but within one hundred eighty (180) days after reporting for work the City Manager must become and thereafter remain a resident of the City during the term of such employment.

Section 3-924.5 Eligibility

No Mayor or member of the City Council shall be eligible for appointment as City Manager until one year has elapsed after such individual shall have ceased to be Mayor or a member of the City Council.

Section 3-924.6 Compensation

The City Manager shall receive such compensation as the City Council shall by resolution, from time to time determine. In addition, the City Manager shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties, as approved in advance by the City Council.

Section 3-924.7 Bond of the City Manager

Before taking office, the City Manager shall file with the City Recorder a surety bond, conditioned upon honest and faithful performance of his duties as provided in Section 3-819.

Section 3-924.8 Powers and Duties

The City Manager shall be the administrative head of the government of the City under the direction and control of the Mayor and City Council except as otherwise provided in this ordinance. He shall be responsible for the efficient administration of all affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, he shall have the powers set forth below:

Section 3: MUNICIPAL GOVERNMENT

- A.** Faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the municipality are observed.
- B.** Carry out the policies and programs established by the Council.
- C.** Except for the appointments to be made by the Mayor and City Council as provided by state statute or in these ordinances, to have appointment and removal power of all officers, agents and employees necessary for the proper conduct of duties incident to his position, such appointment to be made upon the basis of fitness alone.
- D.** Organize and direct the management of the executive affairs of the municipality in a manner consistent with this act and with municipal ordinances.
- E.** To have direct supervision of the construction, improvements, repairs and maintenance of streets, sidewalks, alleys, lanes, bridges, and other public highways; of sewers, drains, ditches, culverts, streams and water courses or gutters and curbs; of the municipal water system of all public buildings, boulevards, parks, playgrounds, airports, squares and other grounds belonging to the City, and to collect and dispose of waste material.
- F.** To oversee the issuing of building permits; the inspection of buildings, plumbing and wiring, jointly with the engineer, plumbing inspector and building inspector; to be fully informed on all functions as may be undertaken by the various duly appointed Boards; to supervise and oversee all functions of the Public Safety Department.
- G.** To be responsible for the preparation of the City's tentative and final budget, and keep the council advised as to the financial condition and needs of the City.
- H.** Examine and inspect the books, records, and the official papers of any office, department, agency, board, or commission of the municipality, and make investigations and require reports from personnel.
- I.** To review all claims before presentation to the City Council for Payment, to see that all goods purchased by and for the City are received as per contract.

Section 3: MUNICIPAL GOVERNMENT

J. To create no liability against the City in excess of \$500.00 without the sanction of the City Council.

K. Recommend to the Council standards, qualifications, criteria, and procedures to govern the appointments, by heads of offices, departments, and agencies, or by other authorized officers, of divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and municipal administrative code.

L. Submit to the council plans and programs relating to the development and needs of the municipality, and annual and special reports concerning the financial, administrative, and operational activities of municipal; offices, departments, agencies, with his evaluation and recommendations relating to them.

M. To schedule and prepare agendas for meetings of the City Council, and to give public notice thereof, and to members of the City Council and Mayor.

N. Attend all meetings of the council and take part in its discussions and deliberations, but without the right to vote.

O. Promote the interests of the city to associations of local governments and before and with other governmental entities and officers, and public groups.

P. To perform such other duties as may be required of him by ordinance or resolution of the City Council.

Provided, however, the power and duties of the City Manager may be enlarged or taken away by resolution of the City Council.

