

ORDINANCE NO. 1493

AN ORDINANCE OF THE DRAPER CITY COUNCIL AMENDING TITLES 3 AND 9 OF THE DRAPER CITY MUNICIPAL CODE REGARDING SUBORDINATE BODIES.

WHEREAS, Chapter 1 of Title 3 of the Draper City Municipal Code regulates general provisions regarding the city departments and subordinate bodies; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to clarify the city's legislative intent; and

WHEREAS, the subordinate bodies described in 3-1-120 et. seq. have all been heretofore created by enabling ordinances; and

WHEREAS, the subordinate bodies heretofore created are not created anew by this ordinance; and

WHEREAS, said enabling ordinances are merely being renumbered and amended, in some cases, as part of the city's ongoing effort to clarify its laws and make navigating the city code easier for Draper City citizens; and

WHEREAS, the City Council has reviewed the proposed text amendment and finds good cause to revise the terms and provisions of Titles 3 and 9.

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 3 and 9 of the Draper City Municipal Code: 1) Chapter 1 of Title 3 of the Draper City Municipal Code contains ordinances that address both hired city personnel and volunteers who serve on bodies that are subordinate to the city council as that term is used in Ordinance 1486 amended 4-6-2021. 2) The two classifications of people mentioned above should be segregated into their own sections of city code. 3) Additional amendments to the nature of subordinate bodies is necessary to comply with current state statutes. 4) The enabling ordinance for the appeals and variance hearing officer is more appropriately housed with Title 9 of this code. The proposed amendments is in compliance with the Utah Code Annotated. 5)

The proposed amendment is in the best interest of the health, safety, and welfare of the citizens of Draper.

Section 2. Creation and Revision.

1. Portions of Chapter 3-1 of the Draper City Municipal Code are hereby renumbered, amended, and repealed to include the newly-created Chapter 5 as shown in Exhibit "A".

2. Chapter 3-5 of the Draper City Municipal Code is hereby created as shown in Exhibit "B".

3. Section 9-5-040 of the Draper City Municipal Code is amended as shown in Exhibit "C".

4. Exhibits "A", "B" and "C" are attached hereto and incorporated herein by reference.

Section 3. Correction of Editing Errors. The City Attorney is authorized to correct any punctuation, spelling, formatting, or similar 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.

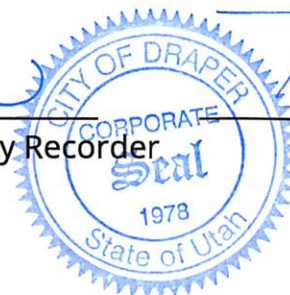
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 15TH DAY OF JUNE, 2021.

ATTEST:

DRAPER CITY



Laura Oscarson, CMC, City Recorder



Mayor Troy K. Walker

VOTE TAKEN:

YES

NO

Councilmember Green



Councilmember Lowery



Councilmember Lowry



Councilmember Vawdrey



Councilmember Roberts



Mayor Walker

EXHIBIT A

(Renumbered by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021) (Renumbered by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

3-1-170: DRAPER CITY ARTS COUNCIL:

(Rep. by Ord. 591, 11-2-2004)

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

(Renumbered by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

3-1-210: DRAPER CITY NEIGHBORHOOD ASSOCIATIONS:

(Rep. by Ord. 600, 4-5-2005, eff. 5-1-2005)

3-1-220: DRAPER CITY CONSERVATION AREA COMMISSION:

(Rep. by Ord. 556, 1-6-2004)

(Renumbered by Ord. 1493, 6-15-2021)

3-1-240: DRAPER CITY COMMUNITY EVENTS AND VOLUNTEERISM COUNCIL:

(Rep. by Ord. 557, 1-20-2004)

(Repealed by Ord. 1493, 6-15-2021)

(Repealed by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

(Repealed by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

(Repealed by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

(Renumbered by Ord. 1493, 6-15-2021)

EXHIBT B

Section 3-5-010 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.

Section 3-5-020 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.

1. Committee members shall be appointed by the mayor with the advice and consent of the city council.

2. Except as otherwise provided in this chapter:

a. Committee members shall serve four-year terms;

b. 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; and

c. Each committee shall have up to eleven (11) members.

3. Committee members with three (3) unexcused absences in a twelve (12) month period are subject to removal as per 3-5-020(F).

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.

1. If the chairperson of a committee is absent, the vice-chair shall assume the roles of chairperson.
2. Except as otherwise provided in this chapter, all vice-chairpersons shall:
 - a. Be appointed by the mayor; and
 - b. Serve a two-year term

F. Committee members may be removed at the mayor's sole discretion.

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, the vice-chair when acting as the chair, 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. Five 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 as long as a quorum of the committee is present at an anchor location. An electronic meeting without an anchor location may be conducted in accordance with the Open and Public Meetings Act.

Section 3-5-030 Planning Commission. There is hereby created and established a Planning Commission of Draper City to recommend and monitor the planning and development of the city.

A. Composition and Appointment. The planning commission shall be comprised of six regular members appointed by the mayor with the advice and consent of the city council.

B. Terms. Members shall be appointed to staggered four-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 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 \$100.00.

G. 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 all proceedings and activities. 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 bylaws that govern the conduct of its meetings. Such bylaws 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 Utah Open and Public Meetings Act of the Utah Code Annotated, 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 Utah Government Records Access and Management Act.

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 regular members or alternates and one chairperson participate in any official business of the commission. Unless otherwise prescribed by law, the planning commission may not take action or forward any recommendation to city council on an agenda item unless without three votes in favor of the action or recommendation.

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 planning commission as offered by the city, and attend joint meetings of the planning commission and city council.

H. 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 Municipal Land Use and Management Act 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 Titles 9 and 17;
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 when requested;
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 delegated by the city council that are necessary to enable the planning commission to perform its function.

