

MOAB CITY

RECREATION, ARTS AND PARKS TAX ADVISORY COMMITTEE BYLAWS

Adopted by the RAP TAC Committee on and amended by City Council with Ordinance 2022-11

ARTICLE 1 – GENERAL PROVISIONS

ARTICLE 2 – COMPOSITION OF BOARD, AND APPOINTMENT AND TERMS OF MEMBERS

ARTICLE 3 – POWERS AND DUTIES

ARTICLE 4 – CONDUCT OF RECREATION, ARTS AND PARKS TAX ADVISORY COMMITTEE MEMBERS

ARTICLE 5 – MEETINGS AND ORGANIZATION

ARTICLE 6 – PROCEDURE

ARTICLE 7 – AMENDING BYLAWS

PURPOSE

These policies and procedures (the “Bylaws”) are designed and adopted for the purpose of providing guidance and direction to the members of the Recreation, Arts and Parks Tax Advisory Committee, hereinafter referred to as the “RAP TAC,” in the performance of their duties. The RAP TAC shall be governed by the provisions of all applicable provisions of Utah Code and Moab City Municipal Code, Chapter 2.88 and Chapter 3.19.010, , and these Bylaws. Nothing in these Bylaws shall be interpreted to provide an independent basis to invalidate or to alter in any a final recommendation of the RAP TAC.

ARTICLE 1 – GENERAL PROVISIONS

The RAP TAC shall be governed by the following statutes, ordinances and bylaws:

- 1.1 Applicable State Statutes, Local Ordinances, and Rules. To the extent that they remain in force and in effect or amended, the RAP TAC and its members shall be governed by Utah Code, Moab City Municipal Code, and these bylaws including the following:
 - a. State statutes that apply to public boards, members, and officials.
 - b. The Moab City General Plan, Moab Municipal Code, Chapter 2.88 and Chapter 3.19.010, and other applicable regulations approved by Moab City Council.
 - c. The rules and policies of the RAP TAC as set forth in the Bylaws herein.

ARTICLE 2 – COMPOSITION OF COMMITTEE, AND APPOINTMENT AND TERMS OF MEMBERS

2.1 As amended by Moab City Ordinance 2022-11, on June 15, 2022, the RAP TAC shall consist of five voting members and one ex officio member. Three members shall be at large who reside in the City. One member shall have demonstrated knowledge and experience in the arts and may reside in Grand County. One member shall have demonstrated knowledge and experience in parks and recreation and may reside in Grand County. The ex officio member shall be an elected officer on the Moab City Council with no voting authority.

2.2 All Board members, except for the Chair, shall be appointed by the Mayor and confirmed by action of the City Council. The Chair shall be appointed by the Moab City Manager from the Recreation, Arts, Parks and Trails Department with no voting authority.

2.3 The RAP TAC will make recommendations to the Mayor regarding the filling of vacancies on the board.

2.4 For the first board appointments, three members shall be appointed for three-year terms, and two members for two-year terms. All subsequent appointments shall be for three-year terms. Board members are subject to reappointment for new terms and there is a two-term limit.

ARTICLE 3 – POWERS AND DUTIES

3.1 The RAP TAC shall have the following powers and duties:

a. Be advisory only and make written recommendations to the City Council regarding allocation of the RAP tax revenues to applicant entities.

b. Adopt bylaws, a mission statement, and objective criteria for its allocation recommendations regarding applicant entities.

c. Meet once annually to consider applications and make recommendations to the City Council, unless the annual meeting requirement is suspended by the Mayor based upon the amount of RAP tax revenue collected in any given year that is administered, collected, and enforced pursuant to Utah Code § 59-12-1402.

d. Convene the annual meeting as soon as reasonably practicable after the City Council approves its fiscal year budget in June.

e. The RAP TAC may conduct additional meetings as necessary with the consent of the majority of voting committee members.

f. Make recommendations to City staff and the City Council regarding subsequent appointments to the committee.

