

Section 3: MUNICIPAL GOVERNMENT

Section 3-100	Kanab City Government
Section 3-110	Time, Place, Type - Exceptions
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 3-508	Minimum Vote Required
Section 3-509	Reconsideration
Section 3-510	Agenda
Section 3-601	Business of Governing Body Conducted Only in Open Meeting
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 3-600	GRAMA Fees
Section 3-603	GRAMA Appeals
Section 3-603-02	Disposition of records
Section 3-603-03	Creation and Duty of City Archives and Records Services Section
Section 3-818	Compensation and Salaries
Section 3-819	Amount of Bond
Section 3-924	City Manager
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 3-1200	Appeal Board Established
Section 3-1210	Employee Appeals Procedure

Section 3: MUNICIPAL GOVERNMENT

Section 3-100 Kanab City Government

Kanab City is a city of the fifth class. Kanab City operates under the six member council form of government, as informed by Utah Code 10-3b-301. As such, the powers of municipal government are vested in a council consisting of six members, one of which is a mayor.

Section 3-110 Time, Place, Type - 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 with a work meeting promptly at 6:30 p.m.

- A. The governing body may by resolution provide for a different time and place for holding regular meetings of the governing body.
- B. If one of the monthly meetings falls on a holiday, or during the week of Christmas or Thanksgiving, the Chair may either re-schedule or cancel said meeting, as long as the governing body has met or will meet at least one other time in the calendar month.
- C. If the Chair determines that there is nothing on the agenda, or if no quorum can be present, then the Chair may either re-schedule or cancel said meeting, as long as the governing body has met or will meet at least one other time in the calendar month.
- D. **Special Meeting:** If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered into the minutes of the City Council. The order shall provide at least three (3) hours' notice of the special meeting and notice thereof shall be served by the City Recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a council member at any specially called meeting constitutes a waiver of the notice required in this subsection.
- E. **Electronic Meetings:** The City Council may convene and conduct an electronic meeting in accordance with Utah Code Annotated 52-4- 207 as amended.

Section 3: MUNICIPAL GOVERNMENT

1. A quorum of the council must be present, either in person at the anchor location or by electronic participation. At a minimum, two (2) council persons must be in attendance at the anchor location. If, for any reason, lack of communication with a member of the council causes a lack of a quorum, no additional business may be conducted until the quorum can be reconstituted. Business already conducted remains valid and binding.
2. A council member must give notice to the City Recorder as to what electronic means said council member intends to utilize to attend a meeting electronically at least forty-eight (48) hours prior to the meeting to allow for arrangements to be made for the electronic meeting.
3. One anchor location for electronic meetings shall be the Kane County Commission Chamber at 76 North Main, Kanab, Utah. Other locations may be deemed acceptable as required by circumstances, as long as adequate facilities are provided for public participation. Public participation is limited to the anchor location.
4. Electronic meetings may be prohibited or limited based on budget, public policy or logistical circumstances.
5. Notice of the meeting is to be given pursuant to Utah Code Annotated 524-202 and 52-4-207 as amended.

Section 3-504 Quorum Necessary to do Business

No action of the City Council shall be official or of any effect, except when a quorum of the members is present. Fewer than a quorum of the City Council may vote to adjourn a meeting from time to time when a quorum is not present.

Section 3-505 Quorum Defined

The number of members of the City Council necessary to constitute a quorum is three (3) or more.

Section 3-506 Attendance

Section 3: MUNICIPAL GOVERNMENT

The City 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.

Section 3-507 How the Vote is taken

A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote and shall be recorded. Every ordinance or resolution shall be in writing before the vote is taken.

Section 3-508 Minimum Vote Required

The minimum number of "yes" votes required to pass any ordinance, resolution or to take any action by the City Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3).

- a. Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the City Council even though such a majority is less than that required herein.
- b. A majority of the members of the City Council, regardless of the number, may fill any vacancy in the City Council as provided in Utah Code Annotated 20A-1-510, as amended.

Section 3-509 Reconsideration

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

Section 3: MUNICIPAL GOVERNMENT

Section 3-510 Council Agenda

1. Any member of the public desiring to have an item placed upon the City Council Agenda needs to submit an Agenda Application, along with all required information, to the City Manager no later than 10:00 am on the Friday before the regularly scheduled City Council meeting.
2. Subject to Utah state law and local ordinance, the Mayor will make the final decision regarding what items are placed on the City Council Agenda.
 - a. An applicant will be notified by the City Manager of whether the item was placed on the City Council Agenda no later than 3:00 pm on the Monday before the regularly scheduled City Council meeting.
3. If an item is not placed on the City Council Agenda, the applicant may make a public comment as prescribed in Section 3-606 of the City's General Ordinances.
4. If two (2) or more City Council members determine that the subject of a public comment should be placed on the City Council Agenda, the item will be placed on the agenda for the next regularly scheduled City Council meeting.

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

1. Every meeting of the City Council is open to the public, unless closed pursuant to Utah Code Annotated sections 52-4-204 and 52- 4-205.
2. The public may witness the workings of their public officials, but are not guaranteed the right to participate in the proceedings unless the meeting is a public hearing. Even though the public is not guaranteed the right to speak at a public meeting, the Mayor or presiding officer of the meeting may invite citizens to speak.
3. Public hearings provide citizens with the opportunity to comment about agenda items for which a public hearing has been scheduled. Citizens

Section 3: MUNICIPAL GOVERNMENT

shall have the opportunity to make comments at all public hearings in accordance with the Rules of Procedure prescribed in Section 3-606.

