

CITY OF HOLLADAY



CITY COUNCIL RULES OF ORDER AND PROCEDURE

Adopted January 23, 2020

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CITY COUNCIL PROCEDURE AND RULES OF ORDER

1. PURPOSE

These Procedures and Rule of Orders of the City Council of the City of Holladay are intended for the government of the City Council, the preservation of order and the orderly transaction of Council Business as required by 2.01.140 of the City Code.

2. AUTHORITY

2.1 Except as otherwise provided by law, the governing body of each municipality may establish its own rules of procedures for the proper conduct of its meetings. These rules shall be in effect until such time as they are amended or new policies are adopted by the Council.

3. GENERAL RULES

3.1 Public Meetings: All official meetings of the City Council (except where State or local law allows for closed sessions) shall be open to the public.

3.2 Location: The City Council will hold their meetings in the Council Chamber and/or the Mt. Olympus Room located at 4580 S 2300 E Holladay UT. The location of the meeting may be changed by the Mayor, or at the written request of at least three (3) Council Members.

3.3 Quorum: Four (4) members of the Governing Body shall constitute a quorum. Three Council members may meet at any time without formation of a quorum. A minimum of four votes shall be necessary to take action.

3.4 Recognition by the Mayor: All City Council Members, City staff, and individuals from the general public shall be recognized by the Mayor before addressing the City Council on any issue. The Mayor shall regulate and facilitate City Council meetings. The Mayor shall communicate with the public on behalf of the City Council and the City staff. All communication directed to the City Council will occur at the podium, upon recognition by the Mayor. Public outbursts, gestures, applause or other attempts to disrupt the Council meeting are prohibited. Violators will be removed from the chamber at the direction and discretion of the Mayor.

3.5 Public Comment: Members of the public addressing the City Council shall have three minutes to make their comment. All comments will be timed by the official City Council Clock which is located in the Council Chambers. At the expiration of three minutes time, no further comment will be accepted. The City Council, generally, will not address members of the public during public comment.

3.6 Minutes: The City Recorder shall prepare draft minutes of each City Council meeting as soon as is practical, and minutes shall be brought to the City Council for approval within 45 days after the meeting. Once the written minutes are in a form ready to be presented to the City Council,

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they are considered a public record per State law and are posted on the City website. Written minutes that are made available to the public before approval by the City Council shall be clearly identified as “awaiting formal approval.”

3.7 Audio Recordings: A recording of an open meeting shall be available to the public for listening within three business days after the end of the meeting.

4. TYPES OF MEETINGS

4.1 Business Meetings: The City Council shall meet in accordance with the annual meeting schedule as approved or as amended.

4.2 Special Meetings: Special City Council meetings may be called by the Mayor or any two (2) Council Members by giving written notice to the City Recorder and City Manager.

4.3 Emergency Meetings: Emergency Meetings may be called by the Mayor or by request of the majority of Council Members to consider matters of an emergency or otherwise urgent nature. The best practical public notice shall be given.

4.4 Closed Meetings: The City Council may adjourn to a Closed Meeting (also known as an executive session) to discuss topics provided for under state law. Adjournment to a Closed Meeting requires a two-thirds vote of the members of the Council present at the meeting.

4.5 Work Sessions: The City Council meets informally in work Sessions (open to the public) to review upcoming programs of the City, to receive progress reports on current programs or projects, and to discuss policy issues. No final action may be taken in a Work Session.

4.6 Retreats: The City Council may meet informally in Retreats (open to the public) to discuss a variety of issues facing the City. While broad general direction may be given, no formal action may be taken in a Retreat.

4.7 Electronic Meetings: The City Council may conduct electronic meetings where one (1) or more of its members participate by means of a telephonic or telecommunications conference

a. Members so participating shall be considered present at the meeting for all purposes, and shall be afforded every opportunity to participate in the discussion of the items on the agenda and cast their vote on issues coming to the Council for a vote.

b. The anchor location as described in State law shall be Holladay City Council Chambers located at 4580 S 2300 E Holladay UT 84117

c. In addition to giving public notice as described above, the City Recorder shall provide notice of the electronic meeting to City Council Members at least 24 hours before the meeting so that they may participate in the meeting and be counted as present for all purposes, including the determination that a quorum is present. All notices shall include a

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statement that one or more members of the City Council will be participating electronically, a description of how the member(s) so participating will be connected to the electronic meeting, and the regularly published agenda for that meeting.

d. No Council meeting may be held electronically unless at least two (2) Council Members are present at the anchor location. The meeting shall be conducted from the anchor location by the Mayor. However, if the Mayor is not present at the anchor location, the Mayor Pro Tem shall conduct the electronic meeting.

e. Immediately prior to opening the meeting, the Mayor or Mayor Pro Tem shall communicate with the person who is participating electronically and insure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line shall be kept open, unless the City Council Member participating electronically wishes to withdraw from the meeting. The member participating electronically shall be able to adequately monitor the discussion, including comments from the public, and shall allow that member the opportunity to make any comments he or she desires.

f. If a City Council Member who participates electronically withdraws from the meeting, the rest of the meeting agenda may be completed provided there is still a quorum of the City Council present at the anchor location or there are sufficient other City Council Members participating electronically to comprise a quorum with those at the anchor location.

