

Title 2

Administration and Personnel

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Chapter 2.04 - City Council

2.04.010 Meetings. The city council may conduct two regular meetings which typically are held on the second and fourth Tuesday of each month at the City Office at 520 W. Elberta Drive, Pleasant View, Utah, which meetings typically begin promptly at six p.m., but if the meeting date is a legal holiday then the meeting will be canceled, or another date be set for the meeting. (Ord.2013-3, dated 8/27/13; prior code: Ord. 78-2 §1, 1978)

2.04.020 Deadline for City Council Agenda Items. All proposed city council agenda items must be submitted to the city recorder by 12:00 P.M. the Friday before city council. (Ord.2013-3, dated 8/27/13; prior code: Ord. 93-M, 10/12/93)

Chapter 2.06 – City Administrator

2.06.010 Office Created. Pursuant to Utah Code Annotated § 10-3-830 (1953, as amended), there is hereby created the office of City Administrator of Pleasant View, Utah. This shall not be the alternate council-manager form of government authorized by Utah Code Annotated § 10-3-1201 et seq. The terms “City Administrator” and “City Manager” shall be interchangeable. (Ord.2005-3, dated 3/8/05)

2.06.020 Appointment. The Mayor shall appoint the City Administrator with the advice and consent of the City Council. Pursuant to Utah Code Ann. § 10-3-402, the Mayor may vote on the appointment of the City Administrator. Once approved by the governing body, the Mayor, on behalf of the City, shall sign the contract entered into with the City Administrator, which shall set forth the term of office, salary, benefits, duties, and termination of the City Administrator. (Ord.2005-3, dated 3/8/05)

2.06.030 Residence. The City Administrator need not be a resident or a qualified elector of the City at the time of his or her appointment or thereafter. (Ord.2005-3, dated 3/8/05)

2.06.040 Term of Office. The City Administrator shall serve at the pleasure of the governing body, except that the governing body may employ the City Administrator for a term not to exceed three (3) years. The term of employment may be renewed. Any person serving as City Administrator under this section may be removed at any time and with or without cause by a majority vote of the governing body. Pursuant to Utah Code Ann. § 10-3-402, the Mayor may vote on the dismissal of the City Administrator. (Ord.2005-3, dated 3/8/05)

2.06.050 Resignation. Before voluntarily resigning from the position of City Administrator, the City Administrator shall give the governing body no less than thirty (30) days notice in writing of his or her intent to resign. (Ord.2005-3, dated 3/8/05)

2.06.060 Compensation. The salary, fringe benefits, and other compensation of the City Administrator shall be set from time to time by the City Council. (Ord.2005-3, dated 3/8/05)

2.06.070 Other Employment. The City Administrator shall not accept any outside employment or work without prior authorization by the Mayor. (Ord.2005-3, dated 3/8/05)

2.06.080 Powers and Duties. Pursuant to the authority outlined in Utah Code Annotated § 10-3-830 (1953, as amended), the following powers, duties, and obligations are delegated to the City Administrator:

(a) The City Administrator shall report to and be under the direct control and supervision of the Mayor.

(b) The City Administrator shall be the City’s chief administrative officer who shall oversee all of the City’s day-to-day operations including, without limitation, directing and

supervising the administration of all departments, offices, and agencies of the City, except as otherwise provided by law.

(c) All City employees, through their respective Department Heads, shall report to the City Administrator.

(d) The City Administrator shall have authority to examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the City and make investigations and require reports from all personnel.

(e) The City Administrator shall have authority to hire, discipline, suspend, or remove any City employee, except an Appointed Employee or Department Head, in accordance with the City's adopted personnel policies. The City Administrator may make recommendations to the Mayor about hiring, disciplining, suspending, or removing an Appointed Employee or Department Head.

(f) The City Administrator may be required to attend meetings of the governing body with the right to take part in the discussion but not to vote. The City Administrator shall cause the appropriate staff members to also attend the meetings of the governing body, the Planning Commission, and the Board of Adjustments.