Section 3-606 Rules of Procedure

1. The Mayor or presiding officer shall at all times have the authority to conduct and maintain order in all public meetings.
2. At a public hearing, comments pertaining to items on the agenda shall be heard when the agenda item is considered.
3. The City Council meeting agenda shall contain a "public comments" item.
4. Citizens should wait to be recognized by the presiding officer and invited to speak before doing so.
5. Once recognized, the individual shall stand and state his/her name for the record before beginning to make comments.
6. Only the presiding officer shall have the right to interrupt individuals during their time to make comments.
7. Those making comments shall not make personal references or attacks on the reputation of other persons.
8. Those making comments shall confine their comments to three (3) minutes. This limit will be strictly enforced so that all who desire to speak will have an equal amount of time in which to do so.
9. Members of the public may only speak once per public meeting, unless the presiding officer makes special exception.
10. The presiding officer may request any member of the public to refrain from inappropriate language, statements or behavior, and if he/she does not honor said request, the presiding officer may terminate the right of that individual to speak further at that meeting. Individuals who do not

Section 3: MUNICIPAL GOVERNMENT

respect the authority of the presiding officer shall not be permitted to speak.

11. Once all who wish to participate respecting any given issue have done so, or once the specified time for comments on an issue has concluded, the presiding officer shall, in the case of a public hearing, close the public hearing by motion, and in all other cases shall inform the public and/or any party(ies) making presentations that no further comments will be taken regarding that issue. Thereafter the presiding officer will refuse to recognize any such comments.

12. In circumstances where it is deemed appropriate to do so by the presiding officer, Rules 2,3,4,6, 7, 8, 9 and 11 may be waived in whole or in part in favor of a more open, participative discussion and dialogue, or a question and answer format.

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

The City Council may fine or expel any City Council Member for disorderly conduct on a two-thirds (2/3) vote of the members of the City Council.

Section 3-608 Rules of Conduct for the Public

The City Council, on a two-thirds (2/3) vote, may expel any person who is disorderly during the meeting of the City Council. This subsection or any action taken by the City Council pursuant hereto shall not preclude prosecution under any other provision of law.

Section 3-609 Action on Committee Reports

Final action on any report of any committee appointed by the City Council shall be deferred to the next regular meeting of the City Council on the request of any two (2) members, except that the City Council may call a special meeting to consider final action.

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

Section 3: MUNICIPAL GOVERNMENT

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this subsection or it may issue subpoenas in its own name in the same manner as provided in the Utah Rules of Civil Procedure.

Section 3-600 GRAMA Fees

- 1) The City may charge a reasonable fee to cover the City's actual cost of providing a record.
- 2) (a) When the City compiles a record in a form other than that normally maintained by the City, the actual costs under this section may include the following:
 - (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;
 - (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and
 - (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii)
- (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.
- (c) Notwithstanding Subsections (2)(a) and (b), no charge may be made for the first quarter hour of staff time.
- (d) The reasonable fee established by the City is 25 cents for each 8 by 11 page. For anything greater than 8 by 11, or for any record in a

Section 3: MUNICIPAL GOVERNMENT

different format, or if the 8 by 11 page cost more than 25 cents to provide, then the City may charge the actual cost of providing the record.

Section 3-603 GRAMA Appeals

- A. In regards to GRAMA requests dictated by State Code, the City's "Chief Administrative Officer" shall be the mayor. The Chief Administrative Officer may delegate his or her duties, such as the duty to hear GRAMA appeals, to someone else (for example, delegating the hearing of appeals to whomever is currently handling land use decision appeals).

Section 3-603-02 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 work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.
- B. Each records officer of a governmental entity or political subdivision shall, on an annual basis, successfully complete online training and obtain certification from state archives in accordance with Section 63A-12-110.

Section 3-603-03 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 State GRAMA 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 City Records Officer. City Archives shall be considered

Section 3: MUNICIPAL GOVERNMENT

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 City Records Officer.

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 elective and statutory officers shall be set in accordance with Utah Code 10-3-818.
- B. In addition to the salary paid to 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

General Ordinances

Section 3: MUNICIPAL GOVERNMENT

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 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 3-924 City Manager

The office of the City Manager of the City of Kanab is hereby created and established.

Section 3: MUNICIPAL GOVERNMENT

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 3-924.4 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: MUNICIPAL GOVERNMENT

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:

- 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.

Section 3: MUNICIPAL GOVERNMENT

- 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.
- J.** To create no liability against the City in excess of \$20,000 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, and 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.

General Ordinances

Section 3: MUNICIPAL GOVERNMENT

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

Section 3-1200 Appeal Board Established

The Appeal Authority that oversees the City's Land Use Appeals shall also serve as the Employee Appeals Hearing Officer.

Section 3-1210 Employee Appeals Procedure

The appeals procedure under this section shall be in accordance with Utah Code 10-3-1106. The Standard of Review shall be de novo.