

TITLE 1

CHAPTER 6

OFFICERS AND EMPLOYEES

SECTION:

- 1-6-1: Creating Offices; Filling Vacancies
- 1-6-2: Compensation
- 1-6-3: Bond Requirements
- 1-6-4: Oaths
- 1-6-5: Official Neglect and Misconduct
- 1-6-6: City Recorder and City Treasurer
- 1-6-7: City Attorney
- 1-6-8: Supervision by Mayor
- 1-6-9: Duties of All Officers

1-6-1: CREATING OFFICES; FILLING VACANCIES

- A. Offices Created by Council: The city council may create any office deemed necessary for the government of the city and provide for filling vacancies in elective and appointive offices.
- B. Mayor to Appoint and Fill Vacancies: The mayor, with the advice and consent of the city council, may appoint and fill vacancies in all offices provided for by law or ordinance.
- C. Continuation in Office: All appointed officers shall continue in office until their successors are appointed and qualified. (2005 Code)

1-6-2: COMPENSATION

- A. Compensation: The monthly compensation of the elected officers shall be adopted by ordinance yearly and is available for review at the City Office. (6-2006, 5-9-06)
- B. Payment: The city treasurer shall pay each elected and statutory officer on or before the last regular business day of each month by electronic transfer or delivery of a check drawn on the municipal checking account.
- C. Per Diem: Each member of the governing body shall receive mileage and per diem for all trips approved by the governing body according to the schedules adopted by the Utah department of finance. (4-2014, 10-24-13)

1-6-3: BOND REQUIREMENTS

- A. Specified: Before taking the oath of office and entering on the duties of their respective office, municipal officials, as specified by the city council, shall each have 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 ordinances of this municipality.
- B. City Treasurer: The city treasurer's bond shall be superseded by any rules, regulation or directive of the state money management council when such rule, regulation or directive is binding on this municipality.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. Premium Paid by City: The premium charged by any corporate surety for any bond required in this section shall be paid by this municipality.
- D. Blanket Bond: The bond required in this section may be a blanket bond. (Utah State Code Annotated; amd. 2005 Code)

1-6-4: OATHS

- A. Constitutional Oath of Office: All officers, whether elected or appointed, before entering on the duties of their respective offices shall take, subscribe and file the constitutional oath of office.
- B. Filing: The oath of office required under this section shall be administered by any judge, notary public or by the city recorder. Elected officials shall take their oath of office at twelve o'clock (12:00) noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath at any time before entering on their duties. All oaths of office shall be filed with the city recorder.
- C. Acts of Officials Not Voided: No official act of any city officer shall be invalid for the reason that he failed to take the oath of office. (2005 Code)

1-6-5: OFFICIAL NEGLIGENCE AND MISCONDUCT

In case any city officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, malconduct, misfeasance or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from office and is not eligible for any city office thereafter. (2005 Code)

1-6-6: CITY RECORDER AND CITY TREASURER

All appointed officers, namely city recorder and city treasurer, shall continue in office until their successors are appointed and qualified, which will be done by the mayor and presented for advice and consent of the city council. (2-2024, 3-19-24)

1-6-7: CITY ATTORNEY

The city attorney:

- A. May prosecute violations of city ordinances:
- B. May prosecute, under state law, infractions and misdemeanors occurring within the boundaries of the city;
- C. Has the same powers in respect to violations as are exercised by a county attorney or district attorney, except that a city attorney's authority to grant immunity shall be limited to:
 - 1. Granting transactional immunity for violations of city ordinances; and
 - 2. Granting transactional immunity under state law for infractions and misdemeanors occurring within the boundaries of the city;
- D. Shall represent the interests of the state or the city in the appeal of any matter prosecuted in any trial court by the city attorney; and
- E. May cooperate with the office of the attorney general during investigations, including those described in Utah State Code Annotated. (2005 Code)

1-6-8: SUPERVISION BY MAYOR

The mayor shall supervise the official conduct of all officers of the municipality and investigate, or cause to be investigated, and present any complaint to the city council, together with the results of the investigation, at the next regular meeting of the city council after the complaint is received by him. (Utah State Code Annotated)

1-6-9: DUTIES OF ALL OFFICERS

It shall be the duty of all officers of the municipality to:

- A. Deliver to their successor within one week after the change of office all records, documents and property which belong to the municipality;
- B. Deliver to the city treasurer within one week after receipt of such funds, all funds of the municipality which the officer receives;
- C. Sign within a reasonable time all papers, documents and records received by him which require his signature;
- D. Perform all duties imposed on him by virtue of the office held;
- E. Give receipts, on forms provided by the city recorder, for all sums of money received, collected or paid them or their assistants. (Utah State Code Annotated)

1-6-10: GOVERNMENT IMMUNITY

All claims against River Heights City or against its employees or agents arising out of the performance of the employee's or agent's duties, within the scope of employment or under the color or authority shall be governed by the "Governmental Immunity Act of Utah." The waivers and retentions of immunity found in the "Governmental Immunity Act of Utah" shall apply to all functions of the government, no matter how labeled. (6-2006, 5-9-06)