

MILLCREEK, UTAH
ORDINANCE NO. 25-30

**AN ORDINANCE AMENDING CHAPTERS 2.04 AND 2.11 OF THE MILLCREEK
MUNICIPAL CODE REGARDING THE CITY COUNCIL AND ELECTIONS**

WHEREAS, the Millcreek Council ("Council") met in regular session on July 14, 2025, to consider, among other things, amending Chapters 2.04 and 2.11 of the Millcreek Municipal Code regarding the city council and elections; and

WHEREAS, City staff recommended amendments to Chapter 2.04 of the Millcreek Code regarding the city council to align standards with current practice; and

WHEREAS, City staff recommended amendments to Chapter 2.11 of the Millcreek Code regarding elections to align standards with state statutory requirements; 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 Chapters 2.04 and 2.11 of the Millcreek Municipal Code regarding the city council and elections.

NOW THEREFORE, BE IT ORDAINED by the Council that Chapters 2.04 and 2.11 of the Millcreek Municipal Code regarding the city council and elections be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added).

This Ordinance assigned no. 25-30, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 14th day of July 2025.



ATTEST:



Elyse Sullivan, City Recorder

MILLCREEK COUNCIL

By: 

Jeff Silvestrini, Mayor

Roll Call Vote:

Silvestrini	☒ Yes	☐ No
Catten	☒ Yes	☐ No
DeSirant	☒ Yes	☐ No
Jackson	☒ Yes	☐ No
Uipi <i>excused</i>	☒ Yes	☐ No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 25-30: AN ORDINANCE AMENDING CHAPTERS 2.04 AND 2.11 OF THE
MILLCREEK MUNICIPAL CODE REGARDING THE CITY COUNCIL AND ELECTIONS
was adopted the 14th day of July, 2025 and that a copy of the foregoing Ordinance 25-30 was
posted in accordance with Utah Code 10-3-711 this 15 day of July 2025.



Elyse Sullivan, City Recorder

2.04.090 Special Meetings

1. If, at any time, the business of the council requires a special meeting of the council, such meeting may be ordered by a majority of the council or by the mayor.
2. ~~The order setting a special meeting must be in writing and signed by the council members or mayor calling such meeting, be entered in the minutes of the council and state the purposes and proposed agenda for the meeting.~~
3. Except in emergency situations, at least twenty-four hours' written notice of any special meeting must be given to council members and the mayor and must be published as directed in the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Ann. (1953, as amended).
4. ~~No business may be transacted at such special meetings except as specified in the order setting the special meeting.~~
5. Special meetings may be conducted at places other than the normal meeting location: provided however, that proper notice shall be given of the time and place of the special meeting in accordance with law.

2.04.115 Electronic Meetings

1. Definitions. The following terms are defined as follows for the purpose of this section:
 1. "Anchor Location" means the council chamber located at the city offices at ~~3330 South 1300 East~~ 1330 E Chambers Avenue, Millcreek, Utah 84106, where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.
 2. "Meeting Administrator" means the City Recorder, Deputy City Recorder, or another person or employee of the City specifically assigned and designated to operate the electronic meeting equipment at the anchor location to assure that all members of the Council are continuously able to participate in the electronic meeting and to advise the party conducting the meeting of the initiation, recess, if appropriate, or adjournment of an electronic meeting.
 3. "Electronic Meeting" means a public meeting of the Council convened and conducted by means of a telephonic conference device or other electronic means, allowing each member of the Council to be in contact with the anchor location and participate concurrently with all other members of the Council in the conduct of such meeting.
2. Electronic Meetings. The Council may convene electronic meetings when necessary pursuant to specific public notice of an electronic meeting by posting written notice of the electronic meeting at the Anchor Location and providing written or electronic notice to the media as otherwise provided by law. Notice of the electronic meeting shall also be provided to each member of the Council at least 24 hours before the meeting, including a description of how members will be connected to the electronic meeting. The notice to members of the Council shall indicate the process including telephone numbers, access codes, internet addresses, etc. in order to connect to the electronic meeting.

3. Quorum Verification. Before an electronic meeting may be called to order, all members of the Council shall be given an opportunity to participate in the meeting, and upon determining by roll call that a quorum is present at the electronic meeting. Members participating electronically shall count towards the quorum of the Council.
4. Public Attendance. Each electronic meeting shall be convened by the meeting administrator by announcing the parties present at the meeting and by making available to members of the public at the Anchor Location an amplified speaker enabling members of the public to hear the comments of Council members and participate if appropriate.
5. Conduct of the Meeting. Upon determining that a sufficient number of the Council is present at the Anchor Location and that members of the public can adequately hear the comments of all ~~members of the Council~~ members and participate if appropriate, the Mayor shall formally convene the meeting and take or cause a roll call of those participating. The Mayor shall provide an opportunity for each matter on the agenda to be presented and discussed, in an order set forth in the agenda, as amended.
6. Compliance with Law. In all other respects, electronic meetings shall be conducted, recorded, and minutes shall be kept as required by law.

