

ORDINANCE 2012-41

SHORT TITLE:

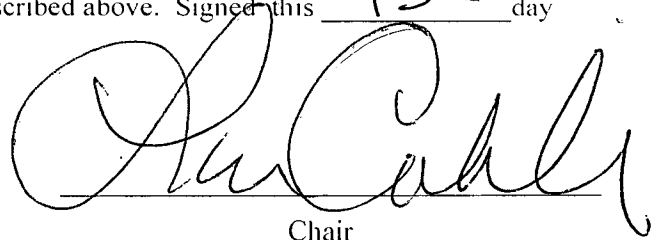
An ordinance amending Sections 2.10.070 (Executive Committees and Miscellaneous Boards), 2.20.010 (Permanent City Administrative and/or Council Boards, Commissions, Councils, Agencies, Foundations, and Districts Named), and 2.20.030 (Special Provisions) of the Provo City Code and Enacting Chapter 14.04B (Transportation and Mobility Advisory Committee) of the Provo City Code to create the Transportation and Mobility Advisory Committee.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	LAURA H. CABANILLA			✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON			✓			
CD 2	RICHARD D. HEALEY			✓			
CD 3	HAL MILLER		✓	✓			
CD 4	KAY VAN BUREN			✓			
CD 5	STERLING BECK	✓		✓			
				TOTALS	7	0	0

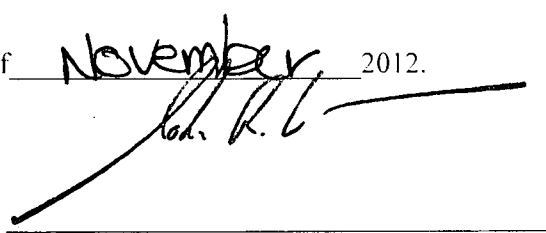
This ordinance was passed by the Municipal Council of Provo City, on the 13th day of November 2012 on a roll call vote as described above. Signed this 13th day of November, 2012.


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 15th day of November 2012.



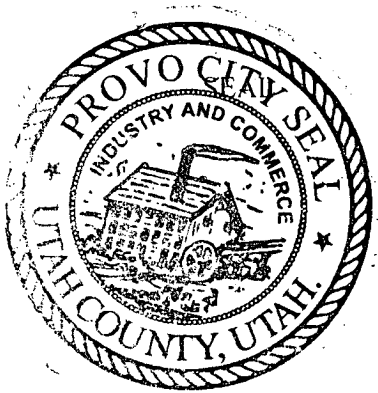
Mayor

ORDINANCE 2011-41

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 21st day of November 2012, with a short summary being published on the 17th day of November 2012, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2012-41.



Signed this 21st day of November 2012.

Janeane Leiss
City Recorder

ORDINANCE 2012-41.

AN ORDINANCE AMENDING SECTIONS 2.10.070 (EXECUTIVE COMMITTEES AND MISCELLANEOUS BOARDS), 2.20.010 (PERMANENT CITY ADMINISTRATIVE AND/OR COUNCIL BOARDS, COMMISSIONS, COUNCILS, AGENCIES, FOUNDATIONS AND DISTRICTS NAMED), AND 2.20.030 (SPECIAL PROVISIONS) OF THE PROVO CITY CODE AND ENACTING CHAPTER 14.04B (TRANSPORTATION AND MOBILITY ADVISORY COMMITTEE) OF THE PROVO CITY CODE TO CREATE THE TRANSPORTATION AND MOBILITY ADVISORY COMMITTEE. (12-00140A)

WHEREAS, it is proposed that Chapter 14.04B of the Provo City Code be enacted to provide for the creation of, and set forth the scope and duties of, the Transportation and Mobility Advisory Committee; and

WHEREAS, it is proposed that Sections 2.10.070, 2.20.010, and 2.20.030 of the Provo City Code be amended to include the Transportation and Mobility Advisory Committee in the lists of approved City Committees; and

WHEREAS, on October 10, 2012, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council the ordinance be amended as proposed; and

WHEREAS, on November 13, 2012, the Municipal Council held a duly noticed public hearing to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, all persons for and against the proposed ordinance amendment were given an opportunity to be heard; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Provo City Code should be amended on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Section 2.10.070 of the Provo City Code is hereby amended as follows:

2.10.070. Executive Committees and Miscellaneous Boards.

46 (1) The Mayor may administratively establish, from City personnel and private citizens,
47 committees to assist and provide counsel.

