

MILLCREEK, UTAH
ORDINANCE NO. 23-28

**AN ORDINANCE AMENDING CHAPTER 2.56 OF THE MILLCREEK CODE OF
ORDINANCES REGARDING COMMUNITY COUNCIL ELECTIONS, COMMUNITY
COUNCIL RECOMMENDATIONS, AND APPROPRIATION OF FUNDS TO
COMMUNITY COUNCILS**

WHEREAS, the Millcreek Council ("*Council*") met in a regular session on July 25, 2023, to consider, among other things, amending Chapter 2.56 of the Millcreek Code of Ordinances regarding community council elections, community council recommendations, and appropriation of funds to community councils; and

WHEREAS, staff recommends that the Council amend Chapter 2.56 of the Millcreek Code of Ordinances to clarify the City's role in community council elections and in facilitating community council planning and zoning recommendations; and

WHEREAS, staff recommends that the Council amend Chapter 2.56 of the Millcreek Code of Ordinances to include a process for appropriating funds to community councils that is compliant with Utah Code Ann. §10-8-2; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the City to amend Chapter 2.56 of the Millcreek Code of Ordinances regarding community council elections, community council recommendations, and appropriation of funds to community councils.

NOW, THEREFORE, BE IT ORDAINED by the Council that Chapter 2.56 be amended as follows (interlineating the words to be deleted and underlining the words to be added):

2.56.070 Community Councils; Election Of Members

- A. Members of community councils shall be elected by nonpartisan secret ballot. Nomination and election procedures, notice requirements and terms of office shall be specified in the bylaws of each community council.
- B. Community council bylaws shall include at least the following minimum requirements regarding elections:
 - 1. All elections of community council representatives must be free and open to all registered voters in the community council area, provided no individual may vote more than once in any given election. Upon the approval of the city council, voting may be open to property owners in any community council district where a substantial proportion of the developed land is owned by persons who reside elsewhere, such as summer recreational properties.

2. Elections for community council representatives shall be held only on the first Tuesday after the first Monday of November in each even numbered year.
3. At least sixty days prior to an election the community council shall designate one community council member or designee, who is not standing for re-election, to serve as the election officer for the year in which a community council election is conducted and shall inform the city council in writing of the appointment and the election officer's name, address, and telephone number. That election officer may solicit the assistance of community council members or other persons not standing for re-election to serve as assistants.
4. Notices and flyers shall be prepared, posted and published sufficiently in advance of any community council election to adequately inform prospective community council candidates of election and candidate nomination procedures.
5. At least thirty days prior to an election the community council shall provide an appropriate notice of each election. The notice shall be posted in at least one prominent place in each voting district in the community council area and forwarded to the city council. Notices shall include the date, times and polling place locations for the community council election. ~~The city recorder, with the assistance of the city council, shall publish notice of the election in a newspaper of general circulation at least two weeks before election day.~~
6. The community council shall, in its bylaws, institute a fair and equitable candidate nomination process, to be administered by the election officer and designed to freely permit and encourage citizens to become candidates for community council office. All candidates shall be registered voters in the community council area.
7. Community councils shall prepare a sufficient number of ballots listing candidates for community council office. Candidates shall be listed in alphabetical order, by last name, and the ballot shall contain only the names of candidates. No titles or indication of incumbency shall appear on the ballot. Write-in candidates may be permitted as provided by the bylaws.
8. The community council shall put in place and enforce appropriate regulations to ensure the secrecy and security of the voting process, including providing for a secret vote, secure ballot boxes, and a secure and orderly vote tabulation process supervised by the election officer. No proxy voting shall be permitted.
9. Within seven days after an election, the election officer shall prepare and maintain an official written declaration of election results, including total votes cast for each candidate, ~~and shall cause the declaration to be filed with the recorder. A list of all community council members, holding office as of January 1st, shall be provided to the city council liaison not later than December 15th of the previous year. A list of all elected community council members and officers including name, address, phone, and email address shall be provided to the city planning and zoning and~~

communications departments by January 31st of the following year, and every time an update is made throughout the year.

