

RESOLUTION NO. 18-01

**A RESOLUTION OF THE MILLCREEK COMMUNITY REINVESTMENT AGENCY
ADOPTING BYLAWS, POLICIES, AND PROCEDURES**

WHEREAS, the Millcreek Community Reinvestment Agency ("Agency") met in a special meeting on May 14, 2018, to consider, among other things, adopting bylaws, policies, and procedures ("the Policy"); and

WHEREAS, on March 26, 2018, the Millcreek City Council adopted Ordinance 18-19 creating the Agency that provided among other things that the Agency may adopt rules of order and procedure for the operation and governance of the Agency; and

WHEREAS, on April 30, 2018, the Utah Lieutenant Governor approved and issued a certification in accordance with Utah Code Ann. § 67-1a-6.5; and

WHEREAS, the Agency has reviewed the Policy, a copy of which is attached hereto, and determined that adopting the Policy is in the best interest of the health, safety, and of the present and future inhabitants of Millcreek.

NOW, THEREFORE, BE IT RESOLVED by the Agency that the attached Policy be adopted by the Agency as rules of procedure that govern the operation of the Agency.

This Resolution, assigned No. 18-01, shall take effect immediately.

ADOPTED by the Governing Board of the Millcreek Community Reinvestment Agency this 14th day of May 2018.



MILLCREEK COMMUNITY
REINVESTMENT AGENCY

A handwritten signature in blue ink, appearing to read 'Jeff Silvestrini', written over a horizontal line.

Jeff Silvestrini, Chairperson

ATTEST:

A handwritten signature in blue ink, appearing to read 'Elyse Greiner', written over a horizontal line.

Elyse Greiner, Agency Recorder

MILLCREEK COMMUNITY REINVESTMENT AGENCY

BYLAWS, POLICIES, AND PROCEDURES

I. BACKGROUND

A. **Policy:** This shall be known as the Millcreek Community Reinvestment Agency (“Agency”) Bylaws, Policies, and Procedures (the “Policy”).

B. **Purpose:** The Policy establishes guidelines for meetings of the Board, including how meetings are to be convened, how they are to be conducted, and how minutes are to be prepared and approved.

II. COMPLIANCE WITH STATE LAW

A. **Application of the Open and Public Meetings Act:** In adopting the Policy, the Agency recognizes the application of the Open and Public Meetings Act, UTAH CODE ANN. §§ 52-4-101 *et. seq.* as it may be modified, amended, superseded or replaced from time-to-time (the “Act”). Any inconsistency or conflict between this Policy and applicable provisions of the Act shall be governed by the Act.

B. **Definitions:** The definitions stated in UTAH CODE ANN. § 52-4-103 are incorporated herein by reference.

III. BOARD, OFFICERS, AND AGENCY OFFICE

A. **Board:** The Board shall be the Millcreek Council.

B. **Chair and Vice Chair:** The Mayor shall be the chief executive officer and the Chair of the Board and the Mayor pro tempore shall be the Vice Chair of the Board.

C. **Recorder:** The recorder of the Agency shall be the Millcreek Recorder or deputy recorder.

D. **Principal Office of the Agency:** The principal office of the Agency shall be 3330 South 1300 East, Millcreek, Utah 84106.

E. **Term:** The Chair and Vice Chair shall hold office consistent with their term of their elected office.

IV. MEETING NOTICE AND AGENDA

A. **Required Annual Notice:** The Board will, either shortly prior to or at the beginning of each calendar year, establish an annual meeting schedule, including the date, time and location of each regular Board meeting through the year, and give public notice of the annual meeting schedule as required by law. Notwithstanding the foregoing, any meeting may be rescheduled at the request or on the affirmative vote of a majority of the Board, with notice of the rescheduled meeting to be provided as stated in paragraph IV D.

B. **Special and Emergency Meetings:** The Board may hold special and emergency meetings, if they are properly called and notice of every such meeting is given as provided in paragraph IV D. No emergency meeting of the Board may be held unless an attempt has been made to notify all members of the Board and a majority of the Board approves holding the meeting. A special meeting of the Board may be called by the Chair and an emergency meeting may be called by the Chair. Any two Board Member may request that a special meeting of the Board be held, but the approval of the Chair will be required. In the absence of the Chair, the Vice Chair may call or approve either a special meeting or an emergency meeting of the Board.

C. **Agenda:** An agenda shall be prepared for every meeting of the Board. Each topic to be considered by the Board shall be listed with reasonable specificity to notify the public as to the topics to be considered at the meeting. Any two Board Member or the Chair may request an item for an agenda.

D. **Notice:** Not less than 24 hours' advance public notice, including the agenda, date, time and place, will be given for each regular and special meeting of the Board, by posting a written notice at the principal office of the Agency and providing notice to at least one newspaper of general circulation in Salt Lake County, Utah, or to a local media correspondent and be posted on the Utah Public Notice Website created under UTAH CODE ANN. § 63F-1-701. If, due to unforeseen circumstances, it is necessary for the Board to hold an emergency meeting to consider matters of an emergency or urgent nature, the provision of Utah Code Ann. § 52-4-202(5) shall apply.

