



**Memorandum**

**To:** Town Council  
**From:** Thomas Dansie, Town Manager  
**Date:** March 30, 2026  
**Re:** Town Council Meeting Protocol and Rules of Procedure

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Utah code requires Town Councils and Planning Commissions to adopt rules of procedure governing public meetings (see Utah Code Sections [10-3-606](#) and [10-20-301](#)). The Utah Code additionally requires rules of procedure to comply with the [Utah Open and Public Meetings Act](#). The Town of Springdale has complied with this requirement by adopting the following ordinances and resolutions:

- Town Code [1-5-5](#) establishes general rules of procedure for the Town Council. Paragraph H of that section states that specific rules of procedure for meetings may be established by resolution of the Council.
- Town Code [10-5-4](#) states that the Planning Commission may, with the approval of the Town Council, establish rules of procedure for PC meetings.
- Resolution 2012-16 (attached) adopts a code of conduct for public officials (the “2012 Code of Conduct”). The 2012 Code of Conduct outlines general principles under which the Town’s public bodies operate.
- Resolution 2023-03 (attached) establishes rules of procedure for meetings of the Town Council and Planning Commission (the “2023 Rules”). For many years prior to adopting the 2023 Rules, the Town used a set of rules of procedure for public meetings and public hearings. It is unclear when these rules of procedure were first established. By adopting Resolution 2023-03 the Council officially adopted these rules of procedure.

Recent public officials training highlighted the importance of meeting protocol and rules of procedure. After attending the public officials training earlier this year the Council requested a work meeting to review and potentially update the Town’s Code of Conduct and Rules of Procedure.

The purpose of this work meeting is to review the current rules of procedure and meeting protocol in detail, discuss potential changes, and give staff direction on making revisions. No final action will be taken at this meeting. The meeting is for discussion, deliberation, and possible direction to staff.

Some Council Members have contacted staff with suggestions of issues to consider at the meeting. These are summarized below. Of course, the Council is welcome to discuss additional issues and should not necessarily limit discussion to those issues listed below.

**Public Participation Portion of the Agenda**

The Open and Public Meetings Act states that public bodies should deliberate and take actions openly and in the public. However, with the exception of public hearings, there is no explicit requirement in

State Law for public bodies to accept comments or allow participation from the public during meetings. Notwithstanding, in order to allow and encourage public engagement the Town's current meeting protocol allows time for "Community Questions and Comments" at the beginning of each Town Council meeting. The 2023 Rules suggest the scope of these questions and comments should be limited to items and issues that "are germane to the purpose of the public body." The 2023 Rules further establish a three minute time limit per person for questions and comments.

Council members have suggested a review of the following issues relative to the public participation portion of the agenda:

- What is the Council's position regarding the expectation that public officials and/or staff will respond to and answer questions from residents "on the spot" during the meeting?
- Should the public participation portion of the meeting continue to be a question and comment period, or should it be a period only for comments?
- Should comments be accepted for all topics? Or only for topics that are not on the current agenda?
- Should the public participation period continue to be at the beginning of the meeting? Or should it be placed at the end of the agenda?
- Should there be standards regarding which members of the public are allowed to participate in the comment period? (For example, Rockville only allows residents and property owners to make comments.)
- What is the responsibility of the Town to add information submitted by members of the public during the public participation portion of the meeting to the meeting minutes?

#### Meeting Preparation / Meeting Packets / Other Public Body Communications

Meeting preparation is a key part of holding effective public meetings. Members of public bodies are able to be more efficient, more effective, and make better decisions when they come to meetings fully prepared. The 2012 Code of Conduct states that members of public bodies should be familiar with meeting materials before the meeting, and come to meetings prepared to knowledgeably participate. The 2012 Code of Conduct directs staff to assist public bodies in these roles by preparing effective staff reports and being available to answer questions prior to and during meetings.

Council members have suggested discussing the following points regarding meeting preparation and communication with staff:

- If a member of a public body has extensive proposed changes to a contract or document, is it more effective to call staff in advance of the meeting to discuss? Would that help staff be better prepared to address these changes at the meeting?
- What is the most effective and appropriate time and method for contacting staff with questions about meeting agenda items?
- What are the responsibilities of members of public bodies relative to documents and records that are classified as Town records?