- C. The city council may assist and monitor community council elections to ensure compliance with this section when the city council deems it necessary or appropriate.
- D. The city council may, for good cause shown, waive election bylaw requirements upon written community council request.
- E. Each member of each community council shall complete and sign the required form(s) provided by the city.

2.56.100 Community Councils; Planning And Zoning Recommendations

- A. The city planning and zoning ~~community development~~ department shall submit to all members of the community council copies of the city planning commission public meeting agendas, text changes to the zoning ordinance, zoning or conditional use applications pertaining to territory located within each community district, and applications for extraordinary relief and exceptions to the city Code of Ordinances. Community councils are encouraged to make written recommendations concerning such applications to the community development department.
- B. The staff of the ~~city~~ planning and zoning department ~~development services shall act as the staff to each community council on planning and zoning matters~~ prepare and transmit to the community council a written summary report of each planning application that a community council is asked to review, and shall also arrange meetings between the applicants and community councils when so requested.
- C. Each community council shall provide to the city a current schedule of its meeting times, places, and dates., ~~and the names, addresses, e-mail addresses, and phone numbers of all members of the community council.~~
- D. Where an application is within six hundred feet of the boundaries of another community district, the community development department shall submit the application for review by the community councils of each community district.
- E. In the event that a community council does not hold a public meeting within one month of the city receiving a complete land use application requiring community council input, the planning and zoning ~~community development~~ director may hold a neighborhood meeting in lieu of a community council meeting and provide a report to the community council on the neighborhood meeting.

2.56.111 Appropriation Of Funds To Community Council

- A. The City may appropriate funds to each community council upon ~~Subject to the conditions below, the following monetary appropriations shall be made and distributed:~~

~~Mt. Olympus Community Council — \$3,000~~

~~Canyon Rim Citizens Association — \$5,000~~

~~East Mill Creek Community Council — \$5,000~~

~~Millcreek Community Council — \$15,000~~

~~Total — \$28,000~~

~~B. The appropriation will be made only after:~~

- ~~1. Sufficient funds have been received by the City from the Greater Salt Lake Municipal Services District to make the distribution, and~~

~~receipt of a request detailing the amount of funds requested and proposed use of said funds as related to the benefit the city will receive in return for the appropriated funds. All requests for funds are subject to a Utah Code §10-8-2 study process.~~

- ~~2. Each member of each Community Council has completed and signed the packet of forms attached to this ordinance, and returned them to the City.~~

~~B. C. Each recipient community council, before making any single expenditure of \$2,500 or more, must obtain bids from at least three separate vendors. An accounting of the use of any appropriated funds expended during the previous calendar year shall be provided to the city communications department by February 28th of the following year.~~

This Ordinance, assigned Ordinance No. 23-28, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 25th day of July, 2023.



ATTEST:



Elyse Sullivan, City Recorder

MILLCREEK

By: 

Jeff Silvestrini, Mayor

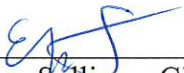
Roll Call Vote:

Silvestrini	<u>Yes</u>	No
Catten	<u>Yes</u>	No
DeSirant	<u>Yes</u>	No
Jackson	<u>Yes</u>	No
Uipi	<u>Yes</u>	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 23-28: AN ORDINANCE AMENDING CHAPTER 2.56 OF THE MILLCREEK CODE OF ORDINANCES REGARDING COMMUNITY COUNCIL ELECTIONS, COMMUNITY COUNCIL RECOMMENDATIONS, AND APPROPRIATION OF FUNDS TO COMMUNITY COUNCILS was adopted the 25th day of July, 2023 and that a copy of the foregoing Ordinance 23-28 was posted in accordance with Utah Code 10-3-711 this 26 day of July, 2023.



Elyse Sullivan, City Recorder