

# KEARNS COMMUNITY BYLAWS

## ARTICLE 1: NAME

The name of this corporation shall be Kearns Community, d/b/a Kearns Community Council (hereafter referred to as the “*Kearns Community Council*”).

## ARTICLE 2: OBJECT

The object of the Kearns Community Council shall be to represent the municipal service interests of the community to the providers of such services, allow the community the right of self determination, improve the community’s image and assist the community’s residents in any manner possible, and perform such other functions as may be proper for a community council under Salt Lake County (“*County*”) ordinances and other applicable law.

## ARTICLE 3: MEMBERS

3.1 **Area.** Kearns Community Council shall be that unincorporated area generally known as the Kearns Township more specifically shown on the map attached herein. Other unincorporated areas surrounding Kearns that are not served by a community council may request inclusion in accordance with County ordinances and, upon community and county council approval, shall be included within Kearns Community Council.

3.2 **Eligibility; Residency.** Any registered voter living within the Kearns Township Area shall be considered eligible to vote and may be elected a member of the Kearns Community Council. Each person shall have only one vote. In matters of voting district identity, a person’s residency shall be considered before property ownership.

3.3 **Composition.**

(a) The Kearns Community Council shall consist of nine (9) members, one from each of the five geographical areas or districts within the Kearns Township Area and four at-large members. All members of the Kearns Community Council shall have equal voting privileges in all matters before the council.

(b) The boundaries of the districts may be changed from time to time by two-thirds (2/3) vote of the Kearns Community Council, but shall for the present be as per the attached map.

(c) Persons running for a council position must be a registered voter in the district he or she may be elected to represent. The at-large members must be registered voters in the Kearns Township boundaries. Upon special approval of the

County Council, candidates may be property owners in any community council district but reside elsewhere, such as owners of summer recreational properties, or ownership of substantial proportions of the developed land within the township.

### 3.4 Elections.

(a) Voting Date and Location. Members of the Kearns Community Council shall be elected by nonpartisan secret ballot by a majority of the registered voters voting within the Kearns Township Area. The vote shall be held at noticed election sites on the first Tuesday after the first Monday of November in even numbered years.

(b) Election Officer.

(1) ~~At least thirty (30) days prior to an election~~ At least ~~sixty (60) days prior to an election,~~ On the 3<sup>rd</sup> Tuesday in the month of May ~~June during the executive meeting of the Kearns Community Council~~ the chair shall call for a volunteer or appoint one community council member or designee, who is not standing for re-election, to serve as an election officer for the year in which a community council election is conducted and the chair shall inform the County's community council liaison, in writing, of the appointment and the election officers name, address and telephone number. That election officer may solicit the assistance of the community council members or other persons not standing for re-election to serve as assistants.

(2) The election officer upon appointment shall accept Declarations of Candidacy for the council, ~~both~~ in person or by mail through the council PO box, beginning ~~October 7<sup>th</sup> through October 21<sup>st</sup>~~ the 1<sup>st</sup> Tuesday of June ~~Monday in August~~ and ending the 3<sup>rd</sup> Tuesday of June ~~the 3<sup>rd</sup> Friday in August at 9:00 PM or post marked no later than 11:59 PM of that Friday.~~ The election officer shall acknowledge receipt and acceptance of candidates within five (5) working days of receipt of this paperwork. The applications shall be accepted from the time of the election officer's appointment until thirty (30) days before the election. At the ~~regular~~ public meeting on the 1<sup>st</sup> Tuesday in September ~~before the election~~, the election officer shall report on the applications received.

(c) Notices and Flyers. Notices ~~and flyers~~ shall be prepared, and posted ~~and published sufficiently by July 1<sup>st</sup>~~ in advance of any community council election to adequately inform prospective council candidates ~~or~~ of election and candidate nomination procedures.

(b.) At least thirty (30) days prior to an election, the community council shall provide notice of each election. This notice shall be posted in at least one prominent place in each voting district in the Kearns Township Area and forwarded to the community council liaison. Notices shall include the date, times, and polling place locations for the community council election. The county clerk with the assistance of the community council liaison shall publish notice of the election in a newspaper of general circulation at least two weeks before Election Day.

(d) Ballots. Kearns Community Council shall prepare a sufficient number of ballots listing candidates in alphabetical order by last name. The ballot shall contain only the names of those candidates whose applications were received by the election officer and were reported to the Kearns Community Council ~~in the regular~~ at a ~~the public meeting in the month on the 1<sup>st</sup> Tuesday in September~~ before the election. No titles or indication of incumbency shall appear on the ballot. At least two (2) spaces for write-in candidates should be provided on this ballot.

