

Ordinance 2017-55

SHORT TITLE:

An ordinance amending Provo City Code related to the Provo City Neighborhood program and clarifying sections related to City Boards. (17-138)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	GEORGE STEWART	✓		
CD 1	GARY WINTERTON	✓		
CD 2	KIM SANTIAGO			Excused
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		6	0	

This ordinance was passed by the Municipal Council of Provo City, on the 5th day of December 2017, on a roll call vote as described above. Signed this 8th of December 2017.



Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 12 December 2017.



Mayor

Ordinance 2017-55

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 12th day of December 2017, with a short summary being published on the 9th day of December 2017, 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 2017-55.





City Recorder

ORDINANCE 2017-55.

AN ORDINANCE AMENDING PROVO CITY CODE RELATED TO THE PROVO CITY NEIGHBORHOOD PROGRAM AND CLARIFYING SECTIONS RELATED TO CITY BOARDS. (17-138)

WHEREAS, it is proposed that the Provo City Code Chapters 2.20 and 2.29 be amended for the benefit of Provo citizens; and

WHEREAS, it is recommended that Provo City Code Chapter 2.20 be amended to clarify the nature of some of the listed entities; and

WHEREAS, the Neighborhood Program Review Committee has met and desires to make clarifications in the Provo City Code to define the membership and duties of the Neighborhood Advisory Committee, enact various changes to the Neighborhood Program, and amend code to reflect changes to the Downtown Neighborhood process for appointing a chair; and

WHEREAS, on December 5, 2017, 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 the ordinance, 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 Chapter 2.20 is hereby amended as shown in Exhibit A.

PART II:

Provo City Code Chapter 2.29 is hereby amended as shown in Exhibit B.

PART III:

- 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.

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

48

49 D. This ordinance shall take effect immediately after it has been posted or published in
50 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
51 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

52

53 END OF ORDINANCE.

54 **EXHIBIT A**

55
56 **Chapter 2.20**
57 **Permanent City Administrative and/or Council Boards, Commissions,**
58 **Councils, Agencies, Foundations and Districts.**

59
60 ...

61
62 **2.20.010. Permanent City Administrative and/or Council Boards, Commissions, Councils, Agencies,**
63 **Foundations and Districts Named.**

64
65 The Municipal Council on behalf of the City has created the following permanent boards, commissions, councils,
66 agencies and districts:

67
68 Airport Board

69 Arts Council

70 Board of Adjustment

71 Board of Appeals (Building Code)

72 Board of Equalization and Review

73 Classified Civil Service Commission

74 Design Review Committee

75 Energy Department Board

76 ~~Housing Authority~~

77 Library Board

78 Landmarks Commission

79 ~~Metropolitan Water District~~

80 ~~Neighborhood Advisory Board~~

81 Parks and Recreation Board

82 Planning Commission

83 ~~Provo Foundation~~

84 Senior Citizens Advisory Board

85 Student of Higher Education and Young Adult 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
93 **2.20.030. Special Provisions.**

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

96 Board of Adjustment

97 Board of Appeals (Uniform Building Code)

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

111 **Exhibit B**

112
113 **Chapter 2.29**

114
115 **Neighborhood Program Advisory Board.**

116
117 2.29.010. Neighborhood Organizations Created.

118 2.29.020. Purposes.

119 2.29.025. Duties.

120 2.29.030. Organization.

121 2.29.040. Neighborhood Meetings.

122 2.29.050 Matching Grant Review Process.

123
124 **2.29.010. Neighborhood Organizations Created.**

125 (1) Neighborhoods and Neighborhood Areas. There are hereby established geographic areas
126 within the City which shall be known as Neighborhoods and Neighborhood Areas as shown on
127 an Official Neighborhood Map adopted by the Municipal Council and which by this reference is
128 made a part of this Chapter. The term "Neighborhood" means a geographically distinct portion of
129 the City which is represented by a Neighborhood Chair as set forth in this Chapter. The term
130 "Neighborhood Area" means four (4) or more geographically adjacent Neighborhoods. The
131 boundaries of Neighborhoods and Neighborhood Areas shall be determined by the Municipal
132 Council and shall appear on the Official Neighborhood Map.

