COTTONWOOD HEIGHTS

RESOLUTION NO. 2021-05

A RESOLUTION APPROVING BYLAWS FOR THE COTTONWOOD HEIGHTS PARKS, TRAILS AND OPEN SPACE ADVISORY COMMITTEE

WHEREAS, Part 7 of Chapter 2.140 of the COTTONWOOD HEIGHTS CODE OF ORDINANCES (the "*Code*"), comprising Code Sections 2.140.701 through 2.140.705, establishes the Parks, Trails and Open Space Committee (the "*Committee*") as one of the advisory committees for the city of Cottonwood Heights (the "*City*"); and

WHEREAS, the Committee's purpose is to advise the City's administration and city council (the "*Council* ") concerning creation and appropriate stewardship of parks, trails and open space ("*PTOS*") in the City for the betterment of the City and its residents and to enhance the quality of life in the City; and

WHEREAS, pursuant to Code Section 2.140.703(G), the Committee may adopt bylaws concerning its internal operations, subject to review and approval by the Council; and

WHEREAS, the Committee heretofore has adopted proposed bylaws (the "*Bylaws*") and now has submitted the Bylaws to the Council for its review and approval; and

WHEREAS, the Council met in a regular session on 16 February 2021 to consider, among other things, approving the Bylaws; and

WHEREAS, the Council has reviewed and is familiar with the Bylaws, a copy of which is annexed hereto; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve the Bylaws as requested;

NOW THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the Bylaws are hereby approved by the Council.

This Resolution, assigned no. 2021-05, shall take effect immediately upon passage.

PASSED AND APPROVED effective 16 February 2021.

ATTEST:

By: _____
Paula Melgar, Recorder

COTTONWOOD HEIGHTS, UTAH 2005 CORPORATE SEAL

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea ✓	Nay ___
Douglas Petersen	Yea ✓	Nay ___
J. Scott Bracken	Yea ✓	Nay ___
Tali C. Bruce	Yea ✓	Nay ___
Christine Watson Mikell	Yea ✓	Nay ___

DEPOSITED in the office of the City Recorder this 16th day of February 2021.

RECORDED this 18 day of February 2021.

PARKS, TRAILS AND OPEN SPACE ADVISORY COMMITTEE

BYLAWS

I. AUTHORITY

The Parks, Trails, and Open Space Committee (the "*Committee*") of the city of Cottonwood Heights (the "*City*") was formed pursuant to Part 7 of Chapter 2.140 of the City's code of ordinances ("*Code*").

II. PURPOSE

Pursuant to Code Chapter 2.140.702, the Committee is a volunteer body established to provide non-binding advice to the City regarding the creation and stewardship of parks, trails, and open space in the City for the betterment of the City and its residents. The guiding vision of the Committee is to "*Promote the creation and maintenance of safe, sustainable, diverse and interconnected outdoor spaces to enrich present and future generations.*"

III. GOVERNANCE

Pursuant to Code Chapter 2.140.702, the Committee is under the primary supervision of the City Manager, but shall be advisory to both the City's administration and the City Council. The Committee shall operate according to the regulations set forth in Part 1 of Code Chapter 2.140.

IV. MEMBERSHIP

Pursuant to Code Chapter 2.140.703, the Committee membership shall adhere to the following stipulations:

A. Individuals appointed to the Committee shall serve in a volunteer capacity. Under Code Chapter 2.140.201, a "volunteer" is any person who donates approved services without pay or other compensation except expenses actually and reasonably incurred as approved by the City.

B. The Committee shall consist of up to 15 members. At least 13 members must be City residents, with representation from all districts in the City. Non-resident members shall be appointed based on the strength of their individual qualifications and the importance of those qualifications for meeting the overall needs and desired expertise of the committee. Individuals appointed to the Committee shall represent a broad range of disciplines related to the creation and stewardship of parks, trails, and open space in the City. One member shall be a representative of the Cottonwood Heights Parks and Recreation Service Area.

C. Members shall be appointed to the Committee by the City Manager, with the advice and consent of the City Council.

D. The City Manager, with the advice and consent of the City Council, may appoint a liaison from the City's executive or legislative branches to serve as a non-voting, *ex officio*, member of Committee.

E. The City Manager may also assign personnel from city staff to serve as non-voting advisor(s) to the Committee, who will assist the Committee in accomplishing its authorized functions and objectives.

F. Pursuant to Code Chapter 2.140.109, any member or officer of the Committee may be removed at any time by the City Manager, with or without cause, with the advice and consent of the City Council. Resignation of any member shall be in writing delivered to the City Manager and Committee Chair (the "*Chair*").

G. Members shall attend all meetings of the Committee. Any failure to attend scheduled meetings without approval of the Chair shall be considered an unexcused absence. Unexcused absence from more than three meetings in a rolling 12 months may result in the removal of a member from the Committee by the City Manager following the Chair's recommendation and with the advice and consent of the City Council.

