

Resolution No. _____

Resolution Adopting Council Rules of Procedure

A resolution adopting rules of order and procedure for public meetings.

WHEREAS, Utah Code 10-3-606 requires that each City adopt rules of order and procedure;

WHEREAS, the City desires to adopt the following rules to govern public meetings.

NOW THEREFORE BE IT RESOLVED by the City Council of Helper City, Carbon County, Utah:

Pursuant to Utah Code 10-3-606 the City hereby adopts the following rules of order and procedure to govern the meetings of the City Council.

HELPER CITY COUNCIL RULES OF PROCEDURE

Listed below are the rules of procedure used by the Helper City Council. The Council has not adopted the formality of the Robert's Rules of Order. However, the following rules are based on Robert's Rules of Order, with modifications, and more fully suit the needs of the Helper City Council. These are not the only rules followed by the Helper City Council. They are in addition to rules set forth in Utah Code Annotated (Title 10, Utah Municipal Code, and Title 52, Chapter 4, Open and Public Meetings). All rules and procedures of the Helper City Council must remain consistent with the Utah Code. These rules shall be made available to the public at each public meeting held by the Council, and shall be posted on the City's website.

Rule 1: Powers and Duties of the Mayor and Mayor Pro Tempore

1. The Mayor shall sign:

- (a) all ordinances and resolutions passed by the Council,
- (b) all official minutes of City Council meetings after such minutes have been approved, and
- (c) all correspondence determined by the Council Members to be representative of the group as a whole.

2. In the absence of the Mayor, or upon his/her inability to act, or upon request of the Mayor, the Mayor Pro Tempore shall preside and shall have all the powers and authority of the Mayor.

Rule 2: Scheduling and Calling of Meetings

The following are the types of Council meetings that may be called or scheduled according to the Utah Code:

- Regular Council Meetings
- Work meetings
- Special meetings

- Emergency Meetings
- Closed Meetings
- Public Hearings

1. At least once each year the City Council shall give public notice of its annual meeting schedule as required by Utah Code Annotated 52-4-202(2)(a), 1953, as amended.

2. The City Council will meet in one regularly scheduled meeting per month, the first Thursday of the month unless otherwise calendared. A Notice/Agenda for such meetings will be noticed in compliance with state law.

3. The Mayor may schedule one or more "work" meeting of the Council each month, as needed. A Notice/Agenda for such "work" meetings will be "posted" at least 24 hours prior to the time of such meeting.

4. Any two (2) members of the Council or the Mayor may "order" a special meeting of the Council if the business of the City requires it. The order will be entered in the minutes of the City Council and shall provide at least three (3) hours' notice, which notice shall be served by the Recorder on each Council Member who did not sign the order by delivering the notice personally or by leaving it at the Council Member's usual place of abode. Sec. 10-3-502, U.C.A. 1953, as amended). Notice of the meeting may also be conveyed by a telephone conversation or voice mail, if personal delivery is not accomplished. All other notice and voting requirements shall be as required by the Utah Open and Public Meetings Act.

5. Any one (1) member of the Council may call an Emergency Meeting for "matters of an emergency or urgent matter." An attempt will be made to notify all Council Members of such meeting (as required by Sec.52-4-202(5) U.C.A. 1953, amended) and the best notice practicable shall be given (as required by Sec. 52-4-202(5) U.C.A. 1953, as amended). A majority of Council Members must vote in the affirmative to hold the meeting. (Sec. 52-4-202(5) U.C.A. 1953, as amended).

6. In certain circumstances, the Council may deem it advisable to take certain matters under discussion at a noticed meeting into a Closed Meeting with only the Council Members and City staff personnel essential to the meeting present. Such meeting may be held upon the affirmative vote of 2/3 of the Council Members present at such meeting. (See Rule 7, number 6 for more information about Closed Meetings).

7. A public hearing on Council business generally is a part of a regularly scheduled and noticed Council meeting. (See Rule 7, number 5 for more information about public hearings).

8. In compliance with this Rule, the Council may permit one or more Council Members located in a remote location to participate in a Council meeting by way of electronic communication.

9. Notice of the intent to permit a remotely situated Council Member to participate in a Council meeting electronically will be made in accordance with the Open and Public Meetings Act ("the Act"). The notice will describe how the remotely situated Council Member will be connected to the Council meeting. In addition to meeting all other requirements of the Act, the notice shall be posted at the anchor location and distributed to members of the City Council within two (2) hours in advance of the meeting.

