

ORDINANCE NO. 2000-2

AN ORDINANCE AMENDING SECTION 4-1 OF THE WENDOVER CITY ZONING ORDINANCE RELATING TO MEMBERSHIP OF THE CITY RECORDER ON THE WENDOVER PLANNING COMMISSION.

RECITALS

1. Pursuant to U.C.A. §10-9-201, the City of Wendover is authorized to establish a Planning Commission and to qualifications for membership on the Planning Commission.

2. The City Council believes it is in the best interest of the City and its residents and businesses that issues relating to membership on the Planning Commission be revised.

BE IT ORDAINED BY THE WENDOVER CITY COUNCIL:

Section No. 1. Ordinance Amended. Section 4-1 of the Wendover Zoning Ordinance is amended to read in its entirety as follows:

4-1. Planning Commission Created -- Membership & Officers.

4-1-A. Creation of Commission -- Quorum. There is hereby created a Planning Commission, composed of seven (7) members who shall be appointed by the Mayor with the advice and consent of the City Council. A quorum of not less than three (3) members shall be required to transact the business of the Commission. The minimum number of "yes" votes required to take any action by the Commission shall be a majority of the members of the Commission, but in any event shall not be less than three (3).

4-1-B. Officers. The Commission shall appoint from among its members a Chair and a Vice-Chair of the Planning Commission, who shall each be appointed to a term of one year, which may be extended with the approval of the Commission. The Commission shall also appoint a Secretary, who shall be familiar with the methods and manner of keeping appropriate records of the proceedings of the Commission. The duties of the Officers of the Commission shall be as described in the Rules of Policy and Procedures which may be adopted by the Commission.

4-1-C. Membership. The following rules shall govern membership on the Planning Commission.

- (1) One member of the Commission shall be a member of the City Council, who shall serve in an ex-officio manner, having no vote except in case of tie.
- (2) The remaining members of the Commission shall be residents of the City of Wendover, or if deemed advisable by the governing body, owners, managers or employees of a business entity located in the City of Wendover.
- (3) The City Recorder may be a member, and with the approval of the City Council, may serve as Secretary.
- (4) With the exception of the City Council member (who shall serve at the pleasure of the governing body), each member of the Commission shall serve a term of five (5) years, and at the time of appointment, the dates of his or her term shall be identified on the records of the City.

4-2. Filling Vacancies -- Removal. The following rules govern vacancies and removals of members of the Commission.

4-2-A. Vacancies. Any vacancy on the Commission, for whatever reason, shall be filled by appointment as provided in this Chapter for the unexpired term of such member whose office becomes vacant.

4-2-B. Removal. Any member may be removed with or without cause by the Mayor with the advice and consent of the City Council. The absence of any member at three (3) or more consecutive meetings, without providing prior notice to the Secretary or Chair of the Commission, shall be cause for removal by the governing body.

4-3. Compensation. Members of the Commission shall serve without compensation. Members may, however, be paid or reimbursed for reasonable expenses incurred in the performance of their duties, with the approval of the governing body. If a member of the commission acts as secretary, upon approval by the governing body, that member may be paid reasonable compensation for the taking and maintenance of minutes of the meetings of the Commission.

4-4. Powers and Duties. The Planning Commission shall have such powers, duties and functions as are prescribed by Sections 10-9-204, Utah Code Annotated, 1953, as amended, a current copy of which is attached as Exhibit "A" hereto. Any future revisions of said section or any successor provision of law relating to the powers and duties of planning commissions in third class cities shall govern and control this ordinance.

4-5. Employees and Consultants. Upon approval by the governing body, the Commission may appoint such employees, staff and consultants as deemed reasonable and necessary to carry out the powers, functions and duties of the Commission. The employees, staff and consultants which may be appointed by the Commission include, without limitation, a secretary to the Commission (whose responsibilities shall include preparing and maintaining minutes), planners, engineers, attorneys, and other consultants.

