



PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, January 23, 2024

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. **The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil).** If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

TO MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

January 23 Council Meeting: Dial 346 248 7799. Enter Meeting ID 853 4557 1755 and press #. When asked for a participant ID, press #. **To join via computer, visit zoom.us and enter the meeting ID and passcode: 501764.**

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

1. Police Badge Pinning Ceremony
2. Employee of the Month Award

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

3. A resolution formalizing the creation of the Council Audit Committee (24-010)
4. An ordinance amending duties regarding internal auditing. (24-010)
5. An ordinance amending Provo City Code regarding the Neighborhood District Program (24-013)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil

To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Council Meeting will be held on Tuesday, February 6, 2024. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email misanders@provo.org at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: KCLAUSEN
Department: Police
Requested Meeting Date: 01-23-2024

SUBJECT: Police Badge Pinning Ceremony

RECOMMENDATION: A brief ceremony to welcome our four new employees.

BACKGROUND: To honor those who serve the community.

FISCAL IMPACT: 0

PRESENTER'S NAME: Chief Troy Beebe

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Yes, Safe and Sound

CITYVIEW OR ISSUE FILE NUMBER:

PLEASE JOIN US FOR OUR
BADGE PINNING CEREMONY



WELCOME NEW OFFICERS

NICOLAS BYRD
CARTER BURGOYNE
STEPHEN DOUGLAS
MITCHELL HARDING
CALEB TRAVIS

JANUARY 23, 2024 | 5:30 PM
PROVO CITY COUNCIL CHAMBERS

PLEASE JOIN US FOR LIGHT REFRESHMENTS
IMMEDIATELY FOLLOWING IN THE COMMUNITY ROOM

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: KNEVES
Department: Mayor Office
Requested Meeting Date: 01-23-2024

SUBJECT: Employee of the Month Award

RECOMMENDATION: Mayor Kaufusi will recognize the Employee of the Month for January 2024

BACKGROUND: Each month, one outstanding employee is named "Employee of the Month" for their exceptional dedication and contributions to the City, setting a high standard for others to follow and fostering a culture of excellence.

FISCAL IMPACT:

PRESENTER'S NAME: Mayor Kaufusi / John Borget

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER:

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MISANDERS
Department: Council
Requested Meeting Date: 01-09-2024

SUBJECT: A resolution formalizing the creation of the Council Audit Committee (24-010)

RECOMMENDATION: Approval of the ordinance.

BACKGROUND: During the January 09, 2024 Work Meeting, the Council directed staff to draft language to formalize the Audit Committee and to adopt charters.

FISCAL IMPACT:

PRESENTER'S NAME: Justin Harrison, Council Executive Director

REQUESTED DURATION OF PRESENTATION: 25 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-010

Audit Committee Updates

January 16, 2024



Audit Committee Updates

- **Formalize Audit Committee**
- **Adopt Governing Documents**
 - Audit Committee Charter
 - Internal Audit Charter
- **Transfer Duties of the Internal Audit Function**



Audit Committee Updates

- **Recommendations of the State Auditor's Office and Government Financial Officer Association (GFOA)**
 - Formalizing the audit committee under the purview of the Council
 - Transferring the duties of the internal audit function to the legislative branch
 - Governing documents should be adopted to formalize responsibility, oversight, and membership.
- **Reviewed by the Audit Committee**
 - December 6, 2023



Audit Committee Resolution

- **Formally establishes an Audit Committee**
 - **Oversight of internal and external audit functions**
 - **Provide a framework for evaluating financial reporting**
 - **Fostering a culture of integrity, accuracy, and ethical behavior**
 - **Demonstrate commitment to responsible stewardship of public resources, transparency, and efficiency**
 - **Reference governing documents**
 - **Audit Committee Charter**
 - **Internal Audit Charter**



Audit Committee Charter

- **Establishes Audit Committee**
 - **Mission**
 - **Composition and Requisite Skills**
 - **Duties and Responsibilities**
 - **Reporting Requirements**



Internal Audit Charter

- **Establishes Internal Audit**
 - **Purpose**
 - **Independence**
 - **Authority**
 - **Scope and Responsibilities**



Internal Audit Function

- **2.10.100 Department of Administrative Services**
 - **Function of the Finance Division**
 - **Conduct internal audit services**
 - **Both the State Auditor's Office and GFOA recommend that the internal audit function be independent of management.**
 - **Within the Council-Mayor form of government it is recommended that internal audit function be located within the legislative branch.**
 - **2.50.130 Executive Director for the Municipal Council – Assignments and Duties**
 - **Coordinate administrative reviews [and independent audits](#)**



1 RESOLUTION 2024-XX.

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3 A RESOLUTION FORMALIZING THE CREATION OF THE COUNCIL
4 AUDIT COMMITTEE. (24-010)

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6 RECITALS:

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8 It is proposed that the Provo City Municipal Council formalize the creation of an audit
9 committee and an internal audit function; and

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11 The Provo Municipal Council desires to receive independent advice, assistance, and
12 recommendations in the oversight of the internal and external audit functions of Provo City; and

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14 The Utah State Auditor’s Office recommends an audit committee be officially formalized
15 with responsibility over an internal audit function; and

16
17 The Government Financial Officer Association recommends every local government
18 establish an audit committee with an accompanying internal audit function; and