(g) The City Administrator shall prepare or cause to be prepared and submit the annual budget and proposal for capital improvements to the governing body; and keep the governing body advised no less than quarterly as to the financial condition and needs of the City.

(h) The City Administrator shall maintain a long range plan for the City, which will be used in draft form to formulate the annual budget and which will be finalized and presented for approval by the governing body no later than May 1 of each fiscal year. The plan shall include a mission statement, goals, and measurable objectives for each department or function. Such plan shall also take into consideration the governing body's policy objectives for the operation of city government, ordinances, resolutions, and approved budgets. These goals and objectives will be realistically attainable and represent initiative and innovation for improvement. If additional funding is required for attainment, the amount and suggested source will be identified.

(i) The City Administrator shall facilitate the expansion of the City's economic base by promoting commercial development in the City. This may include, without limitation, fully implementing the City's Redevelopment Agency (RDA) and Economic Development Agency (EDA) processes.

(j) The City Administrator shall research and write, or cause to be researched and written, applications for grants to provide additional funding sources for the City.

(k) The City Administrator shall provide administrative support to the Planning Commission and City Council in planning and development issues of the City, both residential and commercial.

(l) The City Administrator shall oversee and promote the City's public relations and communications through, without limitation, further developing and maintaining the City's website, preparing and reviewing media releases and public announcements, and overseeing and managing City-wide special events.

(m) The City Administrator shall manage the buildings, equipment, and other physical holdings of the City to maximize the productivity of City employees and to ensure the health, safety, and welfare of the community.

(n) The City Administrator may present to the governing body any proposed

adoption, repeal, or alteration of any policy, procedure, resolution, ordinance, or law.

(o) The City Administrator shall promptly notify the Mayor and the City Council of any emergency existing in the City or any department.

(p) The City Administrator shall faithfully oversee the execution and enforcement of all applicable laws, ordinances, rules, and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the City are observed.

(q) The City Administrator shall carry out the policies and programs established by the governing body and shall perform such other duties as may be required from time to time by the Pleasant View Municipal Code or by the governing body through ordinance or resolution.

(r) All other administrative powers, authority, and duties not expressly delegated herein to the City Administrator are reserved by and to the governing body. (Ord.2005-3, dated 3/8/05)

2.06.090 Powers of Mayor Not Delegated. Notwithstanding the powers and duties enumerated in subsection 2.06.080, above, the legislative and judicial powers of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she holds, shall not be delegated to the City Administrator. (Ord.2005-3, dated 3/8/05)

2.06.100 Fidelity Bond. Before taking office, the City Administrator shall furnish a fidelity bond in an amount to be determined by the City Council, conditioned upon the faithful performance of his or her duties, with a corporation licensed to do business in the State of Utah as surety. Such bond shall be filed with the City Recorder after being approved by the City Council and the premium for such bond shall be paid by the City. (Ord.2005-3, dated 3/8/05)

2.06.110 Acting City Administrator. In the event the City Administrator shall be absent from the City or incapacitated from performing his or her duties, the Assistant City Administrator, an officer or other person designated by the Mayor may be authorized to act as Acting City Administrator during such absence or incapacity; provided, however, that if such absence or incapacity shall extend for a period of ten or more consecutive days, such designation shall be subject to the approval of the City Council. (Ord.2013-3, dated 8/27/13; prior code: Ord.2005-3, dated 3/8/05)

Chapter 2.07 – Assistant City Administrator

2.07.010 Office Created. Pursuant to Utah Code Annotated § 10-3-830 (1953, as amended), there is hereby created the office of Assistant City Administrator of Pleasant View, Utah. This shall not be the alternate council-manager form of government authorized by Utah Code Annotated § 10-3-1201 et seq. The terms “Assistant City Administrator” and “Assistant City Manager” shall be interchangeable. (Ord.2013-3, dated 8/27/13; prior code: Ord.2009-1, dated 2/10/09)

2.07.020 Appointment. In the absence of a City Administrator, the office of the Assistant City Administrator shall have all the duties and responsibilities as assigned in Chapter 2.06 with the exceptions of those specifically determined by the governing body. (Ord.2013-3, dated 8/27/13; prior code: Ord.2009-1, dated 2/10/09)

