

# AMENDED AND RESTATED **BYLAWS** OF THE GRANITE COMMUNITY COUNCIL

Revised and Adopted February 5, 2020

## ***Preamble***

Whereas the citizens of the community of Granite in Salt Lake County, Utah recognize the need to represent themselves and to conduct the business of the community in an organized, yet independent manner, we therefore have established

The Granite Community Council

## **ARTICLE I. Purpose**

I. This organization is formed to:

A. Provide a forum for the study and discussion of issues of mutual concern and interest;

B. Become educated as to the needs of the community and the methods of meeting those needs;

C. Advise and assist the citizens of the community in dealing with community problems;

D. Formulate and present *recommendations* to the Salt Lake County (COUNTY), on actions within the authority of the County that affect the area within the established boundaries of this Council. (Reference S.L. County Ordinance 2.56.010).

2. The Council shall be operated in a fiscally sound manner and within a fiscal year beginning on January 1 of each calendar year.

3. Council boundaries shall be defined on maps generated by the Salt Lake County Planning Division, outside the boundaries of incorporated municipalities. (2.56.030)

5. The Council shall maintain memberships in the Association of Utah Neighborhood Councils, Inc. and in the “Association of Community Councils Together” (ACCT). (2.56.080) The Council shall elect one or more Council members to represent the Council in the membership of ACCT.

*6. It is the intention of the Council to conduct its activities in a manner that qualifies it as a Social Welfare Organization under Section 501(c)(4) of the Internal Revenue Code. (2010)*

## **ARTICLE II. Meetings & Hearings.**

1. All Council meetings and hearings shall be open to the public and encourage interested people to attend and participate. (2.56.065)

2. Meetings shall be closed to the public only for the purpose of discussing matters relating to litigation or confidential personnel issues per Article III, Sections 6 and 7.
3. The Council will be obligated to take under advisement the directions of public discourse, but only Council members are permitted to vote. Action may be taken by the council at a meeting at which a quorum of the members are present in person or by telephone or video conference call. A majority of the members of the council (or members of a committee, as applicable) shall constitute a quorum.
4. The Council shall conduct regular monthly meetings at the same place and time so as to be part of community routine. Changes to the regular schedule may be made by vote of the Council.
5. "Special meetings" at other times and places may be called as needed by the Council Chair to address a specific community issue. Council must be given at least 24 hours notice of special meetings. Regular Council business shall not be conducted at any special meeting. Special meetings may include in-person meetings, telephone meetings, and e-mail meetings. Voting procedures in special meetings shall follow the same format used in regular meetings, except that action by e-mail shall require a majority vote of the full council.
6. Any person wishing to be heard from the floor will be recognized by the Chair and be given ample time to express his or her views at either regular or special meetings, provided he or she has requested recognition from the Chair. If time is available, anyone can be recognized from the floor without prior request. Any group requesting time shall be represented by an appointed spokesperson. In all cases, the subjects discussed must concern community and Council business. The Chair shall have wide latitude to govern these discussions, but shall not allow individuals or groups to engage in personal argument or intra-organization arguments. If this should occur, that person or those persons shall be declared out of order and the floor cleared.

### **ARTICLE III. Membership.**

1. The Council shall consist of two members and an alternate elected from each District. All such elected members of the Council shall have equal voting privileges in all matters considered by the Council. An alternate may vote in the place of one member from the alternate's District, but only if and when such member is absent from the meeting when a vote is taken. The alternate for a district shall be counted in determining the presence of a quorum in the absence of a member from such district.
2. Candidates for Council membership must be registered voters (2.56.050.A), reside in the District they represent and must agree to serve for a term of four (4) years, the terms of office to be staggered. Alternate members must agree to serve for a minimum term of 2 years.
3. Nominations of qualified candidates for membership in the Council shall be made at any time prior to or at the regular Council meeting held in October of the election year. (2.56.070.B.6). Any member of the community may submit a candidate meeting the requirements of Section 2 above for election.

4. Members of the Council may resign from membership at any time. The resigning member should make every effort to identify a possible replacement candidate and to notify the Council as early as possible prior to the effective date of resignation.

5. When a member of the Council is absent without excuse from three (3) consecutive regularly scheduled meetings, his or her resignation may be requested by the Chair. If the Council member refuses to resign or makes no response within two (2) weeks, he or she shall automatically be considered to have resigned. Any Council member missing one-half (1/2) of the regular meetings of the Council in any one calendar year, unless excused by the Chair, shall be treated as having submitted a resignation and his or her membership position may be filled at the next regular meeting of the Council.

6. A member of the Council may be disqualified from membership if he or she does not meet the requirements of this Article. The Council shall conduct a special, closed hearing with a member to determine whether that member should be disqualified and subsequently removed from membership in the Council.