19
20 An audit committee will provide a structured framework for evaluating financial
21 reporting, internal audit functions, and external audit processes, thereby fostering a culture of
22 integrity, accuracy, and ethical behavior within Provo City’s operations; and

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24 The creation of an audit committee underscores the city council's commitment to
25 promoting responsible stewardship of public resources, fostering transparency in financial
26 matters, and continuously enhancing the effectiveness and efficiency of our municipal
27 governance; and

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29 On January 9, 2024, and January 23, 2024, the Municipal Council met to consider the
30 facts regarding this matter and receive public comment, which facts and comments are found in
31 the public record of the Council’s consideration; and

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33 After considering the facts presented to the Municipal Council, the Council finds that (i)
34 an audit committee and an accompanying internal audit function should be established as
35 described herein, and (ii) such action furthers the health, safety, and general welfare of the
36 citizens of Provo City.

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38 THEREFORE, the Municipal Council of Provo City, Utah resolves as follows:

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40 PART I:

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The Council Audit Committee is hereby established as a standing committee.

PART II

The scope of the committee's responsibilities, as well as its structure, processes, and membership requirements shall be governed by the Council Audit Committee Charter as it appears in Exhibit A.

PART III

The scope of the internal audit function shall be governed by the Internal Audit Charter as it appears in Exhibit B.

PART IV:

This resolution takes effect immediately.



January 23, 2024

PROVO CITY MUNICIPAL COUNCIL

AUDIT COMMITTEE

Council Audit Committee Charter

Audit Committee Authority

Pursuant to resolution number [Resolution Number], dated January 23, 2024, the Provo Municipal Council (the “Council”) has established the Council Audit Committee (the “Audit Committee”) to assist the Council in the oversight of both the internal and external audit functions. Resolution number [Resolution Number] also states that the Audit Committee is governed as set forth in this charter.

Mission

The Council has established the Audit Committee to provide independent advice, assistance, and recommendations to the Council in the oversight of the internal and external audit functions of Provo City (the “City”).

Composition and Requisite Skills

The Audit Committee is comprised of a subset of Councilors and members of the public. This ensures that investigations regarding the work of management, external auditors, and internal auditors remain confidential until reports are made public to the governing body. The committee includes:

- 1) Two to three Councilors; and
- 2) At least two members of the public.

Audit Committee members serve terms of two years and are not limited in the number of terms that may be served. The positions of Committee Chair and Vice-Chair will be held by Councilors on the Audit Committee. The Committee will decide which Councilor serves as Chair and which as vice-chair.

The Committee members collectively should possess the knowledge in accounting, auditing, and financial reporting needed to understand and evaluate City financial statements, the

external audit, and the City's internal audit activities. Accordingly, the Audit Committee's members, collectively, should:

- 1) Possess the requisite knowledge necessary to understand technical and complex financial reporting issues;
- 2) Have the ability to communicate with auditors, public finance officers and the governing body; and
- 3) Be knowledgeable about internal controls, financial statement audits and management/operational audits.
 - a. If no audit committee members have sufficient personal internal control or finance knowledge, the committee must gain this knowledge via a financial expert (either volunteer or paid) advisor.
 - i. The financial expert advisor must:
 1. Be independent of management;
 2. Be present for meetings;
 3. Not be a member of the audit committee; and
 4. Not vote on committee actions.

Duties and Responsibilities

The duties and responsibilities of the Audit Committee include the following:

- 1) External Audit Focus
 - a. Providing recommendations regarding the selection of the external auditor;
 - b. Meeting with the external auditor prior to commencement of the audit to, among other things, review the engagement letter;
 - c. Reviewing and discussing with the external auditor any risk assessment of the City's fiscal operations developed as part of the auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable;
 - d. Receiving and reviewing the draft annual audit report and accompanying draft management letter, including the external auditor's assessment of the City's system of internal controls, and, working directly with the external auditor, assisting the governing body in interpreting such documents;
 - e. Making a recommendation to the governing body on accepting the annual audit report; and
 - f. Reviewing every corrective action plan developed by City administration and assisting the governing body in the implementation of such plans;
- 2) Internal Audit Focus

- a. Making recommendations to the governing body regarding the appointment of the internal auditor;
 - b. Assisting in the oversight of the internal audit function, including reviewing the annual internal audit plan to ensure that high risk areas and key control activities are periodically evaluated and tested, and reviewing the results of internal audit activities;
 - c. Reviewing significant recommendations and findings of the internal auditor;
 - d. Monitoring the administration's implementation of the internal auditor's recommendations;
 - e. Participating in the evaluation of the performance of the internal audit function; and
 - f. Overseeing Hotline complaints received and investigated by the internal auditor; and
- 3) Administrative Matters
- a. Holding regularly scheduled meetings; and
 - b. Reviewing and revising this Charter, as necessary.

Individual Duties

The individual duties of the members of the Audit Committee include the following:

- 1) Good Faith – Members of the Committee must perform their duties in good faith, in a manner they reasonably believe to be in the best interests of the Committee and the City with such care as a generally prudent person in a similar position would use under similar circumstances;
- 2) Independence – An individual may not serve on the audit committee if he or she:
 - a. Is employed by the City (other than City Councilors);
 - b. Currently provides, or within the prior two years, has provided, goods or services to the City;
 - c. Is a family member of an employee or officer of the City; or
 - d. Is the owner of or has a direct and material interest in a company providing goods or services to the City; and
- 3) Confidentiality – During the exercise of duties and responsibilities, the Committee members may have access to confidential information. The Committee members have an obligation to the City to maintain the confidentiality of such information.