I. 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.

J. Appeals.

1. Definition. For purposes of an appeal of a planning commission decision, "affected person" means:

- a. Any applicant before the planning commission; or
- b. Any person other than an applicant who: -

- i. owns real property adjoining the property that is the subject of a land use application or land use decision; or
- ii. will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

2. Any affected person may appeal a planning commission decision by filing a written appeal to the appeals and variance hearing officer stating the grounds for appeal within 14 days from the date of the decision or action.

K. Training. The planning commission shall receive training from time to time as required by state law.

Section 3-5-040 Community Reinvestment Agency. There is hereby created and established a community reinvestment agency of Draper City, created pursuant to the Community Reinvestment Agency Act, set forth in Utah Code Annotated as amended. This agency was previously known as the Re-development Agency or RDA.

A. Purpose. The purpose of the community reinvestment agency is to assist the city in taking actions to reinvest, renew, provide economic development, and community development for specified areas of the city in accordance with the Community Reinvestment Agency Act, and as adopted by the city council.

B. Governing Body. The city council shall be the governing body of the community reinvestment agency.

C. Powers and Duties. The community reinvestment agency is authorized to enter into agreements generally in connection with community reinvestment matters and shall have the power to transact the business of the Agency and to exercise all the powers, rights, duties and privileges set forth in the Community Reinvestment Agency Act.

Section 3-5-050 Draper City Historic Preservation Commission:

A. Creation: On February 21, 1985, Draper City established a Draper City Historic Preservation Commission to act as an advisory board to the City regarding historic sites and structures within the City. The City Council shall be empowered to provide monetary and nonmonetary assistance to the Draper City Historic Preservation Commission upon submission and formal authorization by the City Council.

B. Purpose: Draper City recognizes that the historical heritage of the community is among its most valued and important assets. The purpose of the Historic Preservation Commission is to assist the City in identifying, preserving, protecting, and enhancing historic buildings, sites, monuments, streetscapes and landmarks within the City deemed architecturally or historically significant. In addition, the commission will act in an advisory capacity to the City regarding the implementation of the Draper City Conservation Area Master Plan and Town Center covering the general historic core area of Draper City. By protecting such architecturally and historically significant areas, sites and structures, they may be preserved for the use, observation, education, pleasure and general welfare of the present and future residents of the City.

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.

2. Term: Commission members shall be appointed by the Mayor with the advice and consent of the City Council to staggered terms of two (2) years, provided that members may be appointed for terms shorter than two (2) years when necessary to provide for staggered terms.

3. Chairperson: The Mayor of Draper City shall appoint one of the members of the commission as Chairperson with the advice and consent of the City Council. The Chairperson shall oversee the proceedings and activities of the commission.

4. Removal: Members shall serve at the pleasure of the City and may be removed at any time by majority vote of the City Council.

5. Vacancy: Vacancies on the commission occurring for any reason shall be filled by the Mayor, with the advice and consent of the City Council, in accordance with the procedures for appointment set forth herein, for the unexpired term of such member.

6. Compensation: Members shall serve without compensation and shall be deemed "volunteers" for purposes of City ordinances, rules, regulations and policies concerning personnel, provided, members may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as determined appropriate and pre-approved by the City Council.

7. Governmental Immunity: Members of the commission shall be deemed included in the definition of "employee" for purposes of the Utah Governmental Immunity Act as set forth in Utah Code Annotated section 63G-7-101, et seq., as amended.

D. Organization And Procedures:

1. Chairperson: The Mayor of Draper City shall appoint one of the members of the commission as Chairperson with the advice and consent of the City Council. The Chairperson shall oversee the proceedings and activities of the commission. The Chairperson shall be a voting member of the commission.

2. Co-Chairperson: The commission shall appoint one of its members as Co-Chairperson to act as Chairperson in the event the Chairperson is unable to attend the meeting.

3. Other Officers: The commission may appoint other members to act as other officers of the commission.

4. Meetings: The commission shall hold meetings monthly. Meetings of the commission may be called by the Chairperson, a majority of the members of the commission, the Mayor, or the City Manager. Meetings shall be conducted in accordance with properly approved rules and regulations of the commission.

5. Open Meetings: Meetings of the commission shall be conducted in accordance with the Open Public Meetings Laws of the State of Utah, including public notification of meeting place, time, and agenda items. The commission shall keep a public record of its proceedings, and all minutes of the meetings and decisions of the commission shall be filed in the Office of the City Recorder as public records.

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.

7. Rules: The commission may adopt reasonable rules and regulations in accordance with the provisions set forth herein for governing the conduct of its business. All such rules and regulations shall be submitted to the City Council for review and approval by resolution.

8. Staff: The commission may employ consultants and/or staff personnel to assist the commission in performing its duties upon prior approval of the City Council.

E. Duties Of The Commission: The commission shall perform the following duties and any other duties as designated by the City Council:

1. Survey And Inventory Community Historic Resources: The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the City. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. All survey and inventory documents shall be maintained and open to the public. The survey shall be updated at least every ten (10) years.

2. List Of Historic Buildings And Sites: The Historic Preservation Commission shall establish and maintain a list of historic structures and sites within the City in accordance with the results of the survey and the provisions set forth herein, known as the "Draper City Historic Sites List".

3. Historic Landmark Register: The historic preservation commission shall establish and maintain a historic landmark register designating significant historic structures and sites within the city in accordance with the results of the survey and the provisions set forth herein, known as the "Draper City historic landmark register".

4. Review Proposed Nominations: The historic preservation commission shall review and comment to the state historic preservation office on all proposed national register nominations for properties within the boundaries of the city.

5. Provide Advice And Information: The historic preservation commission shall act as an advisory committee to other officials, departments and committees of the city regarding the designation, preservation, modification and demolition of historic structures and sites within the city. The commission shall also provide advice to the city on the creation and implementation of processes and policies to

further the implementation of the Draper City conservation area master plan and town center.

6. Educate Public: The commission shall work toward the continuing education of citizens regarding historic preservation and Draper City's history.

