

**CHAPTER 2. ADMINISTRATION**

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- Article 2-1. Municipal Administrative Code**  
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**2-1-1. Municipal Administrative Code.**

This Chapter shall be known and may be cited as the Municipal Administrative Code of the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

**2-1-2. Violation of Municipal Administrative Code.**

Unless otherwise specified by State law or this Chapter, the violation of any of the provisions of the Municipal Administrative Code of the City of Orem shall be a class B misdemeanor.

(Ord. No. 661, Revised, 04/10/90)

**2-1-3. Invalidity or Unconstitutionality.**

Should any portion of the Municipal Administrative Code of the City of Orem be found to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions not found to be invalid or unconstitutional shall remain in full force and effect.(Ord. No. 661, Revised, 04/10/90)

**2-1-4. Interpretation.**

Nothing in this Chapter shall be interpreted to conflict with applicable State or Federal laws. No elected official, appointee, officer, or employee of the City shall be held personally liable for actions made in good faith pursuant to this Chapter, or policies or regulations developed pursuant to this Chapter, even if such actions, policies, or regulations are later found to be in conflict with Federal, State or other requirements.

(Ord. No. 661, Revised, 04/10/90)

**Article 2-2. Council-Manager Form of Government**

**2-2-1. Council-Manager Form of Government Adopted.**

**2-2-2. Government vested in City Council and Manager.**

**2-2-3. Governmental Responsibilities.**

**2-2-4. Relationship between Council and Manager.**

**2-2-1. Council-Manager Form of Government Adopted.**

The City of Orem adopted the council-manager form of government established in the Optional Forms of Municipal Government Act (U.C.A. §10-3-1201, et seq.) pursuant to a special election held on October 21, 1980. (Ord. No. 661, Revised, 04/10/90)

**2-2-2. Government vested in City Council and Manager.**

City government is vested in a City Council, which shall be the governing body of the municipality, and a City Manager appointed by the City Council. (Ord. No. 661, Revised, 04/10/90)

**2-2-3. Governmental Responsibilities.**

A. The City Council shall, except as otherwise required by State law or this Chapter, conduct the legislative affairs of City government. (Ord. No. 661, Revised, 04/10/90)

B. The City Manager and supporting staff shall, except as otherwise required by State law or this Chapter, conduct the administrative or executive affairs of City government. (Ord. No. 661, Revised, 04/10/90)

**2-2-4. Relationship between Council and Manager.**

A. The City Council and the City Manager have separate and distinct duties and responsibilities. Each shall allow the other to perform their duties and responsibilities without improper interference. (Ord. No. 661, Revised, 04/10/90)

B. The City Manager, in supervising the administrative and executive activities of the City, shall attempt to carry out the will of the City Council. The City Council shall express its will through ordinances, resolutions, motions, declarations, budget approvals and general policy directives. The City Council's will shall be expressed by vote of the Council. No statement or act of any individual member of the Council shall be viewed as the will of the Council. (Ord. No. 661, Revised, 04/10/90)

C. The City Manager shall support and assist the City Council in accomplishing its duties and responsibilities by identifying problem areas that require Council attention, by recommending the adoption of specific ordinances, resolutions or other measures, by preparing an annual budget and advising the Council of the financial condition and needs of the City, and by keeping the Council abreast of events happening in the City and matters that affect the City. (Ord. No. 661, Revised, 04/10/90)

D. The City Council shall support and assist the City Manager in accomplishing his or her duties and responsibilities by providing specific policy directives, by providing the resources necessary to accomplish those directives, and by allowing the Manager to develop and use his or her own style and techniques of administration to fulfill the will of the City Council. (Ord. No. 661, Revised, 04/10/90)

E. No member of the City Council shall direct or request, except in writing, the appointment of any person to, or his removal from office. No member of the City Council shall interfere in any way with appointed officers in the performance of their duties. The Council shall not give orders to any subordinate of the City Manager, either publicly or privately, but may make suggestions and recommendations to the City Manager. (Ord. No. 661, Revised, 04/10/90)

F. Nothing in paragraph E, above, shall prevent the City Council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer, department, or agency of the City government, or any matter relating to the welfare of the City, and delegating to these committees such powers of inquiry as the City Council may deem necessary. Any committee appointed to investigate the conduct of any officer of the City shall be authorized to review that officer's personnel records. (Ord. No. 661, Revised, 04/10/90)

**Article 2-3. Mayor and Council**

- 2-3-1. City Council.
- 2-3-2. Election.
- 2-3-3. Candidates for Elective Office.
- 2-3-4. Campaign Finance Disclosure.
- 2-3-5. Term of Office.
- 2-3-6. Automatic Vacancy.
- 2-3-7. Vacancy in Office of Mayor or Councilmember.
- 2-3-8. Powers and Duties of Mayor.
- 2-3-9. Mayor Pro Tempore.
- 2-3-10. Functions of City Council.
- 2-3-11. Voting by City Council.

**2-3-1. City Council.**

The City Council shall consist of a Mayor and six (6) City Councilmembers.  
(Ord. No. 661, Revised, 04/10/90)

**2-3-2. Election.**

The Mayor and each Councilmember shall be elected at large by the registered voters of the City. Elections shall be held in accordance with applicable State laws. The Election Official designated in Section 20A-1-102(23)(c) of the Utah State Code shall be the City Recorder (Municipal Clerk).  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0033, Amended, 06/24/97)

**2-3-3. Candidates for Elective Office.**

A. **Qualifications.** Candidate for any municipal office shall meet the following qualifications:

1. Candidates shall be registered voters in the municipality.
2. Candidates shall be U.S. Citizens at the time of filing.
3. Candidates shall be residents of the City of Orem. Residency can be established by:
  - a. Residing in the City of Orem for the twelve (12) consecutive months immediately before the date of the election; or
  - b. If the candidate resides in an area recently annexed into the City of Orem, the candidate must have resided in the annexed area or the City for twelve (12) months.
4. Pursuant to Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to vote or hold elective office is restored as provided by statute.
5. Candidates employed by the City shall terminate their City employment before being sworn in, if elected.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0033, Amended, 06/24/97; Ord. No. O-05-0014, Amended, 5/10/2005)

**B. Filing for Elective Office and Filing Fees.**

1. **Declaration of Candidacy.** Each person seeking to become a candidate for a municipal office shall file a Declaration of Candidacy in person with the City Recorder and pay a \$35 filing fee during office hours and not later than 5:00 p.m., between July 1 and July 15 of any odd-numbered year.

2. **Nominating Petition.** Any resident of a municipality may nominate a candidate for a municipal office by filing a Nomination Petition with the City Recorder and by paying a \$35 filing fee during office hours, but not later than 5:00 p.m. between July 1 and July 15 of any odd-numbered year.

3. **Exception for Deadline.** When July 15 is a Saturday, Sunday, or holiday, the filing period shall be extended until 5:00 p.m. on the following regular business day.

4. **Write-In Candidate.** Any person wishing to become a valid write-in candidate shall file a Declaration of Candidacy with the City Recorder and by paying a \$35 filing fee not later than thirty (30) days before the Municipal General Election.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0033, Amended, 06/24/97; Ord. No. O-05-0014, Amended, 5/10/2005; Ord. No. O-07-0026, Amended 04/24/2007)

**2-3-4. Campaign Finance Disclosure.**

A. **Purpose and intent.** The purpose of this section is to comply with Section 10-3-208 of the Utah Code Annotated and to establish campaign financial disclosure requirements for candidates for elective office in the City of Orem.

(Ord. No. O-95-0041, Enacted, 06/27/95; Ord. No. O-97-0033, Amended, 06/24/97; Ord. No. O-05-0014, Amended, 5/10/2005; Ord. No. O-07-0033, Amended 06/26/2007)

**B. Definitions.**

**Contribution** means the receiving of money and nonmonetary contributions such as in-kind contributions and contributions of tangible things for a political purpose.

**Expenditure** means the spending or paying of money or nonmonetary items such as tangible things and in-kind payments for a political purpose made during the campaign period.

**Municipal primary election** means the election held in municipalities on the second Tuesday after the first Monday in the September before the Municipal general election.

**Municipal general election** means the election held in municipalities on the Tuesday after

the first Monday in November of each odd-numbered year.

(Ord. No. O-95-0041, Enacted, 06/27/95; Ord. No. O-97-0033, Amended, 06/24/97; Ord. No. O-05-0014, Amended, 5/10/2005; Ord. No. O-07-0033, Amended 06/26/2007)

**C. Reporting.**

1. The City Recorder shall, at the time the candidate for municipal office files a declaration of candidacy and again fourteen (14) days before each municipal primary and municipal general election, notify the candidate in writing of:

- a. the provisions of this ordinance governing the disclosure of campaign contributions and expenditures;
- b. the dates when the candidate's campaign finance statement is required to be filed; and
- c. the penalties that apply for failure to file a timely campaign statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

2. A report is considered filed if it is received in the City Recorder's office no later than 5 p.m. on the date that it is due;

3. Each candidate for elected municipal office shall file a signed campaign financial statement with the City Recorder containing itemized and total campaign contributions and expenditures as outlined below:

a. **Candidates in the Municipal Primary Election.** Candidates in the municipal primary election shall file a first campaign financial statement at least seven (7) days, but not more than fourteen (14) days before the municipal primary election. The first campaign financial statement shall include contributions received and expenditures made up through and including fifteen (15) days before the municipal primary election.

b. **Candidates Eliminated at the Municipal Primary Election.** Candidates who are eliminated at the municipal primary election shall file a campaign financial statement within the thirty (30) days after the municipal primary election. The post-primary election campaign financial statement shall include contributions received and expenditures made from fourteen (14) days before the municipal primary election (all contributions received and expenditures made after the cutoff date for the first campaign financial statement filing period) until the date

the candidate files the post-primary election financial statement.

a. **Candidates in the Municipal General Election.** Candidates in the municipal general election shall file the following campaign financial statements:

1. A second campaign financial statement shall be filed at least seven (7) days, but not more than fourteen (14) days before the municipal general election. The second campaign financial statement shall include contributions received and expenditures made up through and including fifteen (15) days before the municipal general election.

2. A third campaign financial statement shall be filed within the thirty (30) days following the municipal general election. The third campaign financial statement shall include contributions received and expenditures made from fourteen (14) days before the municipal general election (all contributions received and expenditures made after the cutoff date for the first campaign financial statement filing period) until the date the candidate files the third campaign financial statement.

3. If the candidate receives contributions or makes expenditures after the date the candidate files the fourth campaign financial statement, the candidate shall file an additional campaign financial statement(s) within thirty (30) days of receiving the contribution or making the expenditure.

4. **Contents of Statement.** The campaign financial statement must include the following information:

- a. For each contribution of more than \$50.00, the name of the donor of the contribution and the amount of the contribution.
- b. An aggregate total of all contributions of \$50.00 or less received by the candidate.
- c. For each expenditure for a political purpose made during the campaign period, the name of the recipient and the amount of the expenditure.

(Ord. No. O-95-0041, Enacted, 06/27/95; Ord. No. O-97-0033, Amended, 06/24/97; Ord. No. O-05-0014, Amended, 5/10/2005; Ord. No. O-07-0033, Amended 06/26/2007)

**D. Classification.** The signed campaign financial statement received by the City Recorder pursuant to this section shall be classified as a public record.

(Ord. No. O-95-0041, Enacted, 06/27/95; Ord. No. O-97-0033, Amended, 06/24/97; Ord. No. O-05-0014, Amended, 5/10/2005; Ord. No. O-07-0033, Amended 06/26/2007)

**E. Penalty.**

1. Any person who fails to comply with this Section is guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00). Each and every failure to file the required campaign financial statement shall constitute a separate offense.

2. In addition to the penalty imposed in E(1), if a candidate fails to file a campaign finance statement before a municipal primary or general election by the deadlines specified above, the candidate's name shall be removed from the ballot pursuant to State law.

(Ord. No. O-95-0041, Enacted, 06/27/95; Ord. No. O-97-0033, Amended, 06/24/97; Ord. No. O-05-0014, Amended, 5/10/2005; Ord. No. O-07-0033, Amended 06/26/2007)

**2-3-5. Term of Office.**

A. The term of office for the Mayor and each Councilmember shall be four (4) years.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-4)

B. Councilmembers shall serve staggered terms, with three Councilmembers up for election every two (2) years.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-4)

C. The Mayor shall be elected every four (4) years, beginning with the 1981 municipal election.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-4)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the elected official's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-4)

**2-3-6. Automatic Vacancy.**

An elected official's office automatically becomes vacant if, at any time during that official's term of office, he or she establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-5)

**2-3-7. Vacancy in Office of Mayor or Councilmember.**

A. If there is a vacancy in the office of Mayor or City Councilmember, the remaining members of the City Council shall appoint a registered voter in the City to fill the unexpired term of the office vacated, except as otherwise provided in subparagraph C of this section. Before acting to fill the vacancy, the municipal legislative body shall:

1. give public notice of the vacancy at least two (2) weeks before the municipal legislative body meets to fill the vacancy; and

2. identify, in the notice:

a. the date, time, and place of the meeting where the vacancy will be filled; and

b. the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-6; Ord. No. O-97-0033, Amended, 06/24/97)

B. If, for any reason, the Council does not fill the vacancy within 30 days after the vacancy occurs, the Council shall vote upon the names that have been submitted. The two persons having the highest number of votes of the Council shall appear before the Council and the Council shall vote again. If neither candidate receives a majority vote of the Council at that time, the vacancy shall be filled by lot in the presence of the Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-6; Ord. No. O-97-0033, Amended, 06/24/97)

C. A vacancy in the office of Mayor or Councilmember is filled by an interim appointment, followed by an election to fill a two-year term, if:

1. the vacancy occurs, or a letter of resignation is received by the City Council, at least fourteen (14) days before the deadline for filing for election in an odd-numbered year; and

2. Two (2) years of the vacated term will remain after the first Monday of January following the next municipal election.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-6; Ord. No. O-97-0033, Amended, 06/24/97)

D. In appointing an interim replacement, the City Council shall comply with the notice requirements of this section.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-6; Ord. No. O-97-0033, Amended, 06/24/97)

E. A member of the Council may not participate in any part of the process established in this section to fill a vacancy if that member is being considered for appointment to fill the vacancy.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-6; Ord. No. O-97-0033, Amended, 06/24/97)

**2-3-8. Powers and Duties of Mayor.**

A. The Mayor shall have the following powers and duties:

1. To preside at all meetings of the Council and to serve as chairman of the Council.
2. To have a vote in all Council proceedings.
3. To execute bonds, notes, contracts and written obligations as required on behalf of the City.
4. To be chief ceremonial officer of the City.
5. To represent the City in all its external relationships.
6. To make appointments to council advisory boards and commissions, as provided by City ordinances.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-7)

B. In addition to the powers and duties set forth in paragraph A, the Mayor shall have all of the powers, duties, and privileges of other City Councilmembers.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-7)

C. The powers and duties of the Mayor shall be limited to those set forth in this section and applicable State law.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-7)

**2-3-9. Mayor Pro Tempore.**

A. The City Council shall elect one of its members to act as the Mayor pro tempore during the Mayor's absence or disability. The election of a Mayor pro tempore shall be entered in the minutes of a City Council meeting. If the Mayor and the Mayor pro tempore are both absent from a particular meeting, the Council may elect a Mayor pro tempore to serve at that particular meeting only.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-8)

B. The Mayor pro tempore shall serve for six (6) months or until a successor Mayor pro tempore is elected by the Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-8)

C. Any member of the City Council appointed to act as Mayor pro tempore shall still have only one vote on each issue presented to the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-8)

D. The Mayor may request any member of the City Council to represent the City at public or promotional functions outside of City Council meetings.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-8)

E. If no member of the City Council is able to represent the Mayor at public or promotional functions outside of City Council meetings, the City Manager or his designated staff member may do so.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-8)

**2-3-10. Functions of City Council.**

The City Council shall pass ordinances and resolutions, make policy directives, appropriate funds, review city administration, specifically, the performance of the City Manager, and perform all duties that may be required of it by law.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-9)

**2-3-11. Voting by City Council.**

A. The City Council shall not take any action unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

B. A quorum shall consist of any four (4) members of the City Council (including the Mayor).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

C. Unless otherwise prescribed by law, the minimum number of yes votes required to pass any ordinance or resolution, or to take any City Council action, shall be a majority of the members of the quorum, but shall never be less than four (4).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

D. All seven (7) members of the City Council (the Mayor plus the six (6) Councilmembers) shall have an equal vote on all matters coming before the City Council. The Mayor shall not have the power to veto actions of the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

E. Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the Council, even though such majority vote is less than that required.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

F. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the City. A roll call vote shall also be taken when requested by any City Councilmember. For the purposes of this section, "roll call vote" shall mean any vote for which the specific

"yes" or "no" vote of each member present is voiced at the meeting and recorded in the minutes.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

G. A majority of the remaining members of the City Council, regardless of number, may vote to fill any vacancy in the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

H. The City Council may adopt additional rules and regulations governing voting procedures and meeting procedures that are not contrary to this Chapter or State law.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-95-0041, Renumbered, 06/27/95, 2-3-10)

**Article 2-4. City Council Meetings****2-4-1. Regular Meetings.****2-4-2. Public Notice of Meetings.****2-4-3. Open Meetings and Closed Meetings.****2-4-4. Minutes of City Council Meetings.****2-4-5. Meeting Procedure.****2-4-1. Regular Meetings.**

A. The City Council shall hold its regular meetings on Tuesday evenings at 6:00 p.m., according to a published yearly schedule, unless otherwise specified.

(Ord. No. 661, Revised, 04/10/90)

B. The location of all meetings shall be in the City Council Chamber at the Orem City Center, 56 North State Street, Orem, Utah, unless otherwise specified.

(Ord. No. 661, Revised, 04/10/90)

**2-4-2. Public Notice of Meetings.**

A. The City Council shall give public notice at least once each year of its annual meeting schedule. The public notice shall specify the date, time and place of the meetings.

(Ord. No. 661, Revised, 04/10/90)

B. In addition to the notice requirements of subsection A of this section, the City Council shall give not less than 24 hours' public notice of the agenda, date, time and place of each of its meetings.

(Ord. No. 661, Revised, 04/10/90)

C. For purposes of this section, "public notice" shall be satisfied by:

1. Posting written notice at the principal office of the City Council, or if no such office exists, at the building where the meeting is to be held; and

2. Providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the City, or to a local media correspondent.

(Ord. No. 661, Revised, 04/10/90)

D. When because of unforeseen circumstances it is necessary to hold an emergency meeting to consider matters of an emergency or an urgent nature, the notice requirements of this section may be disregarded and the best notice practicable given.

(Ord. No. 661, Revised, 04/10/90)

E. In addition to the notices set forth above, the City shall give such additional notices as may be required by State law and/or City ordinance for the particular type of action being considered.

(Ord. No. 661, Revised, 04/10/90)

**2-4-3. Open Meetings and Closed Meetings.**

A. All meetings of the City Council shall be held in compliance with State laws relating to open and public meetings.

(Ord. No. 661, Revised, 04/10/90)

B. A closed meeting may be held upon the affirmative vote of two-thirds of the City Councilmembers present at an open meeting for which the required notice has been given. The minimum number of affirmative votes to hold a closed meeting shall be four (4).

(Ord. No. 661, Revised, 04/10/90)

C. No closed meeting is allowed except as to matters exempted by State law from open meeting requirements.

(Ord. No. 661, Revised, 04/10/90)

D. The reason or reasons for holding a closed meeting, and the vote, either for or against the proposition to hold the closed meeting, cast by each member by name, shall be entered on the minutes of the meeting.

(Ord. No. 661, Revised, 04/10/90)

**2-4-4. Minutes of City Council Meetings.**

A. The City Recorder shall prepare and keep written minutes and recordings of Council meetings in accordance with the Utah Open and Public Meetings Act. Minutes and recordings shall be made available to the public as required by the Act.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0013, Amended 06/09/2009)

B. The procedure for approving the minutes shall be set forth in the City Council Meeting Policies and Procedures Manual.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0013, Amended 06/09/2009)

C. The minutes are public records and shall be available to the public after approval by the City Council.

(Ord. No. 661, Revised, 04/10/90)

**2-4-5. Meeting Procedure.**

A. The City Council may adopt rules and procedures for the efficient and fair functioning of its meetings. Failure to adhere to any adopted rules and procedures shall not invalidate an otherwise valid action of the Council. The rules and procedures are adopted solely to provide a guideline for parliamentary procedure, to promote fairness, and to expedite matters before the Council. The rules and procedures are not intended to hinder business or to impose undue artificiality in the meeting.

(Ord. No. 661, Revised, 04/10/90)

B. The City Council may fine or expel any City Councilmember for disorderly conduct on a two-thirds vote of the members of the Council.

(Ord. No. 661, Revised, 04/10/90)

C. The City Council on a two-thirds vote may expel any person who is disorderly during a Council meeting. This section or any action taken by the City Council pursuant hereto, shall not preclude prosecution under any other provision of law.

(Ord. No. 661, Revised, 04/10/90)

D. The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this section or it may issue subpoenas in its own name in the same manner as is provided in the Utah Rules of Civil Procedure.

