OPEN MEETINGS & RULES OF ORDER

IVINS CITY

OPEN MEETINGS

Policy: Any action taken must be done openly; all deliberations are to be conducted openly.

- May not discuss a public matter with a quorum present without it constituting a meeting.
- When in doubt, the meeting should be open.
- Beware of pre-meeting or post-meeting discussions about an agenda item when a quorum (3) is still present.

IRVINE CITY

CLOSED MEETING

Public body must first be called together in an open meeting.

Can only close a meeting for one of the specified grounds listed in State Code.

No ordinance, resolution, contract, or appointment can be approved in a closed meeting.

IVINS CITY
UTAH

STATE LAW DEFINES:

What a Meeting is:

- "the convening of a public body … with a quorum present"
- (watch out for the pre/post meeting discussions)

What a Meeting is <u>not</u>:

- no quorum present;
- chance meeting or social gathering

What is a Quorum:

- "simple majority … unless otherwise defined by applicable law" – 3 for our form of govt.
- No quorum, no meeting!

IVINS CITY

STATE LAW: PUBLIC NOTICE

- 24 hours (unless emergency or public hearing)
- agenda, date, time, place
- posted as required by law (52-4-202)
  - written notice at City office or where meeting is to be held
  - on Utah Public Notice Website
  - in at least one newspaper of general circulation within the City, or a local media correspondent
  - additional electronic means, *i.e.* City website

IVINS CITY

STATE LAW: RECORDINGS & MINUTES

Audio recording and written minutes required:

- Recording: complete, unedited from commencement of the meeting through adjournment
  - within 3 business days of meeting, make audio available to the public
- Minutes: pending minutes must be made available within 30 days of meeting;
  - within 3 business days of approval, approved minutes must be made available to the public and
  - posted to the Utah Public Notice Website

DC1

IVINS CITY

Slide 6

DC1 Dale Coulam, 4/2/2019

STATE LAW: MINUTES (Cont.)

- The clerk/recorder is to attend all meetings of the council & maintain the minutes in their office for public inspection
- Minimum content: date, time place of meeting, members present, substance (summary) of matters considered & votes, names of persons who speak & substance (summary) of what was said.

IVINS CITY

RULES OF ORDER & PROCEDURE

(IVINS CITY CODE)

10-3-606(2)(a) … a municipal legislative body shall:

(i) adopt rules of order and procedure to govern a public meeting of the legislative body;

IVINS CITY UTAH

RULES OF ORDER & PROCEDURE (ULCT)

"There is no mandatory set of rules of procedure for city or town council meetings. A city or town does not have to follow Robert's or anyone else's rules of order. A city or town can adopt any rules of procedure that are consistent with **state law** and Utah law now requires that they do."

"Most Utah cities and especially towns operate under an informal set of customary rules that have been developed over time. These rules usually consist of a rudimentary system of motions, seconds, discussions, and finally decisions."

IVINS CITY

ROBERT'S RULES THAT ARE HELPFUL

- Call Meeting to Order / Opening Ceremonies
- Requirement to be recognized by chair before speaking
  - State law not as strict for discussion/debate
- Requirement of a Motion and a Second
- Requirement of a vote on a pending motion that has been seconded

IVINS CITY UTAH

ORDER OF BUSINESS

(IVINS CITY CODE)

(1) Chair introduces the agenda item.

(2) Staff presents its report and recommendations.

(3) Chair allows members to discuss the matter and ask questions of staff.

(4) Chair calls for a motion on the agenda item.

(5) If the motion is seconded, a vote must be taken.

IVINS CITY

ORDER OF BUSINESS - PUBLIC HEARINGS

(1) Chair introduces the agenda item.

(2) Staff presents its report and recommendations.

(3) Chair opens public hearing. Then closes after public comment.

(4) Chair allows members to discuss the matter and ask questions of staff and/or applicant.

(5) Chair calls for a motion on the agenda item.

(6) If the motion is seconded, a vote must be taken.

IRVINE CITY

MOTIONS

(IVINS CITY CODE)

(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.

IVINS CITY

MOTIONS (cont.)

- A second to a motion is required; otherwise deemed defeated.
- After a motion is made, the person who made the motion may withdraw it prior to a vote.
- When a motion is pending prior to a vote, any member may move to amend the original motion.

IVINS CITY

VOTING

(IVINS CITY CODE)

(1) Changing a Vote: No member may change his/her vote after the chair announces the decision.

(2) Abstention: Any member may abstain from voting; an abstention shall be the same as a no vote.

(3) Roll Call Vote: Required for all ordinances & resolutions.

IVINS CITY
UTAH