

Ordinance 2024-1

SHORT TITLE:


AN ORDINANCE AMENDING PROVO CITY CODE REGARDING VARIOUS ADMINISTRATIVE REPORTS (23-025)

I PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	GARY GARRETT	✓		
CD 1	CRAIG CHRISTENSEN	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	BECKY BOGDIN	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		7		

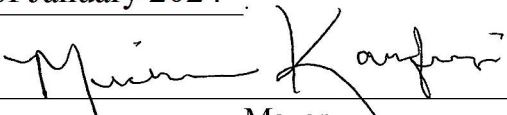
This ordinance was passed by the Municipal Council of Provo City, on the 9th day of January 2024, on a roll call vote as described above. Signed this 25th day of January 2024.



Chair

II APPROVAL BY MAYOR

This ordinance is approved by me this 25th day of January 2024.



Mayor

Ordinance 2024-1

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the

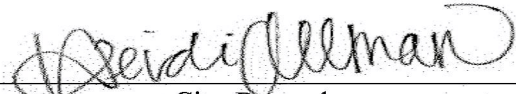
25th day of January 2024

and was published on the Utah Public Notice Website on the 10th day

of January 2024. I hereby certify and attest that the foregoing constitutes a true and accurate record

of proceedings with respect to Ordinance Number 2024-1.





City Recorder

ORDINANCE 2024-1.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING
VARIOUS ADMINISTRATIVE REPORTS (23-025)

RECITALS:

It is proposed that Provo City Code be amended to update various administrative reporting requirements; and

Utah State Code 10-3b-203(1)(a)(ii) allows for the review of municipal administration; and

During the August 22nd Work Meeting, the Council heard a presentation detailing various options for cleaning up code sections regarding administrative reports; and

Accurate, informative, and timely delivery of reports will benefit the Municipal Council's decision-making process; and

On November 14, 2023 and January 9, 2024, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

The various sections of the Provo City Code listed therein are amended as shown in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.

- 45 C. This ordinance takes effect immediately after it has been posted or published in accordance
46 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
47 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
48
- 49 D. The Municipal Council directs that the official copy of Provo City Code be updated to
50 reflect the provisions enacted by this ordinance

EXHIBIT A

2.10.030 Mayor - Functions and Duties.

The Mayor shall be the chief executive officer of the City and its official head for ceremonial purposes. The Mayor's powers and duties include but are not limited to the following:

...

(13) Furnish^{ing} the Municipal Council with a ^{written} report, ^{by the first day of the fourth quarter of each calendar year}~~periodically as determined by ordinance~~, setting forth the amounts of all budget appropriations, the total disbursements to date from these appropriations, and the amount of indebtedness incurred or contracted against each appropriations^s (including disbursements and indebtedness incurred and not paid) and the percentage of the appropriations encumbered to date ^{for the previous fiscal year}, which reports shall be made available for public inspections;

...

(15) Preparing and submitting to the Municipal Council:

(a) a ^{budget transmittal letter} ~~State of the City report~~ to coincide with submittal of the budget;

(b) an annual report of the City's financial affairs, within 180 days following the close of the City's fiscal year (as established by State law);

...

(18) Ensuring that the Municipal Council is furnished with those reports required by State and City code. The Mayor may delegate responsibility to provide each such report to any executive branch employee. References within the code to reports to be provided by the Mayor automatically include any such delegee. The following table summarizes those reports.

Name of Report	Code Chapter
Appropriations Report	2.10.030(13)
Budget Transmittal Letter	2.10.030(15)(a)
Annual Comprehensive Financial Report	2.10.030(15)(b)

Library Report	2.26.110
Capital Improvement Project Report	3.03.020(1)
Active Capital Improvement Project Report	3.03.040
Disposal of Property Report	3.04.030(9)
Settled Claims Report	3.10.050(5)
Utility Transportation Fund Report	5.08.070
Rental Dwelling License Report	6.26.140
Mobile Home Rental Dwelling License Report	6.30.140
State and Affairs of the Police Department Report	9.01.100(2)
Airport Master Plan Implementation Report	13.01.040(3)
Impact Fee Report	15.08.115
Sewer Connection Projection Report	15.03.105(1)(a)

...

