

1 KEARNS COMMUNITY
2 BYLAWS

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4 ARTICLE 1: NAME

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6 The name of this corporation shall be Kearns Community, d/b/a Kearns Community
7 Council (hereafter referred to as the “*Kearns Community Council*”).
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9 ARTICLE 2: OBJECT

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11 The object of the Kearns Community Council shall be to represent the municipal
12 service interests of the community to the providers of such services, allow the community
13 the right of self determination, improve the community’s image and assist the community’s
14 residents in any manner possible, and perform such other functions as may be proper for a
15 community council under Salt Lake County (“*County*”) ordinances and other applicable
16 law.
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18 ARTICLE 3: MEMBERS

19
20 3.1 **Area.** Kearns Community Council shall be that unincorporated area
21 generally known as the Kearns Township more specifically shown on the map attached
22 herein. Other unincorporated areas surrounding Kearns that are not served by a community
23 council may request inclusion in accordance with County ordinances and, upon community
24 and county council approval, shall be included within Kearns Community Council.
25

26 3.2 **Eligibility; Residency.** Any registered voter living within the Kearns
27 Township Area shall be considered eligible to vote and may be elected a member of the
28 Kearns Community Council. Each person shall have only one vote. In matters of voting
29 district identity, a person’s residency shall be considered before property ownership.
30

31 3.3 **Composition.**

32
33 (a) The Kearns Community Council shall consist of nine (9) members,
34 one from each of the five geographical areas or districts within the Kearns Township Area
35 and four at-large members. All members of the Kearns Community Council shall have
36 equal voting privileges in all matters before the council.
37

38 (b) The boundaries of the districts may be changed from time to time by
39 two-thirds (2/3) vote of the Kearns Community Council, but shall for the present be as per
40 the attached map.
41

42 (c) Persons running for a council position must be a registered voter in
43 the district he or she may be elected to represent. The at-large members must be registered
44 voters in the Kearns Township boundaries. Upon special approval of the County Council,
45 candidates may be property owners in any community council district but reside elsewhere,

46 such as owners of summer recreational properties, or ownership of substantial proportions
47 of the developed land within the township.

48
49 3.4 **Elections.**

50
51 (a) Voting Date and Location. Members of the Kearns Community
52 Council shall be elected by nonpartisan secret ballot by a majority of the registered voters
53 voting within the Kearns Township Area. The vote shall be held at noticed election sites
54 on the first Tuesday after the first Monday of November in even numbered years.

55
56 (b) Election Officer.

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

66
67 (2) The election officer upon appointment shall accept
68 Declarations of Candidacy for the council, ~~both~~ in person or by mail through the council
69 PO box, beginning ~~October 7th through October 21st~~ the 1st-Tuesday of June ~~Monday in~~
70 ~~August and ending the 3rd Tuesday of June the 3rd Friday in August at 9:00 PM or post~~
71 ~~marked no later than 11:59 PM of that Friday.~~ The election officer shall acknowledge
72 receipt and acceptance of candidates within five (5) working days of receipt of this
73 paperwork. The applications shall be accepted from the time of the election officer's
74 appointment until thirty (30) days before the election. At the ~~regular~~ public meeting on the
75 1st Tuesday in ~~September before the election,~~ the election officer shall report on the
76 applications received.

77
78 (c) Notices and Flyers. Notices ~~and flyers~~ shall be prepared, and posted
79 ~~and published sufficiently by July 1st~~ in advance of any community council election to
80 adequately inform prospective council candidates ~~of~~ of election and candidate nomination
81 procedures.

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

89
90 (d) Ballots. Kearns Community Council shall prepare a sufficient
91 number of ballots listing candidates in alphabetical order by last name. The ballot shall

92 contain only the names of those candidates whose applications were received by the
93 election officer and were reported to the Kearns Community Council ~~in the regular~~ at a the
94 public meeting ~~in the month on the 1st Tuesday in September~~ before the election. No titles
95 or indication of incumbency shall appear on the ballot. At least two (2) spaces for write-
96 in candidates should be provided on this ballot.