133
134 (2) Neighborhood Area Councils. A Neighborhood Area Council is hereby created for each
135 Neighborhood Area. Each Neighborhood Area Council shall consist of Chairs from each
136 Neighborhood located within the boundaries of the Neighborhood Area as shown on the Official
137 Neighborhood Map. Each Neighborhood Area Council shall elect one (1) member who shall
138 serve as the Area Representative and a different member who shall serve as the Assistant Area
139 Representative.

140
141 (3) Neighborhood Advisory Board. A Neighborhood Advisory Board is hereby created. The
142 Neighborhood Advisory Board shall be a Municipal Council Board and shall consist of no more
143 than nine (9) members, made up of:

144
145 (a) each Area Representative or their designated replacement (as described in Provo City
146 Code Section 2.29.030(2); ~~Provo City Code~~),

147
148 (b) a Municipal Council Member appointed by the Municipal Council to serve as Chair of
149 the Board,

150
151 (c) up to two (2) additional Municipal Council Members appointed by the Municipal
152 Council, and

153
154 (d) other persons recommended by the Board and appointed by the Municipal Council.

155
156 (4) Neighborhood Program. The Neighborhood organizations and their associated activities

157 created by this Chapter shall be referred to as the Neighborhood Program.

158

159 **2.29.020. Purposes.**

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

161

162 (a) Identify and build on the strengths and assets of each Neighborhood in order to solve
163 local problems and meet local needs and desires;

164

165 (b) Bring Neighborhood residents and other local stakeholders (including Neighborhood
166 businesses and residential landlords) together to achieve the shared goals of the
167 Neighborhood;

168

169 (c) Develop Neighborhood-focused policy and legislative recommendations to the
170 Municipal Council;

171

172 (d) Work together with the Municipal Council to develop programs, initiatives, and
173 remedies in partnership with City administrative departments and other pertinent
174 organizations;

175

176 (e) Provide each Neighborhood with a direct line of communication to and from the
177 Municipal Council and Mayor through the Neighborhood Chair; and

178

179 (f) Address any other goals of the Neighborhood Program as determined by the
180 Municipal Council.

181

182 (2) The Neighborhood Program is intended to provide advice and recommendations to the
183 Municipal Council to aid them in their decision making, and to provide the citizens of Provo
184 additional opportunities for input and feedback regarding land use decisions that affect their
185 communities. The Neighborhood Advisory Board is not a legislative body. Area Representatives,
186 Neighborhood Chairs, and Vice-Chairs are not elected officials and do not have any implied
187 legislative or executive authority.

188

189

190

191 **2.29.025. Duties.**

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

198

199 (2) Neighborhood Area Councils. The Neighborhood Area Councils shall work together to
200 achieve the purposes articulated in Section 2.29.020, Provo City Code. Area Representatives and
201 Assistant Area Representatives shall communicate current City issues to the Neighborhood
202 Chairs within their Neighborhood Area and report issues raised by Neighborhood Chairs back to

203 the Municipal Council and the Mayor.

204

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

207

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

216

217 (3) Neighborhood Advisory Board. The Neighborhood Advisory Board shall assist
218 Neighborhood Chairs and Area Representatives in achieving the purposes articulated in Provo
219 City Code Section 2.29.020, ~~Provo City Code~~.