2.15.030 Sexton - Charge of Cemeteries - Reports.

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(2) The Sexton shall pay into the City treasury, all monies received by the Office of the Sexton; ~~and shall annually make a full and complete report of official doings to the Mayor, and shall make other reports as the Mayor or Municipal Council may from time to time require.~~

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2.26.110 Board - Annual Reports.

The Library ~~Board of~~ Directors shall ~~make~~ deliver ~~an~~ written annual report to the Municipal Council of the City on the ~~operation~~, condition and ~~operation~~ affairs of the library, including a financial statement. The Library ~~d~~Directors shall also ~~provide for the keeping of such records as shall be required by the Utah state library commission in its request for an annual report from the public libraries, and shall~~ submit such annual report to the ~~commission~~ State Library Board as required in Utah Code Title 9, Chapter 7, Part 2, Section 211 as amended.

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2.37.020 Purpose.

The purpose of the Provo Youth City Council is to provide training and opportunity to local youth to interact with the Municipal Council and other important organizations, to allow for an opportunity for input from local youth to local government, to deal with local issues impacting Provo's youth. The program is a volunteer program under the direction of the Council Chair or the Council Chair's delegate. The Provo Youth City Council ~~shall~~ may communicate information on current City issues, hold meetings, report ~~back~~ to the Municipal Council, gather information on youth issues and assist in providing suggestions on policy to be implemented by the Municipal Council over issues involving youth, youth programs, and do any other thing to accomplish the goals of the Provo Youth City Council as determined by the Municipal Council which promotes and protects the public's health, safety, morals and general welfare.

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3.03.020 Capital Improvements.

(1) By March 1 of each year, the Mayor ~~or the Mayor's designee~~ shall prepare and submit to the Municipal Council a ~~written report detailing a~~ capital improvement plan which shall include a summary of each capital improvement project consisting of at least the following information:

...

3.03.040 Capital Improvement Project Reporting.

Within thirty (30) days after completion of the annual City financial report and audit report as required by the Uniform Fiscal Procedures Act for Utah Cities, the Mayor ~~or the Mayor's designee~~ shall submit to the Municipal Council a ~~written~~ report on the status of each active capital improvement project which shall include at least the following information:

...

3.03.050 Emergency Expenditures.

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(2) If expenditures are made for an emergency pursuant to Subsection (1) of this Section, the Mayor or the Mayor's designee shall notify the Municipal Council of such expenditure and shall within thirty (30) days submit to the Municipal Council a written report which describes the nature of the emergency and the source of additional funding. The Municipal Council may review such budgetary action at the next available Municipal Council meeting following submission of the report. As part of such review, the Municipal Council may either ratify the source of funds used or take such other budgetary actions as are determined to be appropriate in order to fund the costs of such emergency.

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3.04.030 Disposal of Property - Surplus Property List.

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(9) The Mayor or the Mayor's designee shall provide to the Municipal Council a written annual report, no later than the first Council meeting in the month of December, detailing all real properties sold, traded, encumbered or divested by the administration over the past year, which report shall contain:

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3.10.050 Authority to Settle Claims.

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(4) The following schedule shall be used in determining the delegation of authority for settling various classes of claims through financial reimbursement or compensation:

(a) Private property claims with a value of up to seven hundred fifty dollars (\$750.00) may be settled by the responsible Department/Office with notification to the City Attorney's Office. Personal injury or bodily injury claims will not be settled within a Department/Office.

(b) Any type of claim with a value between seven hundred fifty dollars and one cent (\$750.01) and twelve thousand dollars (\$12,000.00) may be settled by the Legal Office. If circumstances warrant, however, claims in this class may be referred to the Chief Administrative Officer for a recommendation.

(c) Any type of claim with a value over twelve thousand dollars (\$12,000.00) shall be reviewed by the Chief Administrative Officer and Director of Administrative Services and a recommendation for settlement shall be submitted to the Mayor for approval.

~~(d) The Municipal Council shall be notified by the Mayor of any settlement in excess of thirty thousand dollars (\$30,000.00).~~

(ed) On July 1, 2025, and on July 1 every five (5) years thereafter, the dollar amounts in this Section shall automatically adjust for inflation by reference to the immediately

preceding five (5) year actual percentage change in Consumer Price Index for All Urban Consumers, U.S. city average as published by the United States Bureau of Labor Statistics. Each resulting dollar amount after this calculation will then be rounded to the nearest one hundred dollars (\$100.00).