Chapter 2.08 - City Officers Generally

2.08.010 Residence Requirement.

A. The chief of police of Pleasant View shall reside within the city limits during their continuance in office:

B. Should he/she move from the city during office, he/she shall immediately resign and another be appointed pursuant to applicable law. (Ord.2005-8, dated 7/26/05; Ord.2003-8, dated 7/8/03 & Ord. 83-1, 1983)

2.08.020 Residence Requirement for Justice of Peace and City Recorder. The justice of peace, city recorder, and city treasurer are not required to reside within the city limits during the continuance in office. (Ord.2005-8, dated 7/26/05, Ord.2003-8, dated 7/8/03 & Ord 93-2, 1/12/93)

Chapter 2.12 - Chief of Police

- 2.12.010 Appointment.** The city council may remove the chief from office without cause, without charges being pressed, and without trial but with opportunity to be heard, whenever, in the opinion of the mayor with advice and consent of the city council, the good of the police service in the community will be served thereby; and the action of the mayor in making such removal shall be final and conclusive. Upon the making of such a resolution, the city recorder shall forthwith notify the chief in writing of his removal, and from the time of such notification, which time shall commence from the date appearing thereon, the person so removed shall in no case be entitled to any continuing salary or compensation whatsoever. (Ord. 2013-3, dated 8/27/13; prior codes: Ord. 87-2.12 (part), 1987 & §18-1-1)
- 2.12.020 Oath.** Before assuming the duties of his office, the chief of police shall take and subscribe to the constitutional oath of office. (Ord. 87-2.12 (part), 1987: prior code §18-1-2)
- 2.12.030 Salary.** The city police officers shall receive as compensation for their services such sum or sums as the city council shall from time to time prescribe. The salary may be changed at any time by the city council upon proper notice to the city police officers. (Ord. 87-2.12 (part), 1987: prior code §18-1-3)
- 2.12.040 Duties.** The chief and such officers as he/she hires shall suppress all riots, disturbances and breaches of the peace, and shall apprehend the person(s) committing any offense against the laws of the State of Utah or the ordinances or regulations of the city, for the preservation of the peace and good order, and the protection of the rights of property of all persons within the jurisdiction of the city. He/she shall receive and safely keep all prisoners committed to this custody, and shall file and preserve every process or commitment, and keep a record of all persons committed to the county jail showing date of arrest, offense charged, terms of commitment and the name of each prisoner and shall perform such other acts and duties as the city council shall from time to time direct. (Ord. 87-2.12 (part), 1987: prior code §18-1-4)

Chapter 2.16 - Justice of the Peace ¹

2.16.010 Appointment. The city council shall appoint a competent person to act as the city justice of the peace. (Ord. 87-2.16 §2(part), 1987: prior code §18-2-1)

2.16.020 Oath-Compensation. Before assuming the duties of his office, the justice of the peace shall take and subscribe to the oath of office. The justice of the peace shall receive the fees prescribed by the laws of the state, as set out in Section 78-5-29, UCA. (Ord. 87-2.16 §2 (part), 1987: prior code §18-2-2)

2.16.030 Jurisdiction-Duties. The duties and jurisdiction of the justice of the peace shall be as prescribed by the laws of the state. (Ord. 87-2.16 §2(part), 1987: prior code §18-2-3)

¹ Statutory references: UCA 77-6-1 thru 77-6-9 and 78-5-29

Chapter 2.20 - Licensing Department

2.20.010 Department and Personnel. There is created the city license department which shall function under and be directly responsible to the city council. The city council shall appoint a city recorder and such other employees in the license department as the city council may consider necessary. (Prior code §15-1-1)

2.20.020 Official Bonds.

A. The city recorder shall give a bond to the city in the sum of five thousand dollars conditioned on the faithful performance of his duties and proper accounting of all funds coming into his hands or under his control by virtue of his office in the license department.

