CHAPTER 6

RULES OF ORDER AND PROCEDURE GOVERNING PUBLIC MEETINGS OF THE CITY COUNCIL, PLANNING COMMISSION AND SENSITIVE LANDS COMMITTEE

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PART 1. GENERAL

2.06.101: **PURPOSE:** These rules of order and procedures are designed and adopted for the purpose of providing guidance and direction to the members of the city council, planning commission and sensitive lands committee in public meetings. (Ord. 2011-10, 2011)

2.06.102: **BASIC PRINCIPLES:**

(1) State Law Controls: If anything herein is in conflict with state law, state law shall govern and control.

(2) Public Body: As used herein, the term "public body" shall refer to the city council, the planning commission or the sensitive lands committee.

(3) Chair: As used herein, the term "chair" shall refer to either the mayor or the person elected by the planning commission or sensitive lands committee to act as chair.

(4) Vice Chair: As used herein, the term "vice chair" shall refer to the person elected by the public body as either the mayor pro tem or vice chair.

(5) Equality Of Members: As the public body conducts its affairs in accordance with these rules, each member has the same rights, privileges and duties as any other member.

(6) Freedom Of Discussion: Members have the right to be heard and to hear what others have to say about a motion before voting.

(7) Member Right To Know: Members have a right at all times to know the immediate pending motion and have it restated prior to any vote.

(8) Meeting Properly Called: The public body may take official action only in meetings properly called and with a quorum of members present.

(9) Actions Must Be Lawful: Actions taken by the public body must be in accord with applicable city, state and federal law, including, but not limited to, the Utah open and public meetings act. (Ord. 2011-10, 2011)

PART 2. DUTIES OF CHAIR AND VICE CHAIR

2.06.201: **DUTIES OF CHAIR:** The chair, or in the chair's absence the vice chair, shall be in charge of all proceedings before the public body, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the public body. The chair's duties are as follows:

(1) Call the public body to order on the day and the hour scheduled and proceed with the order of business.

(2) Announce the business before the public body in the order in which it is to be acted upon.

(3) Receive and submit, all motions and propositions presented by the members of the public body.

(4) Put to vote all questions which are properly moved, or which necessarily arise in the course of proceedings, and to announce the results of motions.

(5) Inform the public body, when necessary, on any point of order or practice. In the course of discharge of this duty, the chair shall have the right to call upon legal counsel for advice.

(6) Authenticate by signature, when necessary, or when directed by the public body, all of the acts, findings and orders, and proceedings of the public body.

(7) Maintain order at the meetings of the public body.

(8) Move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.

(9) Recognize speakers and members prior to receiving comments and presentations.

(10) Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members in debates and discussions. This does not mean that the chair should not participate; rather, the chair should strive to be the last to speak at the discussion and debate stage.

(11) Should not make or second a motion unless he/she is convinced that no other member will do so. In no event may the mayor make or second a motion. (Ord. 2011-10, 2011)

2.06.202: **DUTIES OF VICE CHAIR:** The vice chair, during the absence of the chair, shall have and perform all of the duties and functions of the chair. In the event both the chair and vice chair are absent from the meeting, then those members present shall elect one of the members present to act as chair for that meeting by majority vote. (Ord. 2011-10, 2011)

PART 3. MEETINGS

2.06.301: **MEETING SCHEDULE:** The public body shall establish its regular meeting schedule in December of each year for the following calendar year. Special meetings may be requested by a majority vote of the public body, or pursuant to section 10-3-502 of the Utah code for the city council. (Ord. 2011-10, 2011)

2.06.302: **AGENDA SETTING PROCEDURES:**

(1) An item may be placed on the agenda by the mayor, city manager, or at the request of at least two (2) members.

(2) Generally, the deadline for requesting placement of an application on any public body agenda shall be at five o'clock (5:00) P.M., fifteen (15) days prior to the public body meetings, to allow appropriate time for notifications and staff review. Exceptions to the general deadline of fifteen (15) days prior to the public body meeting may occur, provided there is sufficient time left to comply with the open and public meetings act.

(3) The city manager shall review and approve all matters to be placed on the agenda to assure adequate information and time is available for the public body's consideration and decision.