Meetings and Notification

The Committee will meet a minimum of two times each year. An agenda for each meeting should be clearly determined in advance and the Audit Committee should receive supporting documents in advance, for reasonable review and consideration.

The Audit Committee will create meeting notes which include the meeting:

- 1) Agenda;
- 2) Time, date, and location;
- 3) Attendance;
- 4) Findings requiring further investigation; and
- 5) Items to report to the governing body.

Recommendation Process

The Audit Committee is tasked with reviewing various issues and making recommendations to the Council. A quorum constitutes a simple majority of the total membership, and meetings will not be conducted unless a quorum is present.

Reporting Requirements

The Audit Committee has the duty and responsibility to report its activities to the Council at least annually, and more often as needed. Periodic written reports of Audit Committee activities are an important communication link between the Audit Committee and the Council on key decisions and responsibilities. The Audit Committee's reporting requirements are to:

- 1) Report on the scope and breadth of committee activities so that the Council is kept informed of its work;
- 2) Provide notes or a summary of notes of meetings that clearly record the considerations and recommendations of the Committee;
- 3) Report on its review of the City's draft annual audit report and accompanying management letter and its review of significant findings;
- 4) Report on suspected fraud, waste or abuse, or significant internal control findings and activities of the internal control function;
- 5) Report on indications of material or significant non-compliance with laws or City policies and regulations; and
- 6) Report on any other matters that the committee believes should be disclosed to the Council.

Charter Review

The Audit Committee will assess and report to the Council on the adequacy of this Charter at least annually. Charter modifications, as recommended by the Audit Committee, should be presented to the Council in writing for its review and action.



January 23, 2024

PROVO CITY MUNICIPAL COUNCIL

AUDIT COMMITTEE

Internal Audit Charter

Introduction

The internal audit function was established by ordinance [Ordinance Number] on January 23, 2024. Furthermore, resolution [Resolution Number], passed on January 23, 2024, approved this charter as a means of governing internal auditing activities.

Purpose

The purpose of an Internal Audit is to provide an independent, objective assurance and is designed to add value and improve Provo City (the “City”) risk management efforts. It helps the City and the Municipal Council (the “Council”) accomplish their objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of processes and controls designed to manage risk.

Independence

To help ensure independence and objectivity, Internal Audit functions are carried out by the Council Office, which reports to the Council Audit Committee (the “Audit Committee”). The Council Executive Director controls and supervises the Internal Audit activities of Council Staff and contracted consultants.

Authority

Council Staff and/or Internal Auditors are authorized, under the direction of the Council Executive Director, to:

- Request access to the records, property, and personnel of all City departments, boards and commissions, in order to conduct internal audits;

- Request access to all documents and records of organizations receiving funds originating or passed through by the City to ensure that adequate internal controls are in place and operating effectively, regarding the expenditure of those funds relating to the City;
- Have full and free access to the Audit Committee; and
- Obtain the necessary assistance of personnel in departments of the City where they perform audits, as well as other specialized services from within or outside the City.

To maintain an independent status, Council Staff and/or Internal Auditors are not authorized to:

- Perform any operational duties for Provo City Administration or its boards and committees;
- Initiate or approve accounting policies and procedures or transactions external to the Council Office; or
- Direct activities of any city employees not employed by Council Office, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors.

Scope and Responsibilities

Council Staff/Internal Auditors will:

1. Develop an annual audit plan using appropriate risk-based methodology, and considering risks or concerns identified by the Council Executive Director, to be submitted to the Audit Committee for approval. The annual audit plan will include at a minimum, the following information:
 - a. The scope of each proposed audit, including a summary of the nature, records, and time period covered by each audit to be conducted;
 - b. Identification of the department, board, service, program, function, or policy to be audited; and
 - c. Each potential audit objective to be addressed;
2. Implement the annual audit plan as approved, including any requested special projects as approved by the Audit Committee;
3. Conduct investigations of alleged or suspected impropriety, fraud, misappropriation, or other misuse of City funds, and seek advice from the City attorney as appropriate and provide required reports to appropriate authorities;

4. Coordinate with external auditors and monitor the implementation of corrective actions recommended by external auditors as appropriate;
5. Submit reports to the Audit Committee indicating audits completed, major findings, corrective actions taken by management, and significant findings that have not been fully addressed by City administration;
6. Maintain a qualified, competent audit staff having the necessary knowledge, skills, and disciplines to perform this function;
7. Request adequate resources necessary to accomplish audit objectives;
8. Coordinate with the State Auditor and external auditors to minimize duplication of efforts and maximize efficient audit coverage; and
9. Receive, track, and report hotline complaints to the Audit Committee.