(5) The Mayor or the Mayor's designee shall submit a written semiannual report of settled claims.

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5.08.070 Annual Report and Gas Tax Revenues.

(1) ~~Each year during the annual budget process,~~ By the first day of the fourth quarter of each year, the Mayor or the Mayor's designee shall deliver a written report to the Municipal Council ~~shall receive an annual report~~ detailing the income and expenditures of the fund ~~for the previous fiscal year. This report shall be in writing and shall be presented at a meeting of the Municipal Council by representatives of the Public Works Department or the Finance Division of the Administrative Services Department.~~ for the previous fiscal year. This report shall be in writing and shall be presented at a meeting of the Municipal Council by representatives of the Public Works Department or the Finance Division of the Administrative Services Department.

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6.26.140 Compliance Reports.

(1) ~~Within ten (10) days of the beginning~~ By the first day of the second and fourth, of each ~~calendar~~ quarter, the Mayor or the Mayor's designee shall provide to the Municipal Council a ~~rental dwelling business license~~ semiannual written report for the second half of the previous calendar year and the first half of the current calendar year, respectively, regarding rental dwelling business licenses that ~~which~~ shows:

(a) the number of rental dwelling business licenses that have been:

(i) issued and have not expired or been revoked;

(ii) applied for but not issued; and

(iii) applied for and not issued which have been pending for more than six (6) months; and;

(b) the number of rental dwelling units authorized under all presently valid licenses.

(2) In conjunction with the report required under Subsection (1) of this section, the Mayor or the Mayor's designee shall provide a report to the Municipal Council which details the reasons why any license pending for more than one (1) year has not been issued.

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6.30.140 Compliance Reports.

(1) ~~Within ten (10) days of the beginning~~ By the first day of the second and fourth, ~~of each calendar~~ quarter, the Mayor ~~or the Mayor's designee~~ shall provide to the Municipal Council a ~~mobile home rental dwelling business license~~ semiannual written report for the second half of the previous calendar year and the first half of the current calendar year, respectively, regarding mobile home rental dwelling licenses that ~~which~~ shows:

(a) the number of mobile home rental dwelling ~~business~~ licenses that have been:

(i) issued and have not expired or been revoked;

(ii) applied for but not issued; and

(iii) applied for and not issued which have been pending for more than six (6) months; and;

(b) the number of mobile home rental dwelling units authorized under all presently valid licenses.

(2) In conjunction with the report required under Subsection (1) of this section, the Mayor ~~or the Mayor's designee~~ shall provide a report to the Municipal Council which details the reasons why any license pending for more than one (1) year has not been issued.

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~~6.31.140 Compliance Reports.~~

~~(1) Within ten (10) days of the beginning of each calendar quarter the Mayor shall provide to the Municipal Council a mobile home park business license report which shows:~~

~~(a) the number of mobile home park licenses that have been:~~

~~(i) issued and have not expired or been revoked;~~

~~(ii) applied for but not issued; and~~

~~(iii) applied for and not issued which have been pending for more than six (6) months; and;~~

~~(b) the number and location of mobile home parks authorized under all presently valid licenses.~~

~~(2) In conjunction with the report required under Subsection (1) of this section, the Mayor shall provide a report to the Municipal Council which details the reasons why any license pending for more than one (1) year has not been issued.~~

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7.05.060 Graffiti Removal.

(1) The Mayor shall establish:

- (a) a program to educate the public, particularly minors, about the detrimental effects of graffiti and methods to reduce its proliferation; and
- (b) a procedure whereby City personnel will, at least ninety-five (95) percent of the time, remove graffiti located in the City within forty-eight (48) hours or sooner after City receipt of a report thereof if:
 - (i) the responsible party does not sooner do so; and
 - (ii) the responsible party has consented to City clean-up of the graffiti. Consent may be granted on a per incident or calendar year basis.

~~(2) At the beginning of each calendar quarter the Mayor shall submit a report to the Municipal Council detailing the following activity for the prior quarter:~~

- ~~(a) number of reported graffiti incidents;~~
- ~~(b) cost of graffiti removal; and~~
- ~~(c) educational efforts undertaken.~~

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9.01.100 Chief of Police - Duties Generally.