B. The city council may require any employee of the license department to give a bond running in favor of the city in such an amount as the city council may designate. (Prior code §15-1-2)

2.20.030 City Recorder-Duties. The city recorder shall assess each license for business in the city in accordance with the provisions of this section and chapter, and shall receive all license fees provided for by this chapter, the assessment shall be based upon the rates established in this chapter or any other chapter fixing license fees, and license fees shall be payable annually in advance, except as provided in this chapter, and shall be effective from the first day of January of each year, until the thirty-first day of December of the same year. (Prior code §15-1-3)

2.20.040 License Index. The city recorder shall keep and maintain a suitable index containing the names of each licensee, and the names of each class of licenses, which index shall be arranged alphabetically. (Prior code §15 1-4)

2.20.050 Assessment-Roll.

A. Before the first day of January of each year the city recorder must submit to the city council an assessment roll, which shall contain the names and addresses of all persons, firms, corporations or associations whom he/she deems to come within and be subject to the license provisions of this chapter or any other chapter dealing with the subject of licensing for business within the city. The assessment roll shall also include the amount proposed to be assessed against each business on the roll, and shall indicate the date on which notice was given to the prospective licensee of the amount proposed to be assessed against him.

B. The city recorder shall submit an affidavit to the effect that he/she has made diligent inquiry to ascertain the names and addresses of all persons within the corporate limits of the city, who should be subject to a license assessment as provided in this chapter; that all persons have been assessed in accordance with the rates established by this chapter; that notice of intent to assess has been mailed to each licensee prior to the thirty-first of December and that he/she has faithfully complied with all the duties imposed on him by the city council.

(Prior code §15-1-5)

2.20.060 Assessment-Validity. Failure of the city recorder to submit to the city council the information required by Section 2.20.050 shall not in any way affect the validity of any assessments made in accordance with the provisions of this chapter. (Prior code §15-1-6)

2.20.070 City Recorder-Deputies-Powers.

A. The city recorder and all of his deputies shall have the following powers for the purpose of discharging the duties imposed upon them by the terms of this chapter.

B. To enter free of charge at any reasonable time any place of business, or to stop any vehicle for which a license is required by this chapter, to examine and inspect the place or vehicle, and to demand the exhibition of a valid license for the then current term from any person engaged or employed in the transaction of such business or the operation of such vehicle. It is made a duty of the city recorder and all of his deputies to cause complaints to be filed against all persons found by him to be violating any of the provisions of this chapter. (Prior code §15-1-7)

2.20.080 Ex-Officio Deputies. The city chief of police and city building inspector are appointed ex-officio license deputies, and in addition to their several duties in their regular offices or positions, they are authorized to examine all places of business subject to this chapter as their regular duties shall bring them into contact with, and shall insure that all such businesses are operating under a valid license and are transacting business in accordance with the terms of the license, and shall report any violations discovered thereby to the city recorder or his deputies. (Prior code §15-1-8)

2.20.090 Inspections. In addition to the initial inspection of all businesses licensed by the city council, a periodic inspection shall be made by representatives of the license department, city chief of police, city building inspector, or other officials of the city as the nature of each business licensed, according to the provisions of this chapter shall require. (Prior code §15-1-9)

Chapter 2.24 - Board of Equalization

2.24.010 Creation. The city council is constituted the board of license equalization for the equalization of license rates. The board shall have the authority to examine any and all assessments made by the city recorder and to hear complaints of persons aggrieved by their license assessments, and to make any changes in the same as the board in its sole discretion shall find to be illegal, unequal or unjust, provided however, that any adjustments made by the board shall be entered in detail in the record of license assessment kept by the city recorder and the board shall approve in writing all such entries before the city recorder. The city council, acting as the board of license equalization, shall meet following the city council's second regularly scheduled meeting in January and July, or as needed. (Ord. 87-2.24, 1987: prior code §15-2-1)

2.24.020 Meetings.

A. The board shall meet twice yearly. The first meeting shall be held not later than the second Monday in January of each year and the board shall continue in session from time to time until the business of license equalization shall be disposed of, but not later than the second Monday of February of the same year.

B. The second meeting shall be held during the month of July of each year commencing not later than the first day of July, and shall continue in session from time to time until its business is disposed of, but not later than the last day of July of the same year.