97
98 (e) Voting Regulations. Kearns Community Council shall put in place
99 and enforce appropriate regulations to ensure the secrecy and security of the voting process,
100 ~~including providing for secret vote.~~ The election officer shall obtain secure ballot boxes,
101 as provided by the County, and a secure an orderly vote tabulation process supervised by
102 the election officer. No proxy shall be permitted.

103
104 (f) ~~Kearns Community Council shall host on (1) meet the candidates~~
105 ~~night in either the month of September or October on a night other than a regularly~~
106 ~~scheduled council meeting night.~~

107
108 (g) Kearns Community Council members shall assist the elections officer
109 in recruiting volunteers, from the community, to serve as election judges.

110
111 3.5 Term. The term of office of the Kearns Community Council members shall
112 be four (4) years.

113
114 3.6 Election Timing. With the exception of the initial election of all the Kearns
115 Community Council members in 2005, election for members shall be in accordance with
116 the following sub-paragraphs:

117
118 (a) Kearns Community Council members for odd-numbered districts
119 and two (2) at-large members shall be elected every even-numbered year beginning in 2008
120 and every 4 years thereafter.

121
122 (b) Kearns Community Council members for even-numbered districts
123 and two (2) at-large members shall be elected beginning in 2010 and every 4 years
124 thereafter.

125
126 3.7 Resignation. Any member of the Kearns Community Council may resign
127 from the council by submitting written notice to the council secretary.

128
129 3.8 Replacement by Council Action. When a Kearns Community Council
130 resigns or is removed from the council, the Kearns Community Council may replace that
131 member by council vote. Nominations shall come from the floor at a general meeting and
132 the replacement shall be elected by majority vote at the next general meeting of the council.
133 The replacement shall be a registered voter from the same from the same district as vacated.
134 If an at-large member resigns the replacement shall be any registered voter from the Kearns
135 Township area. The newly elected member shall serve for the remainder of the unexpired
136 term.

137

138 3.9 **Removal.** The Kearns Community Council shall have the power to remove
139 members with a three-fourths (3/4) majority vote. Removal of a council member may be
140 for one or more of the following causes:

141
142 (a) The member is guilty of malfeasance in office, convicted of a felony
143 or convicted of a misdemeanor of moral turpitude while in office.

144
145 (b) The member has been absent from three (3) consecutive regular
146 meetings without excuse. The member's resignation may be requested. A member whose
147 resignation is requested has two (2) weeks to resign, respond as to why the member should
148 remain on the Kearns Community Council or be removed by council's action. If the
149 member responds, the council shall decide whether to remove the member.

150
151 (c) A member missing one-half (1/2) of the regular meetings in any year,
152 unless on official Kearns Community Council business, may be treated as having been
153 requested to submit his or her resignation.

154
155 **ARTICLE 4: FINANCIAL ADMINISTRATION**

156
157 4.1 **Non Profit Status.** The Kearns Community Council is organized for the
158 benefit of the members and as such is to be operated as a non-profit entity. All of the
159 Kearns Community Council members, council committee members and all participants in
160 Kearns Community Council activities are to be volunteers without pay for their services.

161
162 4.2 **Financing.** Financing of the Kearns Community Council will be from
163 voluntary donations and fund-raising activities appropriate to the nature and purposes of
164 the Kearns Community Council. Funds may be solicited and accepted from the County
165 Council. Requests for funding by the County Council must be made in accordance with
166 County guidelines and deadlines.

167
168 4.3 **Fiscal Year.**

169
170 (a) The fiscal year of the Kearns Community Council shall be January
171 1 through December 31. The financial records of the Kearns Community Council shall be
172 reviewed annually by a qualified individual outside of the Council. Such annual review
173 shall determine that all disbursements were made in accordance with the Bylaws of the
174 Council.

175
176 (b) Within ninety (90) days following the close of Kearns Community
177 Council's fiscal year (December 31), a detailed financial statement outlining revenues and
178 the expenditures of monies by the Kearns Community Council for the prior year shall be
179 filed with the clerk of the county council and the county's community council liaison and
180 be in a form approved by the county auditor.

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

229 of January 1 of the upcoming year, to the County’s community council liaison not later
230 than December 31st of the current year.