(Ord. No. 661, Revised, 04/10/90)

**Article 2-5. City Manager**

**2-5-1. City Manager Position Established.**

**2-5-2. Appointment of City Manager.**

**2-5-3. Removal of City Manager.**

**2-5-4. Chief Executive Officer.**

**2-5-5. Powers and Duties of City Manager.**

**2-5-6. Supplemental Powers of City Manager.**

**2-5-1. City Manager Position Established.**

The position of City Manager is hereby established.  
(Ord. No. 661, Revised, 04/10/90)

**2-5-2. Appointment of City Manager.**

A. The City Manager shall be appointed by a two-thirds vote of the full membership of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. The City Manager shall be appointed solely on the basis of his or her abilities, integrity, and prior experience relating to the duties of the office, including but not limited to, abilities in public administration and executive leadership, and shall possess such leadership and managerial capabilities as in the opinion of the Council befit him or her to provide professional direction to the executive affairs of the City.  
(Ord. No. 661, Revised, 04/10/90)

**2-5-3. Removal of City Manager.**

A. The City Council may remove the City Manager by majority vote.  
(Ord. No. 661, Revised, 04/10/90)

B. Except in the case of removal for proven malfeasance in office, the Council shall cause the manager, upon his or her removal, to be paid any unpaid balance of his or her salary due to the date of removal, together with his or her salary at the same rate for the next six calendar months following the date of removal.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0027, Amended, 09/06/94)

**2-5-4. Chief Executive Officer.**

The City Manager shall be the Chief Executive Officer of the City.  
(Ord. No. 661, Revised, 04/10/90)

**2-5-5. Powers and Duties of City Manager.**

The City Manager shall have the power, and it shall be his or her duty to:

A. Faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the City are observed;  
(Ord. No. 661, Revised, 04/10/90)

B. Carry out the policies and programs established by the City Council;  
(Ord. No. 661, Revised, 04/10/90)

C. Organize and direct the management of the executive affairs of the City in a manner consistent with the Optional Forms of Municipal Government Act and with City ordinances;  
(Ord. No. 661, Revised, 04/10/90)

D. Appoint a budget officer for the purpose of complying with the requirements of the uniform municipal fiscal procedures act;  
(Ord. No. 661, Revised, 04/10/90)

E. Appoint, with the advice and consent of the City Council, a qualified person to each of the offices of recorder, treasurer, engineer, and attorney; create any other offices as may be deemed necessary for the good government of the City; and regulate and prescribe the powers and duties of all other officers of the City, except as provided by law or by ordinance;  
(Ord. No. 661, Revised, 04/10/90)

F. Examine and inspect the books, records and official papers of any office, department, agency, board, or commission of the City, and make investigations and require reports from personnel;  
(Ord. No. 661, Revised, 04/10/90)

G. Appoint, subject to the provisions of the Optional Forms of Municipal Government Act and the Municipal Administrative Code of the City of Orem, heads of municipal offices, departments, and agencies; and with the advice and consent of the City Council, suspend or remove them.  
(Ord. No. 661, Revised, 04/10/90)

H. Establish standards, qualifications, criteria, and procedures to govern the appointments, by heads of offices, departments, and agencies or by other authorized officers, of divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and Municipal Administrative Code;  
(Ord. No. 661, Revised, 04/10/90)

I. Submit to the City Council plans and programs relating to the development and needs of the City, and annual and special reports concerning the financial, administrative and operational activities of City offices, departments, agencies, boards, and commissions, together with his or her evaluation and recommendations relating to them;  
(Ord. No. 661, Revised, 04/10/90)

J. Attend all meetings of the City Council and take part in its discussions and deliberations, but without the right to vote;  
(Ord. No. 661, Revised, 04/10/90)

K. Appoint, with approval by majority vote of the full membership of the City Council, an acting municipal manager to serve in his or her absence or temporary incapacity to perform the powers and duties of the City Manager; and  
(Ord. No. 661, Revised, 04/10/90)

L. Discharge any other duties specified by statute or imposed by the City Council.  
(Ord. No. 661, Revised, 04/10/90)

**2-5-6. Supplemental Powers of City Manager.**

In addition to the powers and duties enumerated in Section 2-5-5, the City Manager may:

A. Designate himself or some other officer or employee to perform the duties of any office or position under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.  
(Ord. No. 661, Revised, 04/10/90)

B. Prescribe policies, rules or regulations, not inconsistent with law, to ensure efficiency and effectiveness in the operation of City government.  
(Ord. No. 661, Revised, 04/10/90)

C. Execute administrative agreements that carry out the directives of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

D. Perform any other activity, not inconsistent with law, that is necessary to effectively administer the operations of the City or to fulfill the will of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

**Article 2-6. City Operations**

- 2-6-1. City Administration.**
- 2-6-2. City Personnel System.**
- 2-6-3. Specific City Officers.**
- 2-6-4. Oaths of Office.**
- 2-6-5. Fidelity Bonds.**
- 2-6-6. Official Neglect and Misconduct.**
- 2-6-7. Surrender of effects of office.**
- 2-6-8. Conflict of interest and use of office for personal benefit prohibited.**
- 2-6-9. Claims against City.**

**2-6-1. City Administration.**

A. The administration of the City shall be conducted by and through the City Manager's Office and the operating departments deemed necessary by the City Manager.

(Ord. No. 661, Revised, 04/10/90)

B. Each department shall be administered by a director, who shall be the head of that department.

(Ord. No. 661, Revised, 04/10/90)

C. Department directors shall be appointed by the City Manager, subject to the provisions of this Chapter.

(Ord. No. 661, Revised, 04/10/90)

D. Each department director shall have the authority, under the general supervision of the City Manager, to take any action necessary to accomplish the duties and responsibilities of the director's office, as well as those duties and responsibilities imposed by law or the City Manager.

(Ord. No. 661, Revised, 04/10/90)

**2-6-2. City Personnel System.**

A. The City Manager shall establish and implement personnel policies and procedures, compensation programs, and other personnel programs. Any such policies, procedures or programs shall constitute the City personnel system and shall have the force and effect of law.

(Ord. No. 661, Revised, 04/10/90)

B. The City personnel system established by the City Manager shall provide for:

- 1. A citywide system of employment that is free from personal and political influences, nepotism and sexual harassment.
- 2. Equal employment opportunity without discrimination against any employees or applicants for employment because of race, creed, color, ancestry, religion, sex, age or national origin.
- 3. Just and equitable incentives and conditions of employment established and

maintained to promote efficiency and economy in the operation of City government.

4. Justifiable and uniform compensation and classification for positions having similar duties and responsibilities.

5. Appointments, promotions and all other personnel actions requiring the application of merit principles based, when possible, on systematic and validated tests and evaluations.

6. High morale maintained by fair and just administration of this ordinance and by every consideration of the rights and interest of employees consistent with the best interest of the public and the City.

7. A formal plan of adopted and published rules and regulations for the appointment, dismissal, promotion, demotion, transfer, tenure, discipline, classification, compensation, benefits and training of City employees.

8. A grievance and disciplinary appeal process.

(Ord. No. 661, Revised, 04/10/90)

C. The City personnel system shall be administered by the City Manager.

(Ord. No. 661, Revised, 04/10/90)

D. All City employees shall be subject to discipline or termination as provided for by the City personnel system or applicable State law.

(Ord. No. 661, Revised, 04/10/90)

**2-6-3. Specific City Officers.**

A. The Director of Administrative Services shall be the director of finance and budget officer for the City.

(Ord. No. 661, Revised, 04/10/90)

B. The offices of City Attorney, City Recorder, City Treasurer, and City Engineer are required by State law. None of these offices shall be abolished unless allowed by State law. Some of the duties and responsibilities of these offices are prescribed by State law. The persons holding these offices shall be required to fulfill those duties and responsibilities prescribed by State law, under the direction of the City Manager.

(Ord. No. 661, Revised, 04/10/90)

**2-6-4. Oaths of Office.**

A. All elected officials, the City Manager, Department Directors, and individuals filling offices required by State statute shall take the constitutional oath of office before assuming the duties of their respective offices.

(Ord. No. 661, Revised, 04/10/90)

B. The oath of office shall be administered by any judge, justice of the peace, notary public or the City Recorder.

(Ord. No. 661, Revised, 04/10/90)

C. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election, or as soon thereafter as is practical.

(Ord. No. 661, Revised, 04/10/90)

D. Appointed officers shall take their oath at any time before assuming their duties.

(Ord. No. 661, Revised, 04/10/90)

E. All oaths of office shall be filed with the City Recorder.

(Ord. No. 661, Revised, 04/10/90)

F. No official act of any person required to take the constitutional oath of office shall be invalid for the reason that he or she failed to take the oath of office.

(Ord. No. 661, Revised, 04/10/90)

G. The City Manager may require any other officer or employee to take the oath of office.

(Ord. No. 661, Revised, 04/10/90)

#### **2-6-5. Fidelity Bonds.**

A. All elected officers, appointees and employees shall be bonded as required by state law.

(Ord. No. 661, Revised, 04/10/90)

B. The City may require additional officers, appointees or employees to be bonded.

(Ord. No. 661, Revised, 04/10/90)

C. The premium charged for any bond required by this section shall be paid by the City.

(Ord. No. 661, Revised, 04/10/90)

D. No otherwise valid act of any person required to be bonded shall be deemed invalid solely because the required bond was not in place.

(Ord. No. 661, Revised, 04/10/90)

#### **2-6-6. Official Neglect and Misconduct.**

In case any City officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, malconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any municipal office thereafter.

(Ord. No. 661, Revised, 04/10/90)

#### **2-6-7. Surrender of effects of office.**

A. Every officer, employee and elected official of the City shall, immediately upon leaving that particular office or position of employment, deliver to his or her

successor in office all properties, books and effects of every description in his or her possession belonging to the City or appertaining to his or her office or employment. If no successor has been appointed, the properties, books and effects shall be delivered to the City Manager or his or her designee.

(Ord. No. 661, Revised, 04/10/90)

B. The individual leaving office or employment shall be liable to the City for all damages caused by his or her failure to deliver any property, book or effect of the office or employment and shall be subject to prosecution for a Class B misdemeanor.

(Ord. No. 661, Revised, 04/10/90)

#### **2-6-8. Conflict of interest and use of office for personal benefit prohibited.**

A. Each public servant shall comply with the provisions of the Utah Municipal Officers and Employees Ethics Act, Sections 10-3-1301 et seq. U.C.A. (1953, as amended).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0020, Amended, 04/25/2000)

B. Whenever the performance of a public servant's official duty requires governmental action on any matter involving that person's or a relative of that person's direct financial or personal interest and it is reasonably foreseeable that the decision will have an individualized material effect on such interest, distinguishable from its effect on the public generally, the public servant shall disclose the conflict and disqualify herself or himself from deliberating, deciding and voting upon the matter. Disclosure shall be made to the public body of which the public servant is a member, or in the case of an employee of the City, to the employee's supervisor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0020, Amended, 04/25/2000)

C. Subsection B shall not apply to (1) decisions regarding the payment of salaries, benefits, or other compensation made by the City in exchange for the performance of the public servant's official duties, (2) decisions regarding the attendance at official functions or training where the public servant is sent by or representing the City as part of his or her official duties, or (3) similar decisions which are part of the public servant's official duties and are approved through normal City channels or procedures.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0020, Amended, 04/25/2000)

D. For purposes of this section "public servant" shall be defined as any elected or appointed official of the City, any member of a board, commission or committee of the City, or any employee of the City. "Relative" shall be defined as the immediate family of a public servant.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0020, Amended, 04/25/2000)

E. A violation of Subsection B above shall be a class B misdemeanor.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0020, Amended, 04/25/2000)

**2-6-9. Claims against City.**

All claims against the City shall be filed according to State law and handled according to any policies or procedures adopted by the City Manager.  
(Ord. No. 661, Revised, 04/10/90)

## Article 2-7. Purchasing Procedures and Disposal of City Property

- 2-7-1. Policies and Procedures.
- 2-7-2. Definitions.
- 2-7-3. Administration.
- 2-7-4. Bid Processes.
- 2-7-5. Choice of Bid Process.
- 2-7-6. Exceptions to Bidding Requirements set forth in Section 2-7-5.
- 2-7-7. Bid Awards.
- 2-7-8. Agreements with other agencies.
- 2-7-9. Disposal or Lease of Public Property.
- 2-7-10. Sanctions.
- 2-7-11. Attachment "O" to the Office of Management and Budget Circular A-110 to be followed.

### 2-7-1. Policies and Procedures.

The provisions of this Article govern the purchase of goods and services and the disposal of property by the City. The City Manager may adopt policies and procedures as needed to supplement and carry out the intent of this Article. The City Manager's policies and procedures may augment, but not alter, the standards set forth in this Article.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

### 2-7-2. Definitions.

Unless the context requires otherwise, the terms used in this Article shall have the following meanings:

A. **Bidding:** Procedure used to solicit quotations on price and delivery from various prospective suppliers of specified supplies, equipment, and contractual services.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-07-0047, Amended 10/23/2007)

B. **Bid process:** The type of process used by the City to solicit and award bids or contracts. Examples of bid processes used in this Article include formal competitive bidding, requests for proposals (RFPs), and open market procedure.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-07-0047, Amended 10/23/2007)

C. **City Manager:** The City Manager of the City of Orem, Utah, or his or her designee.

(Ord. No. O-07-0047, Enacted 10/23/2007)

D. **Lowest responsible bidder** A bidder who:

1. has submitted a bid in compliance with the invitation to bid and within the requirements of the City's plans and specifications;

2. is the lowest bidder that satisfies, if applicable, the City's criteria relating to financial strength, past performance, integrity, reliability, quality of equipment, delivery times, and other factors that the City uses to assess the ability of a bidder to fully and in good faith perform the contract requirements;

3. has furnished a bid bond or equivalent in money as a condition to the award of a contract; and

4. furnishes a payment and performance bond as required by law.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

E. **Public property:** Any item of real or personal property owned by the City.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

F. **Supplies, materials and equipment:** Any tangible article or thing furnished to or used by any City department or by any City employee in the performance of his or her duties. For purposes of brevity, supplies, materials, and equipment shall hereafter be collectively referred to as "supplies".

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

### 2-7-3. Administration.

The City Manager shall administer the purchasing procedures outlined in this Article. The City Manager shall perform the following duties and have the following powers concerning purchasing matters:

A. Administer and maintain the purchasing procedures and other rules and regulations established by this Article and its authority.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

B. Recommend new or revised purchasing rules and regulations as are deemed desirable and in conformance with other statutory requirements, and to interpret the provisions of this Article and applicable statutes.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

C. Negotiate and execute contracts for the purchase of supplies and the provision of services.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

D. To the extent possible, obtain full and open competition on all purchases in accordance with this ordinance.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

E. Keep informed of current developments in the field of purchasing, i.e., prices, market conditions, new products, etc.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

F. Prescribe and maintain such forms as are reasonably necessary to the operation of this Article and other rules and regulations.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

G. Supervise the inspection of all supplies to assure conformance with specifications.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

H. Transfer surplus or unused supplies between departments as needed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

I. Maintain a bidders' list, vendors' catalog file, and other records needed for the efficient operation of the purchasing procedures.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**2-7-4. Bid Processes.**

Except as provided in Section 2-7-9, bids shall be accepted and awarded by the City Manager pursuant to one of the bid processes outlined in this Section. Section 2-7-5 establishes when each of the bid processes described in this Section may be used. The City shall substantially comply with the following guidelines for the specific bid process used:

**A. Competitive Sealed Bidding.**

1. **Description.** Competitive sealed bidding is a procedure in which vendors or contractors are invited to submit formal bids to provide a designated product or to complete a designated project in accordance with specifications provided by the City.

2. **Appropriateness.** Competitive sealed bidding is generally appropriate for all types of procurements. When contractor quality is a prime concern in awarding a project bid, the City may pre-qualify bidders according to a policy established by the City Manager.

3. **Notice inviting bids issued.** The City shall provide notice of its invitation for bids.

a. Notice includes a general description of the articles to be purchased or the work to be performed, the location where bid blanks and specifications may be secured, and the time and place for opening bids.

b. The notice inviting bids shall be:

1. Published in a newspaper of general circulation in the City at least ten (10) days before the date of the opening of the bids.

2. Delivered to all known responsible prospective suppliers, including those whose names are on a bidders' list or who have made a written request that their names be added to the bidders' list.

3. Posted on a public bulletin board in the City Center Building at least ten (10) days before the opening of the bids.

**4. Bid procedure.**

a. Sealed bids (or electronically submitted bids) shall be submitted as designated in the notice with the statement "Bid for (item or project)" on the envelope (or in the electronic transmission).

b. Bids shall be opened (or read, in the case of electronically submitted bids) in public at the time and place stated in the public notice.

c. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.

5. **Bid Award.** If the City elects to proceed with the purchase or project, bids shall be awarded to the lowest responsive responsible bidder.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**B. Requests for Proposals.**

1. **Description.** Requests for proposals (RFPs) are invitations for suppliers or contractors to submit a proposal on a specific product or service. The City awards the contract for the product or service based on criteria set forth in the request for proposals.

2. **Appropriateness.** RFPs may be used when required by law, or when the City Manager determines that the use of formal competitive bidding is either impractical or not advantageous to the City. In making this determination, the City Manager shall consider factors such as:

a. whether there may be a need for price and service negotiation;

b. whether there may be a need for negotiation during performance of the contract;

c. whether the relative skills or expertise of the offerors will have to be evaluated;

d. whether cost is secondary to the characteristics of the product or service sought, as in a work of art;

e. whether the conditions of the service, product or delivery are unable to be sufficiently described in the invitation for bids;

f. whether the City is requesting the offeror to propose a method or strategy for completing the project; and

g. whether there may be a need to negotiate completion times related to the project.

If the City is requesting a price to complete an already designed project or to purchase a specific product(s), it will generally be more appropriate to use the competitive sealed bids procedure rather than the request for proposals procedure. Professional services will generally be procured through the request for proposals procedure or as set forth in Section 2-7-6(A).

**3. Notice.**

a. Proposals shall be solicited through a request for proposals.

b. Public notice of the request for proposals shall be given.

4. **Request for proposals.** The request for proposals shall state the relative importance of price and other evaluating factors.

5. **Opening of proposals.** Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. Nothing herein shall be interpreted to prohibit the City from allowing or accepting electronically submitted proposals.

**6. Revision of proposals.**

a. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

b. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revision may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.

c. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

7. **Award.** Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City, taking into consideration price, the evaluation factors set forth in the request for proposals, and other criteria set forth herein.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**C. Open market procedure.**

1. **Price Quotations.** Purchases shall, whenever possible, be based on at least three (3) bids (price quotations) and shall be awarded to the lowest responsible bidder.

2. **Request for Quotations.** Bids (price quotations) shall be solicited from prospective vendors by written or oral request.

3. **Records.** The person soliciting the price quotations shall keep a record of quotations solicited, including vendor names, date of solicitation and price quoted, and shall include this information with the purchase order.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**D. Errors and Mistakes in Bid Process.** The City Manager may waive minor irregularities in bid procedures if he determines, in his sole discretion, that the minor irregularities do not have a material effect on the outcome of the bid process and that the process remains fundamentally fair to the City and all participants. In cases where the error has a material effect on the outcome of the bid process, the City Manager may (1) reject all bids, (2) award the bid to the lowest responsive responsible bidder (if the City elects to disqualify bidders who do not strictly comply with the bid specifications), or (3) correct mistakes in accordance with policies adopted by the City Manager or in accordance with procurement rules in the State Administrative Code.

(Ord. No. O-07-0047, Enacted 10/23/2007)

**2-7-5. Choice of Bid Process.**

Except as otherwise provided in this Article or by provisions of State or Federal law, purchases of supplies or services shall follow one of the bid processes outlined below for the appropriate dollar amount. The cost of the supply or service shall not be divided to avoid bid requirements. In cases where more than one alternative is listed as acceptable for a given dollar amount, any of the listed alternatives shall be acceptable, and the City shall not incur any liability for choosing one alternative over another.

**A. Supplies and contractual services having an estimated value in excess of \$10,000.00.**

Purchases of supplies or contractual services having an estimated value in excess of ten thousand dollars (\$10,000.00) shall be pursuant to one of the following procedures:

1. Formal competitive bidding.

2. Request for proposals. (If approved by the City Manager pursuant to '2-7-4(B).)

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**B. Supplies and contractual services having an estimated value between \$2,500.00 and \$10,000.00.**

Purchases of supplies or contractual services having an estimated value of greater than Two Thousand Five Hundred Dollars (\$2,500.00) but less than or equal to ten thousand dollars (\$10,000.00) shall be pursuant to one of the following procedures:

1. Formal competitive bidding.
2. Request for proposals.
3. Open market procedure.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**C. Supplies and contractual services having an estimated value of \$2,500.00 or less.** Whenever the supplies or contractual services have an estimated value of \$2,500.00 or less, the City need not follow any formal bid procedure, but shall seek to obtain the best price possible.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**2-7-6. Exceptions to Bidding Requirements set forth in Section 2-7-5.**

The bid process requirements set forth in section 2-7-5 do not apply in the following situations:

**A. Professional service contracts.** Contracts for professional services may be awarded at the discretion of the City Manager without using the competitive sealed bids process.

1. **Professional Services.** Professional services include the following: accounting, auditing, architecture, banking, insurance, engineering, appraisal, legal, court reporter, medical, education, research, consulting, and other services where the professional qualifications of the contractor are of prime importance. Professional service contracts shall be awarded based on professional qualifications, experience, willingness and ability to meet the City's specific service requirements, cost of service, and other criteria deemed important by the City Manager.

2. **Annual Audit.** A professional service contract for the annual fiscal year financial audit shall be awarded by the City's Audit Committee. This contract may be awarded for consecutive years; however, the performance of the auditing firm shall be reviewed by the Audit Committee at the end of three (3) years, and the Council shall at that time determine whether to continue the contract for an additional two (2) years maximum or put it back out to bid. The contract must be awarded to a different firm after it has been with the same firm for five (5) years.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**B. Sole Source Procurements.** Sole source procurement may be used only if the City Manager determines that a service, product, or requirement is reasonably available only from a single supplier or contractor. Examples of circumstances which may necessitate sole source procurement are:

1. If there is only one vendor or supplier who can provide the needed product or service;
2. If the compatibility of supplies, accessories, replacement parts, or service is the paramount consideration;
3. If a sole supplier's product is needed for trial use or testing;
4. If the City is procuring utility services;
5. If the City seeks to add to, repair or maintain supplies owned by the City which may be more efficiently added to, repaired or maintained by a particular person or firm; and
6. If the City seeks supplies which, by reason of the training of City personnel or the inventory of replacement parts maintained by the City, is more compatible with the existing supplies owned by the City and if the supplies can only be acquired from a sole source.

