

CITY OF SOUTH SALT LAKE
CITY COUNCIL WORK MEETING

COUNCIL MEETING

Wednesday July 26, 2023
6:45 p.m.

CITY OFFICES

220 East Morris Avenue
South Salt Lake, Utah 84115

PRESIDING:

Council Chair Sharla Bynum

CONDUCTING:

Council Chair Sharla Bynum

COUNCIL MEMBERS PRESENT:

Sharla Bynum, LeAnne Huff, Portia Mila,
Natalie Pinkney, Shane Siwik, Corey Thomas, and Clarissa Williams

COUNCIL MEMBERS EXCUSED:

None

STAFF PRESENT:

Mayor Cherie Wood
Josh Collins, City Attorney
Jack Carruth, Police Chief
Terry Addison, Fire Chief
Danielle Croyle, Public Information Officer
Carson Aprato, Police Officer
Ariel Andrus, City Recorder
Sara Ramirez, Deputy City Recorder

OTHERS PRESENT:

See list

Matters for Discussion

1. Re-Appointment of Administrative Law Judge—Steven Jones

Mayor Wood presented the item to the Council. The item was added to the Work Meeting agenda for initial discussion per Council rules. The appointee, Steven Jones, will be presented for the Council's consent and approval in the Regular Meeting.

She said that Mr. Jones has served for the last two years and is up for a re-appointment. He oversees the civil cases generated from Code Enforcement citations.

The appointee's resume, a copy of which is attached and incorporated by this reference, was provided to the Council.

2. Council Rule 3 (9)(a) Discussion

Council Chair Bynum went over the Council Rules' requirement of a 48-hour notification to the Council Chair if a Council Member is to participate in Council Meetings electronically (via Zoom).

City Attorney, Josh Collins, added that the State Code requires a 24-hour notification to the Recorder's Office and is for the purpose of allowing any Recorder's Office to properly prepare and notice an electronic meeting if needed. He also added that the City notices every meeting as an electronic meeting as general practice.

Mr. Collins said that this reminder is also to ensure that every Council Meeting will continue to have a quorum, whether Council Members are physically or electronically present, and so that both the Council Chair and staff can be aware of who may be attending electronically or missing a meeting ahead of time.

A copy of the Council Rules is attached and incorporated by this reference.

The meeting adjourned at 6:55 p.m.



Sharla Bynum, Council Chair



Ariel Andrus, City Recorder



Steven G. Jones

Shareholder



Practice Areas

Litigation
Natural Resources, Water, Environmental
and Local Government Law
Commercial Real Estate Transactions and
Litigation
Environmental & Local Government Law
Water Law
Natural Resources
Air Quality

Steve Jones is Chair of the Environmental and Natural Resources Section. He has extensive experience handling a wide variety of environmental matters in both the litigation and transactional arenas. Mr. Jones has litigated cases under every major environmental statute, including CERCLA, RCRA, the Clean Water Act and Clean Air Act, and acted as lead defense counsel in both citizen suits and environmental enforcement actions brought by state and federal agencies. He has extensive experience in obtaining state and federal permits for projects, acting on behalf of both public and private clients, as well as defending those permits once they have been obtained. He also has broad experience in insurance coverage issues, acting on behalf of insureds.

Prior to joining Ray, Quinney & Nebeker, Mr. Jones was a lead environmental litigator at Holland & Hart for six years. He was also a partner at Marten Law PLLC, a preeminent environmental law boutique, in Seattle, Washington for eleven years. Among his other work experience, he served a judicial clerkship in the Federal District Court for the District of Hawaii.

Mr. Jones earned his J.D. at Harvard Law School in 1989. Prior to that, he earned a master's degree in political philosophy at University College Cardiff, in Cardiff, Wales, U.K. He earned B.S. degrees in Political Science and Philosophy at Utah State in 1985.

Mr. Jones has been included on the list of The Best Lawyers in America© 2023 in Environmental Law and Environmental Litigation. He has been selected for inclusion in Mountain States Super Lawyers in the categories of Environmental and Environmental Litigation and has been voted by his peers throughout the state as one of Utah's "Legal Elite," as published in Utah Business Magazine (2020-2021).