- What are the responsibilities of staff members to protect confidentiality when information is proprietary or not publicly available? How can staff members communicate with public officials regarding such information?

### ***Other Community Examples***

The Utah State law regarding public bodies' rules of procedure is brief. It merely requires each public body to adopt rules of procedure, and gives limited direction on what the rules must contain (parliamentary order and procedure, ethical behavior, and civil discourse). Therefore, each local government in Utah has distinctly different rules and procedures. Each community is allowed to tailor their rules to the unique needs and circumstances of the community. Thus, while it is helpful to look to other communities for ideas, the Council should ensure the Town's rules are suited to Springdale's unique needs. A copy and paste from another community would likely not be appropriate.

With the above disclaimer, staff has included with this report a memorandum from the Utah League of Cities and Towns that contains three examples of rules of procedure. The Council can look to this document for ideas. It is attached to this memo.

### ***Council Direction***

The Council should discuss the Town's current rules of procedure and code of conduct. The Council should then give staff direction on any possible revisions that are necessary or desirable.

# 2012 Code of Conduct (10 Pages)

## RESOLUTION NO. 2012-16

### A RESOLUTION REVISING THE CONDUCT POLICY FOR SPRINGDALE TOWN ELECTED AND APPOINTED OFFICIALS AND STAFF AND THE SPRINGDALE OFFICIALS HANDBOOK

WHEREAS, the Legislature of the State of Utah in HB 267S1 enacted a law that requires all public bodies, including municipal councils, planning commissions and other municipal boards, to use a set of rules to govern civic discourse, parliamentary order and procedure, and ethical behavior; and

WHEREAS, HB 267S1 requires these rules to be written and available for the public to review; and

WHEREAS, the Springdale Town Council adopted such a policy by resolution on January 12, 2012 (Conduct Policy); and

WHEREAS, the policy may be amended by resolution from time to time as the Town Council deems necessary; and

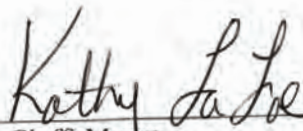
WHEREAS, the policy is incorporated into the Town's Public Officials Handbook, which must be revised as the Conduct Policy is revised;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Springdale that the Conduct Policy be revised as shown on Exhibit A and the Public Officials Handbook be revised as shown on Exhibit B.

This resolution shall become effective immediately upon passage and posting.

Passed and adopted this 8<sup>th</sup> day of August 2012.

Attest:

  
~~Pat Cluff, Mayor~~  
Kathy LaFave, Mayor Pro-tem

  
Fay Cope, Town Clerk

you have a relationship of an exclusionary type – you will have created a perceived conflict of interest.

If everyone knows that the applicant is your best friend, or your accountant, or your bookie, declare a possible conflict of interest. Weigh it in your common-sense-o-meter whether you should vote or participate in the discussion. Sometimes it is completely appropriate; sometimes it isn't. Here's the key: *Will they still trust you when it's over?*

If you stand to gain or lose in some way, even if it's not monetarily, you may have a conflict and your statement can say just that – *I may have a non-financial conflict of interest*. Example: A condo development is being considered for final plat. Your son intends to put earnest money on one of them as soon as it's approved.

### **Ethics and Conduct of Public Bodies**

This policy was adopted as the Town's official conduct policy early in 2012 and amended in August 2012:

### **Conduct Policy for Springdale Town's Elected and Appointed Officials and Staff**

#### **General Conduct**

Officials shall:

- a. treat each other and everyone with courtesy and civility and refrain from inappropriate behavior and derogatory comments;
- b. be fair, impartial and unbiased when voting;
- c. wait to be acknowledged by the Chair before speaking;
- d. move to require the Chair to enforce these rules and the Chair shall do so upon an affirmative vote of a majority of the Officials present;
- e. preserve order and decorum during the meeting;
- f. not delay or interrupt the proceedings or the peace of the Public Body, nor disturb any Official while speaking, by conversation or otherwise, nor disobey the orders of the Public Body, or the presiding officer, except as otherwise herein provided, nor digress from the item under consideration;
- g. support the Springdale General Plan and the ordinances, policies, rules and regulations applicable to the Public Body and its work established by the Town Council;
- h. protect the public good--Public Officials do not represent a specific neighborhood, business, individual, or interest;

- i. abide by these Rules of Procedure in conducting the business of the Public Body; and
- j. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during meetings of the Public Body;
- j.k. shall immediately report to the Town Manager any information of which they are made aware that may reflect positively or negatively upon the Town, or compromise the town's well-being; the Town Manager shall expeditiously report the information to the Mayor and Town Council.