7. Support Of Enforcement Provisions: The historic preservation commission shall support the enforcement of all state laws relating to historic preservation, including, but not limited to, Utah Code Annotated 9-8-501 et seq., as amended, regarding the historical preservation act; Utah Code Annotated 9-8-301 et seq., as amended, regarding the protection of Utah antiquities; and Utah Code Annotated 9-8-401 et seq., as amended, regarding notification of the state historic preservation office of any known proposed action which will destroy or affect a site, building or object owned by the state of Utah and included on or eligible for the state or national registers.

F. Draper City Historic Sites List:

1. Created: There is hereby created a Draper City historic sites list, which list shall serve as a means of providing recognition to and encouraging the preservation of historic properties in the city. The historic sites list shall be prepared and maintained by the historic preservation commission in accordance with the provisions set forth herein. The commission shall ensure that the historic sites list and any subsequent amendments or any additions thereto are filed with the city recorder.

2. Contents: The historic sites list shall describe as concisely as possible each structure or site, the date of its construction as nearly as can be determined or, if a site, the date during which its historic significance was established, the reason for including it on such list, and the name and address of the current owner as shown on the records of the Salt Lake County recorder.

3. Request For Designation: Any person, group, or governmental agency may nominate a property for listing on the historic sites list by submitting a written request for designation to the historic preservation commission. The request for designation shall include documentation of the qualifying contents and criteria set forth in this section, including, in duplicate, a completed intensive level survey documentation for the nominated property.

4. Review Of Request: Upon receipt of the written request for designation, the commission will review the submitted nomination at the commission's next scheduled meeting permitting adequate notice of the same. The commission will

notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one week notification may be waived at the discretion of the commission upon request by the nominating party in order to accommodate "last minute" submittals, provided no nomination will be reviewed if it is submitted to the commission less than forty eight (48) hours prior to the meeting. The commission shall review the nomination for completeness, accuracy and compliance in accordance with the criteria set forth herein and approve, approve with conditions or deny the same.

5. Designation: When historic properties have been officially designated to the historic sites list by the commission, the commission shall promptly notify the owners of those properties in writing of the designation, together with a copy of this section. The commission shall record the historic sites list designation with the city recorder's office. Owners of designated property may obtain a historic sites certificate from the historic preservation commission, which certificate shall contain the historic name of the property, the date of designation, and signature of the historic preservation commission chairperson.

6. Criteria: The historic preservation commission may designate any district, building, structure, object, or site to the historic sites list, in accordance with the procedures set forth herein, if it meets all the criteria outlined below:

a. Boundaries: It is located within the official boundaries of the city.

b. Age: It is at least fifty (50) years old.

c. Retaining Historical Integrity: Except as provided in subsection F6d of this section, it retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. "Major alterations" that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with nonhistoric materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the structure when viewed from the public way.

d. Exceptional Significance: If the property does not meet the integrity requirements outlined in subsection F6c of this section, it may still qualify for

designation if it meets one of the following requirements for exceptional significance:

(1) It is directly associated with events of historic significance in Draper City;

(2) It is closely associated with the lives of persons who were of historic importance to Draper City; or

(3) It exhibits significant methods of construction or materials that were used within the historic period.

e. Documentation: It has been documented according to the Utah state historic preservation office standards for intensive level surveys (October 1991 version or subsequent revisions). Copies of such documentation must be included in the application for designation and maintained in the city preservation files.

f. Approval Statement: Statement that the owner approves of the action to designate his or her property to the historic sites list.

G. Draper City Historic Landmark Register:

1. Created: There is hereby created a Draper City historic landmark register, which register shall provide further recognition of significant historic structures and sites and provide certain benefits and rehabilitation guidelines for such significant structures and sites as an incentive for their preservation. The Draper City historic landmark register shall be prepared and maintained by the historic preservation commission in accordance with the provisions set forth herein. The commission shall ensure that the register and any subsequent amendments or any additions thereto are filed with the city and county recorder's office.

2. Contents: The landmark register shall describe as concisely as possible each structure or site, the date of its construction as nearly as can be determined, or if a site, the date during which its historic significance was established, the qualifications for including it on the register, and the name and address of the current owner of the property as shown on the records of the Salt Lake County recorder.

3. Request For Designation: Any owner of property may nominate his or her property for listing on the landmark registry by submitting a written request for designation to the historic preservation commission. An official request for designation may be preceded by informal contacts with the property owner by the

commission members or other interested parties. Written requests for designation shall include the following:

- a. Address and historic name of the property.
- b. Date the property was listed in the national register or officially determined eligible and documentation supporting such listing or eligibility.
- c. Statement verifying that the owner is indeed the owner of legal record of the property.
- d. Statement that the owner approves of the action to designate his or her property to the historic landmark register.
- e. Documentation, in duplicate, regarding the property in accordance with the Utah state historic preservation office standards for intensive level surveys.
- f. Any other information deemed necessary by the historic preservation commission or the city council for determining the property's eligibility for designation.

4. Review Of Request: Upon receipt of the written request for designation, the commission shall arrange for the nomination to be considered at the commission's next meeting. The commission will notify the nominating party, in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one week notification may be waived at the discretion of the commission upon request by the nominating party in order to accommodate "last minute" submittals, provided no nomination will be reviewed if it is submitted to the commission less than forty eight (48) hours prior to the meeting. The commission shall review the nomination for completeness, accuracy and compliance in accordance with the criteria set forth herein and forward its written recommendations regarding the same to the city council for its review and approval, approval with conditions or denial of the same.

5. Designation: The city council may designate the nomination to the historic landmark register by approval and passage of an appropriate resolution. When historic properties have been officially designated to the historic landmark register by the city council, the commission shall promptly notify the owners of those properties in writing of the designation, together with a copy of this section. The historic preservation commission, at the owner's expense, shall record the historic landmark register status designation with the city and county recorder's office within thirty (30) days from the date of designation. Owners of designated

property may obtain a historic landmark register certificate from the historic preservation commission, which certificate shall contain the historic name of the property, the date of designation, and signature of the historic preservation commission chairperson.