(4) The city recorder or a deputy city recorder shall be responsible for scheduling all public hearings for the public body and shall be responsible for giving all required notices for meetings and public hearings for the public body. (Ord. 2011-10, 2011)

2.06.303: **ATTENDANCE AT MEETINGS:** Every member of the public body shall attend the meetings of the public body, unless duly excused. Any member desiring to be excused shall notify the city recorder, who shall inform the chair of the member's planned absence. The foregoing notwithstanding, however, state law provides that the legislative body of a municipality may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance. (Ord. 2011-10, 2011)

2.06.304: **QUORUM DEFINED:** Three (3) members of the public body shall constitute a quorum for the transaction of business. Except in cases where the mayor is the chair, the chair shall be included for purposes of establishing a quorum and shall act as a voting member of the public body. If less than a quorum is present at a meeting, said meeting shall be canceled or rescheduled to the public body's next available meeting and appropriate notices given. (Ord. 2011-10, 2011)

2.06.305: **MINIMUM VOTE REQUIRED:** All actions of the public body shall require the vote of at least three (3) members, with mayoral vote as authorized by statute. (Ord. 2011-10, 2011)

2.06.306: **RULES OF PROCEDURE:** The public body shall conduct its proceedings consistent with the provisions of Utah law relating to cities. The chair of the public body shall rule on all matters of procedure with fundamental fairness. The chair may be reversed on matters of procedure by majority vote of the public body members present and not disqualified. Any formal action of the public body shall be initiated by a motion and shall be seconded prior to a vote of the membership. Voting shall be by verbal vote; the chair, but not the mayor except in cases of a tie vote, shall vote last if a roll call vote. (Ord. 2011-10, 2011)

2.06.307: **ORDER OF BUSINESS FOR PUBLIC HEARINGS:** The following procedure will normally be observed for public hearings; however, it may be rearranged by the chair for individual items if necessary for the expeditious conduct of business:

(1) The chair shall introduce the item.

(2) Staff shall present its report and recommendations.

(3) The applicant or petitioner shall be invited to outline the nature of the request and present supporting evidence if the applicant or petitioner desires to do so.

(4) The chair shall open the public hearing. The chair, without objection by members of the public body, may impose time limits for comment to facilitate the business of the public body.

(5) The chair shall close the public hearing.

(6) The chair shall allow the applicant or petitioner to address issues raised by the public comment.

(7) The chair shall allow members of the public body to discuss the matter and ask questions of the applicant or petitioner.

(8) The chair shall call for a motion by the public body on the application or petition. If a substantial amount of public comment was received,

the chair may entertain a motion to continue the matter to allow members to review the public comment.

(9) If the motion is seconded, a vote must be taken by the public body. (Ord. 2011-10, 2011)

2.06.308: **ORDER OF BUSINESS FOR REGULAR MEETINGS:** The following procedure will normally be observed for all meetings of the public body; however, it may be rearranged by the chair for individual items if necessary for the expeditious conduct of business:

(1) The chair shall introduce the agenda item.

(2) Staff shall present its report and recommendations.

(3) The chair shall allow members of the public body to discuss the matter and ask questions of staff.

(4) The chair may call for a motion by the public body on the agenda item.

(5) If the motion is seconded, a vote must be taken by the public body. (Ord. 2011-10, 2011)

2.06.309: **MOTIONS:**

(1) Any member may make or second a motion.

(2) Motions should state findings for approval or denial within the motion.

(3) The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.

(4) Motions may be repeated for clarification following discussion and prior to the vote at the request of any member.

(5) Members may request legal advice from the city attorney in the preparations, discussion and deliberation of motions.

(6) Up to two (2) motions may be on the floor simultaneously. (Ord. 2011-10, 2011)

2.06.310: **SECOND REQUIRED:** Any motion of the public body that fails to be seconded shall be deemed defeated. (Ord. 2011-10, 2011)

2.06.311: **WITHDRAWING A MOTION:** After a motion is made, it may be withdrawn by the author of the motion any time prior to the vote. (Ord. 2011-10, 2011)

2.06.312: **MOTION TO AMEND:** When a motion is pending before the public body, any member may move to amend the original motion any time prior to the vote. The motion to amend must be germane to the initial motion and not the same as a negative vote on the initial motion. (Ord. 2011-10, 2011)

2.06.313: **MOTION TO TABLE:** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter. Whenever possible, a specific date to rehear the matter should be scheduled. (Ord. 2011-10, 2011)

2.06.314: **VOTING ON MULTIPLE MOTIONS:** When two (2) motions are on the floor at the same time, the first vote should be on the last motion made. (Ord. 2011-10, 2011)

2.06.315: **MOTION TO RECESS:** A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made. No motion to reconvene shall be necessary. The foregoing notwithstanding, however, the chair may declare an immediate recess in the event of any behavior that is disruptive to the public meeting or that raises concern for public safety. (Ord. 2011-10, 2011)