### **Conduct with Co-Officials**

Officials shall:

- a. value each other's time;
- b. review and be familiar with meeting materials before each meeting and come prepared to knowledgeable participate;
- c. attempt to build consensus on an item through an opportunity for dialogue;
- d. acknowledge that when building consensus is not possible the majority vote shall prevail, and the majority shall show respect for the opinion of the minority;
- e. have the right to dissent from, protest, or comment upon any action of the Public Body;
- f. respect each other's opportunity to speak and, if necessary, agree to disagree;
- g. avoid offensive negative comments and practice civility and decorum during discussions and debate;
- h. make decisions based on the law and good planning, rather than on public clamor or pressure; and
- i. assist the Mayor/Chair's exercise of the Mayor/Chair's affirmative duty to maintain order.

### **Conduct with City Staff**

Officials shall:

- a. speak to the Staff directly on issues and concerns;
- b. treat Staff professionally and refrain from publicly criticizing individual employees;
- c. discuss directly with the Town Manager or DCD any displeasure with or concerns about a department or Staff member;
- d. refrain from giving direction to Staff on behalf of the Public Body without having received the express authority of the Public Body to do

so.

### **Conduct with the Public**

Officials shall:

- a. make the public feel welcome;
- b. be impartial, respectful and without prejudice toward the public, and refrain from directing or criticizing the public;
- c. listen courteously and attentively to public comment;
- d. not argue back and forth or debate with members of the public;
- e. make no promises to the public on behalf of the Public Body;
- f. refrain from making comments to the public on behalf of the Public Body without having received the express authority of the Public Body to do so; and
- g. treat all members of the public equitably and fairly in terms of time allotted to speak.

### **Conduct with Other Agencies**

Officials shall:

- a. project a positive image of the Town when dealing with other agencies; and
- b. show tolerance and respect for other agencies' opinions and issues and if necessary agree to disagree.

### **Conduct with Other Town Bodies**

Officials shall:

- a. treat all members of other boards and commissions with appreciation and respect; and
- b. refrain from participation in other board and commission meetings for the purpose of influencing the outcome of said meetings unless requested to do so by the Public Body.

### **Ethical Conduct**

1. Officials shall receive at least two hours of training in ethics, conflicts of interest, open meetings laws, meeting procedure, etc. every year.
2. Officials shall conduct themselves in accordance with such training.

## CONDUCT OF TOWN STAFF

### General Conduct

#### 1. Town Staff shall:

- a. treat everyone with courtesy and civility and refrain from inappropriate behavior and derogatory comments;
- b. prepare well-written staff reports and provide accompanying documents on all agenda items;
- c. be available for questions from Officials prior to and during meetings;
- d. respond to questions from the public during meetings when requested to do so by Officials;
- e. refrain from arguing with the public or members of the Public Body;
- f. display professionalism in conduct and performance of Town duties;
- g. abide by the code of ethics promulgated by applicable professional organizations (ICMA, AICP, UMTA, UMCA, etc), and
- h. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Public Body meetings.

2. Staff will remain objective on issues and should not be advocates for issues.

3. Staff shall immediately report to the Town Manager any information of which they are made aware that may reflect positively or negatively upon the Town, or compromise the town's well-being; the Town Manager shall expeditiously report the information to the Mayor and Town Council.

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In addition to the code of conduct adopted voluntarily, there are laws governing out ethical behavior: Here are excerpts from Utah's Title 67 State Officers and Employees, Chapter 16 Utah Public Officers' and Employees' Ethics Act. It has punishable-by-law rules:

(1) Except as provided in Subsection (3), it is an offense for a public officer, public employee, or legislator, under circumstances not amounting to a violation of Section 63G-6-1001 or 76-8-105, to:

(a) accept employment or engage in any business or professional activity that he might reasonably expect would require or induce him to improperly disclose controlled information that he has gained by reason of his official position;

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- g. support the Springdale General Plan and the ordinances, policies, rules and regulations applicable to the Public Body and its work established by the Town Council;
- h. protect the public good--Public Officials do not represent a specific neighborhood, business, individual, or interest;
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118 Lion Blvd., P.O. Box 187, Springdale, UT 84767 (435) 772-3434 Fax (435) 772-3951

I, Elizabeth Totten, acting for the Town of Springdale, hereby certify that copies of the foregoing Resolution 2012-16, which was adopted by a unanimous vote on August 8, 2012 was posted at three public places within the municipality: the Springdale Post office, the Springdale Branch of Zions First National Bank and Springdale Town Hall on the 22nd day of August, 2012.

