ORDINANCE NO. 2026-21

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING THE REGULATIONS GOVERNING THE IVINS CITY PLANNING COMMISSION TO DESCRIBE THE CAUSES FOR WHICH A MEMBER MAY BE REMOVED AND TO PROVIDE REQUIREMENTS FOR RECUSAL

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City (see Utah Code § 10-8-84; Ivins City Code §§ 2.01.301, et seq.)

WHEREAS before the City Council can pass an ordinance regulating land use the planning commission for Ivins City (the "Planning Commission") must consider the regulation and conduct a public meeting regarding the proposed land use regulation;

WHEREAS after conducting a public meeting regarding this ordinance on _____ the Planning Commission recommended that the City Council approve this ordinance;

WHEREAS in the 2026 Legislative Session, the Utah legislature passed Senate Bill 284, which, among other things, requires a municipality to provide in its ordinance governing its planning commission information about the causes which may result in the removal of planning commission member from the planning commission, and requirements for when a planning commission member shall recuse oneself from deliberating or voting;

WHEREAS the existing planning commission regulations in the Ivins City Code do not cover the information required by Senate Bill 284;

WHEREAS the City Council has investigated and considered whether the planning commission regulations should be amended to include the information required by Senate Bill 284;

WHEREAS the City Council has considered the impact this ordinance may have on family health, stability and formation; and

WHEREAS the City Council finds that amending the planning commission regulations to, among other things, provide information about the causes which may result in the removal of planning commission member from the planning commission, and requirements for when a planning commission member shall recuse oneself from deliberating or voting, is needed to comply with Senate Bill 284.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Amendment to Section 16.03.103 of the Ivins City Code. Section 16.03.103 of the Ivins City Code is hereby amended and completely restated in its entirety as follows:

See Exhibit A

Section 2. Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2026, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Dillon Hurt	_____	_____	_____	_____
Wayne Pennington	_____	_____	_____	_____

_____
Kevin Smith, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder

Exhibit A

16.03.103: PLANNING COMMISSION:

The Planning Commission (hereinafter the "commission") was heretofore created and established by the City Council pursuant to the Act.

(1) Powers And Duties: The commission shall be an advisory body to the City Council on legislative matters pertaining to the General Plan and land use ordinances. The commission shall:

(a) Prepare, or cause to be prepared, the general plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element or amendments to the city council.

(b) Prepare or cause to be prepared all land use ordinances, including this title, zoning district maps, official maps, and any amendments thereto, and to submit such land use ordinances, or amendments thereto to the city council.

(c) Review and recommend approval or denial of all applications for a general plan amendment and land use ordinance amendment.

(d) Review and approve, approve with requirements, or deny all class III use applications, except those class III use applications proposed on sensitive lands areas.

(e) Review and approve, approve with conditions, or deny all class IV use applications.

(f) Review and recommend approval or denial of all applications for a class V use application.

(g) Review and recommend approval or denial of all special exception applications.

(h) Review and recommend approval or denial of all subdivision applications to the city council, as authorized by the subdivision ordinance.

(i) Determine and render a written determination of the boundary of a zoning district, as provided by chapter 2 of this title.

(j) Adopt bylaws, policies and procedures for the conduct of the duties and meetings of the commission, for the consideration of applications and for any other purposes deemed necessary by the commission; provided, that such bylaws, policies and procedures are approved by the city council before taking effect.

(k) Advise the city council on other matters, as the city council may direct. (Ord. 2014-05, 2014)

(2) Membership, Appointment, Removal, Terms And Vacancies:

(a) The commission shall consist of five (5) members.

(b) Commission members shall be appointed by the mayor, with the advice and consent of the city council.

(c) Commission members may be removed by the mayor, with the advice and consent of the city council, without cause.

(d) The members of the commission shall be residents of the city. No member of the commission shall be an elected official or employee of the city.

(e) Commission members may be removed by the mayor, without the advice and consent of the city council, for cause for any of the following reasons:~~Among other reasons, a commission member may be removed~~

(i) missing ~~if~~ three (3) consecutive or twenty five percent (25%) of the commission meetings in a calendar year ~~are missed~~ without providing notice to the city manager ~~.~~ ~~I~~prior to the absence if the absence ~~of a commission member~~ is due to an extended illness or vacation~~, the commission member is responsible to provide written notice to the city manager prior to the time the absence will occur. If such notice is given, these removal requirements do not apply~~.

(ii) using public funds for a political purpose under Utah Code Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;

(iii) violating a provision of Utah Code Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; or

(iv) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the commission member's administrative or quasi-judicial duties; notwithstanding the foregoing, a commission member deliberating about a specific pending land use application in a commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing a commission member from the commission.

(f) Members of the commission shall serve without compensation, except that the city council may fix per diem compensation for members of the commission, based on necessary and reasonable expenses and on meetings actually attended.

(g) All members of the commission shall serve at the pleasure of the mayor and city council for a term of four (4) years. No member shall serve more than three (3) consecutive terms. Terms shall begin on April 1 of each calendar year. Members' terms are to be staggered so that not more than two (2) terms shall expire in any give year. A commission member shall not be automatically reappointed to a second or third term.

(h) At an annual organizational meeting to be held the first regular meeting in April, and at other times as required, the members of the commission shall elect one of their members as chair and one of their members as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair. The chair and vice

chair shall serve a term of one year. No member shall serve as chair for more than two (2) consecutive terms.

(i) The chair, or in the chair's absence the vice chair, shall be in charge of all proceedings before the commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the commission.

(j) Commission vacancies occurring for any reason shall be filled by the mayor, with the advice and consent of the city council. Vacancies on the commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

(k) Members of the commission shall be deemed "volunteers" for the purposes of city ordinances, rules, regulations and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for the purposes of the Utah governmental immunity act.

(3) Recording Secretary: The city manager shall assign a recording secretary to serve the commission. The recording secretary shall keep the minutes of all proceedings of the commission, which minutes shall be the official record of all proceedings before the commission, attested to by a majority vote of the members of the commission. The minutes of all meetings of the commission shall be filed in the office of the city recorder. All such records shall be available for public review and access in accordance with the state government records and access management act.

(4) Quorum And Necessary Vote: No meeting of the commission shall be called to order, nor may any business be transacted, without a quorum consisting of at least three (3) members of the commission being present. The chair shall be included for the purpose of establishing a quorum and shall act as a voting member of the commission. All actions of the commission shall require the vote of a majority of the total members of the commission. The commission shall transmit reports of its decisions and recommendations to the city council. Any member of the commission may also make a concurring or dissenting report or recommendation to the city council.

(5) Effective Date Of Decisions: All decisions of the commission shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the commission, or the commission designates a different date when the decision is made.

(6) Meetings, Hearings And Procedure:

(a) The commission shall establish a regular meeting schedule.

(b) Special meetings may be requested by a majority vote of the commission, or by the chair of the commission.

(c) When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available commission meeting. The recording secretary shall notify

all interested parties and all members of the commission of the date when the commission will hear the rescheduled matter.

(d) Rules of order and procedure governing all public meetings of the commission shall be as set forth in title 2, chapter 6 of this code.

(e) A commission member shall comply with section 2.06.501 of this code regarding disclosure of conflicts of interests and recusal.