

BYLAWS OF THE  
EAST MILL CREEK COMMUNITY COUNCIL

I  
NAME

The name of this organization shall be the East Mill Creek Community Council.

II  
BOUNDARIES

The East Mill Creek Community Council ("Council") shall represent the residents and property owners within the following described district which shall be known as the East Mill Creek Community District ("District"): The area encompassed by 33rd South on the north to 45th South on the south and from Highland Drive on the west to I-215 on the east, excluding the area west of 27<sup>th</sup> East and south of 39<sup>th</sup> South.

III  
AUTHORITY

The Council shall operate as a volunteer citizen organization under the authority of Chapter 2.56 of the Salt Lake County Code of Ordinances.

IV  
PURPOSE

The purpose of the Council is to formulate and present recommendations to the County Commission, Planning Commission and other county agencies concerning actions which affect the property and residents within the Council District and to take any other actions which will be for the benefit and welfare of the residents and property within the Council District.

V  
MEMBERSHIP

A. Eligibility. Any resident within the District having reached the age of 18 years old may be elected or appointed a member of the Council. One ex-officio member from each high school in the district, the member to be determined by the high school, may be included on the Council.

B. Number and Term. The Council shall consist of eleven to thirteen (11-13) members. The terms of the Council members shall be four (4) years. The Council may function with fewer than eleven (11) members in the event of vacancies (see Section V, E).

C. Staggering Terms. Council members terms shall be staggered, so that approximately 50 % of the council will be elected every two years.

D. Compensation. Council members shall serve without compensation. However, expenses incurred by Council members in carrying out Council business shall

be paid to or reimbursed to Council members as long as such expense was approved during a meeting of the Council prior to the expense being incurred.

E. Vacancies. The Council may fill any vacancy on the Council by appointing a replacement for the unexpired term of the vacant position.

F. Removal. Any Council member may be removed by a two-thirds vote of the Council members present at any regular meeting where the removal proceeding is included on the agenda. A Council member may be removed for failure to attend meetings or to carry out the responsibilities and duties of membership on the Council or for malfeasance. Such action shall be initiated by a written resolution setting forth the grounds for removal made and seconded at a regular meeting, but the vote for removal shall not be called for until the following regular meeting. The secretary shall mail a copy of the resolution to the affected member at least ten days prior to the meeting at which the resolution is to be voted upon. Prior to voting on the resolution, the Council shall receive any relevant evidence relating to the allegations in the resolution.

## VI

### ELECTIONS

A. Procedure. Election of Council members shall be by secret ballot. Elections shall be held only on the first Tuesday after the first Monday of November in each even numbered year. In order to be nominated to run for election to the Council, a candidate must either be present at a council meeting requesting nomination or must have submitted a letter to the Council indicating a willingness to serve on the Council. The nominees receiving the greatest number of votes for available Council positions shall be considered as elected. All candidates must be registered voters.

B. Notice of Election. Notice of elections shall be published in a newspaper of general circulation in the District at least 30 days prior to the date of the election. Notice shall be posted in each voting district in the community council area. Notices shall include the date, times and polling place locations for the community council election.

C. Electorate. The electorate shall be comprised of any resident within the District who is 18 years of age or older and who is a registered voter.

D. At least thirty days prior to an election, the community council shall designate one council member or designee, who is not standing for re-election, to serve as the election officer for the year in which a community council election is conducted. That election officer may solicit the assistance of council members or other persons not standing for re-election to serve as assistants.

E. Notices and flyers shall be prepared, posted and published sufficiently in advance of any community council election to adequately inform prospective council candidates of election and candidate nomination procedures.

F. The community council shall prepare a sufficient number of ballots listing candidates for community council office. Candidates shall be listed in alphabetical order,

by last name, and the ballot shall contain only the names of the candidates. No titles or indication of incumbency shall appear on the ballot. Write in candidates will not be permitted.

G. The community council shall put in place and enforce appropriate regulations to ensure the secrecy and security of the voting process, including providing for a secret vote, secure ballot boxes, and a secure and orderly vote tabulation process supervised by the election officer. No proxy voting shall be permitted.

H. Within seven days after an election, the election officer shall prepare an official written declaration of election results, including total votes cast for each candidate, and shall cause the declaration to be filed with the clerk of the board of county commissioners. A list of all council members, holding office as of January 1st, shall be provided to the county not later than December 15th of the previous year.

## VII OFFICERS

A. Officers. The officers of the Council shall consist of a chair, one to three vice-chair(s), a secretary, and a treasurer. No council member may hold more than one office at a time except that of secretary and treasurer, which may be held by the same person.

B. Election of Officers. Officers shall be elected by the Council members at the first regular meeting of the Council after the annual meeting and election. Any Council member may place his or her name in nomination for any office or may nominate any other member of the Council for an office. The nominees receiving the greatest number of votes for each office shall be considered as elected. Those placed in nomination for an office must be in attendance at the meeting or must have written a letter to the Council indicating a willingness to serve in the office. Office vacancies shall be filled in the same manner at any regular meeting following the vacancy.

C. Term. Officers shall serve a term of two (2) years in their respective office or, in the case of an office vacancy, until the end of the term of the vacated office. No Council member may serve more than two consecutive terms in the same office, except in the case of fulfilling the remainder of an unexpired term of a vacated office (see Section VII, B).