The Internal Auditor may:

1. Subject to the approval of the Audit Committee, conduct special reviews and programmatic reviews at the request of the Council, finance officer, department heads, boards, or committees;
2. Subject to the approval of the Audit Committee, provide assistance to departments, boards, and committees for evaluation of financial controls and other audit related matters;
3. Amend the annual audit plan, subject to the approval of the Audit Committee; and
4. Initiate, conduct, or expand the scope of an audit or investigation if a finding requires expansion of the scope, or if a determination has been made that fraud, abuse, or an unlawful act may have occurred.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MISANDERS
Department: Council
Requested Meeting Date: 01-01-2018

SUBJECT: An ordinance amending duties regarding internal auditing. (24-010)

RECOMMENDATION: The Council Office recommends approval of the ordinance.

BACKGROUND: During the January 9th Work Meeting, the Council heard a presentation from Council Staff regarding the formalization of the Audit Committee. As part of this presentation, it was recommended to move the internal audit function from the administration to the Council Office. Council moved to direct staff to draft the ordinance.

FISCAL IMPACT: No immediate fiscal impact

PRESENTER'S NAME: Justin Harrison, Council Executive Director

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-010

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PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
- D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

Exhibit A

2.10.100 Department of Administrative Services.

The Director of Administrative Services shall have charge of and responsibility for the following:

- (1) The Division of Human Resources, including:
 - (a) the administration of all personnel functions of the City;
 - (b) providing staff and clerical support for wage and salary administration, recruitment, testing and selection, fringe benefit administration, classifications of positions, organizational analysis, productivity analysis and employee training; and
 - (c) providing staff and clerical support for the Civil Service Commission in fulfilling its duties as provided under State law.

- (2) The Division of Finance, including central support and financial services required by City operations, including purchasing, cash management and investment, accounting, inventory control, and licensing.
 - (a) The Director of the Department of Administrative Services or the Mayor's designee within this department shall perform those duties set forth in the Uniform Fiscal Procedures Act for Utah Cities, except those duties specifically delegated to the Budget Officer and as assigned by the Mayor.

 - (b) The functions of City Treasurer shall be assigned to the department under the administrative direction of the director. The City Treasurer shall:
 - (i) supervise collection of all taxes, assessments, fines, forfeitures, service charges, intergovernmental revenue, licenses, fees, and other revenues of the City as provided for by applicable laws the Provo City Code and other ordinances;

 - (ii) be responsible for disposition of City revenues;

 - (iii) provide for investment of idle cash;

 - (iv) make all disbursements of funds of the City, subject to budget appropriations;

 - (v) keep an accurate and detailed accounting of all transactions, receipts, disbursements, and other matters within the Treasurer's charge as provided in the Uniform Fiscal Procedures Act for Utah Cities and as the City may by the Provo City Code, other ordinance, or resolution direct;

(vi) maintain legally required balances in sinking fund accounts, and special improvement district guarantees funds account;

(vii) record the bond of the City Recorder as required by Section [10-3-825](#), Utah Code, as amended;

(viii) execute all checks of the City consistent with State law;

~~(ix) conduct internal audit services;~~

(~~x~~ix) collect all special improvement assessments and foreclose all delinquencies therein; and

(~~x~~ix) any other matter prescribed by State law.

(c) The Budget Officer shall have charge of and be responsible for:

(i) performing trend analysis such as future revenue projections; and

(ii) coordinating the preparation, evaluation and monitoring of the City's operating and capital budgets, subject to the final review and adoption by the Mayor and the Municipal Council.

(3) The Division of Facilities, which shall include the general supervision, maintenance, up-keep, and control of all City building operations and maintenance as designated by the Mayor.

(4) The Provo City Justice Court, which shall include the supervision and operation of the Justice Court in accordance with State law, local ordinance, and direction from the Administrative Office of the Courts.

(5) The Division of Information Systems, which shall provide information systems services to all departments of the City. Functions of the Division of Information Systems shall include the protection, maintenance, and operation of computer systems and communication systems, and development and review of software. The division shall also evaluate and recommend the use of technology to facilitate cost effective use and efficient delivery of City services.

Exhibit B

2.50.130 Executive Director for the Municipal Council - Assignment of Duties.

(1) The Municipal Council may appoint an Executive Director to exercise such duties as are consistent with the Council's primary functions pertaining to legislation, appropriations, and review of municipal administration. The Executive Director may be removed at the sole discretion of the Council. The Executive Director shall have the right to legal counsel from the Council Attorney on all matters involving the performance of the Executive Director's duties. Except as otherwise directed by a majority of the Council by written request, the Council Executive Director and the Council Attorney shall be supervised by the Council Chair.

(2) The Executive Director's powers and duties may include, but are not limited to, the following:

- (a) Serve as a Council liaison with City Administration as requested by the Council;
- (b) Serve as a Council liaison with the citizenry and news media;
- (c) Coordinate administrative reviews [and independent audits](#);
- (d) Coordinate all Council activities required by law associated with the independent audits;
- (e) Coordinate all Council activities related to the analysis of the City budget, including, but not limited to, its review and adoption by the Council;
- (f) Coordinate all Council activities related to City appropriations;
- (g) Coordinate all Council activities related to the Council's duty to give advice and consent to the Mayor for City committees, boards, commissions, directors and employees, and other advisory bodies, as defined by State law and City ordinance;
- (h) Coordinate services provided for the Council when serving as the board or commission of the Redevelopment Agency, Stormwater District, or any other agency the Council is called to serve upon;
- (i) Evaluate, report and make recommendations to the Council as to whether the general intent of Council policies, in the form of ordinances and resolutions, are being complied with and carried forth by the City, in order to determine whether additional ordinances, resolutions or policies are required;
- (j) Coordinate and attend Council meetings, citizen meetings, and other meetings, including administrative meetings, as requested by the Council;