Rule 3. Work Meetings

1. The Council may, at the call of any two Council Members or the Mayor, sit in a work meeting for the purpose of further discussion or study of items already before the Council for action or for the purpose of discussing items of Council business. The Mayor, or a Council Member designated by the Chair, shall conduct such meetings.
2. Notice of work meetings shall be in conformance with the Utah Open and Public Meetings Act and the agenda for such meetings shall be posted by the City Recorder. Only those items listed on the posted agenda will be discussed at a work meeting. All work meetings of the Council shall be open.
3. After discussion, items will be referred to a future regular Council meeting to be considered for final resolution.
4. No action will be taken at a work meeting on items discussed during that meeting.
5. Work meetings may be used for the purpose of special presentations, such as instructions on emergency preparedness, introduction to and discussion about pending or expected Council meeting agenda items, reports from elected officials, etc. Work meetings also will be used to discuss Council procedures.
6. During a work meeting the Council Members and the Mayor may sit around a conference table, rather than at the podium, to provide a more informal atmosphere and to allow a freer exchange of ideas.

Rule 4: Minutes of the Council - Recordings

1. The City Recorder shall keep the minutes of the proceedings of all open City Council meetings or any meeting during which official action of the Council is taken.
2. Within thirty days of the open meeting, the City Recorder shall present the draft minutes to the Council for final approval by the Council at the following Council meeting. The Council shall approve, amend or reject the minutes at its next meeting. Draft minutes are public records, and must be clearly designated as "draft" minutes on any copy provided to the public. Draft meeting minutes should be posted on City website within fifteen days and made available upon public request in paper.
3. Except for closed meetings to exclusively discuss the character, professional competence, or physical or mental health of an individual, or for discussion regarding deployment of security personnel, devices, or systems (see UCA 52-4-206(1) and (6)), upon request by any Council Member, the City Recorder may also keep minutes of closed meetings. Minutes and recordings of closed meetings shall be designated as protected records, pursuant to the Utah Government Records Access and Management Act.
4. The minutes of all meetings will include the time and date, the names of those speaking, reflect the essence of the proceedings and the perceived intent of the person speaking and will not necessarily be a verbatim transcript. Where necessary, as determined by the Council to accurately reflect the proceedings, a specific and/or verbatim transcript of the proceedings will be included in the minutes. If a Council Member, the Mayor, a citizen or any other person wishes something to be entered verbatim into the minutes, a written copy of such entry will be provided to the City Recorder. Minutes may not be amended to include information which was not a part of the meeting.

5. The City Recorder shall make and keep an audio or audio-visual recording of all meetings, unless excepted pursuant to state law. The recording shall be made and kept in a format conducive to long-term storage. Recordings of open meetings shall be available to the public for inspection within three (3) business days of the Council hearing.

Rule 5: Order of Business and Organization of Council Agenda

The Council will consider business in the following order:

A. Opening Ceremonies:

1. Welcome
2. Pledge of Allegiance

The Mayor will strike the gavel, call the meeting to order promptly at Six PM, welcoming those in attendance. The next order of business is to ask the audience to rise for the Pledge of Allegiance and lead the Pledge.

B. Special Recognition

Occasionally, ceremonial tasks are performed at the beginning of the Council meeting. Normally, such items do not require a motion and very seldom require discussion.

C. Approval of Minutes

The next agenda item is approval of the Minutes of preceding meeting(s). The Mayor will ask if there are any changes or corrections. When changes and corrections have been made, the Mayor will ask for a motion and second to adopt the minutes as corrected, and a voice vote will be taken. Once the minutes have been adopted, no alterations can be made and they are the official record of the meeting.

D. Citizen Information/Request for Action

Time shall be made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. In order to speak, a citizen will need to request to be present on the agenda. To do so they should email, call or speak to the City Recorder at City Hall a minimum of three days prior to the scheduled Council meeting. They should include in their request if they are sharing information, registering a complaint or requesting a motion by Council. Supporting details are beneficial to ensure a meaningful discussion during the course of the Council meeting.