The justification for sole source procurement shall be included in the procurement documentation. The City Manager may establish policies governing the negotiation of sole source procurements.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**C. Library purchases.** The purchase of library books, records, tapes, films, publications, periodicals, and subscriptions are specifically exempted from competitive bidding requirements, but the City shall make a good faith effort to obtain the best price possible for these purchases.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**D. Auction, closeout, bankruptcy sales.** If the City Manager determines that supplies can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and if the City Manager finds that a purchase at any such auction or sale will be made at a cost below the market cost in the community, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this article.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

E. **Exchanges.** Exchanges of supplies between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

F. **Projects performed by City employees.** City employees may be used to complete City projects, provided that the City complies with State statutory requirements governing contracts for municipal public improvements.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

G. **State bid list.** The City may purchase supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office (or any agency of the Federal government) at the quoted price, without any solicitation or price quotation or invitation to bid. For such purposes, the quoted price shall be deemed to be the lowest price available for such items and the City need not follow any other bidding requirements.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

H. **Utah Correctional Industries Division.** Goods and services produced by the Utah Correctional Industries Division may be purchased from the Utah Correctional Industries Division without following any of the bidding requirements set forth herein.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

I. **Emergency Procurements.** In times of emergency, the City Manager may choose the most practical means available to procure needed goods and services. If the situation allows, the City Manager shall attempt to achieve as much competition in the emergency procurement process as possible. Emergency procurement shall be limited to the services, supplies, and construction necessary to meet the emergency. For purposes of this paragraph, an emergency is a condition or situation which creates an immediate threat to the public health, safety, or welfare. Examples of conditions or situations which may constitute emergencies include earthquakes, floods, terrorist attacks, wars, epidemics, riots, road failures, utility failures, structure failures, and equipment failures.

(Ord. No. O-07-0047, Enacted 10/23/2007)

J. **Unsuccessful Competitive Sealed Bidding.** If the bids received in response to a competitive sealed bid process are unreasonable, noncompetitive, or in excess of available funds, and if the City Manager determines

that time or other circumstances will not permit the delay required to resolicit competitive sealed bids, the City may procure the needed goods or services using the emergency procurement procedure.

(Ord. No. O-07-0047, Enacted 10/23/2007)

K. **Internet Auction Sites.** The City may acquire supplies from internet auction sites without following formal purchasing procedures if the City Manager determines that there is an established market price for the supplies and that the supplies can be acquired less expensively from an internet auction site.

(Ord. No. O-07-0047, Enacted 10/23/2007)

L. **Used Supplies.** The City may acquire used supplies without following formal purchasing procedures if the City Manager determines that there is an established market price for the used supplies and that it is beneficial for the City to acquire the used supplies.

(Ord. No. O-07-0047, Enacted 10/23/2007)

M. **Purchases from City Warehouse.** The City may purchase items from the City warehouse without following purchasing procedures.

(Ord. No. O-07-0047, Enacted 10/23/2007)

N. **Ongoing Construction Work.** If a contractor has been hired to work in a given area by a person or entity other than the City, and if the City has work that needs to be completed in the area, and if the City Manager determines that there is an established price for the type of work that the City needs completed and that the City can save on mobilization costs by hiring the contractor that is already in the area, then the City may negotiate with and contract directly with the contractor without following formal purchasing processes.

(Ord. No. O-07-0047, Enacted 10/23/2007)

O. **Purchases by Other Governmental Entities.** If another governmental entity has, after a competitive process, awarded a bid to purchase supplies from a particular vendor within the preceding 180 days, the quoted price may be deemed to be the lowest price available for such items and the City need not follow formal purchasing procedures. Any such purchase must be approved by the City Manager on a case by case basis.

(Ord. No. O-07-0047, Enacted 10/23/2007)

P. **CARE Tax Grants.** CARE Tax grants, which are awarded by the City Council after a public process, are not subject to the bidding requirements of this Article. Expenditures of CARE Tax grants for cultural

or recreational facilities are subject to the bidding requirements of this Article.

(Ord. No. O-07-0047, Enacted 10/23/2007)

**Q. Federal or State Money.** In cases where federal or state money is being used, or in cases where federal or state procurement laws or procedures govern the types of goods or services being procured, the City shall follow the applicable federal or state procurement laws or procedures in lieu of the procedures set forth in this ordinance.

(Ord. No. O-07-0047, Enacted 10/23/2007)

**R. Donated Funds.** In cases where a donor or grantor has contributed funds to the City, the City may expend the funds in the manner designated by the donor or grantor in lieu of the procedures set forth in this ordinance.

(Ord. No. O-07-0047, Enacted 10/23/2007)

**2-7-7. Bid Awards.**

**A. Rejection of Bids.** . The City Manager may, in his or her own discretion, reject any and all bids presented, and may re-advertise for bids as set forth in this Article.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**B. Lowest Responsive Responsible Bidder.** Except as otherwise allowed or required, the City Manager shall award the contract or bid to the lowest responsive responsible bidder.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**C. Tie Bids.** If two (2) or more of the bids received are for the same total amount (quality and service being equal), the City Manager may negotiate with the bidders and obtain the best bid possible and/or give a preference to a bidder based in the City of Orem.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**D. Single Bids.** The City Manager may require a price or cost analysis if only one bid is received. The bidder may be required to furnish a detailed cost proposal, and the bid award shall be subject to subsequent negotiation.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007)

**E. Bonds.** Before entering a contract, the City Manager shall have authority to require performance, payment and other bonds deemed necessary in such amounts as deemed necessary to protect the interests of the City. The types and amounts of the bonds to be required shall be described in the notice inviting bids.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-07-0047, Amended 10/23/2007))

**F. Contracts.** Contracts for services or supplies shall be signed by the City Manager. Contracts shall be for a term of three years or less, unless the City Manager determines on a case by case basis (before the service or supply is put out to bid or RFP) that a longer contract term is in the best interests of the City and that it would be impractical to enter into a shorter term contract for the type of service or supply contracted.

(Ord. No. O-07-0047, Enacted 10/23/2007)

**G. Appeals.** Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the City Manager. An appeal with respect to an invitation for bids or an RFP shall be submitted in writing prior to the opening of bids or the closing date for proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to the protest prior to the bid opening or the closing date for proposals. The appeal shall be submitted in writing within five working days after the aggrieved person knows or should have known of the facts giving rise thereto. The appeal shall be handled pursuant to policies established by the City Manager. The City Manager shall promptly issue a written decision regarding the appeal. The written decision shall state the reasons for the action taken. The City Manager's decision shall be deemed final unless overturned by a Court of competent jurisdiction. The statute of limitations set forth in Section 63-56-817 of the Utah Procurement Code shall apply to any suits filed related to the application of this Article, with the date of the City Manager's decision substituted for the date of the final administrative decision.

(Ord. No. O-07-0047, Enacted 10/23/2007)

**2-7-8. Agreements with other agencies.**

The City shall have the power to enter into joint purchase agreements with any or all other public agencies within the State for the purchase of any commodity, if the City Manager finds the joint purchase agreement to be in the best interests of the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-07-0047, Amended 10/23/2007)

**2-7-9. Special Rules and Procedures Required by State Law.**

State law requires the City to follow specific bid procedures for specified types of supplies and services. This Section sets forth the requirements and cites the applicable State law. The City shall comply with the applicable State law, as amended, regardless of whether or not this ordinance reflects the most recent version of State law.

**A. Building Improvements and Public Works Projects.** Building improvements and public works projects with a cost estimate that exceeds the bid limit shall be bid in accordance with applicable State law (U.C.A. '11-39-101, et seq., as amended). Applicable requirements of State law include the following:

1. **Definitions.** For purposes of this subsection A, the designated words shall be defined as follows:

- a. **Bid limit:** "Bid limit" means:
  - (i) For a building improvement:
    - a. for the year 2003, \$40,000; and
    - b. for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the Consumer Price Index during the previous calendar year; and
  - (ii) For a public works project:
    - a. for the year 2003, \$125,000; and
    - b. for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the Consumer Price Index during the previous calendar year.

b. **Building Improvement:** The construction or repair of a public building or structure.

c. **Consumer Price Index:** The Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

d. **Public Works Project:** The construction of (i) a park or recreational facility; or (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control. The definition of "public works project" does not include the replacement or repair of existing infrastructure on private property.

2. **Plans and Specifications.** The City shall cause plans and specifications to be made for the building improvement or public works project.

3. **Cost Estimate.** The City shall estimate the cost of the building improvement or public works project.

4. **Bid Notice.** If the estimated cost of the building improvement or public works project exceeds the bid limit, and if the City decides to proceed with the project, the City shall request bids by publishing notice at least twice in a newspaper published or of general circulation in Orem at least five days before opening the bids.

5. **Contract.** If the City decides to proceed with the project, the City shall enter into a contract for the completion of the building improvement or public works project with the lowest responsive responsible bidder.

6. **Exceptions.** The State statutory bidding requirements do not apply to (i) emergency repairs, as defined by State law, or (ii) building improvements or public works projects if the estimated cost is less than the bid limit.

7. **Bid Rejection/Work by City.** The City may reject any or all bids submitted for a given building improvement or public works project. If the City rejects all bids submitted but still intends to undertake the building improvement or public works project, the City shall again request bids by following the procedure outlined above. If, after twice requesting bids by following the procedure outlined above, the City determines that no satisfactory bid has been submitted, the City may undertake the building improvement or public works project as it considers appropriate.

(Ord. No. O-07-0047, Enacted 10/23/2007)

**B. B and C Road Funds.** Any improvement project using Class B and C road funds shall be bid in accordance with applicable State law (U.C.A. '72-6-108 and '72-6-109, as amended). Applicable requirements of State law include the following:

1. **Definitions.** For purposes of this subsection B, the designated words shall be defined as follows:

- a. **Bid Limit.** "Bid limit" means:
  - (i) for the year 2003, \$125,000; and
  - (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the Consumer Price Index during the previous calendar year.

b. **Consumer Price Index.** "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the

Bureau of Labor Statistics of the United States Department of Labor.

c. **Construction.** “Construction” means the work that would apply to:

- (i) any new roadbed either by addition to existing systems or relocation;
- (ii) resurfacing of existing roadways with more than two inches of bituminous pavement; or
- (iii) new structures or replacement of existing structures, except the replacement of drainage culverts.

“Construction” does not include maintenance, emergency repairs, or the installation of traffic control devices as described in U.C.A. '41-6a-302, as amended.

d. **Improvement Project.** “Improvement project” means construction and maintenance as defined in this section except for that maintenance excluded under Subsection (B)(9).

e. **Maintenance.** “Maintenance” means the keeping of a road facility in a safe and usable condition to which it was constructed or improved, and includes:

- (i) the reworking of an existing surface by the application of up to and including two inches of bituminous pavement;
- (ii) the installation or replacement of guardrails, seal coats, and culverts;
- (iii) the grading or widening of an existing unpaved road or flattening of shoulders or side slopes to meet current width and safety standards; and
- (iv) horizontal or vertical alignment changes necessary to bring an existing road in compliance with current safety standards.

f. **Project.** “Project” means the performance of a clearly identifiable group of associated road construction activities or the same type of maintenance process, where the construction or maintenance is performed on any one class B or C road, within a half-mile proximity and occurs within the same calendar year.

2. **Plans.** The City shall cause plans, specifications, and estimates to be made prior to the construction of any improvement project on a class B or C road if the estimated cost for any one project exceeds the bid limit for labor, equipment, and materials.

3. **Lowest Responsible Bidder.** All projects in excess of the bid limit shall be performed under contract to be let to the lowest responsible bidder.

4. **No Project Division.** If the estimated cost of the improvement project exceeds the bid limit for labor, equipment, and materials, the project may not be divided to permit the construction in parts, unless each part is done by contract.

5. **Advertisement.** The advertisement on bids shall be published in a newspaper of general circulation in the City at least once a week for three consecutive weeks.

6. **Bids.** The City shall receive sealed bids and open the bids at the time and place designated in the advertisement. The City may then award the contract but may reject any and all bids.

7. **Procurement Code.** The person, firm, or corporation that is awarded a contract under this section is subject to the provisions of Title 63, Chapter 56, Utah Procurement Code.

8. **Retainage.** If any payment on a contract with a private contractor for construction or improvement of a class B or C road is retained or withheld, the payment shall be retained or withheld and released as provided in Section U.C.A. '13-8-5.

9. **Exceptions.** The following types of maintenance work are not subject to the contract or bid limit requirements of this subsection B:

- a. the repair of less than the entire surface by crack sealing or patching; and
- b. road repairs incidental to the installation, replacement, or repair of water mains, sewers, drainage pipes, culverts, or curbs and gutters.

10. **Force Accounts.** If the estimates of the qualified engineer are substantially lower than any responsible bid received or in the event no bids are received, the City may perform the work by force account. In no event shall “substantially lower” mean estimates that are less than 10% below the lowest responsible bid. If the City performs an improvement project by force account, it shall:

- a. provide an accounting of the costs and expenditures of the improvement including material, labor, and direct equipment costs to be calculated using the Cost Reference Guide for Construction Equipment by Dataquest Inc. or the Federal Emergency Management Agency schedule of equipment rates;
- b. disclose the costs and expenditures to any person upon request and allow the person to make a copy and pay for the actual cost of the copy; and

c. perform the work using the same specifications and standards that would apply to a private contractor.

(Ord. No. O-07-0047, Enacted 10/23/2007)

### C. Architect-Engineer Services.

1. As used in this subsection C, “architect-engineer services” means those professional services within the scope of the practice of architecture as defined in U.C.A.'58-3a-102, or professional engineering as defined in U.C.A. 'Section 58-22-102.

2. When the City elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:

a. a higher education entity, or any part of one, may not submit a proposal in response to the City’s competitive procurement process; and

b. the City may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.

(Ord. No. O-07-0047, Enacted 10/23/2007)

## 2-7-10. Disposal or Lease of Public Property.

A. **Declaration of Surplus.** No City-owned property having an estimated value in excess of five hundred dollars (\$500.00) shall be disposed of or released to anyone other than the City, unless such property has been declared surplus as set forth in this ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-03-0018, Amended, 07/01/2003; Ord. No. O-07-0047, Amended and Renumbered 10/23/2007)

B. **Inter-Department Transfers.** Whenever City-owned personal property is surplus, unused, obsolete, unsuitable or otherwise no longer needed, the department head having control of such property shall notify the City Manager. The City Manager may notify other city departments of the availability of such property. The City Manager shall supervise any transfer of such property to any other department. If no use can be made or can be expected to be made within the reasonably foreseeable future, the property shall be disposed of in accordance with this section.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-03-0018, Amended, 07/01/2003; Ord. No. O-07-0047, Amended and Renumbered 10/23/2007)

C. **Disposal of City-owned Personal Property.** The City Manager shall prepare a listing of all City-owned personal property which he or she feels is no longer needed by the City and which can be declared

surplus. After an item has been declared surplus by the City Manager, the property may be disposed of. All disposals, leases and/or subleases of City-owned personal property shall be made, as nearly as possible, under the same conditions and limitations as required by this Article for the purchase of personal property by the City, but the City Manager may also authorize, at his or her discretion:

1. The sale of any such property at public auction if he or she deems such a sale desirable and in the best interest of the City; or

2. The lease or sublease of any such property under such terms and conditions as he or she may deem desirable, fair and appropriate, considering the best interests of the City.

3. The sale of any such property at market price, assuming that the property has a reasonably ascertainable market price.

4. A sale or trade to another governmental agency, if he or she deems such disposition to be in the best interests of the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-03-0018, Amended, 07/01/2003; Ord. No. O-07-0047, Amended and Renumbered 10/23/2007)

D. **Disposal of City-owned Real Property.** The City Council may declare any City-owned significant parcel of real property (as defined below) to be surplus. The City Manager may declare any City-owned non-significant parcel of real property (as defined below) to be surplus if he finds that the parcel is no longer needed by the City. After City-owned real property is declared to be surplus, the City may dispose of the real property pursuant to the following guidelines:

1. **Definitions.** For purposes of this Section 2-7-10, the designated words shall have the following meanings:

a. **Significant Parcel of Real Property.**

A “significant parcel of real property” means a parcel of real property that is larger than 5,000 square feet in size or that has a fair market value in excess of \$20,000. The following parcels of real property are excluded from the definition of “significant parcel of real property”, even if they meet the size or valuation standards set forth above:

1. Parcels disposed of by the City as part of a boundary line agreement or adjustment.

2. Parcels created by a right-of-way vacation or an easement vacation.

3. Parcels that are undevelopable unless combined with an adjacent parcel. A parcel will be considered to be undevelopable if it cannot be developed as an independent parcel due to City

ordinance requirements or due to the physical characteristics of the parcel.

4. Parcels acquired by eminent domain or other means if the City is statutorily or contractually obligated to first offer the parcel to a specific party, provided that the parcel is offered, sold, or conveyed to the party holding the right to acquire the parcel.

b. **Non-significant Parcel of Real Property.** A “non-significant parcel of real property” shall mean any parcel of real property that is not included in the definition of “significant parcel of real property.”

c. **Reasonable Notice.** “Reasonable notice” shall mean a brief summary of the proposed disposition including (1) a general description of the parcel (including the approximate address of the parcel, the approximate size of the parcel, the zone designation of the parcel, and the current use of the parcel), and (2) the date, time and location where the public can comment on the proposed disposition. The notice shall be published at least once in a newspaper of general circulation in the City of Orem, and posted in at least one location at the Orem City Center.

2. **Disposal of Significant Parcel of Real Property.** Before disposing of a significant parcel of real property, the City shall:

a. Notice. Provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment; and

b. Public Comment. Allow an opportunity for public comment on the proposed disposition. The opportunity for public comment shall take place at an Orem City Council meeting.

3. **Disposal of Non-significant Parcels of Real Property.** The City Manager may dispose of any non-significant parcel of real property pursuant to a policy adopted by the City Manager.

4. **Manner of Disposal.** The City may dispose of real property by sale, trade, lease, sub-lease, or other means deemed to be in the best interests of the City by the City Council (for significant parcels of real property) or the City Manager (for non-significant parcels of real property).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-03-0018, Amended, 07/01/2003; Ord. No. O-07-0047, Amended and Renumbered 10/23/2007)

**2-7-11. Sanctions.**

A. It is unlawful:

1. For any bidder or prospective bidder, or any employee or officer thereof, in restraint of freedom of competition or otherwise, by agreement with any other person, bidder, or prospective bidder, to bid a fixed price, or to "rotate" bidding practices among competitors.

2. For any person to offer or to give to any elected official, officer or employee of the City or any member of his immediate family, any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or other form, under circumstances in which it could reasonably be intended to influence him or could reasonably be expected to influence him in his duties concerning the award of any contract or order of purchase, or for any elected official, officer or employee to directly or indirectly solicit or directly or indirectly accept any such gift for such purpose.

3. For any elected official, officer, or employee to disclose, in advance of the opening of the bids, the content of any bid invited through the formal competitive bidding procedure.

4. For any elected official, officer, or employee to actively participate in the awarding of a contract from which he will directly benefit, without fully disclosing any interest he has therein.

5. For any elected official, officer or employee or other person to appropriate for personal or private use any item of public property.

6. To purchase supplies for the personal use of any elected official, officer or employee unless the item or items are required parts of a worker's equipment and are necessary to the successful performance of the duties of such official, officer or employee. Other personal purchases shall not be permitted and will be cause for disciplinary action.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-07-0047, Amended and Renumbered 10/23/2007)

B. The following contracts are, in the discretion of the City Manager, voidable:

1. Contracts which result from a conflict of interest under this Chapter or other applicable law.

2. Contracts awarded to a person or firm that tried to influence the award of such contract by offering something of value to any elected official, officer, or employee.

(Ord. No. 661, Revised 04/10/1990; Ord. No. O-07-0047, Amended and Renumbered 10/23/2007)

**2-7-12. Attachment "O" to the Office of Management and Budget Circular A-110 to be followed.**

The City shall follow the guidelines of Attachment "O" to Office of Management and Budget Circular A 110 as published in the *Federal Register* when Federal funds are used for any purchase.

(Ord. No. O-96-0009, Enacted, 04/23/96; Ord. No. O-07-0047, Amended and Renumbered 10/23/2007)

**Article 2-8. Strategic Plan Advisory Commission**

- 2-8-1. Commission Established.**
- 2-8-2. Duties of the Commission.**
- 2-8-3. Membership of Commission.**
- 2-8-4. Appointment.**
- 2-8-5. Term of Office.**
- 2-8-6. Removal and Vacancy.**
- 2-8-7. Voting.**
- 2-8-8. Meetings.**
- 2-8-9. Staff Assignments.**
- 2-8-10. Compensation.**
- 2-8-11. Recommendations.**

**2-8-1. Commission Established.**

The Strategic Plan Advisory Commission of the City of Orem (referred to as the "Commission" in this Article) is hereby established.

(Ord. No. 661, Revised, 04/10/90)

**2-8-2. Duties of the Commission.**

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To request reports from various organizations throughout the community that are involved in the implementation of the strategy. These reports may address such topics as:

1. Obstacles to implementation.
2. Required coordination.
3. Suggested changes in the strategies.

(Ord. No. 661, Revised, 04/10/90)

B. To respond to and resolve obstacles that may arise in the implementation of the strategies. These responses may include recommending:

1. Modifying strategies.
2. Developing new strategies.
3. Adjusting the time frame for implementation.

(Ord. No. 661, Revised, 04/10/90)

C. To participate in presenting the strategic plan to the community to promote understanding and acceptance of the document. This participation may be in response to requests for information, or in order to promote understanding.

(Ord. No. 661, Revised, 04/10/90)

D. To promote coordination of community organizations involved in activities related to the strategy.

(Ord. No. 661, Revised, 04/10/90)

E. To plan for and carry out the annual review of the strategy.

(Ord. No. 661, Revised, 04/10/90)

**2-8-3. Membership of Commission.**

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-8-4. Appointment.**

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/90)

**2-8-5. Term of Office.**

A. The term of office for Commission members shall be two (2) years. The term of office of the initial members of the Commission shall be staggered so that three (3) are for two (2) years and three (3) are for three (3) years.

(Ord. No. 661, Revised, 04/10/90)

B. Lots shall be drawn at the first meeting of the Commission to determine which of the members shall serve for two (2) years and which shall serve for three (3) years.

