

Ordinance 2015-47

SHORT TITLE:


An motion amending the previously adopted Ordinance 2015-47, approved on December 1, 2015, which amended Provo City Code Chapter 2.29 (Neighborhood Advisory Board).

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL			✓			
CW 2	GEORGE STEWART			✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO			✓			
CD 3	DAVID KNECHT	✓		✓			
CD 4	KAY VAN BUREN			✓			
CD 5	DAVID HARDING		✓	✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 5th day of January, 2016, on a roll call vote as described above. Signed this February 11, 2016.


 _____ Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this _____.

Mayor

ORDINANCE 2015-47

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the _____, with a short summary being published on the 9th day of January 2016, 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 2015-47 Amended.

SEAL

Signed this _____

City Recorder

ORDINANCE 2015-47.

AN ORDINANCE AMENDING PROVO CITY CODE SECTION 2.29 (NEIGHBORHOOD ADVISORY BOARD) TO AMEND THE NEIGHBORHOOD PROGRAM. (15-140)

WHEREAS, it is proposed that an amendment be made to Provo City Code Section 2.29 (Neighborhood Advisory Board) to amend the purposes, duties, organizations, and procedures for the Neighborhood Program; and

WHEREAS the Neighborhood Advisory Board, Council Member David Sewell, and Council Staff met on various occasions to discuss, evaluate, more clearly define, and make recommendations for clarification of the purpose and procedures of the Neighborhood Program; and

WHEREAS, the Neighborhood Advisory Board's recommendation more clearly articulates the purpose and procedures of the Neighborhood Program; and

WHEREAS, the draft of proposed amendments to Provo City Code Section 2.29 (Neighborhood Advisory Board) was sent to all Neighborhood Chairs for their input and approval; and

WHEREAS, on December 1, 2015, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Provo City Code Section 2.29 (Neighborhood Advisory Board) should be amended as outlined below and (ii) this action, 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:

Provo City Code Section 2.29 is hereby amended as follows:

2.29.010. Neighborhood Organizations Created.

(1) Neighborhoods and Neighborhood Areas. There are hereby established geographic areas within the City which shall be known as Neighborhoods and Neighborhood Areas as shown on an Official Neighborhood Map adopted by the Municipal Council and which by this reference is made a part of this Chapter. The term Neighborhood means a geographically distinct portion of the City which is represented by a Neighborhood

Chair as set forth in this Chapter. The term Neighborhood Area means four (4) or more geographically adjacent Neighborhoods. The boundaries of Neighborhoods and Neighborhood Areas shall be determined by the Municipal Council and shall appear on the Official Neighborhood Map.

(2) Neighborhood Area Councils. A Neighborhood Area Council is hereby created for each Neighborhood Area. Each Neighborhood Area Council shall consist of Chairs from each Neighborhood located within the boundaries of the Neighborhood Area as shown on the Official Neighborhood Map. Each Neighborhood Area Council shall elect one member who shall serve as the Area Representative and a different member who shall serve as the Assistant Area Representative.

(3) Neighborhood Advisory Board. A Neighborhood Advisory Board is hereby created. The Neighborhood Advisory Board shall consist of each Area Representative or their designated replacement (as described in Section 2.29.030 (2)).

(4) Neighborhood Program. The Neighborhood organizations and their associated activities created by this Chapter shall be referred to as the Neighborhood Program.

2.29.020. Purposes.

(1) Neighborhoods. The purposes of organizing the City into Neighborhoods are as listed below:

- (a) Identify and build on the strengths and assets of each Neighborhood in order to solve local problems and meet local needs and desires;
- (b) Bring Neighborhood residents and other local stakeholders (including Neighborhood businesses and residential landlords) together to achieve the shared goals of the Neighborhood;
- (c) Develop Neighborhood-focused policy and legislative recommendations to the Municipal Council;
- (d) Work together with the Municipal Council to develop programs, initiatives, and remedies in partnership with City administrative departments and other pertinent organizations;
- (e) Provide each Neighborhood with a direct line of communication to and from the Municipal Council and Mayor through the Neighborhood Chair; and
- (f) Address any other goals of the Neighborhood Program as determined by the Municipal Council.

2.29.025. Duties.

(1) Neighborhood Chairs. The Neighborhood Chairs shall inform Neighborhood residents of current City issues on a regular basis. The Neighborhood Chairs shall survey Neighborhood strengths, assets, needs, recommendations, and problems and shall provide a summary of such to the Municipal Council and the Mayor. Neighborhood Chairs shall also assist the Council and Administration in the implementation and operation of Neighborhood-related City programs, initiatives, and projects in their Neighborhoods as requested.