V. ORGANIZATION

A. Officers and Duties.

1. The officers of the Committee shall be the Chair and a Vice Chair, who shall be appointed by a vote of Committee members and whom may be removed, at any time, by the City Manager.

2. The Chair and Vice Chair shall serve one-year terms and shall not serve more than two consecutive terms. Unless otherwise specified by the City Manager, the terms of the Chair and Vice-Chair shall begin October 1 and end on the following September 30th.

3. The Chair shall be the Committee's chief executive officer, subject to the City Manager's oversight, supervision and control. The Chair shall have general and active control of the affairs and business of the Committee; see that all required meeting notices are duly given to the City Manager; preside at all regular meetings of the Committee; see that all orders and resolutions of the Committee are carried into effect; keep records of the meeting attendance of the Committee's members and promptly advise the City Manager of attendance failures under the standards of Section IV(G), above; and perform all other duties incident to the office of Chair or as reasonably assigned by the City Manager.

4. The Vice Chair 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.

5. A Secretary of the Committee shall be appointed by the Chair to assist the Chair in various ministerial tasks as reasonably assigned by the Chair such as keeping the records of the Committee; recording meeting attendance and votes at Committee meetings; keeping and posting meeting agendas, minutes and any other records of the proceedings of the Committee; and performing such other duties or assignments as may be made from time to time by the Chair.

6. Committee officers shall perform such other duties and function as may be prescribed by Committee consensus, rules or vote; by the Code or other applicable law; and by the City Manager or City Council.

B. Subcommittees.

1. Pursuant to Code Chapter 2.140.705, the Committee may, in furtherance of its duties,

create such subcommittees as it deems appropriate. Each subcommittee serves only in an advisory capacity to the Committee, and shall be managed by, accountable to, and controlled by the Committee.

2. Each subcommittee established by the Committee shall be accomplished by:

(a) Adopting a written motion, which is thereafter submitted to the City Manager for input and the City Council for approval;

(b) Staffing each subcommittee with at least one duly-appointed and active member of the Committee. Other subcommittee members, who need not be members of the Committee, may be appointed to serve at the will of the Committee, provided that appointments and tenure shall be limited as necessary to provide meaningful opportunities for subcommittee service to a variety of qualified city residents. Each proposed subcommittee member appointed by the Committee must be approved by the City Manager. Subcommittee members who are not duly-appointed and active members of the Committee have no vote on the subcommittee.

VI. POWERS

Pursuant to Code Chapter 2.140.704, the Committee may exercise powers to fulfill the following duties:

A. Serve as a sounding board for citizen opinion and comment related to PTOS-related issues;

B. Actively promote the use of the City's inventory of PTOS;

C. Examine and advise the City concerning the present and future demand for publicly-owned PTOS in the City;

D. Review and recommend policies and procedures to improve the City's inventory of PTOS and related public services;

E. Analyze and advise the City concerning ways to promote connectivity within the City's inventory of PTOS;

F. Review and deliberate issues which are initially received by the City Manager or the City Council and passed on to the Committee for review, and thereafter respond to the City Manager or City Council with the Committee's comments, opinions, and recommendations;

G. Study and make recommendations concerning coordination of the City's inventory of PTOS and related programs of other governmental entities with overlapping jurisdictions, such as the State of Utah, Salt Lake County, and the Canyons School District;

H. Review and recommend ways for the City to accomplish the PTOS components of the City's current general plan and open space master plan;

I. Collaborate with the City's Planning Commission and City staff to update on a periodic basis the City's open space master plan and PTOS-related components of the City's general plan, including identification and acquisition of suitable parcels of real property to meet the City's current and anticipated future PTOS needs;

J. Annually recommend a proposed set of goals, objectives, strategies and their associated costs which the City Council may use in establishing an annual budget for PTOS-related items, which shall be presented to the City Council in written form and in sufficient time that it can be appropriately considered during the City's annual budget process;

K. Submit an annual report to the City Council describing the committee's activities during the preceding year and its recommendations and goals for the following year;

L. Render such additional advisory services to the City on PTOS-related matters as the City Manager or City Council may from time-to-time request;

M. Author for publication written "op ed" articles concerning City-related PTOS issues, subject to prior editing and specific written approval by the City Manager and/or the City Council; and

N. Collect and expend funds for such Committee-related purposes as may be pre-approved by the City Manager and/or the City Council, but always pursuant to budgeting and accounting procedures currently established by City ordinance, state law, and other applicable regulations.

VII. MEETINGS

The Committee shall comply with the requirements of the Open and Public Meetings Act, UTAH CODE ANN. §53-4-101 et seq. (the "*OPMA*"). Specifically:

A. The Committee shall meet at least once per month, with the exception of December. A schedule for meetings shall be established by December of the preceding year, and then submitted to the City Manager and City Recorder for public notice. If additional meetings are deemed necessary, the schedule of these meetings will be provided in a timely manner to the City Manager and City Recorder for public notice.