D. Removal. Removal of an officer shall follow the procedure provided in Article V. F. for removal of a Council member except that removal from office shall not mean removal from the Council. If an officer is removed as provided in this article, a separate removal procedure shall be initiated if removal from the Council is also desired.

E. Duties of Chair. The chair shall preside at all meetings of the Council. He or she shall call special meetings when needed and shall give a report of the Council activities for the previous year at the annual meetings.

F. Duties of Vice-Chair(s). In the absence of the chair, or in the event of his or her inability or refusal to act, a Vice-Chair shall preside over Council meetings,

and shall perform such other duties as may be assigned by the chair or by the Council itself. As assigned by the Council or the Chair, the Vice-chair(s) shall represent the Chair at meetings, performing specific duties of the Chair; and when so acting, shall have the powers and be subject to all the restrictions upon the Chair.

G. Duties of Secretary. The secretary shall preside over all meetings in the absence of the chair and the vice-chair. He or she shall keep complete and accurate minutes of all the proceedings in any meeting of the Council and make such minutes available to Council members at the next regular meeting or to the public upon request. He or she shall keep copies of all correspondence of the Council, shall write such letters as the Council directs, and shall have personal charge of all records and correspondence of the Council.

H. Duties of Treasurer. The treasurer shall collect, deposit, and keep an accurate record of all money due the Council and all money disbursed by the Council. He or she shall make a written financial report as part of the chair's annual report and present it orally during the annual meeting.

I. Signing of Documents. All checks and other instruments executed by the Council shall be signed by the chair or vice-chair and one other officer. The accounting of all moneys shall be kept by the treasurer and open to the public inspection at any reasonable time upon prior request. Funds shall only be disbursed by check and only upon prior approval of the Council.

J. Budget. An annual budget shall be approved by the Council under the direction of the chair as soon as possible after the Council's annual election of officers. The treasurer and chair shall periodically give a budget report to the Council. At no time shall the Council run a deficit budget or borrow money to pay its obligations.

## VIII MEETINGS OF COUNCIL

A. Regular Meetings. Regular meetings of the Council shall be held on the first Thursday of each month or at such other time as the Council shall designate. At any regular meeting the Council may change the time and place of the next following regular meeting. Oral or written notice of any change in the regular meeting schedule shall be given to each member of the Council at least 10 days before the next scheduled regular meeting.

B. Special Meetings. Special meetings may be called by the chair or a majority of the other members of the Council whenever such a meeting is deemed necessary or desirable. Notice of any special meeting shall be given to each member of the Council at least three (3) business days in advance of the meeting.

When formal action on an issue is required before the next regular meeting and a special meeting isn't practical, the chair, or a majority of the other members of the Council, may request a vote via other means. Reasonable effort must be made to receive a response from each Council member. A majority vote of all current Council members

is necessary. The vote, and the method used to collect the vote, shall be entered into the minutes of the next regular meeting, publicly noted and ratified.

C. Agenda. A written agenda shall be prepared for all meetings of the Council. Copies of the agenda shall be given to each member of the Council prior to the meeting.

D. Meetings Open to the Public. All meetings of the Council shall be open to the public.

E. Quorum. A quorum shall consist of the active, attending Council Members of a regularly scheduled council meeting. A quorum is necessary to conduct any meeting of the Council. Council Members may attend via electronic means.

F. Voting. All members of the Council may vote on any issue before the Council. Unless otherwise provided in these bylaws, a majority vote of the quorum is necessary to decide any matter before the Council.

G. Conduct of Meetings. All meetings shall be conducted in accordance with Roberts Rules of Order, current edition. Discussion shall be limited to business of the Council. A person must be recognized by the chair in order to be heard and shall be given sufficient time to express his or her opinion on any matter before the Council. In the interest of conserving meeting time, groups desiring to be heard on agenda items should request recognition before the start of the meeting and should be represented by a spokesperson if possible. If time is available, anyone can be recognized from the floor without prior request. The chair should give wide latitude to the discussion of business but shall not allow individuals or groups to engage in personal arguments. If this should occur, the chair has the discretion to declare such persons out of order and, if necessary, to ask such persons to leave the meetings.

H. Annual Meeting. The annual meeting of the Council shall be held in November. The annual meeting shall be conducted by the then current Council members. Newly elected members shall begin their term at the first regular Council meeting following the annual meeting. At the annual meeting, the chair, or his or her designee, shall give a report of Council activities during the year.

## IX

### COMMITTEES

The Council may designate and appoint one or more committees for whatever reason the Council deems necessary. The committees shall have the power and authority established by the Council and shall report to the Council during meetings thereof. Such power and authority shall not supersede any of these bylaws and shall not relieve the Council of any responsibility imposed herein. The chair of each committee must be a member of the Council, but other members may be any resident or property owner within the District. All committee members shall serve at the pleasure of the Council.

## X

### AMENDMENT OF BYLAWS

Amendments to these bylaws may be proposed in writing by any Council member at any regular meeting. A proposed amendment shall be adopted upon the affirmative vote of at least two-thirds of the Council members present at the next regular meeting following the meeting at which the amendment was proposed. A copy of the proposed amendment shall be mailed or delivered to each Council member at least 10 days prior to the meeting at which the amendment is considered for adoption.

## XI

### EFFECTIVE DATE OF BYLAWS

These bylaws shall become effective immediately upon adoption by the Council.

Amended and updated this 6th day of December, 2007.

East Mill Creek Community Council