C. All complaints relating to assessments made after the close of the board's business at either meeting must be presented to the board at the next semi-annual meeting, or be forever barred. (Prior code §15-2-2)

Chapter 2.28 - Elections

2.28.010 Primary Election System.

A. Election for mayor and council members shall be conducted according to the municipal election section of the Utah Code, reference 20A-9-404(1) and (2).

B. This ordinance provides for the candidates for mayor and council members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election plus candidates that were not required to run in the primary are to be placed on the November ballot.

C. All ordinances of this city which are inconsistent with the provision of this ordinance are hereby repealed. (Ord 95-5, 4/9/1995 prior code: Ord. 81-3 §1, 1981)

Chapter 2.32 - Purchasing System – Distribution of Property

(Rescinded October 28, 2008, except for Section 2.32.070)

2.32.070 Public Property Disposal or Lease. All disposals, leases, and/or subleases of public property of the city shall be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of public property, but the city council may also authorize, at its discretion;

A. The sale of any such property at public auction if it deems such a sale desirable and in the best interest of the city. Significant parcels of real property are subject to the requirements of Section 2.32.080 DISPOSAL OF REAL PROPERTY PROCEDURES prior to auction; or

B. The lease or sublease of any such property at a properly advertised public hearing under such terms and conditions as it may deem are desirable, fair and appropriate, considering intended land use and equivalent property tax value, and in the best interest of the city. (Ordinance 2014-2, dated 2/18/14 prior codes: Res 2008-15, dated 10/28/08, Res 93-J, 6/22/93, and Ord. 79-7 §8, 1979)

2.32.080 Disposal of Real Property Procedures. The disposal of a significant parcel of real property shall follow the procedures set forth in Utah Code Annotated Section 10-8-2.

A. Definition: For the purposes of this chapter, a “significant parcel” is defined as a parcel of real property, or combination of contiguous parcels having a market value in excess of \$25,000; or, a parcel of real property, or a combination of contiguous parcels, having a size in excess of one-half acre.

B. Notice: Reasonable notice of the proposed conveyance of a significant parcel of real property shall be the following:

1. Notice of the public hearing shall be provided at least fourteen (14) days prior to the meeting. The notice shall contain the date, time and place of the public hearing, and a brief description of the location of the property and purpose of the disposal. Such notice shall be published at least once prior to the hearing in a newspaper of general circulation of the City, posted on the City’s website and posted at Pleasant View City Offices. (Ordinance 2014-2, dated 2/18/14)

Chapter 2.33 - Purchasing Policy

2.33.010 Purchasing Agents. Department heads are hereby appointed as purchasing agents for the departments over which they have direct responsibility. The City Recorder may act as purchasing agent for all functions not overseen directly by a department head. The City Administrator has purchasing agent authority for all City functions and departments. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

2.33.020 Purchasing Agent Duties and Powers.

A. All purchasing agents shall administer the purchasing system provided by this chapter. By the provisions in this chapter and by other applicable laws, the purchasing agents shall perform the duties and have powers concerning purchasing matters as follows:

1. Administer and maintain the purchasing system and other rules and regulations established by this chapter and its authority;

2. Encourage competition: discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;

3. Negotiate and recommend execution of contracts for the purchase of supplies, equipment and contractual services;

4. Supervise the inspection of all supplies and equipment to assure conformance with specifications;

5. Transfer surplus or unused supplies and equipment between departments as needed;

6. Maintaining a bidders' list, vendor's catalog file and other records needed for the efficient operation of the purchasing system;

7. Authorize purchases and payments of all goods, supplies and contractual services needed by the city and any agency or department which derives its support wholly or in part from the city.

