

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: July 11, 2012

AGENDA ITEM: Discussion of Community Council Ordinance

PUBLIC HEARING REQUIRED – YES ____ **NO** **X** ____

RESOLUTION/ORDINANCE REQUIRED

ORDINANCE **X** **RESOLUTION** ____ **NONE** ____

PRESENTER: Mitch Haycock, Ordinance Review Committee and Michael Stott

ISSUE SUMMARY: Council needs to decide which kind of Community Council they want - non-profit or an advisory community council. Current ordinance has them as a non-profit. Suggested changes by the ORC include making them an advisory council.

STAFF RECOMMENDATION: Change the ordinance as suggested by the ORC.

CITY ATTORNEY (Approved as to form):

ACTION REQUIRED. May require an ordinance change, if council so chooses.

ATTACHMENTS: A summary of differences between non-profit and advisory councils.

Community councils as non-profits versus advisory councils:

Topic	<u>Current code:</u> Non-Profits	<u>Proposed change:</u> Advisory Councils
Ownership and identity	Community members involved may feel a greater sense of ownership and community identity by establishing a non-profit autonomous from city control. Autonomous non-profits might be perceived as more welcoming of dissenting opinions to city proposals.	Advisory councils may be perceived as city-controlled or city-run and therefore less community-based or open to dissenting opinions. The City could mitigate this concern through efforts to foster a sense of ownership and unique identity within each community council.
Spending	With the proper registration, non-profits can fundraise and develop their own budgets for activities of interest to the membership. However, community councils can struggle to raise funds.	Advisory councils would not be allowed to fundraise. They could only spend money allocated to them by the City. Any proposed funding would need to go through the budget process.
Boundaries	Non-profits would control their boundaries. This can result in boundary disputes, overlapping of councils, off-shoot councils, disparate sized councils, and boundaries that are less convenient for elected officials and city staff. The City may be able to control boundaries by requiring boundary changes to be approved by the City Council as part of the recognition ordinance. However, this was tried elsewhere and was not followed.	The City would set the boundaries for advisory councils, providing for councils of equal size. The proposed ordinance says boundaries would align with city council boundaries. This would result in equal-sized groups and would make it convenient for city council members to focus on only one community council.
Establishing	There is significant paperwork in establishing and maintaining non-profits including writing articles of incorporation and bylaws, registering with the State of Utah, applying for 501c3 status with the IRS (optional but typically desirable), paying fees, and re-registering annually. It can take a great deal of time to debate the bylaws for a new organization. The bylaws of each community council would likely differ slightly, resulting in variations in how the community councils are run. There is no guarantee that community councils would establish across the city in a reasonable amount of time.	The City would establish a consistent set of by-laws for all of the community councils as outlined in the proposed ordinance. There would be no requirement for non-profit paperwork. Each community council would function in a similar fashion, resulting in equitable representation. Community councils could be established throughout the City quickly. This would remove the need to hope they would establish on their own and the burden of encouraging others to go through steps to set up non-profits.

Bottom line: While setting up community councils as non-profits could provide for a greater sense of ownership and identity, give the perception of being more welcoming of dissenting opinions, and allow for fundraising and spending, there is no guarantee that councils would establish across the city, the process could be prolonged, and it could result in councils of disparate size and function. Establishing community councils as advisory councils will occur much more quickly throughout the City and will result in boundaries and by-laws that are fair and consistent. The City should work to foster a sense of ownership and unique identity within each advisory council by encouraging the communities to set their own agendas and gather together around common interests and concerns. City interaction with the advisory councils should encourage civil dialogue and welcome dissenting opinions, constructive feedback, and suggestions of alternatives.

TAYLORSVILLE, UTAH
ORDINANCE NO. 12-09

AN ORDINANCE OF TAYLORSVILLE ENACTING CHAPTER 2.27, COMMUNITY COUNCILS

WHEREAS, the Taylorsville City Council (“Council”) met in regular meeting on May 16, 2012, to consider, among other things enacting Chapter 2.27, Community Councils; and

WHEREAS, the Council intends to enact Chapter 2.27 to provide for the creation of community councils; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to enact Chapter 2.27, Community Councils, of the Taylorsville Code of Ordinances, as set forth on attached exhibit “A.”

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL that Chapter 2.27, Community Councils, as attached as exhibit “A,” is hereby adopted as an amendment to the Taylorsville Code of Ordinances.

This Ordinance, assigned Ordinance No.12-09, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this _____ day of _____, 2012.