(2) Neighborhood Area Councils. The Neighborhood Area Councils shall work together to achieve the purposes articulated in Section 2.29.020. Area Representatives and Assistant Area Representatives shall communicate current City issues to the Neighborhood Chairs within their Neighborhood Area and report issues raised by Neighborhood Chairs back to the Municipal Council and the Mayor.

Neighborhood Chairs Seminar. The Municipal Council Executive Director shall organize a training seminar for all Neighborhood Chairs at least twice a year.

Neighborhood Area Council Meeting. Each Area Representative should convene a Neighborhood Area Council Meeting at least twice a year to which all Neighborhood Chairs in the Neighborhood Area shall be invited. Such meetings may be held as breakout sessions before or after a Neighborhood Chairs Seminar. Area Representatives shall gather information on Area needs and recommendations from Neighborhood Chairs and shall provide such information to the Municipal Council and the Mayor. Area Representatives shall also assist the Council and the Mayor in the implementation and operation of Area-related City programs, initiatives, and projects in their Neighborhood Area as requested.

(3) Neighborhood Advisory Board. The Neighborhood Advisory Board shall assist Neighborhood Chairs and Area Representatives in achieving the purposes articulated in Section 2.29.020. The Neighborhood Advisory Board shall be responsible for receiving, reviewing and approving Neighborhood matching-fund applications according to procedures established by the Municipal Council.

2.29.030. Organization.

(1) Neighborhood. Each Neighborhood shall be guided by the provisions of this Subsection.

(a) In a meeting held under the direction of the Municipal Council Executive Director, each Neighborhood shall elect its Chair and two or more Vice-Chairs, subject to the availability of residents willing to serve. Vice-Chairs serve in the absence of the Chair and assist with Neighborhood Chair responsibilities. The Chair and each Vice-Chair shall be a resident of the

Neighborhood in which the election is held and shall be elected by majority vote of the residents of the Neighborhood who are of voting age and who are present in person at the election meeting. Chairs are elected, or re-elected, to a four (4) year term. Vice-Chairs are elected to a term corresponding with that of the current Chair. If, for whatever reason, a Chair fails to fulfill a full term, the current Vice-Chair(s) shall continue to serve until the election of a new Chair, at which point a new election shall also be held for the Vice-Chair positions. Newly elected Neighborhood Chairs shall be formally recognized at an ensuing Municipal Council Meeting.

(b) Exceptions to Subsection (1)(a) of this Section shall be made in the Downtown, East Bay, and University Neighborhoods. In the Downtown and East Bay Neighborhoods, Downtown Provo Inc. and the East Bay Association, respectively, shall appoint the Chair and business owners may vote at Neighborhood meetings. In the University Neighborhood, the President of Brigham Young University is the Chair and may appoint one or more Vice-Chairs as designated representatives.

(c) Each Neighborhood, in a meeting held under the direction of the Municipal Council Executive Director, shall allow owners of the businesses located within the Neighborhood to elect a representative who shall serve as the Business Liaison to represent their interests at Neighborhood meetings and in presentations to the Municipal Council. Business Liaisons shall not be eligible to fill in for the Neighborhood Chair in matters representing the voice of the Neighborhood residents.

(d) Each Neighborhood Chair may appoint other residents of the Neighborhood to assist in the Chair's duties. The Neighborhood Chair, Vice-Chair(s), Business Liaisons, and the Neighborhood Chair's appointees shall constitute a Neighborhood Committee. Each Neighborhood Committee may establish its own bylaws to effectuate the orderly administration of its Neighborhood; provided, however, that the Neighborhood Chair and Vice Chairs shall be elected as set forth in Subsection (1)(a) of this Section.

(e) The Neighborhood Chair may be removed from office according to the following procedure. A petition form may be obtained from the Municipal Council Executive Director, signed by representatives of at least fifty (50) households in the Neighborhood requesting the removal of the Neighborhood Chair, and submitted to the Executive Director. It shall then be the duty of the Executive Director to submit the question of removal to the residents of the Neighborhood at a Neighborhood Meeting convened for that purpose. No vote on the removal of a Neighborhood

Chair shall be taken unless seventy-five percent (75%) of those who signed the petition are present in person at the meeting. No Neighborhood Chair shall be removed unless two-thirds (2/3) of the residents of the Neighborhood who are present in person at the meeting shall vote in favor of such removal. A petition for removal of the Neighborhood Chair shall not be submitted until six (6) months after the Chair was elected or re-elected. A petition for removal may not be submitted more than twice during a Neighborhood Chair's current term.

(f) The Municipal Council Executive Director shall notify the Municipal Council in writing when a Neighborhood Chair is no longer actively performing the duties of a Chair. If the Executive Director has not been able to resolve the situation within two weeks of the time such notice was given, the Council may give written notice to the Executive Director that a new election for Neighborhood Chair shall be held.