EDUCATION

Harvard Law School, J.D., 1989

University College Cardiff, in Cardiff, Wales, U.K., M.A., Political Philosophy, 1987

Utah State University, B.S., Political Science and Philosophy, 1985

PROFESSIONAL EXPERIENCE

- Holland & Hart LLP, 2013-2019
 - Marten Law PLLC, 2002-2013
 - Foster Pepper PLLC, 1990-2002
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ADMITTED TO PRACTICE

- Utah State Bar
 - Washington State Bar
 - Oregon State Bar
 - Hawaii State Bar
 - Tenth Circuit Court of Appeals
 - Ninth Circuit Court of Appeals
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AFFILIATIONS / MEMBERSHIPS

- American Bar Association, Environment, Energy and Resources Section
 - American Bar Association, Litigation Section
 - Utah State Bar, Energy, Natural Resources & Environmental Law Section
 - Former Chair, Washington State Bar's Environmental and Land Use Section
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PROFESSIONAL AND CIVIC ACTIVITY

- Adjunct Professor, University of Utah S.J. Quinney College of Law



- Listed in Best Lawyers in America in Environmental Litigation since 2009; named Best Lawyers "Lawyer of the Year" for the State of Utah in Environmental Litigation in 2017
- Recognized in Utah Business Magazine as one of Utah's "Legal Elite" in Environmental Litigation since 2017
- Selected for inclusion in Super Lawyers, in Environmental Law since 2004
- Presenter at ABA Annual Environmental Conference, receiving award for best paper at the conference
- Former Editor, ABA Superfund and Natural Resources Litigation Newsletter

PUBLICATIONS / PRESENTATIONS

- Jones, S., (Panelist), Developing Dirty Dirt - Environmental Due Diligence in Utah for Financing, Acquisition and Development of Brownfield Properties [Webinar], Ray Quinney & Nebeker (Producer), March 3, 2021
- Author, Corps of Engineers to Streamline Section 408 Permitting Process (March 14, 2018)
- Presenter, "Developing a Defensible Permit Record in the Age of Citizen Suits" (October 2017)
- Presenter, "Environmental and Transactional Risk Insurance: What Lies Ahead?" (July 2017)
- Author, The More Things Change, the More They Stay the Same (March 21, 2017)
- Presenter, "Strategic Planning and Public Outreach on Large-Scale Infrastructure Projects," (March 2017)
- Author, Ninth Circuit Holds that Dispersing Contaminants Into the Air Does Not Constitute 'Disposal' Under CERCLA (September 22, 2016)
- Presenter, "Public Outreach in Pre-Permitting Stages of a Transmission Project" (January 2016)
- Author, USFWS Lists Gunnison Sage-Grouse as "Threatened Species" Under ESA (December 11, 2014)
- Presenter, "Response to Catastrophic Environmental Events," Wallace Stegner Center Conference (2014)
- Presenter, "Redefining Waters of the U.S.," International Minerals Association - North America Annual Meeting (2014)

**SOUTH SALT LAKE CITY
CITY COUNCIL RULES OF PROCEDURE
(Last Amended July 13, 2022)**

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

When the Rules refer to "2/3 vote of Council Members", 2/3 will be defined as follows:

If there are	7	Council Members present,	5	will be	2/3
If there are	6	Council Members present,	4	will be	2/3
If there are	5	Council Members present,	3	will be	2/3
If there are	4	Council Members present,	3	will be	2/3

Rule 1: Organization of the Council - Election of the Chairperson and Vice-Chairperson

1. The Council Members will elect one Council Member as Chairperson and one Council Member as Vice-Chairperson. The elections will take place once a year at the first work meeting in January, or at a work meeting called specially for such election, to be held immediately preceding the first regular Council meeting in January. The action of the Council will be announced in the first regular Council meeting after such work meeting.
2. The election shall comply with the following procedures:
 - (a) The Council Chair shall call for nominations, and any member of the Council may submit names for nomination. A voice vote is necessary to close the period of time for nominations.
 - (b) If two or fewer names are submitted for

nomination, then only one vote will be held. If three or more are submitted, then voting will take place in two rounds.

(c) Voting shall be by written ballot which identifies the Council member casting the vote. The City Recorder shall collect all written votes and announce the vote cast, as well as the council member who cast the vote.

(d) In elections with two rounds, the first round shall narrow the field of candidates down to the two who received the most votes, and the Council will vote in a second round.

(e) Separate ballots shall be held for the Chairperson and Vice-Chairperson positions.

(f) All direct ties between two candidates shall be resolved by an immediate coin toss by the City Recorder in the presence of the Council. The Council Member whose surname is earlier in the alphabet shall be assigned "heads." In the event of a three-way tie in an initial round of voting, the field shall be narrowed by means of drawing straws, with the Council Member who draws the short straw being eliminated. Straws shall be drawn by Council Members in alphabetical order.

3. The Chairperson and Vice-Chairperson shall serve for a one-year term.
4. In the event of a vacancy in the position of Chairperson, the Vice-Chairperson shall become Chairperson and shall serve the remainder of the term. A vacancy in the position of Vice-Chairperson shall be filled by election in the manner prescribed in paragraph 2 of this Rule.