  
\_\_\_\_\_  
Elizabeth Totten

# 2023 Rules (Two pages)



## RESOLUTION NO. 2023-03

### A RESOLUTION ESTABLISHING RULES OF ORDER AND PROCEDURES FOR PUBLIC MEETINGS AND PUBLIC HEARINGS

**WHEREAS**, the Town of Springdale recognizes the need to enact rules of order and procedures to conduct effective public meetings and public hearings; and

**WHEREAS**, Utah Code Section 10-3-606(2) requires a municipal legislative body to adopt rules of order and procedures that govern a public meeting; and

**WHEREAS**, the Town of Springdale strives to engage the public in a civil and democratic process that provides for and respects participation from all facets of the community; and

**WHEREAS**, the Town of Springdale finds efficient meetings are most productive, create an environment that fosters good decision making, and ultimately best serves the public with good local governance; and


**WHEREAS**, in order to more fully promote open and transparent government, effective public participation, and efficient meetings, the Town Council finds it necessary to adopt rules of procedure and meeting protocol as outlined in this Resolution; and

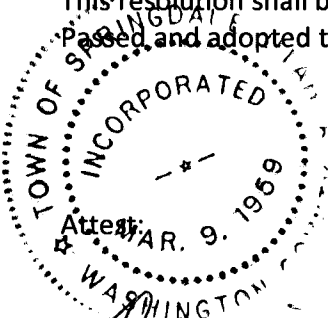

**WHEREAS**, with the adoption of this Resolution, the Town of Springdale intends to establish basic rules of order for its public bodies and the public in general, and a format for conducting its public hearings;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Town Council of the Town of Springdale that these rules of order and procedures for public meetings and public hearings will be utilized to effectuate orderly, efficient, and fair public meetings. These rules of order and procedures replace any other previously adopted rules of order and procedure.

This resolution shall become effective immediately upon passage.

Passed and adopted this 8th day of March 2023.

  
Barbara Bruno, Mayor

  
Attest:  
  
Darci Carlson, Town Clerk



## Town of Springdale Public Meeting Rules of Order and Procedures

We appreciate your interest and participation in this public meeting. Please follow the agenda and be mindful of the following rules of order and procedure:

### RULES OF ORDER

- Those who intend to speak are asked to sign into the meeting so there is a record of their attendance and the proper spelling of their name.
- Time will be allotted on the agenda of each open public meeting to allow a reasonable opportunity for the public to provide verbal that is germane to the purpose of the public body.
- When a public hearing is not scheduled during a public meeting, public participation shall be limited to the public participation segment of the agenda.
- Public comment, whether during the public participation segment of the agenda or during a scheduled public hearing, shall be limited to three (3) minutes per person, or at the discretion of the public body chair.
- If others have already expressed the same views as your own, you may simply indicate that you agree with the previous speaker. If appropriate, a spokesperson may present the views of a group.
- To encourage and respect the expression of all views, meeting rules prohibit clapping, booing, or shouts of approval or disagreement from the audience.
- Attendees leaving a meeting before it is adjourned must leave in a quiet and orderly manner until outside the meeting room so as not to disrupt the meeting.