(e) Voting Regulations. Kearns Community Council shall put in place and enforce appropriate regulations to ensure the secrecy and security of the voting process, ~~including providing for secret vote,~~. The election officer shall obtain secure ballot boxes, as provided by the County, and a secure an orderly vote tabulation process supervised by the election officer. No proxy shall be permitted.

(f) ~~Kearns Community Council shall host on (1) meet the candidates night in either the month of September or October on a night other than a regularly scheduled council meeting night.~~

(g) Kearns Community Council members shall assist the elections officer in recruiting volunteers, from the community, to serve as election judges.

3.5 Term. The term of office of the Kearns Community Council members shall be four (4) years.

3.6 Election Timing. With the exception of the initial election of all the Kearns Community Council members in 2005, election for members shall be in accordance with the following sub-paragraphs:

(a) Kearns Community Council members for odd-numbered districts and two (2) at-large members shall be elected every even-numbered year beginning in 2008 and every 4 years thereafter.

(b) Kearns Community Council members for even-numbered districts and two (2) at-large members shall be elected beginning in 2010 and every 4 years thereafter.

3.7 Resignation. Any member of the Kearns Community Council may resign from the council by submitting written notice to the council secretary.

3.8 Replacement by Council Action. When a Kearns Community Council resigns or is removed from the council, the Kearns Community Council may replace that member by council vote. Nominations shall come from the floor at a general meeting and the replacement shall be elected by majority vote at the next general meeting of the council. The replacement shall be a registered voter from the same from the same district as vacated. If an at-large member resigns the replacement shall be any registered voter

from the Kearns Township area. The newly elected member shall serve for the remainder of the unexpired term.

3.9 **Removal.** The Kearns Community Council shall have the power to remove members with a three-fourths (3/4) majority vote. Removal of a council member may be for one or more of the following causes:

(a) The member is guilty of malfeasance in office, convicted of a felony or convicted of a misdemeanor of moral turpitude while in office.

(b) The member has been absent from three (3) consecutive regular meetings without excuse. The member's resignation may be requested. A member whose resignation is requested has two (2) weeks to resign, respond as to why the member should remain on the Kearns Community Council or be removed by council's action. If the member responds, the council shall decide whether to remove the member.

(c) A member missing one-half (1/2) of the regular meetings in any year, unless on official Kearns Community Council business, may be treated as having been requested to submit his or her resignation.

#### ARTICLE 4: FINANCIAL ADMINISTRATION

4.1 **Non Profit Status.** The Kearns Community Council is organized for the benefit of the members and as such is to be operated as a non-profit entity. All of the Kearns Community Council members, council committee members and all participants in Kearns Community Council activities are to be volunteers without pay for their services.

4.2 **Financing.** Financing of the Kearns Community Council will be from voluntary donations and fund-raising activities appropriate to the nature and purposes of the Kearns Community Council. Funds may be solicited and accepted from the County Council. Requests for funding by the County Council must be made in accordance with County guidelines and deadlines.

4.3 **Fiscal Year.**

(a) The fiscal year of the Kearns Community Council shall be January 1 through December 31. The financial records of the Kearns Community Council shall be reviewed annually by a qualified individual outside of the Council. Such annual review shall determine that all disbursements were made in accordance with the Bylaws of the Council.

(b) Within ninety (90) days following the close of Kearns Community Council's fiscal year (December 31), a detailed financial statement outlining revenues and the expenditures of monies by the Kearns Community Council for the prior year shall be filed with the clerk of the county council and the county's community council liaison and be in a form approved by the county auditor.

(c) The treasurer of the Kearns Community Council shall keep the financial records of the fund-raising activities and report to the Kearns Community Council at the close of the fiscal year.

4.4 **No Distribution of Earnings or Compensation to Members.**

(a) No part of the net earnings of Kearns Community Council shall inure to the benefit of, or be distributable to, its members, officers, or other private persons, except that the Kearns Community Council shall be authorized and empowered to pay reasonable expenses made out of pocket for the benefit of the Community Council. The Kearns Community Council may make payments and distributions in accordance with these bylaws to promote the purposes of such council. The services of council members or officers may not be engaged for compensation by the Kearns Community Council, even if these members are professionals in the service required to promote the purposes of such council.

(b) The Kearns Community Council shall remain non-partisan. Kearns Community Council members shall not participate financially or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office while representing themselves as a Kearns Community Council member.