Rule 2: Powers and Duties of the Chairperson and Vice-Chairperson

1. The Chairperson shall sign:
 - (a) all ordinances and resolutions passed by the Council,
 - (b) all official minutes of City Council meetings after such minutes have been approved, and

- (c) all correspondence determined by the Council Members to be representative of the group as a whole.
- 2. The Chairperson shall receive all messages and communications from the Mayor and others addressed to the Council as a body and shall be responsible to convey all such messages and communications to the other Council Members. All email communication between any member of the City Council and the Mayor, or City staff, shall be conducted through City issued email.
- 3. During emergency, special, or work meetings, the Chairperson shall serve as Conducting Council Member, or the Chairperson may designate another Council Member to conduct. (See Rule 7, number 1).
- 4. In the absence of the Chairperson, or upon his/her inability to act, or upon request of the Chairperson, the Vice-Chairperson shall preside and shall have all the powers and authority of the Chairperson.
- 5. In the absence of both the Chairperson and Vice-Chairperson at a meeting, the Council Member who conducted at a meeting may sign all documents identified in this rule upon which final action was taken during that meeting.

Rule 3: Scheduling and Calling of Meetings

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

- Regular Council Meetings
- Work meetings
- Special meetings
- Emergency Meetings
- Closed Meetings
- Public Hearings

- 1. At least once each year the City Council shall give public notice of its annual meeting schedule as required by Utah Code Annotated 52-4-202(2)(a), 1953, as amended.
- 2. The City Council will meet in at least one regularly scheduled meeting per month. The City Council intends

to hold two meetings per month. Meetings will usually be held the second and fourth Wednesdays unless otherwise calendared. A Notice/Agenda for such meetings will be noticed in compliance with state law.

3. The Council Chairperson may schedule one or more "work" meeting of the Council each month, as needed. A Notice/Agenda for such "work" meetings will be "posted" at least 24 hours prior to the time of such meeting. (See Rule 4 for more information about "work" meetings.)

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

5. Any one (1) member of the Council or the Mayor may call an Emergency Meeting for "matters of an emergency or urgent matter." An attempt will be made to notify all Council Members of such meeting and the best notice practicable shall be given as required by the Open and Public Meetings Act. A majority of Council Members must vote in the affirmative to hold the meeting. Utah Code Ann. Section 52-4-202, as amended.
6. In certain circumstances, the Council may deem it advisable to take certain matters under discussion at a noticed meeting into a Closed Meeting with only the Council Members and City staff personnel essential to the meeting present. Such meeting may only be held upon the affirmative vote of 2/3 of the Council Members present at such meeting. (See Rule 7, number 6 for more information about Closed Meetings).
7. A public hearing on Council business generally is a part of a regularly scheduled and noticed Council meeting. (See Rule 7, number 5 for more information

about public hearings).

8. In compliance with this Rule, the Council may permit one or more Council Members located in a remote location to participate in a Council meeting by way of electronic communication.
9. Prior to permitting a Council Member located in a remote location to participate electronically in a Council meeting, the following conditions shall be met:
 - (a) A Council Member who desires to participate in a Council meeting from a remote location shall make a request to the Council Chairperson at least forty-eight (48) hours prior to the Council meeting.
 - (b) The City Recorder will affirm that proper notice of the intent to hold an "electronic meeting" was given as provided in paragraph 10 of this rule;
 - (c) The City Recorder will verify that an electronic connection is available, at no substantial cost to the City, sufficient to allow the remotely situated Council Member(s) to hear the discussion occurring in the Council meeting and to be heard in the meeting; and
 - (d) Only one member of the Council must be in attendance at the anchor location, which shall be the Council Chambers at City Hall. Notwithstanding the forgoing, upon a written determination by the Council Chair that meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the principal location all members of the Council may join electronically and presence at the anchor location is not required. A quorum shall be present so long as at least four members of the Council participate.
10. Notice of the intent to permit one or more remotely situated Council Members to participate in a Council meeting electronically or hold a meeting electronically without an anchor location will be made in accordance with the Open and Public Meetings Act.

Rule 4: Work Meetings

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

Rule 5: Minutes of the Council - Recordings

1. The City Recorder shall keep the minutes of the proceedings of all open City Council meetings or any

meeting during which official action of the Council is taken.