7. A member may be impeached if cause is shown that he or she has used the office for personal gain or against the best interests of the Council and/or the community. Impeachment of a Council member may be accomplished by submitting a formal written "STATEMENT OF CHARGES" thirty (30) days before a closed meeting at which the charges are to be considered. Each Council member shall receive a copy of the "STATEMENT OF CHARGES". The notice shall contain the exact time and place of the meeting and a specific and itemized list of the charges. The "STATEMENT OF CHARGES" shall be read in its entirety before the scheduled meeting and the accused shall be given full opportunity to defend his or her Council membership. If additional time is needed for either investigation or preparation of defense, it must be granted. The vote to terminate the accused's membership must, however, be held within one (1) month from reading of the "STATEMENT OF CHARGES". Termination of Council membership becomes effective upon a majority vote against the accused. The burden of proof is upon the accuser. Impeachment proceedings may be initiated by any other Council member.

8. Qualified citizens may be appointed by the Chair of the Council to fill vacated unexpired positions. All appointments must be approved by a majority vote of the Council. All appointees must meet the qualifications stated in Section 2 above. Appointees shall serve for the remaining term of the individual Council member they replaced.

#### **ARTICLE IV. Elections.**

***1. Council elections shall be conducted in accordance with the requirements of Salt Lake County Ordinance 2.56.070 which is incorporated within these Bylaws with specific subsequent references as appropriate.***

2. Council membership elections shall be administered by the election officer. At least sixty (60) days prior to an election one Council member or designee, who is not standing for election or re-election, will be appointed by the Chair to serve as the election officer for the year in which the election is conducted. That election officer may solicit the assistance of Council members or

other persons not standing for election or re-election to serve as assistants. The Council shall inform the County's liaison with the Council of the election officer's name, address and telephone number. (2.56.070.B.3)

3. The election officer shall prepare, post and publish notices and flyers announcing the Council election meeting sufficiently in advance of all community council elections to adequately inform prospective council candidates of the election and of the candidate nomination procedures. (2.56.070.B.4)

4. The election officer shall design and administer procedures for "Nominations for Membership" which freely permit and encourage citizens to become candidates for Council membership. (2.56.070.B.6)

5. The election officer shall post and publish, a "Notice of Election" in at least one prominent place in each Council voting district at least thirty (30) days prior to an election. This Notice shall also be provided to the County's liaison with the Council. Such notice shall include the date, times and polling place locations for the Council election. (2.56.070.B.5)

6. The Council general membership election shall be held at one or more polling places within Council boundaries, on the first Tuesday after the first Monday in November of each even-numbered year. (2.56.070.B.2)

7. The election officer shall prepare a sufficient number of ballots listing candidates for Council membership in alphabetical order, by last name. Ballots shall contain only the names of the candidates (no titles or indication of incumbency shall appear on the ballot). Provision shall be made for write-in candidates on each ballot. (2.56.070.B.7)

8. The election officer shall establish procedures to ensure the secrecy and security of the voting process. These procedures must provide for a secret ballot using secure ballot boxes. The election officer shall supervise a secure and orderly vote tabulation. Proxy voting shall not be permitted. (2.56.070.B.8)

9. Members of the Council shall be elected by nonpartisan secret ballot (2.56.070.A) in a free and open election conducted by the Council, open to all registered voters in the Districts defined by the Council boundaries (Article I), provided no individual may vote more than once in any given election. (2.56.070.B.1)

10. The alternate member from each District shall be the individual receiving the second largest popular vote. The alternate member shall serve for a term of two years.

11. The election officer shall, within seven (7) days after an election, prepare an official written declaration of election results which shall include total votes cast for each candidate. This declaration shall be filed with the Clerk of the County Council. (2.56.070.B.9)

12. The Council Secretary shall, not later than December 15 of each year, provide to the County's liaison with the Council, a list of all Council members who will be holding office as of January 1st of the following year. (2.56.070.B.9)

**ARTICLE V. Executive Committee (ExCom).**

1. The day-to-day affairs of the Council shall be operated by an Executive Committee (ExCom) comprised of the following Executive Officers: Chair, Vice-Chair, Secretary, Treasurer and Past Chair who shall serve for a term of one (1) year from December to the following December.

2. The Chair, Vice-Chair, Secretary and Treasurer shall be elected by vote of the majority of Council members at the regularly scheduled meeting in December. The Past Chair is the person who was Chair during the immediately preceding term and is not subject to election. The Chair of the outgoing ExCom shall, after the regular business, excuse the outgoing members of the Council whose terms expire during that month. The Chair shall then invite all newly elected Council members to take their seats as members of the Council. The Chair shall then call for the election of officers and conduct the election.

3. Any duly elected or appointed member of the Council may place his or her name in nomination for any executive office, or he or she may nominate any other member for any executive office. It is desirable that any member being nominated to hold executive office have a desire to hold that office and be able to devote the necessary time to its proper execution. Persons whose names have been placed in nomination must be in attendance at the election of officers meeting. Any candidate for office may request voting by secret ballot. Any such request shall be granted.

4. The outgoing ExCom shall preside at the election meeting until the new ExCom is elected. When the new officers are elected, they shall be installed by the old officers and the authority and records of the respective offices shall be passed to the new officers.

5. If a quorum is not present to conduct this election, the outgoing ExCom will continue to preside until the next regularly scheduled Council meeting where a quorum is present. The nominees receiving the greatest number of votes for each office shall be installed unless they withdraw before installation.