8. Exploit the possibilities of buying "in bulk" so as to take full advantage of discounts;

9. Maintain adequate appropriation balance, a sufficient fund balance existing in the line item appropriation of the account number against which the purchase order is to be charged;

10. Authorized to approve change orders through a signed written order. Change orders with an increase in the contract or bid amount is subject to city council approval. (Ord.2008-15, dated 10/28/08)

2.33.030 Summary of the purchasing procedure and levels of authority for purchases at various prices.

AMOUNTS	LEVEL OF AUTHORITY
\$0 - \$999	Does not require a Price Quotation. Any purchasing agent of the city can purchase.
\$1,000 - \$10,000	Requires an Informal Price Quotation.
\$10,001 - \$25,000	Require Formal Price Quotation.
\$25,001 - \$50,000	Requires Sealed Bids by invitation.
\$50,001 and above	Requires Sealed Bids and newspaper advertisement.
\$10,001 and above requires City council approval	

(Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

2.33.040 Purchases Requiring City Council Approval. The city council shall approve one-time machinery and equipment purchases \$10,001 and above. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

2.33.050 Purchases Not Requiring Price Quotation. A Price Quotation is not required for purchases up to \$999 per item. Purchases shall not be artificially divided so as to constitute a small purchase under this section. (Ord.2008-15, dated 10/28/08)

2.33.060 Purchases Requiring Informal Price Quotation. Informal Price Quotations are required for purchases between \$1,000 and \$10,000. Informal price quotations shall be obtained by telephone from at least three vendors. Quotations shall be recorded on an "Informal Price Quotation Record". One copy of the quotation record shall remain with the department and one copy shall be attached to the invoice for payment. When it is determined the vendor is a sole source supplier, the "Informal Price Quotation Record" shall contain information on how the determination of sole source was made. If three vendors were called and only one had the product, the record shall contain the names of the vendors contacted. Reasons for including less than three quotations shall be stated on the record. The "Informal Price Quotation Records" may be reused as long as the price charged by the vendor remains the same as the price quoted. The quotation shall be redone when the vendor's price changes or annually, whichever comes first. State of Utah contract prices may be used in lieu of

obtaining price quotations. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

2.33.070 Purchases Requiring Formal Price Quotation. Formal Price Quotations are required for purchases between \$10,001 and \$25,000 and obtained through a "Request for Quotation Form" ten working days prior to the order date. Prior to seeking a "Request for Quotation", action of the city council shall be required to approve the purchase. Copies of the quotations and award shall be kept on file with the requesting department and attached to the invoice for payment. State of Utah contract prices may be used in lieu of obtaining price quotations. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

2.33.080 Purchases Requiring Sealed Bids. Sealed Bids are required for purchases above \$25,001 and annual contracts.

A. Procedure for obtaining sealed bids:

1. Prior to seeking sealed bids, action of the city shall be required to approve the purchase or annual contract

2. State of Utah contract prices may be used in lieu of obtaining sealed bids.

3. An invitation for bids shall be issued. The invitation shall include a purchase description, all contractual terms and conditions applicable to the procurement, state where blank bids and specifications may be secured, and the time and place for opening bids. The form and amount of the bond shall be described in the notice inviting bids.

a. For purchases between \$25,001 and 50,000, public notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation.

b. For purchases above \$50,001, public notice of the invitation for bids shall be published at least ten days before the opening of the bids. The notice shall be published at least once in a newspaper of general circulation.

4. Bids shall be opened publicly in the presence of two or more witnesses, one being the city recorder, at the time and place designated in the invitation for bids. The amount of each bid and any relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.

5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in the policy. Bids shall be evaluated by the requesting department based on the requirements set forth in the invitation for bids.

6. Corrections or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or

fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the requesting department.

7. Contracts shall be awarded by the city council to the lowest responsible bidder whose bid meets all the following requirements.

a. The ability, capacity and skill of the bidder to perform the contract or provide the service required;

b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

d. The quality of performance of previous contracts or services;

e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

f. The sufficiency of the financial resources and ability of the contractor to provide the service;

g. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;

h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

8. Award to Other than Lowest Bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the other papers relating to the transaction.

9. Performance Bonds. Before entering a contract, the city council shall have the authority to require a performance bond in such an amount as it shall find reasonably necessary to protect the best interests of the city. The form and amount of the bond shall be described in the notice inviting bids. The city understands that the state requires performance and payment bonds in every situation but allows the city the ability to waive the performance and payment bond requirements. As part of the bid process, the city may waive the requirement for performance and payment bonds. The waiver may be made by the city council for reasons found in 2.33.080 (7). When there is a waiver made, the city council shall clearly state the reasons for the waiver of the performance and payment bond requirements.