231
232 **5.5 Chair’s Duties at Annual Meeting.** The chair of the Kearns Community
233 Council, after the new officers are elected, shall direct that the following be accomplished
234 no later than the second scheduled meeting in the upcoming year:

235
236 (b) That the outgoing treasurer shall turn over the Kearns Community
237 Council books and the treasury to the new treasurer.

238
239 (b) That the outgoing secretary shall turn over the Kearns Community
240 Council records and documents to the new secretary.

241
242 (c) That the outgoing vice chair shall turn over the Kearns Community
243 Council bylaws, the Kearns Community Council’s copy of Robert’s Rules of Order Newly
244 Revised and other documents/papers pertaining to the office to the new vice chair.

245
246 (d) The chair shall officially call for adjournment of the Kearns
247 Community Council for that fiscal year.

248
249 (e) Upon adjournment, the gavel shall be handed to the new chair and
250 executive committee shall officially take office as of January 1st of the upcoming year.

251
252 **5.6 Vacancy in Executive Offices.** Any vacancy in the executive office shall
253 be filled as provided in Section 5.3. The authority and records of the office shall be passed
254 on by the highest-ranking executive officer remaining.

255
256 **5.7 Chair’s Other Duties.**

257
258 (a) The chair shall have all duties as are usually imposed upon this office and
259 as required by the bylaws and the adopted parliamentary authority. The
260 chair shall preside at all Kearns Community Council meetings. The chair
261 shall call for a report at each meeting from the Kearns Community Council
262 members who have advised they have a report and shall present the Kearns
263 Community Council’s annual report at the final meeting of the council
264 during that fiscal year.

265
266 (b) The **CHAIR** shall: publicize all activities, actions, and findings of the
267 Kearns Community Council when the chair feels it is necessary and assist other
268 committees and Kearns Community Council members in their public relations
269 work.

270
271
272 **5.8 Vice-Chair.** The vice chair shall perform such duties usually imposed upon
273 this office and duties as required by the bylaws and the adopted parliamentary authority.
274 The vice chair shall perform other duties as required by the chair and shall act as the chair

275 in the Kearns Community Council's meeting in the absence of the chair. The vice chair
276 shall be the Council's parliamentarian interpreting the bylaws and applying any special
277 rules of procedure and the parliamentary authority.

278
279 5.9 **Secretary.** The secretary shall convene all meetings in the absence of the
280 chair and vice chair and conduct an election of a chair pro tem. The secretary shall keep
281 complete and accurate minutes of all proceedings of the Kearns Community Council and
282 executive officers. The actual recording or preparation of the minutes or documents shall
283 be under the secretary's supervision; the secretary remains responsible for the correctness
284 of all minutes and documentation. The secretary shall have charge of the records, reports,
285 and archives of the Kearns Community Council.

286
287 (a) The secretary shall conduct the official correspondence, attest
288 documents, notify the members of all regular and special meetings and perform all other
289 duties that are usual to the office or as may be required by the chair or the parliamentary
290 authority.
291

292
293 (b) The secretary under the direction of the chair shall prepare the
294 annual report for presentation; all committee and financial reports shall be incorporated
295 within the annual report.

296
297 5.10 **Treasurer.**

- 298
299 a) The treasurer shall have all the duties as are usually imposed on this office and as
300 required by the parliamentary authority. The treasurer shall collect all monies due
301 the Kearns Community Council and shall disburse money only upon the direction
302 of the chair after approval by the Kearns Community Council. Money shall be
303 disbursed by check only, with necessary exceptions approved by the chair and the
304 full Kearns Community Council. In any case all transactions shall require
305 documentation in the form of an associated invoice, receipts, or comparable
306 approved item.
307
308 b) All checks shall require two signatures and will be signed by the treasurer, unless
309 incapacitated or not available within a reasonable amount of time, and counter
310 signed by either the chair or vice-chair. Authorized signers shall not co-sign any
311 check made out to themselves as the payee.
312
313 c) Monthly, the treasurer shall submit a report of all transactions and activities for the
314 preceding month to the Kearns Community Council. At the end of each fiscal year,
315 the treasurer shall furnish a written report to the chair, giving a complete accounting
316 for the office for the year. This report shall become part of the chair's final annual
317 report.
318
319 d) The treasurer shall: promote and take charge of any fund raising activities needed
320 to fulfill the purposes of the Kearns Community Council after the Kearns
321 Community Council approves the project and upon the direction of the chair.

