

# **WORK MEETING**

**AGENDA  
AND  
STAFF MEMO**

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, Utah**  
**City Council Meeting**  
**April 17, 2014**

**Work Meeting**  
**5:30 p.m.**

**DISCUSSION ITEMS**

- 5:30 p.m.     **Item A** – Review of Public Safety Building Elevations
- 6:00 p.m.     **Item B** - Annual Training Meeting for the City Council and All City Boards on The Code of Conduct and Ethics for Public Officials, The Conflict of Interest Policy and The Rules of Order and Procedure
- 6:45 p.m.     **Item C** - Discuss Resolution 2014-04, A Resolution Amending The Heber City Personnel Policy: Section 1.3, Personnel Committee; Section 6.1, Educational Assistance; Section 11.3, Procedures; Section 13.13, Vacation; Section 13.14, Sick Leave; Section 13.25, Retirement; Section 13.30, Time Off For Election (Voting)

**OTHER ITEMS AS NECESSARY**

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Michelle Kellogg at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on April 14, 2014, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave on April 14, 2014.

# Memo

**To: Mayor and City Council**  
**From: Mark K. Anderson**  
**Date: 04/14/2014**  
**Re: City Council Agenda Items**

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## WORK MEETING

Work meeting will begin at 5:30 p.m.

**Item A – Review of Public Safety Building Elevations:** GSBS has been working on proposed elevations for the public safety building and will bring a couple of different drawings to the meeting to review with the Council. Unfortunately, the drawings will not be available prior to the meeting.

**Item B - Annual Training Meeting for the City Council and All City Boards on The Code of Conduct and Ethics for Public Officials, The Conflict of Interest Policy and The Rules of Order and Procedure:** As discussed at the last City Council meeting, Mark Smedley will review the above policies with the legislative body and appointed boards to remind them of their obligations as elected/appointed officials. An invitation to attend the meeting was emailed to all board members on April 10<sup>th</sup>. Conflict of Interest forms will be distributed, and will need to be filled out and returned to Michelle Kellogg.

**Item C - Discuss Resolution 2014-04, A Resolution Amending The Heber City Personnel Policy: Section 1.3, Personnel Committee; Section 6.1, Educational Assistance; Section 11.3, Procedures; Section 13.13, Vacation; Section 13.14, Sick Leave; Section 13.25, Retirement; Section 13.30, Time Off For Election (Voting):** The Personnel Policy Committee has met a few times in the last few months and has identified several changes that they are recommending to the Personnel Policy. The proposed changes are as follows:

Section 1.3 - Personnel Committee: Some smaller departments have expressed a desire to have representation on the Board. When this was considered, the Board determined that it better to invite those who feel underrepresented to make presentations to the Board, rather than add more members.

Section 6.1 - Educational Assistance: The proposed changes to this policy require an employee to have successfully completed their probation before they are eligible to seek educational assistance, defines when the request for assistance is to be made to be considered during the budget process and would now require Council approval through the budget process.

Section 11.3 – Procedures: This proposed change would add one more step to the grievance process before it is referred to the City Council. Some have felt like it might be better to have one more step before a matter would go before the Council. In light of the number of grievances that the City has received, I question if this additional step is necessary.

Section 13.13 – Vacation: This policy gives clarity to how classified and exempt employees are to report the use of vacation pay. Reporting the use of vacation used by exempt employees in half day increments is the most restrictive policy the City can adopt.

Section 13.14 – Sick Leave: This policy gives clarity to how classified and exempt employees are to report the use of sick leave. Reporting the use of sick leave used by exempt employees in half day increments is the most restrictive policy the City can adopt.

Section 13.25 – Retirement: The City was recently audited by the Utah State Retirement System (URS) and they recommended that the City incorporate language into our Personnel Policy that define eligibility for the Tier I and Tier II Retirement System.

Section 13.30 - Time Off for Election (Voting): Consistent with State Code, this policy defines the conditions when employees may take time off to vote.

Michelle Kellogg has been attending Human Resource training and during this process, she identified the need to develop a policy for Section 13.13, 13.14 and 13.30. None of the above policy changes have significant fiscal impact. The Council should discuss the proposed changes to see if they are comfortable with what is being proposed before they are placed on the regular agenda for adoption.

**Item D – Schedule City Council Budget Workshop Meeting:** I need to meet with the Council to review manpower and capital items recommended for funding prior to the presentation of the Tentative Budget. I would like the Council to consider April 21<sup>st</sup> at 4:30 p.m. or April 23<sup>rd</sup> at 6:30 p.m. I would prefer the 23<sup>rd</sup>, if the Council is available. I understand that Councilman Bradshaw will be on vacation during this time.

# **DISCUSSION/ ACTION ITEMS**

# TAB A

**There are no physical  
materials for this  
agenda item.**

**TAB B**

## **CODE OF CONDUCT AND ETHICS FOR PUBLIC OFFICIALS (Mayor, City Council members, Commissions, Committees, Boards)**

### **A. DECLARATION OF POLICY**

It is the policy of the City of Heber to uphold, promote, and demand ethical conduct from its elected and appointed public officials. The citizens and businesses of Heber City are entitled to have fair, ethical, and accountable local government.

As members of the City Council, we recognize the importance of codifying and making known to the general public the ethical principles and laws that guide the work of elected officials and members of appointed boards, commissions, and committees (public officials). Public officials are to maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their public duties.

In order to fulfill this mission, the City of Heber hereby adopts a Code of Conduct and Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. This code describes the standards of behavior to which its leaders aspire. The constant and consistent theme through the conduct guidelines is “respect.” Public officials experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, public officials are called upon to exhibit appropriate behavior at all times. These guidelines help public officials to do the right thing in even the most difficult situations. Public officials have the duty to conduct City affairs in a businesslike manner, assuring timely consideration of matters before them and thoughtful expeditious decision-making. These guidelines incorporating best practices among city governments can help guide public officials to contribute to this end.

Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

### **B. GENERAL PRINCIPLES UNDERLYING THE CODE OF CONDUCT AND ETHICS**

The stability and proper operation of a democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their public officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the government structure.

Public local government officials must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

Public local government officials must always remain aware that at various times they play different roles:

1. **As advocates**, who strive to advance the legitimate needs of their citizens,

2. **As legislators**, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions, and

3. **As fair and impartial decision-makers**, when making quasi-judicial and administrative determinations.

Public local government officials must know how to distinguish among these roles, to determine when each role is appropriated, and to act accordingly.

Public local government officials must be aware of their obligations to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his/her own conscience the touchstone by which to determine what conduct is appropriate.

## **C. APPLICABLE LAWS AND POLICIES**

### **1. Compliance with Law**

a. Public officials should take care to obey all laws that apply to their official actions as public officials. Public officials should be guided by the spirit as well as the letter of the law in whatever they do to give their best judgment.

b. At the same time, public officials should feel free to assert policy positions and opinions without fear of reprisal from fellow official members or citizens. To assert that a public official is behaving unethically based upon a disagreement with other officials on a question of policy (and not on the public officials ethical behavior) is unfair, dishonest, irresponsible, and itself unethical.

c. The commissions, committees, boards, and city's governing body shall endeavor to keep itself up-to-date, through its attorney or other sources, of new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

d. Public officials shall comply with the laws of the nation, the State of Utah, and the City of Heber in the performance of their public duties to foster respect for all government. These laws include, but are not limited to: the United States and Utah Constitutions and any City Codes, resolutions, ordinances and policies; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, and employer responsibilities and open processes of government.