2. Within thirty days of the open meeting, the City Recorder shall present the draft minutes to the Council for final approval by the Council. When convenient and possible, the Council shall approve, amend, or reject the minutes at its next meeting. Minutes which are submitted for approval, but upon which action is not taken within thirty days, shall be deemed approved and stand as proposed. Draft minutes are public records and must be clearly designated as "draft" minutes on any copy provided to the public.
3. Except for closed meetings to exclusively discuss the character, professional competence, or physical or mental health of an individual, or for discussion regarding deployment of security personnel, devices, or systems (see UCA 52-4-206(1) and (6)), upon request by any Council Member, the City Recorder may also keep minutes of closed meetings. Minutes and recordings of closed meetings shall be designated as protected records, pursuant to the Utah Government Records Access and Management Act.
4. The minutes of all meetings will include the time and date, the names of those speaking, reflect the essence of the proceedings and the perceived intent of the person speaking and will not necessarily be a verbatim transcript. Where necessary, as determined by the Council to accurately reflect the proceedings, a specific and/or verbatim transcript of the proceedings will be included in the minutes. If a Council Member, the Mayor, a member of the public or any other person wishes something to be entered verbatim in the minutes, a written copy of such entry will be provided to the City Recorder. Minutes may not be amended to include information which was not a part of the meeting.
5. The City Recorder shall make and keep an audio or audio-visual recording of all meetings, unless excepted pursuant to state law. The recording shall be made and kept in a format conducive to long-term storage. Recordings of open meetings shall be available to the public for inspection or purchase within three (3) business days of the Council hearing.

Rule 6: Order of Business and Organization of Council Agenda

1. The Council will consider business in the following order:
 - A. Opening Ceremonies:
 1. Welcome/Introductions - Acknowledge Visitors
 2. Serious Moment of Reflection/Pledge of Allegiance
 3. Special recognitions
 - B. Approval of Minutes
 - C. No Action Comments
 1. Scheduling
 2. Public Comments/Questions
 - (a) Response to Comments/Questions (at discretion of Conducting Council Member)
 3. Mayor
 4. City Attorney
 5. City Council Members
 7. Information (must be listed on Agenda)
 - D. Action Items
 1. Consent Agenda
 2. Unfinished Council Business
 3. New Council Business
 - E. Public Hearings
 - F. Closed Meeting
2. The conducting Council Member, by polling the Council Members, may, by affirmative consensus, proceed out of order to any order of business or return to an order already past. If two or more Council Members oppose, the original agenda will be followed. Information agenda items may be held prior to Public Comment where state law requires a specific Information item to have public comment (such as when a taxing entity other than the City is required to present information to the Council regarding a tax rate that entity is adopting, which exceeds the certified tax rate and public comment is required on that topic).

3. An item which appears on New Council Business may be referred to (a) the Consent Agenda for final action, (b) Unfinished Council Business for further discussion or action, (c) a work meeting of the Council for further study, or (d) a future meeting for a public hearing, if required.

The Council may suspend the rules to vote to adopt on first reading if immediate action is necessary, or otherwise deemed appropriate. Suspension of the rules requires the affirmative vote of a majority of the Council Members. See Rule 17 for more information about suspension of the rules.

4. An item may be placed on the Consent Agenda after discussion at a work meeting for the next regular meeting or may be placed on the agenda for a regular meeting on the same date as the work meeting, so long as it is done in compliance with state law.
5. Matters appearing on the Agenda may be discussed by the Council prior to any motion being made.
6. All open meetings of the Council shall be open to the public. Any Council Member, administrative staff or member of the public may request time to discuss matters of City business or to place an item on the agenda. Request for time to discuss a matter shall be made to the Chairperson with sufficient time for it to be placed on an agenda in compliance with state law, and whenever practical, shall be scheduled by the Chairperson for the first available regular or work Council meeting.

Rule 7: Conducting of Meetings and Agenda Definitions

The Chairperson shall serve as Conducting Council Member for special, emergency, or work meetings, or the Chairperson may designate another Council Member to conduct.

Each Council Member, other than the current Chairperson, shall conduct at regular Council meetings for a period of one month, not less than once per year nor more than twice per year, progressing in order from the representative for District #1 to the representative for District #5. At-large representatives shall rotate after the District

representatives in alphabetical order.

The powers of the Conducting Council Member shall be limited to conducting the regular meetings of the Council only.

The Conducting Council Member will sit at the center of the podium, with the Council Chairperson at his or her right and with the Council Vice-Chair at his or her left.

The following steps are detailed to coincide with the form of the Agenda (as discussed in Rule 6 above) when conducting a regular Council meeting:

1. Opening Ceremonies.

(a) Welcome/Introductions - Acknowledge Visitors.

The Conducting Council Member will strike the gavel, call the meeting to order, welcome those in attendance and acknowledge visitors.

(b) Serious Moment of Reflection/Pledge of

Allegiance. The Council Member assigned to give the serious moment of reflection will announce the name of the person scheduled to present the serious moment of reflection, the person's connection to the City and the general nature of the presentation, for example, a prayer, supplication, inspirational thought, inspirational reading, a moment of silence or other appropriate activity, or in the absence of such a presenter, the Council Member assigned shall present the serious moment of reflection. Following the serious moment of reflection, the Council Member will ask the audience to rise for the Pledge of Allegiance and lead the Pledge. As more particularly set forth in Rule 21, any community member may volunteer to present the serious moment of reflection.