(Ord. No. 661, Revised, 04/10/90)

C. Each of the Commission members shall be eligible for one (1) additional two (2) year term.

(Ord. No. 661, Revised, 04/10/90)

D. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/90)

E. The term of the City Council member serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/90)

F. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90)

**2-8-6. Removal and Vacancy.**

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.  
(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.  
(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.  
(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

**2-8-7. Voting.**

A. Each member of the Commission shall have one (1) vote.  
(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any four (4) members of the Commission. No meeting is official unless a quorum of members is present.  
(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4).  
(Ord. No. 661, Revised, 04/10/90)

**2-8-8. Meetings.**

A. The Mayor, with the advice and consent of the City Council, shall appoint one of the members of the Commission to be its Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year beginning in January of each year. A Chairperson may serve consecutive terms.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0024, Amended, 08/10/93)

B. The Commission shall meet at least monthly and may meet more often at the discretion of its Chairperson.  
(Ord. No. 661, Revised, 04/10/90)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0024, Amended, 08/10/93)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0024, Amended, 08/10/93)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0024, Amended, 08/10/93)

F. The Commission may establish sub-committees to help carry out its responsibilities.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0024, Amended, 08/10/93)

**2-8-9. Staff Assignments.**

The Assistant City Manager shall provide staff support services to the Commission.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0024, Amended, 08/10/93)

**2-8-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.  
(Ord. No. 661, Revised, 04/10/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.  
(Ord. No. 661, Revised, 04/10/90)

**2-8-11. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.  
(Ord. No. 661, Revised, 04/10/90)

**Article 2-9. Human Relations Advisory Commission**

- 2-9-1. Commission Established.**
- 2-9-2. Duties of the Commission.**
- 2-9-3. Membership of Commission.**
- 2-9-4. Appointment.**
- 2-9-5. Term of Office.**
- 2-9-6. Removal and Vacancy.**
- 2-9-7. Voting.**
- 2-9-8. Meetings.**
- 2-9-9. Staff Assignments.**
- 2-9-10. Compensation.**
- 2-9-11. Recommendations.**

**2-9-1. Commission Established.**

The Human Relations Advisory Commission of the City of Orem (referred to as the "Commission" in this Article) is hereby established.  
(Ord. No. 661, Revised, 04/10/90)

**2-9-2. Duties of the Commission.**

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To recommend policies, procedures, programs, and expenditures of funds to the City Council so as to promote human relations within the City of Orem.  
(Ord. No. 661, Revised, 04/10/90)

B. To report, on an annual basis, to the City Council regarding the status of human relations within the City of Orem and make any recommendations deemed appropriate by the Commission for Council consideration.  
(Ord. No. 661, Revised, 04/10/90)

C. To assist Orem residents by informing them of their rights and pointing out which appropriate governmental bodies may act upon their concerns.  
(Ord. No. 661, Revised, 04/10/90)

D. To enlist the cooperation and participation of various community organizations and clubs to develop programs designed to promote human relations within our community.  
(Ord. No. 661, Revised, 04/10/90)

E. To conduct educational programs, hold conferences and carry out activities for the purpose of increasing the level of understanding of different peoples, customs and cultures that exist within the City of Orem.  
(Ord. No. 661, Revised, 04/10/90)

F. To carry out a variety of community activities that create interaction by all residents of the community.  
(Ord. No. 661, Revised, 04/10/90)

G. To encourage voluntary action and citizenship in all facets of our community life.  
(Ord. No. 661, Revised, 04/10/90)

**2-9-3. Membership of Commission.**

The Commission shall consist of twelve (12) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-9-4. Appointment.**

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000)

B. Commission members shall be residents of the City of Orem.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000)

C. Commission members shall be selected without respect to political affiliation.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000)

D. The Mayor shall attempt to appoint Commission members who represent a cross-section of the community  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000)

**2-9-5. Term of Office.**

A. The term of office for Commission members shall be three (3) years. The term of office of the initial members of the Commission shall be staggered so that four (4) are for three (3) years, four (4) are for two (2) years and four (4) are for one (1) year.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Lots shall be drawn at the first meeting of the Commission to determine which of the members shall have an initial term of three (3) years, which shall have an initial term of two (2) years and which shall have an initial term of one (1) year.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Each of the Commission members shall be eligible for one (1) additional three (3) year term.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

D. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms. The terms of the initial members shall be considered full terms.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

E. The term of the City Council member serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

F. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-00-0021, Amended, 04/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

#### **2-9-6. Removal and Vacancy.**

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

#### **2-9-7. Voting.**

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any five (5) members of the Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than five (5).

(Ord. No. 661, Revised, 04/10/90)

#### **2-9-8. Meetings.**

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/90)

B. The Commission shall meet at least monthly and may meet more often at the discretion of its Chairperson.

(Ord. No. 661, Revised, 04/10/90)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/90)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/90)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/90)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/90)

#### **2-9-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/90)

#### **2-9-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/90)

#### **2-9-11. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/90)

## Article 2-10. Beautification Advisory Commission

- 2-10-1. Commission Established.
- 2-10-2. Duties and Responsibilities.
- 2-10-3. Membership of Commission.
- 2-10-4. Appointment.
- 2-10-5. Term of Office.
- 2-10-6. Removal and Vacancy.
- 2-10-7. Voting.
- 2-10-8. Meetings.
- 2-10-9. Staff Assignments.
- 2-10-10. Compensation.
- 2-10-11. Recommendations.

### 2-10-1. Commission Established.

The Beautification Advisory Commission of the City of Orem is hereby established.  
(Ord. No. 661, Revised, 04/10/90)

### 2-10-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

- A. To advise the City Council on the methods and means of enhancing the beauty of the City.  
(Ord. No. 661, Revised, 04/10/90)
- B. To make recommendations concerning the abatement of noxious weeds and unsightly or deleterious objects.  
(Ord. No. 661, Revised, 04/10/90)
- C. To assist the City Council in public relations concerning City beautification matters.  
(Ord. No. 661, Revised, 04/10/90)
- D. To make recommendations to the City Council for programs such as Arbor Day, Clean-Up and Home Beautification contests.  
(Ord. No. 661, Revised, 04/10/90)
- E. To undertake studies and make recommendations concerning the landscaping of homes and businesses.  
(Ord. No. 661, Revised, 04/10/90)
- F. To sponsor contests for holiday decorations and, if appropriations therefore have been made by the City Council, make monetary awards to the winners.  
(Ord. No. 661, Revised, 04/10/90)
- G. To encourage residents, businesses and property owners to participate in spring clean-up and fall clean-up activities.  
(Ord. No. 661, Revised, 04/10/90)

H. To recognize those residents and/or businesses which have made a significant contribution to the beautification of the neighborhood or surrounding area. Such recognition may include the payment of a financial award, if appropriation therefore is made by the City Council.

(Ord. No. 661, Revised, 04/10/90)

I. To solicit gifts or bequests from any person or source, on behalf of the City, for the development or improvement of civic pride or for beautification projects. Such gifts or bequests shall be received by the City Treasurer and shall be put in a special fund for the purpose for which the money was received.

(Ord. No. 661, Revised, 04/10/90)

J. To recommend changes in City ordinances, policies and practices to encourage and enhance the beautification of the City.

(Ord. No. 661, Revised, 04/10/90)

K. To participate in the development of the Urban Forestry Program for the betterment, care, and maintenance of City and Non-City Trees.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0019, Amended, 07/06/93)

L. To participate in the development and periodic updating of a Street Tree Master Plan and an Arboretum Master Plan.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0019, Amended, 07/06/93)

M. To work with and give recommendations to the Urban Forester.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0019, Amended, 07/06/93)

N. To prepare and present periodic reports to the City Council on the progress and status of the Urban Forestry Program.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0019, Amended, 07/06/93)

### 2-10-3. Membership of Commission.

The Commission shall consist of nine (9) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-10-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/90)

#### **2-10-5. Term of Office.**

A. The term of office for Commission members shall be three (3) years.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

B. Each of the Commission members shall be eligible for one (1) additional three (3) year term.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

C. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

D. The term of the City Council member serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

#### **2-10-6. Removal and Vacancy.**

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve month period.

(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

#### **2-10-7. Voting.**

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any five (5) members of the Beautification Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than five (5).

(Ord. No. 661, Revised, 04/10/90)

#### **2-10-8. Meetings.**

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/90)

B. The Commission shall meet at least once each month and may meet more often at the direction of its Chairperson.

(Ord. No. 661, Revised, 04/10/90)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/90)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/90)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/90)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/90)

**2-10-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.  
(Ord. No. 661, Revised, 04/10/90)

**2-10-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.  
(Ord. No. 661, Revised, 04/10/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.  
(Ord. No. 661, Revised, 04/10/90)

**2-10-11. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.  
(Ord. No. 661, Revised, 04/10/90)

## Article 2-11. Senior Citizen Advisory Commission

### 2-11-1. Senior Citizen Advisory Commission established.

### 2-11-2. Duties and Responsibilities.

### 2-11-3. Membership of Commission.

### 2-11-4. Appointment.

### 2-11-5. Term of Office.

### 2-11-6. Removal and Vacancy.

### 2-11-7. Voting.

### 2-11-8. Meetings.

### 2-11-9. Staff Assignments.

### 2-11-10. Compensation.

### 2-11-11. Recommendations.

### 2-11-1. Senior Citizen Advisory Commission established.

The Senior Citizen Advisory Commission of the City of Orem (referred to as the "Commission" in this Article) is hereby established.

(Ord. No. 661, Revised, 04/10/90)

### 2-11-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To promote and develop programs of interest for Senior Citizens residing in the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

B. To coordinate Senior programs and activities with the City of Orem, The Utah Council on Aging, the Mountainlands Association of Governments, and other companion agencies on the state and national levels.

(Ord. No. 661, Revised, 04/10/90)

C. To inform, educate and act as a resource clearinghouse in providing for the welfare of Senior Citizens residing in the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

D. To evaluate on a continuing basis the needs of Senior Citizens residing in the City of Orem and to recommend to the City Council programs and activities to meet the needs of these citizens.

(Ord. No. 661, Revised, 04/10/90)

### 2-11-3. Membership of Commission.

The Commission shall consist of nine (9) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-11-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/90)

### 2-11-5. Term of Office.

A. The term of office for Commission members shall be four (4) years.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Each of the Commission members shall be eligible for one (1) additional four (4) year term.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

C. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

D. The term of the City Council representative serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-11-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five

percent (25%) of the Commission's scheduled meetings during any twelve month period.

(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

**2-11-7. Voting.**

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any five (5) members of the Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than five (5).

(Ord. No. 661, Revised, 04/10/90)

**2-11-8. Meetings.**

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first February meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0016, Amended 07/14/2009)

B. The Commission shall meet at least bi-monthly and may meet more often at the direction of its Chairperson.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0016, Amended 07/14/2009)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0016, Amended 07/14/2009)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0016, Amended 07/14/2009)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0016, Amended 07/14/2009)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0016, Amended 07/14/2009)

**2-11-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/90)

**2-11-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/90)

**2-11-11. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/90)

**Article 2-12. Library Advisory Commission****2-12-1. Commission established.****2-12-2. Duties and Responsibilities.****2-12-3. Membership of Commission.****2-12-4. Appointment.****2-12-5. Term of Office.****2-12-6. Removal and Vacancy.****2-12-7. Voting.****2-12-8. Meetings.****2-12-9. Staff Assignments.****2-12-10. Compensation.****2-12-11. Recommendations.****2-12-1. Commission established.**

The Library Advisory Commission of the City of Orem (referred to as the "Commission" in this Article) is hereby established.

(Ord. No. 661, Revised, 04/10/90)

**2-12-2. Duties and Responsibilities.**

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To provide support, encouragement and citizen input into planning for the development and maintenance of a modern library system.

(Ord. No. 661, Revised, 04/10/90)

B. To take such steps as it may deem feasible to encourage grants or gifts in support of the public library.

(Ord. No. 661, Revised, 04/10/90)

C. To advise and give input on the development of a general philosophy and book selection policy.

(Ord. No. 661, Revised, 04/10/90)

D. To hear complaints regarding book selection when a matter is referred to the Commission from the Collection Development Committee of the Library.

(Ord. No. 661, Revised, 04/10/90)

**2-12-3. Membership of Commission.**

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-12-4. Appointment.**

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

**2-12-5. Term of Office.**

A. The term of office for Commission members shall be three (3) years.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Each of the Commission members shall be eligible for one (1) additional three (3) year term.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

C. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

D. The term of the City Council representative serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-12-6. Removal and Vacancy.**

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve month period.

(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by

appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

**2-12-7. Voting.**

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any four (4) members of the Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4).

(Ord. No. 661, Revised, 04/10/90)

**2-12-8. Meetings.**

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/90)

B. The Commission shall meet at least quarterly, and may meet more often if necessary.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0009, Amended, 02/11/97)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/90)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/90)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/90)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/90)

**2-12-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/90)

**2-12-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/90)

**2-12-11. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/90)

## Article 2-13. Recreation Advisory Commission

- 2-13-1. Commission Established.
- 2-13-2. Duties and Responsibilities.
- 2-13-3. Membership of Commission.
- 2-13-4. Appointment.
- 2-13-5. Term of Office.
- 2-13-6. Removal and Vacancy.
- 2-13-7. Voting.
- 2-13-8. Meetings.
- 2-13-9. Staff Assignments.
- 2-13-10. Compensation.
- 2-13-11. Recommendations.

### 2-13-1. Commission Established.

The Recreation Advisory Commission of the City of Orem is hereby established.  
(Ord. No. 661, Revised, 04/10/90)

### 2-13-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

- A. To advise the City Council in all policy matters pertaining to recreation.  
(Ord. No. 661, Revised, 04/10/90)
- B. To cooperate with the Alpine School District, other governmental agencies and civic groups for the advancement of sound recreation planning and programming.  
(Ord. No. 661, Revised, 04/10/90)
- C. To make recommendations regarding the development of recreation programs.  
(Ord. No. 661, Revised, 04/10/90)
- D. To assist in promoting public recreation programs and stimulate public interest in the established programs.  
(Ord. No. 661, Revised, 04/10/90)
- E. To broaden citizen input by serving as a liaison for individuals and organizations having an interest in recreation programs.  
(Ord. No. 661, Revised, 04/10/90)
- F. To prepare, review annually, and revise as necessary, a long range plan for recreation.  
(Ord. No. 661, Revised, 04/10/90)

### 2-13-3. Membership of Commission.

The Commission shall consist of nine (9) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-13-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. Commission members shall be residents of the City of Orem.  
(Ord. No. 661, Revised, 04/10/90)

C. Commission members shall be selected without respect to political affiliation.  
(Ord. No. 661, Revised, 04/10/90)

### 2-13-5. Term of Office.

A. The term of office for Commission members shall be three (3) years.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Each of the Commission members shall be eligible for one (1) additional three (3) year term.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

C. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

D. The term of the City Council representative serving as liaison to the Commission shall be determined by the Mayor.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-13-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.  
(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five

percent (25%) of the Commission's scheduled meetings during any twelve month period.  
(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.  
(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

**2-13-7. Voting.**

A. Each member of the Commission shall have one (1) vote.  
(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any five (5) members of the Commission. No meeting is official unless a quorum of members is present.  
(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than five (5).  
(Ord. No. 661, Revised, 04/10/90)

**2-13-8. Meetings.**

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.  
(Ord. No. 661, Revised, 04/10/90)

B. The Commission shall meet at least quarterly, and more often if necessary.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0043, Amended, 09/02/97)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.  
(Ord. No. 661, Revised, 04/10/90)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.  
(Ord. No. 661, Revised, 04/10/90)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.  
(Ord. No. 661, Revised, 04/10/90)

F. The Commission may establish sub-committees to help carry out its responsibilities.  
(Ord. No. 661, Revised, 04/10/90)

**2-13-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.  
(Ord. No. 661, Revised, 04/10/90)

**2-13-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.  
(Ord. No. 661, Revised, 04/10/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.  
(Ord. No. 661, Revised, 04/10/90)

**2-13-11. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.  
(Ord. No. 661, Revised, 04/10/90)

**Article 2-14. CDBG Advisory Commission**

- 2-14-1. Commission Established.**
- 2-14-2. Duties and Responsibilities.**
- 2-14-3. Membership of Commission.**
- 2-14-4. Appointment.**
- 2-14-5. Term of Office.**
- 2-14-6. Removal and Vacancy.**
- 2-14-7. Voting.**
- 2-14-8. Meetings.**
- 2-14-9. Staff Assignments.**
- 2-14-10. Compensation.**
- 2-14-11. Recommendations.**

**2-14-1. Commission Established.**

The CDBG Advisory Commission of the City of Orem is hereby established.  
(Ord. No. 661, Revised, 04/10/90)

**2-14-2. Duties and Responsibilities.**

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To review proposed projects for the use of CDBG funds received from the federal government.  
(Ord. No. 661, Revised, 04/10/90)

B. To make annual recommendations to the City Council for the use of the City's CDBG entitlement.  
(Ord. No. 661, Revised, 04/10/90)

C. To receive citizen input regarding proposed uses of those funds.  
(Ord. No. 661, Revised, 04/10/90)

**2-14-3. Membership of Commission.**

The Commission shall consist of seven (7) members.  
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-01-0041, Amended, 10/09/2001)

**2-14-4. Appointment.**

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. Commission members shall be residents of the City of Orem. Attempt shall be made to appoint members from a cross-section of socio-economic groups within the City.  
(Ord. No. 661, Revised, 04/10/90)

C. Members shall be selected without respect to political affiliation.  
(Ord. No. 661, Revised, 04/10/90)

**2-14-5. Term of Office.**

A. The term of office for Commission members shall be two (2) years.  
(Ord. No. 661, Revised, 04/10/90)

B. Each of the Commission members shall be eligible for one (1) additional two (2) year term.  
(Ord. No. 661, Revised, 04/10/90)

C. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.  
(Ord. No. 661, Revised, 04/10/90)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.  
(Ord. No. 661, Revised, 04/10/90)

**2-14-6. Removal and Vacancy.**

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.  
(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve month period.  
(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.  
(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

**2-14-7. Voting.**

A. Each member of the Commission shall have one (1) vote.  
(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any five (5) members of the Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than five (5).

(Ord. No. 661, Revised, 04/10/90)

**2-14-8. Meetings.**

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/90)

B. The Commission shall meet periodically, as needed and as directed by the Chairperson.

(Ord. No. 661, Revised, 04/10/90)

C. Commission business and discussion shall be conducted in open, public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/90)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/90)

E. The Commission may adopt By-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/90)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/90)

**2-14-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/90)

**2-14-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/90)

**2-14-11. Recommendations.**

The Chairperson of the Commission shall, on an annual basis, make recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/90)

## **Article 2-15. Youth City Council Advisory Committee**

### **2-15-1. Youth City Council Advisory Committee established.**

#### **2-15-2. Duties and Responsibilities.**

#### **2-15-3. Membership of Council.**

#### **2-15-4. Appointment.**

#### **2-15-5. Term of Office.**

#### **2-15-6. Removal and Vacancy.**

#### **2-15-7. Voting.**

#### **2-15-8. Conduct of Meetings.**

#### **2-15-9. Establishment of Bylaws and Rules of Procedure.**

#### **2-15-10. Staff Service.**

#### **2-15-11. Compensation.**

### **2-15-1. Youth City Council Advisory Committee established.**

The Youth City Council Advisory Committee of the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-2. Duties and Responsibilities.**

The Committee shall be responsible for the development of an on-going Youth City Council program in Orem.

A. The Orem Youth City Council shall consist of nine members with representatives from each Orem high school and junior high school. Representatives from students participating in "home school," private schools and other secondary educational programs shall also be invited to participate in the program.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

B. The Youth City Council shall create a mission statement and establish goals to guide the activities of the Council. The mission statement and goals shall focus on accomplishing the following:

1. Providing leadership opportunities;
2. Providing an understanding of local political systems;
3. Identifying issues affecting the youth in the community;
4. Solving community problems involving the youth;
5. Developing social, educational, cultural, community service, and recreational opportunities for the youth; and
6. Instilling a feeling of self worth and esteem in the youth.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

C. The Youth City Council shall develop policies and procedures to establish the selection of Youth City Council members, filling of vacancies, voting, attendance at meetings, and other issues identified by the Youth City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-3. Membership of Council.**

The Committee shall consist of five (5) adult members. One (1) of the five (5) members shall be a member of the City of Orem Human Relations Advisory Commission and shall be appointed by the Chairman of the Human Relations Advisory Commission Chair.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-4. Appointment.**

A. Committee members, except the member appointed by the Chair of the Human Relations Advisory Commission, shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

B. Committee members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

C. Committee members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-5. Term of Office.**

A. The term of office for each Committee member, except the Human Relations Advisory Commission member, shall be three (3) years. The term of office of the initial members of the Committee shall be staggered so that two (2) members serve for two (2) years and three (3) members serve for three (3) years. The member from the Human Relations Advisory Commission shall serve only while an appointed member of the Human Relations Advisory Commission.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

B. Each of the Committee members shall be eligible for one (1) additional three (3) year term.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

C. No person shall serve more than two (2) consecutive terms on the Committee. Partial terms

shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

D. Each term shall continue until a successor is chosen and qualified, except in the case of a member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-6. Removal and Vacancy.**

A. Any member of the Committee may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Committee's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-7. Voting.**

A. Each member of the Committee shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

B. A quorum shall consist of any three (3) members of the Committee. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a

majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-8. Conduct of Meetings.**

A. The Mayor, with the advice and consent of the City Council, shall appoint one of the members of the Committee to be its Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year beginning in January of each year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

B. The Committee shall meet at least monthly and may meet more often at the discretion of its Chairperson.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

C. Committee business and discussion shall be conducted in open meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

D. The Committee shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Committee meeting.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

E. The Committee may adopt By-laws or Rules of Procedure for the transaction of its business.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-9. Establishment of Bylaws and Rules of Procedure.**

The Bylaws and Rules of Procedure of the Committee may be established and amended as necessary by the membership of the Committee.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-10. Staff Service.**

The City Manager may appoint City staff to assist with the Youth City Council Advisory Committee.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-98-0004, Amended, 01/06/98)

#### **2-15-11. Compensation.**

A. Members of the Committee shall serve without monetary compensation.

B. Members may be compensated for reasonable expenses incurred for official responsibilities.

(Ord. No. O-98-0004, Enacted, 01/06/98)

**Article 2-16. Media Review Commission**

- 2-16-1. Commission Established By Agreement.**
- 2-16-2. Duties and Responsibilities.**
- 2-16-3. Membership of Commission.**
- 2-16-4. Appointment.**
- 2-16-5. Term of Office.**
- 2-16-6. Removal and Vacancy.**
- 2-16-7. Meetings, Conduct of Business Governed by Contract, Procedures.**

**2-16-1. Commission Established By Agreement.**

The Media Review Commission of Orem/Provo, as established by interlocal agreement between the cities of Orem and Provo, is hereby recognized as the official Media Review Commission for the City of Orem.  
(Ord. No. 661, Revised, 04/10/90)

**2-16-2. Duties and Responsibilities.**

The Commission shall have the following duties and responsibilities:

A. To support uplifting activities in Orem and Provo.  
(Ord. No. 661, Revised, 04/10/90)

B. To make recommendations to the City Council regarding the types of activities being carried out in the community.  
(Ord. No. 661, Revised, 04/10/90)

C. To solicit community support for uplifting activities.  
(Ord. No. 661, Revised, 04/10/90)

D. To review movies and videos being shown or rented in the community for the purpose of informing the public of their content with respect to profanity, sex, nudity, violence, substance abuse and general themes.  
(Ord. No. 661, Revised, 04/10/90)

E. To publish a movie and video guide for use by the public.  
(Ord. No. 661, Revised, 04/10/90)

F. To maintain a phone line with movie information.  
(Ord. No. 661, Revised, 04/10/90)

**2-16-3. Membership of Commission.**

There shall be seven commission members representing the City of Orem. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-16-4. Appointment.**

A. Commission members representing Orem shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. Orem's representatives shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/90)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/90)

**2-16-5. Term of Office.**

The term of office for Commission members shall be one (1) year. Each member may be eligible for one additional term of one (1) year.