### **2. Responsibility of Public Office**

a. Recognizing that stewardship of the public interest must be their primary concern, public officials shall work for the common good of the people of Heber City, avoiding actions that are inconsistent with the best interests of the city, and not for any private or personal interest; and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

b. Public officials should act with integrity and with independence from improper influence as they exercise the functions of their offices.

c. Public officials should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behavior.

d. City Council members and the Mayor - Because of the value of the independent advice of boards, committees or commissions to the public decision-making process, members of the City Council and Mayor shall, except when the City Council or Mayor is a member of the that public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand, and shall not otherwise attempt to unduly use their position to influence the deliberations or outcomes of the proceedings.

e. Public Officials should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. At the same time, public officials should recognize that they are part of a larger group and should act accordingly. They should respect their office and not behave in ways that reflect badly on it. They should treat other public officials and the public with respect; and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, commission, committee, or council, since the board, commission, committee or council must take official action as a body.

### **3. Impropriety**

a. Public officials should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach.

b. A public official is considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstance surrounding the public official's action would conclude that it was more likely than not that the behavior did not benefit someone in the public official's position.

c. If a public official concludes that his/her actions, while legal and ethical, may be misunderstood, he/she may seek the advice of the City Attorney. He/she may also state on the record the facts of the situation and the steps taken to resolve it.

### **4. Performance of Duties**

a. Public officials shall perform their duties in accordance with the processes and rules of order established by the State, City Council, boards, commissions, and committees, governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

b. Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

c. Public Officials of local governing boards should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. Public officials should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them or which they obtained from outside sources.

d. Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the council, boards, commissions, and committees, which they may have received from sources outside the public decision-making process.

e. Public officials should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

f. As a group of citizens to whom much has been entrusted, the board should demand full accountability from those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

g. All public officials should be willing to bear their fair share of the governing board's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

##### **5. Conduct of Public Meetings**

a. Public officials of local governing boards should conduct the affairs of their meetings in an open and public manner. They should comply with all applicable laws of governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This includes being sensitive to those matters recognized by law.

b. The public officials should remember when meeting that they are conducting the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees or staff. They should make clear that a climate of openness is to be maintained at all times in their government units.

c. In order to ensure strict compliance with the laws governing openness, governing public officials should strive to be open.

d. They should prohibit unjustified delay in fulfilling public records requests.

e. They should take deliberate steps before they go into closed session for any reason, to ensure that the closed session will be lawful.

f. Public officials shall inform themselves of public issues, listen courteously and attentively to public discussions before the body and focus on the business at hand.

g. Officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body, or otherwise interfere with the orderly conduct of meetings.

h. Appropriate City staff should be involved when public officials meet in their regular meetings and with officials from other agencies and jurisdictions to ensure proper staff support and to keep staff informed.

**6. Procedures of Public Meetings**

a. During public meetings, public officials shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the city council.

b. A public official desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

c. A public official, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another council member, or unless the speaker chooses to yield to questions from another member. If a public official member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the city council.

d. Public officials shall confine their questions to the particular matters before the assembly and in debate shall confine their remarks to the issues before the body.

e. When there is more than one speaker on the same subject, the public official will delay their comments until after all speakers on the subject have been heard.

f. The City Manager and any other appointed, administrative level official shall be entitled at all times to any privilege of the floor for the purpose of speaking upon any question that pertains to their duties, responsibilities and authority.

**7. Public Participation in Public Meetings**

a. Any resident or interested party desiring to address the body shall be first recognized by the chair. She/he shall then step to the floor microphone and state her/his name and address in an audible tone for the City's record. Remarks shall be limited to the question under discussion.

b. The purpose of addressing the public officials body is to communicate formally with the regarding matters that relate to the public officials business or citizens' concerns within the subject matter jurisdiction of the public officials. Persons addressing the public officials' body on an agenda item shall confine their remarks to the matter under consideration by the public officials' body.

c. Members of the public may address the public officials' body during public comments and/or before consideration of any agenda item; however, no person shall address the public officials' body without first being recognized by the Mayor or chair. Any

person wishing to speak, during an agenda item, must wait until the chair calls for the particular agenda item.

d. Each person addressing the public officials' body shall do so in an orderly manner and shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. Any person, who so disrupts the meeting shall, at the discretion of the Mayor or a majority of the public body members, be subject to removal from that meeting.

e. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the public meeting unfeasible.

f. A member of the audience engaging in such conduct shall, at the discretion of the Mayor or a majority of the public officials' body, be subject to removal from that meeting.

#### **8. Conduct of Public Officials in Open Public or Private Meetings and Using the Social Media Network**

a. The professional and personal conduct of public officials must be above reproach and avoid even the appearance of impropriety.

b. Public officials shall refrain from abusive conduct, unsubstantiated personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, the staff or the public.

c. Public officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body; or otherwise interfering with the orderly conduct of the meetings.

d. Public officials shall commit to practice civility and decorum in discussions and debates.

e. Public officials shall commit to honoring the role of the chair in maintaining order, keeping discussion on track, and focusing discussion on agenda items at hand.

f. Public officials shall avoid arguments with the public.

g. Public officials shall not engage in personal attacks of any kind under any circumstance.

h. Public officials should treat each other and the public with respect, regardless of their race, age, religion, gender, sexual orientation, or disability, and should not unlawfully discriminate against any person or group of persons.

**D. PUBLIC OFFICIALS ACKNOWLEDGMENT AND COMMITMENT TO THE CODE OF CONDUCT AND ETHICS**

1. We respect the individual
2. I treat my fellow public officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
3. I promote consistency, equity and non-discrimination in public agency decision-making.
4. I respect the dignity and privacy of individuals and organizations.
5. I recognize the worth of individual members and appreciate their individual talents, perspectives and contributions.
6. I will conduct my public affairs with honesty, integrity, fairness, respect for others and will not slander or defame others.
7. I will avoid and discourage conduct that is divisive, harmful or not in the best interest of other individuals.
  - a. We Honor the Public Trust as Stewards of the Community
    1. I am a steward of the public trust.
    2. I understand that the community expects me to serve with dignity and respect for my office, as well as to be an agent of the democratic process in the public interest.
    3. I avoid actions that might cause the public to question my independent judgment.
    4. I do not use my office or the resources of the City for personal or political gain.
    5. I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City, its citizens and businesses.
    6. I am prepared to make decisions in the public's best interest based on the merits and substance of the matter at hand, and to take responsibility for my actions, whether those decisions are popular or not.
  - b. We Maintain Open and Honest Communication
    1. I am honest and forthright with my fellow officials, the public and others, even when it is uncomfortable to do so.
    2. I encourage diverse public engagement in our decision-making processes and support the public's right to know.

We, the public officials of Heber City, hold ourselves as individuals and the City of Heber organization as a whole, accountable for acting consistently with the Code of Conduct and Ethics.