Section 3-925 Term of Office

See U.C.A. 10-3-925

Section 3-926 Duties of the Manager

See U.C.A. 10-3-926

Section 3: MUNICIPAL GOVERNMENT

Section 3-927 Legislative Posers and Official Position of the Mayor not Delegated

See U.C.A. 10-3-927

Section 3-928 Attorney

See U.C.A. 10-3-928

Section 3-1000 Civil Service Commission

Section 3-1001 Subordinates in Police, Health, and Fire Departments to be Appointed From List

See U.C.A. 10-3-1001

Section 3-1002 Classified Civil Service - Employment Constituting

See U.C.A. 10-3-1002

Section 3-1003 Commission - Number, Term, Vacancies

See U.C.A. 10-3-1003

Section 3-1004 Qualifications of Commissioners - Salary - Removal

See U.C.A. 10-3-1004

Section 3-1005 Organization of Commission - Secretary - Offices

See U.C.A. 10-3-1005

Section 3-1006 Rules and Regulations - Printing and distribution

See U.C.A. 10-3-1006

Section 3: MUNICIPAL GOVERNMENT

Section 3-1007 Examinations

See U.C.A. 10-3-1007

Section 3-1008 Appointments From Civil Service List-Probation Period

See U.C.A. 10-3-1008

Section 3-1009 Certification of Applicants for Position - Number - Eligible Lists, Removal

See U.C.A. 10-3-1009

Section 3-1010 Promotions - Basis - Certification of Applicants

See U.C.A. 10-3-1010

Section 3-1011 Temporary Employees

See U.C.A. 10-3-1011

Section 3-1012 Discharge by Department head - Appeal to Commission - Hearing and Decision

See U.C.A. 10-3-1012

Section 3-1100 Personnel Rules and Benefits

Section 3-1101 Monthly Pension and Health or Termination Benefits Authorized for Officers or Employees-Administration of Systems

See U.C.A. 10-3-1101

Section 3-1102 Creation and Administration of Retirement Systems

See U.C.A. 10-3-1102

Section 3: MUNICIPAL GOVERNMENT

Section 3-1103 Sickness, Disability and Death Benefits

See U.C.A. 10-3-1103

Section 3-1104 Library Personnel - Monthly Wage Deductions and Matching Sums - Time of Inclusion

See U.C.A. 10-3-1104

Section 3-1105 Appointive Officers and Employees-Duration and termination of Term of Office

See U.C.A. 10-3-1105

Section 3-1106 Discharge or Transfer-Appeals-Board-Procedure

See U.C.A. 10-3-1106

Section 3-1107 Cost of Living Adjustment - Price Index Used

See U.C.A. 10-3-1107

Section 3-1200 Appeal Board

Section 3-1201 Board Established

There is hereby created an Employee Appeals Board to consist of five members and two alternate members. Three members and one alternate member shall be elected by and from the appointed officers and employees, and two members and one alternate member shall be appointed by the Mayor for a one year term and who shall be members of the governing body.

Section 3-1202 Nominations

Nominations for the members and alternate member of the Employee Appeals Board may be received from City employees from the period

Section 3: MUNICIPAL GOVERNMENT

January 1 through January 15 of each year. Employees may nominate themselves or another full-time City employee. Nominations shall be filed with the City Recorder. Any persons nominated may withdraw their names prior to the election by requesting the City Manager to do so in writing.

Section 3-1203 Elections

Each year beginning January 1, one employee shall be chosen by secret ballot, each employee of the City being entitled to cast one vote. The person receiving the highest number of votes shall serve as a full member of the Board for three years and the person receiving the second highest number of votes shall serve as the alternate member of the Board for one year. In the case of a tie, the toss of a coin by the City Manager shall determine the winner. The Employee Appeals Board election shall be held during the last full week in January.

Section 3-1204 Regular Meeting

The regular members of the Appeals Board shall meet the first week in February and select a chair person for one year.

Section 3-1205 Appointment

At the first City Council Meeting in any year, the Mayor shall appoint two members of the governing body to serve as members of the Employee Appeal Board. Each shall serve for a one year term. The Mayor shall also appoint an alternate member to serve in the absence of one of the regular members.

Section 3-1206 Vacancies

In the event a vacancy occurs on the Board, the alternate shall be appointed to fill the unexpired term. In the case of a vacancy among the employee elected members of the Board, the employee alternate shall so

Section 3: MUNICIPAL GOVERNMENT

serve. In the event of a vacancy in the member from the governing body, the alternate which is a member of the governing body shall so serve.

