

RESOLUTION NO. 2009-19R

A RESOLUTION OF IVINS CITY, UTAH, ESTABLISHING PROCEDURES FOR RECONSIDERATION OF CITY COUNCIL DECISIONS

WHEREAS, the governing body desires to establish procedures for reconsideration of matters previously voted on by the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH, AS FOLLOWS:

A. Grounds for Reconsideration.

1. A proper request for reconsideration shall be based on one or more of the following:
 - a. the prior decision was arbitrary, capricious or otherwise illegal;
 - b. there was some material irregularity in the proceedings when the matter was previously voted on by the City Council that makes the previous decision improper; or
 - c. newly discovered evidence that is material to persons adversely affected by the original decision that was not or could not, with reasonable diligence, have been discovered and produced at the meeting when the matter was previously voted on by the City Council.

B. Procedure.

1. During the meeting in which an agenda item has been voted on, the City Council may reopen the matter by simple majority vote and reconsider their decision. The request to reconsider the matter must be made by a council member who voted with the majority.
2. After adjournment of the meeting in which an agenda item was voted upon, reconsideration must adhere to the following:
 - a. Only voting members of the City Council may request reconsideration of an agenda item which has been voted on by the City Council.
 - b. The request for reconsideration must be made by a council member who voted with the majority when the matter was previously voted on by the City Council.
 - c. The request for reconsideration shall be transmitted in writing to the Mayor within thirty (30) days following the meeting the item was previously voted on.
 - d. At the next regularly scheduled City Council meeting following the Mayor's receipt of a proper request for reconsideration, under the agenda item entitled "Items to be placed on future agendas," the City Council will decide whether to reconsider the item on a future agenda. A majority vote in favor of reconsideration will place the item on a future regularly scheduled City Council agenda. Failure to receive a majority vote will halt the reconsideration process.

- e. Items approved for reconsideration shall be placed on the next regularly scheduled City Council meeting agenda unless the City Council specifically votes to set a different schedule for reconsidering the matter. All affected parties who appeared at and/or participated in the meeting at which the matter was previously voted on shall be mailed written notice by the City Recorder of the date of reconsideration.

3. A matter can only be reconsidered one time by the City Council.

Effective Date: This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THE 3rd DAY OF SEPTEMBER, 2009. FOUR COUNCIL MEMBERS WERE PRESENT AT THE MEETING AND ONE COUNCIL MEMBER WAS ABSENT. THREE VOTED IN FAVOR AND ONE OPPOSED.