4-6. Records of Proceedings. The Planning Commission shall keep a public record of its proceedings, the original of which shall be maintained by and in the office of the City Recorder.

4-7. Rules and Regulations. The Commission shall establish, adopt and amend Rules of Policy and Procedures governing the conduct of meetings and the operation of the Planning Commission. Upon adoption or amendment of said Rules, the same shall be submitted to the governing body for final approval and formal adoption by the City.

Section No. 2. Repealer. All previous ordinances, rules and regulations adopted by the governing body of the City relating to the composition and operation of the Planning Commission are repealed.

Section No. 3. Effect on Existing Members of Commission. Nothing in this ordinance shall be construed to affect the eligibility or qualifications to serve of any of the present members of the Commission, whose terms have not expired or to affect their eligibility for reappointment. All current members of the Commission shall complete their terms. In the event there is a question as the expiration of any member's term at the time this ordinance is adopted, the governing body shall identify each current member of the Commission and determine the end of his or her term. This ordinance shall not be construed to prohibit the appointment to the Planning Commission of any person previously appointed as an "alternate" member of the Commission.

Section No. 4. Severability Clause. The provisions of this Ordinance and all regulations which may be adopted hereunder, are severable. If any provision of this Ordinance is held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

Section No. 5. Effective Date. This Ordinance shall become effective immediately upon posting as required by law.

PASSED AND ADOPTED BY THE WENDOVER CITY COUNCIL THIS 2nd
DAY OF February, 2000.


STEPHEN B. PERRY
MAYOR

ATTEST:

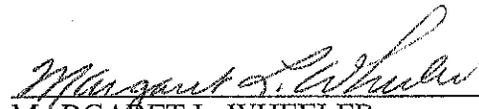

MARGARET L. WHEELER
CITY RECORDER

EXHIBIT "A"

PART 2

PLANNING COMMISSION

10-9-201. Appointment, term, vacancy, and compensation.

- (1) (a) Each municipality may enact an ordinance establishing a planning commission.
- (b) The ordinance shall define:
 - (i) the number and terms of the members;
 - (ii) the mode of appointment;
 - (iii) the procedures for filling vacancies and removal from office; and
 - (iv) other details relating to the organization and procedures of the planning commission.
- (2) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.

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10-9-202. Organization and procedures.

- (1) The planning commission shall elect a chairperson from its members as provided by the ordinance establishing the planning commission.
- (2) (a) The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.
- (b) The legislative body may provide that those policies and procedures be approved by the legislative body before taking effect.

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10-9-202. Use of state data.

- (1) The planning commission may obtain access to and use any data and information held by the state or any of its agencies:
 - (a) that is classified "public", and
 - (b) that is classified "protected" if the planning commission's use of the data is lawfully authorized or if the data will be used for a purpose similar to the purpose for which it was gathered.
- (2) Each state official, department, and agency shall:
 - (a) make any data and information requested by the planning commissions available if authorized under the requirements of this section; and
 - (b) furnish any other technical assistance and advice that they have available to planning commissions without additional cost to the municipality.

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10-9-204. Powers and duties.

The planning commission shall:

- (1) prepare and recommend a general plan and amendments to the general plan to the legislative body as provided in this chapter;
- (2) recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the legislative body as provided in this chapter.
- (3) administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the legislative body.
- (4) recommend subdivision regulations and amendments to those regulations to the legislative body as provided in this chapter.
- (5) recommend approval or denial of subdivisions applications as provided in this chapter;
- (6) advise the legislative body on matters as the legislative body directs;
- (7) hear or decide any matters that the legislative body designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
- (8) exercise any other powers:
 - (a) that are necessary to enable it to perform its function or
 - (b) delegated to it by the legislative body.

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10-9-203. Entrance upon land.

The planning commission or its authorized agents may enter upon any land at reasonable times to make examinations and surveys.

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