*I affirm that I have read and understand the city of Heber Code of Conduct and Ethics and agree to uphold it.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **1. Implementation**

a. The Code of Conduct and Ethics for the public officials of the City of Heber is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embraces its provisions. For this reason ethical standards shall be included in the regular orientation for candidates for the City Council, applicants to boards, committees, and commissions, newly elected officials, and appointed members of boards, commissions and committees.

b. Public Officials entering office or appointment will receive a statement certifying they have read and understand the City of Heber Code of Conduct and Ethics. Signing the statement is optional. All public officials are subject to the provisions of the Code of Conduct and Ethics whether or not the statement is signed.

c. All Public officials (Mayor, City Council, boards, commissions, and committees) shall review and sign this personal code of conduct and ethics at the first meeting in February of each year when the Public Officials meet, as a symbol of each Public Official's continuing commitment to abide by the principles of this code. **This code shall be evaluated by the city council in the first meeting of January of every even year.**

## **2. Compliance and Enforcement**

a. The City of Heber Code of Conduct and Ethics expresses standards of ethical conduct expected for the public officials of the Mayor, City Council, boards, commissions, and committed. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

b. The Chairs of commissions, boards, committees and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct and Ethics are brought to their attention.

c. All City Council members shall have a responsibility to intervene when actions of another City Council member appear to be in violation of the Code of Conduct and Ethics are brought to their attention.

d. A person making a complaint against a public official of violation of this policy shall submit the complaint in writing, to the City Manager or Mayor who will determine legal sufficiency. The written complaint must be based substantially upon the personal knowledge of the complaint and signed under oath or affirmation by the person filing the complaint. The City Manager or Mayor when receiving a complaint shall report all complaints to the City Council regardless of determination.

e. The Mayor or City Manager shall investigate the complaint and shall give the person the opportunity to be heard. A written report of the findings and the recommendations of the Mayor or City Manager shall be filed with the governing body.

f. The governing body shall make a final determination upon a majority vote of all members, except or any member which is the subject of a complaint. No hearing shall be bound by the strict rule of evidence, and the standard of proof required for a final determination of violation of this policy shall be a preponderance of evidence. At the discretion of the City Council, sanction may include requesting a formal public apology reprimands or censure, or removal or exclusion from leadership positions, governing board, and other official positions or duties that do not conflict with Utah Statutes.

g. A violation of this code of conduct and ethics shall not be considered a basis for challenging the validity of a City Council, board, committee, or commission decision.

**Heber City Corporation**  
**Conflict of Interest Annual Disclosure Statement for Public Officials**  
**To be filed with the City Recorder by February 1<sup>st</sup> of each year**

Name and address of any business entity of which you or any member of your immediate household, are an owner, officer or director. Also, state the nature of the business(es). \_\_\_\_\_

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Name of employers for you and your immediate household \_\_\_\_\_

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The address of any real property (not including your personal residence) owned by you or anyone in your immediate household, including an option to purchase or lease for ten years or more \_\_\_\_\_

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Name and address of any nonprofit organization which was the subject of some official act or action of the City Council, Planning Commission, or other City board, within the past year and on which you served as an officer, director, or board member \_\_\_\_\_

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Signature

\_\_\_\_\_  
Date

## **Heber City Conflict of Interest Policy For Public Officials**

### **1.0 PURPOSE:**

In order to best serve the citizens, the public and businesses of the City of Heber, Public officials must act individual and collective to create a city government that is open, responsible, fair, honest, and accountable local government. Public officials are expected to demonstrate and maintain the highest standards of personal integrity, honesty, fairness and conduct in all activities in order to inspire confidence and trust in Public Officials.

The purpose of this policy is to require the Mayor and City Councilmembers and members of City boards, commissions and committees to conduct a review of agenda items in order to publicly disclose the nature of any conflict of interest with respect to an agenda item. Such Public Officials should disclose conflicts of interest, in advance of a public City Council, board or commission or committee meeting, by and pursuant to State Code, or as indicated in Section 5.0 of this Policy set forth below.

### **2.0 DECLARATION OF POLICY:**

Conflict of Interest laws are grounded on a policy that government officials, both elected and appointed, owe paramount loyalty to the public, and that personal or private financial gain in any form, should not be allowed to enter the decision-making process. Maintaining a public trust is critical to the continued operation of good government. In addition, public decision-making should be open, transparent and accessible to the public at-large. A further purpose of this policy is to avoid any conflicts of interest and the appearance of impropriety, whether or not an actual conflict of interest exists. In order to fulfill this mission, the City Council of Heber hereby adopts a Conflict of Interest Policy for public officials, employees, city elected officials and city officials to assure public confidence in the integrity of local government and its effective and fair operations.

### **3.0 DEFINITIONS:**

The following words and phrases as used in this policy, unless the context clearly indicates otherwise, shall have the following meanings:

A. Benefits - means anything that could be regarded as economic gain or economic advance, including benefit to any person in whose welfare the beneficiary is interested.

B. Business - means any corporation, partnership, sole

proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, activity, or any legal entity organized for profit.

C. City-elected official - means any person who is elected at a general or special election to any public office of the City of Heber and any person appointed to fill a vacancy in any such office.

D. City official or employee - means every individual appointed, hired, or otherwise selected to an office, position, committee, board, task force, or similar multi-member body with the City, or any subdivision thereof, whether such individual is paid or unpaid; provided that "City officer or "employee" shall not mean or include a City-elected official.

E. City - means any authority, advisory board, body, commission, committee, department or office, elected or appointed.

F. Confidential information - means privileged, or protected statements or communications, whether expressed or implied, oral, or written, between a council member, a commission or board or committee member, work products, records, documents, and other information not subjected to public disclosure or dissemination by law.

G. Financial Interest - means an expectation, public or private, of receiving a financial benefit. This also includes a financial interest of the person's immediate family. A financial interest includes an interest in an organization, business, partnership or development.

H. Immediate Family and Relatives - means any person related to an officer or employee within the first degree of consanguinity and includes a spouse, parent, child, grandparent or grandchild. Immediate family is also an individual claimed by family members as a dependent for federal income tax purposes.

I. Conflict of Interest - means a personal or financial interest by a public official or his/her spouse, family, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he/she holds office or is employed. Members of commissions, boards, committees, elected or appointed, city officers or employees with the role of conducting fair and impartial fact-finding hearings must, as far as practicable, be open minded, objective, impartial, free of entangling influences and capable of hearing the weak voices as well as the strong. The importance of the appearance of fairness has resulted in the recognition that it is necessary only to show an interest which might have influenced a member of the commission, board, committee, elected or appointed city officers or employee and not that it actually so affected him/her.

J. Public Body - means a municipality and its departments, boards, council, commissions, committees or other instrumentalities.

K. Public Interest - means an interest of the community as a whole, conferred generally upon all residents of the municipality.

L. Public Official - means any person elected to, appointed to, employed or retained by, any public office or public body of the city, whether paid or unpaid and whether temporary, part-time or full-time. Accordingly, mayor, council members, employees, all board members, committees and commission members are officers, employees of the municipality and so recognized.

#### **4.0 REQUIRED DISQUALIFICATION:**

4.1 A public official, city official, or city officer, shall disclose any conflict of interest with respect to an agenda item. Such Public Officials should disclose conflicts of interest in advance of a public city council, board or commission or committee meeting, by and pursuant to State Code, or as indicated in this policy set forth below. The conflict of interest shall be disclosed in open meeting to the members of the body and the disclosure statement shall be entered in the minutes of the meeting. A voluntary recusal triggering conflict of interest includes a conflict of interest as defined in this policy.

The City policy requires that immediately prior to the consideration of a matter before an agency, a public official:

A. Shall identify the nature of the conflict of interest or financial interest that gives rise to the conflict in sufficient detail to be understood by the public by filling out and filing the required Conflict of Interest form.

B. In the event of a disclosure of a voluntary recusal triggering conflict, publicly state his/her recusal from the matter and shall not participate in the manner, either in person or by any communication or other action; and

C. Leave the room until after the disposition of the matter unless the matter appears on a consent agenda or other similar portion of an agenda for uncontested matters.

D. Any declaration of a conflict of interest if known shall be submitted to the City Recorder with a copy to the Mayor at least 24 hours in advance of the meeting at which the agenda item will be discussed or heard. If knowledge of the conflict of interest arises within 24 hours of the meeting, the declaration form shall be filed with the City Recorder with a copy to the City Attorney at the time the conflict of interest is known but no later than the end of the meeting at which the agenda item is heard.

E. In the event a member discloses a direct financial or intimate and direct personal interest, i.e., or the member is the FBO of a company being considered for contract with the City, that member should strongly consider recusal.