(c) Special Recognitions. Occasionally, ceremonial

tasks are performed at the beginning of the Council meeting. Normally, such items do not require a motion and very seldom require discussion. Resolutions of Appreciation do require a motion to adopt, a second, and a vote.

2. Approval of Minutes. The next agenda item is approval

of the Minutes of preceding meeting(s). The Conducting Council Member will ask if there are any changes or corrections. When changes and corrections have been made, the Conducting Council Member will ask for a motion and second to adopt the minutes as corrected, and a voice vote will be taken. Once the minutes have been adopted pursuant to a vote by the council, no alterations can be made and they are the official record of the meeting.

3. No Action Comments. The Conducting Council Member will not need to ask for a motion concerning any items listed under this section of the Agenda. However, any Council Member can make a request to schedule an item to appear on a future Agenda as an "Action Item."

(a) Scheduling. The Recorder will inform those in attendance of up-coming events, meetings, etc., in the community which may be of interest to members of the public.

(b) Public Comments/Questions. Time shall be made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. Sign-up cards for Public Comments shall be made available to attendees at all regular meetings to gather names and addresses for the Recorder's purposes. Persons who sign such cards ahead of time may be given priority to speak.

(1) When a member of the audience addresses the Council and/or Mayor, that individual will come to the podium and state the individual's name and city/town in which the individual resides. Individuals will be asked to limit their remarks/questions to three (3) minutes each. Comments shall be civil in decorum. All comments shall be directed to the Mayor and City Council. During the comment period, no person shall be allowed to comment more than once. Speakers should not expect any debate or dialogue with the Mayor, City Council, or City Staff during the meeting.

(2) In meetings during which numerous individuals wish to comment, the time for all public comments may be limited to less than three (3) minutes

each, at the discretion of the Conducting Council Member. The Conducting Council Member shall have discretion as to who, if anyone, may respond to a comment/question. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. Some comments/questions may have to wait for a response until the next regular Council meeting or may be referred to the Mayor's office to receive information from or input by staff. The Conducting Council Member (or another individual designated by the Conducting Council Member) will inform a member of the public when that individual's allotted time for comment has ended.

(3) Public comments regarding specific matters on a Council meeting agenda may be postponed until later in the regular Council meeting in order to be heard following the presentation of the specific business item at the discretion of the Conducting Council Member.

(4) Members of the public who are not able to personally attend a meeting may present written comments, addressed to the City Council and/or Mayor, to the City Recorder at least two (2) hours prior to the meeting. Written comments may be delivered to the City Recorder via letter or electronic mail and should be labeled as "written comment" for a particular meeting. Appropriately labeled and timely received written comments will be distributed to all Council members and attached to the written minutes of the meeting. Council members and/or the Mayor may, in their discretion, reference the receipt of particular written comments. In no event is there a guarantee that written comments will be read verbatim or otherwise referred to during the council meeting. Additionally, anyone who is unable to personally attend a meeting may present a comment by leaving a recorded message with the City at a number, or through another method designated by the City, for that purpose. Each recorded comment shall clearly state at the beginning of the message that it is intended for the Public Comment portion of the City Council meeting, shall clearly state the name of the

individual providing comment, and shall clearly state the City in which the individual leaving the comment resides. All comments, whether written or recorded, must be civil and conform to the same rules as all other public comments.

(5) Grievances by City employees must be processed in accordance with adopted personnel rules.

- (c) Mayor. The Mayor will have the opportunity to address the meeting and inform the Council and the audience of any matters the Mayor desires to present which do not require action of the Council, such as community events, letters from members of the public, happenings within the City, etc.
 - (d) City Attorney. The City Attorney will have the opportunity to address the meeting and inform the Council of any matters which do not require action of the Council.
 - (e) City Council Members. Each Council Member likewise will have the opportunity to address the other members of the Council, the Mayor and the audience.
 - (f) Council Attorney. The Council Attorney will have the opportunity to address the meeting and inform the Council of any matters which do not require action of the Council.
 - (g) Information. Items may be placed on this portion of the agenda and presented by the Mayor, City Council Members, City staff, members of the public, etc. Items presented are for information only, but must be listed on the printed Agenda for the meeting. The Council will decide what further action, if any, it desires. Information items shall be limited to ten (10) minutes. Lengthier presentations shall be scheduled for a work meeting.
4. Action Items. The Conducting Council Member will ask for a motion on any items listed under this section of the Agenda after discussion, as needed, has concluded.