6. After the new Chair, Vice-Chair, Secretary and Treasurer are elected, the outgoing Chair shall ask that the Secretary of the outgoing ExCom turn over the Council's official records and documents to the new Secretary. He or she shall then ask the Vice-Chair to turn over the Council's Bylaws and a copy of ROBERT'S RULES OF ORDER to the new Vice-Chair. The outgoing Chair then recognizes the new Chair by handing the gavel to the new Chair of the incoming ExCom. If the term of the outgoing Chair extends beyond December of the current year, he or she immediately assumes the position of Past Chair. If the Past Chair's term expires in December of the current year, the new Chair excuses the Past Chair and may appoint, at such time as appropriate, another member of the Council as Past Chair who has served previously as Chair. The new Chair may conduct any additional business, and close the meeting.

7. A vacancy in the ExCom shall be filled as provided in Sections 3 through 6 of this Article. The authority and records of the office shall be passed on by the remaining highest ranking Executive Officer.

8. Any Executive Officer may be removed from office by 2/3 vote of the full Council. Removal from an Executive Office does not, however, remove the person from membership on the Council.

9. All Executive Officers shall have full voting rights with other members of the Council.

10. Advisory committees to assist the Executive Officers in the government of the Council may be established by the Council to provide such services and have such authority as determined by the Council. These may include, but not necessarily be limited to, the following: (1) Planning and Zoning; (2) Schools; (3) Health and Welfare; (4) Publicity; (5) Public Safety; (6) Finance; (7) Parks and Recreation and (8) Library.

#### **ARTICLE VI. ExCom Duties.**

1. The ExCom may prepare an annual report for presentation at the December meeting.

2. The Chair shall perform such duties as are usually expected of the office and as required by the Bylaws. The Chair shall preside at all meetings of the Council, both regular and special.

A. The Chair may call for a report from any Council member at each meeting.

B. If an Annual Report is prepared, the Chair shall present the Council's Annual Report at the December meeting.

C. The Chair shall be the only person authorized to sign any outgoing correspondence, including "Requests for Recommendations" from the County, unless specifically delegated to another ExCom member.

3. The Vice-Chair shall perform such duties as usually expected of this office and the duties required by the Bylaws. The Vice-Chair shall perform such other duties as required by the Chair and shall act with the full power of the Chair in his or her absence. The Vice-Chair shall also be the parliamentarian, interpreting and applying ROBERT'S RULES OF ORDER.

4. The Secretary shall preside over all meetings in the absence of the Chair and the Vice-Chair in the manner set forth in Sections 2 and 3 of this Article.

A. The Secretary shall keep complete and accurate minutes of all the proceedings of the meetings of the Council and ExCom. The Secretary shall have charge of reports, conduct the official correspondence, attest documents, notify the members of all regular and special meetings and perform all other duties that are usual to his or her office or as required by the Chair.

B. The Secretary shall provide to the County's liaison with the Council not later than December 15th of the previous year a list of all Council members holding office as of January 1st. (2.56.070.B.9)

C. The actual recording of the minutes of the meetings or preparation of documents may be done by a Council stenographer under the Secretary's supervision, but the responsibility for their correctness remains with the Secretary.

5. If the Treasurer is the only Executive Officer present at a meeting, the meeting shall be immediately adjourned.

A. The Treasurer shall collect all moneys due the Council and shall disburse money only upon the direction of the Chair after approval of the Council. All Council checks shall be signed by the Chair or by the Treasurer and reviewed at the next Council meeting. The Treasurer shall make monthly reports of transactions and activities to the Council.

B. The Treasurer shall prepare and submit an annual Budget Request for the Council to submit to the County Council prior to September 1 of each year, and prepare a detailed financial statement to be filed with the Clerk of the County Council and the County's liaison with the Council within 90 days after the end of the Council's fiscal year. (2.56.110.B)

#### **ARTICLE VII. Advisory Committee General Duties.**

1. Each Committee Chair shall submit a report on information and activities of his or her office affecting the community upon request of the Chair, for entry into the Council's regular meeting minutes.

2. Upon request of the Chair, each Committee Chair shall submit a written annual report to the Secretary one month in advance of the Council's Annual Report, so that it may be incorporated into the Annual Report.

3. Each Committee Chair may be asked to perform any other duties required of him or her by the Chair or Executive Officers.

4. Each Committee Chair may recruit help from any resident of the community in order to better perform his or her duties, but none of these committee members will have voting rights on the Council. The function of these committee members is solely that of staff advisors and assistants to the Committee Chair appointing them. Their reports shall be made only to the Committee Chair appointing him or her, unless the Chair of the Council asks for his or her direct report. The committee members in no way can obligate his or her Committee Chair, the Executive Officers, or the Council.

5. Each Committee Chair shall make every effort to coordinate the activities of his or her committee with the activities of any other organization, government, business or civic group interested in promoting the objectives in common interest with his or her committee and the Council. In all cases, every effort will be made to avoid conflicting and duplicating efforts.

Contact should be maintained with these interested groups and whenever possible, they should be encouraged to take part in a particular project.