

MILLCREEK, UTAH
RESOLUTION NO. 22-19

**A RESOLUTION APPROVING THE HISTORIC PRESERVATION COMMISSION
RULES OF ORDER AND PROCEDURE**

WHEREAS, the Millcreek Council ("Council") met in regular meeting on June 27, 2022, to consider, among other things, approving the Historic Preservation Commission Rules of Order and Procedure ("Rules"); and

WHEREAS, as Millcreek Code of Ordinances 19.86.030 provides, "The Historic Preservation Commission shall be an advisory body of, and shall report to, the City Council;" and

WHEREAS, a copy of the Rules adopted by the Historic Preservation Commission has been presented to the Council, a copy of which is attached hereto; and

WHEREAS, the Council has reviewed the Rules and determines that the Rules are acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Rules are hereby approved.

This resolution, assigned No. 22-19, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Millcreek Council this 27th day of June 2022.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

MILLCREEK HISTORIC PRESERVATION COMMISSION RULES OF ORDER AND PROCEDURE

ARTICLE 1 NAME AND PURPOSES; OFFICE

Section 1.1. Name. Millcreek (the "City") created the "Millcreek Historic Preservation Commission ("HPC") pursuant to chapter 19.86 of the Millcreek Code of Ordinances ("Code").

Section 1.2. Purposes. The HPC provides advisory assistance to the City Council regarding implementation of chapter 19.86 of the Code.

Section 1.3. Powers and Duties. The HPC shall have the powers and duties as identified in chapter 19.86 of the Code.

Section 1.4. Office. The business office of the HPC shall be located at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, or such other place as the City's offices hereafter may be located, which will also serve as the Anchor Location for electronic meetings.

ARTICLE 2 MEMBERSHIP

Section 2.1. Conflicts of Interest. Members shall be subject to conflict of interest provisions as defined by Utah Code, under the Municipal Officers' and Employees' Ethics Act, the City's code of ordinances, and any other applicable law. A member of the HPC who has a conflict of interest shall declare the conflict of interest as required by code and recuse themselves from an agenda item relating to the conflict of interest. The Chair shall announce the recusal for the record.

Section 2.2. Support. The Zoning Administrator may assign City personnel and resources, as deemed necessary, to assist the HPC in accomplishing its authorized functions and objectives.

ARTICLE 3 OFFICERS

Section 3.1. Officers. As the first order of business at the first regularly scheduled HPC meeting of the calendar year, the Commission shall hold elections for the positions of Chair and Vice Chair from among Members by a majority vote of the Members present.

Section 3.2. Terms. The Chair and Vice Chair shall serve one-year terms and may serve consecutive terms.

Section 3.3. Chair. The Chair shall have general and active control of the affairs and business of the HPC; shall preside and conduct at all regular meetings of the HPC; shall see that all orders of the HPC are carried into effect; shall ensure Member compliance for required trainings; and shall perform all other duties incident to the office of Chair.

Section 3.4. Vice Chair. The Vice Chair of the HPC shall assist the Chair in all aspects of the Chair's duties and shall perform the duties of the Chair in the absence or incapacity of the Chair.

In case of the resignation or death of the Chair, the Vice Chair shall perform the Chair's duties until such time as a new Chair shall take office as provided herein.

ARTICLE 4 MEETINGS

Section 4.1. Regular Meetings. HPC meetings shall occur at regular intervals, and at least twice a year. A schedule of regular meetings shall be set before the beginning of each calendar year and shall be promptly provided to the City Zoning Administrator and the City Recorder. All meetings shall be complied with Utah Code Section 52-4-101 et seq.

Section 4.2. Special Meetings. Special meetings, additional meetings not on the regular schedule, may be called by the Chair at any time, provided that a preferred seventy-two (72) hours' notice (minimum of twenty-four (24) hours' notice) is given to each Member before the meeting is held and notice is given as required by Utah Code Section 52-4-101.

Section 4.3. Electronic Meetings. The HPC may convene in electronic or hybrid (electronic and physical) meetings when necessary pursuant to specific public notice of an electronic meeting by posting written notice of the electronic meeting at the Anchor Location and as otherwise provided by law. Notice of the electronic meeting shall also be provided to each member of the HPC at least 24 hours before the meeting, including a description of how members will be connected to the electronic meeting and indicate the process for participation including meeting links, access codes, telephone numbers, etc. in order to connect to the electronic meeting. In all other respects, electronic meetings shall be conducted, recorded, and minutes shall be kept as required by law.

Section 4.4. Quorum. A majority of Members, at least four, constitutes a quorum, and actions of the HPC can be made by a majority of a quorum.- Before an electronic meeting may be called to order, all members of the HPC shall be given an opportunity to participate in the meeting, and upon determining by roll call that a quorum is present at the electronic meeting. Members participating electronically shall count towards the quorum of the HPC.

~~Members participating electronically or remotely in meetings shall be considered present and part of the quorum, and provided all rights associated with members physically present at meetings.~~

Section 4.5. Voting. Each Member shall have one vote of equal weight. All voting shall be by voice vote, provided, however, that the Chair may call for a roll-call vote. No Member may vote in absentia or by proxy.

Section 4.6. Written Agendas. A written agenda which shall include the date, time and place of the meeting shall be prepared, distributed to Members, and followed for each meeting of the HPC, designating with reasonable specificity the items to be discussed and considered at such meeting. At the meetings of the HPC, any Member may submit such recommendations and information as considered proper concerning the business, affairs, and policies of the HPC under consideration. Members may also suggest items to be placed on the agenda with the Chair's approval.

Section 4.7. Minutes. Minutes of all meetings shall be kept as required by Utah Code Section 52-2-101 et seq.

Section 4.8. Attendance. Members shall attend all scheduled meetings of the HPC. Persistent failure to attend scheduled meetings without approval by the Chair may be grounds for removal from the HPC for cause.

Section 4.9. Conduct of Meetings. Unless the Chair or Vice Chair, as appropriate, is participating in the meeting via electronic communication, each meeting will be conducted by the Chair, if present, or by the Vice Chair in the absence of the Chair. If neither the Chair nor the Vice Chair are physically present (but there is still a quorum), a Member who is physically present at the Anchor Location will preside over the meeting with the consent of a majority of the Members who are physically present at the location. The Member chairing the meeting may discuss every matter coming before the HPC, make, second, and vote on motions and otherwise fully participate in the meeting.

Section 4.10. Meeting Procedure. The order of business of meetings shall follow the noticed agenda. The Chair, with the consent of the HPC, by a majority vote, may consider matters out of the agenda order.

A matter for decision will be placed before the HPC by motion made by any Member present at the meeting. Any Member may second a motion. Following a seconded motion, the Chair may ask each Member to verbally pronounce their name and vote and shall record each individual vote in the written minutes as “yes” or “no.” A majority vote by the present Members in favor of a motion shall carry the motion. An expression of “abstain” during voting shall be considered as a no vote. A Member who abstains on a question, or is absent, may not move to reconsider that question.

With respect to matters not described above, Roberts Rules of Order-Simplified shall govern.

ARTICLE 5 AMENDMENTS AND ADOPTION

Section 5.1. Rules of Order and Procedure.

These Rules of Procedure must be reviewed and approved by the City Council before they become effective and may be amended upon approval by the City Council.