- (k) Supervise Council employees and agents, administering and exercising all appropriate supervisory powers including, but not limited to, hiring, training, conducting performance evaluations and administrative pay adjustments, disciplining, and terminating, as are necessary for the proper administration and effective operation of the Council Office;
- (l) Coordinate services provided for the Council by appointed independent contractors;
- (m) Coordinate the preparation of Council agendas and prepare analysis of legislative issues for Council review;
- (n) Supervise and have responsibility for the maintenance and publication of the Provo City Code;
- (o) Coordinate an annual Council review of the priorities and implementation strategies of the General Plan; and
- (p) Perform such other duties as are described in the Council Handbook or as may be directed by the Council Chair or a majority of the Council, to the extent permitted by Federal, State, and local law, including established ethical standards of conduct.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: RBREEN
Department: Council
Requested Meeting Date: 01-09-2024

SUBJECT: An ordinance amending Provo City Code regarding the Neighborhood District Program (24-013)

RECOMMENDATION: Presentation and discussion.

BACKGROUND: On November 15, 2022, the City Council approved Ordinance 2022-47 changing the Neighborhood Program to the Neighborhood District Program. During the January 9th Work Meeting, the Council directed Council Staff to bring language to update and amend the code regarding the Neighborhood District Program including:

- No maximum of Neighborhood District Executive Board Members, limit up to two representatives for each neighborhood (go into effect January 2025).
2.29.040(1)(a)
- Allow board members to serve consecutive terms if re-appointed.
2.29.040(4)(a)(ii)
- Change wording from "communication" to "endorsement". 2.29.050(7)(b)
- Increase matching grant funds from \$5,000 to \$7,500 per district per year.
2.29.060(1)
- Change wording from "motions" to "opinion polls." 2.29.050(6)
- Move the Pleasant View Neighborhood to Neighborhood District 1. 2.29.010(1)
- Move the University Neighborhood to Neighborhood District 5. 2.29.010(1)

FISCAL IMPACT: Decrease of \$12,500 in the General Fund per year to go towards Neighborhood Matching Grants.

PRESENTER'S NAME: Rachel Breen, Council Office Community Relations Coordinator

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-013

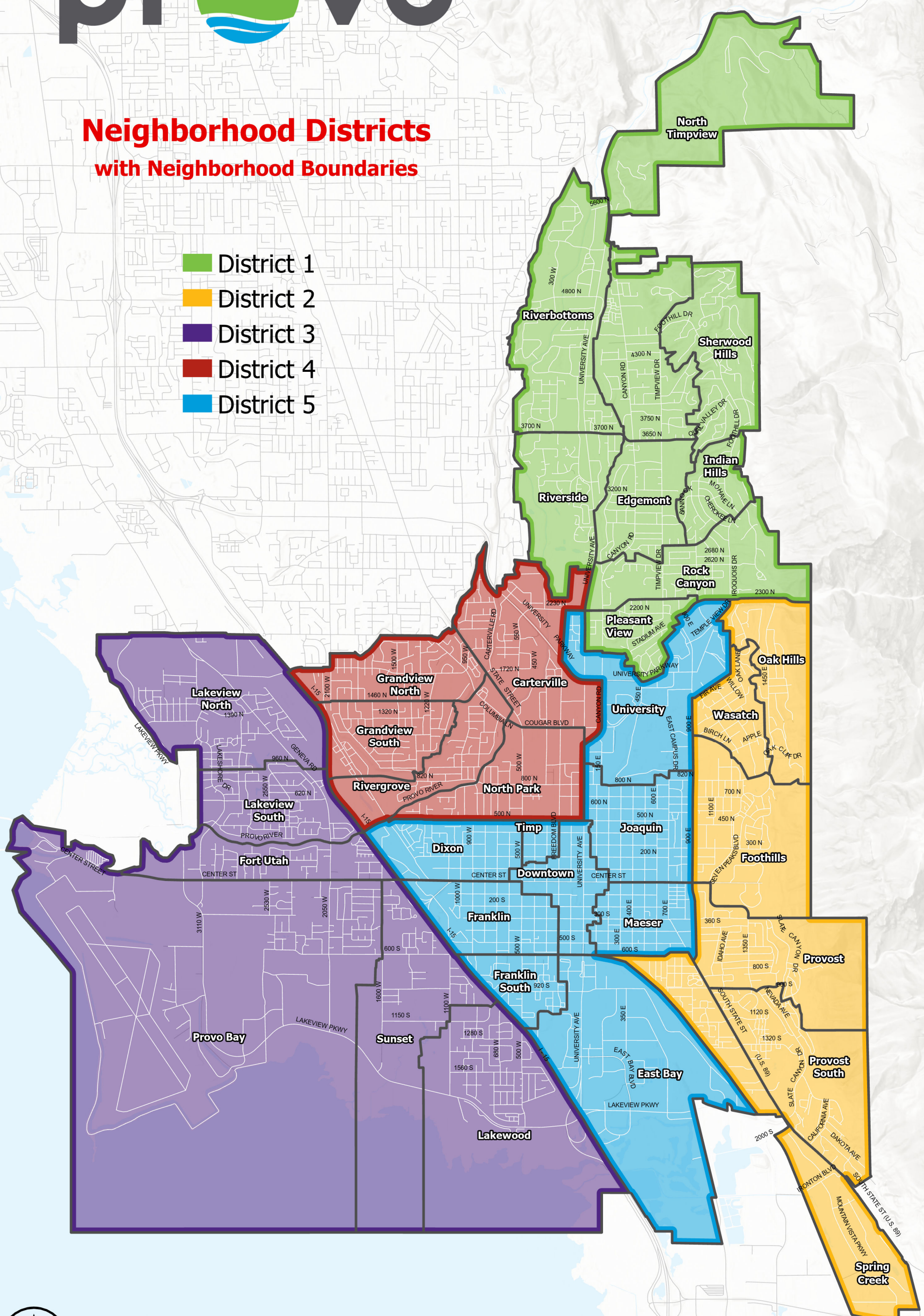
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- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
- D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.