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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

368 intra-organizational arguments. If this should occur, the comments shall be declared out
369 of order and the floor cleared. The chair shall conduct the meetings in accordance with the
370 parliamentary authority.

371
372 6.6 **Quorum.** A quorum consists of a majority of the members of the Kearns
373 Community Council. A quorum must be present at any meeting in order to transact the
374 Kearns Community Council business.

375
376 6.7 **Confidential Information.** Confidential or private information may be
377 reported to the Kearns Community Council but such information may not become matters
378 of public record or public knowledge. The chair shall determine how confidential or
379 private information is to be reported to the Kearns Community Council and if record shall
380 be kept of such information. The secretary shall maintain confidential records of the
381 Kearns Community Council in accordance to governing statutes, i.e. Privacy of
382 Information Act. Applicable state and federal regulations shall govern the interpretation
383 of the terms confidential and private. All officers, the Kearns Community Council
384 members and committee chairs shall comply with the intent of statutes and regulations
385 regarding the privacy of information.

386 387 ARTICLE 7: COMMITTEES

388
389 7.1 **ACCT.** There shall be two (2) representatives to the Association of
390 Community Councils Together (ACCT) appointed yearly who shall attend ACCT meetings
391 and functions. Alternates may be appointed to attend the ACCT meetings and functions
392 and vote in their absence.

393
394 7.2 **Advisory Committees.** Advisory committees shall be established to assist
395 the officers in the governing of the Kearns Community Council. These advisory
396 committees may include, but shall not be limited to, the following:

- 397
- 398 1. Planning and Zoning
- 399 2. Library & Education
- 400 3. Health and Welfare
- 401 4. Economic Development
- 402 5. Public Safety
- 403 6. Public Works
- 404 7. Parks and Recreation
- 405 8. Community involvement
- 406

407 7.3 **Committee Chairs.** Each committee chair shall be appointed to office by
408 the Kearns Community Council. The Kearns Community Council shall take into
409 consideration each individual's desires and abilities when making these appointments.
410 Each committee chair shall be in charge of his or her respective committee and responsible
411 for all duties of his or her committee.

412

413 7.4 **Meeting Representatives.** Each committee chair shall appoint a
414 representative to attend state, local government, business, civic group and other
415 organization meetings that are part of the respective advisory committee's objectives. The
416 committee chair shall report to the Kearns Community Council regarding these meetings.
417 Each committee chair shall make every effort to coordinate the activities of his or her
418 committee with the activities of any other group interested in promoting the objectives of
419 common interest with his or her committee of the Kearns Community Council. In all cases
420 every effort will be made to avoid conflicting and/or duplicating efforts between
421 committees or other interested groups.

422
423 7.5 **Objectives.** The objectives of each advisory committee chair are as follows:

424
425 (a) The **PLANNING and ZONING** chair shall: This committee
426 Chair and the Kearns Community Council chair (or chairs appointed substitutes) are
427 designated by Salt Lake County ordinances to attend and represent the Kearns
428 Community Council before the Kearns Planning and Zoning Commission and the Salt
429 Lake County Planning Commission.

430
431 (b) The **LIBRARY & EDUCATION** chair shall: Develop
432 educational programs between school districts in a united effort with educators and
433 Kearns Township Area residents and coordinate activities and communications that will
434 secure the highest advantages in physical, mental and social education for the Kearns
435 Township Area. The Library & Education chair shall be concerned with the Kearns
436 Community Council's interest in and participation with library programs.

437
438 (c) The **HEALTH and WELFARE** chair shall: determine the needs
439 of the Kearns Township Area and its residents in health, welfare and sanitation and flood
440 control when an individual, agency or situation requires attention and promote and
441 develop projects for the betterment of the area's health and welfare.

