

ORDINANCE NO. 1429

AN ORDINANCE OF THE DRAPER CITY COUNCIL AMENDING TITLES 2 AND 3 OF THE DRAPER CITY MUNICIPAL CODE REGARDING THE USE OF ELECTRONIC MEETINGS FOR THE CITY COUNCIL AND PLANNING COMMISSION.

WHEREAS, Titles 2 and 3 of the Draper City Municipal Code establish procedures for the Draper City Council and the Draper Planning Commission; and

WHEREAS, it is necessary from time to time to revise these procedures; and

WHEREAS, the City Council has reviewed the proposed text amendments and finds good cause to revise the terms and provisions of Titles 2 and 3.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings to amend Titles 2 and 3 of the Draper City Municipal Code: 1) The proposed amendments comply with the Utah Code Annotated. 2) The proposed amendments serve the best interest of the health, safety, and welfare of the citizens of Draper.

Section 2. Revision. Titles 2 and 3 of the Draper City Municipal Code are hereby amended to read as shown in Exhibits "A" and "B," respectively attached hereto and incorporated herein by reference.

Section 3. Correction of Editing Errors. The City Attorney is authorized to correct any punctuation, spelling, formatting, clerical, or *de minimis* errors prior to submitting the Ordinance to Sterling Codifiers.

Section 4. Severability. If any section, part, or provision of this Ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

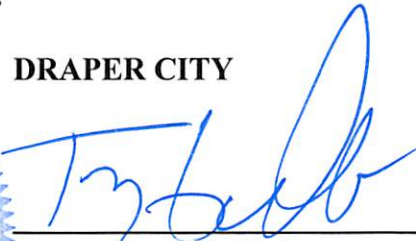
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 19TH DAY OF MARCH 2020.

ATTEST:

DRAPER CITY


Laura Oscarson, City Recorder




Mayor Troy K. Walker

VOTE TAKEN:

YES

NO

Councilmember Green

✓

Councilmember Lowery

✓

Councilmember Roberts

✓

Councilmember Vawdrey

✓

Councilmember Lowry

✓

Mayor Walker

EXHIBIT A

2-1-040: MEETINGS:

- A. **Meetings Generally:** Meetings of the City Council shall be governed by the rules and procedures adopted by the city council by resolution.

- B. **Electronic Meetings:** For purposes of the Utah Open and Public Meetings Act and pursuant to Utah Code Annotated as amended, the City Council may hold an electronic meeting if a majority of a quorum of the Council participates electronically and one member of the Council is physically present at the location from which the electronic meeting originates. However, if a proclamation of local, state or national emergency is in effect, all members of the Council may participate remotely in an electronic meeting.

Exhibit B

3-1-280: PLANNING COMMISSION:

- A. **Composition And Appointment:** The planning commission shall be comprised of six (6) regular members appointed by the mayor with the advice and consent of the city council.

- B. **Terms:** Members shall be appointed to staggered four (4) year terms but may be appointed to shorter terms when necessary to provide for staggered terms. Members may be reappointed for successive terms.

- C. **Alternates:** In addition to the six (6) members of the planning commission, the mayor shall appoint alternates to the planning commission with the advice and consent of the city council. Alternates shall serve one year terms or until appointed to fill a vacancy on the planning commission. Alternates may be reappointed for successive terms.

- D. **Removal:** The mayor may remove any member or alternate of the planning commission with the advice and consent of the city council.

- E. **Vacancy:** A vacancy occurring on the planning commission by reason of death, resignation, removal or disqualification, shall be promptly filled by a replacement appointed by the mayor with the advice and consent of the city council for the unexpired term of the replaced member.

- F. **Per Diem:** Regular and alternate members of the planning commission shall be paid per diem compensation for reasonable and necessary expenses for meetings actually attended, in an amount of fifty dollars (\$50.00).

- G. **Status:** Members and alternates shall be deemed "volunteers" for purposes of city ordinances, rules, regulations and policies concerning personnel. However, they shall be included in the definition of "employee" for purposes of the Utah governmental immunity act as set forth in Utah Code Annotated section 63-30-1 et seq., as amended.

- H. **Powers:** The planning commission shall be organized and exercise its powers and duties as follows:
 - 1. The planning commission shall elect one of its members as chairperson to oversee the proceedings and activities of the planning commission. The chairperson shall vote only in the event of a tie or when needed to establish a quorum. The Chairperson shall serve for a term of one year. The Planning Commission shall elect one of its members as Vice Chairperson to act as Chairperson in the absence of the Chairperson or because of the Chair's inability or refusal to act. The Vice Chairperson, acting as the Chairperson, shall have the power to vote on all matters.

2. The Planning Commission may adopt reasonable policies and procedures governing the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.

3. The Planning Commission shall meet according to the schedule adopted each year by the City Council, and/or such other times as deemed necessary by the Chairperson or City Council. All meetings shall be properly noticed and held in accordance with the Open Meetings Law set forth in Utah Code Annotated title 52, chapter 4, as amended. Written minutes of all business meetings of the Planning Commission shall be prepared and filed in the Office of the City Recorder for review and access by the public in accordance with the Draper City government records access and management ordinance.

4. No official business shall be conducted by the Planning Commission unless a quorum of its members or alternate members is present. Alternates shall be allowed to vote on official business of the Planning Commission when not all regular members of the Planning Commission are present. At no time shall more than five (5) regular members or alternates and one Chairperson participate in any official business of the commission. Three (3) members or alternates shall constitute a quorum. The minimum number of yes votes required for the Planning Commission to take any action shall be three (3), unless otherwise prescribed by law.

5. Alternates may fill vacancies occurring on the commission or may be appointed to the commission as regular members' terms expire.

6. Alternates should attend planning retreats and educational meetings related to the obligations and duties of the Office of Planning Commissioner as offered by the City, and attend joint meetings of the Planning Commission and City Council.

I. Duties: It shall be the function of the Planning Commission to oversee the proper development of the City in accordance with pertinent City ordinances and provisions of Utah Code Annotated title 10, chapter 9a, as amended. The duties of the Planning Commission shall include:

1. Preparing and recommending a general plan and amendments thereto to the City Council;

2. Recommending zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council;

3. Administering applicable provisions of [title 9](#) of this Code;

4. Recommending subdivision ordinances and regulations and amendments thereto to the City Council;

5. Recommending approval or denial of subdivision applications;

6. Advising the City Council on matters requested by the City Council;

7. Hearing or deciding any matter that the City Council designates;

8. Preparing and recommending programs for public improvements and the financing thereof to the City Council; and

9. Exercising any other powers necessary to enable the Planning Commission to perform its function or that are delegated to it by the City Council.

J. Examinations And Surveys: The Planning Commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote City planning and development. (Ord. 1199, 5-17-2016)

K. Appeals: Any interested person aggrieved of a final decision of the Planning Commission may appeal that decision by filing a written appeal stating the grounds within fourteen (14) days from the date of the decision or action to the Appeals and Variance Hearing Officer as designated by ordinance.

L. Meetings:

1. Meetings Generally: Meetings of the Planning Commission shall be governed by the rules and procedures adopted by the City Council by resolution.

2. Electronic Meetings: For purposes of the Utah Open and Public Meetings Act and pursuant to Utah Code Annotated as amended, the Planning Commission may hold an electronic meeting if a majority of a quorum of the Commission participates electronically and one member of the Commission is physically present at the location from which the electronic meeting originates. However, if a proclamation of local, state or national emergency is in effect, all members of the Commission may participate remotely in an electronic meeting.