

MILLCREEK, UTAH
ORDINANCE NO. 26-03

**AN ORDINANCE REPEALING CHAPTER 2.56 OF THE MILLCREEK CODE OF
ORDINANCES REGARDING COMMUNITY DISTRICTS AND
COMMUNITY COUNCILS**

WHEREAS, the Millcreek Council (“Council”) met in regular session on January 12, 2026, to consider, among other things, repealing Chapter 2.56 of the Millcreek Code of Ordinances regarding Community Districts and Community Councils; and

WHEREAS, the Council adopted Chapter 2.26 of the Millcreek Code of Ordinance to, among other things, provide a process for public input in land use matters; and

WHEREAS, staff has informed the Council that Chapter 2.56 of the Millcreek Code of Ordinances establishes an obligation on the City to comply with the Utah Open and Public Meeting Act, which has been affirmed by an informal opinion issued by the Lead Attorney of the Office of the Property Rights Ombudsman, a copy of which is attached; and

WHEREAS, the Council finds that it is in the best interest of the inhabitants of Millcreek to eliminate the Open Meeting obligation with respect to Chapter 2.56 of the Millcreek Code of Ordinances.

NOW THEREFORE, be it ordained by the Council that Chapter 2.56 of the Millcreek Code of Ordinances is hereby repealed.

This Ordinance, assigned no. 26-03, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder.

PASSED AND APPROVED this 12th day of January 2026.

MILLCREEK COUNCIL

By: _____
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 26-03: AN ORDINANCE REPEALING CHAPTER 2.56 OF THE MILLCREEK
CODE OF ORDINANCES REGARDING COMMUNITY DISTRICTS AND
COMMUNITY COUNCILS was adopted the 12th day of January 2026 and that a copy of the
foregoing Ordinance 26-03 was posted in accordance with Utah Code 10-3-711 this ____ day of
January, 2026.

Elyse Sullivan, City Recorder



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

UTAH DEPARTMENT OF COMMERCE

Office of the Property Rights Ombudsman

MARGARET W. BUSSE
Executive Director

JORDAN S. CULLIMORE
Division Director, Office of the Property Rights Ombudsman

September 17, 2024

Mr. John Brems
Millcreek City
1330 E Chambers Ave.
Millcreek, UT 84106
via email

RE: Millcreek Community Councils and the Utah Open and Public Meetings Act

Mr. Brems,

You asked me to provide an informal opinion on the question of whether Millcreek community councils, established in Millcreek Municipal Code (MMC) Chapter 2.56, are subject to the requirements of the Utah Open and Public Meetings Act (OPMA), Utah Code Chapter 52-4.

It is my opinion that the councils are subject to OPMA because a community council is a “public body,” as defined in the OPMA. The OPMA’s definition of a public body includes, in relevant part, any advisory body of a municipality that is created by local ordinance, consists of two or more individuals, and is supported in whole or in part by tax revenue, that is vested with authority to “make decisions regarding the public’s business.” *See* Utah Code § 52-4-103(7)(a).

A community council organized in accordance with the MMC meets this definition. The councils are created by local ordinance.¹ The councils also consist of more than one person,² and they are supported by the city, as needed. *See* MMC 2.56.110 & 111. Finally, the councils, by ordinance, are tasked with making decisions regarding the public’s business in various ways, including the following:

1. Community councils develop priorities regarding municipal services and facilities in the district. These priorities are annually communicated to the City Council for use in policy development and the budget process. MMC § 2.56.090.

¹ Of note, the MMC states that “individual community councils are *created* by private citizens as private corporation, association or otherwise, and are not created by the city.” MMC 2.56.020(A). This language appears to attempt to intentionally, and artificially, exclude community councils from the definition of a public body under the State OPMA. Even though the ordinance asserts that *the city* does not create community councils, the city’s *local ordinance* nonetheless, by providing for establishment and recognition of the councils, “creates” community councils for purposes of determining whether the councils are public bodies subject to the OPMA.

² “The citizens of each community council district shall have the opportunity to create a community council consisting of *members* elected pursuant to...” MMC § 2.56.050(A) (emphasis added).

2. The councils are encouraged, by ordinance, to make written recommendations to the community development department concerning applications the city receives. *See* MMC § 2.56.100.

Each of these functions serves an advisory role in the public decision-making process. Accordingly, it is my opinion that community councils are properly categorized as public bodies under the Utah Open and Public Meetings Act and are therefore subject to the OPMA rules governing public bodies and the meetings those bodies conduct.

Sincerely,



Jordan Cullimore
Lead Attorney
Office of the Property Rights Ombudsman