ARTICLE 4 – CONDUCT OF RAP TAC MEMBERS

4.1 Ethical Principles. The following ethical principles shall guide the actions of the RAP TAC and its members in carrying out the powers and duties described above:

a. Serve the Public Interest. The primary obligation of the RAP TAC and each member is to serve the public interest.

b. Support Citizen Participation in Planning. The RAP TAC shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.

c. Avoid Conflicts of Interest. RAP TAC members shall avoid conflicts of interest and even the appearance of impropriety. A RAP TAC member with a potential conflict of interest shall make the interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and leave any chamber in which such deliberations are to take place.

- d. Render Thorough and Diligent Planning Service. If a RAP TAC member has not sufficiently reviewed relevant facts and advice affecting a public decision, that RAP TAC member should not participate in that discussion.
- e. Not Disclose or Improperly Use Confidential Information for Financial Gain. A RAP TAC member shall not disclose or improperly use confidential information for financial gain or personal interest, and shall not disclose to others any confidential information acquired in the course of the member's duties.
- f. Ensure Full Disclosure at Public Meetings. The RAP TAC member shall ensure that the presentation of information on behalf of any party to a question occurs only at the scheduled public meeting on the question, not in private, unofficially, or with other interested parties absent. Any partisan information regarding the question shall be part of the public record whether received by mail, telephone, or any other communication.
- g. Respectful and Courteous Conduct. Each RAP TAC member has the same rights and privileges as any other member. Any RAP TAC member has the right to be heard and to hear what others have to say about items being considered by the RAP TAC. Conduct in RAP TAC meetings shall be mutually respectful and courteous to other RAP TAC members, public, and staff.

4.2 Ex-parte Communications. Pre-arranged private meetings between a RAP TAC member and any individual or any agent of the individual, or other interested party with a matter pending before the RAP TAC are prohibited. Partisan information on any application received by a RAP TAC member, whether by mail, telephone, or other communication, should be avoided. If such communication occurs, the communication shall be made part of the public record by the RAP TAC member.

4.3 Attendance. Each RAP TAC member shall be responsible for attending at least seventy-five percent of the regularly scheduled meetings within the calendar year. Attendance may be in-person, by telephone, or by electronic conferencing means. If circumstances arise where a RAP TAC member is unable to attend a scheduled meeting, the RAP TAC member shall be responsible for notifying the appropriate City staff or the RAP TAC Chair as soon as possible. RAP TAC members who fail to attend seventy-five percent of the meetings may be removed from the RAP TAC by the Mayor.

ARTICLE 5 – MEETINGS AND ORGANIZATION

5.1 Regular Meetings. Regular meetings of the RAP TAC shall be scheduled at least once per year unless there are mitigating circumstances, such as lack of a quorum, lack of items to be discussed, holidays, or other circumstances. The regular meeting schedule shall be publicly noticed annually, as required by code.

5.2 Special Meetings, Work Sessions and Field Trips. The RAP TAC may conduct additional meetings as necessary with the consent of the majority of the committee members

5.3 Open to the Public. Any regular, special, work session, or field trip meeting of the RAP TAC shall be open to the public and noticed in accordance with the requirements of the Open and Public Meetings Act, Title 52, Chapter 4, Utah Code.

5.4 Role of the Chair. The chair of the RAP TAC shall be an appointed position by the city manager from the Recreation, Arts, Parks and Trails Department. The chair shall conduct the meeting but may not vote.

ARTICLE 6 – PROCEDURE

6.1 Quorum and Necessary Vote. No regular or special meeting of the RAP TAC at which action may be taken may be called to order, or items voted upon, by the RAP TAC without a quorum consisting of at least three (3) members of the RAP TAC voting membership being present. When only three (3) members are present, a unanimous vote of all members in attendance is required for approval of final action. A quorum is not required to hold a work session or field trip, so long as notice is given in compliance with the Open and Public Meeting Act.

