

ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING SECTION 3.01.090 AND SECTION 3.01.100 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE APPOINTMENT OF THE CITY RECORDER AND CITY TREASURER

WHEREAS, the City Council has previously adopted Section 3.01.090 and Section 3.01.100 of the Centerville Municipal Code requiring, in accordance with applicable State law, the biennial appointment of the City Recorder and City Treasurer on or before the first Monday in February following a municipal election; and

WHEREAS, in the 2017 General Session, the Utah State Legislature passed H.B. 39 amending Utah Code Ann. § 10-3-916 to eliminate the biennial appointment requirement for the City Recorder and City Treasurer and providing that such appointed officers can be appointed by the Mayor, with the advice and consent of the City Council, to continue in office until their successors are appointed; and

WHEREAS, the City Council desires to amend Section 3.01.090 and Section 3.01.100 of the Centerville Municipal Code to reflect State law changes as more particularly set forth herein.

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

Section 1. Amendment. Subsection 3.01.090(a) of the Centerville Municipal Code regarding the appointment of the City Recorder is hereby amended in its entirety as follows:

3.01.090 City Recorder

(a) Appointment. ~~On or before the first Monday in February following a municipal election, the~~The Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder. The City Recorder position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the City Recorder may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

* * *

Section 2. Amendment. Subsection 3.01.100(a) of the Centerville Municipal Code regarding the appointment of the City Treasurer is hereby amended in its entirety as follows:

3.01.100 City Treasurer

(a) Appointment. ~~On or before the first Monday in February following a municipal election, the~~The Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Treasurer. The City Treasurer position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the City Treasurer may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

* * *

Section 3. 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.

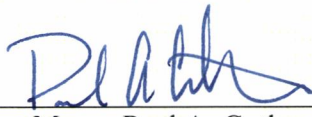
Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, which occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 21st DAY OF NOVEMBER, 2017.

ATTEST:

CENTERVILLE CITY


Marsha L. Morrow, City Recorder

By: 
Mayor Paul A. Cutler

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	☒	☐
Councilmember Ince	☒	☐
Councilmember Ivie	☒	☐
Councilmember McEwan	☒	☐
Councilmember Mechem	☒	☐



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.


MARSHA L. MORROW, City Recorder

DATE: 11/28/17

RECORDED this 28 day of Nov, 2017.

PUBLISHED OR POSTED this 28 of Nov, 2017.