E. **Amendments to Agenda:** The agenda of a meeting of the Board may be amended even though notice of the meeting has already been given as provided in paragraph IV D immediately above if the amended notice is posted and given in accordance with the requirements of paragraph IV D at least 24 hours before the scheduled time of the meeting.

V. CONDUCT OF MEETINGS

A. **Quorum**: A majority of the Board constitutes a quorum for the transaction of agency business. The Board may not adopt a resolution, pass a motion, or take any other official board action without the concurrence of at least a majority of the Board members present at a meeting at which a quorum is present. A Board Member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward the required quorum in accordance with UTAH CODE ANN. § 52-4-207. Any Board Member participating via electronic means may make, second and vote on all motions and participate in the discussion as though present, except that the Board Member who chairs the meeting must be present at the anchor location.

B. **Control of the Meeting**: Unless the Chair or Vice Chair, as appropriate, is participating in the meeting via electronic communication, each meeting of the Board 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 is physically present (but there is still a quorum) a Board Member who is physically present at the anchor location will preside over the meeting with the consent of a majority of the Board members who are physically present at that location. The Board Member chairing the meeting may relinquish the chair to the next Board Member in succession, other than a Board Member participating via electronic communication, at any time during the meeting. The Board Member chairing a meeting may discuss every matter coming before the Board, make, second and vote on motions, and otherwise fully participate in the meeting.

C. **Public Participation**: Time for public comment may, at the discretion of the Chair, be allowed at any meeting of the Board in accordance with the following:

1. Each speaker will be expected to state his or her name before directing comments to the Board.
2. The public comment portion of a meeting is not a question and answer session. Rather, it is intended to enable the Board to receive testimony and input from the public. Any member of the public who has questions regarding any aspect of the Agency's operations is encouraged to contact an appropriate staff member outside of the meeting, including staying after the meeting has been adjourned.
3. The purpose of public comment is to allow citizens to address the Board and each speaker will be asked to complete a written comment form and present it to the Recorder. In general, the chair will allow an individual two minutes to address the Board. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for

an item to be considered at a future meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

D. Expulsion From a Meeting: The right to attend and observe a public meeting does not include the right to otherwise participate in that meeting unless it is a public hearing. Public participation in Agency Board meetings is a privilege granted by the Board in the interest of open government but is not a right. Any person who willfully disrupts a Board meeting to the extent that the orderly conduct of the meeting is seriously compromised may be removed from the meeting. Should the person refuse to leave the meeting when asked to do so by the Board Member chairing the meeting, security personnel or law enforcement officials may be called to remove the person.

E. Closed Meetings: Except as otherwise provided in this paragraph E, all meetings of the Board are to be open to the public. A meeting, or a portion of a meeting, may be closed to the public upon a two-thirds affirmative vote of the Board members present at the meeting, provided that a quorum is then present. A meeting may be closed for any of the reasons specified in UTAH CODE ANN. § 52-4-205

F. Conduct of a Closed Meeting: The Board members may not approve any ordinance resolution, rule, regulation, contract or appointment during a closed meeting. The identity of the specific person whose character, competence or health is to be discussed, the identity of the parties to pending or reasonably imminent litigation, or the identity of property which the Board is considering purchasing, exchanging or leasing need not be stated in the motion to close the meeting or in the public portion of the meeting where such disclosure might infringe on the confidence necessary to fulfill the purpose of closing the meeting. Only the Board members, and those persons designated by the Board, may be present during a closed meeting.

G. Recording of Meetings: The Agency is required to record all Board meetings. Any other person in attendance may record all or any part of an open meeting, provided that the recording does not interfere with the conduct of the meeting. The Agency's recording of a meeting is to be maintained for such period of time as established by State Archives.

H. Official Book of Resolutions: All resolutions shall be in writing and designated by number, reference to which shall be inscribed in the minutes and an approved copy of the approved resolution should be filed in the Official Book of Resolutions of the Agency.

VI. ELECTRONIC MEETINGS

A. Adoption by Reference: The Board hereby adopts by this reference the electronic meetings rules, regulations, and policies adopted by Millcreek.

VII. MINUTES AND RECORDINGS

- A. Adoption by Reference:** The Board hereby adopts by this reference the minutes and recording rules, regulations, and policies adopted by Millcreek.

VIII. APPLICATION OF THE POLICY

Neither this Policy nor the Act shall apply to any chance meeting or social meeting or gathering of any Board members provided, however, that such chance meeting or social meeting or gathering shall not be used to circumvent this Policy. Similarly, any number of Board members not constituting a quorum may meet and may discuss Agency business. Otherwise, this Policy shall apply to all regular, special and emergency meetings of the Board.