4.2 Members of a public body shall have the authority to inquire of any member of their body about a possible conflict of interest and to suggest or recommend that the member recuse him/herself from the matter. If the member believes that he/she does not have a conflict of interest, or even in the event of a potential conflict believes that such conflict will not unduly bias or affect his or her ability to make an objective decision, the member shall, prior to participating in the matter, identify the matter under consideration, the nature of the potential conflict of interest and why he/she believes that he/she is able to act in the matter.

#### **5.0 PUBLIC CONTRACTS**

No official currently serving on any board, committee or council shall enter into any agreement or contract with the municipality without first disclosing said contract in the manner as outlined in section 4.0.

#### **6.0 COMMON LAW:**

"Common Law" conflicts of interest shall be identified where a member's private or personal interests renders them unable to make fair or impartial decision, and therefore, conflicts with their official duties. This type of conflict of interest is based on case law and may apply to non-economic conflicts of interest.

#### **7.0 PROHIBITED CONDUCT:**

7.1 - ACCEPTANCE OF COMPENSATION, GIFTS, FAVORS, REWARDS OR GRATUITIES PROHIBITED. No Public Official, officer or employee shall directly or indirectly solicit any gift, or accept any gift whether in the form of money, services, loans, travel, entertainment, hospitality, thing or promise, or any other form, under any circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee, in the performance of official duties, or was intended as a reward for any official action.

7.2 - No City official, employee or public official may directly or indirectly, give or receive or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the City officials, employee or public officials services with the City of Heber, except this prohibition shall not apply to:

A. Attendance of a City official, employee, public official at a hosted meal when it is provided in conjunction with

a meeting directly related to the conduct of City business or where official attendance by the city official as a City representative is appropriate;

B. An award publicly presented in recognition of public service; or

C. Any gift valued at \$50 or less, which cannot reasonably be presumed to influence the vote, action, or judgment of the City official or be considered as part of a reward for action or inaction.

7.3 - DISCLOSURE OF CONFIDENTIAL INFORMATION PROHIBITED. No city official, employee or public official shall disclose or use any confidential, privileged, or proprietary information gained by reason of his/her official position which is for other than a City purpose; provided, that nothing shall prohibit the discloser or use of information which is a matter of public knowledge, or which is available to the public request.

7.4- IMPROPER USE OF POSITION PROHIBITED- No City official shall knowingly use his/her office or position to secure personal benefit, gain, or profit, or use his/her position to secure special privileges or exceptions for himself, herself or for the benefit, gain, or profits of any other person.

7.5 - APPEARANCE OF OFFICIALS ON BEHALF OF PRIVATE INTERESTS OR THIRD PARTIES PROHIBITED. No official, officer, or employee, except when acting in an official capacity, shall appear on behalf of any private person before any agency of the municipality.

7.6 - No present or former official, officer or employee may represent another person for compensation before the municipality or public bodies of the municipality for the period of one year from the date of termination of their office or employment.

7.7 - No person shall knowingly or willfully solicit contribution of money of anything of value, from any group, business, development or agency, which has or will come before the municipality in any official capacity.

## **8.0 IMPERMISSIBLE CONDUCT AFTER LEAVING CITY SERVICE:**

A. Disclosure of Privileged, Confidential, or Proprietary information Prohibited. No former City official shall disclose or use any privileged, confidential, or proprietary information gained because of his/her City employment or office for one year after leaving city office or employment.

B. During the period of employment or service and for one year thereafter, no official, officer employee, with respect to any contract, transaction, zoning decision, or other matter which is or may be the subject of an official act or action on the municipality, shall without appropriate authorization, disclose confidential information concerning the property, government, or affairs of the municipality. In addition, no officer or employee

shall use such information to advance the financial or other private interest of the officer or employee or others.

#### **9.0 COMPLIANCE AND ENFORCEMENT:**

9.1 - A person making a complaint against a public official, city official, elected official, officer, or employee, of violating this policy shall submit the complaint, in writing to the Mayor. The written complaint must be based substantially upon the personal knowledge of the complainant and signed under oath or affirmation by the person filing the complaint.

9.2 - If the Mayor determines that there may be a violation of this Policy, the Mayor shall report that finding to the City Council within 30 days of the date the complaint was received by the Mayor, and shall set the matter for a public hearing before the City Council. A copy of the Mayor's written investigation, findings, conclusions, and recommended disposition shall be provided to the City Council.

9.3 - The City Council shall make the final determination upon a majority vote of all members, except for any member which is the subject of a complaint. No hearing shall be bound by the strict rule of evidence, and the standard of proof required for a final determination of violation(s) of this policy shall be a preponderance of evidence. At the discretion of the City Council, sanctions may include admonition, reprimand, censure, termination or removal, or exclusion from leadership position, governing board, and other official positions or duties that do not conflict with Utah Statutes.

#### **10.0 GENERAL DISCLOSURE STATEMENT.**

10.1 - The Mayor, City Council members, Board, Commission and Committee members shall file with the City Recorder, **by February 1<sup>st</sup> of each calendar year**, a statement containing the following information:

A. The identity, by name and address, of any business entity of which he/she or any member of his/her immediate household, is an owner, officer or director. Additionally, they and their spouse shall give the name of their employers, or if self-employed, shall state the nature of their work.

B. The identity, by location and address, of all real property located in the county owned by the above or member of his/her immediate household, including an option to purchase, or lease for ten years or more, other than his/her personal residence.

C. The indemnity, by name and address, of any nonprofit organization which was the subject of some official act or action of the city council, commission, or board, within the past year and on which they served as an officer, director, or board member.

**Statement and Declaration of Conflict of Interest Form**

City Council Policy requires the Mayor and Councilmembers and members of the City Boards, Committees, and Commissions to review agenda items for conflicts of interest in order to publicly disclose the nature of any conflict of interest. The Policy requires filing this form at least 24 hours in advance of the meeting at which the agenda item will be discussed or as soon as the conflict of interest is known but no later than the end of the meeting at which the agenda item is heard. You should consult with the City Attorney's Office about any potential conflict of interest before you complete and submit this form. You should disclose the conflict of interest on this form in accordance with the instructions and file the original form with the City Recorder and submit a copy to the Mayor.

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Title/Legislative Body: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Agenda Item Number: \_\_\_\_\_

Description of Agenda Item:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

=====

Please check the economic interest which is affected and which creates a conflict of interest for you in the Agenda item described above:

Investment - name of business entity:  
\_\_\_\_\_

Business position- general description of the business activity and name of business entity:  
\_\_\_\_\_  
\_\_\_\_\_

Real Property - Address or location of the property (If principal

or personal residence, then indicate only that the property is a residence):

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Income or gifts - Identification of the source:

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Personal financial effect - Identification of the expense, liability, asset or income effect:

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Financial interest in an agreement or contract - Description of the agreement or contract and the interest in the agreement or contract. (Include agreements or contracts with nonprofit if serving on the board)

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Other (i.e. non-economic interest)

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**VERIFICATION:**

I have used all reasonable diligence in preparing this statement and have disclosed the conflict of interest described above as soon as the conflict of interest became known to me. I have reviewed this statement and to the best of my knowledge the information contained in this statement is true and complete. I declare under the penalty under the laws of the State of Utah that the foregoing is true and correct.

**Signature:**

**Date Signed:**

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**RULES OF ORDER  
AND PROCEDURE FOR  
THE CITY COUNCIL**

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## **Section 1 – Role and Authority of the Mayor as Council Chair**

### **1.0 – Role of the Mayor as Council Chair**

- A. The Mayor shall serve as Council Chair and preside at all City Council meetings.
- B. Shall determine that a quorum is present before transacting business.
- C. Shall recognize and call upon speakers.
- D. Shall determine if motions are in order.
- E. Shall preserve order and enforce the rules of procedures and conduct.
- F. Open discussion and introduce items listed on the agenda. The Mayor preserves the right to change the order of the agenda at his/her discretion.
- G. Determine the seating arrangement of Councilmembers. However, any two or more Councilmembers reserve the right to exchange seats.
- H. While the Mayor/Chair has the authority to preserve decorum in meetings, the City Manager is also responsible for the orderly conduct and decorum of all city employees under the City Managers direction and control.