(Ord. No. 661, Revised, 04/10/90)

**2-16-6. Removal and Vacancy.**

A. Any member of the Commission appointed by Orem may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. The office of a member representing Orem automatically becomes vacant if the member establishes residence outside the City, or lives outside the City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 661, Revised, 04/10/90)

C. The office of a member representing Orem automatically becomes vacant if that member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve month period.

(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

**2-16-7. Meetings, Conduct of Business Governed by Contract, Procedures.**

Business of the Commission shall be held and meetings conducted pursuant to the interlocal agreement and the rules of procedure established by the Commission.

(Ord. No. 661, Revised, 04/10/90)

**Article 2-17. Planning Commission****2-17-1. Planning Commission established.****2-17-2. Power and Duties.****2-17-3. Membership of Commission.****2-17-4. Appointment.****2-17-5. Term of Office.****2-17-6. Removal and Vacancy.****2-17-7. Voting.****2-17-8. Conduct of Meetings.****2-17-9. Staff Assignments.****2-17-10. Compensation.****2-17-1. Planning Commission established.**

The Planning Commission of the City of Orem (referred to as the "Commission" in this article) is hereby established.

(Ord. No. 661, Revised, 04/10/90)

**2-17-2. Power and Duties.**

The Planning Commission shall have all powers granted by State statutes and City ordinances, plus those powers and duties delegated to it by the City Manager. The Commission shall act in an advisory capacity to the City Council with respect to planning and zoning matters which are reviewed or acted upon by the City Council.

(Ord. No. 661, Revised, 04/10/90)

**2-17-3. Membership of Commission.**

The Planning Commission shall consist of seven (7) members.

(Ord. No. 661, Revised, 04/10/90)

**2-17-4. Appointment.**

A. Commission members shall be appointed by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. Commission members shall be residents of the City of Orem, and shall be selected in accordance with any policy adopted by the City Council. There shall be no City Council representative on the Commission.

(Ord. No. 661, Revised, 04/10/90)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/90)

**2-17-5. Term of Office.**

A. The term of office for Planning Commission members shall be four (4) years, even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0002, Amended, 01/12/99)

B. No person shall serve more than one (1) consecutive term on the Planning Commission.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0002, Amended, 01/12/99)

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0002, Amended, 01/12/99)

**2-17-6. Removal and Vacancy.**

A. Any member of the Planning Commission may be removed from office by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Planning Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/90)

**2-17-7. Voting.**

A. Each member of the Planning Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any four (4) members of the Planning Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4). In cases where the Planning Commission acts as a

recommending body to the City Council, an item may be forwarded to the City Council without a majority vote, provided that a quorum voted on the item.

(Ord. No. 661, Revised, 04/10/90)

**2-17-8. Conduct of Meetings.**

A. The Planning Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/90)

B. The Planning Commission shall meet at the City Council Chamber on two (2) Wednesdays of every month, unless otherwise designated on the annual meeting schedule, or unless otherwise cancelled.

(Ord. No. 661, Revised, 04/10/90)

C. The Planning Commission shall keep a public record of its proceedings and may adopt rules for its organization and for the transaction of its business.

(Ord. No. 661, Revised, 04/10/90)

**2-17-9. Staff Assignments.**

The City Manager shall assign personnel, as deemed necessary, to assist the Planning Commission. Assigned personnel shall attend meetings, make studies of matters pending before the Commission, and give recommendations to the Commission.

(Ord. No. 661, Revised, 04/10/90)

**2-17-10. Compensation.**

A. Each Member of the Planning Commission shall receive \$50.00 per diem for each regularly scheduled Commission meeting attended.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-96-0003, Amended, 01/09/96)

B. Commission members may be compensated for reasonable expenses incurred by official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/90)

**Article 2-18. Board of Adjustment**

- 2-18-1. Board of Adjustment established.**
- 2-18-2. Powers of Board.**
- 2-18-3. Membership of Board.**
- 2-18-4. Appointment.**
- 2-18-5. Term of Office.**
- 2-18-6. Removal and Vacancy.**
- 2-18-7. Voting.**
- 2-18-8. Organization.**
- 2-18-9. Appeals to Administrative Decision.**
- 2-18-10. Proceedings Pending Appeal.**
- 2-18-11. Notice of Hearing.**
- 2-18-12. Decisions.**
- 2-18-13. Authority Limited.**
- 2-18-14. Appeals.**

**2-18-1. Board of Adjustment established.**

The Board of Adjustment of the City of Orem is hereby established.  
(Ord. No. 661, Revised, 04/10/90)

**2-18-2. Powers of Board.**

The Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of the City's zoning ordinance or subdivision ordinance, except in the case of matters designated to be appealed to other bodies.  
(Ord. No. 661, Revised, 04/10/90)

B. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.  
(Ord. No. 661, Revised, 04/10/90)

C. To authorize upon appeal such variance from the terms of the City's zoning ordinance or subdivision ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; provided, that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan;

2. Special circumstances attached to the property covered by the application which do not

generally apply to the other property in the same district;

3. Because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.  
(Ord. No. 661, Revised, 04/10/90)

D. To perform any other function granted to the Board of Adjustment by State statutes or City ordinances.  
(Ord. No. 661, Revised, 04/10/90)

**2-18-3. Membership of Board.**

The Board of Adjustment shall consist of five (5) members.  
(Ord. No. 661, Revised, 04/10/90)

**2-18-4. Appointment.**

A. All members of the Board of Adjustment shall be appointed by the City Manager, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. Board members shall be residents of the City of Orem.  
(Ord. No. 661, Revised, 04/10/90)

C. Board members shall be selected without respect to political affiliation.  
(Ord. No. 661, Revised, 04/10/90)

D. There shall be no member of the Planning Commission sitting on the Board of Adjustment.  
(Ord. No. 661, Revised, 04/10/90)

**2-18-5. Term of Office.**

A. The term of office for members of the Board of Adjustment shall be five (5) years.  
(Ord. No. 661, Revised, 04/10/90)

B. Terms shall be established so that the term of one regular member shall expire each year.  
(Ord. No. 661, Revised, 04/10/90)

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.  
(Ord. No. 661, Revised, 04/10/90)

D. No person shall serve more than two (2) consecutive terms on the Board of Adjustment. Partial

terms shall not be considered in determining whether a person has served two (2) consecutive terms.  
(Ord. No. 661, Revised, 04/10/90)

#### **2-18-6. Removal and Vacancy.**

A. Any member may be removed for cause by the City Manager upon written charges and after public hearing, if a public hearing is requested by the member.  
(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.  
(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Board's scheduled meetings during any twelve (12) month period.  
(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any regular or alternate member whose office becomes vacant.  
(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the City Manager, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

#### **2-18-7. Voting.**

A. Each member of the Board shall have one (1) vote.  
(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any three (3) members of the Board. No meeting is official unless a quorum of members is present.  
(Ord. No. 661, Revised, 04/10/90)

C. The concurring vote of at least three (3) members of the Board of Adjustment shall be necessary to take any action pursuant to this Article.  
(Ord. No. 661, Revised, 04/10/90)

#### **2-18-8. Organization.**

A. The Board of Adjustment shall organize and elect a chairman and may adopt rules for its organization and for the transaction of business.  
(Ord. No. 661, Revised, 04/10/90)

B. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine.  
(Ord. No. 661, Revised, 04/10/90)

C. The Chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.  
(Ord. No. 661, Revised, 04/10/90)

D. All meetings of the Board shall be open to the public.  
(Ord. No. 661, Revised, 04/10/90)

E. The Board of Adjustment may adopt rules for its organization and for the transaction of its business.  
(Ord. No. 661, Revised, 04/10/90)

F. The Board shall keep a public record of its proceedings and other official actions, all of which shall be on file in the office of the Development Services Department.  
(Ord. No. 661, Revised, 04/10/90)

G. The City Manager shall designate appropriate staff to serve the Board.  
(Ord. No. 661, Revised, 04/10/90)

#### **2-18-9. Appeals to Administrative Decision.**

A. Appeals of final zoning decisions may be taken to the Board of Adjustment as specified in State law and City ordinances. Appeals must be filed with the Department of Development Services within ten (10) days of the date of the final zoning decision.  
(Ord. No. 661, Revised, 04/10/90)

B. The appeal shall be filed in writing with the Department of Development Services, on forms furnished by the City, and the appellant shall pay a fee in an amount established by resolution of the City Council. No fee shall be required from the City or other public agencies.  
(Ord. No. 661, Revised, 04/10/90)

C. Upon the filing of the application and upon the furnishing of any information required by the rules and regulations of the Board, the Department of Development Services shall transmit any papers or other pertinent data constituting the record upon which the action appealed from was taken.  
(Ord. No. 661, Revised, 04/10/90)

#### **2-18-10. Special Exception for Relocation of Certain Billboards**

A. If an outdoor advertising structure needs to be moved away from a high voltage power line so that the

sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Utah Code Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building code, a regulation, standard or directive of the Occupational Safety and Health Administration, or any other similar applicable regulation, then the Board of Adjustment may grant a special exception from the City’s ordinances to allow the owner to relocate and remodel the structure to another location within the City:

- (1) on the same property;
- (2) on adjacent property;
- (3) within 2,640 feet of the previous location on either side of the same highway; or
- (4) mutually agreed upon by the owner and the City.

(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/06)

B. The relocation under Subsection A shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under Utah Code Section 72-7-501 et seq. (as amended).

(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/06)

C. The relocated and remodeled structure may be:

- (1) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
- (2) the same size and at least the same height as the previous structure, but the relocated structure may not exceed the size and height permitted under Utah Code Section 72-7-501 et seq. (as amended); and
- (3) relocated to a location with a comparable traffic vehicular count.

(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/06)

**2-18-11. Proceedings Pending Appeal.**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by the district court on application and notice and on due cause shown.

(Ord. No. 661, Revised, 04/10/90)

**2-18-12. Notice of Hearing.**

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matters upon which it is required to pass, and shall give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Due notice shall consist of written notice delivered at least five (5) days prior to the date of the hearing.

(Ord. No. 661, Revised, 04/10/90)

**2-18-13. Decisions.**

In the exercise of its duties and powers, the Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination of the Zoning Administrator or final decision maker and may make such order or requirement as ought to be made; provided, however, that in interpreting and applying the provisions of this Article, the requirements contained herein shall be deemed to be the minimum requirements for the purposes set forth. Unless otherwise specified in the decision, decisions of the Board shall be effective immediately. Decisions shall be deemed filed in the office of the Board of Adjustment when the Board's secretary's notes for the meeting are filed in the offices of the Department of Development Services, which filing shall take place immediately after the close of the meeting.

(Ord. No. 661, Revised, 04/10/90)

**2-18-14. Authority Limited.**

A. The powers of the Board of Adjustment are limited to the powers as herein set forth, which shall be strictly construed.

(Ord. No. 661, Revised, 04/10/90)

B. The Board of Adjustment shall not grant a request which would have the effect of amending this Article or the zoning map, or of correcting what it may consider to be an unwise requirement in the Zoning Ordinance, or to substitute its judgment in place of that of the City Council as to what is good or poor zoning.

(Ord. No. 661, Revised, 04/10/90)

C. The Board shall not grant any use variance.

(Ord. No. 661, Revised, 04/10/90)

D. Only minor variances of any other zoning regulation may be granted, and then, only upon the express findings by the Board of the unusual conditions existing and the hardships caused, as required by State law and Section 2-18-2(C) above. The Board shall not make such findings unless facts in support of the findings are presented to the Board and entered in the

minutes of the Board meeting. Economic hardship is insufficient to warrant the granting of a variance.  
(Ord. No. 661, Revised, 04/10/90)

E. Lawful actions of the Board shall not be interpreted as unauthorized amendments to the Zoning Ordinance.  
(Ord. No. 661, Revised, 04/10/90)

#### **2-18-15. Appeals.**

The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction. The petition for relief must be filed with the court within thirty (30) days of the date of the decision.  
(Ord. No. 661, Revised, 04/10/90)

#### **2-18-16. Special Exception for Relocation of Certain Billboards**

If an outdoor advertising structure needs to be moved so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Utah Code Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code or any other similar applicable regulation promulgated by a federal agency, then the Board of Adjustment may grant a special exception from the City's ordinances to allow the owner to relocate the same or similar type structure to the minimal number of feet necessary:

1. on the same property; or
  2. if the same property is not available, on another property.
- (Ord. No. O-05-0027, Enacted 9/13/2005)

**Article 2-19. Board of Building and Fire Code Appeals**

- 2-19-1. Board of Building and Fire Code Appeals established.**
- 2-19-2. Membership of Board.**
- 2-19-3. Appointment.**
- 2-19-4. Term of Office.**
- 2-19-5. Removal and Vacancy.**
- 2-19-6. Voting.**
- 2-19-7. Organization.**
- 2-19-8. Powers of Board.**
- 2-19-9. Appeals.**
- 2-19-10. Authority limited.**
- 2-19-11. Decision.**

**2-19-1. Board of Building and Fire Code Appeals established.**

The Board of Building and Fire Code Appeals for the City of Orem is hereby established.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-2. Membership of Board.**

- A. The Board shall consist of five (5) members.  
(Ord. No. 661, Revised, 04/10/90)
- B. The five (5) members shall be qualified by experience and training to pass upon matters pertaining to building construction.  
(Ord. No. 661, Revised, 04/10/90)
- C. The City Manager shall appoint appropriate members of the City staff to provide services to the Board. Staff members so appointed shall include the Chief Building Official and the Fire Marshall. These two City officials shall be considered ex officio members of the Board of Building and Fire Code Appeals for purposes of the law.  
(Ord. No. 661, Revised, 04/10/90)
- D. The Chief Building Official and the Fire Marshall shall make recommendations to the Board, but shall not have any voting rights.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-3. Appointment.**

- A. All members of the Board shall be appointed by the City Manager, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)
- B. Board members shall be residents of the City of Orem.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-4. Term of Office.**

- A. The term of office for Board members shall be three (3) years.  
(Ord. No. 661, Revised, 04/10/90)
- B. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.  
(Ord. No. 661, Revised, 04/10/90)

C. No person shall serve more than two (2) consecutive terms on the Board. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-5. Removal and Vacancy.**

- A. Any member may be removed by the City Manager, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)
- B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.  
(Ord. No. 661, Revised, 04/10/90)
- C. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.  
(Ord. No. 661, Revised, 04/10/90)
- D. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the City Manager, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-6. Voting.**

- A. All five (5) members of the Board shall have the right to vote on any of the matters of business coming before the Board.  
(Ord. No. 661, Revised, 04/10/90)
- B. A quorum shall consist of any three (3) members of the Board. No official action shall be taken unless a quorum of members is present.  
(Ord. No. 661, Revised, 04/10/90)
- C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-7. Organization.**

A. The Board shall organize and elect a chairperson and adopt rules in accordance with the provisions of this Article and State law.  
(Ord. No. 661, Revised, 04/10/90)

B. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine.  
(Ord. No. 661, Revised, 04/10/90)

C. The Chairperson or, in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.  
(Ord. No. 661, Revised, 04/10/90)

D. All meetings of the Board shall be open to the public.  
(Ord. No. 661, Revised, 04/10/90)

E. The Board shall keep a public record of its proceedings and other official actions, all of which shall be on file in the office of the Development Services Department.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-8. Powers of Board.**

A. The Board of Building and Fire Code Appeals shall hear and decide appeals of orders, decisions or determinations made by any City building or fire official relative to the application and interpretation of the Building, Plumbing, Electrical, Mechanical, Abatement of Dangerous Buildings and Fire Codes.  
(Ord. No. 661, Revised, 04/10/90)

B. The Board shall have no authority relative to interpretation of the administrative provisions of these Codes nor shall the Board be empowered to waive any requirements of the Codes.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-9. Appeals.**

A. Any person, contractor, corporation, citizen or any officer, department, board or bureau of the City may appeal to the Board of Building and Fire Code Appeals by filing a request in writing with the building official on forms furnished by the City, together with a fee which shall be determined by resolution of the City Council. No fee shall be required from the City or any other public agency.  
(Ord. No. 661, Revised, 04/10/90)

B. Upon the filing of the application and upon the furnishing of such information as required by the rules and regulations of the Board, the appropriate City official shall forthwith transmit to the Board all papers,

records and other pertinent data appertaining to the appeal.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-10. Authority limited.**

A. The powers of the Board of Building and Fire Code Appeals are limited to the powers set forth herein.  
(Ord. No. 661, Revised, 04/10/90)

B. The Board's investigations, decisions and findings shall be limited to matters pertaining to building construction and fire safety.  
(Ord. No. 661, Revised, 04/10/90)

C. The Board may attach reasonable conditions or requirements which the petitioner must comply with as a condition of the grant or approval, and may attach a time limit on the exercise or lack of exercise of any grant.  
(Ord. No. 661, Revised, 04/10/90)

**2-19-11. Decision.**

A. In the exercise of its duties and powers as herein set forth, the Board may recommend to reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination of the building or fire official or recommend such order or requirement as ought to be made.  
(Ord. No. 661, Revised, 04/10/90)

B. In interpreting and applying the provisions of this Article, the requirements contained herein shall be deemed to be the minimum requirements for the purpose set forth.  
(Ord. No. 661, Revised, 04/10/90)

C. The Board shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant.  
(Ord. No. 661, Revised, 04/10/90)

**Article 2-20. Alcoholic Beverage License Hearing Board.**

- 2-20-1. Board Established.**
- 2-20-2. Duties of the Board.**
- 2-20-3. Membership of Board.**
- 2-20-4. Appointment.**
- 2-20-5. Term of Office.**
- 2-20-6. Removal and Vacancy.**
- 2-20-7. Voting.**
- 2-20-8. Meetings.**
- 2-20-9. Staff Assignments.**
- 2-20-10. Compensation.**
- 2-20-11. Recommendations.**
- 2-20-12. Appeal.**

**2-20-1. Board Established.**

The Alcoholic Beverage License Hearing Board for the City of Orem (hereinafter referred to as "Board") is hereby established.  
(Ord. No. 666, Revised, 06/12/90)

**2-20-2. Duties of the Board.**

The Board shall hear and prepare written findings concerning its decision on any violation of any alcohol license within the City of Orem. If the Board finds a violation was committed, it shall suspend the license or order that the licensee post or forfeit a bond, as required by Chapter 3, Alcoholic Beverages, of the City Code. The Board may also suspend or revoke the license, or place the licensee on probation subject to reasonable conditions which it deems appropriate.  
(Ord. No. 666, Revised, 06/12/90)

**2-20-3. Membership of Board.**

The board shall consist of five (5) members.  
(Ord. No. 666, Revised, 06/12/90)

**2-20-4. Appointment.**

A. Board members shall be appointed by the City Manager, with the advice and consent of the City Council. All of the Board members shall be residents of the City of Orem with one of them being an employee of the City. There shall be no City Council representative on the Board.  
(Ord. No. 661, Revised, 04/10/90)

B. One Board member shall be a holder of either a Class A, B or C license within the City (or an agent of the license holder if the license holder is a corporation). An alternate license holder may be appointed in cases where the Board is required to hear a matter involving the licensee who regularly sits on the Board.  
(Ord. No. 661, Revised, 04/10/90)

C. Board members shall be selected without respect to political affiliation.  
(Ord. No. 666, Revised, 06/12/90)

**2-20-5. Term of Office.**

A. The term of office for each member, shall be three (3) years. The term of office of the initial members of the Board shall be staggered so that three (3) are for two (2) years and two (2) are for three (3) years.  
(Ord. No. 661, Revised, 04/10/90)

B. Lots shall be drawn at the first meeting of the Board to determine which of the members shall serve for two (2) years and which shall serve for three (3) years.  
(Ord. No. 661, Revised, 04/10/90)

C. Each of the Board members shall be eligible for one (1) additional three (3) year term.  
(Ord. No. 661, Revised, 04/10/90)

D. No person shall serve more than two (2) consecutive terms on the Board. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.  
(Ord. No. 661, Revised, 04/10/90)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.  
(Ord. No. 666, Revised, 06/12/90)

**2-20-6. Removal and Vacancy.**

A. Any member of the Board may be removed from office by the City Manager, with the advice and consent of the City Council.  
(Ord. No. 661, Revised, 04/10/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.  
(Ord. No. 661, Revised, 04/10/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Board's scheduled meetings during any twelve (12) month period.  
(Ord. No. 661, Revised, 04/10/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.  
(Ord. No. 661, Revised, 04/10/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by

nomination of the City Manager, with the advice and consent of the City Council.  
(Ord. No. 666, Revised, 06/12/90)