10. Received bids shall be kept on file in the requesting department. A summary of the bids and award shall be attached to invoice for payment. (Ord.2017-5, dated 2/28/17 and Ord.2008-15, dated 10/28/08)

2.33.090 Use of Competitive Sealed Proposal in Lieu of Bids. When it is determined that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for

professional service-type contracts i.e. attorney, architect, engineering, etc. subject to city council approval.

A. Procedures for obtaining competitive sealed proposals are as follows:

1. Proposals shall be solicited through a request for proposals.

Public notice of the request for proposals shall be given at least fourteen days prior to the advertised date of the opening of the proposals.

2. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.

3. The request for proposal shall state the relative importance of price and other evaluating factors.

4. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

5. Award shall be made to the person or firm whose proposal is determined, in writing, to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made. (Ord.2008-15, dated 10/28/08)

2.33.100 Competitive Bidding Requirements-Exemptions.

A. Auction-Closeout, Bankruptcy Sales. If the purchasing agent determined that supplies, materials or equipment can be purchased at any public auction, closeout sale bankruptcy sale or other similar sale, and if a majority of the city council at a regular or special meeting concurs in such determination and makes a finding that a purchase at any such auction or sale will be made at a cost below the market cost in the community, contract or contracts may be let, or the purchase made without complying with the competitive bidding requirements of this chapter.

B. Exchanges. Exchanges of supplies, material or equipment between the city and any other public agency which are not for sale or auction shall be by mutual agreement of the respective public agencies and approved by the city council.

C. Emergency Purchases. In case of apparent emergency which requires immediate purchase of supplies or contractual services, the purchasing agent shall be empowered to secure at the lowest obtainable price, any supplies or contractual services regardless of amount of the expenditure. A full report of the circumstances of an emergency purchase shall be filed with the city council. In case of actual emergency the purchasing agent or any representative of that department, may purchase directly any supplies whose immediate procurement is essential to prevent delays in the work of the department which may vitally affect the life, health or convenience of any employee or citizen of the city. The

representative of the department shall send to the purchasing agent a full written report of the circumstances of the emergency. The report shall be filed with the council as provided. (Ord.2008-15, dated 10/28/08)

2.33.110 Cost-plus-a-percentage-of-cost contract prohibited. Subject to the limitations of this chapter, any type of contract which will promote the best interests of the city may be used; provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the city than any other type or that is impracticable to obtain the supplies, services, or construction required except under such a contract. (Ord.2008-15, dated 10/28/08)

2.33.120 Circumstances Justifying Award of Contract Without Competition. A contact may be awarded for a supply, services, or construction item without competition when the purchasing agent determines in writing and recorded on an Informal Price Quotation Record that there is only one source for the required supply, service, or construction item; or the award to a supplier, service provider, or contractor is a condition of a donation that will fund the full cost of the supply, service, or construction item. (Ord.2008-15, dated 10/28/08)

2.33.130 Cancellation and rejection of Bids. An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interest of the city. There reasons shall be made part of the contract file. (Ord.2008-15, dated 10/28/08)

2.33.140 Unauthorized Purchases. Except as provided in this chapter, it shall be unlawful for any city officer or officers or employees to order the purchase of any supplies or make any contract within the purview of this chapter other than through or with the tentative approval of the appropriate purchasing agent and the city council when appropriate and any purchase ordered or contract made contrary to the provisions of this chapter shall not receive approval by the appropriate officials, and the city shall not be bound thereby. Utah State Code prohibits officers and employees of the city from incurring expenditures and encumbrances in excess of the total appropriation for any department. Prior approval for a budget adjustment must be received before purchase is made for any item which will put a department in violation of the budget. (Ord.2008-15, dated 10/28/08)

2.33.150 Interlocal Agreements-Contracts for Commodities or Services. The city shall have the power to enter into joint purchase agreements with any or all other public agencies within the state for the purchase of any commodity or service, wherein it is determined by the city council to be in the best interest of the city. (Ord.2008-15, dated 10/28/08)

2.33.160 Ethics in Public Contracting.

A. Any purchase order to contract within the purview of this chapter in which any officer or employee of the city is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract the council shall have the authority to waive compliance with this section when it finds such action to be in the best interests of the city.