## **Section 2 – General Information on Public Meetings**

### **2.0 – General Rules**

- A. **Quorum** - The minimum number of City Council members necessary to constitute a quorum is three (3), excluding the Mayor.
- B. **Council Attendance** - Excused absence shall be granted to any Councilmember when requested in advance. However Councilmembers may compel the attendance of any other Councilmember.

### **2.1 – Regular Meetings**

- A. **Standing Location, Date and Time** – Regular City Council meetings shall be held on the first and third Thursdays of each month. City Council meetings shall be convened in the City Council Chambers at 75 North Main Street, in Heber City, beginning at 7:00 p.m.
- B. **Alternate Location, Dates and Times** – The City Council may elect to meet at alternate locations, dates and times. Upon such election, public notice shall be given of the change in accordance with Utah State Law.
- C. **Cancellation and/or Rescheduling of Meetings** - Any regular meeting may be canceled or rescheduled by a majority vote of the City Council. The City Recorder shall ensure that any cancellation, alternate date/time or alternate location is published on the City’s website or other generally accepted medium, as designated by city ordinance or State Law.

## 2.1– Workshop Meeting

- A- When determined necessary, the City Council may conduct workshop meetings prior to regular City Council meetings in order to allow the City Council to informally review items of interest. The time of the workshop meeting will be posted in accordance to State Code. The City Council may not take formal action on items discussed in the workshop.

## 2.2 – Special Meetings and Emergency Meetings

- A. Consistent with State Law, special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Recorder shall post notice thereof as provided by State Code. Special meetings may be held at any location, as long as such meetings are conducted in accordance with State Code.
  1. At least three hours’ notice will be given of any special meeting.
  2. An order of the special meeting is to be entered in the minutes of that meeting.

## 2.3 – Notice of Meetings –

- A- **Posting in General Circulation** -The City Recorder shall publish in at least one newspaper in general circulation within the city, a statement of dates, times and places of the City Council meetings for the calendar year. Posting shall occur no later than the day preceding the day of the first regular meeting of the calendar year.
- B- **Alternate Postings** - The City Recorder shall post in at least three (3) locations set forth by State Code the dates, times and place of each regular City Council meeting for the calendar year at least one week prior to the first regular meeting of the calendar year. The City Recorder shall check at reasonable intervals to ensure that these postings remain accurate and accessible to the public.
- C- **Posting of the Agenda** -The regular City Council meeting agenda shall be posted one week prior to the regular City Council meeting. However, it may be reposted if the agenda has been modified up until 24 hours prior to the City Council meeting as provided by law.

## Section 3 – Agenda Submission Deadlines and Distribution

### 3.0 – Deadline for Filing and Removal of Agenda Items -

- A- **Deadline for the General Public** - All Items submitted by the general public to be presented at Regular City Council Meeting must be in writing. The deadline for submitting an item to the City Recorder is 5:00 p.m. one week + 1 day prior to the regular City Council Meeting at which the item(s) are to be presented.
- B- **Deadline for City Council and Staff** - Items submitted by the City Council and City Staff to present at the Regular City Council Meeting must be in writing. The deadline for submitting an item to the City Recorder is 5:00 p.m. the day prior to the City Council Meeting.

- C- **Deadline for Workshop Items** - Items submitted by the general public to be presented at the workshop session of the City Council meeting must be in writing. The deadline for submitting an item to the City Recorder is two weeks prior to the City Council Meeting. Items submitted after this time will be considered on a case-by-case basis.
- D- **Removal of Agenda items** –
  1. Individuals may remove any item they submitted from the agenda at any time.
  2. The Mayor or City Manager has the authority to remove agenda items unless a Councilmember has placed it on the agenda. The Mayor or City Manager must then have the approval of that Councilmember to remove the agenda item.

### 3.1 – Agenda Distribution

- A- **Delivery and Distribution of Agenda packets to the Council.** Barring unavoidable difficulties or holidays, the Agenda packets will be distributed to members of the City Council one week prior to the City Council meeting.
- B- **Agenda Packets for Press** – the City Recorder shall make available a copy of the agenda for any workshop, regular, alternate or special meeting to any news organization requesting it. The agenda will include copies of new ordinances and resolutions and other materials shall be made available at the discretion of the City Manager. These agenda packets will be made available to news organizations by 9:00 a.m. within three days prior to the regular or alternate meetings and as soon as practicable prior to special meetings. It is the responsibility of the news organization to make arrangements for pick-up of the agenda packet.
- C- **Media Publications** - The City Recorder shall make arrangements to have the “tentative” agenda for any workshop, regular, alternate or special meeting published on the City’s website or other generally accepted medium as designate by the City Council. The “tentative” agenda shall be the agenda prepared and disturbed to the press/media three days prior to the regular or alternate meeting. The agenda packets will be posted on the City’s website by 5:00 p.m. within three days prior to the City Council Meeting.

### 3.2 – Agenda Item Information

- A. **Support Material for Agenda Items** - Each agenda item shall be accompanied with any support material needed for Councilmembers to take action.
- B. **Numbering and Indexing of Agenda items** – All items shall be numbered or lettered sequentially for purposes of consideration on the Agenda.
- C. **Consent Agenda** - The consent Agenda shall contain routine, non-controversial items that require City Council action but need little or no City Council deliberation.
- D- **Non-Agenda Items** - While matters not on the agenda may be discussed, no final action can be taken on any matter not on the written agenda.

## **Section 4 – Participation in Public Meetings**

### **4.0 – Councilmembers’ Right to Speak**

- A. Requesting to Speak** -While each member has the right to speak, the Councilmember must request this right by addressing the Chair. The Chair must recognize any Councilmember who seeks the floor when appropriately entitled to do so. Upon being recognized, the Councilmember may proceed.
- B. Staying on Topic** - Councilmembers will limit their comments to the subject matter, time or motion being currently considered by the City Council.
- C. Interrupting** - A Councilmember, when given the floor, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another Councilmember, or unless the speaker chooses to yield a question from another Councilmember.

### **4.1 – City Employees’ Right to Speak**

- A- City Manager and Administrative Level Officials** - The City Manager and any other appointed, administrative level official shall be entitled at all times to any privilege of the floor for the purpose of speaking upon any question that pertains to their duties, responsibilities and authority.

### **4.2 – General Participation In Public Meetings**

- A. Invited to Attend** - All are welcome to attend City Council public meetings and will be admitted up to the fire safety capacity of the room.
- B. Addressing City Council** – The Chair must first recognize any party desiring to address the Council. When called upon, the person will state their name and address to be included in the meeting minutes. If speaking for groups, the name of the group should be stated.
- C. Speaking on Agenda Items** - Persons addressing the City Council regarding an agenda item shall confine their remarks to matters related to the agenda item.
- D. Additional Opportunities** - Additional opportunities for the public to speak on the same agenda item once action has been taken will not be permitted unless mandated by local or State Law.
- E. Equitable Time to Speak** - To guarantee all persons an opportunity to be heard, all speakers will be given the same amount of time to speak. Presentations shall be limited to five (5) minutes each, but may be extended or shortened at the discretion of the Chair.
- F. Sharing Unused Time** - No speaker will be allowed to yield any part of his/her time to another, and no speaker will be credited with time requested but not used by another.
- G. Public Comments** - The public comments portion of the City Council meeting is set aside for members of the public to address the City Council on any item of business that has not been placed on the agenda or scheduled as a Public Hearing. Citizens’ comments are generally permitted at the beginning of the regular City Council meeting, as specified on the agenda.
- H. Rules of Conduct for the Governing Body** – Councilmembers may fine or expel any other Councilmember for disorderly conduct on a two-thirds vote.