During the Council meeting the following rules will apply:

- (1) When a member of the audience addresses the Council and/or Mayor, he or she will come to the podium and state his or her name and address.
- (2) Citizens will be asked to limit their remarks/questions to five (5) minutes each.
- (3) In meetings during which numerous individuals wish to comment, the time for all citizen comments may be limited to three (3) minutes or less each, at the discretion of the Mayor.
- (4) The Mayor shall have discretion as to who will respond to a comment/question.
- (5) In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- (6) Some comments/questions may have to wait for a response until the next regular Council meeting, or may be referred to the Mayor's office to receive information from or input by staff.
- (7) The Mayor will inform a citizen when he or she has used the allotted time.
- (8) Comments must be civil and conform to the same rules as all other public comments.

- (9) All exchanges will be conducted in a respectful manner. The Mayor may strike the gavel to restore decorum and order to the meeting as he/she deems necessary.

E. Council Member Reports

Council Members will be asked to individually report on their assigned responsibilities. Special focus should be upcoming activities, information and any necessary motions regarding the assigned areas they represent.

F. Action Items

The Mayor will ask for a motion on any items listed under this section of the Agenda after discussion, as needed, has concluded. A motion, second and vote will be called for the adoption of items remaining on the action item list.

G. Public Hearings

A public hearing generally is a part of a regularly scheduled and noticed Council meeting.

Public Hearings shall consist of those items for which the Council would like to receive public input. Such hearings shall include, but not be limited to, those requiring legal advertisement under State of Utah law.

When a public hearing is held, a member of the Council having knowledge about the issue will first present information on the issue and answer questions. Then, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council and before motions are made. Each individual who speaks will state his or her name and address before proceeding.

After all individuals have spoken, the Mayor will close the public hearing. The City Council then proceeds with its discussion on the matter. When discussion by the Council is finished, a motion is made and seconded concerning the item. The Council will vote to (a) table action until a future specified meeting date, (b) take it to a work meeting for further discussion, or (c) take final action on the matter immediately after the hearing.

H. Closed Meeting

In certain circumstances, the Council may take certain matters under discussion at a noticed meeting to a Closed Meeting with only the Council Members and City staff personnel essential to the meeting present. Such meeting may be held upon the affirmative vote of 2/3 of the Council Members present at such meeting. (U.C.A. Sec. 52-4-204(1)(a)(iii)).

Closed meetings may only be held for purposes deemed lawful under Utah State law, as provided in U.C.A. § 52-4-205, as amended, which are:

- (a) Discussion of the character, professional competence, or physical or mental health of an individual;
- (b) Strategy sessions to discuss collective bargaining;
- (c) Strategy sessions to discuss pending or reasonably imminent litigation;
- (d) Strategy sessions to discuss the purchase, exchange or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or

estimated value of the property under consideration, or prevent the public body from completing the transaction on the best possible terms;

(e) Strategy sessions to discuss the sale of real property including any form of a water right or water shares, if:

(1) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

(2) the public body previously gave public notice that the property would be offered for sale; and

(3) the terms of the sale are publicly disclosed before the public body approves the sale;

(f) Discussion regarding deployment of security personnel, devices or systems; and

(g) Investigative proceedings regarding allegations of criminal misconduct.

I. Adjournment

When all items on the Council agenda have been disposed of, a motion to adjourn is made, seconded and voted upon. The presiding officer may state: "If there is no further business, we'll stand adjourned." The gavel is struck and the meeting is over.

Rule 6: Motions.

1. Matters appearing on the Agenda can be discussed by the Council prior to a motion being made. After a matter has been discussed by the Council, the Mayor will ask for a motion on the matter, and a second to the motion. A motion on the matter shall not be made prior to the Mayor's request for a motion on the matter.

The Mayor will (1) announce the author of the motion, (2) restate the motion, (3) announce who seconded the motion, (4) ask if there is a question on the motion, and (5) call for a vote on the motion.

If further Council discussion is needed on a motion, the author of such motion is allowed to speak first. All other Council Members are allowed to address the issue after that. The author of the motion is also allowed to make a summation.

The author of a motion may amend or withdraw that motion before it has been voted on.

After a motion has been stated by the conducting Council Member, that motion belongs to the Council and it requires a majority vote to withdraw it. However, the author of a motion may withdraw it unless another Council Member objects.

A motion is lost or rejected which fails to receive a "second."