#### **2-20-7. Voting.**

A. Each member of the Board shall have one (1) vote.  
(Ord. No. 661, Revised, 04/10/90)

B. A quorum shall consist of any three (3) members of the Board. No meeting is official unless a quorum of members is present.  
(Ord. No. 661, Revised, 04/10/90)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).  
(Ord. No. 666, Revised, 06/12/90)

#### **2-20-8. Meetings.**

A. The Board shall select one of its members to be Chairperson at its organizational meeting, after which elections for Chairperson shall be held annually at the first January meeting of the year. The Chairperson shall conduct all meetings and shall serve until the following January. A Chairperson may serve consecutive terms.  
(Ord. No. 661, Revised, 04/10/90)

B. The Board shall meet at least annually and may meet more often at the discretion of its Chairperson.  
(Ord. No. 661, Revised, 04/10/90)

C. Board business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.  
(Ord. No. 661, Revised, 04/10/90)

D. The Board shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Board meeting.  
(Ord. No. 661, Revised, 04/10/90)

E. The Board may adopt Bylaws, rules or procedures for the transaction of its business.  
(Ord. No. 661, Revised, 04/10/90)

F. The Board may establish sub-committees to help carry out its responsibilities.  
(Ord. No. 666, Revised, 06/12/90)

#### **2-20-9. Staff Assignments.**

The City Manager may appoint appropriate staff support for the Board.  
(Ord. No. 666, Revised, 06/12/90)

#### **2-20-10. Compensation.**

A. Members of the Board shall serve without monetary compensation.  
(Ord. No. 661, Revised, 04/10/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.  
(Ord. No. 666, Revised, 06/12/90)

#### **2-20-11. Recommendations.**

The Chairperson of the Board shall, from time to time, present recommendations to the City Council which have been approved by the Board.  
(Ord. No. 666, Revised, 06/12/90)

#### **2-20-12. Appeal.**

The Board's decision may be appealed to the City Manager by filing a written request with the City Manager's Office within ten (10) days of receiving the Board's decision.  
(Ord. No. 666, Revised, 06/12/90)

**Article 2-21. Historical Preservation Advisory Commission.**

- 2-21-1. Commission Established.**
- 2-21-2. Duties of the Commission.**
- 2-21-3. Membership of Commission.**
- 2-21-4. Appointment.**
- 2-21-5. Term of Office.**
- 2-21-6. Removal and Vacancy.**
- 2-21-7. Voting.**
- 2-21-8. Meetings.**
- 2-21-9. Staff Assignments.**
- 2-21-10. Compensation.**
- 2-21-11. Recommendations.**

**2-21-1. Commission Established.**

The Orem Historical Preservation Advisory Commission (hereinafter referred to as "Commission") is hereby established.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

**2-21-2. Duties of the Commission.**

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. Securing information on federal and state laws and regulations regarding historic and cultural resources which may be available to the City and working towards the continuing education of citizens regarding historic preservation and community history.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Determining tax credit available for renovation of old and historic buildings.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Ascertaining procedures and eligibility requirements to be included in the National Register of Historic Places.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

D. Surveying and Inventorying Community Historic Resources. The Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten (10) years.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

E. Reviewing Proposed Nominations to the National Register of Historic Places. The Commission

shall review and comment to the State Historic Preservation Officer on all proposed National Registry nominations for properties within the boundaries of the City. When the Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

F. Inventorying historic and archeological sites within the community.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

G. Securing technical expertise on preservation, renovation and/or restoration of historical properties.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

H. Supporting the enforcement of all State Historic Preservation Laws. These laws include, but are not limited to the "Historic District Act." Section 17A-3-1301 - 1306, U.C.A. and Chapter 63-18 U.C.A. regarding the protection of Utah antiquities and the notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the State of Utah and included on or eligible for the State or National Registers.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-21-3. Membership of Commission.**

The Commission shall consist of seven (7) members. These members shall have a demonstrated interest, competence or knowledge of historic preservation. To the extent available in the community, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-21-4. Appointment.**

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

#### **2-21-5. Term of Office.**

A. The term of office for each member shall be three (3) years. The term of office of the initial members of the Commission shall be staggered so that three (3) are for three (3) years and three (3) are for two (2) years.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Lots shall be drawn at the first meeting of the Commission to determine which of the members shall serve for three (3) years and which shall serve for two (2) years.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Each of the Commission members shall be eligible for one (1) additional three (3) year term.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

D. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

E. The term of the City Council member serving as a liaison shall be determined by the Mayor.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

F. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92; Ord. No. O-02-0014, Amended, 04/09/2002)

#### **2-21-6. Removal and Vacancy.**

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

#### **2-21-7. Voting.**

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

B. A quorum shall consist of any four (4) members of the Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4).

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

#### **2-21-8. Meetings.**

A. The Commission shall select one of the its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

B. The Commission shall meet at least monthly and may meet more often at the discretion of its Chairperson.

(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time and agenda items.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting and shall be available for public inspection.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

F. The Commission may establish sub-committees to help carry out its responsibilities.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

**2-21-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

**2-21-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

**2-21-11. Recommendations.**

A. The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

B. The Commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

C. The Commission shall work toward the continuing education of citizens regarding historic preservation and community history.  
(Ord. No. 668, Revised, 06/12/90; Ord. No. O-92-013, Amended, 07/07/92)

## Article 2-22. Recycling Advisory Commission.

- 2-22-1. Commission Established.
- 2-22-2. Duties of the Commission.
- 2-22-3. Membership of Commission.
- 2-22-4. Appointment.
- 2-22-5. Term of Office.
- 2-22-6. Removal and Vacancy.
- 2-22-7. Voting.
- 2-22-8. Meetings.
- 2-22-9. Staff Assignments.
- 2-22-10. Compensation.
- 2-22-11. Recommendations.

### 2-22-1. Commission Established.

The Orem Recycling Advisory Commission (hereinafter referred to as "Commission") is hereby established.

(Ord. No. 667, Revised, 06/12/90)

### 2-22-2. Duties of the Commission.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. Securing information on availability of outlets for recycled materials within the County or within our community.

(Ord. No. 667, Revised, 06/12/90)

B. Proposing educational and information campaigns to be followed to raise the consciousness of our citizens to the value of recycling.

(Ord. No. 667, Revised, 06/12/90)

C. Secure information and prepare periodic reports to the City Council on progress of acceptance and financial aspects of the recycling efforts.

(Ord. No. 667, Revised, 06/12/90)

### 2-22-3. Membership of Commission.

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 667, Revised, 06/12/90; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-22-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 667, Revised, 06/12/90)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 667, Revised, 06/12/90)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 667, Revised, 06/12/90)

### 2-22-5. Term of Office.

A. The term of office for each member shall be three (3) years. The term of office of the initial members of the Commission shall be staggered so that three (3) are for three (3) years and three (3) are for two (2) years.

(Ord. No. 667, Revised, 06/12/90; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Lots shall be drawn at the first meeting of the Commission to determine which of the members shall serve for three (3) years and which shall serve for two (2) years.

(Ord. No. 667, Revised, 06/12/90; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Each of the Commission members shall be eligible for one (1) additional three (3) year term.

(Ord. No. 667, Revised, 06/12/90; Ord. No. O-02-0014, Amended, 04/09/2002)

D. No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 667, Revised, 06/12/90; Ord. No. O-02-0014, Amended, 04/09/2002)

E. The term of the City Council member serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 667, Revised, 06/12/90; Ord. No. O-02-0014, Amended, 04/09/2002)

F. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 667, Revised, 06/12/90; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-22-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 667, Revised, 06/12/90)

B. A member's office automatically becomes vacant if the member establishes residence outside of

the City, or lives outside of City boundaries for a continuous period of more than 60 days.  
(Ord. No. 667, Revised, 06/12/90)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.  
(Ord. No. 667, Revised, 06/12/90)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.  
(Ord. No. 667, Revised, 06/12/90)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the Mayor, with the advice and consent of the City Council.  
(Ord. No. 667, Revised, 06/12/90)

**2-22-7. Voting.**

A. Each member of the Commission shall have one (1) vote.  
(Ord. No. 667, Revised, 06/12/90)

B. A quorum shall consist of any four (4) members of the Commission. No meeting is official unless a quorum of members is present.  
(Ord. No. 667, Revised, 06/12/90)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4).  
(Ord. No. 667, Revised, 06/12/90)

**2-22-8. Meetings.**

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.  
(Ord. No. 667, Revised, 06/12/90)

B. The Commission shall meet at least quarterly, and more often if necessary.  
(Ord. No. 667, Revised, 06/12/90; Ord. No. O-97-0009, Amended, 02/11/97)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.  
(Ord. No. 667, Revised, 06/12/90)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.  
(Ord. No. 667, Revised, 06/12/90)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.  
(Ord. No. 667, Revised, 06/12/90)

F. The Commission may establish sub-committees to help carry out its responsibilities.  
(Ord. No. 667, Revised, 06/12/90)

**2-22-9. Staff Assignments.**

The City Manager may appoint appropriate staff support for the Commission.  
(Ord. No. 667, Revised, 06/12/90)

**2-22-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.  
(Ord. No. 667, Revised, 06/12/90)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.  
(Ord. No. 667, Revised, 06/12/90)

**2-22-11. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.  
(Ord. No. 667, Revised, 06/12/90)

## Article 2-23. Summerfest Advisory Committee.

- 2-23-1. Committee Established.**
- 2-23-2. Duties of the Committee.**
- 2-23-3. Membership of Committee.**
- 2-23-4. Appointment.**
- 2-23-5. Term of Office.**
- 2-23-6. Removal and Vacancy.**
- 2-23-7. Voting.**
- 2-23-8. Meetings.**
- 2-23-9. Staff Assignments.**
- 2-23-10. Compensation.**
- 2-23-11. Recommendations.**

### 2-23-1. Committee Established.

The Summerfest Advisory Committee of the City of Orem (referred to as the "Committee" in this Article) is hereby established.

(Ord. No. O-95-0026, Enacted, 05/02/95)

### 2-23-2. Duties of the Committee.

The Committee shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. To recommend objectives, policies, procedures, programs, and expenditures of City funds related to the annual Orem Summerfest Activities.

(Ord. No. O-95-0026, Enacted, 05/02/95)

B. To report, on an annual basis, to the City Council regarding the schedule of activities for the upcoming Summerfest activity and to report on the activities of the previous Summerfest activity.

(Ord. No. O-95-0026, Enacted, 05/02/95)

C. To develop annual Summerfest activities to promote the community spirit of Orem.

(Ord. No. O-95-0026, Enacted, 05/02/95)

D. To enlist the cooperation and participation of various volunteers and community organizations and clubs to develop programs in association with the annual Summerfest Activities.

(Ord. No. O-95-0026, Enacted, 05/02/95)

E. At the direction of the City Council, the Committee may participate in the development of other special community events.

(Ord. No. O-95-0026, Enacted, 05/02/95)

### 2-23-3. Membership of Committee.

The committee shall consist of nine (9) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City

Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-23-4. Appointment.

A. Committee members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-95-0026, Enacted, 05/02/95)

B. Committee members shall be residents of the City of Orem or employed within the City.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0024, Amended, 07/02/2002)

C. Committee members shall be selected without respect to political affiliation.

(Ord. No. O-95-0026, Enacted, 05/02/95)

### 2-23-5. Term of Office.

A. The term of office for Committee members shall be three (3) years. The term of office of the initial members of the Committee shall be staggered so that five (5) are for four (4) years and four (4) are for three (3) years.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Lots shall be drawn at the first meeting of the Committee to determine which of the members shall serve for four (4) years and which shall serve for three (3) years.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Each Committee members shall be eligible for one (1) additional three (3) year term.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0014, Amended, 04/09/2002)

D. No person shall serve more than two (2) consecutive terms on the Committee. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0014, Amended, 04/09/2002)

E. The term of the City Council member serving as a liaison to the Committee shall be determined by the Mayor.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0014, Amended, 04/09/2002)

F. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. O-95-0026, Enacted, 05/02/95; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-23-6. Removal and Vacancy.**

A. Any member of the Committee may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-95-0026, Enacted, 05/02/95)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. O-95-0026, Enacted, 05/02/95)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Committee's scheduled meetings during any twelve (12) month period.

(Ord. No. O-95-0026, Enacted, 05/02/95)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. O-95-0026, Enacted, 05/02/95)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-95-0026, Enacted, 05/02/95)

**2-23-7. Voting.**

A. Each member of the Committee shall have one (1) vote.

(Ord. No. O-95-0026, Enacted, 05/02/95)

B. A quorum shall consist of any five (5) members of the Committee. No meeting is official unless a quorum of members is present.

(Ord. No. O-95-0026, Enacted, 05/02/95)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than five (5).

(Ord. No. O-95-0026, Enacted, 05/02/95)

**2-23-8. Meetings.**

A. The Committee shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A chairperson may serve consecutive terms.

(Ord. No. O-95-0026, Enacted, 05/02/95)

B. The Committee shall meet at least monthly and may meet more often at the discretion of its Chairperson.

(Ord. No. O-95-0026, Enacted, 05/02/95)

C. Committee business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. O-95-0026, Enacted, 05/02/95)

D. The Committee shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Committee meeting.

(Ord. No. O-95-0026, Enacted, 05/02/95)

E. The Committee may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. O-95-0026, Enacted, 05/02/95)

F. The Committee may establish sub-committees to help carry out its responsibilities.

(Ord. No. O-95-0026, Enacted, 05/02/95)

**2-23-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Committee.

(Ord. No. O-95-0026, Enacted, 05/02/95)

**2-23-10. Compensation.**

A. Members of the Committee shall serve without monetary compensation.

(Ord. No. O-95-0026, Enacted, 05/02/95)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-95-0026, Enacted, 05/02/95)

**2-23-11. Recommendations.**

The Chairperson of the Committee shall, from time to time, present recommendations to the City Council which have been approved by the Committee.

(Ord. No. O-95-0026, Enacted, 05/02/95)

## Article 2-24. Sister City Advisory Committee.

- 2-24-1. Committee Established.
- 2-24-2. Duties of the Committee.
- 2-24-3. Membership of Committee.
- 2-24-4. Appointment.
- 2-24-5. Term of Office.
- 2-24-6. Removal and Vacancy.
- 2-24-7. Voting.
- 2-24-8. Meetings.
- 2-24-9. Staff Assignments.
- 2-24-10. Compensation.
- 2-24-11. Recommendations.

### 2-24-1. Committee Established.

The Sister City Advisory Committee of the City of Orem (referred to as the "Committee" in this Article) is hereby established.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

### 2-24-2. Duties of the Committee.

The Committee shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. To recommend objectives, policies, procedures, programs, and expenditures of City funds which promote community-wide involvement in the Sister City program of the City.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

B. To promote individual, corporate, and community friendship between residents and businesses in Orem and Urumqi.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

C. To recommend and coordinate activities and programs to host visitors to Orem from Urumqi.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

D. To enlist the cooperation and participation of volunteers, businesses, community organizations, clubs, and schools in various Sister City programs, exchanges, and activities.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

E. To report, on an annual basis, to the City Council regarding activities of the previous year and proposed programs and activities for the coming year.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

### 2-24-3. Membership of Committee.

The committee shall consist of nine (9) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City

Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. O-00-0002, Enacted, 01/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

### 2-24-4. Appointment.

A. Committee members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

B. Committee members shall be residents of the City of Orem.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

C. Committee members shall be selected without respect to political affiliation.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

### 2-24-5. Term of Office.

A. The term of office for Committee members shall be three (3) years. The term of office of the initial members of the Committee shall be staggered so that five (5) are for four (4) years and four (4) are for three (3) years.

(Ord. No. O-00-0002, Enacted, 01/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Lots shall be drawn at the first meeting of the Committee to determine which of the members shall serve for four (4) years and which shall serve for three (3) years.

(Ord. No. O-00-0002, Enacted, 01/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Each Committee members shall be eligible for one (1) additional three (3) year term.

(Ord. No. O-00-0002, Enacted, 01/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

D. No person shall serve more than two (2) consecutive terms on the Committee. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. O-00-0002, Enacted, 01/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

E. The term of the City Council member serving as liaison to the Committee shall be determined by the Mayor.

(Ord. No. O-00-0002, Enacted, 01/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

F. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. O-00-0002, Enacted, 01/25/2000; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-24-6. Removal and Vacancy.**

A. Any member of the Committee may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Committee's scheduled meetings during any twelve (12) month period.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

E. Vacancies shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

**2-24-7. Voting.**

A. Each member of the Committee shall have one (1) vote.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

B. A quorum shall consist of any five (5) members of the Committee. No meeting is official unless a quorum of members is present.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than five (5).

(Ord. No. O-99-0002, Enacted, 01/25/2000)

**2-24-8. Meetings.**

A. The Committee shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A chairperson may serve consecutive terms.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

B. The Committee shall meet at least quarterly and may meet more often at the discretion of its Chairperson.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

C. Committee business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

D. The Committee shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Committee meeting.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

E. The Committee may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

F. The Committee may establish sub-committees to help carry out its responsibilities.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

**2-24-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Committee.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

**2-24-10. Compensation.**

A. Members of the Committee shall serve without monetary compensation.

(Ord. No. O-99-0002, Enacted, 01/25/2000)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

**2-24-11. Recommendations.**

The Chairperson of the Committee shall, from time to time, present recommendations to the City Council which have been approved by the Committee.

(Ord. No. O-00-0002, Enacted, 01/25/2000)

**Article 2-25. Cultural Arts Council****2-25-1. Council Established.****2-25-2. Duties of the Arts Council.****2-25-3. Membership of Arts Council.****2-25-4. Appointment.****2-25-5. Term of Office.****2-25-6. Removal and Vacancy.****2-25-7. Voting.****2-25-8. Meetings.****2-25-9. Staff Assignments.****2-25-10. Compensation.****2-25-11. Recommendations.****2-25-1. Arts Council Established.**

The Orem Arts Council ("Arts Council") is hereby established. The Arts Council replaces the Orem Cultural Arts Commission, which is hereby disbanded. (Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-2. Duties of the Art Council.**

The Arts Council shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. Promote the cultural arts in Orem and advocate for the role of cultural arts in civic life.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

B. Strengthen local artistic and cultural resources by encouraging grants and fundraising on behalf of the arts in Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

C. Encourage artistic development by recognizing outstanding achievements in and contributions to the arts in Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

D. Provide a forum of communication and information sharing to benefit the arts and the cultural arts environment in Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

E. Assess the cultural arts needs of the community and perform a comprehensive review of the City's Cultural Arts Master Plan at least every five years.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

F. Make recommendations to the City Council regarding updates to and implementation of the Cultural Arts Master Plan.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

G. Other duties as directed by the City Council. (Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-3. Membership of Arts Council.**

The Arts Council shall consist of thirteen (13) members. One of the thirteen members shall represent Hale Center Theater Orem; another of the thirteen members shall represent SCERA. These members shall have a demonstrated interest, competence, or knowledge of cultural arts. A member of the City Council shall be appointed to act as a liaison between the Arts Council and the City Council, but the City Council liaison shall not be considered a member of the Arts Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/06; Ord. No. O-07-0003, Amended 1/23/2007; Ord. No. O-08-0033, Amended 12/09/2008)

**2-25-4. Appointment.**

A. Arts Council members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

B. Arts Council members shall be residents of the City of Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

C. Arts Council members shall be selected without respect to political affiliation.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-5. Term of Office.**

A. The term of office for each member of the Arts Council shall be four (4) years. The term of office of the initial members of the Arts Council shall be staggered so that four (4) members are in office for four (4) years, four (4) members are in office for three (3) years, and three (3) members are in office for two (2) years.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-04-0016, Amended, 02/24/2004; Ord. No. O-06-0035, Amended 12/12/06)

B. Lots shall be drawn at the first meeting of the Arts Council to determine which of the members shall serve for four (4) years, which shall serve for three (3) years, and which shall serve for two (2) years.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-04-0016, Amended, 02/24/2004; Ord. No. O-06-0035, Amended 12/12/06)

C. The Mayor shall determine the term of the City Council member serving as a liaison.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-04-0016, Amended, 02/24/2004; Ord. No. O-06-0035, Amended 12/12/06)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-04-0016, Amended, 02/24/2004; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-6. Removal and Vacancy.**

A. Any member of the Arts Council may be removed from office by the Mayor for any reason, with the advice and consent of the City Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

B. The Mayor may remove a member of the Arts Council from office if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

C. A member's office shall automatically become vacant if the member misses more than twenty-five percent (25%) of the Arts Council's scheduled meetings during any twelve (12) month period.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

D. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-7. Voting.**

A. Each member of the Arts Council shall have one (1) vote.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/06)

B. A quorum shall consist of any seven (7) members of the Arts Council. No meeting is official unless a quorum of members is present.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/06; Ord. No. O-08-0033, Amended 12/09/2008)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than seven (7).

