

Ordinance 2016-30

SHORT TITLE:

An ordinance amending Provo City Code to alter the number of Planning Commission members, their terms of office, and other details relating to Planning Commission rules. City-Wide Impact (16-0019OA)

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 1st day of November, 2016, on a roll call vote as described above. Signed this 7 December 2016.

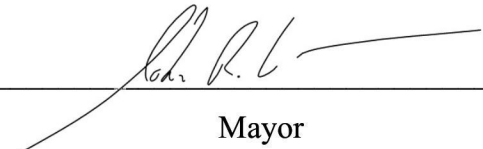


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 8 December 2016.



Mayor

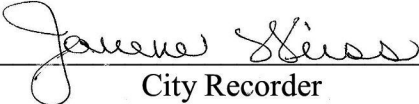
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III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 8th day of December, 2016 , with a short summary being published on the 5th day of November, 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 2016-30.





City Recorder

ORDINANCE 2016-30.

AN ORDINANCE AMENDING PROVO CITY CODE TO ALTER THE NUMBER OF PLANNING COMMISSION MEMBERS, THEIR TERMS OF OFFICE, AND OTHER DETAILS RELATING TO PLANNING COMMISSION RULES. CITY-WIDE IMPACT. (16-00190A)

WHEREAS, it is proposed that amendments be made to Provo City Code Section 14.04.010 (Planning Commission Created – Chairman - Rules) altering the number of Planning Commission members, their terms of office, and other details relating to Planning Commission rules; and

WHEREAS, this change would change the makeup of the Planning Commission from seven members to nine, allowing for a broader representation of citizens on the Planning Commission; and

WHEREAS, holding the number of members necessary for a quorum at four would lessen the possibility of not having a quorum present and delaying timely action on items; and

WHEREAS, on September 28, 2016, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended on a 4:0 vote that the Municipal Council approve the proposed amendment; and

WHEREAS, on October 18, 2016 and November 1, 2016, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the Planning Commission’s recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Section 14.04.010 (Planning Commission Created – Chairman - Rules) should be amended 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 14.04.010 is hereby amended as follows:

14.04.010. Planning Commission Created – Chairman – Rules.

(1) A Provo City Planning Commission is hereby created. Said Commission shall consist of ~~seven (7)~~ **nine (9)** members, each of whom shall be a resident of Provo City and each of whom shall be appointed by the Mayor with the advice and consent of the Municipal Council.

46 (2) The terms of office for all members of the Planning Commission shall be no more than three (3) years
47 ~~and until their successors are appointed and qualified except where appointment to a shorter term is necessary to~~
48 ~~provide for staggered terms among Commission members.~~ Terms shall be staggered to ensure that one-third of
49 Commission Member appointments shall expire each year. Members may be removed with or without cause by a
50 majority vote of the Municipal Council.

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52 (3) Members shall be selected without respect to political affiliation and shall serve without compensation
53 except for payment of reasonable expenses.

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55 (4) The Planning Commission shall:

56 (a) elect from its membership a chair who shall serve a one (1) year term;

57 (b) pursuant to Section 14.04.040, Provo City Code, adopt reasonable policies and rules for the
58 transaction of business, which shall not conflict with any of the provisions of this Chapter; and

59 (c) keep a public record of its proceedings.

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61 (5) ~~The Mayor shall, with the advice and consent of the Municipal Council, appoint one (1) or two (2)~~
62 ~~alternate members of the Planning Commission, who shall serve in the absence of a member or members of~~
63 ~~the Planning Commission under rules established by the Planning Commission. Except as just provided, alternate~~
64 ~~members shall be appointed and serve as described in Subsection (1) of this Section.~~ A quorum of the Commission
65 shall consist of four members, and at least four votes must be cast in order to render a decision of the Commission.
66 All members present, including the chair, are encouraged to participate in discussion and vote, unless recusing
67 themselves due to conflict of interest.

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69 (6) When a regularly scheduled and noticed meeting of the Planning Commission does not occur because a
70 quorum of the Commission is not present, all action items scheduled to be heard on that date shall be continued to
71 the next regularly scheduled meeting of the Commission. Items originally scheduled to be heard at the meeting on
72 the second Wednesday of the month shall be automatically continued to the meeting scheduled for the fourth
73 Wednesday of the month. Items originally scheduled to be heard at the meeting on the fourth Wednesday of the
74 month shall be automatically continued to the meeting scheduled for the second Wednesday of the following month.

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77 PART II:

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79 A. If a provision of this ordinance conflicts with a provision of a previously adopted
80 ordinance, this ordinance shall prevail.

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

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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 it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.