6.2 Forms and Procedures of Decisions and Motions. Robert’s Rules of Order Newly Revised, shall be used by the Chair as a general guide.

6.3 Motions. Any RAP TAC member, excluding the Chair, may make or second a motion.

a. Motions should be supported by reasons. The person making the motion is encouraged to state the reasons that support the motion at the time the motion is made. Any conditions for approval shall be stated.

b. Motions may be repeated for clarification following discussion and prior to the vote at the request of any RAP TAC member.

c. The RAP TAC may request legal advice from the City Attorney in the preparation, discussion, and deliberation of motions or findings and conclusions in support of any motion.

6.2 Rules of Order. In accordance with these Bylaws, the Chair shall decide all points of procedure and order unless otherwise directed by a majority vote of the members in attendance.

6.3 Conduct During Public Hearings. During all meetings and hearings, persons providing testimony shall proceed without interruption if possible. All comments, arguments, or pleadings shall be addressed to the Chair.

ARTICLE 7 - ELECTRONIC MEETINGS

7.1 Electronic Meetings Authorized. RAP TAC members or City staff may participate in a meeting of the RAP TAC electronically as provided in this Article. All actions taken at an electronic meeting held in compliance with this Article are valid and binding to the same extent as if all participants had been physically present at the anchor location.

7.2 Definitions. The definitions in Utah Code § 52-4-103, the Open and Public Meetings Act, shall apply to this Article with the addition of the following definitions:

a. “Anchor location” means the Moab City Council Chambers, or any other physical location where a meeting is held and from which the electronic meeting originates.

b. “Appointed officials” means the RAP TAC members.

c. “Remote location” means any place, other than the anchor location, where a RAP TAC member or City staff may be located, and where meeting participants can establish real-time audio and video telecommunication access to the meeting.

7.3 Quorum for Electronic Meetings. A majority of the RAP TAC voting members constitutes a quorum for the transaction of business. A quorum of the RAP TAC voting members shall be present to convene an electronic meeting. . RAP TAC members and City staff may participate in an electronic meeting from a remote location.

a. RAP TAC members participating in an electronic meeting from a remote location shall be considered present and are authorized to vote and otherwise participate in the meeting as if they were present at the anchor location.

7.4 Notice and Procedures for Electronic Meetings. Notice of any electronic meeting of the RAP TAC shall be given in the same manner as provided for all other RAP TAC meetings except that the notice shall state that the meeting will be electronic and fully comply with Utah Code Subsection 52-4-207(3)(b) which requires notice of the electronic meeting to the members of the public body at least 24 hours in advance so that the members may participate in the meeting and be counted as present for a quorum, with a description of how the members will be connected to the electronic meeting.

a. Meeting procedures for electronic meetings of the RAP TAC shall be the same as for non-electronic meetings, except as noted below.

i. RAP TAC members and City staff shall be connected in such a manner that comments made by them will be broadcast to the public. The Recorder will take a verbal roll call for elected officials present. The presiding officer shall allow remote participants to participate in the discussion to the same extent as if they were present at the anchor location.

ii. Any matter called to a vote in an electronic meeting shall be by roll call vote, and RAP TAC members participating from a remote location shall state their name and their vote audibly when asked by the Recorder.

iii. Minutes of all meetings shall record the presence of members participating through electronic means.

iv. RAP TAC members may participate in a closed session of the RAP TAC via electronic means. The closed session will be recorded as allowed by this Article but will not be broadcast.

v. All electronic meetings of the RAP TAC shall utilize the chair as the presiding officer whether at the anchor location or whether participating remotely.

ARTICLE 8 – AMENDING BYLAWS

8.1 Amending Bylaws. These Bylaws may be amended by a majority vote of the RAP TAC, except where such amendments would be contrary to Utah Code or Moab Municipal Code. . An amendment may be proposed only at any regular meeting of the RAP TAC. Members shall receive a copy of the proposed amendment to the Bylaws not less than one week prior to the meeting at which said proposed changes shall be heard.