220

221 (a) In addition, tThe Neighborhood Advisory Board shall have the following duties: be
222 responsible for

223

224 (i) make recommendations to the Municipal Council on the operation, programs,
225 and policies of the Neighborhood Program,

226

227 (ii) receiveing, review,ing and recommend for approvaling or rejection,
228 Neighborhood matching-fund applications according to procedures established by
229 the Municipal Council and the provisions of Section 2.29.050-; and

230

231 (iii) as requested by the Municipal Council, when a neighborhood plan is
232 submitted by the Community Development department, recommend persons to
233 the Municipal Council to be appointed to a citizen commission charged with
234 reviewing the plan and making recommendations to the Municipal Council
235 regarding the plan.

236

237 (b) Also, individual members of the Neighborhood Advisory Board may:

238

239 (i) make recommendations to Council staff regarding the timing of meetings to
240 elect Neighborhood Chairs and Vice-Chairs, and Area Representatives and
241 Assistant Area Representatives,

242

243 (ii) conduct election meetings when requested by Council Staff.

244

245 **2.29.030. Organization.**

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

247

248 (a) In a meeting held under the direction of the Municipal Council Executive Director,

249 each Neighborhood shall elect its Chair and two (2) or more Vice-Chairs, subject to the
250 availability of residents willing to serve. Vice-Chairs serve in the absence of the Chair
251 and assist with Neighborhood Chair responsibilities. The Chair and each Vice-Chair shall
252 be a resident of the Neighborhood ~~in~~ which they are elected to represent the election is
253 held and shall be elected by a majority ~~vote~~ of the adult residents of the Neighborhood
254 who are of voting age and who are present in person at the election meeting. Chairs are
255 elected, ~~or re-elected,~~ to serve approximately a four (4) years term. Vice-Chairs are
256 elected for a period to a term corresponding with that of the current Chair. If, for
257 whatever reason, a Chair ceases to serve during that period fails to fulfill a full term, the
258 current Vice-Chair(s) shall continue to serve until the election of a new Chair, at which
259 point a new election shall also be held for the Vice-Chair positions. Newly elected
260 Neighborhood Chairs shall be formally recognized at an ensuing Municipal Council
261 Meeting.

262
263 (b) Exceptions to Subsection (1)(a) of this Section shall be made in the Downtown, East
264 Bay, and University Neighborhoods. In the Downtown and East Bay Neighborhoods,
265 Downtown Provo, Inc., and the East Bay Association, respectively, shall appoint the
266 Chair, and business owners may vote at Neighborhood meetings. In the University
267 Neighborhood, the President of Brigham Young University is the Chair and may appoint
268 one (1) or more Vice-Chairs as designated representatives.

269
270 (c) Each Neighborhood, in a meeting held under the direction of the Municipal Council
271 Executive Director, shall allow owners of the businesses located within the
272 Neighborhood to elect a representative who shall serve as the Business Liaison to
273 represent their interests at Neighborhood meetings and in presentations to the Municipal
274 Council. Business Liaisons shall not be eligible to fill in for the Neighborhood Chair in
275 matters representing the voice of the Neighborhood residents.

276
277 (d) Each Neighborhood Chair may appoint other residents of the Neighborhood to assist
278 in the Chair's duties. The Neighborhood Chair, Vice-Chair(s), Business Liaisons, and the
279 Neighborhood Chair's appointees shall constitute a Neighborhood Board. Each
280 Neighborhood Board may establish its own bylaws to effectuate the orderly
281 administration of its Neighborhood; provided, however, that the Neighborhood Chair and
282 Vice-Chairs shall be elected as set forth in Subsection (1)(a) of this Section.

283
284 (e) The Neighborhood Chair may be removed from office according to the following
285 procedure. A petition form may be obtained from the Municipal Council Executive
286 Director, signed by representatives of at least fifty (50) households in the Neighborhood
287 requesting the removal of the Neighborhood Chair, and submitted to the Executive
288 Director. It shall then be the duty of the Executive Director to submit the question of
289 removal to the residents of the Neighborhood at a Neighborhood Meeting convened for
290 that purpose. No vote on the removal of a Neighborhood Chair shall be taken unless
291 seventy-five percent (75%) of those who signed the petition are present in person at the
292 meeting. No Neighborhood Chair shall be removed unless two-thirds (2/3) of the
293 residents of the Neighborhood who are present in person at the meeting shall vote in
294 favor of such removal. A petition for removal of the Neighborhood Chair shall not be

295 submitted until six (6) months after the Chair was elected ~~or re-elected~~. A petition for
296 removal may not be submitted more than twice during a Neighborhood Chair's current
297 term.