### PUBLIC HEARING FORMAT

1. **Review of Procedure and Instruction from the Mayor / Chair:** The Mayor or Chair provides a brief overview of the hearing format and general instructions to the public to help them be aware of the appropriate time and manner of their participation in the meeting.
2. **Staff introduction and explanation:** Staff provides a brief background and summary of the agenda item.
3. **Applicant presentation:** Opportunity for the applicant, if other than the Town of Springdale, to reiterate/emphasize elements of their application, or present additional information not initially shared in the original proposal.
4. **Questions from public body members:** Opportunity for public body members to ask clarifying questions of the staff and/or the applicant.
5. **Questions from the public:** Opportunity for the public to ask clarifying, non-rhetorical questions of the staff and/or the applicant. This is not the time for public comment.
6. **Motion to open the public hearing:**
7. **Public comment period:** Members of the public provide their comments for consideration by the public body and for the record. Speaking time is limited to three minutes.
8. **Motion to close the public hearing:** No further public comment will be taken after the public hearing is closed.
9. **Response from the applicant:** Applicants are provided time to respond to any comments, correct misinformation, and/or provide a summary before deliberation.
10. **Public body deliberation:** Public body members accept no further questions or comments. This is their time to discuss the agenda item and consider the application, the presentation, and the comments from the public.
11. **Public body decision or action:** Motion to approve, deny, adopt, direct, amend, etc.

# Utah League of Cities and Towns Examples (18 pages)



## Rules of Meeting Procedures 2017

UTAH LEAGUE OF CITIES AND TOWNS

# RULES OF MEETING PROCEDURE

**David Church, Esq. League General Counsel**

The 2011 Utah Legislature has now required all cities and towns to adopt rules of procedure and order for its council meetings and planning commission meetings.<sup>1</sup> Prior to this the state law established some minimum rules of procedure and of course required us all to follow the Utah Open and Public Meetings Act. These rules are generally found in Utah Code 10-3-502 through 10-3-608 but additional rules regarding notice, agenda and minutes are found in the Utah Open and Public Meetings Act which is found at Utah Code 52-4-101 et seq.

[Index](#) **Utah Code**  
[Title 10](#) **Utah Municipal Code**  
**Chapter 3** **Municipal Government**

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[Part 2](#) Election of Governing Body  
[Part 3](#) Membership on Governing Body, Vacancies, and Power to Vote  
[Part 5](#) Meetings, Procedure, and Conduct - Voting  
[Part 6](#) Public Meetings, Executive Sessions, Records and Publication, Procedure  
[Part 7](#) Municipal Ordinances, Resolutions, and Procedure  
[Part 8](#) Municipal Administration  
[Part 9](#) Appointed Officials and Their Duties  
[Part 10](#) Civil Service Commission  
[Part 11](#) Personnel Rules and Benefits  
[Part 13](#) Municipal Officers' and Employees' Ethics Act

Attached are three drafts of potential rules of procedure I have been working on. Obviously nothing in any of these proposed sets of rules were contained in the tablets Moses got from the burning bush so feel free to change cut, combine or change them as you will.

The first set of rules is what I see most often happening in cities and towns when I visit a council meeting. I call it the informal meeting procedure. I included in this some state law provisions just to remind us what the law already requires and for those people who do not keep at the ready either a copy of the Utah State Code or an attorney.

The second set of rules is a simple but formal set of rules that some people will like. They simply adopt Roberts Rules of Order. Unfortunately Roberts Rules of Order can be complicated and require some training. There are also various editions and compilations of the rules so you have to pick a book as the official one to use. I did not include in this the sections from the Utah Code as I assume if you can afford a copy of Roberts Rules of Order then you probably have a copy of the state law.

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<sup>1</sup> Utah Code 10-3-606 for city or town council and Utah Code 10-9a-301 for planning commission.



The third set is a long and semi-formal set of rules I did for a couple of cities. I am not proud of these but they were adopted by a couple of cities anyway.

## **RULES OF PROCEDURE and ORDER**

### **(Short and informal)**

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

#### **RULE NO. 1.**

The City shall comply with the all required procedures contained in Utah Code including the following Sections:

##### **10-3-502. Regular and special council meetings.**

(1) The council of each municipality shall:

(a) by ordinance prescribe the time and place for holding its regular meeting, subject to Subsection (1)(b); and

(b) hold a regular meeting at least once each month.

(2) (a) The mayor of a municipality or two council members may order the convening of a special meeting of the council.

(b) Each order convening a special meeting of the council shall:

(i) be entered in the minutes of the council; and

(ii) provide at least three hours' notice of the special meeting.

(c) The municipal recorder or clerk shall serve notice of the special meeting on each council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.

(d) The personal appearance by a council member at a special meeting of the council constitutes a waiver of the notice required under Subsection (2)(c).