- I. **Rules of Conduct for the General Public** - Members of the audience shall not engage in disorderly or boisterous conduct including the utterance of loud, threatening, or abusive language, clapping, whistling, stamping, or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the meeting unfeasible. Such demonstrations shall not be permitted and those engaged in such conduct will be removed from the meeting room by the sergeant-at-arms at the discretion of the Chair.
- J. **Banners and Signs** - No placards, banners, or signs will be permitted in the City Council chamber or in any room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with agenda items are permitted.

## **Section 5 – Motion Procedures**

### **5.0 Motions**

- A. Any matter that requires a City Council decision shall be brought before the Council by motion.
  - 1. Motions of any kind are not permitted during Workshop meetings.
- B. The Chair has every right as a member of the City Council to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the City Council is willing to step forward to do so at a particular time.

### **5.1 Using General Consent for Motions**

- A. The Chair may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the council.

### **5.2 Allowed Motions**

- A. There are three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.
  - 1. **Initial Motion.** -The initial motion is the one that puts forward an item for the City Council's consideration. An initial motion might be: "I move that we adopt..."
  - 2. **Motion to Amend.** - If a Councilmember wants to change the initial motion that is before the City Council, they would move to amend it. A motion to amend might be: "I move that we amend the motion to adopt ordinance number 10-1 with changes in paragraph 1 as follows...." A motion to amend takes the initial motion that is before the City Council and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.
  - 3. **Substitute Motion.** - If a Councilmember wants to completely do away with the initial motion that is before the City Council, and put a new motion before the City Council, they would make a substitute motion. A substitute motion might be: "I move that we refer ordinance number 10-1 to the planning commission for its recommendation."

### **5.3 Allowed Number of Motions on the Floor at the Same Time**

- A. There can be up to three motions on the floor at the same time and no more than three. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

## 5.4 Motions Not Debatable

- A. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

## 5.5 Reconsidering a Motion

- A. A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider.
  1. Timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the City Council if the item is properly placed on the agenda.
  2. A motion to reconsider cannot be made at a special meeting of the Council unless the number of Councilmembers present at the special meeting equals or exceeds the number present at the meeting when the action was approved.
  3. A motion to reconsider can only be made by a member who voted in the majority on the original motion.

## 5.6 Appealing the Ruling of the Chair

- A. Any Councilmember may appeal to the City Council any ruling from the Chair. If the appeal is seconded, the Councilmember making the appeal may briefly explain the reason for the appeal; but there shall be no debate on the appeal, and no other Councilmember shall participate in the discussion. The Chair shall then put the appeal to vote, if a majority of the Councilmembers vote to drop the appeal, the ruling of the Chair is sustained; otherwise it is overruled.

# Section 6 - Voting Procedures

## 6.0- Council Voting-

- A. **Methods of Voting** - As prescribed by State Law, a roll call vote is to be taken for all ordinances, resolutions, and any action that creates a liability to the City. Each Councilmember's vote must be clearly set for the record. No member shall address the Chair or demand the floor while a vote is being taken. No proxy votes or comments are permitted during voting. Every resolution or ordinance shall be in writing before the vote is taken.
- B. **Abstention** - Every Councilmember present has the right to abstain from voting. Abstentions are the equivalent to a no vote when determining the outcome of the vote since it takes three yes votes to pass any matter.
- C. **Voting Results** - The Chair shall announce the results of the voting, and state whether the matter voted upon passed or failed.
- D. **Minimum Vote Required** - The minimum number of yes votes required for passing of any ordinance or resolution or to take any action by the City Council, unless otherwise prescribed by State Law, is a majority of the voting members of the council. Any ordinance, resolution or motion of the City Council having fewer favorable votes than required is defeated and invalid.

- E. Voting by the Mayor** - The Mayor is a non-voting member of the City Council except as provided by State Law:
1. The Mayor by State Law may vote on each matter for which there is a tie vote of the other Councilmembers present; or when the Council is voting on:
    - a. Whether to appoint or dismiss a municipal manager; or
    - b. An ordinance that enlarges or restricts the Mayor's powers, duties, or functions
- F. Tie Vote** – A tie vote results in a lost motion. In such an instance, any member of the City Council may offer a motion for further action. If there is no affirmative vote, the result is no action. A vote of 2-2 with one abstention means the motion fails. Only when one Councilmember is absent and the vote is 2-2, the Mayor is entailed to vote.

## **Section 7 – Order of Business for Regular Meetings**

### **7.0 – General Order**

- A.** City Council Meetings will be generally conducted in the following order, unless otherwise specified.
- B. Workshop Agenda**
1. Call to order and announce a quorum is present
  2. Questions on current agenda
  3. Items of interest
  4. Board Assignments reports from council members (last meeting of the month)
- C. Regular Meeting Agenda**
- 1- Call to order and announce a quorum is present
  - 2- Pledge of Allegiance
  - 3- Invocation or Thought
  - 4- Roll Call
  - 5- Action of Minutes of previous meeting (s)
  - 6- Correspondence
  - 7- Proclamations/Special Recognition
  - 8- Public Recognitions/Citizens' Comments
  - 9- Public Hearings
  - 10- Consent Agenda
  - 11- Regular Agenda
  - 12- Old Business / Tabled Legislation
  - 13- New Business / Legislation / Ordinances / Resolutions
  - 14- Other Business
  - 15- Adjournment
  - 16- Executive Session (as needed)

## **7.1 – Standard Adjournment**

- A.** The hour of adjournment is 11:30 p.m. and will not continue beyond that time without a majority vote of the City Council.
  - 1.** To assist in making the determination to continue past the hour of adjournment, the City Council may determine if deliberation could be concluded by 12:00 midnight and continue to that time. Otherwise all items remaining after the hour of adjournment will be deferred until the next scheduled meeting.

## **Section 8 – Order of Business for Public Hearings**

### **8.0 – General Order**

- A.** Public Hearings will be generally conducted in the following order, unless otherwise specified
- B.** Staff will review the matter, will prepare a staff report, and may make a recommendation or propose alternatives to the City Council prior to the Public Hearing.
- C.** A notice of the Public Hearing will be posted as required by Law.
- D.** The members of the City Council will receive the staff report for the matter in the agenda packet prior to the meeting. This provides the Council with an opportunity to study the staff report, which will become part of the Public Hearing record, and to become familiar with the item prior to the Public Hearing.
- E.** When the Public Hearing is called, staff will summarize the matter as contained in the staff report or request a continuance to a future meeting. The City Council may ask questions of staff for clarification.
- F.** The Chair opens the Public Hearing.
- G.** Once the Public Hearing is opened, the applicant or appellant then has the opportunity to present comments, testimony, or arguments.
  - 1.** When recognized by the Chair, the applicant is entitled to present the matter in person or through a representative.
  - 2.** At Public Hearings the applicant has the burden of proof and, therefore, shall be allowed thirty (30) minutes for an initial presentation or comments, additional ten (10) minutes for rebuttal following the other comments on the matter, and concluding comments shall be limited to (10) minutes. The Chair may allow more time if required to provide due process for the property owner or applicant.
  - 3.** In the case of an appeal when the appellant is different from the applicant, the appellant should be called upon first to provide comments or testimony.
  - 4.** When recognized by the Chair, the appellant shall have a total of thirty (30) minutes for initial comments or presentation, additional ten (10) minutes for rebuttal following the other comments on the matter and concluding comments shall be limited to ten (10) minutes. The Chair may allow more time if required to provide due process for the appellant.
  - 5.** An appellant, other than the applicant, and the spokesperson for an organized group of residents residing within the noticed area of the property that is the subject of the Public

Hearing, may have up to fifteen (15) minutes to speak and shall not be allowed to defer any portion of their time to other speakers.