Neighborhood Districts with Neighborhood Boundaries

- District 1
- District 2
- District 3
- District 4
- District 5



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Chapter 2.29
NEIGHBORHOOD DISTRICT PROGRAM

Sections:

- 2.29.010** **Neighborhood District Program Created.**
- 2.29.020** **Purpose.**
- 2.29.030** **Voting Membership.**
- 2.29.040** **Executive Board.**
- 2.29.050** **Meetings.**
- 2.29.060** **Matching Grant Review Process.**
- 2.29.070** **Neighborhood District Fee Waivers.**

2.29.010
Neighborhood District Program Created.

(1) *Neighborhoods and Neighborhood Districts.* There are hereby established geographic areas within the City which shall be known as Neighborhoods and Neighborhood District Zones as shown on an Official Neighborhood Map adopted by the Municipal Council, which by this reference is made a part of this Chapter. Each “Neighborhood” is a geographically distinct portion of the City. Each “Neighborhood District” shall consist of geographically adjacent Neighborhoods. The boundaries of Neighborhoods and Neighborhood Districts shall be determined by the Municipal Council and shall appear on the Official Neighborhood Map.

(2) *Neighborhood Districts.* There shall be no more than five (5) total Neighborhood Districts. Each Neighborhood District shall will have an Executive Board comprised of residents from within the boundaries of the Neighborhood District. When possible, at least one (1) and no more than two (2) residents from each Neighborhood located within the boundaries of the Neighborhood District shall serve on the Executive Board.

(3) *Neighborhood District Program.* The Neighborhood Districts and their associated activities created by this Chapter shall be referred to as the Neighborhood District Program.

27 2.29.020**28 Purpose.**

29 (1) The purpose of the Neighborhood District Program is to provide for public participation and
30 involvement in City affairs and provide a mechanism for communication between the Municipal
31 Council and the public.

32 (2) Each Neighborhood District Executive Board may provide suggestions and feedback to the
33 Municipal Council on governmental affairs and services affecting the area the Neighborhood District
34 represents.

35 (3) The Neighborhood District Executive Board shall work to:

36 (a) Identify and build on the strengths and assets of each Neighborhood in order to solve local
37 problems and meet local needs and desires;

38 (b) Bring Neighborhood residents and other local stakeholders (including Neighborhood
39 businesses and residential landlords) together to achieve the shared goals of the Neighborhood
40 District Program;

41 (c) Bring other nongovernmental organizations and local nonprofit organizations to help deliver
42 services that are needed by residents within their Neighborhood District;

43 (d) Create opportunities for community building among residents (i.e., service projects,
44 beautification efforts, social activities, etc.); and

45 (e) Organize yearly social activities for the individual Neighborhoods within their boundaries.

46 (4) The Neighborhood District Executive Board is not a legislative body. The Board members are
47 not elected officials and do not have any implied legislative or executive authority.

48 2.29.030**49 Voting Membership.**

50 Voting at a Neighborhood District meeting is limited to persons eighteen (18) years of age or older
51 whose primary Provo domicile is within the identified boundaries of the corresponding Neighborhood
52 District. For purposes of this Chapter, "primary Provo domicile" means the Provo domicile where the
53 person physically resides more days in a calendar year than any other Provo domicile.

54 No person may be a member or resident, or vote at meetings, of more than one (1) Neighborhood
55 District. A person who physically resides at more than one (1) domicile in Provo, for purposes of this
56 Chapter, is a member and resident of the Neighborhood District where their primary Provo domicile

57 is located. Before a person may vote at a Neighborhood District meeting, they must sign a
58 Declaration of Residency declaring the address of their primary Provo domicile and that they are a
59 resident of the corresponding Neighborhood District.

60 **2.29.040**

61 **Executive Board.**

62 (1) *Members – Appointment – Vacancies – Removal.*

63 (a) A minimum of seven (7) members, ~~with a maximum of eleven (11) members, shall~~ will be
64 appointed by the Municipal Council to serve as the Executive Board for each Neighborhood
65 District.

66 (b) Only residents of the corresponding Neighborhood District may be considered for
67 appointment to the Executive Board, except as provided in Subsection (2) of this Section.

68 (c) Neighborhood input will be considered in making appointments to the Executive Boards.