48 (2) Various boards, committees and commissions established under the Provo City Code
49 or otherwise by ordinance, other than legislative committees, shall report to and coordinate with
50 or have liaison with the Mayor or the Mayor's designee unless otherwise stipulated by State
51 Code. These organizations include, but are not limited to the: Provo City Library Board, Civil
52 Service Commission, Board of Adjustment, Planning Commission, Transportation and Mobility
53 Advisory Committee, Airport Board, Power Board, Parks and Recreation Board, Senior Citizen's
54 Advisory Board, Parking Committee, Freedom Festival Board, Building Inspection Board of
55 Appeals.

56 (3) Other boards, committees or commissions not otherwise provided for in this
57 administrative code portion of the Provo City Code or other administrative ordinances when
58 reporting to the executive branch shall report to, coordinate with or have City liaison with the
59 Mayor or the Mayor's designee.

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61 PART II:

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63 Section 2.20.010 of the Provo City Code is hereby amended as follows:

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65 **2.20.010. Permanent City Administrative and/or Council Boards, Commissions, Councils,**
66 **Agencies, Foundations and Districts Named.**

67 The Municipal Council on behalf of the City has created the following permanent boards,
68 commissions, councils, agencies and districts:

69 Airport Board
70 Arts Council
71 Board of Adjustment
72 Board of Appeals (Building Code)
73 Board of Equalization and Review
74 Classified Civil Service Commission
75 Design Review Committee
76 Energy Department Board
77 Housing Authority
78 Library Board
79 Landmarks Commission
80 Metropolitan Water District
81 Neighborhood Advisory Board
82 Parks and Recreation Board
83 Planning Commission
84 Provo Foundation
85 Senior Citizen's Advisory Board
86 Transportation and Mobility Advisory Committee
87 Redevelopment Agency

88 Provo Telecommunications Board
89 Unclassified Civil Service Appeals Board
90 Youth Government

91
92 **PART III:**

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94 Section 2.20.030 of the Provo City Code is hereby amended as follows:
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96 **2.20.030. Special Provisions.**

97 The following boards, commissions, councils, agencies, foundations, or districts are
98 subject to provisions of law or the Provo City Code which are not described in this Title:

99 Board of Adjustment
100 Board of Appeals (Uniform Building Code)
101 Classified Civil Service Commission
102 Design Review Committee
103 Energy Department Board
104 Metropolitan Water District
105 Planning Commission
106 Provo Foundation
107 Provo Telecommunications Board
108 Redevelopment Agency
109 Transportation and Mobility Advisory Committee
110 Unclassified Civil Service Appeals Board

111
112 **PART IV:**

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114 Chapter 14.04B of the Provo City Code is hereby enacted as follows:
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116 **14.04B Transportation and Mobility Advisory Committee.**

117 14.04B.010 Transportation and Mobility Advisory Committee Created – Organization

118 14.04B.020 Powers and Duties – Procedure
119

120 **14.04B.010. Transportation and Mobility Advisory Committee Created – Organization.**

121 (1) There is hereby created a Transportation and Mobility Advisory Committee (TMAC)
122 which shall consist of seven (7) members and two (2) alternates. Membership shall consist of
123 one resident from each of the five (5) Municipal Council Districts who will represent the
124 transportation interests of each district as well as those of the city as a whole. One (1) member
125 shall be a member of the Planning Commission. Membership should also consist of at least one
126 representative of college level transportation academia and at least one representative of a
127 business or community oriented organization. A member of the Municipal Council shall be
128 appointed to act as liaison with the TMAC, but the Municipal Council liaison shall not be
129 considered a member of the TMAC. A member of the City Engineering Division and a member

130 of the Police Department shall be appointed to act as liaison to the TMAC, but neither shall be
131 considered a member of the TMAC.