- H. Following this presentation, all other proponents of the matter are provided the opportunity to speak.
- I. After the proponents finish, the Chair will ask any opponents or other concerned citizens to speak.
- J. All members of the public may speak during the Public Hearing. General comments and questions from the public may be limited to maximum of five (5) minutes per person provided, however, the spokesperson for larger groups may be allowed up to ten (10) minutes (time permitting). Individuals or groups shall not be allowed to defer any portion of their time to other speakers. In the event the time required for members of the public to speak would exceed sixty (60) minutes, the Chair may reduce or extend the maximum time limit for members of the Public to speak.
- K. Once all individuals have spoken, the applicant will be providing an opportunity to rebut any testimony or evidence provided by opponents or staff. The rebuttal shall be limited to answering or refuting testimony of opponents or staff. The time limit for rebuttal shall be ten (10) minutes.
- L. No repetitive or redundant testimony is allowed.
  - 1- A speaker shall not present the same or substantially the same items or arguments to the Council repeatedly or be repetitious in presenting their oral comments. Nothing in the foregoing precluded submission of comments to the City Council in writing, for such action or not action as the Council, in its discretion, may deem appropriate.
  - 2- In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the Council on the same subject matter, those individuals are encouraged to designate a spokesperson to address the City Council. With the consent of the City Council, the Chair may extend the time allocations for a designated spokesperson as necessary.
- M. Following each presentation, members of the City Council may question the speaker(s).
- N. Following rebuttal, the item is then before the City Council for discussion and clarification.
- O. When all parties have been heard and there are no additional requests to speak, the Chair may close the Public Hearing.
- P. The City Council deliberates on the issue.
- Q. If the City Council raises new issues through deliberation and seeks in its discussion to take additional public testimony, the Public hearing must be reopened. At the conclusion of the public testimony, the Chair again closes the Public Hearing.
- R. The City Council deliberates and takes action.
- S. Any member of Council may make a motion to:
  - 1. Continue the Public Hearing to a future date to allow for further study/discussion; or
  - 2. Close the Public Hearing and do one of the following:
    - a. Approve the matter as submitted,
    - b. Conditionally approve the matter with certain revisions,
    - c. Deny the matter, or

- d.** Deny the matter without prejudice (this action will allow the applicant to re-file without waiting a specified time period and will permit the waiver of any required fees).
- T.** The applicant may withdraw the matter at any time before a vote is taken by the City Council.
- U.** The Chair announces the final decision of the Council.

**TAB C**

**RESOLUTION NO. 2014-04**

A RESOLUTION **AMENDING** THE HEBER CITY PERSONNEL POLICY: SECTION 1.3, PERSONNEL COMMITTEE; SECTION 6.1, EDUCATIONAL ASSISTANCE; SECTION 11.3, PROCEDURES; SECTION 13.13, VACATION; SECTION 13.14, SICK LEAVE; SECTION 13.25, RETIREMENT; SECTION 13.30, TIME OFF FOR ELECTION (VOTING).

BE IT RESOLVED by the City Council of Heber City, Utah, that the Personnel Policy of Heber City is amended as set forth in Appendix A.

This Resolution shall take effect and be in force from and after its adoption.

ADOPTED and PASSED by the City Council of Heber City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____
Council Member Jeffery M. Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____
Council Member Heidi Franco	_____	_____
Council Member Kelleen L. Potter	_____	_____

APPROVED:

\_\_\_\_\_  
Mayor Alan W. McDonald

ATTEST:

\_\_\_\_\_  
City Recorder

### Section 1.3 Personnel Committee

The Personnel Committee, consisting of two members of the legislative body appointed by the Mayor, the City Manager (as a non-voting member), four (4) classified employees and one (1) at-will employee (elected by the full time employees) shall serve as a review committee of the provisions of the Personnel Ordinance and the policies and procedures promulgated thereunder. The four classified employees shall consist of one representative from the Police and Animal Control Departments, one representative from the Public Works and Parks/Cemetery Departments, one representative from the Administrative, Justice Court, Planning, Building and Engineering Departments and one at-large employee. The department representatives shall be elected by persons only in the departments they represent. The at-large employee will be the highest vote getter that is not a department representative and is elected by all employees. The Committee shall make recommendations to the governing body concerning policies and benefits of all City employees. Amendments to these personnel policies may be adopted by the City Council upon recommendation from the Personnel Committee.

Any employee can propose an agenda item and related information to the personnel committee chair; and if the employee wants to present to the committee on that agenda item; they must gain the concurrence of at least one of the personnel committee members in order to participate in the presentation.

### Section 6.1 Educational Assistance

A. Heber City recognizes the importance of educational growth of employees for advancing technical and managerial skills. Through the Educational Assistance Program, the City may provide assistance to an post-probationary employee who undertakes an undergraduate or graduate course of study which is mutually advantageous to the City and to the employee. Employees desiring to participate in this program must complete-submit an Educational Assistance Application and submit it to their employee's supervisor by February 1<sup>st</sup> each year for it to be considered in the upcoming fiscal year budget. If approved for funding by the supervisor, City Manager, and the fiscal year budget process of the City, then the employee will submit each semester's grade transcript and tuition receipt to his/her supervisor within one month of the semester ending for reimbursement. This form must be completed each semester courses/classes are taken. If an employee is not pursuing an approved graduate or undergraduate course of study, any courses taken must be pertinent to the employee's job in order to qualify for reimbursement.

### Section 11.3 Procedures

A. All grievances, with exception of involuntary termination or transfer, shall be handled in the following manner:

Step 1. The employee with a complaint or grievance shall report in writing and discuss the issue with his/her immediate supervisor within ten (10) working days after the affected employee first knew or became aware of the act or condition upon which the grievance

is based. If the complaint is with the individual's immediate supervisor, he/she may skip this step and move to the next step. The supervisor shall render a decision within ten (10) working days of the date he/she becomes aware of the grievance by the employee's report unless extenuating circumstances exist and then as soon as reasonable.

Step 2. If no mutually agreeable settlement is reached under Step 1, then within ten (10) working days after receipt of an answer to Step 1 the grievance shall be filed in writing to the employee's department head by the affected employee with a copy to the City Manager, specifying which term(s) or condition(s) of employment he/she feels has been violated or might require relief. The department head will give a response in writing within ten (10) working days after receipt of the grievance.

Step 3. If no mutually agreeable settlement is reached under Step 2 within ten (10) working days after receipt of the department head's decisions, the parties involved may petition in writing to the City Manager for his/her review. He/she shall have ten (10) working days after receiving the written grievance to thoroughly investigate the matter, place the findings in writing, and notify the parties concerned of the decision.

Step 4. If no mutually agreeable settlement is reached under Step #3, an employee has the right to appeal to the Grievance Committee within the Personnel Committee. The Grievance Committee will be comprised of the Personnel Committee chair and the two City Council members that sit on the Personnel Committee. The Grievance Committee will set up procedures to hear both sides of the grievance, the applicable information, witnesses, applicable policy and ordinances, etc., to decide the grievance.

Step 45. If no mutually agreeable settlement is reached under Step 34, then those involved may petition in writing to the City Council by filing the petition in writing to the City Recorder within ten (10) working days after receipt of the City Manager's Grievance Committee's decision. The decision of the City Council shall be made within 45 days and shall be final.