442
443 (d) The **ECONOMIC DEVELOPMENT** chair shall oversee all
444 interaction and discussion with the Kearns business community and oversee
445 redevelopment discussions and promote commercial expansion within Kearns. The chair
446 shall also be in charge of any applications to other entities regarding grant funding for
447 commercial and economic development.

448
449 (e) The **PUBLIC SAFETY** chair shall: communicate with all public
450 safety agencies and officials and bring their attention to the public safety needs of the
451 Kearns Township Area and develop and promote projects for the betterment of the public
452 safety.

453
454 (f) The **PUBLIC WORKS** chair shall: study and initiate methods and
455 projects to beautify the community and its property; encourage agricultural, commercial
456 and industrial activities consistent with governing laws and Kearns Community Council's
457 interests and mediate differences between groups regarding activities. The Public Works
458 chair shall act as the Kearns Community Council liaison to all government agencies that

459 are responsible for services within the boundaries of Kearns such as road construction
460 and planning, public transportation, street lighting, curb & gutter, sidewalks, sewer and
461 water, garbage disposal, etc.

462
463 (g) The **PARKS and RECREATION** chair shall: coordinate all
464 activities of the Kearns Township Area community recreation, develop and promote
465 projects for the betterment of the Area's parks and recreation and bring these needs
466 before the Kearns Community Council and the proper County agencies.

467
468 (h) The **COMMUNITY INVOLVEMENT** chair shall: inspire
469 community involvement and seek volunteers to help better affect completion of projects
470 on various committees, keep in touch with the Kearns Community Council to get a
471 calendar of events, make an outline of community needs and seek projects necessary to
472 up-grade the quality of life within the Kearns Township Area and to present them to the
473 Kearns Community Council for approval at a regularly scheduled meeting and, if
474 approved, organize such projects by setting up committees in bring the projects through
475 the completion stages and seek candidates for the election official to present to the
476 Kearns Community Council.

477
478 7.6 **Committee Reports.** Each committee chair shall submit a report of
479 information and activities of his/her office affecting the community as needed or upon the
480 request of the chair for entry into the Kearns Community Council's meeting minutes.

481
482 7.7 **Annual Reports.** Each committee chair shall submit a written annual report
483 tot he secretary one month in advance of the Kearns Community Council's Annual Report,
484 so that it may be incorporated in the annual report.

485
486 7.8 **Other Duties of Committee Chairs.** Kearns Community Council's
487 committee chairs may be asked to perform any other duties required of them by the chair
488 of executive officers, even though not covered by the committee's objectives or committee
489 chair's duties.

490
491 7.9 **Assistance.** Each committee chair may recruit help from, any member of
492 the community in order to better perform their duties but none of these community
493 committee members will have voting rights on the Kearns Community Council. The
494 function of these community committee members is solely that of staff advisors and
495 assistants to the committee chair appointing them. These committee members can in no
496 way obligate the committee chair, the executive officers or the Kearns Community
497 Council.

498
499 7.10 **Additional Committees.** Other committees and their duties may be
500 established by the council.

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503 **ARTICLE 8: PARLIAMENTARY AUTHORITY**
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505 The rules contained in the current edition of Robert's Rules of Order Newly
506 Revised (RONR), as hereafter revised or amended, shall govern the Kearns Community
507 Council in all cases to which they are applicable and-in which they are not inconsistent
508 with these bylaws and any special rules of order Kearns Community Council may adopt.

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ARTICLE 9: AMENDMENTS

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514 9.1 **Required Vote.** These bylaws shall be amended by a two-thirds (2/3) or
515 more affirmative votes of the Kearns Community Council membership.

516

517 9.2 **Proposed Amendments.** Any Kearns Community Council member may
518 propose amendments to these bylaws. Any proposed amendment to these bylaws shall be
519 submitted to the secretary who will be responsible to have a copy mailed or delivered to
520 every Kearns Community Council member at least thirty (30) days prior to the meeting at
521 which it is to be considered.

522

Date Adopted: December 7, 2005

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Date Revised: March 17, 2007

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Date Revised: June 5, 2012 / pl

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Date Revised: July, 2015 / pl

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President/Chair _____

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