Section 3-1207 Term of Service

The terms of the members of the Appeals Board shall begin and end in the first week of February.

Section 3-1500 Economic Development

Section 3-1510 Establishment of an Economic Development Board

The Kanab City Economic Development Advisory Board (Board) shall consist of seven (7) members. Members of the Board will be appointed by the Kanab City Mayor and approved by the Kanab City Council. It is the intent of this ordinance that the Board consist of individuals with experience and expertise from a variety of occupations and backgrounds. The members of the Board shall be permanent residents of Kanab City. At least three (3) members shall hold no other public office or position within the City of Kanab. The Mayor shall appoint, and the Council shall approve, a representative from the City Council to participate as a non-voting member and to act as liaison between the Board and the Kanab City Council.

Section 3-1511 Term of Office

The term of office for Board members shall be for three (3) years. Board member terms shall be staggered so that no more than three (3) members' terms will expire at the same time. The Kanab City Council liaison representatives term shall correspond to that persons tenure of office as an elected Kanab City Council member. Appointments to office will be made on or before the first Monday in May of each year. Board members may, if approved by the city council, serve successive terms.

Section 3-1512 Vacancies and Removal for Cause

Section 3: MUNICIPAL GOVERNMENT

Vacancies occurring on the Board for what-ever reason shall be filled by the Mayors appointment and concurrence of the City Council. Such appointments shall be for the remainder of the unexpired term for the vacant position. The City Council may remove any member of the Board for misconduct or matters of non-performance of duty. Non-performance of duty shall include the unexcused absence for three (3) consecutive meetings.

Section 3-1513 Compensation

The Board shall serve without compensation, except that the Kanab City Council shall provide for reimbursement of the Board members for approved expenditures incurred in the performance of their board responsibilities upon presentation of required receipts and vouchers.

Section 3-1514 Officers

The Board shall elect a Chairperson and a Chairperson Elect from its membership, whose terms shall be for one (1) year. The Chairperson Elect shall have been a Board member for at least one (1) year prior to being elected to the position of Chairperson. The Chairperson Elect shall assume the position of Chairperson at the end of the year if such action is sustained by the board membership. In the absence of the Chairperson, the Chairperson Elect shall serve as Chairperson Pro-Tem. The Board Chairperson shall vote on Board issues only in case of a tie vote.

Section 3-1515 Quorum and Vote

A quorum shall consist of at least five (5) members of the board including the Chairperson or Chairperson Pro-Tem. No action can be taken unless a quorum is present. A motion requires the vote of a majority of the quorum present, three (3) or more, in order to pass.

Section 3-1516 Employee's and Expenditures

Section 3: MUNICIPAL GOVERNMENT

The Board may, upon the approval of the Kanab City Council, employ experts and staff, including consultants and a secretary. Expenses will be paid as may be reasonable for carrying out the duties defined in this ordinance. Such expenditures may not exceed the amount approved for the operation of the Board by the Kanab City Council.

Section 3-1517 Duties and Responsibilities

The Board Shall:

- A.** Adopt such rules and procedures as deemed necessary for proper conduct of its business.
- B.** Keep a record of Board proceedings; such record shall be open to inspection by the public at all reasonable times. A copy of the Boards minutes shall be provided to the City Manager within five (5) days following the Boards meetings.
- C.** Recommend a strategic economic development plan and program to the Kanab City Council for their adoption. This plan will update the Kanab City General Plan in matters pertaining to enhancing and increasing specific types of industry and businesses.
- D.** Assume the lead in the dissemination of data, information and advertising regarding Kanab City's economic development programs.
- E.** Consider, investigate, make findings, report, and recommend special matters or questions within and about the scope of its work when requested by the Kanab City Council.
- F.** Make recommendations concerning the proper operation and welfare of the Kanab City Economic Development Program.

Section 3-1518 Review by Kanab City Council

The Kanab City Council may review the conduct, acts, and decisions of the Board. Any individual may appeal any ruling or order of the Board to the Kanab City Council, who, at their option, may hear the matter and render a final decision.