

ORDINANCE NO. 1486

AN ORDINANCE OF THE DRAPER CITY COUNCIL AMENDING TITLE 3 OF THE DRAPER CITY MUNICIPAL CODE REGARDING GENERAL RULES FOR SUBORDINATE MUNICIPAL BODIES AND MEMBERSHIP AND QUORUM REQUIREMENTS OF THE HISTORIC PRESERVATION COMMISSION.

WHEREAS, Title 3 establishes rules for subordinate bodies created by the city; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code; and

WHEREAS, the city council has reviewed the proposed text amendment and finds good cause to revise the terms and provisions of Title 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 Title 3 of the Draper City Municipal Code: 1) The proposed amendment is in compliance with the Utah Code Annotated. 2) The proposed amendment is in the best interest of the health, safety, and welfare of the citizens of Draper.

Section 2. Revision. Sections 3-1-150 and 3-1-160 of the Draper City Municipal Code are hereby amended in whole, and Section 3-1-180 of the Draper City Municipal Code is hereby amended in part to read as shown in Exhibit "A" 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 for publishing.

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 6TH DAY OF APRIL, 2021.

ATTEST:

DRAPER CITY



Laura Oscarson, CMC, City Recorder



Mayor Troy K. Walker

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember Lowery

Councilmember Roberts

Councilmember Vawdrey

Councilmember Lowry

Mayor Walker

EXHIBIT A

3-1-150: Subordinate Bodies: The city council may create any subordinate body deemed necessary or appropriate for the administration of the city and shall prescribe by resolution or ordinance the organization, powers and duties of such bodies.

3-1-160: General Rules for Committees: Unless otherwise provided by law or these ordinances, the following rules shall apply to all committees formed under this chapter.

A. Committees are advisory bodies only. Neither the committee nor its members have authority to either represent, act, negotiate or speak on behalf of the City, or to commit City funds for any purpose unless expressly authorized by the city council.

B. Committees shall consist of members as the city council shall provide by ordinance or resolution.

C. Members. Committee members shall be appointed by the mayor with the advice and consent of the city council. Except as otherwise provided in this chapter, committee members shall serve four-year terms. When a new committee is created, half of the members first appointed to the committee may be appointed to an initial two-year term so that appointments to the committee are staggered.

D. Chairperson. A chairperson shall oversee the proceedings and activities of each committee. Except as otherwise provided in this chapter, all chairpersons shall:

1. be appointed by the mayor; and
2. serve a two-year term.

E. Vice-Chair or Temporary Chair. Each committee may appoint a vice-chair on an annual basis or temporary chair on a per meeting basis to act as the chairperson in the event the chairperson is unable to attend or participate in the meeting.

F. Committee members may be removed from office with or without cause by majority vote of the city council.

G. Except as otherwise provided in this chapter, committee members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties. Committee members shall be deemed "volunteers" for purposes of city ordinances, rules and regulations regarding 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, as amended.

H. Committees shall conduct meetings in accordance with the Utah Open and Public Meetings Act. A committee shall keep a public record of its proceedings, and all minutes of the meetings and decisions of a committee shall be filed in the Office of the City Recorder as public records. Meetings of a committee may be called by the chairperson, a majority of the members of a committee, the mayor, city manager, city council or the department head assigned to work with the committee.

I. Committees may receive funds by an annual appropriation in the city budget, by government, corporate or private grants or donations, and from proceeds of approved committee functions, which funds shall be held and managed as directed by the city council.

J. Advisor. The city manager shall designate a member of the city staff to serve as an advisor to each committee. The designated staff member shall serve only to advise and act as a liaison to the city administration and shall have no power to vote on matters coming before the committee.

K. Quorum. Three members of the committee shall constitute a quorum. Three votes shall be the minimum number of votes required for a motion to pass unless three votes does not constitute a majority of the quorum present; in which case, a majority vote carries a motion.

L. Electronic Meetings. Committees may conduct electronic meetings in accordance with the Open and Public Meetings Act. To conform with the Open and Public Meetings Act, a quorum must be present at the anchor location unless the chairperson determines that a meeting with an anchor location presents a substantial risk to the health or safety of the public.

3-1-180: DRAPER CITY HISTORIC PRESERVATION COMMISSION:

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C. Members:

1. Number: The Historic Preservation Commission shall consist of not less than three (3) nor more than nine (9) members who shall have a demonstrated interest, competence or knowledge in historic preservation or architecture. To the extent available in the community, two (2) commission members shall be "professionals" from the disciplines of history, architecture or architectural history, as defined by the National Park Service regulations. Notwithstanding any other provision to the contrary, three (3) members of the commission may be non-residents of Draper City provided, however, such non-resident member of the commission must own property designated on the Historic Sites List or on the Historic Landmark Register.

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D. Organization And Procedures:

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6. Quorum: No official business of the commission shall be conducted except in the presence of a properly constituted quorum. A quorum shall consist of the attendance of at least three (3) of the members of the commission.

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To be published on Friday, April 9, 2021, in *Deseret News*

City of Draper Notice of Ordinance Adoption – On April 6, 2021, the Draper City Council approved Ordinance #1486, amending Draper City Municipal Code regarding city commissions. The complete ordinance is on file at the Draper City Recorder’s Office and online at www.draperutah.gov. Published this 9th day of April 2021. Laura Oscarson, Draper City Recorder.