6. Automatic Designation: Notwithstanding the above, any structure, site or property already listed on the national register as of the date hereof shall automatically be designated to the historic landmark register, and the historic preservation commission shall provide notice in writing to the owner of such structure, site, or property of such designation, together with a copy of this section.

7. Criteria: Any district, building, structure, object or site may be designated to the historic landmark register in accordance with the procedures set forth herein if it meets all the criteria outlined below:

a. Boundaries: It is located within the official boundaries of the city.

b. National Register Listing: It is currently listed in the national register of historic places, or it has been officially determined eligible for listing in the national register of historic places under the provisions of 36 CFR 60.6(s), as amended. Documentation from the Utah state historic preservation office declaring that the property would qualify for listing on the national register shall be sufficient for purposes of complying with this section.

c. Retaining Integrity: It must retain its integrity and meet at least one of the following national register criteria:

(1) Be associated with events that have made a significant contribution to the broad patterns of the community's history; or

(2) Be associated with the lives of persons significant in the community's past; or

(3) Embody the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) Have yielded, or may be likely to yield, information important in prehistory or history (e.g., archaeological sites).

d. Approval Statement: The owner of the property approves of the action to designate his or her property to the historic landmark register and has submitted a written statement to that effect.

e. Documentation: Properties which are not already listed on the national register and properly documented by an intensive level survey, shall be documented in accordance with the Utah state historic preservation office standards for intensive level surveys. Copies of such documentation must be included in the application for designation and maintained in the city preservation files.

H. Special Considerations For Landmark Properties:

1. Zoning: Properties designated to the historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation as deemed appropriate by the city. Any such variances or conditional use permits granted hereunder shall be subject to continued designation of the property on the historic landmark register. If the property is removed from such designation, the permit may be revoked and/or the property deemed nonconforming to the extent of the special consideration given to the property.

2. Building Codes: In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with section 104(f) of the uniform building code regarding historic buildings or the uniform code for building conservation, as adopted and amended by the city.

3. Taxes: Owners of historic landmarks may seek assistance from the historic preservation commission in applying for grants or tax credits for rehabilitating their properties.

I. Alterations Or Modifications To Landmark Properties: In order to ensure the preservation of historic materials and features of historic landmark property to the greatest extent possible, proposed repairs, alterations or additions to such property are subject to review by the historic preservation commission and the city council in accordance with the provisions set forth herein. Any property owner desiring to keep its property on the historic landmark register shall comply with the provisions set forth herein.

1. Review By Historic Preservation Commission: All applications for building permits pertaining to historic landmark properties shall be forwarded by the building official or community development director within five (5) business days

from receipt of the application to the historic preservation commission. The commission shall review at its next regularly scheduled meeting the application and proposed work for compliance with the standards for rehabilitation set forth herein.

2. Findings: The commission shall promptly review the application and the proposed work and determine the appropriateness of the work. If the commission deems the proposed work appropriate and in keeping with the preservation of the historic integrity of the property, the commission shall notify the building official in writing of its determination of the appropriateness of the work. If the commission deems the proposed work inappropriate in keeping with the preservation of the historic integrity of the property, the commission shall forward notice of such determination, together with recommendations as to how the work may be accomplished to comply with historic preservation standards. If the commission does not approve the proposed work as "appropriate", the building official shall notify the owner of the recommendations. The owner is encouraged to work with the historic preservation commission to determine the most appropriate means of altering the property in order to maintain the historic integrity of the property. If the owner does not comply with the recommendations of the historic preservation commission as approved by the building official, the property shall be subject to removal from the register.

3. Documents: Any building permit issued for historic landmark properties shall be forwarded to the historic preservation commission by the building department and maintained by the historic preservation commission to assist in preserving and documenting the alterations made to historic landmark properties.

J. Demolition Or Alteration Of Listed Property:

1. Review Of Permits: All applications for a demolition permit shall be forwarded by the building official and/or community development director within five (5) business days from receipt of the application to the historic preservation commission for review and evaluation.

2. Demolition Of Designated Properties:

a. Negotiation Process: If the property to be demolished is designated on the historic sites list or the historic landmark register, the historic preservation commission may delay the issuance of a demolition permit for the property for a period of thirty (30) days from the date the application is received by the commission for the explicit and express purpose of negotiating or arranging alternatives to the demolition of the structure.

b. Documentation Process: In the event that no agreement is reached between the parties regarding alternatives to the proposed demolition, the historic preservation commission shall have fourteen (14) days thereafter to document the site and the structure's physical appearance before any demolition takes place. Documentation may include, at a minimum, exterior photographs of all elevations of the historic building, and exterior and interior measurements of the building in order to provide an accurate floor plan drawing of the building. All documentation shall be kept in the city's preservation files, which shall be open to the public.

3. Demolition Of Nondesignated Property:

a. Determination Of Significance: If the property to be demolished is not designated on the historic sites list or the historic landmark register, the chairperson of the commission shall make an initial determination within two (2) days from the date the commission receives the application as to whether the property may be of historical or cultural significance. If the chairperson determines that the property has the potential to be of historic or cultural significance, the historic preservation commission shall review the application and proposed demolition at its next regularly scheduled meeting to determine if the site or structure is of such historical and/or cultural significance that attempts should be made to negotiate alternatives to demolition and/or to document the site or structure. The commission will notify the applicant, in writing, one week prior to the meeting that the application will be considered and will place the item on the agenda posted for the meeting. The one week notification may be waived at the discretion of the commission upon request by the applicant in order to accommodate "last minute" submittals, provided no application will be reviewed if it is submitted to the commission less than forty eight (48) hours prior to the meeting. If the commission determines that the property is not of such historical and/or cultural significance that attempts should be made to negotiate alternatives to demolition and/or to document the site or structure a demolition permit may be issued upon approval by the city.

b. Delay Of Permit: If the commission determines that the property is of such historical and/or cultural significance, the historic preservation commission may delay issuance of the permit for the property for a period of thirty (30) days from the date the commission determines the property is of historical and/or cultural significance for the explicit and express purpose of negotiating or arranging alternatives to the demolition of the structure and documenting the site and the structure's physical appearance.

