

ORDINANCE NO. 2025-03

AN ORDINANCE OF PAROWAN CITY, UTAH, UPDATING AND REPLACING PARTS OF TITLE 2, ADMINISTRATIVE CODE, TO ENHANCE CLARITY AND CONSISTENCY WITH UTAH STATE LAW.

ORDINANCE DATED JANUARY 23rd, 2025

WHEREAS, the Parowan City Council finds it necessary to ensure its Administrative Code is consistent with applicable state laws and is accessible and understandable to its citizens; and

WHEREAS, updates and revisions to Title 2 of the Administrative Code are essential to address clarity, compliance with the Utah Code, and reflect the current structure and responsibilities of City officials;

NOW, THEREFORE, BE IT ORDAINED by the Parowan City Council that the following share update and replace the existing City Code as follows:

2.02.020 City Council

1. **Meetings.** Regular meetings of the City Council shall be held at the City offices as provided in this section. Special meetings shall be held at the order of the Mayor or of any two members of the Council. An order for a special meeting shall be entered in the Council minutes. Special meetings shall conform with Utah Code 52-4 Open and Public Meetings Act. Emergency meetings shall be held at the order of the Mayor or any two members of the Council. Emergency meetings must only be held due to unforeseen circumstances to consider matters of an emergency or urgent nature. An order for an emergency meeting shall be entered in the Council minutes. The order shall provide at least three hours' notice of the emergency meeting and shall be served by the City Recorder, or another employee as assigned, to each member who did not sign the order by emailing the notice to the email address provided by the city, delivering the notice personally, or leaving at the member's usual place of abode. The personal appearance by a member at any emergency meeting shall constitute a waiver of the notice which is required by this section. The City shall make an attempt to give as much notice as practicable of the time and place of the emergency meeting and the topics to be considered. Emergency meetings shall be held in accordance with Utah Code 52-4-202.
2. **Quorum.** No action of the City Council shall be taken or shall be official or of any effect except when a quorum of members is present. Fewer than a quorum may adjourn from time to time. Three members of the Council, not including the Mayor, shall constitute a quorum.
3. **Attendance.** The City Council shall have power to compel attendance of its members and the members present at any meeting shall, even in the absence of a quorum, have authority to issue a warrant or order to the Chief of Police requiring him to arrest and deliver absent members to the meeting.
4. **Voting.** Voting on all ordinances, resolutions, and on all other actions which may create a liability of the City shall be by roll call and the "yes" or "no" vote of each member shall be recorded in the minutes of the meeting. A roll call vote shall also be taken at the request of any member on

any other matter. The minimum number of "yes" votes needed to pass any ordinance, resolution or take any other action by the Council shall be a simple majority of the quorum present. Any matter receiving fewer than the simple majority of the quorum present shall be deemed defeated and invalid. Any abstentions made, are considered non-votes and do not count towards the total votes, rather than being considered "no" votes. A majority of the members of the City Council may, regardless of number, fill any vacancy on the Council. The Mayor shall be able to vote in accordance with P.M.C. 2.02.010 (C) and Utah State Code 10-3b-302.

5. **Reconsideration.** No action taken by the City Council shall be reconsidered or rescinded at any special meeting or emergency meeting unless the number of members at the special or emergency meeting is equal to or greater than the number of members present at the meeting when the action was taken.
6. **Meetings To Be Open.** Except as may otherwise be provided by law, all meetings of the City Council shall be open and public. No ordinance, resolution, rule, regulation, contract, or other action of the Council shall have any effect unless passed and approved at a properly held open and public meeting.
7. **Closed Meetings.** The City Council may hold a closed meeting or close a portion of a meeting in accordance with Utah State Code 52-4-204. The City Council shall not, however, make any final decision on any matter in the closed portion of the meeting and any action taken during a closed portion of the meeting shall be void and of no effect.
8. **Records.** The City Council shall keep a journal of its proceedings. The Journal shall be kept at the office of the City Recorder and shall be open to public inspection and copying. The City Recorder shall be the Clerk of the Council for the purpose of keeping such record.
9. **Public Conduct.** The City Council may, on a two-thirds vote of the members present, expel any person who is disorderly during a meeting of the Council. This section, or any action taken pursuant thereto, shall not preclude prosecution under any other provision of law.
10. **Witnesses And Evidence.** The City Council may require the attendance of any person to give testimony or produce records or other evidence as it may determine to be useful or necessary for the governance of the City. Subpoenas to compel such attendance shall be issued in the name of the Council in the manner provided by the Utah Rules of Civil Procedure.
11. **Power And Duties.** The City Council shall have general legislative powers and, except as such powers are restricted by law, may enact ordinances on any matter it shall determine. The council shall be the general governing body of the City and may investigate any matter it chooses in furtherance of its responsibilities. Members of the Council may, as provided in Utah Code 10-3b-303, serve as administrative heads of various City departments and functions.
12. **Electronic Meetings.** Electronic meetings are allowable according to policies adopted by the City Council in accordance with Utah State Code 52-4-207.