132 (2) The Mayor shall, with the advice and consent of the Municipal Council, designate
133 three (3) members to serve one (1) year, three (3) members to serve two (2) years, and three (3)
134 members to serve three (3) years. Thereafter, all appointments shall be made for a three (3) year
135 term. After the initial appointment in establishing the TMAC, members shall be limited to no
136 more than two (2) consecutive three (3) year terms each. Each person shall perform service on a
137 voluntary basis without compensation and on such basis shall be immune from liability with
138 respect to any recommendation or action taken during the course of those services. Vacancies
139 occurring in the membership of the board shall be filled by appointment by the Mayor with the
140 advice and consent of the Municipal Council for the unexpired term.

141
142 **14.04B.020. Powers and Duties - Procedure.**

143 (1) Except as set forth in this Chapter, the TMAC shall be organized and operate as
144 described in Section 2.20.020, Provo City Code and shall meet as often as it deems necessary to
145 carry out its duties. However, the TMAC should convene for regular meetings to be held
146 throughout the year.

147 (2) All actions taken by the TMAC shall constitute recommendations to the Mayor, the
148 Municipal Council, the Planning Commission, and to other city commissions and boards and
149 shall not constitute official action. The Mayor, Municipal Council, and the Planning Commission
150 shall have the power to review, ratify, modify or disregard recommendations submitted by the
151 TMAC.

152 (3) The TMAC shall:

153 (a) Determine and establish such rules and regulations for the conduct of the
154 board as the members shall deem advisable; provided, however, that such rules and
155 regulations shall not be in conflict with this chapter or its successor, or other city, state or
156 federal law;

157 (b) Monitor the status of and make recommendations for amendments to the city's
158 Vision 2030 document, the General Plan, transportation master plan, the major and local
159 street plan, and any other planning document that impacts transportation and mobility
160 with in the city;

161 (c) Recommend the adoption and alteration of all rules, regulations and
162 ordinances which it shall deem in the public interest and for the purposes of carrying out
163 the objects of the Provo City Code as it relates to transportation and mobility;

164 (d) Review regional, citywide and significant local transportation and mobility
165 issues as they relate to and are effected by land use policy, balancing the interests and
166 needs of private vehicles, public transportation, bicycles, and pedestrians;

167 (i) Provide recommendations to the Mayor, Municipal Council, Planning
168 Commission, and other city commissions and boards regarding the priority, funding, and
169 design of capital improvement projects that relate to transportation and mobility;

170 (j) Serve as a coordination body and resource for organizations interested in
171 transportation and mobility issues affecting the city;

172 (f) Promote public education of transportation and mobility issues affecting the
173 city and its residents;

174
175 PART V:

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177 A. If a provision of this Ordinance 2012-__ conflicts with a provision of a previously
178 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
179 provision in this ordinance shall prevail.

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181 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
182 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
183 the remainder of the ordinance shall not be affected thereby.

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185 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
186 updated to reflect the provisions enacted by this ordinance.

187
188 D. This ordinance shall take effect immediately after being posted or published as
189 required by law.

190
191 END OF ORDINANCE.

PROOF of PUBLICATION
from
The Daily Herald

STATE OF UTAH } SS.
Utah County }

LEGAL NOTICES

**PROVO CITY CORPORATION
OFFICE OF THE RECORDER
ORDINANCE 2012-41**

Notice is hereby given that in the regular Municipal Council Meeting of November 13, 2012, the Provo Municipal Council passed Ordinance 2012-41. This is an ordinance amending Sections 2.10.070 (Executive Committees and Miscellaneous Boards), 2.20.010 (Permanent City Administrative and/or Council Boards, Commissions, Councils, Agencies, Foundations, and Districts Named), and 2.20.030 (Special Provisions) of the Provo City Code and Enacting Chapter 14.04B (Transportation and Mobility Advisory Committee) of the Provo City Code to create the Transportation and Mobility Advisory Committee.

/s/Janene M. Weiss
City Recorder

Legal Notice 392592 Published in The Daily Herald November 17, 2012.

I, Lisa Llewelyn, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 392592- ORDINANCE 2012-41, and which is a copy, was published in said newspaper, the first publication having been made on the 17th day of November, 2012, and the last on the 17th day of November, 2012; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Lisa Llewelyn

Subscribed and sworn before me this 17th day of November, 2012.

Debbie L Chandler

Notary Public

Residence: Spanish Fork, Utah
My commission expires 06/05/2013