Documentation may include such items as set forth in subsection J2b of this section.

c. **Criteria For Determining Significance:** In order to delay the issuance of a demolition permit for nondesignated properties under this section, the historic preservation commission must determine that the site or structure would be eligible for designation in accordance with the criteria set forth herein for such designations.

K. Removal Of Properties From List Or Register:

1. **By Nonowner:** Properties which, in the opinion of the historic site commission, no longer meet the criteria for eligibility may be removed from the historic sites list or the historic landmark register after review and consideration by the commission. Any such removal initiated by someone other than the owner shall be made in accordance with the designation procedures and criteria set forth herein. The owner of the property shall be notified in writing of the date and time of the meeting during which the removal will be considered. When a historic property has been removed from the historic sites list or the historic landmark register, the commission shall promptly notify the owner of the property in writing of the removal.

2. **By Owner:** Nothing in this section shall be construed to prevent an owner from removing his or her property from the historic sites list or the historic landmark register as the owner in his or her sole discretion deems appropriate. Such request for removal shall be made in writing by the owner to the historic preservation commission. Requests for removal from the historic sites list shall be determined by the historic preservation commission. Requests for removal from the historic landmark register shall be determined by the city council. The owner of the property shall be notified in writing of the date and time of the meeting during which the removal will be considered by the historic preservation commission or the city council, as applicable. The historic preservation commission and the city council may not withhold approval of any removal request, but review and written approval shall be conducted by the city for informational and administrative purposes. The city shall not accept any liability whatsoever for an owner's decision to remove his or her property from the historic sites list or the historic landmark register.

3. **Notice Of Removal:** When any property is removed from the historic sites list or the historic landmark register, the commission shall file notice of the removal with the city and county recorder's office, as applicable.

L. Standards For Rehabilitation: The following "standards for rehabilitation" shall be used by the historic preservation commission and city council when determining the historic appropriateness of any application pertaining to historic sites list and historic landmark properties:

1. Use: The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the structure and its site and environment.

2. Character: The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.

3. Developments: Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Changes: Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive Items: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the structure shall be preserved.

6. Deterioration: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Cleaning: Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Resources: Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. Materials: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size,

scale, and architectural features to protect the historic integrity of the historic property and its environment.

10. Historic Integrity: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

11. Additional Guidelines: Additional guidelines may be used as set forth in "The Secretary Of The Interior's Standards For Rehabilitation And Guidelines For Rehabilitating Historic Buildings".

M. Enforcement: The provisions of this section are subject to the enforcement provisions established in the uniform building code, uniform code for building conservation, uniform housing code, zoning ordinances, and other ordinances, as adopted and amended by the city. Failure to follow standards as required herein may result in the removal of the property from the historic sites list, the historic landmark register and the national register of historic places,

N. Appeals: Any interested person aggrieved by any final decision of the historic preservation commission in the administration of this chapter may appeal such decision to the city council by filing a written appeal with the city recorder stating the grounds therefor within fourteen (14) days from the date of the decision or action.

Section 3-5-060 Draper City Parks, Trails and Recreation Committee.

A. Creation. There is hereby created a Draper City Parks, Trails and Recreation Committee to recommend and monitor the establishment of facilities, programs and policies to meet the recreational and aesthetic needs of the citizens of Draper City.

B. Duties. It shall be the duty of the committee to act in an advisory and voluntary capacity in the development of parks, trails and recreation opportunities for Draper City residents, including but not limited to the following:

1. Recommend to the city council a Parks, Trails and Recreation Master Plan;

2. Review and recommend to the city council and planning commission appropriate changes and updates to the Parks, Trails and Recreation Master Plan;

3. Recommend projects, legislation, policies, funding allocations, and other measures, programs, or activities for the development of parks, trails and recreation opportunities within the city;

4. Carry out projects, programs, or activities as directed by the city council; and

5. Initiate, sponsor, and promote involvement, activities and contributions by the private sector for the development of parks, trails and recreation in the city.

Section 3-5-070 Draper City Special Event Arena Committee.

A. Creation. There is hereby created a Draper City Special Event Arena Committee to advise the city regarding projects, programs, activities and administration of the Draper City arena.

B. Duties. It shall be the duty of the committee to act in an advisory and voluntary capacity to the city regarding programs, activities, and administration of the Draper City arena including but not limited to the following:

1. Propose and recommend policies, standards and rules pertinent to the arena programs;

2. Assist the city in creating and implementing activities and programs for the arena consistent with the needs of the business operators and residents of Draper;

3. Seek and solicit resources for supporting the needs of the arena; and

4. Keep the general public informed of the activities and concerns of the arena.

Section 3-5-080 Draper City Tree Committee

A. Creation: There is hereby created the Draper City Tree Committee to act as an advisory committee to the city council and other city departments on matters relating to tree culture including the establishment, maintenance and upkeep of all trees, shrubbery and other plant life located on city property.

B. Members: To the extent available in the community, members should have a variety of experience with specialized knowledge relating to forestry, landscaping, fundraising, or administration sufficient to contribute in an advisory capacity to the city regarding matters of policy and practice relating to trees, shrubbery and other plant life located on city property.