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(2) The Chief shall consult and advise with the Mayor, and act with the Mayor's approval on all matters pertaining to the Police Department not herein specifically provided for, and shall from time to time make such reports as the Mayor shall require and shall annually **during a regularly scheduled Council Meeting between the months of February and May** ~~make~~ deliver a written report **and presentation** to the Municipal Council of the state of affairs and conditions of the Police Department.

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9.80.070 Designation Process.

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(6) Within one hundred twenty (120) days after directing that a study of the proposed permit parking area be undertaken, the City Parking Coordinator shall review the application and ~~submit~~ deliver a written report to the Mayor and Municipal Council which:

- (a) Verifies and quantifies petition signatures, if applicable;
- (b) Provides analysis from relevant City staff and other entities as appropriate, such as the Transportation and Mobility Advisory Committee, Planning Commission, etc., on the proposed permit parking area in light of designation criteria set forth in Section [9.80.060](#), Provo City Code; and
- (c) At a minimum, makes recommendations regarding the following:
 - (i) Permit parking area boundaries,
 - (ii) Parking time restrictions on public streets,
 - (iii) Time restriction exemptions, if any,
 - (iv) Permit cost (based on the total cost to administer program, and including a detail sheet showing number of residences and cost per vehicle in the proposed permit parking area),
 - (v) Planned enforcement method, and
 - (vi) Timeline for implementing the program.

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9.90.050 Designation Process.

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(2) Development Services Director or the Director's Designee Initiation.

- (a) The Development Services Director or the Director's designee shall notify the Council of their intent to designate a new OSPM area. The Development Services Director or the Director's designee shall ~~bring~~ deliver a written report and recommendation to the Council within the next ninety (90) days. The report shall include the following:
 - (i) A map of the proposed OSPM area;
 - (ii) The reason for the proposal;

- (iii) Proposed block faces for parking zones; and
- (iv) Any input submitted by residents for and against the proposal.

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(3) Resident Initiation.

- (a) Any resident or property owner within the proposed OSPM area may submit an application to the Development Services Director or the Director's designee. The Development Services Director or the Director's designee shall notify the Council within thirty (30) days of receiving the application and ~~present~~ deliver a written report and recommendation no more than ninety (90) days after notification has been sent (one hundred twenty (120) days total).

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12.02.010 Rates and Charges.

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- (3) *Adjustments.* The Municipal Council may by resolution permit the Director of the Energy Department to adjust the actual rates paid by consumers for electricity service where adjustments are made necessary or appropriate because of increases or decreases in the wholesale cost of power purchased by Provo City. A resolution adopted pursuant to this Subsection (3) of this Section may describe terms or conditions pursuant to which the Director may make rate adjustments. The Director shall annually, as part of the City budget process, submit to the Municipal Council a written summary report of all action taken by the Director pursuant to the authority granted by this Subsection (3) of this Section.

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13.01.040 Master Plan - Adoption and Implementation.

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- (3) Within thirty (30) days following submittal of the capital improvements projects report required by Section 3.03.040 of this Code, the Mayor ~~or the Mayor's designee~~ shall deliver a written report to the Municipal Council ~~at a regularly scheduled Council meeting~~ regarding the activities, whether public or private, undertaken to implement the airport master plan.

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15.08.115 Impact Fee Report.

In conjunction with submittal of annual tentative capital improvements budgets, the Mayor ~~or the Mayor's designee~~ shall ~~submit~~ deliver ~~an~~ written impact fee report to the Municipal Council which shows:

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15.03.105 Temporary Limitations on Certain Sewer Connections.

(1) Due to limited sewer capacity within the catchment area of the thirty-six (36) inch sewer main that services the area west of the I-15 freeway and portions of the Grandview area and the potential for new development in that catchment area in excess of the capacity available, the following regulations apply to development projects in that catchment area:

- a) The City shall monitor available sewer capacity and development projects that have been approved or submitted for approval and shall model the projected available sewer connections. Model projections ~~for the upcoming calendar year~~ shall be ~~reported~~ delivered in writing by the first ~~regularly to the Municipal Council~~ day of the second quarter of each calendar year by the Director of Public Works or the Director's designee and made available to the public. The model calculations are not a guarantee of available connections and each development project is subject to individual review regarding available sewer capacity.

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