5. ORDER OF BUSINESS

5.1 Regular, Electronic, and Special Meetings: The general rule as to the order of business in regular, electronic, and special meetings may be as follows:

a. Call to Order by the Mayor

b. Pledge of Allegiance-as designated by the Mayor

c. General Public Comment – As set forth above, time is set aside for the public to express their ideas, concerns, and make general comments on items not on the current meeting agenda. No formal action is taken on items brought up during general public comment, but the City Council may direct staff to follow-up on issues raised in general public comment and/or schedule them with necessary public notice for future meetings. Comments shall be limited to three minutes.

1. Each member of the public wishing to make comment shall address the Mayor from the podium and state their full name and residential address for the record. The three minute comment period shall begin after the person making comment states their address or as directed by the Mayor. At the expiration of three minutes the public comment shall terminate.

2. Persons making public comment shall not address or question individual members

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of the City Council or City staff. The City Council or City staff will not answer specific questions or communicate with the person making comment unless directed to do so by the Mayor.

3. Public comment shall be respectful and shall not include profanity or offensive conduct.

4. Public displays such as yelling, gesturing, applause or any other disruptive conduct are strictly prohibited. All communication in the meeting by the public shall occur at the designated podium and only after recognition and approval of the Mayor or Mayor Pro Tem.

5. Violation of these public comment rules shall result in the immediate removal of the person(s) from the City Council Chambers as directed by the Mayor. Said person shall be subject to all civil and criminal penalties that may apply to their conduct. Any person who has been removed from a City Council meeting for violation of these rules shall be barred from future City Council meetings until such time as the Mayor agrees in writing to allow said person to attend a meeting.

d. Business Items – Items that the City Council may wish to discuss or for which a presentation would be made, i.e. formal items, Ordinances, Resolutions, agreements and other obligations of the City that must be approved.

e. Consent Agenda – Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion

f. Council/Manager Reports – These items do not have formal City Council action and may include the following:

a. Presentations and considerations.

b. Reports by City Manager and Council Members on issues of importance to the City Council and the public.

c. Announcements.

d. Upcoming community events.

e. Reports by Council Members on assignment.

g. Review Calendar

h. Closed Session as per UCA 54-2-204

i. Adjournment – a meeting may be adjourned with less and a quorum present.

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5.2 Emergency Meetings: The general rule as to the order of business in emergency meetings shall be as follows: (UCA 52-4-205)

Call to Order by the Mayor

Scheduled items

Adjournment

5.3 Work Session: In general, work sessions will be held on the first and third Thursday of the month. Work sessions may be held as part of a regularly scheduled meeting with the work session being held at the end of the meeting.

Retreats: Off-site retreats will be scheduled by the City Council as it deems necessary.

6. PRESIDING OFFICE AND DUTIES

6.1 Mayor as Presiding Officer: The Mayor, if present at the anchor location, shall act as the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Council shall elect a temporary Mayor Pro Tem who will then preside at the meeting.

6.2 Call to Order: Meetings of the City Council shall be called to order by the Mayor. In the absence of both the Mayor and the Mayor Pro Tem, the meeting may be called to order by the City Recorder or Deputy City Recorder for the election of a temporary Mayor Pro Tem.

6.3 Preservation of Order: The Mayor shall preserve order and decorum; prevent attacks on personalities or the impugning of members motives; and confine debate to the question under discussion.

6.4 Points of Order: The Mayor shall determine all points of order so as to comply with established procedures and policies. The City Council may, with a motion, a second, and at least three (3) affirmative votes, suspend or modify the rules of order for all or a portion of a meeting.

6.5 Time Limits: The Mayor shall have the power to set reasonable time limits on input and discussion, ensuring that all Council Members have the opportunity to participate and be heard. When the time limit expires, the City Council may vote to extend the time limit or to take some action on the item.

6.6 Substitution for the Mayor: In the absence of the Mayor or because of his/her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as the presiding officer.

6.7 Motions to be Clear: The Mayor shall ensure that all motions submitted for a vote are clearly understood by the City Council.

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6.8 Call for a Vote: The Mayor shall call for a roll call vote for all ordinances and resolutions, and for any action which would create a liability against the municipality, and in any other case at the request of any member of the governing body, by a "yes" or a "no" vote, and such roll call vote shall be recorded. The Mayor shall announce the result of the vote. The meeting minutes shall indicate the vote of each Council Member.

7. TYPES OF MOTIONS AND RECONSIDERATION

7.1 Motions Require a Second: All motions require a second before they can be discussed or acted upon.

7.2 Motions Requiring a Two-Thirds Vote: Motions to adjourn to a closed meeting (UCA 524-204 -2/3 present) or expel a member of the City Council (UCA 10-3-607) or the public (UCA 10-3-608) shall require a motion, a second, and two-thirds (2/3) vote of the City Council.

7.3 Motions: Except for motions where specific requirements are given in State or Municipal Code, all motions shall require a second and a minimum of four (4) affirmative votes to be approved. The Mayor shall recognize a motion from a Council Member unless a motion is currently on the floor; in the event two motions are made simultaneously, the Mayor shall recognize the motion that was begun first.