2. A Council Member may make a motion to reconsider an item already voted on during the same or at the immediately preceding meeting if new information or a changed situation makes it appear that a different result might reflect the true will of the Council. A motion to reconsider must be made by a member present and voting on the prevailing side of the original motion and shall require the affirmative vote of a majority of the Council Members. Any action taken by the Council shall not be reconsidered at any special meeting unless the number of members of the Council present at the special

meeting is equal to or greater than the number of members present at the meeting when the action was approved or disapproved.

3. A motion to rescind may be used to strike out an entire motion, resolution, rule, bylaw, section, or paragraph that has been adopted at some previous time. A motion to rescind may be applied only to a motion on which the vote was affirmative.

4. Other than the main motion, the most common motion used by the Council is a motion to amend. The intent of an amendment is to modify the original motion by inserting, adding to, striking out, and striking out and inserting language in the original motion. A motion to amend a main motion should relate to the same subject as the main motion. This ensures that the Council will vote on one matter at a time.

A motion to amend should not have as its intent a reversal of the main motion. For example, if the main motion is to adopt an ordinance, it is not a proper motion to submit an amendment to "not" adopt the ordinance.

Substitute motions are a type of amendment motion. The difference is the striking out of an entire paragraph or more from the motion or ordinance, and substituting different language.

Amendments to the main motion are discussed and voted on before the main motion. Only the amendment is discussed - not the main motion. If the amendment fails, then discussion and voting on the main motion, as originally stated, follows. If the amended motion passes, the amended motion becomes the main motion. The Conducting Council Member will proceed with an amendment motion in the same manner as a main motion.

In conducting a Council discussion on an amendment motion, the author of such motion is allowed to speak first. All other Council Members are allowed to address the issue after that. The author of the amendment motion is also allowed to make a summation.

Any Council Member may move to amend any proposed ordinance or proposed resolution; provided, however, that no amendment shall change the original purpose.

Any amendments to a proposed ordinance or proposed resolution recommended by a committee of the Council shall be made to the appropriate document prior to its appearing on the Consent Agenda. Such amendment will be noted in the Council minutes.

5. The Council may move to table a motion. The purpose of tabling a motion is to delay action until later in the same meeting. When a matter is tabled, it takes all subsidiary motions with it (e.g., amendments) to the table. A matter should be tabled no longer than necessary.

The Council may move to continue a motion. The purpose of continuing a motion is to delay action until a future date. A continued motion is preferably scheduled for discussion at the next available regular or work meeting of the Council so that action can be taken as soon as possible.

6. The following procedural motions shall require the affirmative vote of a majority of the Council Members present:

(a) To adjourn;

- (b) To recess;
- (c) To take up a question out of its proper order;
- (d) To move the previous question;
- (f) To refer to a committee (commit or recommit);
- (i) To amend.

Such motions shall take precedence in the order moved.

Rule 7: Voting

Voting shall be in the form of "yes", "no" and "abstain," and the names of those voting for, against, or abstaining entered in the Council minutes.

The Council usually takes voice votes on noncontroversial items. A voice vote is when all Council Members say "yes" or "no" at the same time.

A roll call vote is usually taken on controversial items. A roll call vote is required on the following matters:

- (a) An ordinance;
- (b) A resolution;
- (c) Any action creating a liability against the City; and
- (d) All budget and financial items.

Any Council Member may request a roll call vote on any matter being voted on by the Council.

Any Council Member can change his or her vote before the results of the vote are announced.

Any Council Member can abstain from a vote. An abstention is not counted as a "yes" or "no" vote. A Council Member abstaining from voting should, as a common courtesy, state a point of personal privilege and give an explanation of such abstention.

In the event of a tie vote, the Mayor breaks the tie.

The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is three (UCA §10-3-507).

Unless another effective date is provided in the ordinance, all ordinances are effective twenty (20) days after publication by the City Recorder or thirty (30) days after final passage, whichever is closer to the date of final passage.

Rule 8: Discussion

The Mayor shall recognize any Council Member requesting recognition to speak, discuss, give a notice, make a motion, submit a report, or for any reason address the Council, unless a motion taking precedence is offered.

All Council Members shall be allowed to speak at least once on any subject.

During discussion, the Mayor shall be responsible for maintaining order. If, in the opinion of the Mayor, private discourse among or between Council Members or any other disturbance disrupts the Council's business, the Mayor may call the Council to order. If the Mayor calls the Council to order, all Council business shall cease until such time as the Mayor resumes the Council's business.