(2) Neighborhood Area Council. Each Neighborhood Area Council shall be guided by the provisions of this Subsection.

(a) Each Neighborhood Chair shall serve as the Neighborhood's representative to the Neighborhood Area Council. Each Chair shall designate a Vice-Chair to serve in their absence at Neighborhood Area Council meetings.

(b) Each Neighborhood Area Council shall elect from its members one Chair to serve as the Area Representative and one Chair to serve as the Assistant Area Representative. The Assistant Area Representative, or a designated neighborhood Chair from the area, may serve in the absence of the Area Representative on the Neighborhood Advisory Board.

(c) Area Representatives and Assistant Area Representatives shall be elected by majority vote of Neighborhood Chairs within that Area present in person at the Neighborhood Chair Seminar at which the election is held each year. A special election shall be convened by the Municipal Council Executive Director to fill any vacancy that may arise in Area Representative or Assistant Area Representative positions.

(d) Neighborhood Area Councils may alter Neighborhood boundaries within its Area by a unanimous vote of its members if such alteration is subsequently approved by the Municipal Council.

(3) Neighborhood Advisory Board. The Neighborhood Advisory Board shall be guided by the provisions of this Subsection.

(a) The Neighborhood Advisory Board shall meet at such times as the Advisory Board or Municipal Council deems necessary. Minutes of this meeting shall be distributed to all Neighborhood Chairs and Municipal Council members.

(b) A quorum of the Neighborhood Advisory Board shall be present to vote on any issue. Motions by Board members shall be passed by majority vote of those Board members present in person at the meeting. Assistant Area Representatives and Neighborhood Chairs may attend, but only Area Representatives shall vote, except when an Assistant Area Representative or other designated Neighborhood Chair has been requested to attend in the absence of the Area Representative.

2.29.040. Neighborhood Meetings.

(1) Local Issue Meetings. A Neighborhood Chair may call a Neighborhood meeting at any time to discuss issues of concern to residents of the Neighborhood.

(2) Development Proposal Meetings.

(a) Within five (5) calendar days after receiving a complete land use application for any matter subject to a public hearing, the Community Development Department shall mail notice of the application to the Neighborhood Chair of the Neighborhood where the subject property is located. If the subject property is located within one thousand (1,000) feet from an adjoining Neighborhood, the Community Development Department shall also notify the Chair of that Neighborhood.

(b) Within seven (7) calendar days after application submittal, the applicant shall contact the Neighborhood Chair to discuss the application. The Neighborhood Chair shall determine whether a Neighborhood meeting should be held.

(c) Within fourteen (14) calendar days after the Community Development Department mails notice of the application to a Neighborhood Chair, the Chair shall notify the Municipal Council Executive Director in writing that the Neighborhood:

(i) will organize a meeting to review and comment on the application; or

(ii) waives the right to hold a Neighborhood meeting.

(iii) If within the fourteen (14) day period set forth above, the Executive Director does not receive notice from the Neighborhood Chair, the Neighborhood meeting requirement shall be waived.

(d) A Neighborhood meeting shall be held subject to the following procedures listed below:

(i) The meeting shall be called and organized by the Neighborhood Chair. The Neighborhood Chair shall set the agenda and conduct the meeting.

(ii) The meeting shall be scheduled for a date no later than forty-five (45) calendar days after the date when the Community Development Department mails notice of the application to the Neighborhood Chair and at least twenty-one (21) calendar days before the date of the Planning Commission hearing.

(iii) The meeting shall be held within the boundaries of the Neighborhood or at another location as reasonably determined by the Neighborhood Chair.

(iv) The applicant shall bear the cost of printing and distributing information necessary for the meeting.

(v) At least three (3) calendar days prior to the Neighborhood meeting the applicant shall provide notice of the meeting to the Council Office and all neighbors within one thousand (1,000) feet of the proposed development. Upon request of the Neighborhood Chair notice shall be provided to the entire Neighborhood area.

(vi) The Neighborhood Chair shall file a written report of the meeting with both the Council Office and the Community Development Department within five (5) calendar days following the Neighborhood meeting. Reports should include information on who was present at the meeting, a breakdown of the type of opinions/responses voiced at the meeting and received by the Chair outside of the meeting, and any specific concerns or recommendations.

(vii) If the Neighborhood Chair is unable to fulfill the foregoing responsibilities, the Chair may designate the Neighborhood Vice-chair, the Neighborhood Area Council

Representative, or an individual who resides within the Neighborhood boundaries to carry out these responsibilities.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after being posted or published as required by law.

END OF ORDINANCE.