##### **10-3-504. Quorum defined.**

The number of council members necessary to constitute a quorum is:

(1) in a municipality with a seven-member council, four;

(2) in a municipality with a five-member council, three; and

(3) in a municipality operating under a six-member council form of government, three, excluding the mayor.

##### **10-3-505. Compelling attendance at meetings of legislative body.**



The legislative body of a municipality may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance.

**10-3-506. How the vote is taken.**

A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

**10-3-507. Minimum vote required.**

(1) 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 a majority of the voting members of the council, without considering any vacancy in the council.

(2) (a) Any ordinance, resolution, or motion of the council having fewer favorable votes than required in this section is defeated and invalid.

(b) Notwithstanding Subsection (2)(a), a council meeting may be adjourned to a specific time by a majority vote of the council even though the majority vote is less than that required in this section.

(3) A majority of the council members, regardless of number, may fill any vacancy in the council as provided under Section **20A-1-510**.

**10-3-508. Reconsideration.**

Any action taken by the governing body may not be reconsidered or rescinded at any special meeting unless the number of members of the governing body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

**10-3-601. Business of governing body conducted only in open meeting.**

All meetings of the governing body of each municipality shall be held in compliance with the provisions of Title 52, Chapter 4, Open and Public Meetings Act.

**10-3-607. Rules of conduct for members of the governing body.**

The governing body of each municipality may fine or expel any member for disorderly conduct on a two-thirds vote of the members of the governing body.

**10-3-608. Rules of conduct for the public.**

The governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the



governing body pursuant hereto does not preclude prosecution under any other provision of law.

## **RULE NO. 2.**

The agenda for the meeting will be the guide to the meeting. Items may only be placed on the agenda by either the mayor or any two council members. While matters not on the agenda may at times come up for discussion, no final action can be taken on any matter not on the agenda.

## **RULE NO. 3**

The mayor shall open and introduce an item on the agenda in order, unless the mayor feels like there is a good reason to go out of order. If the item is one that requires discussion the council members can consider the item in a polite, civil, free-for- all type exchange of ideas for as long as they feel necessary. The mayor may or may not, at his or her discretion, allow members of the public or staff to participate in the discussion. When the mayor thinks the discussion has gone on long enough, and the item is one that requires a decision of the council, the mayor can ask for vote on the matter. Any council-member who has had enough of the discussion, can at any time also ask the mayor to either move on to the next item or call for a vote on the item. If a majority of the others on the council agree, the mayor shall call for a vote or move on to the next item as appropriate. No formal motions or seconds are required or necessary.

## **RULE NO. 4.**

The mayor and council members shall treat each with respect and act at all times during the meeting in a civil and courteous manner to each other and the public.

## **RULES OF PROCEDURE and ORDER**

### **(Short and Formal)**

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

**1. Meeting Procedures.** All City Council meetings shall be conducted in accordance with Roberts Rules of Order as contained in the following publication: [insert book, title, edition etc.]

A copy of these rules shall be available at each public meeting for the reference of the Mayor and Council, and shall also be made available to the public for review during all normal business hours of the City.

If any rule contained in Roberts Rules of Order conflicts with any provision of these rules or Utah State law governing meeting procedures for the City Council, the City Council shall follow the provision of these rules or state law.

**2. Public Comment.** There shall be on every agenda of the City Council an item entitled “public comment.” The public comment portion of the meeting shall be limited to the public speaking to the council on any item not on the agenda. Members of the public shall be free to express any idea, question, or view point without limitation except for time and the manner of the presentation. Individual members of the public shall be limited to three (3) minutes time. The Chair of the meeting shall ensure that the public comment is civil and orderly. The Chair shall use its best efforts to allow the free expression of the public and keep the meeting in order. Council members should not interrupt, argue with, or otherwise interfere with any comment by a member of the public. The Mayor and City Council may ask clarifying questions of the member of the public making a presentation and other members of the public may ask clarifying questions of the presenter at the discretion of the Chair.

**3. Public Participation in Meeting.** Other than at a required public hearing and the public comment portion of the meeting, members of the public shall not be allowed to participate in the meeting unless they are on the agenda or requested to present to the Council by the Chair of the Meeting or a member of the Council.

**4. Council member Participation.** At regular meetings of the City Council, Council members shall speak only after being recognized by the Chair. Any meeting designated as a work meeting shall be more informal and Council Members may freely participate as long as proper decorum is maintained. Council members shall conduct themselves at all times with decorum and respect. They shall refrain from making any disparaging remarks concerning any other member of the governing body or the public. Any member of the Council wishing to speak on any item on the agenda shall be recognized by the Mayor to do so.