7.4 Motions to Amend: Any motion being considered by the City Council may be amended by permission of the maker of the motion and a second from any other Council Member.

7.5 Motions to Continue: The City Council may approve a motion to continue any item for further discussion or consideration to the following meeting or to a specific date and time. Public hearings that are continued must be continued to a specific date and should not generally be continued beyond 45 days without resetting and renoticing the hearing.

7.6 Motions to Table: The City Council may motion to table an issue, without scheduling it for future consideration.

7.7 Motions to Reconsider a Decision: Any two (2) Council Members who voted in the majority on a motion approved by the City Council may request a reconsideration of the action at the same meeting.

Reconsideration shall follow the two-step process outlined below:

1. Motion to Reconsider: A motion to reconsider the item must be approved.
2. Motion on the item: The discussion and subsequent vote on the item may only take place at the same meeting as the original action. Otherwise, the item must become a new item on a future agenda with appropriate public notice.

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7.8 Question on the Motion: After a motion and a second, any member of the City Council may call for a question on the motion. Once a question has been called, the Mayor shall call for a vote to determine if the City Council wishes to terminate discussion on the item. If at least three members of the City Council vote to terminate the discussion, the City Council shall then vote on the original motion.

8. ORDINANCES, RESOLUTIONS, AND AGREEMENTS

8.1 Ordinances: The City Council may pass a law to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition as allowed by State law. Ordinances are generally passed as part of the City Code. Ordinances shall take effect 20 days after publication or posting or 30 days after final passage, whichever is sooner, unless the City Council establishes a specific effective date.

8.2 Resolutions: The City Council may express a formal opinion or the will of the City Council without it becoming a part of the City Code. The effective date shall be immediately upon passage, unless the City Council establishes a specific effective date. A resolution may be used to do any of the following:

- a. Adopt official policies
- b. Approve request or grant permits relating to the development of property
- c. Take official action relating to financial matters.
- d. Take any administrative action which the Council is authorized by law to take.
- e. Regulate the use and operation of municipal property.
- f. Make an official declaration.

8.3 Agreements: The City Council may enter into an agreement between the City and one (1) or more parties agreeing to do or not to do an act or take a course of action. The effective date on all Agreements shall be the date of execution by the Mayor, unless another effective date is established by the City Council at the time the City Council approved the Agreement.

8.4 Form: Ordinances, Resolutions and agreements shall be in written form at the time they are passed.

9. PUBLIC HEARINGS

9.1 Purpose: The purpose of public hearings is to provide public input to the City Council on issues on a specific day and time in order for the City Council to be better informed prior to making a decision on the issue.

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9.2 Before the Public Hearing: Notification should be given in compliance with State and local law.

a. Written material submitted by residents and interested groups must be submitted by Noon on Monday of the week of the hearing if they want copies distributed in the packet. Residents and interested groups may distribute copies of materials to the Council at any time.

9.3 Procedure

a. The Mayor shall conduct all public hearings pursuant to General Rules in Section 3 set forth above. The Mayor should review the rules and procedures for conducting public hearings at the start of the public hearing. The Mayor should courteously limit repetition and retain flexibility for additional comments but only on new information

b. The public hearing shall first be opened to the appropriate City staff member who will present and discuss with the City Council the issue at hand.

c. Upon completion of the City staff report, and any questions from the City Council, if there is an applicant, the applicant shall discuss with the City Council the issue and present additional or more specific information.

d. Following the applicant's presentation, the Mayor or Mayor Pro Tempore shall open the hearing to the public. Any person desiring to address the City Council shall have written their name on the signup sheet provided and filled out a comment form and shall first be recognized by the Mayor. Public comment shall proceed pursuant to General Rules in Section 3.

e. After the public hearing is closed, no further remarks by the public will be heard unless approved by motion of the City Council. Upon completion of the public hearing and of any further discussion and/or deliberation of the City Council, the City Council shall take appropriate action on the issue. If no motion is made to approve or deny the matter of the public hearing, the matter shall be automatically continued to the next City Council meeting.

9.4 Manner of Addressing the City Council: Each person addressing the City Council shall come forward and shall state their name and address of residence in an audible tone of voice for the record. All remarks shall be addressed to the City Council as a body, and not to any specific member(s) thereof. NO person shall be permitted to enter into any discussion, either directly or through members of the Council unless first recognized by the Mayor.

9.5 Questions from Council Members: The Council Members may at any time request clarification or additional input from the Staff, applicants, or the general public through the Mayor during the scheduled items portion of the meeting.

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10. RULES OF CONDUCT

10.1 Disorderly Conduct: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the City Council may be considered disorderly and may be expelled at the discretion of the Mayor or Mayor Pro-tem

10.2 Disorderly Council Members: The City Council, on a majority vote, may expel any member of the City Council for disorderly conduct.

11. MEETING ADJOURNMENT

11.1 Time Limited: Meetings shall be adjourned on or before 11:00 p.m. unless a motion is made to extend the meeting to a specific time.

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