B. Meetings may occur in person or via telephonic or electronic conference if and as authorized by the OPMA. All electronic meetings of the Committee shall comply with the "Procedures Governing Electronic Meetings of Cottonwood Heights' Public Bodies" adopted pursuant to City Council Resolution 2020-08, as hereafter amended. A copy of those procedures is attached to these Bylaws.

C. Approved agenda of meetings will be provided to the City Recorder for public notice at least 48 hours prior to meeting commencement. Approved agenda shall be distributed to Committee members prior to each meeting.

D. Individuals attending meetings of the Committee who are not duly-appointed and active members of the Committee shall be provided a period of time designated for public comment, allowing such visitors to pose questions, voice opinions, present information, or make requests. Such time for public comment may be limited by the Chair to three minutes per person or group representative, or longer if advance arrangements have been made in consultation with the Chair to dedicate time in the agenda to public comment.

E. Written minutes of all meetings shall be kept, including the date, time, and place of the meeting; the names of individuals both present and absent from the meeting; the substance of matters discussed at the meeting; a record of all votes taken or decisions agreed upon; and any other information a PTOS Committee member requests be entered into the minutes. Minutes shall be approved by the Committee as provided in Code Section 2.10.120.

VIII. VOTING

A. A majority of members of the Committee shall constitute a quorum, and actions of the Committee can be made by a majority of a quorum.

B. Each voting member of the Committee 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 voting member shall vote in *absentia* or by proxy. However, voting by electronic correspondence may proceed, with consent of the City Manager, when time-sensitive matters require attention between meetings of the Committee.

C. Voting generally shall proceed following an abridged form of Roberts Rules of Order, meaning (1) the making of a motion, (2) the seconding of the motion, (3) debate, (4) putting the motion to vote, and (5) announcing the results of vote.

D. The Chair also may propose the use of "unanimous consent" to expedite business on routine questions for which consensus is likely, meaning the Chair asking if there are any objections to a particular decision or action and, if there are objections, then putting the issue to vote following the above-described abridged form of Roberts Rules of Order voting.

Procedures Governing Electronic Meetings of Cottonwood Heights' Public Bodies

Pursuant to UTAH CODE ANN. §52-4-207, the following procedures (these "*Procedures*") shall govern any electronic meeting of any of the public bodies ("*Public Bodies*") of the city of Cottonwood Heights (the "*City*") (including, without limitation, any meeting of the City's city council [the "*Council*"]) at which any member(s) of such body, or any of the City's appointed officers, are participating by means of a telephone, internet or other electronic method. Unless otherwise clearly indicated by the context, capitalized terms below shall have the same meanings as in the Open and Public Meetings Act, UTAH CODE ANN. §52-4-101 *et seq.* (the "*Open Meetings Act*").

1. Meetings of the City's Public Bodies may be conducted by electronic means pursuant to UTAH CODE ANN. §52-4-207 if, after making reasonable effort to do so, the Public Body is unable to hold the meeting with all its members physically present in the physical anchor location ("*Anchor Location*").

2. Any Electronic Meeting shall be held in strict compliance with the pubic noticing, Anchor Location and other requirements of the Open Meetings Act.

3. Without limiting the foregoing, notice of the Electronic Meeting and a description of how the members will be connected to the Electronic Meeting shall be given to the members of the Public Body at least 24 hours before the Electronic Meeting so they may participate in it. Members of the Public Body who desire to participate electronically are responsible for providing their contact information to the City's recorder (or other City-designated administrator of the meeting) in advance of the meeting to allow their participation.

4. During an Electronic Meeting, contact shall be established and maintained by telephone, by televised conference, by the internet, or by any means of electronic communication reasonably designated by the City. All parties participating electronically shall be able to hear and to speak with each other and all present in the Anchor Location, and all parties in the Anchor Location shall be able to hear and to speak with those participating electronically. If visual aids or documents are to be presented or used at the meeting, reasonable efforts should be made to provide copies to each person participating electronically.

5. The City shall establish one or more Anchor Locations for the meeting, at least one of which shall be where the Public Body would normally meet if they were not holding an Electronic Meeting. City staff shall assure that space and facilities are provided at the Anchor Location so that interested persons and the public may attend and monitor the open portions of the meeting.

6. Upon determining that a quorum ("*Quorum*") of the Public Body is present and communication is established as required, the chair of the meeting shall convene the meeting and take a roll call of those participating. If a member is disconnected during the meeting, so long as a Quorum still exists the chair shall have discretion of whether or not to continue the meeting without that person or to wait until they can be reconnected.

7. Electronic participation in a meeting shall constitute presence at that meeting for

all purposes, including the determination of a Quorum and voting.

8. Minutes of an Electronic Meeting shall note that the meeting was conducted electronically in accordance with the Act and shall identify the members of the Public Body who participated electronically.

9. These procedures may be revoked or amended at any time upon written resolution of the Council.

10. Any Anchor Location, noticing, and other provisions of these Procedures that are suspended or modified pursuant to UTAH CODE ANN. §52-4-207(4) may be so suspended or modified as provided in that statute or its successor.