2.02.040 Budget and Accounting

B. Duties of City Officers. The City Recorder shall, in his function as auditor, be the primary budget officer of the City, unless the Mayor, with advice and consent of the City Council appoints a different person to be budget officer, by ordinance or resolution, and shall be responsible for preparing the proposed budget under the direction of the Mayor. The proposed budget shall be submitted to the City Council for consideration and adoption as outlined and specified by state law and shall be adopted by the Council only after having met hearing and other requirements imposed by state law. It shall be the duty of the Mayor to see that the City's budgetary and accounting procedures are in conformity with State law.

2.06.010 City Recorder

1. **Duties.** The City Recorder shall be the general keeper and custodian of all records of the City. The City Recorder shall keep the City seal and shall be the Clerk of the City Council, whose meetings he shall attend, either in person or by a duly authorized Deputy. The City Recorder shall pay all money coming into his hands into the City treasury. The City Recorder shall also perform such other duties as are specified by this Chapter, other provisions of the City Ordinances, Parowan City Personnel Manual, State Law, and works under the general guidance of the Mayor.
2. **Term.** The City Recorder shall be appointed by the Mayor with the advice and consent of the City Council for an unspecified term. He shall serve until his successor is appointed and qualified. The City Recorder may be removed at any time by the Mayor with consent of the City Council. Any vacancy which occurs in the office of City Recorder shall be filled by appointment by the Mayor, with the advice and consent of the City Council.
3. **Ex-Officio Auditor.** The City Recorder shall be ex-officio City auditor and shall perform all the duties of that office. He shall draw all warrants on the City treasury but shall not draw any warrant except in accordance with the limits of the duly adopted budget for the current year.
4. **Budget.** As provided in PCMC 2.02.040, the City Recorder shall be the primary budget officer of the City, unless the Mayor, with advice and consent of the City Council appoints a different person to be the budget officer. In connection therewith, he shall perform all duties specified by ordinance and by the Utah Uniform Municipal Fiscal Procedures Act. In connection with preparation and adoption of the annual budget, the City Recorder shall prepare and submit such reports and statements as may be requested by any member of the City Council.
5. **Countersignature Required.** The City Recorder shall sign all contracts to which the City is a party in addition to the signature of the Mayor. Except as may be specifically authorized by ordinance, resolution of the City Council, or by order of the Mayor included in the minutes of the City Council, no contract not countersigned by the City Recorder shall be valid or of any force or effect.
6. **Publishing Financial Statement.** Within forty-five days after the end of the City's budget year, the City Recorder shall publish on the City's website and on the State Auditor's website, a detailed financial statement showing the financial condition of the City at the end of the budget

year. Such statement shall include such items as the City Recorder shall determine to be necessary to give the residents of the City an accurate report of the financial condition of the City.

7. **Ordinances.** The City Recorder shall keep and maintain a record of all Ordinances passed by the City Council in a book used exclusively for that purpose. Such record shall be kept as specified by Title 1 of this Code and in the manner required by State Law.
8. **Certification Of Tax Levy.** Immediately after passage by the City Council of the Ordinance or Resolution in each year fixing the annual property tax levy in the City, the City Recorder shall certify said Ordinance or Resolution and the amount of the tax levy to the appropriate County officer in order that the County may collect said taxes on behalf of the City.

2.06.020 City Treasurer

1. **General Duties.** The City Treasurer shall receive all money belonging to the City, including all taxes, licenses and fines, and keep an accurate and detailed account thereof. The City Treasurer shall deposit the same in such bank or other deposit institution and in such types of accounts as the City Treasurer shall determine to be in the best interest of the City. The City Treasurer shall also perform such other duties as are specified in this Chapter, other provisions of the City Ordinances, Parowan City Personnel Manual, State Law, and works under the general guidance of the Mayor.
2. **Term.** The City Treasurer shall be appointed by the Mayor with the advice and consent of the City Council for an unspecified term. He shall serve until his successor is appointed and qualified. The City Treasurer may be removed at any time by the Mayor with the consent of the City Council. Any vacancy occurring in the office of City Treasurer shall be filled by appointment by the Mayor, with the advice and consent of the City Council.
3. **Disbursements Of City Funds.** The City Treasurer shall disburse no City funds except in payment of warrants duly drawn by the City Recorder and except in payment of bonds issued by the City and interest thereon. Warrants may be paid upon presentation. Bonds or interest thereon may be paid when presented, or if payment is to be made in some other place, the Treasurer may send funds to the place where payment is to be made.
4. **Receipts.** The City Treasurer shall give every person or officer paying money into the City treasury a receipt therefore specifying the date of payment and upon what account paid. The Treasurer shall keep a duplicate of such receipts in his records and all City officers receiving such receipts shall keep the original thereof in the records required by them to be kept. When any such records are deposited with the City Treasurer, the said receipts shall be also deposited with the Recorder.
5. **Accounting.** The City Treasurer shall keep accurate books and records of all funds received by him and of all funds disbursed. Such records shall be kept in accordance with generally recognized principles of accounting. Said records and accounts shall include separate accounting for all special funds and for all items listed in the City budget for which money is to be expended.