C. Duties: The committee may recommend policies of tree culture related to trees and shrubbery currently planted and growing or hereafter to be planted and grown upon any and all city-owned properties and places in the city. The committee duties shall include the following as well as any other which may be assigned to it from time to time by the city council:

1. Recommend goals and policies to the city council regarding tree culture for Draper City in the manner prescribed by state law and city ordinance. The plan may include an inventory of existing trees, plans for various public areas such as the entrances to the city, city parks, main transportation corridors and others, policies in regards to the planting of trees for beautification, noise dampening, visual screening, weather protection, erosion control and other factors;

2. Make recommendations to the city council on public relations matters, including, but not limited to, programs such as Arbor Day, cleanup days, home beautification contests and other tree related city activities;

3. Prepare and recommend for approval by the city council, an official street tree guide which shall designate which species may be planted in park strips and which trees are recommended for other public places;

4. Make recommendations on arboricultural specifications and standards of practices for all trees and shrubbery on City property, and recommend standards and specifications for the work of any person or organization engaged in the business of working on trees within the city;

5. Make recommendations on the grounds immediately surrounding the trees and shrubbery on public property, as far as it is necessary to assure the proper growth, care and protection of said trees and shrubbery;

6. Make recommendations on the care and treatment of trees and shrubbery, including planting, maintenance, pruning, spraying and removal of trees and shrubbery on city property;

7. Make recommendations on the identification, marking and preservation of historic or notable trees;

8. Develop standards and specifications regarding the planting of trees for new developments, including site plans and subdivisions and make recommendations to the planning commission and city council regarding the same; and

9. Develop standards and specifications regarding the planting of trees on public property, including size, location and approved species and make recommendations for adoption in this code.

3-5-090 Draper City Emergency Preparedness Committee:

A. Creation: There is hereby created an Emergency Preparedness Committee for Draper City to recommend and monitor the establishment of emergency preparedness plans and to facilitate the provision of City services during natural disaster situations and other emergencies.

B. Members:

1. Number: The Emergency Preparedness Committee shall be comprised of an Executive Committee of voting members and non-voting Community Sub-Committee members. The Executive Committee voting members shall be comprised of the Draper City Manager or designee, the Draper City Police Chief or designee, the Draper City Public Works Director or designee, the designated Draper City Emergency Manager, the Draper City Public Information Officer, a representative from the Unified Fire Authority, the Chair of the Draper City

Emergency Preparedness District Representative Committee, a representative from Water Pro, a representative from the Canyons School District, a representative from Salt Lake County Emergency Services, a representative from Juan Diego High School, a representative from the Fire-Wise Program community, a representative from Draper Area Chamber of Commerce, a representative from Lone Peak Hospital and other voting members that may be appointed by the Mayor with the advice and consent of the City Council. Non-voting members of the Community Sub-Committee shall be comprised of citizens and stakeholders within the community who desire to participate and provide input on emergency services related matters or have specialized knowledge or experience that will benefit the work of the Emergency Preparedness Committee. Other than those specified voting members identified by this subsection, other voting members shall only be appointed by the Mayor, with the advice and consent of the City Council. Non-voting Community Sub-Committee members shall be approved by the Executive Committee Chair of the Emergency Preparedness Committee, with the advice and consent of the voting members of the Executive Committee.

2. Officers: The Executive Committee of the Emergency Preparedness Committee shall select a Secretary and a Treasurer who shall serve for a term of two (2) years.

3. Executive Committee Chair: The Mayor shall appoint the Executive Committee Chair with the advice and consent of the City Council.

4. By-Laws: The Emergency Preparedness Committee shall establish by-laws to govern the conduct of meetings and other matters within the discretion of the committee.

5. Term: Members of the Executive Committee serve terms of four (4) years. Except for the Chair of the Draper City Emergency Preparedness District Representative Committee, who is selected by the district representatives to serve a one-year term. The Chair of the Draper City Emergency Preparedness District Representative Committee shall serve on the Executive Committee during their specified elected term. Members may serve an unlimited number of terms, if reappointed by the Mayor with the advice and consent of the City Council. Community Sub-Committee members serve terms of four (4) years. Community Sub-Committee members may serve unlimited terms, if reappointed by the Executive Committee Chair with the advice and consent of the voting members of the Executive Committee.

6. Removal: The Mayor and City Council are under no obligation to approve any proposed appointment and may remove any Executive Committee member at their discretion. Community Sub-Committee members may be removed by the Executive Committee Chair with the consent of the Mayor.

Section 3-5-100 Traverse Ridge Special Service District Administrative Control Board.

A. Board Creation. There is hereby created the Traverse Ridge Special Service District Administrative Control Board. It shall administer the Traverse Ridge Special Service District to provide transportation services, including snow removal, street lighting, repairing and maintenance of roads, sweeping, and disposal services pursuant to Resolution No. 99-82 executed December 28, 1999, which created the district.

B. Powers and Duties. Except for the powers expressly reserved to the city council in Subsection (c) or where the delegation of power is otherwise prohibited by law, the board may:

1. Exercise the power of eminent domain possessed by the city that creates the special service district;
2. Enter into a contract that the governing authority considers desirable to carry out special service district functions, including a contract:
 - a. with the United States or an agency of the United States, the state, an institution of higher education, a county, a municipality, a school district, a local district, another special service district, or any other political subdivision of the state; or
 - b. that includes provisions concerning the use, operation, and maintenance of special service district facilities and the collection of fees or charges with respect to commodities, services, or facilities that the district provides;

3. Acquire or construct facilities;
4. Acquire real or personal property, or an interest in real or personal property, including water and water rights, whether by purchase, lease, gift, devise, bequest, or otherwise, and whether the property is located inside or outside the special service district, and own, hold, improve, use, finance, or otherwise deal in and with the property or property right;
5. Sell, convey, lease, exchange, transfer, or otherwise dispose of all or any part of the special service district's property or assets, including water and water rights;
6. Mortgage, pledge, or otherwise encumber all or any part of the special service district's property or assets, including water and water rights;
7. Enter into a contract with respect to the use, operation, or maintenance of all or any part of the special service district's property or assets, including water and water rights;
8. Accept a government grant or loan and comply with the conditions of the grant or loan;
9. Use an officer, employee, property, equipment, office, or facility of the city that created the special service district, subject to reimbursement;
10. Employ one or more officers, employees, or agents, including one or more engineers, accountants, attorneys, or financial consultants, and establish their compensation;
11. Designate an assessment area and levy an assessment as provided by state law;
12. Contract with a franchised, certificated public utility for the construction and operation of an electrical service distribution system within the special service district;
13. Borrow money and incur indebtedness;
14. As provided in Part 5, Special Service District Bonds, issue bonds for the purpose of acquiring, constructing, and equipping any of the facilities

required for the services the special service district is authorized to provide, including:

- a. bonds payable in whole or in part from taxes levied on the taxable property in the special service district;
- b. bonds payable from revenues derived from the operation of revenue-producing facilities of the special service district;
- c. bonds payable from both taxes and revenues;
- d. guaranteed bonds, payable in whole or in part from taxes levied on the taxable property in the special service district;
- e. tax anticipation notes;
- f. bond anticipation notes;
- g. refunding bonds;
- h. special assessment bonds; and
- i. bonds payable in whole or in part from mineral lease payments as provided by state law;

15. Except as otherwise stated by ordinance, impose fees or charges or both for commodities, services, or facilities that the special service district provides;

16. Provide to an area outside the special service district's boundary, whether inside or outside the state, a service that the special service district is authorized to provide within its boundary, if the governing body makes a finding that there is a public benefit to providing the service to the area outside the special service district's boundary;

17. Provide other services that the governing body determines will more effectively carry out the purposes of the special service district; and

18. Adopt an official seal for the special service district.

C. The following powers are expressly reserved to the city council or are otherwise prohibited from delegation:

1. The power to annex an area into the district or add a service within the area of the district under Part 4, Annexing a New Area and Adding a New Service;
2. The power to designate the classes of special service district contracts that are subject to building improvements and public works projects;
3. The power to levy a tax on the taxable property within the special service district;
4. The power to issue special service district bonds payable from taxes;
5. The power to call or hold an election for the authorization of a property tax or the issuance of bonds;
6. The power to levy an assessment;
7. The power to issue interim warrants or bonds payable from an assessment; and
8. The power to appoint a board of equalization.

D. The city council may at any time modify, limit, or revoke any right, power, or authority delegated to the administrative control board. A modification, limitation, or revocation does not affect the validity of an action taken by the administrative control board before the modification, limitation, or revocation.

E. Members.

1. Number. The board shall be comprised of five members who shall be appointed by the Mayor with the advice and consent of the city council.
2. Qualifications. Each member of the administrative control board shall be a registered voter within the special service district or be an officer or

employee of Draper City.

3. Term. Board members shall be appointed to terms of four years. In order to provide for the proper staggering of terms so that all appointments do not expire at the same time and to provide appropriate opportunities for involvement by a variety of interested persons, two initial membership positions shall be for a term of two years, one initial membership position shall be for a term of four years. Members may be appointed to successive terms as deemed appropriate by the mayor and city council. All members shall serve at the pleasure of the city and may be removed from office with or without cause by a majority vote of the city council.

F. Organization and Procedure.

1. Chairperson. The mayor shall appoint a member of the board to serve as chair to oversee the proceedings and activities of the board. The board may elect other officers as it deems necessary.

2. Rules. The board may propose reasonable bylaws, rules and regulations, including procurement and fiscal management procedure, to regulate the conduct of its meetings, which bylaws, rules and regulations must be approved and adopted by resolution of the city council before becoming effective. All collections, investments, disbursements, procurements, and other financial transactions will be managed by the board.

3. Meetings. The board may hold meetings at such times as the board determines are necessary and as properly called with notices duly provided to each board member and as required by law.

4. Compensation. Compensation of the board members shall be set, from time to time, by resolution of the council.

5. For purposes of advising the city council and transacting the business of the district, the board may meet and confer, adopt recommendations and convey them to the council verbally or in writing, make decisions regarding district matters, or it may meet with the council or any of its members to discuss service development and delivery proposals. The board may establish committees for the purpose of investigating preferred or potential methods of service development and delivery.

6. Budget. The board shall prepare an annual budget for the Traverse Ridge Special Service District which will conform to the uniform fiscal procedures act for special districts, and approve it. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget.

7. The board shall have power to purchase and maintain insurance on behalf of any person who is a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability under law.

8. The board shall make an annual presentation to the city council of its goals, budget and activities.

3-5-110: Audit Committee:

A. Creation: There is hereby created the Draper City Audit Committee to advise the city council on the annual audit of the city's financial statements, and to recommend and monitor the annual auditing functions.

B. Purpose: The audit committee shall:

1. Follow the city's procurement code to select and engage an auditor to audit the city's annual financial statement;

2. Provide oversight of the integrity of the city's financial statements, the internal control over the financial reporting process, and compliance with legal and regulatory requirements; and

3. Follow up on auditor findings and management letter comments provided by independent auditors.

C. Members:

The audit committee shall consist of three members.

1. Two members shall be members of the city council.

2. One member shall be a financial expert, possessing:
 - a. An understanding of generally accepted accounting principles and financial statements for state and local governments;
 - b. Experience in preparing or auditing financial statements of comparable entities;
 - c. Experience in applying such principles in connection with accounting for estimates, accruals, and allowance accounts;
 - d. Experience with internal accounting controls; and
 - e. An understanding of audit functions.
3. Term: Members of the audit committee shall be appointed by the mayor with the advice and consent of the city council for terms of two years and may not be appointed to more than two full consecutive terms; provided, however, that when the audit committee is first established, the terms of the members shall be staggered and one member shall be appointed to serve an initial term of three years.
4. Chairperson: The city council shall appoint one of the two city council members on the audit committee as chairperson.

D. Meetings: The audit committee shall meet as often as necessary in order to adequately advise the city council concerning selection of the external auditor, the review of the annual financial statement audit, and other items under their oversight.