2.06.316: **MOTION TO ADJOURN:** A motion to adjourn the meeting shall be made at the end of each public meeting. A second followed by a vote is also required on a motion to adjourn. (Ord. 2011-10, 2011)

2.06.317: **DEBATE, INTERRUPTIONS, AND QUESTIONS:** No member of the public body shall interrupt or question another member in debate without obtaining the acknowledgment of the chair. (Ord. 2011-10, 2011)

2.06.318: **VOTING:**

(1) Changing A Vote: No member shall be permitted to change his/her vote after the chair announces the decision, except when properly reconsidering an agenda item.

(2) Abstention: Any member may abstain from voting. However, an abstention shall be the equivalent of a no vote.

(3) Roll Call Vote: State law provides that a roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the city and in any other case at the request of any member of the city council by a "yes" or "no" vote. (Ord. 2011-10, 2011)

2.06.319: **RULES OF ORDER:** In accordance with these rules and procedures, the chair shall decide all points of procedure and order, unless otherwise directed by a majority vote of the members in attendance. (Ord. 2011-10, 2011)

2.06.320: **SUSPENSION OR ALTERATION OF RULES:** No standing rules of the public body shall be altered, amended, suspended or rescinded without the vote of a majority of all the members of the public body. (Ord. 2011-10, 2011)

2.06.321: **WORK MEETINGS AND/OR FIELD TRIPS:** Work meetings and/or field trips of the public body may be held if found necessary. Notice of the work meeting and/or field trip shall be in accordance with city and state law. The public shall be allowed at field trip sites but encouraged to present their case at the public body's meeting, not during the field trip. Field trips shall be for the purpose of gathering information, not for discussing decisions. (Ord. 2011-10, 2011)

2.06.322: **CANCELLATION:** If no business is scheduled before the public body, or if it is apparent that a quorum of the public body will not be available, any meeting may be canceled by the chair by giving notice to all members. (Ord. 2011-10, 2011)

PART 4. RECONSIDERATION

2.06.401: **GROUNDS FOR RECONSIDERATION:**

(1) Basis For Reconsideration: 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 public body 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 public body.

(2) Procedure:

(a) During the meeting in which an agenda item has been voted on, the public body may reopen the matter by simple majority vote and reconsider their decision. The request to reconsider the matter must be made by a member who voted with the majority.

(b) After adjournment of the meeting in which an agenda item was voted upon, reconsideration must adhere to the following, except for legislative matters which may be reconsidered by the city council at any time:

(i) Only voting members of the public body may request reconsideration of an agenda item which has been voted on by the public body.

(ii) The request for reconsideration must be made by a member who voted with the majority when the matter was previously voted on by the public body.

(iii) The request for reconsideration shall be transmitted in writing to the chair within thirty (30) days following the meeting the item was previously voted on.

(iv) At the next regularly scheduled meeting of the public body following the chair's receipt of a proper request for reconsideration, under the agenda item entitled "items to be placed on future agendas", the public body 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 agenda of the public body. Failure to receive a majority vote will halt the reconsideration process.

(v) Items approved for reconsideration shall be placed on the next regularly scheduled meeting agenda of the public body unless the public body 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. (Ord. 2011-10, 2011)

PART 5. CONDUCT OF MEMBERS

2.06.501: **CODE OF ETHICS:** Members of the public body shall comply with the standards of conduct set forth in the Utah public officers' and employees' ethics act. Members of the public body shall properly disclose all personal and/or business interests that create a substantial conflict between his/her private interests and his/her public duties. In the event a member is an applicant or presenter of an item that is before the public body for decision, the member should not participate as a member of the public body regarding that item, either in the discussion or voting concerning that item. (Ord. 2011-10, 2011)

PART 6. AMENDING OR WAIVING RULES

2.06.601: **AMENDMENT OF RULES OF PROCEDURE:** These rules of procedure may be amended by a future ordinance adopted by the city council. (Ord. 2011-10, 2011)

2.06.602: **WAIVING OR SUSPENDING RULES:** A rule of procedure may be suspended or waived at any meeting by a majority vote of public body members present, unless such rule is set by state law or city ordinance. (Ord. 2011-10, 2011)

2.06.603: **TEMPORARY RULE:** A temporary rule of procedure, in conformity with state law and city ordinance, may be adopted by the public body for a meeting or agenda item following a unanimous vote of the public body members present. (Ord. 2011-10, 2011)