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/06; Ord. No. O-08-0033, Amended 12/09/2008)

**2-25-8. Meetings.**

A. The Arts Council shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

B. The Arts Council shall meet at least quarterly and may meet more often at the discretion of the Chairperson.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

C. The Arts Council shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Arts Commission meeting and shall be available for public inspection.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

D. The Arts Council may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

E. The Arts Council may establish sub-committees to help carry out its responsibilities.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Arts Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-10. Compensation.**

A. Members of the Arts Council shall serve without monetary compensation.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**2-25-11. Recommendations.**

A. The Chairperson of the Arts Council shall, from time to time, present recommendations to the City Council, which have been approved by the Arts Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

B. The Arts Council shall act in an advisory role to other officials and departments of government regarding cultural arts resources.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

C. The Arts Council shall work toward the continuing education of citizens regarding cultural arts in the community.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/06)

**Article 2-26. Employee Appeal Board**

- 2-26-1. Board Established.**
- 2-26-2. Duties of the Board.**
- 2-26-3. Membership of Board.**
- 2-26-4. Appointment.**
- 2-26-5. Term of Office.**
- 2-26-6. Voting.**
- 2-26-7. Employees Eligible to Appeal to Board.**
- 2-26-8. Issues that May be Appealed to Board.**
- 2-26-9. Other Appeals.**
- 2-26-10. Procedure for Appeals.**
- 2-26-11. Procedure for Conducting Appeal Hearings.**
- 2-26-12. Standard of Review.**
- 2-26-13. Board Decision.**
- 2-26-14. Appeal of Board Decision.**

**2-26-1. Board Established.**

The Employee Appeal Board of the City of Orem (the "Board") is hereby established.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-2. Duties of the Board.**

The Board shall hear appeals from designated employees who have been discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-3. Membership of Board.**

The Board shall consist of ten (10) members: the Orem City Manager (or his or her designee), plus the nine (9) members of the Employee Advisory Council (EAC) established by City policy. The Orem City Manager (or his or her designee) shall serve as the Chair of the Board.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-4. Appointment.**

A. **City Manager.** The Orem City Manager (or his or her designee) is an ex officio member of the Board.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. **EAC.** The individual members of the EAC shall be selected according to City policies governing the EAC.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-5. Term of Office.**

A. **City Manager.** The Orem City Manager shall serve on the Board for the duration of his or her appointment as City Manager.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. **EAC.** The individual members of the EAC shall serve on the Board for the duration of their respective tenures on the EAC, which shall be set by City policy.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-6. Voting.**

A. Each member of the Board shall have one (1) vote.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. A quorum shall consist of any six (6) members of the Board, provided that the City Manager (or his or her designee) is present.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

C. The minimum number of votes required to take any action shall be a majority of those present at the hearing, provided that the City Manager (or his or her designee) is present, and provided that there is quorum.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-7. Employees Eligible to Appeal to Board.**

Only full-time, part-time and supplemental probationary employees (as defined by City policy) shall have the right to appeal to the Board. Probationary employees, flexible employees, trainee employees, and executive management employees (as defined by City policy) are not eligible to appeal to the Board.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-8. Issues that May be Appealed to Board.**

Only the following types of employment actions against an eligible employee may be appealed to the Board: (1) terminations; (2) suspensions for more than two days without pay; or (3) involuntary transfers from one position to another with less remuneration.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-9. Other Appeals.**

This ordinance establishes specific employee appeal rights to comply with State law requirements. Nothing herein shall be interpreted to restrict or eliminate other appeal rights that may be available to City employees pursuant to City policy.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

**2-26-10. Procedure for Appeals.**

A. No employee may appeal to the Board unless the employee timely complies with the City's applicable internal grievance or disciplinary procedure and receives notice of a final disposition under the applicable internal grievance or disciplinary procedure.  
(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. An eligible employee desiring to appeal an eligible adverse employment action to the Board must file written notice with the City Recorder within ten (10) days after the date that the employee receives notice of the final disposition under the applicable internal grievance or disciplinary procedure. The employee's written notice of appeal must include:

1. The specific reasons for the appeal;
2. A copy of the Notice of Intent to Discipline; and
3. A copy of the Department Director's decision.

The failure of an employee to submit this required information shall forfeit any appeal rights of the employee.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

C. Upon filing of an appeal to the Board, the City Recorder shall forthwith refer a copy of the appeal to the Board.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

D. The Board shall set a hearing date and prepare written notification to the appealing employee, the appealing employee's Department Director, and the City's Human Resources Director. Unless precluded by unusual circumstances, the hearing shall be held within a reasonable time, generally within fifteen (15) days from the date the Board received the appeal from the City Recorder.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

#### **2-26-11. Procedure for Conducting Appeal Hearings.**

A. The Board shall hold a hearing to take and receive evidence and to fully hear and determine the matter being appealed. The Board may conduct the hearing informally, according to rules established by the Board, without following technical or procedural rules regarding the presentation of evidence or witnesses. Appeal hearings will be open to the public unless a closed meeting is requested in writing by the appealing employee and consented to by the City. The Board may exclude from the hearing any witnesses who have not yet given testimony or evidence in the appeal before the Board. Competent and professional legal advice shall be provided to the Board during the course of the hearing.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. The appealing employee may:

1. appear in person at the hearing and be represented by counsel;
2. have a public hearing;
3. confront the witnesses whose testimony is to be considered; and

4. examine the evidence to be considered by the Board.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

#### **2-26-12. Standard of Review.**

The Board shall uphold the Department Director's decision against the appealing employee unless the Board finds that the decision was arbitrary and capricious or otherwise illegal. The Board shall apply a substantial evidence test when determining if the Department Director's decision was arbitrary and capricious. "Substantial evidence" is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. If the Board finds that there is "substantial evidence" to support the Department Director's decision, the Board shall uphold the decision. If the Board finds that there is not "substantial evidence" to support the Department Director's decision, the Board shall overturn or modify the decision as necessary to conform to the evidence. If the Board finds in favor of the appealing employee, the Board shall provide that the City shall compensate the employee as required by State law.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

#### **2-26-13. Board Decision.**

Each decision of the Board shall be by secret ballot, and shall be certified to the City Recorder within fifteen (15) days from the date the matter is referred to it. For good cause, the board may extend the 15 day period to a maximum of sixty (60) days if the employee and City both consent. The Board shall prepare written Findings of Fact and Conclusions to support its decision.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

#### **2-26-14. Appeal of Board Decision.**

The Board's decision may be appealed as provided in State law.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

**Article 2-27. Reserved**

**Article 2-28. Reserved**

**Article 2-29. Private Property Protection Ordinance**

- 2-29-1. Policy Considerations.**
- 2-29-2. Definitions.**
- 2-29-3. Guidelines Advisory.**
- 2-29-4. Review of Decision.**
- 2-29-5. Reviewing Guidelines.**
- 2-29-6. Results of Review.**

**2-29-1. Policy Considerations.**

There is an underlying policy in the City strongly favoring the careful consideration of matters involving Constitutional Taking claims in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a Constitutional Taking. These provisions are to assist governments in considering decisions that may involve Constitutional Takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of the City to lawfully regulate real property and fulfill its other duties and functions.

(Ord. No. O-95-0011, Enacted, 02/07/95)

**2-29-2. Definitions.**

A. "Constitutional Taking" means actions by the City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

- 1. The Fifth or Fourteenth Amendment to the Constitution of the United States;
- 2. Article I, Section 22 of the Utah Constitution;
- 3. Any Court ruling governing the physical taking or exaction of private real property by a government entity;

(Ord. No. O-95-0011, Enacted, 02/07/95)

B. Actions by the City involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:

- 1. Bears an essential nexus to a legitimate governmental interest; and
- 2. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

(Ord. No. O-95-0011, Enacted, 02/07/95)

**2-29-3. Guidelines Advisory.**

The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory, and shall not be construed to expand or limit the scope of the City's liability for a Constitutional Taking. The reviewing body or person, shall not be required to make any determination under this ordinance except pursuant to Section 2-29-4.

(Ord. No. O-95-0011, Enacted, 02/07/95)

**2-29-4. Review of Decision.**

Any owner of private real property who claims there has been a Constitutional Taking of their private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such review:

A. The person requesting a review must have obtained a final and authoritative determination, internally, within the City, relative to the decision from which they are requesting review.

(Ord. No. O-95-0011, Enacted, 02/07/95)

B. Within thirty (30) days from the date of the final decision that gave rise to the concern that a Constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the City Recorder, a request for review of that decision. A copy shall also be filed with the City Attorney.

(Ord. No. O-95-0011, Enacted, 02/07/95)

C. The City Council, or an individual or body designated by the City Council, shall immediately set a time to review the decision that gave rise to the Constitutional Takings claim.

(Ord. No. O-95-0011, Enacted, 02/07/95)

D. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:

- 1. Name of the applicant requesting review;
- 2. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint

venture, name and address of all principal shareholders or partners;

3. A detailed description of the ground for the claim that there has been a Constitutional Taking;

4. A detailed description of the property taken;

5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional Taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;

6. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;

7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;

8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;

9. The assessed value of and ad valorem taxes on the property for the previous three years;

10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and terms of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;

11. All listings of the property for sale or rent price asked and offers received, if any, within the previous three years;

12. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;

13. For income producing property, itemized income and expense statements from the property for the previous three years;

14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

15. The City Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.

(Ord. No. O-95-0011, Enacted, 02/07/95)

E. An application shall not be deemed to be "complete" or "submitted" until the City Recorder certifies to the applicant, that all the materials and information required above, have been received by the City. The City Recorder under the direction of the City Council shall promptly notify the applicant of any incomplete application.

(Ord. No. O-95-0011, Enacted, 02/07/95)

F. The City Council, or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, City, or any other interested party.

(Ord. No. O-95-0011, Enacted, 02/07/95)

G. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional Takings claim.

(Ord. No. O-95-0011, Enacted, 02/07/95)

H. If the City Council fails to hear and decide the review within (14) days, the decision appealed from shall be presumed to be approved.

(Ord. No. O-95-0011, Enacted, 02/07/95)

#### **2-29-5. Reviewing Guidelines.**

The City Council shall review the facts and information presented by the applicant to determine whether or not the action by the City constitutes a Constitutional Taking as defined in this Article. In doing so, they shall consider:

A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate government interest.

(Ord. No. O-95-0011, Enacted, 02/07/95)

B. Whether a legitimate governmental interest exists for the action taken by the City.

(Ord. No. O-95-0011, Enacted, 02/07/95)

C. Whether the property and exaction taken is roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

(Ord. No. O-95-0011, Enacted, 02/07/95)

#### **2-29-6. Results of Review.**

After completing the review, the reviewing person/body shall make a determination regarding the

above issues and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the Constitutional Takings claim.

(Ord. No. O-95-0011, Enacted, 02/07/95)

## Article 2-30. Records Access and Management

- 2-30-1. Title.
- 2-30-2. Purpose and Intent.
- 2-30-3. Definitions.
- 2-30-4. Access to Public Records.
- 2-30-5. Access to Non-Public Records.
- 2-30-6. Records Classified as Public.
- 2-30-7. Records Classified as Private.
- 2-30-8. Records Classified as Controlled.
- 2-30-9. Records Classified as Protected.
- 2-30-10. Records Access Procedures.
- 2-30-11. Fees.
- 2-30-12. Appeals.
- 2-30-13. Liability.
- 2-30-14. City Records Officer and Records Management Committee.
- 2-30-15. Records Classification, Designation, Retention and Maintenance.
- 2-30-16. Electronic Records.
- 2-30-17. Amendment of Records.
- 2-30-18. Disciplinary Action.

### 2-30-1. Title.

This Article shall be known as the "Records Access and Management Ordinance of the City of Orem, Utah."

(Ord. No. O-92-010, Enacted, 06/30/92)

### 2-30-2. Purpose and Intent.

The City of Orem recognizes two fundamental rights: the right of privacy in relation to personal data gathered by the City; and the public's right of access to information concerning the conduct of the public's business. In enacting this Article, it is the intent of the City of Orem to:

A. Maintain and preserve accurate government records,

(Ord. No. O-92-010, Enacted, 06/30/92)

B. Provide ready access to records which are defined by law as open to the public,

(Ord. No. O-92-010, Enacted, 06/30/92)

C. Retain the security of records which are defined by law as non-public.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. Comply with the Government Records Access Management Act(hereinafter referred to as "the Act") Chapter 2 of Title 63 of the Utah Code Annotated (1953, as amended), and

(Ord. No. O-92-010, Enacted, 06/30/92)

E. Comply with all other federal, state and City, constitutional, statutory and regulatory record-keeping requirements.

(Ord. No. O-92-010, Enacted, 06/30/92)

### 2-30-3. Definitions.

As used in this ordinance, the following definitions shall be applicable.

**Act** means the Government Records Access and Management Act, Section 63-2-1, et seq., Utah Code Annotated, 1953, as amended.

**Audit** means:

A. A systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

B. A systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

**Chronological log** means a regular and customary summary record of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire and paramedic calls made and any arrests or jail bookings made by the Department of Public Safety;

**City Records officer** means an individual appointed by the City Manager to work in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

**Classification** means determining whether a record series, record, or information within a record is public, private, controlled, protected or exempt from disclosure under sections 2-30-6 through 2-30-9 Orem City Code.

**Computer Program** means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the source material that explains how to operate the computer program. It does not mean;

1. The original data, including numbers, text, voice, graphics, and images;

2. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or

3. The mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

**Contractor** means;

1. Any person who contracts with the City to provide goods or services directly to the City; or

2. Any private, nonprofit organization that receives funds from the City. Contractor does not mean a private provider.

**Controlled records** shall be those defined as controlled under the provisions of this ordinance and in accordance with the provisions of the Act.

**Data** shall refer to individual entries (for example, birth date, address, etc.) in records.

**Designation** means indication, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

**Gross compensation** means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

**Individual** means a human being.

**Initial contact report** means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

1. The date, time, location and nature of the complaint, the incident, or offense;
2. Names of victims;
3. The nature or general scope of the agency's initial actions taken in response to the incident;
4. The general nature of any injuries or estimate of damages sustained in the incident;
5. The name, address, and other identifying information about any person arrested or charged in connection with the incident;
6. The identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under sections 2-30-6 through 2-30-9 Orem City Code.

**Non-public records** means those records defined as private, controlled, or protected under the provisions of this ordinance and the Act.

**Person** means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization.

**Private records** mean those records classified as private under the provisions of this ordinance and the Act.

**Private provider** means any person who contracts with a government entity to provide services directly to the public.

**Protected records** mean those records classified as protected under the provisions of this ordinance and the Act.

**Public records** mean those records which have not been classified as non-public in accordance with the provisions of this ordinance and the Act.

**Record** means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City where all the information in the original is reproducible by some mechanical, electronic, photographic or other means. Record does not mean:

1. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;
2. Materials that are legally owned by an individual in his private capacity;
3. Materials to which access is limited by the laws of copyright or patent;
4. Proprietary software;
5. Junk mail or commercial publications received by the City or by an officer or employee of the City;
6. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of City libraries open to the public, regardless of physical form or characteristics of the material;
7. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he is working;
8. Notes or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to the Utah Open Meetings act; or Proprietary computer software programs as defined above that are developed or purchased by or for the City for its own use.

**Record series** means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

**Schedule** means the process of specifying the length of time each record series should be retained by the City for administrative, legal, fiscal or historical purposes, and when each record series should be transferred to the state archives or destroyed.

**Summary data** means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information. (Ord. No. O-92-010, Enacted, 06/30/92)

#### 2-30-4. Access to Public Records.

A. Any person shall have the right to see, review, examine, and take copies of all city government records defined as "public" under the provisions of this ordinance, upon the payment of the designated fee and pursuant to the provisions of this Article, the Act and policies and procedures developed hereunder. (Ord. No. O-92-010, Enacted, 06/30/92)

B. Public Records are all city records unless they are:

1. Expressly classified otherwise in accordance with procedures established by this ordinance,
2. Expressly classified otherwise by the Act, or
3. Are made non-public by other applicable law.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. The City has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. When a department record is temporarily held by another department, the record shall not be considered the borrowing department's record for purposes of this Article; provided, however, that the record shall be considered a record of the department which usually keeps or maintains that record and any requests for access to such record shall be directed to that department rather than the department temporarily holding the record.

(Ord. No. O-92-010, Enacted, 06/30/92)

#### 2-30-5. Access to Non-Public Records.

A. Private records shall be those city records classified as "private", as defined in the Act and as classified and defined in procedures established pursuant to this Article. Private records shall be made available to:

1. The subject of the record,

2. The parent or legal guardian of a minor who is the subject of a record,

3. The legal guardian of an incapacitated individual who is the subject of the record,

4. Any person who has a power of attorney or a notarized release from the subject of the record or his legal representative, or

5. Any person possessed of and serving a legislative subpoena, or court order issued by a court of competent jurisdiction.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. Controlled records shall be those city records classified as "controlled", as defined in the Act, Section 63-2-303 (U.C.A., 1953, as amended) and as classified and defined in procedures established in this Article. A person who receives a record from the City may not disclose controlled information from that record to any person, including the subject of the record. Controlled records shall be made available to:

1. A physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record that is dated no more than 90 days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information, or

2. Any person presenting a legislative subpoena or court order signed by a judge of competent jurisdiction.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. Protected records shall be those city records classified as "protected", as defined in the Act, Section 63-2-304 (U. C. A., 1953, as amended) and as classified and defined in procedures established in this Article. Protected records shall be made available to:

1. The person who submitted the record,

2. A person who has a power of attorney or notarized release from all persons or governmental entities whose interests are protected by the classification of the record, or

3. To any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. Where a private, controlled, protected or non-public record contains more than one subject of the record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

(Ord. No. O-92-010, Enacted, 06/30/92)

E. Before releasing a private, controlled, or protected record, the City shall obtain evidence of the requester's identity.

(Ord. No. O-92-010, Enacted, 06/30/92)

F. 1. The City may disclose or authorize disclosure of private or controlled records for research purposes if the City:

a. Determines that the research purpose cannot reasonably be accomplished without use of disclosure of information to the researcher in individually identifiable form;

b. Determines that the proposed research is bona fide, and that the value of the research outweighs the infringement upon personal privacy;

c. Requires the researcher to assure the integrity, confidentiality, and security of the records and requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;

d. Prohibits the researcher from disclosing the record in individually identifiable form except as provided in subsection (2), or from using the record for purposes other than the research approved by the City; and

e. Secures from the researcher a written statement of his understanding of and agreement to the conditions of this subsection and his understanding that violation of the terms of this subsection may subject him to criminal prosecution under Section 63-2-801 of the Utah Code.

2. A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.

3. The City may require indemnification as a condition of permitting research under this subsection.

(Ord. No. O-92-010, Enacted, 06/30/92)

G. The City recognizes and upholds the personal right of privacy retained by persons who may be the subject of government records. The City also recognizes that the Act and Utah case law establish a presumption that government records will generally be considered open and public, with certain specific exceptions.

1. In circumstances where a record's public or non-public status is not specifically established

by the Act, another statute, this ordinance, or policies established or classifications made under this ordinance, the public's right to access and the record subject's right of privacy must be compared.

2. In accordance with decisions of the Utah Supreme Court, City records which have not been specifically made public by the Act and which refer to named or readily identifiable individuals which deal with matters of a delicate nature which could engender shame, humiliation or embarrassment in the subject of that record, in accordance with accepted standards of social propriety, shall generally not be classified as public records, and release thereof may constitute a clearly unwarranted invasion of privacy in accordance with the Act and procedures established in this ordinance.

(Ord. No. O-92-010, Enacted, 06/30/92)

H. The City may, as determined appropriate by the department head of the department responding to a request for records, notify the subject of a private or controlled record that a request for access to the subject's record has been made.

(Ord. No. O-92-010, Enacted, 06/30/92)

I. The City may require that the requester of private records provide a written release, notarized within ninety (90) days before the request, from the subject of the records in question before access to such records is provided.

(Ord. No. O-92-010, Enacted, 06/30/92)

J. The City may share information with other government agencies regardless of classification as long as those agencies are willing to abide by the requirements of this ordinance. Nothing in this Article prevents the City from examining private, controlled or protected records for government or administrative purposes.

(Ord. No. O-92-010, Enacted, 06/30/92)

K. Under circumstances set out in this Article, it may be appropriate to disclose non-public records to persons other than those set out in this Article. The determination to so release such records shall be made by the City Records Officer, consistent with this Article and upon the advice of the City Attorney.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-6. Records Classified as Public.**

A. The following city records are public according to the Act except to the extent they contain information expressly permitted to be treated confidentially pursuant to court rule, another state statute, federal statute, or federal regulation, including

records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds:

1. Laws and ordinances;
2. Names, gender, gross compensation, job title, job descriptions, job qualifications, business addresses, business telephone numbers, number of hours worked per pay period, and dates of employment, and relevant education, previous employment, and similar job qualifications of the governmental entity's former and present employees and officers, excluding undercover law enforcement personnel and investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;
3. Final opinions, including concurring and dissenting opinions, and orders that are made by a government entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, protected, or controlled;
4. Final interpretations of statutes, ordinances or rules by the City unless classified as protected;
5. Information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a government entity as proved by Chapter 4, Title 52, Open and Public Meetings, Utah Code Ann. including the records of all votes of each member of the government entity;
6. Judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under the Act;
7. Records filed with or maintained by city recorders, clerks, treasurers, surveyors, zoning commissions, etc. that give public notice of:
  - a. Titles or encumbrances to real property;
  - b. Restrictions on the use of real property;
  - c. The capacity of persons to take or convey title to real property; or
  - d. Tax status for real and personal property.
8. Data on individuals that would otherwise be private under the Act if the individual who is the subject of the record has given the City written permission to make the records available to the public;

9. Documentation of the compensation that a government entity pays to a contractor or private provider;

10. Summary data; and

11. Written record requests.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Sections 63-2-201(3)(b), 63-2-302, 63-2-303, or 63-2-304 of the Act:

1. Administrative staff manuals, instructions to staff, and statements of policy;

2. Records documenting the compensation that the City pays to a contractor or private provider;

3. Records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the City;

4. Contracts entered into by the City;

5. Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;

6. Records relating to government assistance or incentives publicly disclosed, contracted for, or given by the City, encouraging a person to expand or relocate a business in Utah, except as provided in subsection 63-2-304(34) of the Act;

7. Initial contact reports.

8. Chronological logs.

9. Correspondence by and with a government entity in which the government entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;

10. Empirical data contained in drafts if:

a. The empirical data is not reasonably available to the requester elsewhere in similar form; and

b. The City is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;

11. Drafts that are circulated to anyone other than a government entity, political subdivision, a federal agency if the government entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved, a government-managed corporation, or a contractor or private provider;

12. Drafts that have never been finalized but were relied upon by the City in carrying out action or policy.

13. Original data in a computer program if the government entity chooses not to disclose the program;

14. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;

15. Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;

16. Records that would disclose information relating to formal charges or disciplinary actions against a past or present City employee if:

a. The disciplinary action has been completed and all time periods for administrative appeal have expired; and,

b. The formal charges were sustained;

17. Final audit reports;

18. Occupational and professional licenses;

19. Business licenses; and

20. A notice of violation, a notice of department action under Section 63-46b-3, of the Act or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-7. Records Classified as Private.**

A. The following records are private:

1. Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

3. Records of the Orem City Library that when examined alone or with other records identify a patron;

4. Records concerning a current or former employee of, or applicant for employment with the City that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. The following records are private if properly classified by the City:

1. Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are

public under Subsections 63-2-301(1)(b) or 63-2-301(2)(o), or private under Subsection 63-2-302(1)(e) of the Act.