B. Any person involved in making purchasing decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contributions, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person or organization interested in selling to the city. (Ord.2008-15, dated 10/28/08)

2.33.170 Personal Purchases.

A. Purchases of supplies or equipment for the personal use of an official or employee of the city shall be made only when the item or items are required as part of a worker's equipment and are necessary to the successful performance of the duties of such city official or employee. Other personal purchases shall not be permitted and will be cause for disciplinary action.

B. Personal Liability. Purchases made by employees of the city without direct authorization from the city council or purchasing agent shall become the personal obligation of the employees. Such purchases, unless ratified by the purchasing agent or city council as provided in this chapter shall be grounds for disciplinary action, including dismissal. (Ord.2008-15, dated 10/28/08)

2.33.180 Appeals.

A. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. Any appeal shall be submitted in writing within five working days after the aggrieved person knows or should have known of the facts.

B. The purchasing agent shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the city council.

C. The city council shall be the final appeal on the city level.

D. All further appeals shall be handled as provided in section 63-56-58 through 64 of the Utah Code. (Ord.2008-15, dated 10/28/08)

2.33.190 Violations.

A. Conflicts of Interest. No member of the city council, or a city employee may be interested directly or indirectly in any contract entered into by the city. A violation of this provision shall be cause for removal or other disciplinary action.

B. Collusion Among Bidders. Any agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void.

C. Advance Disclosures. Any disclosure in advance of the opening of bids whether in response to advertising or an informal request for bids, made or

permitted by a member of the city council or a city employee shall render void the advertisement or request for bids.

D. Gifts and Gratuities. The acceptance or soliciting by any official or employee of the city of any gift, gratuity, favor, entertainment, loan or item of monetary value from any person, persons or company seeking to obtain business with the City of Pleasant View, or from any person, persons or company within or outside the City of Pleasant View employment whose interests may be affected by the employees' or any official performance or nonperformance of official duties is prohibited. Gifts or gratuities will not be accepted except under circumstances allowed by the Utah Employee Ethics Act, U.C.A. § 67-16-1 et seq. The following exceptions are allowed:

1. An occasional nonpecuniary gift, having a value of not in excess of \$50;
2. Gifts collected for sponsored city functions;
3. An award publicly presented in recognition of public services;
4. Any bona fide loan made in the ordinary course of business; or
5. A political campaign contribution. (Ord.2008-15, dated 10/28/08)

INFORMAL PRICE QUOTATION RECORD (Pleasant View City)

Department: _____

Date: _____

Item Description:

Quantity: _____

* * * * *

If using State of Utah Contract Pricing:

Contract Number: _____ Effective Dates of Contract: _____ Vendor: _____ State Purchasing Agent Contacted: _____
--

OR

If using Informal Price Quotation Pricing:

Vendor	Phone #	Person Contacted	Price Quote

* * * * *

Comments:

Purchasing Agent Signature: _____ Date: _____

PRICE QUOTATION REQUEST for Pleasant View City

Pleasant View City is seeking a Price Quotation for the following item(s):

_____.

Price Quotations will be accepted until: _____ Quantity: _____

* * * * *

Company Name: _____

Address: _____

Contact Person: _____

Contact numbers: _____

Specify Name Brand of Item: _____

Variations to Specifications or Comments (attach additional sheets if necessary):

Price Quote: _____

Price Quote Honored Through: _____

Approximate Delivery Date: _____

Authorized Signature: _____ Date: _____

Please submit this Price Quote to:

Pleasant View City
Attn: _____
520 W Elberta Drive
Pleasant View City, Utah 84414
1-801-782-0539

or Fax to:
or e-mail to:

This is not an order. Pleasant View City reserves the right to accept or reject this quote, or any portion thereof, and call for new quotes.

Thank You.