

Ordinance No. 2022-24

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, SECTIONS 1-6
OF THE MUNICIPAL CODE OF PARK CITY**

WHEREAS, in 2009, Title 2, Chapter 3 of the Municipal Code of Park City was overhauled to conform to changes in state law and the Six-Member Council Form of Municipal Government;

WHEREAS, the Sections 1-6 mostly duplicated state law from 2009;

WHEREAS, these amendments help avoid conflicts with state law and simplify and modernize the City Code.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City as follows:

Sections 2-3-1 through 6 of the Municipal Code of Park City are amended and adopted to read as outlined in Exhibit A. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 14th day of July 2022.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

57775BCB46414F6...

Nann Worel, Mayor

Attest:



DocuSigned by:

Michelle Kellogg

E5F905BB533F431...

City Recorder

Approved as to form:

DocuSigned by:

Margaret Plane

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City Attorney's Office

EXHIBIT A

2-3 City Council Procedure

2-3-1 Rules Of Procedure

2-3-2 Meetings

2-3-3 Public Notice Of Meetings; Emergency Meetings

2-3-4 Quorum: Adjournment Of Meeting

2-3-5 Meetings To Be Public

2-3-6 Closed Meetings

2-3-1 Rules Of Procedure

Except as otherwise provided by law, the City Council may establish its own rules of procedures for the proper conduct of its meetings.

HISTORY

Amended by Ord. 09-24 on 7/9/2009

2-3-2 Meetings

~~**REGULAR MEETINGS.** The City Council shall provide notice and conduct meetings in accordance with state law, by ordinance adopted at the beginning of the year, prescribe an annual meeting schedule with at least one regular meeting each month. The City Council may hold electronic meetings.~~

~~1. **SPECIAL MEETINGS.**~~

- ~~1. If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered in the minutes of the City Council. The order shall provide at least three (3) hours notice of the special meeting and notice thereof shall be served by the City Recorder or Clerk on each member of the City Council who did not sign the order by delivering the notice personally or by leaving it at the Council member's place of residence. The personal appearance by a member of any specially called meeting constitutes a waiver of the notice required in this section.~~
- ~~2. No business shall be transacted at any special meeting of the City Council unless it has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting.~~
- ~~3. **RECONSIDERATION.** Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council~~

~~present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.~~

- ~~2. **ELECTRONIC MEETINGS.** The City Council may hold electronic meetings in accordance with Section 52-4-207 of the Utah Code, as amended.~~

HISTORY

~~Amended by Ord. 09-24 on 7/9/2009~~

~~Amended by Ord. 2020-18 on 3/19/2020~~

~~Amended by Ord. 2021-44 on 10/28/2021~~

2-3-3 Public Notice Of Meetings; Emergency Meetings

- ~~1. The City shall give not less than 24 hours public notice of each meeting including the meeting agenda, date, time and place.~~
- ~~2. Public notice of meetings shall be satisfied by posting written notice at the principal office of the City Council; providing notice to at least one (1) newspaper of general circulation within the City, and all other media agencies that made a periodic written request to receive notice; and posting public notice of its meetings on the Internet.~~
- ~~3. In addition to the above noticing requirements, the City Council may use electronic means to provide and issue meeting notice.~~
- ~~4. The notice requirement may be disregarded if because of unforeseen circumstances it is necessary for the City Council to hold an emergency meeting to consider matters of an emergency or urgent nature; and the best notice practicable is given.~~
- ~~5. An emergency meeting of the City Council may not be held unless an attempt has been made to notify all of its members; and at least the Mayor and two other members approve holding the meeting.~~
- ~~6. A public notice that is required to include an agenda shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.~~
- ~~7. Individual agenda matters and/or public hearings coming before the City Council may have code or state regulation for specific legal notice requirements, and which may vary depending on the particular action that must be adhered to before a public hearing may be held or City Council takes action.~~

HISTORY

~~Amended by Ord. 09-24 on 7/9/2009~~

2-3-4 Quorum: Adjournment Of Meeting

No action of the City Council shall be official or of any effect except when a quorum of the members are present. Fewer than a quorum may adjourn from time to time. The number of members of the City Council necessary to establish a quorum is three (3) or more.