## ARTICLE 5: OFFICERS

5.1 **Officers and Terms of Office.** The officers of the Kearns Community Council shall serve for a term of one (1) year and shall consist of the chair, vice chair, secretary, agenda clerk and treasurer. The officers shall constitute an executive committee and have the power to act in emergencies between meetings if Kearns Community Council is not able to have an emergency meeting with a quorum present.

5.2 **Election of Officers.** The officers shall be elected by their fellow members at the annual meeting. The annual meeting is the regular meeting held in December each year and shall be preceded by the election of Kearns Community Council members.

5.3 **Manner of Election.** Any duly elected member of the Kearns Community Council may nominate himself, herself or another member for any executive office. The nominee receiving the greatest number of votes for each office shall be elected. No officer shall serve more than two (2) consecutive terms in the same office unless no other nominations are made in which case the incumbent may be elected for another one (1) year term. There must be a quorum present to conduct this election. Members being nominated to hold executive office should have expressed a desire to hold that office and be able to devote the necessary time to its proper execution. For the purposes of this annual election of officers; members may participate electronically.

5.4 **Annual Meeting.** The outgoing executive officers shall be in charge of the annual meeting. The chair shall present the annual report, announce the results of the elections for Kearns Community Council membership, conduct the elections of the executive officers and provide a list of all Community Council members, holding office as of January 1 of the upcoming year, to the County's community council liaison not later than December 31st of the current year.

5.5 **Chair's Duties at Annual Meeting.** The chair of the Kearns Community Council, after the new officers are elected, shall direct that the following be accomplished no later than the second scheduled meeting in the upcoming year:

(b) That the outgoing treasurer shall turn over the Kearns Community Council books and the treasury to the new treasurer.

(b) That the outgoing secretary shall turn over the Kearns Community Council records and documents to the new secretary.

(c) That the outgoing vice chair shall turn over the Kearns Community Council bylaws, the Kearns Community Council's copy of Robert's Rules of Order Newly Revised and other documents/papers pertaining to the office to the new vice chair.

(d) The chair shall officially call for adjournment of the Kearns Community Council for that fiscal year.

(e) Upon adjournment, the gavel shall be handed to the new chair and executive committee shall officially take office as of January 1<sup>st</sup> of the upcoming year.

5.6 **Vacancy in Executive Offices.** Any vacancy in the executive office shall be filled as provided in Section 5.3. The authority and records of the office shall be passed on by the highest-ranking executive officer remaining.

5.7 **Chair's Other Duties.**

(a) The chair shall have all duties as are usually imposed upon this office and as required by the bylaws and the adopted parliamentary authority. The chair shall preside at all Kearns Community Council meetings. The chair shall call for a report at each meeting from the Kearns Community Council members who have advised they have a report and shall present the Kearns Community Council's annual report at the final meeting of the council during that fiscal year.

(b) The **CHAIR** shall: publicize all activities, actions, and findings of the Kearns Community Council when the chair feels it is necessary and assist other committees and Kearns Community Council members in their public relations work.

5.8 **Vice-Chair.** The vice chair shall perform such duties usually imposed upon this office and duties as required by the bylaws and the adopted parliamentary authority. The vice chair shall perform other duties as required by the chair and shall act as the chair in the Kearns Community Council's meeting in the absence of the chair. The vice chair shall be the Council's parliamentarian interpreting the bylaws and applying any special rules of procedure and the parliamentary authority.

5.9 **Secretary.** The secretary shall convene all meetings in the absence of the chair and vice chair and conduct an election of a chair pro tem. The secretary shall keep complete and accurate minutes of all proceedings of the Kearns Community Council and executive officers. The actual recording or preparation of the minutes or documents shall be under the secretary's supervision; the secretary remains responsible for the correctness of all minutes and documentation. The secretary shall have charge of the records, reports, and archives of the Kearns Community Council.

(a) The secretary shall conduct the official correspondence, attest documents, notify the members of all regular and special meetings and perform all other duties that are usual to the office or as may be required by the chair or the parliamentary authority.

(b) The secretary under the direction of the chair shall prepare the annual report for presentation; all committee and financial reports shall be incorporated within the annual report.

5.10 **Treasurer.**

- a) The treasurer shall have all the duties as are usually imposed on this office and as required by the parliamentary authority. The treasurer shall collect all monies due the Kearns Community Council and shall disburse money only upon the direction of the chair after approval by the Kearns Community Council. Money shall be disbursed by check only, with necessary exceptions approved by the chair and the full Kearns Community Council. In any case all transactions shall require documentation in the form of an associated invoice, receipts, or comparable approved item.
- b) All checks shall require two signatures and will be signed by the treasurer, unless incapacitated or not available within a reasonable amount of time, and counter signed by either the chair or vice-chair. Authorized signers shall not co-sign any check made out to themselves as the payee.
- c) Monthly, the treasurer shall submit a report of all transactions and activities for the preceding month to the Kearns Community Council. At the end of each fiscal year, the treasurer shall furnish a written report to the chair, giving a complete accounting for the office for the year. This report shall become part of the chair's final annual report.

