

**CITY OF NORTH BONNEVILLE
ORDINANCE 1096**

**AN ORDINANCE RELATING TO THE NORTH BONNEVILLE PUBLIC DEVELOPMENT
AUTHORITY AND APPROVING AN ORDINANCE AMENDMENT FOR PUBLICATION.**

WHEREAS, the North Bonneville Public Development Authority was created by Ordinance 1028 and included an attached Charter and Bylaws of the Authority; and

WHEREAS, Ordinance 1028, Section 12 identifies that amendments may only be made by ordinance of the City Council; and

WHEREAS, the North Bonneville Public Development Authority requests that the City Council amend Ordinance 1028 which included the North Bonneville Public Development Authority Charter and Bylaws to reduce the number of board members from five to three and to adopt alternate board members to more adequately meet the demands of a quorum to conduct board business.

NOW, THEREFORE, The City Council of the City of North Bonneville do hereby ordain as follows:

Legend: New language added = underlined
 Old language deleted = ~~strikethrough~~

Section 1.

**Amending
North Bonneville Public Development Authority Charter as follows:**

ARTICLE VI. BOARD

Section 6.1 Board Composition.

Management of all Authority affairs shall reside in the Board. The Board shall be composed of ~~five (5)~~ three (3) members who shall be persons proposed by the Mayor and approved by City Council. No Directors shall be the Mayor of North Bonneville nor member of the North Bonneville City Council. The Mayor or a City Council member will act as a non-voting ex-officio member of the Board.

Section 6.2 Terms of Office.

(A) The terms of office of the initially appointed members of the Board shall commence on the effective date of this charter and shall be staggered as follows:

- Group I. One member for a two-year term;
- Group II. ~~Two~~ One members for a three-year terms; and
- Group III. ~~Two~~ One members for a four-year terms.
- Group IV. Alternate members are appointed for two year terms.

(B) In making the appointments of the initial board members, the Mayor shall designate which members are assigned to the three groups identified in subsection A above for purposes of determining the length of terms of such initial board members.

(C) Except for the initial members of the board, each member shall be appointed to serve for a four-year term. Each member shall continue to serve until his or her successor has been appointed and qualified.

(D) Terms shall expire at the end of the day prior to the anniversary of the effective date of the Charter of the year in which the respective group is scheduled to terminate. New appointees or reappointees shall be processed in the manner provided herein.

Section 6.3 Officers and Division of Duties.

The Authority shall have ~~four (4)~~ three (3) officers. The same person shall not occupy both the office of President and any office responsible for the custody of funds and maintenance of accounts and finances. The initial officers of the Authority shall be the President, Vice President, ~~Secretary and Treasurer and Secretary/Treasurer~~. These officers shall be members of the Board. The President shall be the agent of the Authority for service of process; the Bylaws may designate additional corporate officials as agents to receive or initiate process. Further duties of all officers may be provided for in the Bylaws. The Board shall oversee the activities of the corporate officers, establish and/or implement policy, participate in corporate activity in matters prescribed by City ordinance, and shall have stewardship for management and determination of all corporate affairs.

ARTICLE IX. AMENDMENTS TO CHARTER AND BYLAWS

Section 9.2 Vote Required for Amendments to Charter or Bylaws.

Resolutions of the Board approving proposed amendments to the Charter or Bylaws require an affirmative vote of a majority of the Board members voting on the issue, provided that such majority equals not less than ~~three (3)~~ two (2) votes.

Section 2.

Amending

North Bonneville Public Development Authority Bylaws as follows:

ARTICLE I. BOARD

Section 1.1 Quorum.

At least ~~three (3)~~ two (2) members of the Board must be present at any regular or special meeting to comprise a quorum. A lesser number in attendance at such a meeting may adjourn the meeting and reconvene it within forty-eight (48) hours of the adjourned meeting without further notice.

Section 1.2 Member Absence or Vacancy.

(A) If a regular member of the Board is absent, the Board may designate an alternate from the panel of alternates to act in the member's place. If the Board fails to make such designation or if the member is disqualified, the Chairman of the Board shall designate an alternate from such panel, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

(B) Alternate Board members, during the absence of a regular Board member for whom the person is the alternate, shall act in the place and stead of such member and perform such duties as assigned.