69 (d) Before an applicant can be appointed, they are required to attend a Neighborhood District
70 Orientation session for that appointment cycle, provide evidence of attendance at an orientation
71 session in the past three (3) years, or have served as an Executive Board member in the past
72 two (2) years.

73 (e) Members of the Executive Board shall serve at the pleasure of the Municipal Council and
74 may be removed from office by a majority of the members of the Municipal Council.

75 (2) Notwithstanding the requirements of Subsection (1) of this Section:

76 (a) In the Neighborhood District containing the University Neighborhood, the Municipal Council
77 shall appoint one (1) member of the Executive Board from persons nominated by the President
78 of Brigham Young University;

79 (b) In the Neighborhood District containing the Downtown Neighborhood, the Municipal Council
80 shall appoint one (1) member of the Executive Board from persons nominated by Downtown
81 Provo, Inc.;

82 (c) In the Neighborhood District containing the Joaquin Neighborhood, the Municipal Council
83 shall appoint at least one (1) member of the Executive Board who is a property owner of student
84 housing located within the Joaquin Neighborhood so long as the following requirements are
85 met:

86 (i) The property owner has a valid and current rental dwelling license from Provo City; and

- 87 (ii) The property owner is not a member of another Neighborhood District Executive
88 Board.
- 89 (d) The Municipal Council may choose to appoint a maximum of one (1) business owner to an
90 Executive Board so long as the following requirements are met:
- 91 (i) The business has a physical location within the boundaries of the Neighborhood
92 District;
- 93 (ii) The business has a valid business license from Provo City and is in good standing; and
- 94 (iii) The owner is not a member of another Neighborhood District Executive Board.
- 95 (3) *Officers of the Executive Board.* The voting members of each Neighborhood District shall select
96 a chair, two (2) vice-chairs, and a secretary from the members of the Executive Board.
- 97 (4) *Terms of Office.*
- 98 (a) *Executive Board Member.*
- 99 (i) All Executive Board member terms shall be for forty-eight (48) months upon
100 appointment. At the launch of this program, one-half (1/2) of the appointments will be for
101 terms of twenty-four (24) months for the purposes of staggering.
- 102 ~~(ii) No individual may be appointed to serve on an Executive Board who has served on~~
103 ~~any Executive Board within the last twelve (12) months unless appointed under Subsection~~
104 ~~(2) of this Section or as otherwise provided in this Subsection (4)(a)(ii). If a position on the~~
105 ~~Executive Board has been vacant for more than three (3) months, this prohibition may be~~
106 ~~waived by the Municipal Council at their discretion.~~
- 107 (b) *Chair of the Executive Board.*
- 108 (i) No person may serve as Chair for more than twelve (12) consecutive months.
- 109 (ii) No person may be selected as Chair within twelve (12) months of having served as
110 Chair.
- 111 (5) *Communications.* Members of the Neighborhood District Executive Boards shall coordinate and
112 channel all official communications to the Municipal Council/Planning Commission through their
113 respective Executive Board's Chair and the Neighborhood Coordinator.
- 114 (6) *Official Representatives.* The Chair, or in their absence, a Vice-Chair or other duly appointed
115 representative, shall be the official representative of their Neighborhood District to the Municipal
116 Council or Planning Commission and shall represent positions taken by their Neighborhood District;
117 provided, that such representative has received the prior approval for such representation from a

118 majority of the Neighborhood District Executive Board members present at the Neighborhood District
119 meeting during which the item was discussed.

120 (7) *Meetings.*

121 (a) *Absences.* If a member of an Executive Board fails to attend three (3) or more consecutive
122 meetings, or fifty percent (50%) or more of the meetings in any eight (8) month period, without
123 the approval of the majority of the other Executive Board members, the seat of such member
124 shall be deemed immediately vacated.

125 (b) At least a majority of the currently serving Executive Board members must be present at
126 any meeting to conduct any business or take any official action.

127 (8) *Candidates for Public Offices.* If any member of an Executive Board files as a candidate for
128 election to a public office, they shall take a leave of absence from the Executive Board immediately
129 upon filing and until the election is over. If any member of an Executive Board is elected or
130 appointed to any public office, their seat as a member of the Executive Board shall become vacant
131 upon election or appointment to the public office.

132 **2.29.050**

133 **Meetings.**

134 (1) *Presiding Officer.* The Chair, or a Vice-Chair in the absence of the Chair, shall preside over
135 Neighborhood District meetings.

136 (2) *Secretaries.* Each Executive Board shall have a secretary to keep an accurate record of the
137 meetings and general actions and discussions of the Neighborhood District Executive Board,
138 including an accurate record of the Executive Board members in attendance.

139 (3) *Time and Place.* A meeting of the residents of each Neighborhood District shall be held at a
140 regularly scheduled designated time and place. The Neighborhood Coordinator in the Municipal
141 Council Office shall be responsible for the meeting schedule.

142 (4) *Open to the Public.* All Neighborhood District meetings shall be open to the public and duly
143 noticed, and agendas prepared and posted on the City website.

144 (5) *Official Business.* Official business of a Neighborhood District may only be conducted at duly
145 noticed meetings operating under established procedures.