2.04.160 Form Of Action

The council may take action in the form of ordinances, policies, resolutions, proclamations, or motions ~~upon~~ in response to requests or memorials.

1. Ordinances.
 1. The council, except as expressly limited by statute, may adopt any ordinance to regulate, require, prohibit, govern, control, or supervise any activities, business, conduct, or condition.
 2. All ordinances must be in written form before a vote is taken.
 3. Except for ordinances for the codification or general revision of ordinances, no ordinance shall be passed containing more than one subject.
 4. Any ordinance passed by the council shall contain and be in substantially the following order and form:
 1. Ordinance number ~~and date~~;
 2. A ~~short~~ title which indicates the nature of the subject matter of the ordinance;
 3. A ~~long title~~ preamble stating the need or reason for the ordinance ~~and summarizing its contents~~;
 4. An ordaining clause which states "The Millcreek Council as follows Be it ordained by the Council";
 5. The body or subject of the ordinance;
 6. When applicable, a statement indicating the penalty for violation of the ordinance~~;~~;
 7. A statement indicating the effective date of the ordinance;
 8. A signature line for the mayor or mayor pro tempore and for the recorder to attest to the ordinance and affix the seal of the city;

2. Resolutions.

1. Resolutions shall be considered and adopted in those matters required by law or otherwise, and may be used for policy declarations and proposals not appropriately addressed by ordinance, and may be used to exercise council authority in matters of statements of policy and communication.
2. Resolutions shall be in a form and contain sections substantially similar to ~~that those~~ prescribed for ordinances.

3. ~~Memorials.~~ Proclamations

1. ~~Memorials~~ Proclamations shall be adopted in the form of resolutions or motions, as may be deemed appropriate, and shall be used as a statement of policy to respond to or commend persons or groups for notable activities which have been called to the attention of the council.
2. ~~Memorials~~ Proclamations may be considered and adopted at the same meeting in which they have been proposed and ~~in all events~~ shall be recorded in the minutes.

4. Policies, Procedures, and ~~Rules and Regulations.~~

1. Policies, procedures, and ~~rules and regulations~~ shall be considered and adopted in those matters determined to be appropriate by the council and not prohibited by statute.
2. Policies, procedures, and ~~rules and regulations~~ shall be presented, considered, and given notice in the same manner as prescribed for resolutions ~~ordinances~~ and shall be in such form as directed by the council.

All resolutions, policies, procedures, ~~rules, regulations,~~ and ordinances shall be numbered, recorded, and maintained in accordance with the provisions of state law and applicable city ordinances.

2.11.020 Declaration Of Candidacy

1. Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. a person may become a candidate for mayor and council member if the person is a registered voter and:
 1. The person has resided within the city for ~~the~~ twelve (12) consecutive months immediately before the date of the election; or
 2. If the territory in which the person resides was annexed into the city, the person has resided within the annexed territory or the city for twelve (12) consecutive months immediately before the date of the election.
2. Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. each person seeking to become a candidate for mayor or council member shall file a declaration of candidacy with the city recorder during office hours and not later than five o'clock (5:00) P.M. between June 1 and June 7 of any odd numbered year and pay the fee shown on the city consolidated fee schedule at the time of filing

the declaration for elections not involving instant runoff voting. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following regular business day. Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. each person seeking to become a candidate for mayor or council member shall file a declaration of candidacy with the city recorder during office hours and not later than five o'clock (5:00) P.M. between the second Tuesday in August and no later than the third Tuesday in August of an odd-numbered year and pay the fee shown on the city consolidated fee schedule at the time of filing the declaration for elections involving instant runoff voting. A person who is unable to pay the filing fee may file a declaration of candidacy or nomination petition without payment of the filing fee by filing an affidavit of impecuniously as set forth in Utah Code Ann. §20A-9-201.

3. Each candidate shall be a resident of the council district from which the candidate is elected. Resident shall be determined in accordance with Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq.
4. Conflict of interest disclosure statements are required for each person seeking to become a candidate for municipal office as set forth in Utah Code 10-3-301.5.

2.11.050 Disclosures

- A. Campaign finance disclosures shall be as set forth in Utah Code 10-3-208.
- B. An elected officer shall, no sooner than January 1 and no later than January 31 of each year during which the elected officer holds the office of mayor, commissioner, or council member prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Utah Code 20A-11-1604(6); and submit the written disclosure statement to the city recorder.
 - a. It is unlawful for an elected officer to fail to file or amend a conflict of interest disclosure within seven calendar days after the day on which the elected officer receives the notice described in Utah Code 20A-11-1605(3).
 - b. An elected officer who violates MKC 2.11.050 (B)(a) is guilty of a class B misdemeanor.
 - c. The city recorder shall report a violation to the attorney general.
 - d. In addition to the criminal penalty described in (b), the city recorder shall impose a civil fine of \$100 against an elected officer who violates MKC 2.11.050 (B)(a).