HISTORY

Amended by Ord. 09-24 on 7/9/2009

2-3-5 Meetings To Be Public

- ~~1. All meetings and business of the City Council shall be conducted only in open meeting and in compliance with the provisions of U.C.A. Title 52, Chapter 4, Open and Public Meetings Act.~~
- ~~2. With the exception of an emergency meeting, the City Council may not consider a topic in an open meeting that is not:
 - ~~1. listed under an agenda item that provides reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the meeting agenda; and~~
 - ~~2. included with the advanced public notice in accordance with this section.~~
 - ~~3. A topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.~~~~
- ~~3.
 - ~~1. A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.~~
 - ~~2. A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:
 - ~~1. the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at a different location;~~
 - ~~2. any of the meetings held on the same day is a site visit or a traveling tour and in accordance with this chapter, public notice is given;~~
 - ~~3. the workshop or executive session is an electronic meeting conducted according to the requirements of City Code 2-3-2; or~~~~~~

4. ~~it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.~~

HISTORY

~~Amended by Ord. 09-24 on 7/9/2009~~

~~Amended by Ord. 2020-18 on 3/19/2020~~

2-3-6 Closed Meetings

~~A closed meeting may be held pursuant to state code U.C.A. §52-4-202, §52-4-204, §52-4-205, and §52-4-206, as amended.~~

1. ~~CLOSED MEETING HELD UPON VOTE OF MEMBERS – BUSINESS – REASONS FOR MEETING RECORDED.~~

~~1. A closed meeting may be held:~~

~~1. if a quorum is present; and~~

~~2. if two-thirds of the members of the public body present at an open meeting for which public notice is given vote to approve closing the meeting.~~

~~2. A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section (B) pursuant to U.C.A. §52-4-205.~~

~~3. An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.~~

~~4. The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:~~

~~1. the reason or reasons for holding the closed meeting;~~

~~2. the location where the closed meeting will be held; and~~

~~3. the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.~~

~~5. Nothing in this chapter shall be construed to require any meeting to be closed to the public.~~

2. ~~PURPOSES OF CLOSED MEETINGS.~~

~~1.—A closed meeting may only be held for:~~

- ~~1.—discussion of the character, professional competence, or physical or mental health of an individual;~~
- ~~2.—strategy sessions to discuss collective bargaining;~~
- ~~3.—strategy sessions to discuss pending or reasonably imminent litigation;~~
- ~~4.—strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:~~

- ~~1.—disclose the appraisal or estimated value of the property under consideration; or~~
- ~~2.—prevent the public body from completing the transaction on the best possible terms.~~

~~5.—strategy sessions to discuss the sale of real property, if:~~

- ~~1.—public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration; or prevent the public body from completing the transaction on the best possible terms;~~
- ~~2.—the public body previously gave public notice that the property would be offered for sale; and~~
- ~~3.—the terms of the sale are publicly disclosed before the public body approves the sale.~~

~~6.—discussion regarding deployment of security personnel, devices, or systems; and~~

~~7.—investigative proceedings regarding allegations of criminal misconduct.~~

~~2.—The City Council may not interview a person applying to fill an elected position in a closed meeting.~~

~~3.—**RECORD OF CLOSED MEETINGS.**~~

~~1.—The City Council shall make a recording of the closed portion of the meeting; and may keep detailed written minutes that disclose the content of the closed portion of the meeting.~~

- ~~2.—A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.~~
- ~~3.—The recording and any minutes of a closed meeting shall include the date, time, and place of the meeting; the names of members present and absent; and the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.~~
- ~~4.—Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.~~
- ~~5.—Both a recording and written minutes of closed meetings are protected records under Title 63, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under U.C.A. §52-4-304, Action Challenging Closed Meeting.~~
- ~~6.—**EXCEPTION.** If the City Council closes a meeting exclusively for the purposes of discussion of the character, professional competence, or physical or mental health of an individual, or discussion regarding deployment of security personnel, devices or systems, the provision of this section does not apply, and the person presiding shall sign a sworn statement affirming the sole purpose for closing the meeting.~~

HISTORY

Amended by Ord. 09-24 on 7/9/2009