He shall keep a record of all warrants paid, describing such warrants, their date, amount, number, and the fund from which paid.

6. **Financial Reports.** The City Treasurer shall report to the City Council monthly and at such other times as the Council shall request, giving a full and detailed account of all receipts and expenditures since his last report and the condition of the City treasury.
7. **Compliance With State Law.** In carrying out his duties specified in this chapter, the City Treasurer shall at all times comply with the Utah Uniform Municipal Fiscal Procedures Act, the Utah Money Management Act, and with all other State laws concerning the receipt of, accounting for, disbursement, and deposit or investment of public funds.

2.06.050 City Manager

1. **Position Of City Manager Established.** There is hereby established for the City of Parowan the position of City Manager. The City Manager shall be appointed by the Mayor upon advice and consent of the City Council. The Manager shall be chosen for an indefinite period, solely upon the basis of administrative qualification. The Manager shall hold office and serve at the pleasure of the City Council and shall receive such salary as shall be fixed by the City Council by Ordinance or Resolution from time to time. The employment of the City Manager may be terminated without cause at any time by action of the majority of the governing body except that for a period of six (6) months after any regular Parowan City Mayoral or Council election, his employment may not be terminated except for cause.
2. **Qualifications.** The City Manager shall meet the qualifications established under the job description of City Manager in the Parowan City Personnel Manual.
3. **Primary Function Of The City Manager.** The City Manager shall act as an Administrative Assistant to the Mayor with a view to assist the Mayor, as requested, in carrying out the statutory function of that office and shall perform administrative and supervisory duties in managing the City.
4. **Supervision Of The City Manager.** The City Manager shall be under the supervision of the governing body and shall answer to the Mayor for the day-to-day operations of the City and performance of City Manager duties. Any disciplinary action by the Mayor against the City Manager must be approved in advance by the City Council after consultation with the Mayor unless the action is taken by the Mayor to prevent an immediate disruption of City business or a threat to safety and security of City government or the citizens of Parowan City. In that event, the Mayor shall have authority to suspend the City Manager but must do so in writing with a statement of the reasons why City Council approval was not sought in advance. In the event that any disciplinary action is taken against the City Manager, under the provisions of this section, the City Manager shall be entitled to pursue those remedies given other Parowan City employees under Section 8 of the Parowan City Personnel Policy and Procedures Manual entitled Employee Grievance Procedure, except that in the case of the Manager no cause need be found for his termination except as provided in 12.80.010 this Ordinance. The authority to terminate the employment of the Manager, in the event said grievance procedures are pursued, shall reside with the Parowan City governing body.

5. **Supervisory Authority Of City Manager.** The City Manager shall, under the direction of the Mayor and City Council, exercise direct supervisory authority over the activities of all department heads, with the exception of the statutory duties of the City Recorder, City Treasurer, Fire Chief, and Chief of Police. The City Manager shall also have supervisory authority over the electrical department as directed by the Power Board, City Council, and Mayor. The City Manager shall exercise secondary supervisory authority over the employees of the various departments only when the department head is unavailable or unable to exercise that authority, or the department head position is vacant, or in emergency situations. In the event that the City Manager is unavailable or unable to exercise said supervision or the office of the City Manager is vacant for any reason, the Mayor shall be responsible for supervision of personnel as described above.