### **Section 13.13 Vacation**

A. The purpose of vacation benefits is to allow each employee time away from the job for rest, recreation and pursuit of non-employment objectives. The time when vacations shall be taken will be determined by the department head after considering the needs of the service and the seniority and wishes of the employees.

B. Vacation credits for classified and full-time exempt service employees shall accrue as follows:

**YEARS OF SERVICE**

**ACCRUAL RATE**

Hire date - 5 years	.83 days per month (10 days) - 3.08 hrs. pay period
5 - 10 years	1.25 days per month (15 days) - 4.62 hrs. pay period
10 years and over	1.67 days per month (20 days) - 6.16 hrs. pay period

C. On the employee's anniversary date, a maximum of thirty (30) days, (240 hours), vacation may be accrued by a full-time classified or full-time exempt service employee. A maximum of one-half of the employee's yearly vacation may be accrued in any anniversary year.

D. Full-time classified employees will use accrued vacation hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued vacation hours in increments of one-half of a work day. A work day would be considered eight or ten hours, depending on the department.

ED. Vacation leaves in each department may be scheduled annually by the department head and shall be granted when it shall be convenient to the conducting of City and departmental operations. In the scheduling of such vacation leaves, department heads shall give due regard to seniority and the wishes and desires of employees. In no event shall vacation leave be denied any employee for longer than twelve (12) months from the date of his/her last vacation leave or the completion of his/her probationary period.

EF. Upon termination of employment, the employee shall be entitled to any accrued vacation leave.

EG. Upon death of an employee of the City, a lump sum payment for vacation time accrued to his/her credit will be made to the employee's beneficiaries or estate.

EH. Vacation benefits shall be considered only to be time off with pay. Payment for time accrued in lieu of vacation time will not be allowed (only as mentioned upon the death or termination of an employee).

HI. Employees may donate up to 40 vacation hours to be used as sick leave to other employees in any given year if the other employee has exhausted his/her sick leave. Donations of vacation time will not be counted as hours used in determining the maximum accrual that can be carried forward in any anniversary year.

**Section 13.14 Sick Leave**

A. Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall only be allowed upon approval of the supervisor in the case of necessity and actual sickness, to meet medical appointments, or sickness prevention. Sick leave with pay can only be granted (upon approval of the supervisor) in the case of a bona fide illness of an employee or a member of the employee's immediate family as defined in 1-13-20(B).

B. A full-time employee shall be entitled to one (1) working day for each month full-time service or major fraction thereof of actual service accumulated. There shall be no maximum limit on the amount of sick leave accrual.

C. Full-time classified employees will use accrued sick leave hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued sick leave hours in increments of one-half of a work day. A work day would be considered eight or ten hours, depending on the department.

ED. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated on the same terms and conditions as are applied to other temporary disabilities.

EE. Evidence in the form of a physician's certificate or certificate of illness, executed by the employee and his/her supervisor, may be furnished as proof of adequacy of the reason of the employee's absence during the time which sick leave was requested. Certificates may be requested by the department head, supervisor, or City Manager when there is an absence in excess of three (3) days or more or whenever there is a reason to believe sick leave privileges are being abused. No employee shall be entitled to sick leave while absent from duty because of disability arising from a sickness or injury purposely self-inflicted or caused by willful misconduct.

EF. A person claiming sick leave with pay and any supervisor approving the same, or if it is shown that the claim was made or approved by such claimant or supervisor knowing that such claimant was not, in fact, sick or otherwise entitled thereto, shall be subject to loss of sick leave benefits. Other disciplinary action will be determined by the City Manager.

EG. Employees may donate up to 40 sick hours in any given year to a citywide pool for use by other employees who have exhausted their sick leave. Donations of sick leave will not be counted against hours used for sick leave incentive. Employees may designate the person who the sick leave is given to provided they have exhausted their sick leave, or the City Manager will determine how available sick leave is allocated based on need and circumstance. Donations of sick leave cannot be made within 60 days of the voluntary termination of employment.

EH. Upon retirement or termination, accumulated sick leave will be paid at the current pay rate, for one quarter of the accumulated hours if the employee has been employed by Heber City for at least five (5) years. If the employee has been employed by Heber City for at least ten (10) years or more, 50% of the accumulated sick leave hours will be paid at the employee's current pay rate.

### **Section 13.25 Retirement**

A. The City will pay 100% of the Public Employees Non-Contributing Retirement and 100% of the Public Safety Retirement contributions to the State Retirement System. In

addition, the City may contribute additional monies to the Public Employees Non-Contributory 401(K).

B. There is no age requirement for retirement from the City. Employees can continue to work until such time as they are physically and/or mentally unable to perform their duties.

C. Full-time students are exempt from the City's retirement system.

**D. Tier I and Tier II Public Employee Retirement Systems Retirement Eligibility Requirements**

Employees qualify for retirement and must be certified eligible if they meet **one** of the following:

- Their employment, contemplated to continue during a fiscal or calendar year, normally requires an average of 20 hours or more per week and they receive at least one of the benefits approved by the Utah Retirement Board.
- They are Tier 2 elected or appointed officials whose positions have been declared full time by their employers.
- They are in a probationary status and meet eligibility requirements.

**Exceptions to Immediate Coverage**

When the job is scheduled to be completed in six months or less, these temporary and seasonal employees (not probationary) are ineligible. If they are still employed by the beginning of the seventh month, and if they meet eligibility for retirement coverage, their status must be changed and contributions reported beginning the first period end date in the seventh month.

**Eligibility Requirements for Appointed Officials**

Tier 1 appointed officials who meet the minimum earnings requirement for retirement, and are not entitled to merit protection, may be certified as either eligible for, or exempt from, retirement coverage.

Appointed officials whose position is full time, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. All Tier 2 participants must make an election to participate in either the Tier 2 Hybrid Retirement System or the Tier 2 Defined Contribution (DC) Plan within the first 12 months of employment. For the first 12 months of employment, regardless of the employees' election, Heber City must report contributions into the Tier 2 Hybrid System. At the end of 12 months, URS will transfer funds for all employees who have chosen to participate in the Tier 2 DC Plan.

**Eligibility Requirements for Elected Officials**

Elected officials whose position is full time, as certified by the participating employer, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. (Elected officials are only eligible to participate in the Tier 2 Defined Contribution (DC) Plan.) Part-time elected officials may participate in the DC Plan only, as they are not

eligible for other coverage.

**E. Tier I and Tier II Public Safety Retirement Systems**

**Retirement Eligibility Requirements**

Employees qualify for retirement in a public safety retirement system if their life or personal safety is at risk and their employment normally requires an average of 2,080 hours of regularly scheduled employment per year as a law enforcement officer according to Utah Code Ann. § 53-13-103.

Employees must have completed Peace Officer Standards and Training (POST). A POST certificate must be filed with the URS office for anyone certified eligible since January 1, 1984. An employee has one year from the date of hire to a public safety covered position to complete POST. If POST is not completed within one year, the employee's retirement account is transferred to either the Tier 1 or Tier 2 Public Employees Retirement System effective retroactive to the date of hire to the public safety position. Employees who separate from employment prior to obtaining a POST certificate may not be eligible to retain their service credit in a public safety system.

**Section 13.30 Time Off for Election (Voting)**

In accordance with Utah State Code, any voter is allowed to be absent from service or employment for up to two (2) hours in order to vote on election day between the time the polls open and close. The City reserves the right to specify the hours during which employees may be absent and may not deduct from an employee's usual salary or wages because of the absence.

Time off to vote does not apply to an employee who has three (3) or more hours between the time polls open and close during which the employee is not employed on the job. Employees are encouraged to take advantage of early voting when and where possible in order to avoid conflicts with work schedules.