



FRUIT HEIGHTS CITY PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that Fruit Heights City Council will hold a Public Hearing on Tuesday, April 8, 2025, at 7 pm in the council chambers of City Hall located at 910 S. Mountain Road, Fruit Heights, Utah 84037.

PUBLIC HEARING FOR THE FOLLOWING:

AN ORDINANCE OF THE FRUIT HEIGHTS CITY COUNCIL REPEALING CHAPTER 2A-03 OF THE FRUIT HEIGHTS CITY MUNICIPAL CODE RELATING TO ELECTIONS AND ADOPTING THE PROVISIONS OF A NEW CHAPTER 2A-03 RELATING TO ELECTIONS.

See more information on the pages below.

CHAPTER 2A-03. ELECTION AND QUALIFICATION

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2A-03-010. Elections.

Consistent with the provisions of Utah Code Annotated Section 20A-1-202, as amended, the offices of mayor and council member shall be filled by election of the registered voters of Fruit Heights City in an at large municipal election held on the Tuesday after the first Monday in November in odd numbered years. Municipal elections for the offices of mayor or council member shall be conducted in the manner provided in the Utah election code, set forth in Utah Code Annotated title 20A, and applicable provisions of Utah Code Annotated Section 10-3-201 et seq., as amended.

2A-03-020. Declaration Of Candidacy.

Any eligible and qualified person desiring to run for the elected municipal offices of mayor or council member shall file a declaration of candidacy with the city recorder in accordance with the filing requirements set forth in Utah Code Annotated title 20A, chapter 9.

2A-03-030. Nomination Petition.

Any resident of the city may nominate a candidate for elected municipal office by filing a nomination petition with the city recorder in accordance with the filing requirements set forth in Utah Code Annotated title 20A, chapter 9.

2A-03-040. Residency and Registered Voter Requirements.

Persons eligible to file a declaration of candidacy or to be nominated for the elected office of mayor or council member shall be a registered voter of Fruit Heights City, shall have resided in Fruit Heights City for the twelve (12) consecutive months immediately before the date of the election, and shall meet the residency and filing requirements of Utah Code Annotated Section 20A-9-203, as amended. Pursuant to Utah Code Annotated Section 10-3-301, as amended, each person elected to the office of mayor or council member shall maintain residency within the boundaries of the city during his or her term of office. If a person elected to the office of mayor or council member establishes his or her principal place of residence outside the municipality during his or her term of office, the office is automatically vacant. If a person elected to the office of mayor or council member is absent from the city anytime during his or her term of office for a continuous period of more than sixty (60) days without the consent of the city council, that person's elected office is automatically vacant.

2A-03-050 Term of Office.

Persons elected to the office of mayor or council member shall begin their term of office at twelve o'clock (12:00) noon on the first Monday in January following their election, and shall continue in office for

four (4) years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal or disqualification from office.

2A-03-060. Vacancies.

Vacancies in the offices of mayor or council member shall be filled in accordance with the provisions of Utah Code Annotated Section 20A-1-510, as amended.

2A-03-070. Oath of Office.

(a) Required: All elected officials shall take, subscribe and file the constitutional oath of office before entering upon the duties of their respective offices. 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.

(b) Administered: The oath of office shall be administered by the city recorder, any judge or any notary public.

(c) Filed: All oaths of office shall be filed with the city recorder.

(d) Failure To Comply: No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

2A-03-080. Bond.

(a) Required: Elected officers of the city before taking office shall execute a bond with good and sufficient sureties payable to the city or shall be included within public employee blanket bonds, in the amount of not less than ten thousand dollars (\$10,000.00), conditioned for the faithful performance of the duties of the respective officers and the payment of all monies received by such officer according to the law and the ordinances of Fruit Heights City.

(b) Approval: The bonds of council members shall be approved by the mayor, and the bond of the mayor shall be approved by the city council, at the first meeting of the city council in January following a municipal election. All bonds of elected officers shall be filed with the city recorder.

(c) Premium Charge: The premium charge by a corporate surety for any official bond shall be paid by Fruit Heights City.

(d) Additional Bonds: The city council may at any time require further and additional bonds of any elected officers of the city.

2A-03-090. Salaries.

Elected officers shall receive such compensation for their services as the city council may fix or amend by ordinance in accordance with the notice and hearing requirements set forth in Utah Code Annotated Section 10-3-818, as amended. The compensation of elected officers shall be paid at least monthly. City staff, as part of the regular budget process, may review the appropriateness of the compensation received by the mayor and city council members and recommend adjustments thereto as deemed appropriate, taking into consideration the impact of inflation, consumer price index and the compensation of elected officials in nearby cities of similar size.

2A-03-100. Transfer of Records.