298
299 (f) The Municipal Council Executive Director shall notify the Municipal Council in
300 writing when a Neighborhood Chair is no longer actively performing the duties of a
301 Chair. If the Executive Director has not been able to resolve the situation within two (2)
302 weeks of the time such notice was given, the Council may give written notice to the
303 Executive Director that a new election meeting for Neighborhood Chair shall be held.
304

305 (2) Neighborhood Area Council. Each Neighborhood Area Council shall be guided by the
306 provisions of this Subsection.
307

308 (a) Each Neighborhood Chair shall serve as the Neighborhood's representative to the
309 Neighborhood Area Council. Each Chair shall designate a Vice-Chair to serve in their
310 absence at Neighborhood Area Council meetings.
311

312 (b) Each Neighborhood Area Council shall elect from its members one (1) Chair or Vice-
313 Chair to serve as the Area Representative and one (1) Chair or Vice-Chair to serve as the
314 Assistant Area Representative, provided that a Vice-Chair may not be elected to serve as
315 an Area Representative or Assistant Area Representative without the approval of that
316 Vice-Chair's Neighborhood Chair. The Assistant Area Representative, or a designated
317 neighborhood Chair from the area, may serve in the absence of the Area Representative
318 on the Neighborhood Advisory Board.
319

320 (c) Area Representatives and Assistant Area Representatives shall be elected by a
321 majority ~~vote~~ of Neighborhood Chairs within that Area who are present in person at the
322 Neighborhood Chair Seminar at which the election meeting is held each year. A
323 Neighborhood Chair may designate a Vice-Chair to attend the election and vote in his or
324 her place. A special election meeting shall be convened by the Municipal Council
325 Executive Director to fill any vacancy that may arise in Area Representative or Assistant
326 Area Representative positions.
327

328 (d) Neighborhood Area Councils may alter Neighborhood boundaries within its Area by a
329 unanimous vote of its members if such alteration is subsequently approved by the
330 Municipal Council.
331

332 (3) Neighborhood Advisory Board. The Neighborhood Advisory Board shall be guided by the
333 provisions of this Subsection.
334

335 (a) The Neighborhood Advisory Board shall meet at such times as the Advisory Board or
336 Municipal Council deems necessary. Minutes of this meeting shall be distributed to all
337 Neighborhood Chairs and Municipal Council members.
338

339 (b) A quorum of the Neighborhood Advisory Board ~~must~~shall be present before the
340 Board may~~to~~ vote on any issue. Motions by Board members shall be passed by majority

341 vote of those Board members present in person at the meeting. Assistant Area
342 Representatives and Neighborhood Chairs may attend, but only Area Representatives
343 shall vote, except when an Assistant Area Representative or other designated
344 Neighborhood Chair has been requested to attend in the absence of the Area
345 Representative.

346
347 ...

348 **2.29.050 Matching Grant Review Process**

349 (1) The Municipal Council shall establish criteria for awarding matching grants and shall
350 establish procedures for evaluating and approving grant applications.

351
352 (2) Municipal Council Staff will review applications for completeness and submit complete
353 applications to the Neighborhood Advisory Board. Office Staff may provide observations and
354 recommendations concerning applications.

355
356 (3) The Neighborhood Advisory Board will review, request additional information as needed,
357 and recommend approval or rejection of the application.

358
359 (4) The Municipal Council Executive Director may accept or reject the Neighborhood Advisory
360 Board's recommendation regarding any matching grant application, subject to direction by the
361 Municipal Council Chair.