- (a) Consent Agenda. As a courtesy, the Conducting Council Member should ask if there are any questions concerning the "Consent" items. The Conducting Council Member should identify and briefly explain the items on the Consent Agenda to all those present at the meeting. The Consent Agenda, generally, shall consist of matters which require no further discussion or which are routine in nature. Usually, all items on the Consent Agenda shall be adopted by a single motion, second and vote. However, prior to the motion to adopt the Consent Agenda, a Council Member may have an item removed from the Consent Agenda without a motion to Unfinished Council Business for further discussion. Items moved to the Unfinished Council Business agenda will be addressed in that section of the agenda ahead of agenda items listed for discussion.

A motion, second, and vote will be called for the adoption of items remaining on the Consent Agenda.

- (b) Appointments by the Mayor. Individuals subject to Mayoral appointment shall initially be introduced to the Council by The Mayor, or a designee, in a work meeting. The Council shall be provided with the resume of any candidate who is subject to appointment prior to the work meeting in which the candidate is introduced. The Council may pose questions to the candidate or request further information from the administration at the work meeting. The conducting Council Member may elect to poll the Council members during the work meeting to determine whether there is Council support for a candidate's appointment. The matter may then be referred to a future work meeting or regular meeting for further action by the Council. Advice and consent of the Council requires a majority vote.

- (c) Unfinished Council Business. The Unfinished Council Business section shall consist of those items which have received a first reading in a prior regular Council meeting or a work meeting. All items on Unfinished Council Business are subject to further discussion. After discussion, any Council Member may make a motion to vote,

such motion to be seconded and a vote taken on these items.

The purpose of the Unfinished Council Business portion of the agenda is to finish the items that appear thereon.

- (d) New Council Business. The New Council Business section is defined as the introduction or first reading of items on the Council's agenda. New Council Business items shall have a Council Member, Mayor, staff, or presenter's name listed next to each item as the sponsor of the item. Items are dealt with individually.

Matters before the Council, which require decision of the Council, will first be presented to and discussed by the Council. No New Council Business item shall receive Council action unless, at the discretion of the Council Chairperson, the item is deemed an emergency, or if immediate action is desirable, and the Council chooses to vote on the item. (See Rule 17, Suspension of the Rules.) Any Council Member can request deferral of an item on the New Council Business section.

After discussion, all New Council Business items not designated emergency shall be referred by a motion and a second to a work meeting or to a future Council agenda for further action.

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

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

When a public hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and answer questions. Then, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council and before motions are made. Each individual who speaks will state the individual's name and city/town in which the individual resides before

proceeding. Individuals who wish to speak during the Public Hearing portion of a meeting, including those who are unable to attend the meeting in person, must be civil and shall follow the same rules stated above relating to Public Comments. Any comment submitted that fails to comply with these rules shall not be allowed.

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

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

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

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

possible terms;

- (e) Strategy sessions to discuss the sale of real property including any form of a water right or water shares, if:
 - (1) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - (2) the public body previously gave public notice that the property would be offered for sale; and
 - (3) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) Discussion regarding deployment of security personnel, devices or systems; and
- (g) Investigative proceedings regarding allegations of criminal misconduct.

The reason for holding a Closed Meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved in a Closed Meeting.

Unless a meeting is closed to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices or systems, the City Council shall record the closed portion of the meeting and may keep detailed written minutes that disclose the content of the closed portion of the meeting. Recordings and written minutes of closed meetings are protected records under the Utah Government Records Access and Management Act (GRAMA) and unauthorized disclosure triggers criminal penalties.

If the City Council closes a meeting exclusively to discuss the character, professional competence, or physical or mental health of an individual, or to discuss the deployment of security personnel, devices

or systems, the person presiding shall sign a sworn statement affirming that such was the sole purpose for closing the meeting.

Actions challenging the legality of a closed meeting are governed by U.C.A. § 52-4-304.

7. Adjournment.

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

Rule 8: Motions

1. Matters appearing on the Agenda can be discussed by the Council prior to a motion being made. After a matter has been discussed by the Council, the conducting Council Member will ask for a motion on the matter, and a second to the motion. A motion on the matter shall not be made prior to the conducting Council Member's request for a motion on the matter. The conducting Council Member will (1) announce the author of the motion, (2) restate the motion, (3) announce who seconded the motion, (4) ask if there is a question on the motion, and (5) call for a vote on the motion.

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

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

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

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

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

An item to be reconsidered shall appear on the unfinished business portion of the agenda and shall be identified as "Reconsideration of ... (the title of the matter previously voted upon)." Discussion of the substance of the matter to be reconsidered shall occur only after a motion to reconsider has been successfully approved by a majority of the Council present and voting.