6. Powers And Duties Of City Manager

1. The City Manager, acting under the control of the governing body and the direct supervision of the Mayor, may be delegated the following duties and responsibilities:
 1. To formulate plans, direction, and supervision procedures for the administration of all departments, agencies, and offices under the City's jurisdiction, and to oversee the activities of department heads within the City in the application of the same.
 2. To develop and administer selection and recruitment procedures for employees and officers of Parowan City.
 3. Except where ordinances of the City provide other-wise, to appoint new City employees or promote employees.
 4. In accordance with supervisory direction set forth herein above, to discipline, suspend, or terminate Parowan City department heads and employees subject to the Parowan City Grievance Procedure.
 5. To administer the execution of the laws and Ordinances promulgated by or applicable to Parowan City, except where the responsibility for the same has been delegated by Ordinance, State Law, or Resolution to the City Attorney, or some other Parowan City official.
 6. To assist the Mayor in the preparation of the annual Mayor's Budget and submission of same to the City Council for approval, with the aid and cooperation of all Department Heads, including the City Recorder and the City Treasurer.
 7. To monitor the financial conditions and future City needs of Parowan City and to advise the Mayor and City Council of same. To consult with the City Treasurer, City Recorder, and Library Director and to prepare and present such reports as may be requested on the financial and administrative activities of the City.

8. To be fully informed of the activities and functions of all committees, departments and agencies of city government and to offer advice and council to those entities.
 9. To act as public information officer for the City of Parowan in the absence of the Mayor and/or the City Council.
 10. To act as the affirmative action officer for the City of Parowan.
 11. To review and make recommendations relative to all proposed contracts to which the City intends to become a party and to monitor the performance of all terms of completed contracts to insure full performance of all terms by all parties thereto.
2. In addition to the duties and responsibilities which may be delegated by the governing body or the Mayor as set forth herein above, the City Manager may be assigned duties in the following areas by the City Council:
1. Formulating plans, locating and identifying funding, and developing and presenting recommendation to the City Council regarding the construction, repair, operation, and maintenance of City streets, sidewalks, alleys, lanes, bridges and other public highways; of sewers, water systems, drains, ditches, culverts, streams and water courses, gutters and curbs; of all public buildings, parks, playgrounds, airports, swimming pools, power and electrical systems, and other facilities belonging to the City and of assuring proper disposal of garbage and waste materials.
 2. To establish and supervise the operation of a purchase order system for the City of Parowan.
 3. To establish and maintain an inventory of Parowan City property and assets.
 4. To locate and identify potential grants, money sources for the City of Parowan, to apply for said grants when requested, and to administer grant funds received by the City.
 5. Research areas of interest and to make recommendations regarding those areas and the future needs of Parowan City.
 6. Attend all meetings of the City Council and other public bodies in City Government as assigned, with the right to participate in discussion in those meetings but not to vote.
 7. To recommend to the City Council for adoption such measures as he deems appropriate and necessary for the welfare and proper operation of the City Government.
 8. To notify the Mayor and City Council of any emergency conditions existing in any branch of the City Government, so that appropriate action can be taken.

7. **Limitation Of Supervisory Authority.** The authority of the City Manager to supervise shall not apply to the statutory duties of the Chief of Police, the Fire Chief, the City Attorney, the City Recorder or the City Treasurer. The City Manager shall act only in an advisory role to the Justice Court Judge, , the Planning and Zoning Commission, the Board of Adjustments, or the Mayor and City Council. Those officers and agencies shall be directly answerable to the Mayor and the City Council.
8. **Modifications To The City Manager Duties.** The City Manager may be required by ordinance, by Resolution of the City Council, or by request of the Mayor to carry out and put into effect such projects and polices as directed or previously delegated duties may be restricted or eliminated in the same fashion.
9. **Terms Of Employment.** The Mayor and City Council will, by Resolution, Ordinance, or contract, provide for such terms of employment for the City Manager as they see fit, including but not limited to, hours of employment, vacation, compensatory time, and severance provisions.

2.10.010 Chief of Police

1. **Appointment.** The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council. In the event of any vacancy in the office of Chief of Police, the Mayor shall appoint a person to fill that office, with the advice and consent of the City Council.
2. **Term.** The Chief of Police shall serve for an unspecified term until his successor is appointed and qualified. He may be removed at any time by the Mayor with the consent of the City Council.
3. **City Marshal.** The Chief of Police shall have all of the powers granted to the City Marshal by State Law or by the Ordinances of the City and shall serve as City Marshal. Whenever the office of City Marshal is referred to by Law or Ordinance, it shall be taken to mean the office of Chief of Police.
4. **Duties.** The Chief of Police shall be the head of the City Police Department and shall appoint such deputies and officers as shall be necessary to the proper functioning of that Department. All such appointments shall be made with the consent of the Mayor and City Council and any such deputy or officer may be removed at any time by the Mayor or City Council. The Chief of Police, either in person or by a deputy or officer, shall perform all of the functions and duties which are specified by this Chapter, other provisions of City Ordinances, and by State Law. The Chief of Police shall report to and to have general supervision by the City Manager.