Every officer of the city upon expiration of his or her term for any cause whatsoever shall deliver to the city recorder all books and records which may be the property of the city.

2A-03-110. Campaign Finance Statement.

(a) **Statement Required:** Each candidate for municipal office shall file with the city recorder a campaign finance statement disclosing his or her itemized and total campaign contributions and expenditures in accordance with the procedures and requirements set forth herein and in Utah Code Annotated Section 10-3-208, as amended.

(b) **Time For Filing:** Each candidate for municipal office who is eliminated at a municipal primary election shall file with the city recorder a campaign finance statement no later than thirty (30) days after the date of the municipal primary election. Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the city recorder a campaign finance statement no later than seven (7) days before the date of the municipal general election and another campaign finance statement no later than thirty (30) days after the date of the municipal general election. A campaign finance statement required under this Section is considered filed if it is received in the city recorder's office by five o'clock (5:00) P.M. on the date that it is due.

(c) **Definitions:** For purposes of this Section, the following words shall have the meanings set forth:

CONTRIBUTION: All monies, in-kind contributions and contributions of tangible things given to the candidate or to the organization(s) representing the candidate, for the purpose of enhancing the candidate's campaign.

EXPENDITURE: The monetary, in-kind payment or payment of tangible things to any person or entity, by the candidate's campaign.

REPORTING DATE: Ten (10) days before a municipal general election (for a campaign finance statement required to be filed no later than 7 days before a municipal general election) and the day of filing (for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election).

REPORTING LIMIT: Any contribution or expenditure in an amount equal to fifty dollars (\$50.00) or more.

(d) **Campaign Finance Statement:** Except as provided in subsection E of this Section, each campaign finance statement shall:

(1) Report all of the candidate's itemized and total campaign contributions, including in-kind and other nonmonetary contributions received before the close of the reporting date, and for each contribution that exceeds the reporting limit, identify the name and address of the donor, the date the contribution was received, and the amount of the contribution or the estimated value and type of the in-kind contribution;

(2) Report all of the candidate's itemized and total campaign expenditures made through the close of the reporting date, and for each expenditure that exceeds the reporting limit, identify the name of the recipient of the expenditure, and the date, purpose and amount of the expenditure; and

(3) Report the aggregate summary of the total campaign contributions and expenditures received or made to date, i.e., totals from previous reports and the current report.

(e) **Alternative Statement:** If the candidate receives five hundred dollars (\$500.00) or less in campaign contributions and spends five hundred dollars (\$500.00) or less on the candidate's campaign, the candidate shall be required to merely report the total amount of all campaign contributions and expenditures.

(f) Notice To Candidates: The city recorder shall, at the time a candidate for municipal office files a declaration of candidacy with the city, and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

(1) The provisions of state statutes and city ordinances governing the disclosure of campaign contributions and expenditures;

(2) The dates when the candidate's campaign finance statement is required to be filed;
and

(3) The penalties that apply for failure to file a timely campaign finance statement, including the statutory provisions that require removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

(g) Failure To File: Except as provided in subsection H of this Section, if a candidate fails to file a campaign finance statement in accordance with the provisions of this Section and applicable provisions of state law, the city recorder shall inform the appropriate election official who shall, if practical, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that the votes cast for the candidate will not be counted.

(h) Inadvertent Omissions: Notwithstanding subsection G of this Section, a candidate who timely files a campaign finance statement seven (7) days before a municipal general election is not disqualified if: 1) the statement details accurately and completely the information required herein, except for inadvertent omissions or insignificant errors or inaccuracies; and 2) the omissions, errors or inaccuracies are corrected in an amended report or in the next scheduled report.

(i) Public Records: Financial disclosure reports filed pursuant to this Section are considered public documents open to inspection in accordance with Utah Code Annotated Section 10-3-208, as amended, and the Utah government records access and management act, as amended. The city recorder shall make each campaign finance statement filed by a candidate available for public inspection and copying and post an electronic copy of the same in accordance with applicable provisions of Utah Code Annotated Section 10-3-208(5), as amended.

2A-03-120. Ethics Act.

All elected officers shall comply with the provisions, conditions and requirements of the Utah municipal officers' and employees' ethics act as set forth in Utah Code Annotated Section 10-3-1301 et seq., as amended.

2A-03-130. Political Activities.

(a) Officers: Municipal officers shall comply with and be subject to the political activities provisions of Utah Code Annotated Section 10-3-1108, as amended.

(b) City: The city shall comply with the terms and conditions of the political activities provisions of Utah Code Annotated Section 10-3-1108, as amended. Pursuant to the political activities of public entities act, as set forth in Utah Code Annotated Section 20A-11-1201 et seq., as amended, unless specifically required by law, the city may not make expenditures from public funds for political purposes or to influence a ballot proposition.