- d) The treasurer shall: promote and take charge of any fund raising activities needed to fulfill the purposes of the Kearns Community Council after the Kearns Community Council approves the project and upon the direction of the chair.

5.11 **Agenda Clerk.** The agenda clerk shall manage the executive and public meeting agendas of the Kearns Community Council, including preparing such agendas under supervision of the chair or chair pro tempore, giving any required public notice of such agendas and meeting dates, and notifying council members of special meetings and events.

## ARTICLE 6: MEETINGS AND CONFIDENTIAL RECORDS

6.1 **Opening of Meetings.** Each meeting of the Kearns Community Council may be opened with a prayer and/or the Pledge of Allegiance to the Flag of the United States of America and/or any other activity the Kearns Community Council determines appropriate.

6.2 **Frequency of Meetings.** The Kearns Community Council's regular meeting shall be held at least once a month at a time and in such a manner as to promote the most attendance by the Kearns Township Area's residents and interested parties. The meeting is open to the public. Public notice of each meeting shall be noticed in two (2) public places in a manner determined by the chair to be effective and reasonable.

6.2 (a) **Public Meetings** shall begin at 6:30 PM and adjourn no later than 8:00 PM, unless extended in accordance with Robert's Rules of Order, newly revised (RONR).

6.3 **Special Meetings.** Special meetings may be called by the chair or a majority of the members of Kearns Community Council. Any member of the Kearns Community Council or a community council committee chair may make a request of the chair for a special meeting to be called. If a special meeting is called, the decision shall be made known to the secretary who will then give the members of Kearns Community Council 24 hours notice.

6.4 **Public Meetings.** All meetings of the Kearns Community Council shall be open to the public. No public vote shall be taken committing the Kearns Community Council to any course or action. However, the council shall be obligated to take under advisement the prevailing feelings of such public discussion.

6.5 **Public Participation.** Any person wishing to be heard from the floor will be recognized by the chair and given ample time to express his or her views, 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 the community and Kearns Community Council business. The chair shall have wide latitude in these discussions but not allow individuals or groups to engage in personal or intra-organizational arguments. If this should occur, the comments shall be declared out of order and the floor cleared. The chair shall conduct the meetings in accordance with the parliamentary authority.

6.6 **Quorum.** A quorum consists of a majority of the members of the Kearns Community Council. A quorum must be present at any meeting in order to transact the Kearns Community Council business.

6.7 **Confidential Information.** Confidential or private information may be reported to the Kearns Community Council but such information may not become matters of public record or public knowledge. The chair shall determine how confidential or private information is to be reported to the Kearns Community Council and if record shall be kept of such information. The secretary shall maintain confidential records of the Kearns Community Council in accordance to governing statutes, i.e. Privacy of Information Act. Applicable state and federal regulations shall govern the interpretation of the terms confidential and private. All officers, the Kearns Community Council members and committee chairs shall comply with the intent of statutes and regulations regarding the privacy of information.

## ARTICLE 7: COMMITTEES

7.1 **ACCT.** There shall be two (2) representatives to the Association of Community Councils Together (ACCT) appointed yearly who shall attend ACCT meetings and functions. Alternates may be appointed to attend the ACCT meetings and functions and vote in their absence.

7.2 **Advisory Committees.** Advisory committees shall be established to assist the officers in the governing of the Kearns Community Council. These advisory committees may include, but shall not be limited to, the following:

1. Planning and Zoning
2. Library & Education
3. Health and Welfare
4. Economic Development
5. Public Safety
6. Public Works
7. Parks and Recreation
8. Community involvement

7.3 **Committee Chairs.** Each committee chair shall be appointed to office by the Kearns Community Council. The Kearns Community Council shall take into consideration each individual's desires and abilities when making these appointments.

Each committee chair shall be in charge of his or her respective committee and responsible for all duties of his or her committee.

7.4 **Meeting Representatives.** Each committee chair shall appoint a representative to attend state, local government, business, civic group and other organization meetings that are part of the respective advisory committee's objectives. The committee chair shall report to the Kearns Community Council regarding these meetings. Each committee chair shall make every effort to coordinate the activities of his or her committee with the activities of any other group interested in promoting the objectives of common interest with his or her committee of the Kearns Community Council. In all cases every effort will be made to avoid conflicting and/or duplicating efforts between committees or other interested groups.