146 (6) *Recommendations.* Official recommendations to the Municipal Council and/or Planning
147 Commission may be made by the residents of a Neighborhood District, by a Neighborhood District
148 Executive Board, or both. Recommendations of a Neighborhood District Executive Board must be

149 approved according to the rules governing its meetings set forth in this Chapter. Recommendations
150 of the residents of a Neighborhood District ~~must be made by means of motions adopted by a~~
151 ~~majority vote~~ may be taken by opinion polls of the residents present at the meeting. Executive Board
152 members may ~~vote on such motions but vote~~ participate in opinion polls simply as residents of the
153 Neighborhood District. All official recommendations from the residents of a Neighborhood District to
154 the Municipal Council and/or Planning Commission must show the number of residents that ~~voted~~
155 ~~polled~~ in favor of and in opposition to said recommendation, as well as the number of residents
156 present that abstained from ~~voting-polling~~.

157 (7) *Communications.*

158 (a) No Neighborhood District Executive Board member may use the title of Neighborhood
159 District Executive Board member on any form of communication except for (i) communications
160 directed to the Planning Commission and/or Municipal Council or (ii) communications directed to
161 the residents of the Neighborhood District. Communications of both types must be approved by
162 a majority of the Executive Board and channeled through the Neighborhood Coordinator.

163 (b) No Neighborhood District Executive Board member may use the title of Neighborhood
164 District Executive Board member for any ~~communication endorsement~~ involving political and/or
165 commercial activities.

166 (8) *Agendas.* The Neighborhood Coordinator shall establish the agenda for Neighborhood District
167 meetings. However, at any regular meeting of the residents of a Neighborhood District, any member
168 may request the inclusion of any specific agenda item that falls within the subject matter and
169 jurisdiction of the Neighborhood District for a specific future meeting. Upon concurrence of a majority
170 of the members of the Executive Board, such items will be placed on the agenda of the next meeting
171 as requested.

172 (9) *Supplemental Rules.* All meetings and activities of each Neighborhood District shall operate
173 under such further rules, not inconsistent with the provisions of this Chapter, as may be established
174 and adopted by the Municipal Council Executive Director. The Neighborhood Coordinator will create
175 and maintain an official handbook for the program.

176 (10) *Attendance by Municipal Council Members.* Members of the Municipal Council may attend
177 Neighborhood District meetings, as desired.

178 (11) *Services Provided by the City.* The City may provide the following services to Neighborhood
179 Districts:

180 (a) Neighborhood Coordinator and other reasonable staff support as necessary to render
181 assistance to the Neighborhood Districts and respective Executive Boards. Requests for
182 additional staff support shall be made to the Municipal Council Executive Director.

183 (b) The Municipal Council Office shall have a yearly budget of one thousand dollars
184 (\$1,000.00) for each Neighborhood District Executive Board to utilize for facilitating meetings of
185 the Executive Board or District members or social functions for the Neighborhood District.

186 (c) The Neighborhood Coordinator will coordinate with the Development Services Department
187 to arrange for staff representation on land use applications.

188 (d) The Neighborhood Coordinator will invite other City departments to participate in
189 Neighborhood District meetings to share useful information and speak with residents on relevant
190 issues.

191 **2.29.060**

192 **Matching Grant Review Process.**

193 (1) ~~Five thousand~~ **Seven thousand and five hundred** dollars ~~(\$5,000.00)~~ **(\$7,500.00)** shall be set
194 aside each year for use as a matching grant fund for use within each Neighborhood District.

195 (2) The Municipal Council Executive Director shall establish criteria for awarding matching grants
196 and shall establish procedures for evaluating and approving grant applications.

197 (3) The Neighborhood District Executive Board will review applications for completeness, request
198 additional information as needed, recommend approval or rejection of the application, and submit
199 complete applications with recommendations to the Neighborhood Coordinator or their designee.

200 (4) The Municipal Council Executive Director may accept or reject the Neighborhood District
201 Executive Board's recommendation regarding any matching grant application, subject to direction by
202 the Municipal Council Chair.

203 (5) If the grant is approved by the Municipal Council Executive Director, then the Secretary for the
204 Neighborhood District Executive Board will work with the Neighborhood Coordinator or their
205 designee to administer the grant.

206 (6) Any funds not spent will be returned to the Council Office.

207 **2.29.070**

208 **Neighborhood District Fee Waivers.**

209 (1) An Executive Board Chair may request a fee waiver before submitting an application on behalf
210 of their Neighborhood District to the Development Services Department for:

211 (a) A text amendment to the [General Plan](#) or Title [14](#) or [15](#), Provo City Code; or

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- 212 (b) A map amendment to the General Plan Map or the Zone Map of Provo.
- 213 (2) An Executive Board Chair may only submit a fee waiver request if:
- 214 (a) Authorized by Municipal Council;
- 215 (b) Authorized by City Administration; or
- 216 (c) A duly noticed meeting of the Neighborhood District residents is held at which a majority of
217 the residents present vote in support of the proposed amendment.
- 218 (3) In all cases, the fee waiver request may not be granted if:
- 219 (a) The Chair is a developer, or an agent of a developer, of a project related to the proposed
220 amendment; or
- 221 (b) The Chair will receive an economic benefit for advancing the proposed amendment or for
222 any project related to the proposed amendment.
- 223 (4) The Development Services Director, or their designee, shall make the final determination on the
224 fee waiver request at the Director's, or designee's, discretion.
- 225