

ORDINANCE NO. 2021-08

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE
CENTERVILLE MUNICIPAL CODE REGARDING NEWSPAPER
NOTICING REQUIREMENTS BASED ON STATE LAW CHANGES
ADOPTED WITH SB 201 IN THE 2021 LEGISLATIVE SESSION**

WHEREAS, the City Council of Centerville City has previously adopted various provisions of the Centerville Municipal Code regarding statutorily required newspaper notice; and

WHEREAS, based on changes adopted in SB 201 by the Utah Legislature in the 2021 General Session, many newspaper notice requirements have been eliminated; and

WHEREAS, the City Council desires to amend various sections of the Centerville Municipal Code to eliminate statutorily required newspaper notice in accordance with the amendments set forth in SB 201; and

WHEREAS, the City Council finds that the proposed amendments to the Centerville Municipal Code as more particularly set forth herein are in the best interest of the public to provide ordinances and noticing consistent with State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1. Amendment. Section 2.01.050 of the Centerville Municipal Code regarding Notice of Meetings is hereby amended to read in its entirety as follows:

2.01.050 Notice of Meetings

The City Council shall give not less than 24 hours public notice of each meeting, including the agenda, date, time, and place of each of its meetings in accordance with Utah Code § 52-4-202, ~~and Utah Code § 63F-1-701, regarding postings on the Utah Public Notice Website.~~ The City Council shall also provide public notice at least once each year of its regular annual meeting schedule, specifying the date, time, and place of the regular scheduled meetings in accordance with Utah Code § 52-4-202, ~~and Utah Code § 63F-1-701.~~ The City Council shall provide the best notice practicable for emergency meetings as more particularly provided in Utah Code § 52-4-202.

Section 2. Amendment. Section 2.03.020 of the Centerville Municipal Code regarding Notice of Election for Municipal Offices is hereby amended to read in its entirety as follows:

2.03.020 Notice of Election for Municipal Offices

On or before ~~May 1~~ ~~February 1~~ in each year in which there is a municipal general election, the City Recorder shall publish a notice that identifies the municipal offices to be voted on in the municipal general election and the dates for filing a declaration of candidacy for such offices. The City Recorder shall publish the notice of municipal

offices up for election in accordance with the provisions of Utah Code § 10-3-301.

Section 3. Amendment. Section 3.06.030 of the Centerville Municipal Code regarding Surplus Property Definitions is hereby amended to read in its entirety as follows:

3.06.030 Surplus Property Definitions

- (a) A “significant parcel of real property” shall mean a parcel of 1/4 acre or more in size or a parcel having a value of more than \$100,000 as determined by the City Council.
- (b) “Reasonable notice” shall mean publishing a notice of the proposed disposition and of a public hearing before the City Council to consider such disposition on the Utah Public Notice Website and on the City website. ~~once in a newspaper of general circulation within the City.~~

Section 4. Amendment. Section 5.02.070 of the Centerville Municipal Code regarding Independent Audits is hereby amended to read in its entirety as follows:

5.02.070 Independent Audits

Independent audits of the City are required to be performed in conformance with Utah Code § 51-2a-101, et seq., regarding the Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act. Within 10 days following the receipt of the audit report furnished by the independent auditor, the City Recorder shall prepare and publish ~~at least twice in a newspaper of general circulation published within Davis County, and published in accordance with Utah Code § 45-1-101,~~ a notice to the public in accordance with Utah Code § 10-6-152 that the audit of the City has been completed. The City Recorder shall make a copy of the notice available for public inspection at the office of the City Recorder.

Section 5. Amendment. Section 5.03.040 of the Centerville Municipal Code regarding Review of Tentative Budget is hereby amended to read in its entirety as follows:

5.03.040 Review of Tentative Budget

The City Council shall review, consider, and adopt the tentative budget at any regular or special public hearing called for the purpose. Notice of the public hearing on the tentative budget shall be provided at least seven days before the hearing by posting on the Utah Public Notice Website ~~created under Utah Code § 63F-1-701~~ and on the City website. The tentative budget may be amended or revised in such manner as is deemed advisable prior to the public hearing on the final budget in accordance with the provisions of CMC 5.03.080. The City Council may not reduce an appropriation required for debt retirement and interest or reduction of any existing deficits in accordance with Utah Code § 10-6-117, or otherwise required by law or ordinance, below the minimum required.

Section 6. Amendment. Section 5.03.060 of the Centerville Municipal Code regarding Notice and Public Hearing requirements for budgets is hereby amended to read in its entirety as follows:

5.03.060 Notice and Public Hearing

At the meeting at which the tentative budget is adopted, the City Council shall establish the time and place of a public hearing to consider adoption of the final budget and shall order that notice thereof be published at least seven days prior to the hearing in ~~accordance with the provisions of Utah Code § 10-6-113, at least one issue of a newspaper of general circulation published in Davis County, on the Utah Public Notice Website created under Utah Code § 63F-1-701, and on the home page of the City website, either in full or as a link.~~ The City Council shall hold a public hearing on the tentative budget at the time and place advertised at which all interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item in the tentative budget of any fund.

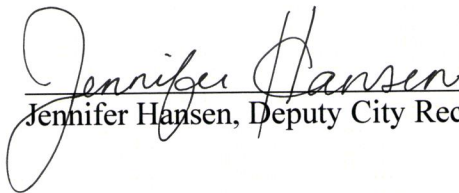
Section 7. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

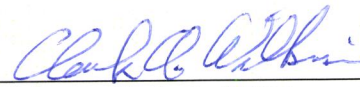
Section 8. Effective Date. This Ordinance shall become effective on May 5, 2021, subject to posting as required by State law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 20th DAY OF APRIL, 2021.

CENTERVILLE CITY

ATTEST:


Jennifer Hansen, Deputy City Recorder

By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember Ivie	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Jennifer Hansen
JENNIFER HANSEN, Deputy City Recorder

DATE: 04/26/2021

RECORDED this 26th day of April, 2021.

PUBLISHED OR POSTED this 26th of April, 2021.