7.5 **Objectives.** The objectives of each advisory committee chair are as follows:

(a) The **PLANNING and ZONING** chair shall: This committee Chair and the Kearns Community Council chair (or chairs appointed substitutes) are designated by Salt Lake County ordinances to attend and represent the Kearns Community Council before the Kearns Planning and Zoning Commission and the Salt Lake County Planning Commission.

(b) The **LIBRARY & EDUCATION** chair shall: Develop educational programs between school districts in a united effort with educators and Kearns Township Area residents and coordinate activities and communications that will secure the highest advantages in physical, mental and social education for the Kearns Township Area. The Library & Education chair shall be concerned with the Kearns Community Council's interest in and participation with library programs.

(c) The **HEALTH and WELFARE** chair shall: determine the needs of the Kearns Township Area and its residents in health, welfare and sanitation and flood control when an individual, agency or situation requires attention and promote and develop projects for the betterment of the area's health and welfare.

(d) The **ECONOMIC DEVELOPMENT** chair shall oversee all interaction and discussion with the Kearns business community and oversee redevelopment discussions and promote commercial expansion within Kearns. The chair shall also be in charge of any applications to other entities regarding grant funding for commercial and economic development.

(e) The **PUBLIC SAFETY** chair shall: communicate with all public safety agencies and officials and bring their attention to the public safety needs of the Kearns Township Area and develop and promote projects for the betterment of the public safety.

(f) The **PUBLIC WORKS** chair shall: study and initiate methods and projects to beautify the community and its property; encourage agricultural, commercial and industrial activities consistent with governing laws and Kearns Community Council's interests and mediate differences between groups regarding activities. The Public Works chair shall act as the Kearns Community Council liaison to all government agencies that are responsible for services within the boundaries of Kearns such as road construction and planning, public transportation, street lighting, curb & gutter, sidewalks, sewer and water, garbage disposal, etc.

(g) The **PARKS and RECREATION** chair shall: coordinate all activities of the Kearns Township Area community recreation, develop and promote projects for the betterment of the Area's parks and recreation and bring these needs before the Kearns Community Council and the proper County agencies.

(h) The **COMMUNITY INVOLVEMENT** chair shall: inspire community involvement and seek volunteers to help better affect completion of projects on various committees, keep in touch with the Kearns Community Council to get a calendar of events, make an outline of community needs and seek projects necessary to up-grade the quality of life within the Kearns Township Area and to present them to the Kearns Community Council for approval at a regularly scheduled meeting and, if approved, organize such projects by setting up committees in bring the projects through the completion stages and seek candidates for the election official to present to the Kearns Community Council.

7.6 **Committee Reports.** Each committee chair shall submit a report of information and activities of his/her office affecting the community as needed or upon the request of the chair for entry into the Kearns Community Council's meeting minutes.

7.7 **Annual Reports.** Each committee chair shall submit a written annual report to the secretary one month in advance of the Kearns Community Council's Annual Report, so that it may be incorporated in the annual report.

7.8 **Other Duties of Committee Chairs.** Kearns Community Council's committee chairs may be asked to perform any other duties required of them by the chair of executive officers, even though not covered by the committee's objectives or committee chair's duties.

7.9 **Assistance.** Each committee chair may recruit help from, any member of the community in order to better perform their duties but none of these community committee members will have voting rights on the Kearns Community Council. The function of these community committee members is solely that of staff advisors and assistants to the committee chair appointing them. These committee members can in no way obligate the committee chair, the executive officers or the Kearns Community Council.

7.10 **Additional Committees.** Other committees and their duties may be established by the council.

## ARTICLE 8: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised (RONR), as hereafter revised or amended, shall govern the Kearns Community Council in all cases to which they are applicable and-in which they are not inconsistent with these bylaws and any special rules of order Kearns Community Council may adopt.

## ARTICLE 9: AMENDMENTS

9.1 **Required Vote.** These bylaws shall be amended by a two-thirds (2/3) or more affirmative votes of the Kearns Community Council membership.

9.2 **Proposed Amendments.** Any Kearns Community Council member may propose amendments to these bylaws. Any proposed amendment to these bylaws shall be submitted to the secretary who will be responsible to have a copy mailed or delivered to every Kearns Community Council member at least thirty (30) days prior to the meeting at which it is to be considered.

Date Adopted: December 7, 2005

Date Revised: March 17, 2007

Date Revised: June 5, 2012 / pl

Date Revised: July, 2015 / pl

President/Chair \_\_\_\_\_