3. A motion to rescind may be used to strike out an entire motion, resolution, rule, bylaw, section, or paragraph that has been adopted at some previous time. A motion to rescind may be applied only to a motion on which the vote was affirmative.
4. Other than the main motion, the most common motion used by the Council is a motion to amend. The intent of an amendment is to modify the original motion by inserting, adding to, striking out, and striking out and inserting language in the original motion. A motion to amend a main motion should relate to the same subject as the main motion. This ensures that the Council will vote on one matter at a time.

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

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

different language.

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

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

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

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

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

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

6. The following procedural motions shall require the affirmative vote of a majority of the Council Members present:
 - (a) To adjourn;
 - (b) To recess;

- (c) To take up a question out of its proper order;
- (d) To move the previous question;
- (e) To postpone to a day certain;
- (f) To refer to a committee (commit or recommit);
- (g) To limit discussion;
- (h) To lay on the table (temporary only); and
- (i) To amend.

Such motions shall take precedence in the order moved.

Rule 9: Voting

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

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

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

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

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

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

At the conclusion of the vote on a matter, a Council Member may state a point of personal privilege and

give an explanation of his or her vote, as provided in Rule 14.

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

In the event of a tie vote, the motion fails. The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is four (UCA §10-3-507).

Every Council Member who is in the Council Chambers when a question is stated from the Conducting Council Member shall vote. No Council Member absent from the Council Chambers when a question is stated by the Conducting Council Member shall be obliged to vote. A Council Member who is participating in a meeting electronically shall be considered to be within the Council Chambers as long as the Council Member is able to hear and audibly respond by electronic means when the question is stated.

Any Council Member entering the Chambers after the question is stated, but before it is decided, may have the question stated, cast his or her vote and be counted.

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

Rule 10: Discussion

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

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

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

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

The following questions will be decided without discussion:

- (a) To adjourn;
- (b) To recess; and
- (c) Questions relating to order of business.

Rule 11: Conflict of Interest

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

Rule 12: Decorum

Conduct of Members of the Council. Members of the Council shall avoid personal attacks and restrict comments to issues before the body. Violations of

Decorum or Conduct of Council Members shall be resolved by the Council Chair.

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

Conduct of Attendees at Council Meeting. Those in attendance are admonished to avoid personal attacks, demonstrations, or outbursts without being recognized. Individuals shall address their remarks directly to the Council as a body concerning the agenda business.

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

Individuals engaged in disruptive behavior shall be removed by the Sergeant-at-Arms at the direction of the Council Chair or Conducting Council Member.

Rule 13: Sergeant-At-Arms

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

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

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

Rule 14: Personal Privilege - Protest

Any Council Member shall have the right to protest any action of the Council, stating the reasons, and having the same entered in the minutes, provided such reasons

do not impugn the motives or character of any person. A point of personal privilege shall be limited to five (5) minutes in length. Any additional objections may be submitted to the City Recorder in writing within forty-eight (48) hours of adjournment and will be attached to the meeting minutes.

Rule 15: Committees: Special, Ad Hoc, Joint Committee at Request of the Mayor, Oversight

The City Council may, from time to time, create, revise, or abolish any and all Council committees, or make any changes to the committee structure.

The City Council may create any special or ad hoc committee for any specific purpose proper for Council consideration. When such committee is created, its purpose and a relevant time frame will be established. After the final report of the committee, the special or ad hoc committee of the Council will be abolished.

The City Council may or may not elect to formally participate, either by its own membership or its designees, in a committee being established by the Mayor.

Any standing committee, or the Council as a whole, may resolve to sit as an oversight committee for the purpose of investigating items relating to the conduct of City business. However, no powers are accorded the committee other than those provided by state law.

All meetings of Council committees, standing, ad hoc, oversight, shall provide notice in conformance with the Utah Open and Public Meetings Act.

Rule 16: Suspension of the Rules

If a person presenting a matter to the Council informs the Council Members, by information delivered in Council packets prior to a regular Council meeting, why a matter must be acted upon/voted on at its first reading, Council Members may suspend their rules and vote on it. If the Council Members do not vote to suspend the rules on such matter, it will go to Unfinished Business or to the Consent Agenda for the next regular Council meeting.

No rule shall be suspended except by majority vote of the Council Members.

Rule 17: Amendment, Revision or Addition to Rules

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

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

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

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

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

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

Rule 18: Time Frame for Delivery of Information Packets to Council Members

For each regular Council meeting, work meeting, Closed Meeting, special meeting, public hearing and other Council meetings, Council Members will receive a packet, which may be in digital form, containing the agenda of such meeting(s) and complete information pertaining to items on the agenda(s). To allow the Council Members adequate time to study the items for consideration at the upcoming meeting(s), all information for agendas and packets will ideally be delivered to the City Recorder by 5:00 p.m. on the Friday preceding the meeting(s). Notwithstanding the foregoing, a resolution or ordinance shall not be considered by the Council unless such has been properly noticed in accordance with the law and approved as to legal form by the City Attorney. All email communication between any member of the City

Council and the Mayor, or City staff, shall be conducted through City issued email.