2. Records describing an individual's finances, except that the following are public:

a. Records described in Subsection 63-2-301(1);

b. Information provided to the government entity for the purpose of complying with a financial assurance requirement; or

c. Records that must be disclosed in accordance with another statute;

3. Records of the City or independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the City or state agency;

4. Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy; and

5. Records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-8. Records Classified as Controlled.**

The following records are controlled if:

1. The record contains medical, psychiatric, or psychological data about an individual;

2. The City reasonably believes that releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual or releasing the information would constitute a violation of normal professional practice and medical ethics; and

3. The City has properly classified the record.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-9. Records Classified as Protected.**

The following records are protected:

1. Trade secrets as defined in Section 13-24-2 Utah Code Ann. if the person submitting the trade secret has provided the City with the information specified in Section 63-2-308 Utah Code Ann.

2. Commercial information or nonindividual financial information obtained from a person if:

a. Disclosure of the information could reasonably be expected to result in unfair

competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary information in the future;

b. The person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

c. The person submitting the information has provided the City with the information specified in Section 63-2-308 Utah Code Ann.

3. Commercial or financial information acquired or prepared by the City to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or national economy;

4. Test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

5. Records the disclosure of which would impair city procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with the City except that this subsection does not restrict the right of a person to see bids submitted to or by the City after bidding has closed;

6. Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

a. Public interest in obtaining access to the information outweighs the City's need to acquire the property on the best terms possible; or

b. The information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

c. In the case of records that would identify property, potential sellers of the described property have already learned of the City's plans to acquire the property or of the City's estimated value of the real property; or

d. In the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the City's estimated value of the property;

7. Records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to

completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

a. The public interest in access outweighs the interests in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or

b. When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity.

8. Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records;

a. Reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

b. Reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

c. Would create a danger of depriving a person of a right to a fair trial or impartial hearing;

d. Reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

e. Reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

9. Records the disclosure of which would jeopardize the life or safety of an individual;

10. Records the disclosure of which would jeopardize the security of city property, city programs, or city recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

11. Records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

12. Records that, if disclosed, would reveal recommendations made to the Board of Pardons by an employee of or contractor for the Department of Corrections, the Board of Pardons, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

13. Records and audit workpapers that identify audit, collection, and operational procedures and methods used by the Utah State Tax Commission, if the disclosure would interfere with audits or collections;

14. Records of a government audit agency relating to an ongoing or planned audit until the final audit is released;

15. Records prepared by or on behalf of the City solely in anticipation of litigation that are not available under the rules of discovery;

16. Records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the City concerning litigation;

17. Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in Section 78-24-8 Utah Code Ann.;

18. Drafts, unless otherwise classified as public;

19. Records concerning the City's strategy about collective bargaining or pending litigation;

20. Records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the City or by the Utah Risk Management Mutual Association;

21. Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

22. Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

23. Records if the disclosure of the records would conflict with the fiduciary obligations of the City;

24. Records provided by the United States or by a government entity outside the State that are given to the City with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

25. Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-7 of the Open and Public Meetings Act, Utah Code Ann.;

26. Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

27. Memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body charged by law with performing a quasi-judicial function;

28. Records that would reveal negotiations regarding assistance or incentives offered by or requested from the City for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person, or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

29. Materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

30. The name of a donor or a prospective donor to the City, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

a. The donor requests anonymity in writing;

b. Any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the City under this subsection;

c. The entity to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of his immediate family, or any entity owned or controlled by the donor or his immediate family;

(Ord. No. O-92-010, Enacted, 06/30/92)

### **2-30-10. Records Access Procedures.**

A. Requests for records shall, in the majority of cases, be responded to as soon as reasonably possible. The requester shall fill out and present to the City a written request on forms provided by the City. The requester shall identify him/herself on the request form. The date and time of the request shall be noted on the

written request form and all time frames provided under this section shall commence from that time and date. Requesters of non-public information shall adequately identify their status prior to receiving access to non-public records. The department director may waive the requirement of a written request form.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. The City may respond to a request for a record by approving the request and providing the record, denying the request, or giving such other appropriate response as may be established by policies and procedures. All denials for a request must be made by the City Records Officer.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. In most circumstances and excepting those eventualities set out below in paragraph D, the City shall respond to a written request for a record within five (5) business days after that request.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. Extraordinary circumstances shall justify the City's failure to respond to a written request for a record within five (5) business days and shall extend the time for response to that time reasonably necessary to respond to the request, as determined by the department director. Extraordinary circumstances shall include but not be limited to the following:

1. The City, or some other governmental entity is currently and actively using the record requested;

2. The record requested is for either a voluminous quantity of records or requires the City to review a large number of records or perform extensive research to locate the materials requested;

3. The City is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work;

4. The request involves an analysis of legal issues to determine the proper response by the City to the request;

5. The request involves extensive editing to separate public information in a record from that which is not public; or

6. Providing the information request requires computer programming or other format manipulation.

When the City determines that a record request cannot be responded to within five (5) business days, the department director shall give the requester an estimate of the time required to respond to the request.

E. The City differentiates between a record and the data contained in that record. Only those requesters having a right to the data will receive the data. All private, controlled, and protected data will be deleted from requested records unless the requestor has the right to that data under this ordinance.

(Ord. No. O-92-010, Enacted, 06/30/92)

F. Any City record which has been requested in accordance with this chapter and the Act, that is disposable by approved retention schedule, may not be disposed of until the request is granted and fulfilled, or sixty days after the request is denied if no appeals are filed, or sixty days after all appeals are completed, pursuant to Section 2-30-12 Orem City Code.

(Ord. No. O-92-010, Enacted, 06/30/92)

G. The failure or inability of the City to respond to a request for a record within the time frames set out herein, or the City's denial of such a request, shall give the requester the right to appeal pursuant to Section 2-30-12 of the Orem City Code.

(Ord. No. O-92-010, Enacted, 06/30/92)

H. No City record, disposable by an approved retention schedule, which is subject to pending litigation or audit shall be disposed of until the litigation or audit has been completed or resolved.

(Ord. No. O-92-010, Enacted, 06/30/92)

I. Reasonable accommodations regarding access to government records shall be provided to persons with disabilities.

(Ord. No. O-92-010, Enacted, 06/30/92)

J. Subpoenas and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative or legislative procedure are not written requests under this Article. Compliance with civil, criminal, administrative and legislative discovery shall be governed by the applicable statutes and rules of procedure.

(Ord. No. O-92-010, Enacted, 06/30/92)

#### **2-30-11. Fees.**

Applicable fees for the processing of information requests under this Article shall generally be set at actual cost or as otherwise established by statute, ordinance, resolution or by policies adopted under this Article. The City may not charge a fee for reviewing a record to determine whether it is subject to disclosure or for inspecting a record.

(Ord. No. O-92-010, Enacted, 06/30/92)

#### **2-30-12. Appeals.**

A. Persons aggrieved by the City's classification of a record or by the City's response to a record request

may request and be granted a full administrative appeal of that grievance. An intermediate or initial appeal shall be made to the City Manager. A requester who is aggrieved by the City Manager's decision may file an administrative appeal of that decision with the City Council. The appeal of a decision of the City Council may be made within thirty (30) days to the District Court, in accordance with the Act and the Utah Rules of Civil Procedure.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. An intermediate appeal under this section shall be brought within thirty (30) calendar days of the date of the action aggrieved, or of the date when the person grieving reasonably should have become aware of the action. An administrative appeal shall be filed within thirty (30) days after the City Manager has denied the appeal or fails to make a determination within three (3) business days after the appeal hearing.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. The notice of appeal shall be filed with the City Records Officer and shall contain the following information:

1. The petitioner's name, mailing address, and daytime telephone number;
2. A copy of any denial of the records request; and
3. The relief sought.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. The City Records Officer shall schedule the appeal before the City Manager or City Council no sooner than fifteen (15) and no later than thirty (30) days from the date of the filing of the appeal. The written decision of the City Manager or Council regarding access to or classification of records shall be made no more that ten (10) business days after the hearing and shall be forwarded to the City Records Officer for corrective action including any reclassification of records which may be necessitated by the appellate decision.

(Ord. No. O-92-010, Enacted, 06/30/92)

E. The provisions of this section notwithstanding, the persons participating in the proceeding may, by agreement or stipulation, extend the time periods specified in this section.

(Ord. No. O-92-010, Enacted, 06/30/92)

F. The City Manager or City Council may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private or protected if

the interests favoring access outweigh the interests favoring restriction of access.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-13. Liability.**

In accordance with the Act, neither the City nor any of its officers or employees shall be liable for damages resulting from the release of a record where the requester presented to the City evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-14. City Records Officer and Records Management Committee.**

A. The City Manager shall appoint the City Records Officer. The City Records Officer shall oversee and coordinate the management of City records. The City Records Officer shall make reports of records services activities to the City Council upon request by the City Council.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. There is hereby created the Records Management Committee, to be chaired by the City Records Officer. Members of the Records Management Committee shall include representatives from each of the different departments of the City. The department representatives shall be called Department Records Representatives. The Records Management Committee shall meet periodically as needed, as determined by the Records Management Committee and/or the City Records Officer.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. The Department Records Representative is to assist with and be directly responsible for the implementation of this ordinance in city departments. Regular training shall be provided under the direction of the City Records Officer to Department Records Representatives.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. The Records Management Committee shall develop, as needed, records maintenance and access policies and procedures to govern and implement the provisions of this Article. Copies of all rules and policies promulgated under this ordinance shall be forwarded to the Utah State Division of Archives within thirty (30) days after its effective date. All record policies and procedures shall be consistent with this Article and the Act.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-15. Records Classification, Designation, Retention and Maintenance.**

A. The City Records Officer with the assistance of the Records Management Committee shall develop city policies and guidelines relating to the classification, designation, retention and maintenance of city records. All City records and records series, of any format, shall be classified and scheduled for retention according to the provisions of the Act and this Article. Any records or record series generated in the future shall also be so classified, designated and scheduled for retention. Classification forms and guidelines shall be prepared and promulgated by the City Records Officer. Policies and regulations regarding types of papers, inks, electronic media, and other records storage materials may be developed and promulgated by the City Records Officer.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. The City may designate or redesignate or classify or reclassify records or data at any time, and is not required to classify a particular record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. All City records shall remain the property of the City unless federal or state legal authority provides otherwise.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. Property rights to City records may not be permanently transferred from the City to any private individual or entity, including legally disposable City records that are obsolete. This prohibition does not include the providing of copies of City records otherwise produced for release or distribution under this Article.

(Ord. No. O-92-010, Enacted, 06/30/92)

E. Custodians of any City records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the City Records Officer.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-16. Electronic Records.**

A. The City retains and reserves to itself the right to use any type of non-verbal or non-written formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not

prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain City records. All computerized and non-written format records and data which are properly classified in accordance with the Act and this Article as public, shall be made available to a requester within a reasonable time and at a reasonable cost.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. Members of the public shall have the right to have access to records, in accordance with the Act and this Article, contained in non-written formats or data processing systems. The method of access to such public records shall be as determined appropriate by the director of the department maintaining the records, considering all circumstances. Access may include but not be limited to the following:

1. Using a city computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any non-public records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

2. Providing paper or "hard" copies of data printouts or by providing magnetic tapes, disks, or other means of electronic storage containing the non-written format or data processing system records; or

3. Using, where appropriate, remote terminals which have access to city computer, data processing or electronic information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that non-public records will not be available by remote terminal access.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this Article or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the City and software and other materials which have been copyrighted by the City.

(Ord. No. O-92-010, Enacted, 06/30/92)

**2-30-17. Amendment of Records.**

A. Government records held by the City may be amended or corrected by the City as needed. Policies and procedures may be adopted by the City Records Officer for such amendments. Outside requests for amendments, corrections, or other changes shall be

made in writing to the department having custody of the records and setting forth, with specificity, the amendment or correction requested. The City Records Officer, after receiving a recommendation from the department director, shall either approve or deny the request.

(Ord. No. O-92-010, Enacted, 06/30/92)

B. The City Records Officer shall issue an order approving or denying the request to amend no later than thirty (30) days after receipt of the request.

(Ord. No. O-92-010, Enacted, 06/30/92)

C. If the request is approved, the City Records Officer shall correct the records that contain the incorrect information as soon as practical. When an amendment or correction of a government record is made, both the original record and the amended or corrected record shall be retained, unless provided otherwise by policies and procedures adopted under the provisions of this Article.

(Ord. No. O-92-010, Enacted, 06/30/92)

D. If the request is denied, the City Records Officer shall inform the requester in writing the reasons for denying the request. The requester may appeal the denial of the request to amend a record pursuant to section 2-30-12 of the Orem City Code.

(Ord. No. O-92-010, Enacted, 06/30/92)

#### **2-30-18. Disciplinary Action.**

The City may take disciplinary action, which may include suspension or termination, against any employee who intentionally violates any provision of this Article.

(Ord. No. O-92-010, Enacted, 06/30/92)

**Article 2-31. Temporary Interim Succession****2-31-1. Title.****2-31-2. Definition.****2-31-3. Temporary Interim Successors for City Officers.****2-31-4. Order of Succession for City Manager.****2-31-5. Period in Which Authority May Be Exercised.****2-31-6. Order of Succession for Other City Officers.****2-31-7. Formalities of Taking Office.****2-31-1. Title.**

This Article shall be known as the “Temporary Interim Succession Ordinance of the City of Orem, Utah.”

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

**2-31-2. Definitions.**

For purposes of this Article, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

**City Officer** means the City Manager, City Attorney, City Treasurer, City Engineer, City Recorder and Department Directors.

**Place of governance** means the physical location where the powers of an office are normally exercised.

**Unavailable** means not physically present at the place of governance, not able to be communicated with, or unable to perform the duties and functions of a City Officer whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

**2-31-3. Temporary Interim Successors for City Officers.**

A temporary interim successor shall assume and exercise the powers and duties of a City Officer whenever a City Officer is unavailable and the authority of that officer must be exercised in order to:

A. Prevent damage, detriment or loss of opportunity to the City;

B. Fulfill an obligation of the City; or

C. Respond to an important need of the City.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

**2-31-4. Order of Succession for City Manager.**

If the City Manager is unavailable, the individuals listed below may, in the order named, act as the temporary interim successor to the City Manager and exercise the powers and duties of the City Manager:

1. Assistant City Manager.
2. Director of Recreation.
3. Director of Public Safety.
4. Director of Public Works.
5. Director of Development Services.
6. Director of Administrative Services.
7. Director of Library.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

**2-31-5. Period in Which Authority May Be Exercised.**

A temporary interim successor shall exercise the powers and duties of the office only until the City Officer or an individual higher in the order of succession becomes available to exercise the powers and duties of the office, or the vacancy is filled in accordance with applicable law. The City Manager may remove and/or replace a temporary interim successor at any time, with or without cause. The City Council may by resolution remove and/or replace the temporary interim successor to the City Manager at any time, with or without cause.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

**2-31-6. Order of Succession for Other City Officers.**

The City Attorney, City Treasurer, City Engineer, City Recorder and all Department Directors shall provide to the City Manager a written list designating three temporary interim successors to such officer and their order of succession. Each officer shall submit a new list when the officer or any of the successors changes. If any officer other than the City Manager is unavailable, the individuals named in the officer’s list of successors shall, in the order named, exercise the powers and duties of that officer. A temporary interim successor to any officer other than the City Manager shall not have the right to assume the priority of that officer to succeed to the office of City Manager as set forth in section 2-31-5.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

**2-31-7. Formalities of Taking Office.**

No person is required to comply with any other provision of law relative to taking office as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he/she succeeds.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

**Article 2-32. Heritage Commission**

**2-32-1. Commission Established.**

**2-32-2. Duties of Commission.**

**2-32-3. Membership of Commission.**

**2-32-4. Appointment.**

**2-32-5. Term of Office.**

**2-32-6. Removal and Vacancy.**

**2-32-7. Voting.**

**2-32-8. Meetings.**

**2-32-9. Staff Assignments.**

**2-32-10. Compensation.**

**2-32-11. Recommendations.**

**2-32-1. Commission Established.**

The Orem Heritage Advisory Commission (hereinafter referred to as “Commission”) is hereby established.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

**2-32-2. Duties of the Commission.**

The commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. Develop two memorials honoring veterans. One memorial is to be located at the City Cemetery and the other is to be located at the City Center.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. Establish a local tradition of formally celebrating our heritage through Memorial Day, Independence Day and Veterans Day celebrations and other appropriate holiday celebrations.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. Establish the tradition of flag raising ceremonies.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

D. Conduct educational outreach to enhance appreciation for our nation and the sacrifices made on its behalf.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

**2-32-3. Membership of Commission.**

The Commission shall consist of seven (7) members, who have demonstrated interest in promoting patriotism toward the United States of America.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

**2-32-4. Appointment.**

A. The Mayor, with the advice and consent of the City Council, shall appoint commission members.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. Commission members shall be residents of the City of Orem.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

**2-32-5. Term of Office.**

A. The term of office for each member shall be four (4) years. The term of office of the initial members of the Commission shall be staggered so that three (3) are for four (4) years and two (2) are for three (3) years.

(Ord. No. O-02-0009, Enacted, 02/05/2002; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Lots shall be drawn at the first meeting of the Commission to determine which of the members shall serve for four (4) years and which shall serve for three (3) years.

(Ord. No. O-02-0009, Enacted, 02/05/2002; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Commission members shall not be eligible for reappointment.

(Ord. No. O-02-0009, Enacted, 02/05/2002; Ord. No. O-02-0014, Amended, 04/09/2002)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member’s death, resignation, removal or disqualification from holding office.

(Ord. No. O-02-0009, Enacted, 02/05/2002; Ord. No. O-02-0014, Amended, 04/09/2002)

**2-32-6. Removal and Vacancy.**

A. The Mayor, with the advice and consent of the City Council, may remove any member of the Commission from office.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. A member’s office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. A member’s office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission’s scheduled meetings during any twelve (12) month period.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

#### **2-32-7. Voting.**

A. Each member of the Commission shall have one (1) vote.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. A quorum shall consist of any four (4) members of the Commission. No meeting is official unless a quorum of members is present.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4).

(Ord. No. O-02-0009, Enacted, 02/05/2002)

#### **2-32-8. Meetings.**

A. The Commission shall select one of the members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first meeting of the year. A Chairperson may serve consecutive terms.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. The Commission shall meet at least quarterly, and may meet more often at the discretion of its Chairperson.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City Policies. This includes public notification of meeting place, time and agenda items.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting and shall be available for public inspection.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

#### **2-32-9. Staff Assignments.**

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

#### **2-32-10. Compensation.**

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

#### **2-32-11. Recommendations.**

A. The Chairperson of the Commission shall, from time to time, present recommendations to the City Council, which have been approved by the Commission.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. The Commission shall act in an advisory role to other officials and departments of government regarding promotion of patriotism.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. The Commission shall work toward the continuing education of citizens promoting patriotism and appreciation of our nation's history.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

**Article 2-33. Transportation Advisory Commission**

- 2-33-1. Commission Established.**
- 2-33-2. Duties of Commission.**
- 2-33-3. Membership of Commission.**
- 2-33-4. Appointment.**
- 2-33-5. Term of Office.**
- 2-33-6. Removal and Vacancy.**
- 2-33-7. Voting.**
- 2-33-8. Meetings.**
- 2-33-9. Compensation.**
- 2-33-10. Recommendations.**

**2-33-1. Commission Established.**

The Orem Transportation Advisory Commission (hereinafter referred to as "Commission") is hereby established.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

**2-33-2. Duties of the Commission**

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. Recommend to the City Council a Transportation Master Plan and updates to the Transportation Master Plan. The recommendation shall include road classifications.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. Approve stop sign changes in accordance with guidelines from the City Council.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. Recommend speed limit changes to the City Council.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

D. Hear requests from citizens for traffic calming devices and recommend a priority list of traffic calming devices to the City Manager for inclusion into the proposed City Budget.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

E. Review and make recommendations to the City Council regarding bike paths, bike lanes, bike trails, and other issues regarding the use of bicycles in the City of Orem.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

F. Review and make recommendations to the City Council regarding mass transit issues in the City of Orem.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

G. Review and make recommendations to the City Council on other traffic and transportation issues brought to the Commission by the City Manager.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

H. Work toward the continuing education of citizens regarding transportation issues in our community.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

I. Plan and arrange for neighborhood meetings/open houses and attend such meetings to receive and review public input.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

J. Review and make recommendations to the City Council regarding intersection improvements.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

K. Review and make recommendations on other transportation issues, programs, and improvements to the City Council.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

**2-33-3. Membership of Commission.**

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

**2-33-4. Appointment.**

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. Commission members shall be residents of the City of Orem.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. Commission members shall be selected without respect to political affiliation.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

**2-33-5. Term of Office**

A. The term of office for Commission members shall be four (4) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. The term of office of the initial members of the Commission shall be staggered so that four (4) are for four (4) year terms and three (3) are for three (3) year terms.  
(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. Lots shall be drawn at the first meeting of the Commission to determine which of the members shall

serve for four (4) year terms and which shall serve for three (3) years.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

D. No person shall serve more than one consecutive term on the commission.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal, or disqualification from holding office.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

### **2-33-6. Removal and Vacancy.**

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of city boundaries for a continuous period of more than 60 days.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Commission's meetings during any twelve (12) month period.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

D. Vacancies shall be filled for any member whose office becomes vacant.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council

(Ord. No. O-07-0002, Enacted, 01/09/2007)

### **2-33-7. Voting.**

A. Each member of the Commission shall have one (1) vote.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. A quorum shall consist of any four (4) members of the commission. No meeting is official unless a quorum of members is present.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4).

(Ord. No. O-07-0002, Enacted, 01/09/2007)

### **2-33-8. Meetings.**

A. The Commission shall select one of the members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually at the first January meeting of the Year. A Chairperson may serve consecutive terms.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. The Commission shall meet at least monthly and may meet more often at the discretion of its Chairperson.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time, and agenda items.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following commission meeting and shall be available for public inspection.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

E. The Commission may establish subcommittees to help carry out its responsibilities.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

F. The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

### **2-33-9. Compensation.**

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

### **2-33-10. Recommendations.**

The Chairperson of the Commission shall, from time to time, present recommendations to the City council which have been approved by the Commission.

(Ord. No. O-07-0002, Enacted, 01/09/2007)