

ORDINANCE 26-02

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 2 of the Hyrum City Municipal Code sets forth certain regulations pertaining to administration and personnel, including the establishment of several positions within the City; and

WHEREAS, due to growth, complexity, and operational demands of Hyrum City, the City requires a professional City Manager to ensure efficient, effective, and accountable municipal services; and

WHEREAS, Utah State Code Section 10-3b-403 authorizes municipalities to adopt an ordinance to allow for the appointment of a City Manager to perform executive and administrative duties that the City Council by ordinance delegates to the City Manager; and

WHEREAS, Utah State Code Section 10-3b-403 also restricts the City from removing from the Mayor and/or delegating to a City Manager any of the Mayor's legislative or judicial powers or ceremonial functions, the Mayor's position as Chair of the City Council, and any ex officio position that the Mayor holds; and

WHEREAS, the Mayor and City Council of Hyrum City have found it necessary to create the position of City Manager to promote professional oversight of City operations, improve long-term planning, enhance coordination among departments, and allow elected officials to focus on policy and legislative responsibilities.

NOW, THEREFORE, the City Council hereby adopts, passes and publishes the following:

AN ORDINANCE CREATING CHAPTER 2.15 CITY MANAGER OF THE HYRUM CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Chapter 2.15 City Manager of Title 2 of the Hyrum City Municipal Code is hereby added as follows:

Chapter 2.15 City Manager

2.15.010 Office Created

2.15.020 Appointment

2.15.030 Residence

2.15.040 Office

2.15.050 Resignation

2.15.060 Other Employment

2.15.070 Bond

2.15.080 Condition and Term

2.15.090 Compensation

2.15.100 Duties, Control and Discretion

2.15.110 Limitations

2.15.010 Office Created

The office of City Manager has been heretofore established and shall continue in force and effect as an appointed office of the City. (Ord.26-02)

2.15.020 Appointment

The Mayor of Hyrum City, by and with the consent of the City Council, shall appoint a qualified person to the office of City Manager. The term of office, salary, benefits, duties and termination of the City Manager shall be set out in written contract prior to the time of appointment, which contract shall be negotiated and approved by written resolution of the City Council.

The appointment of the City Manager are subject to the provisions of section [10-3b-302\(1\)\(b\)\(ii\)\(A\)](#), Utah Code Annotated, 1953 as amended, providing for the Mayor to vote as a voting member of the City Council, the City Council shall appoint and dismiss the City Manager in accordance with section [10-3b-303](#), Utah Code Annotated, 1953, as amended. (Ord.26-02)

2.15.030 Residence

The City Manager must reside within 15 miles of Hyrum City at the time of his or her appointment and while employed by Hyrum City. If City Manager does not live within 15 miles of Hyrum City a reasonable period of time may be issued to relocate as part of the final job offer. (Ord.26-02)

2.15.040 Office

The City Manager shall maintain an office in City Hall and shall spend such time in the performance of his/her duties as is necessary or as may be required from time to time by the Mayor, but not less than forty (40) hours per week. (Ord.26-02)

2.15.050 Resignation

Before voluntarily resigning from the position of City Manager, the City Manager shall give the Mayor at least thirty (30) days' notice in writing of his or her intent to resign. (Ord.26-02)

2.15.060 Other Employment

The City Manager shall not accept any outside employment in addition to employment by the City without prior annual written approval of the Mayor and City Council. (Ord.26-02)

2.15.070 Bond

Before being appointed, the City Manager shall file with the City Recorder a surety bond, conditioned upon honest and faithful performance of his/her duties, in the sum indicated in HCC 2.12.050. The premiums of the bond shall be paid by the City. (Ord.26-02)

2.15.080 Condition and Term

The City Manager shall serve at the pleasure of the Mayor and City Council. The Mayor and City Council may set the terms and conditions of employment of the City Manager by duly executed contract. The City Manager may be removed and the employment contract terminated with or without cause by a majority vote of the City Council. (Ord.26-02)

2.15.090 Compensation

The salary, benefits, and other compensation of the City Manager shall be set from time to time by the City Council. (Ord.26-02)

2.15.100 Duties, Control and Discretion

Generally: The City Manager shall be at all times under the control and supervision of the Mayor and shall administer the day to day operations of the City and its services according to the policies and programs established by the Mayor and City Council. The Mayor and City Council shall retain all rights, obligations, duties and responsibilities not specifically delegated in this chapter to the City Manager and also those as to which delegation to a City Manager is prohibited by law.