TAYLORSVILLE CITY COUNCIL

By: _____
Jerry Rechtenbach, Chairman

VOTING:

Dama Barbour	Yea	___	Nay	___
Ernest Burgess	Yea	___	Nay	___
Larry Johnson	Yea	___	Nay	___
Kristie S. Overson	Yea	___	Nay	___
Jerry Rechtenbach	Yea	___	Nay	___

PRESENTED to Mayor of Taylorsville for his approval this _____ day of _____, 2012.

APPROVED this _____ day of _____, 2012.

Russ Wall, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

DEPOSITED in the Recorder's office this _____ day of _____, 2012.

POSTED this _____ day of _____, 2012.

Exhibit "A"

Chapter 2.27 COMMUNITY COUNCILS

2.27.005: PURPOSE

2.27.010: ESTABLISHMENT



2.27.020: VOLUNTEER STATUS

2.27.025: ADVISORS

2.27.030: BUDGET

2.27.005: PURPOSE:

The purpose of establishing community councils is to inform communities about city policies and services, engage the public in city decisions, and promote a sense of community. Community councils are a forum where a variety of city-related community interests such as community and economic development, public safety, public services, city infrastructure, civil enforcement, and budget can be discussed. Topics outside of the scope of city government but important to the community may also be discussed in community councils.

2.27.010: ESTABLISHMENT—BYLAWS:

- A. Community councils are advisory councils established by the city. As advisory councils, community councils provide input on city decisions but shall not have authority to bind the city or impose any conditions on the city or its citizens.
- B. Boundaries: There shall be one community council per city council district, coinciding with the boundaries of the city council districts.
- C. Membership: Membership of community councils shall include the following groups within a city council district: residents; property owners; business owners; and leaders of local religious congregations, schools, nonprofit organizations, and other community organizations located within the boundaries.
- D. Inclusiveness: Each community council is required to make reasonable efforts to reach out to and include all members and to ensure that meetings reflect the diverse demographics of their districts.

- E. **Meetings:** Community councils should meet on a regular monthly schedule with at least nine meetings per year. Meetings should be on a weekday evening not overlapping with city council meetings.
- F. **Executive Committee:** Each community council shall elect a chair, a vice-chair, and a secretary who are members of the community council. These individuals form an executive committee responsible for setting and distributing the agenda, conducting meetings, keeping minutes, conducting outreach to the broad membership, liaising with the city, and performing other duties commonly associated with advisory councils. An individual may not be elected to the same position more than two consecutive times. However, if the only candidate has been elected twice consecutively, the mayor may appoint that person to serve in the same position for another term.
- G. **Elections:** Elections for members of the executive committee shall be held annually in the last meeting of the year. Elections and the positions up for election must be listed on the agenda and the agenda must be posted reasonably in advance of the meeting. Elections should be conducted by an individual not currently serving on the executive committee. A call for nominations should be made in the previous meeting, then again on the night of the elections. Individuals may self-nominate. All nominations shall be seconded to be accepted. Nominees should be given an opportunity to accept the nomination and introduce themselves and their interest in the community council. If there are more than two nominees for a position, a primary election shall be held then a general election in the same meeting. If there is a vacancy in any position during the year, an election should be held to fill the position until the end of the year.
- H. **Subcommittees:** The executive committee may establish subcommittees to focus on special topics. The chair of a subcommittee shall be appointed by consensus of the executive committee.
- I. **Conducting Meetings:** Meetings are conducted by the chair or vice-chair. The community councils shall be a place where differing and opposing opinions are welcome but where civility is always expected. The individual conducting shall be a facilitator for respectful dialogue.
- J. **Voting:** Formal votes shall be handled using a simplified form of Robert's Rules of Order including a motion, a second, adequate opportunity for discussion, opportunity to amend the motion, and the vote. The results of votes should always be conveyed with a count of the number of individuals in favor of and those opposed to a motion.
- K. **Primary Contact:** The mayor will appoint a staff member who will be a primary point of contact between the administration and the community council leadership. However, community councils are responsible for scheduling and other staffing needs such as the taking of minutes.
- L. **Initial Appointment of Chairs:** To initially establish community councils, the Mayor shall appoint individuals to serve in the executive committee positions until the end of 2012 when elections will be held for the 2013 year.

2.27.020: VOLUNTEER STATUS:

Community council members shall be considered volunteers to the city and not employees, officials or officers of the city. Community council members shall be defended and indemnified by the city pursuant to the provisions of the Utah governmental immunities act in any civil action which may arise within the course and scope of performance of their duties.

2.27.030: BUDGET:

The city council may budget funds for community councils which will be spent for various administrative costs such as postage, duplication costs, etc. Community councils receiving funds from the city shall file a detailed expense statement with the recorder by July 15th of each year.