Rule 19: Computers, Cell Phones and Tablets for Council Members

The City may acquire and maintain for the Council Members computers, tablets, cell phones, etc., at a level to allow Council Members to access all pertinent City information, such as e-mail, City Code, web sites and network. The City may also furnish to Council Members all supplies customarily used to operate such equipment. Council Members have discretion to allow others in their household to use the computer equipment in a manner that will not cause harm or damage to the equipment.

When maintenance or service is required for assigned equipment, the Council Members will bring such equipment to the City's IT Division Manager at City Hall.

The cost allotted for equipment, including maintenance and service, will be addressed and decided by the Council Members each year during budget sessions. The amount decided upon will be included as a line item in the City Council portion of the General Fund.

Rule 20: Serious Moment of Reflection

1. Each City Council Meeting will begin with a serious moment of reflection comprised of a prayer, other supplication, moment of silence, inspirational thought, an inspirational reading, etc. The serious moment of reflection will be led either by the member of the City Council assigned or by a volunteer community member.
2. Upon timely request, the serious moment of reflection may be conducted by any person having a significant connection to the South Salt Lake Community, including residents, city business leaders, city educational leaders, city religious leaders, city civic leaders, etc. Pursuant to Rule 19, the request must be delivered to the City Recorder no later than 8:00 a.m. on the Friday preceding the City Council Meeting for placement on the agenda. The request shall contain the following information to be printed on the agenda:

- (a) The name and address of the individual requesting to present the serious moment of reflection;
 - (b) The person's connection to the South Salt Lake community; and
 - (c) The general nature of the presentation, i.e., prayer, supplication, inspirational thought, moment of silence, or will specify if other than these types.
3. Upon receiving the request, if no other person has made an earlier request, the person will be placed on the agenda to present the serious moment of reflection at the next scheduled City Council Meeting. If multiple requests are made, each person making a request shall be scheduled to present at an upcoming Council Meeting according to the order in which the request is made.
4. Each person who files a request with the City Recorder will be given a copy of the guidelines for presenting the serious moment of reflection.
5. The person providing the serious moment of reflection shall adhere to the following:
- (a) The presentation may not exceed three minutes;
 - (b) The presenter must be in attendance and prepared to proceed on time;
 - (c) A community member may only present once in a six-month period of time;
 - (d) The presenter must abide by the City Council's rules of decorum as set forth in Rule 12;
 - (e) The purpose of the serious moment of reflection is to set the tone for the proceedings of the City Council. It may consist of a prayer, supplication, inspirational thought, inspirational reading, a moment of silence or other appropriate activity.
 - (f) It should promote thoughtful attention to public duty and high moral and ethical standards.

- (g) It should promote peace, unity, and tolerance in the community.
- (h) It is not a time to disparage the beliefs of others or to promote one's own beliefs or point of view.
- (i) It should not degrade any person because of religion, race, ethnic background national origin, sex, or philosophy.
- (j) It should not be crude, vulgar, or offensive to the public sense of decency.
- (k) It is not a time to demean or insult local leaders.
- (l) If it is the person's intent to argue, complain, criticize, etc., the Public Comments portion of each City Council Meeting is the time to do so, not the serious moment of reflection.

7. To provide equal access to participate, the opportunity to present the serious moment of reflection at City Council Meeting will be advertised to the community by the following methods:

- (a) An invitation to the public to participate will be permanently posted outside the City Council Chambers at City Hall and posted on the City's website.
- (b) The invitation will be substantially in the following form:

The South Salt Lake City Council invites all South Salt Lake City residents, business representatives, education leaders, civic leaders, religious leaders, or any other person with a significant connection to the City of South Salt Lake to participate at an upcoming City Council Meeting by presenting a serious moment of reflection at the commencement of the meeting. Persons interested in volunteering for this public service should contact the City Recorder at (phone number or email) for more details no

later than 8:00 a.m. on the Friday preceding a scheduled City Council Meeting.

8. If an interested community member fails to timely volunteer or, having volunteered, fails to timely appear, the member of the City Council assigned to conduct the meeting shall present the serious moment of reflection.

Rule 21: Confidential Documents

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

Rule 22: Council Staff

1. Any member of the City Council may, individually or jointly with another member, contact staff employed by the Council to initiate legislation, ask questions, seek opinions, request the drafting of documents reports and audits, prepare items for discussion at Council meetings, make assignments, and to do all other things necessary for the business of the Council.