Specific Duties: The City Manager has full discretion in administering the affairs of the City within and according to the

parameters of policy adopted by the City Council. Whenever a question of the interpretation or operation of City policy arises, the City Manager shall consult with the Mayor, who has full executive authority to interpret, apply and implement City policy, subject to review, further direction and revision of policy by the City Council at its meetings. Whenever the Mayor has been called upon to interpret, apply or implement City policy, the City Council shall be notified thereof at or prior to the next meeting of the City Council, in order that the City Council may consider City policy in light of its executive interpretation, application, implementation and administration.

The following duties and the authority to perform them are hereby delegated to the City Manager:

- A. The City Manager shall be the chief administrative officer of the City government and require the faithful performance of all administrative duties, and shall:
 1. **Enforce City and State Code:** 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 City are observed.
 2. **Implement Policy:** The City Manager shall implement all policy changes and directives of the Mayor and the City Council through regularly scheduled staff meetings; is responsible to carry out the policies and programs established by the City Council; and organize and direct the management of the executive affairs of the municipality in a manner consistent with state laws and with City ordinances.
 3. **Hire And Remove Employees:** The City Manager may, under the direction of the Mayor, have the authority to hire and remove employees as provided herein. The City Manager shall also be responsible for reviewing the status and performance of any personnel being considered for promotion in and discharge, transfer, or demotion from employment with the City. The City Manager shall also perform annual performance evaluations of all employees except for any performed by department heads or other City supervisors.
 4. **Supervisory Responsibilities:** The City Manager provides supervision for the efficient and orderly day to day operations and business of the City. The

Mayor may also assign, with council approval, specific supervisory duties over City departments. The City Manager will resolve employee complaints, administer grievance process, and coordinates public relations activities. Supervise Departments: The City Manager shall direct and supervise the administration of all City departments, offices and agencies, except as otherwise provided by the City Council.

5. **City Budget:** The City Manager shall prepare with the assistance of the City Treasurer and Mayor the annual budget. The City Manager monitors fiscal activity, and provides financial reports to Mayor and City Council, and keeps the City Council advised as to the financial condition and needs of the City.
6. **Review Contracts:** The City Manager shall negotiate, review, ensure compliance with laws and regulations, and make recommendations to the Mayor and City Council concerning all proposed contracts to which the City may be a party, and shall see that the terms of any contract to which the City is a party are fully performed by all parties thereto.
7. **Propose Plans and Programs:** The City Manager shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the Mayor and City Council for consideration.
8. **Management Controls:** The City Manager shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner, as determined by the Mayor and City Council.
9. **Purchasing And Claims:** The City Manager or designee shall act as purchasing agent for the City, and as such shall implement and enforce all provisions of the ordinances of the City relating to purchasing. The City Manager or designee may compromise and settle any claim by and against the City if the payment in compromise is one hundred thousand dollars (\$100,000) or less. The City Manager shall, on a periodic basis, advise the City Council concerning pending claims against the City and those which have been settled.

10. **Grant Writing:** Manages grant writing efforts, identifying funding opportunities and coordinating grant applications.
11. **Project Management:** Oversees project management initiatives, ensuring timely and successful completion of projects.
12. **Property Care:** To keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City Manager shall be responsible for the care and custody of all City property, including equipment, buildings, parks and all other City property which is not by law assigned to some other officer or body for care and control. The City Manager shall assist in long range planning of public property.
13. **Citizen Relations:** The City Manager will be the point person in resolving citizen complaints and disputes. The City Manager may involve other City employees as needed to resolve issues.
14. **Organization:** The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the City to the Mayor and the City Council for consideration and implementation.
15. **Meetings of the City Council:** The City Manager shall attend all City Council meetings and such other meetings as requested by the Mayor and/or City Council.
16. **Additional Duties:** The City Manager may have such other powers and shall perform such other duties and obligations as may be required of him or her by state law or by ordinance, resolution, or policy of the City Council.
17. **Emergencies:** The City Manager shall notify the City Council and the Mayor of any emergency existing in any department or matter under his or her supervision. (Ord.26-02)

2.15.110 Limitations

- A. **Powers Of Mayor Not Delegated:** The legislative and judicial powers of the Mayor, his or her position as Chairperson of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Manager. (Ord.26-02)

2. REPEALER. All ordinances, and resolutions of the City, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 6th day of January, 2026.

HYRUM CITY

BY: _____
Steve J. Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____