Any Council Member may make a motion that the Council be called to order.

The following questions will be decided without discussion:

(a) To adjourn;

(b) To recess.

Rule 9: Conflict of Interest

Council Members are required by Utah Code Ann. 10-3-1301 et seq. to disclose actual or potential conflicts of interest between their public duties and their personal interests. Under most conflict of interest situations, Council Members should abstain from voting on a matter if they have a substantial interest in the item before the Council, and to avoid participating in the discussion as well. "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity (UCA 10-3-1303(9)). See Utah Code Section 10-3-1301 et seq. for additional direction on conflicts of interest.

Rule 10: Decorum

Conduct of Members of the Council. Members of the Council shall avoid personal attacks and restrict comments to issues before the body. Violations of decorum or conduct of Council Members shall be resolved by the Mayor.

Council Members should avoid engaging in private discourse or committing any other act which may tend to distract the attention of the Council or the audience from business before the Council, or which might interfere with any person's right to be heard after recognition by the Mayor.

Pursuant to 10-3-607 the governing body of each municipality may fine or expel any member for disorderly conduct on a two-thirds vote of the members of the governing body.

Conduct of Citizens and Attendees at Council Meeting. Citizens wishing to speak should raise their hands and, when recognized by the Mayor, come to the podium, state their names and then speak. Those in attendance should be admonished to avoid personal attacks, demonstrations, or outbursts without being recognized. Individuals should be requested to address their remarks directly to the Council as a body concerning the agenda business. Persons engaged in disruptive behavior shall be removed by at the direction of the Mayor.

When speaking or discussing before the Council, all persons, including Council Members, shall confine their remarks to the question under discussion, avoiding personalities. Anyone engaging in discussion beyond the question before the Council shall be ordered to stop by the Conducting Council Member, and no further discussion will be allowed by said person.

Pursuant to 10-3-608 the governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the governing body pursuant hereto does not preclude prosecution under any other provision of law.

Rule 11: Sergeant-At-Arms

Upon request of the Council, a Sergeant-at-Arms will be assigned to a meeting.

The duty of the Sergeant-At-Arms shall be to assist the Mayor in preserving order and decorum in City Council meetings.

In the case of any disturbance or disorderly conduct within the Chambers or at a Council meeting, the Mayor may request the Sergeant-At-Arms to escort the offender(s) from the Council meeting.

Rule 12: Amendment, Revision or Addition to Rules

Any Council Member may propose amendments, revisions, or additions to these Rules of Procedure.

Each amendment, revision, or addition proposed by a Council Member shall be in written form, and copies shall be provided to each Council Member.

Consideration of any amendments, revisions, or additions to these Rules of Procedure shall be noticed on a Council agenda in conformance with the Utah Open and Public Meetings Act.

A majority vote of all Council Members shall be required for passage and adoption of an amendment, revision, or addition to these Rules of Procedure.

Each Council Member shall have a copy of the latest edition of the Rules of Procedure.

A copy of the Rules of Procedure will be made available to all department heads of the City, any member of the City staff, any citizen or other person who requests the same.

Rule 13: Time Frame for Delivery of Information Packets to Council Members

For each regular Council meeting, work meeting, Closed Meeting, special meeting, public hearing and other Council meetings, Council Members will receive a packet containing the agenda of such meeting(s) and complete information pertaining to items on the agenda(s). To allow the Council Members adequate time to study the items for consideration at the upcoming meeting(s), all information for agendas and packets will be delivered to the City Recorder by 5:00 p.m. on the Friday preceding the meeting(s) or such matters will not be included on that agenda.

Rule 14: Confidential Documents

1. Any document provided to the City Council in connection with a public meeting that is restricted by state or federal law from public disclosure will be stamped on the front page with a mark that clearly advises of the document's private, confidential, or protected classification.

2. Documents dealing with issues of the character or reputation of an individual, financial details of real estate transactions, security measures, trade secrets, or any other non-public record will be stamped on the front page with a mark that clearly advises of the document's private, confidential, or protected classification and shall only be distributed to Council members by the City Recorder in a closed meeting. Any such document distributed shall be returned to the City Recorder prior to adjournment of the closed meeting.

WHEREFORE, the City Council of Helper City APPROVES and DECREES this Resolution be adopted on this ____ day of _____, 2018.

Ed Chavez, Mayor

Attest:

Jona Skerl, City Recorder