3-5-120 Draper City Diversity and Inclusion Advisory Committee:

A. Creation: There is hereby created the Draper City Diversity and Inclusion Advisory Committee to act as an advisory committee on identifying issues faced by diverse groups and creating opportunities for an inclusive community within the city.

B. Duties: It shall be the duty of the committee to act in a voluntary and advisory capacity to the city regarding diversity, equality and inclusivity activities within the city, including, but not limited to:

1. Act as a liaison to inform the city of issues faced by diverse communities and groups.
2. Advocate and voice support for initiatives that cultivate an inclusive culture and stimulate socioeconomic equality for the greater community.
3. Create educational opportunities through guest lectures at local schools and community workshops to raise awareness of diversity, equality and inclusivity issues.

4. Host events for the greater community to celebrate and educate the public about various cultures and diverse groups.
5. Assist with developing resource materials related to topics of diversity, equality, and inclusivity for the city.

EXHIBIT C

9-4-050: APPEALS AND VARIANCE HEARING OFFICER:

A. There is hereby created and established an appeals and variance hearing officer of Draper City to provide for just and fair treatment in the administration of the city's zoning ordinances, in accordance with provisions of the Utah municipal land use development and management act, set forth at Utah Code Annotated 10-9a-101 et seq., as amended. The appeals and variance hearing officer shall have such powers and duties as set forth below.

B. Appointment: The Appeals and Variance Hearing Officer shall be appointed as follows:

1. The Appeals and Variance Hearing Officer shall be appointed by the Mayor with the advice and consent of the City Council.
2. The Appeals and Variance Hearing Officer shall be appointed for a term of one year and thereafter may be appointed for succeeding one year terms.
3. The Appeals and Variance Hearing Officer shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development, and regulatory codes dealing with issues related to land use.
4. The Mayor may remove the Appeals and Variance Hearing Officer for cause upon receipt of written charges filed against the appeals and variance hearing officer with the city manager and upon the advice and consent of the city council. The mayor shall provide the appeals and variance hearing officer with a public hearing if one is requested.
5. In the case of death, resignation, removal or disqualification, the position of appeals and variance hearing officer 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 previous appeals and variance hearing officer.
6. The appeals and variance hearing officer shall be considered an independent contractor; and as such will enter into a year long contract for services at the beginning of each appointed term. Terms for compensation and reimbursement will be determined and agreed upon in the aforementioned contract. The terms and conditions of the contract shall ultimately be approved by the city council prior to any individual entering into an agreement with the city to serve as the appeals and variance hearing officer.
7. The mayor may, from time to time, appoint an appeals and variance hearing officer pro tempore on a temporary basis when necessitated by the absence,

unavailability, incapacity or disqualification of the regularly appointed appeals and variance hearing officer upon the advice and consent of the city council. Each appeals and variance hearing officer pro tempore shall, as a minimum, have qualifications which are similar to the regularly appointed appeals and variance hearing officer.

C. Organization And Procedure: The appeals and variance hearing officer shall organize and exercise its powers and duties as follows:

1. The appeals and variance hearing officer may adopt reasonable policies and procedures in accordance with city ordinances to govern the conduct of its meetings and hearings and for any other purposes considered necessary for the functioning of the position of appeals and variance hearing officer. Such policies and procedures shall be approved by the city council before taking effect.
2. The appeals and variance hearing officer shall hold meetings as needed to consider matters within its purview under this title. The appeals and variance hearing officer meetings shall be held on the first Wednesday after the first Tuesday of each month and such other times deemed necessary by the appeals and variance hearing officer. All meetings and hearings shall be properly noticed and held in accordance with the open meetings law set forth in Utah Code Annotated section 52-4-1 et seq., as amended. Written minutes of all meetings and hearings of the appeals and variance hearing officer 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.
3. Decisions made by the appeals and variance hearing officer shall become effective at the meeting or hearing in which the decision is made, unless a different time is designated in the appeals and variance hearing officer's accepted rules or at the time the decision is made.

D. Powers And Duties: The powers and duties of the appeals and variance hearing officer shall be limited to the matters set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title:

1. Subject to the provisions of this chapter, hear and decide appeals from zoning decisions of the planning commission or zoning administrator applying the provisions of this title.
2. Hear and decide variances from the terms of this title.

3. Hear and decide appeals from decisions made by the zoning administrator regarding chapter 6 of this title.

E. Appeals: Appeals to the appeals and variance hearing officer shall be filed in writing with the zoning administrator within fourteen (14) days from the date of the decision or action appealed as provided in subsection [9-5-180D1](#) of this title. The officer or department from whom the appeal is taken shall forthwith transmit to the appeals and variance hearing officer all papers constituting the record upon which the action appealed from was taken.

F. Notice Of Hearing: The appeals and variance hearing officer shall fix a reasonable time for the hearing of each appeal, give public notice thereof as well as due notice to the parties in interest, at least ten (10) days prior to the hearing and shall set certain other criteria as to the form of notice whether by publication, certified mail or other criteria, reasonably designed to give notice to those parties subject to be affected thereby.

G. Decisions Of The Appeals And Variance Hearing Officer: At the hearing of any matter, the parties affected may appear in person with or without an attorney. The appeals and variance hearing officer shall decide all appeals and other issues brought before it within a reasonable time.

H. Stay Of Proceedings: An appeal to the appeals and variance hearing officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are specifically stayed by order of the zoning administrator. An appellant may request a stay by submitting to the zoning administrator, in writing, an application for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the zoning administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the zoning administrator. The zoning administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the zoning administrator's decision regarding the grant or denial of a stay, any aggrieved party may appeal the decision to the appeals and variance hearing officer, whose decision will be final.

I. Appeals From The Appeals And Variance Hearing Officer: Any person aggrieved by a final decision of the appeals and variance hearing officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that the petition for such relief is presented to the court

within thirty (30) days from the date of the decision of the appeals and variance hearing officer.