(C) In the event of death, removal, resignation, or disqualification of any member, an alternate for that member shall assume the position of said member by a vote of the Board.

(D) Alternate Board members may only vote or act to influence a vote if they are called to act in the absence of a regular member of the Board.

ARTICLE II. OFFICERS AND COMMITTEES

Section 2.1 Election, Qualifications and Term of Office.

If offices other than the President, Vice President, ~~Secretary and Treasurer and~~ Secretary/Treasurer are hereinafter created, these offices shall be referred to as "Elected Offices." The holders of Elected Offices ("Elected Officers") shall be elected by the Board at the first regular meeting of each year, for a one-year term, and each Elected Officer shall hold office during said one (1) year term and until his or her successor is elected. The first Elected Officers of the Board shall be elected by the Board at its organizational meeting or as soon as practicable following the Board's creation of such Elected Office.

Section 2.2 Powers and Duties.

(A) President. The President shall be the chief executive officer of the Authority and shall have general supervision over the business of the Authority, subject, however to the control of the Board of Directors. The President shall preside at all meeting of the Board of Directors. The President may sign and execute, in the name of the authority, deeds, mortgages, leases, bonds, contracts and other instruments duly authorized by the Board of Directors, and generally shall perform all duties incident to the office of President and such other duties as may from time to time be assigned to such office by the Board of Directors.

(B) Vice President. The Vice President shall perform the duties and have the powers of the President during the absence or disability of the President. In addition, the Vice President shall perform such other duties and have such other powers as the Board of Directors shall designate and the Vice President shall assist the President in all other respects.

(C) ~~Secretary~~ Secretary/Treasurer. The ~~Secretary~~ Secretary/Treasurer shall:

- (1) Certify and keep at the office of the Authority, or at such other place as the Board of Directors may order, the original or a copy of the Bylaws, as amended or otherwise altered;
- (2) Keep at the office of the Authority, or at such other place as the Board of Directors may order, a book of minutes of all meetings of the Directors and of the resolutions of the Board, recording therein the time and place holding such meetings, whether regular or special, and if special how authorized, the notice thereof given, and the proceedings thereat;
- (3) See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law;
- (4) Be custodian of the records and seal of the Authority;
- (5) Exhibit at all reasonable times to any Director, upon application, the Bylaws and minutes of the proceedings of the Directors of the Authority; and
- (6) Perform such other duties as may be assigned to such office by the Board of Directors or the President.

(D) ~~Treasurer~~. The ~~Treasurer~~ shall:

- (1) ~~(7)~~ Receive and have charge of all funds of the Authority and shall disburse such funds only as directed by the Board of Directors; and
- ~~(2)~~ ~~(8)~~ All disbursements shall require two signatures
- ~~(3)~~ ~~(9)~~ Perform all duties incident to the office of the Chief Financial Officer; and
- ~~(4)~~ ~~(10)~~ In general perform such other duties as may from time to time be assigned to such office by the Board of Directors or the President.
- ~~(5)~~ ~~(11)~~ Shall audit before payment all claims presented by persons furnishing materials, rendering services, performing labor, or for any other contractual purpose.
- ~~(6) The Treasurer shall file as soon as practicable with the Authority a fidelity bond, purchased by the Authority, in an amount determined by the Authority to be adequate and appropriate, and may hold the corporate office only as long as such bond continues in effect.~~

Section 3.

Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4.

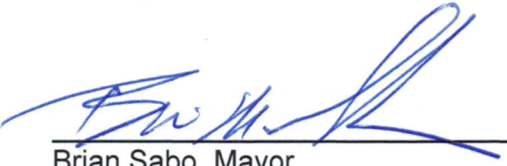
Effective Date and Publication.

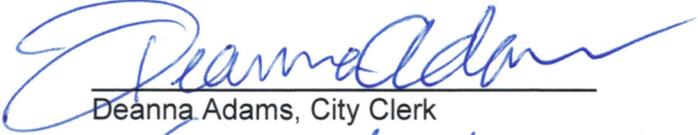
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON APRIL 24, 2018.

Attest:

Approved as to Form:


Brian Sabo, Mayor


Deanna Adams, City Clerk


Ken Woodrich City Attorney