2.12.020 Officers

The Fire Chief shall be appointed by the Mayor, with the advice and consent of the City Council and shall be supervised by the City Manager. Hiring of a part-time or full-time Fire Department employees shall be in accordance with Parowan City Personnel Policy. Nominations of volunteer officers of the Parowan City Fire Department shall be made in accordance with the adopted and approve and approved by-laws of the Parowan City Fire Department. Such officers so nominated

by the Fire Department shall be presented to the Parowan City Council for final appointment and approval. The term of service of such other nominated positions, shall be in accordance with the Fire Department By-laws.

2.06.070 Bonds

1. **Elected Officers.** Before taking office, the Mayor and each member of the City Council shall execute a bond, payable to the City, with good and sufficient sureties, in the amount of \$1,000 or shall be covered under the City's insurance policy in lieu of a bond.
2. **Appointed Officers.** Appointed Officials shall not be required to furnish bonds as a condition of holding their offices. Such a bond may, however, be required for the City Treasurer by the State Money Management Council. If such a bond for the Treasurer is required, it shall be in the minimum amount required by the Money Management Council. The Treasurer may also be covered by the City's insurance policy in lieu of a bond.
3. **Bail Commissioners.** Each person appointed to be a Bail Commissioner shall, before serving as such, execute a bond, payable to the City, with good and sufficient sureties in the amount of \$2,500 or shall be covered under the City's insurance policy in lieu of a bond.
4. **Approval Of Bonds.** The bonds of City Councilmen and of all other officials shall be approved by the Mayor. The bond of the Mayor shall be approved by the City Council.
5. **Terms Of Bonds.** The conditions of all bonds for City Officers and employees shall be for the faithful performance of the duties of their respective offices and the payment of all money received by such officers according to law and City Ordinances.
6. **Payment Of Premiums.** The payment of the premiums for any of the bonds or insurance policies which are required to be furnished by this Chapter shall be made from the City Treasury.

2.06.090 Salaries

1. **Mayor And City Council.** The monthly salary and benefits of the City Council and Mayor shall be set by resolution as determined proper by the City Council. Said salary and benefits to remain the same and continue hereafter at the present rate until modified by resolution.
2. **Appointed Officials.** The salaries of the City Recorder, City Treasurer, Justice of the Peace, Chief of Police, Fire Chief, and the salaries of all other City employees shall be adjusted according to the adopted compensation plan approved by the City Council. The salaries of the City Attorney and City Manager shall be fixed by resolution of the City Council and shall be consistent with any contracts signed therewith.
3. **Changes In Salaries.**
 1. The City Council may review or consider the compensation of any executive municipal officer of the City as defined in Utah State Code 10-3-818 or a salary schedule applicable to other employee of the City for the purpose of determining whether it should be

adopted, amended, or changed. Should the City Council determine that the compensation or compensation schedule should be adopted, amended, or changed, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.

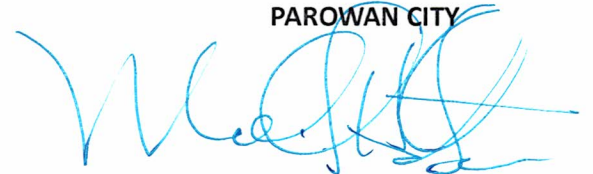
2. Notice of the time, place, and purpose of the public hearing shall be published according to noticing requirements specified in State Code.
3. After the conclusion of the public hearing, the City Council may enact an Ordinance or Resolution fixing, changing, or amending the compensation of any elected or appointed City Official or adopting a compensation schedule applicable to employees.
4. **Compensation of Board Members.** The City Council members may provide nominal benefits or gifts to appointed board members whom volunteer their time serving in the community on a board established under the Parowan City Ordinances. Such gifts or benefits shall be of nominal, non-monetary compensation, which shall be adopted by resolution of the City Council.
5. **Payment.** The salaries of all elected and appointed City officers and employees shall be made at least as often as monthly.

2.06.100 Municipal Officers and Employees Ethics

G. Employment of relatives and household members. The City shall comply with Utah State Code 52-3-1 in regards to employment of relatives and household members.

PASSED AND ADOPTED by the City Council and Mayor of the City of Parowan, Iron County, State of Utah, this 23th day of January 2025.

PAROWAN CITY



Mollie Halterman, Mayor

(voting on next page)

VOTING:

AYE | NAY | ABSTAIN | ABSENT

David Burton	✓	_____
Rochell Topham	✓	_____
Sharon Downey	✓	_____
John Dean	✓	_____
David Harris	✓	_____

Attested by:



Callie Bassett, City Recorder