**5. Chairing the meeting.** The Mayor shall chair the meeting in a manner to accomplish the following goals. The Mayor, as Chair, shall pace the meeting so that all items on the agenda should be addressed and either concluded or continued. The Mayor, as chair, shall ensure that the time limits on the public comment portion of the meeting are complied with. The Mayor, as chair, shall use his best efforts to see that Council members and the public are treated at all times with respect and that the meetings are orderly.

**6. Meeting Adjournment.** Meetings of the City Council, as a goal, shall be scheduled to end at or before 10:00 p.m. and the Mayor and City Council shall use their best efforts to conclude the meeting in a timely manner. However, no motion to extend the time of the meeting is necessary to be made. The meetings of the City Council shall not be adjourned until either all items listed on the agenda have been acted upon or a motion to adjourn is made and approved by a majority of the City Council.



## **RULES OF PROCEDURE and ORDER**

### **(Long and Business Casual)**

Recognizing that the City Council, as a legislative body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the City Council for action in a forum open to the public, and which encourages citizens' awareness of City Council activities.

These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, as set forth in state law or local ordinance.

### **CITY COUNCIL MEETING AGENDA**

All meetings of the City Council will have a notice and agenda that complies with the Utah Open Meetings Act

An Item may be placed on the agenda by the Mayor, City Manager (Administrator), or at the request of any council member.

Agenda Items must be submitted to the City Recorder at least 24 hours before the date of the meeting. Any item that is submitted to the City Recorder after 24 hours will be put on the next following meeting agenda. Requestor should notify the Mayor of the added agenda item.

### **ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:**

- The Mayor shall preside at meetings of the City Council.
- Participate in discussion of all matters.
- Shall vote as a member thereof only in case of a tie or where otherwise specifically authorized to do so by state law, and shall have no power to veto.

In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Council's rules of procedure are followed and:

- For maintaining the dignity of Council meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Council members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the City's adopted rules of parliamentary procedure and how to apply it.



- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to courteously discourage Council members who talk too much or too often.
- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Council member offering the motion, restates the motion, presents it to the Council for consideration, calls for the vote, announces the vote, and then announces the next order of business.

**CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:**

- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the City Council.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- Shall be dedicated to the effective use of the City’s available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- City business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

**PARLIAMENTARY RULES:**

The following may be referred to as the City’s Rules of Order and shall be the parliamentary rules for conducting the business of the City Council. The City Attorney will serve as the Parliamentarian, and will recommend rulings, upon request by the presiding officer, to all points of order raised during the proceedings. Each Rule is followed by a recommended Procedure and Purpose to explain the Rule and guide the Mayor and council members in its intended application.

**RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the City Council's agreed-upon roadmap for the meeting.**

*PROCEDURE.* Each agenda item will be handled by the Mayor in the following basic format:



*First*, the Mayor should clearly announce the agenda item number and should clearly state what the agenda item subject is.

*Second*, following that agenda format, the Mayor should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor, a member of the City Council, a staff person, or an invited person charged with providing input on the agenda item.

*Third*, the Mayor should ask members of the City Council if they have any technical questions of clarification. At this point, members of the City Council may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

*Fourth*, the Mayor should invite public comments if at a formal public hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Mayor may limit the time of public speakers. At the conclusion of the public comments, the Mayor should announce that the public hearing is closed. For a regularly scheduled agenda item, the Mayor may invite public comment.

*Fifth*, the Mayor should invite a motion. The Mayor should announce the name of the member of the City Council who makes the motion.

*Sixth*, the Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member of the City Council who seconds the motion. If there is no second then the item will be deemed concluded without decision

*Seventh*, if the motion is made and seconded, the Mayor should make sure everyone understands the motion. This is done in one of three ways: (1) The Mayor can ask the maker of the motion to repeat it. (2) The Mayor can repeat the motion. (3) The Mayor can ask the City Recorder to repeat the motion.

*Eighth*, the Mayor should now invite discussion of the motion by the City Council. If there is no desired discussion, or after the discussion has ended, the Mayor should announce that the City Council will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

*Ninth*, the Mayor takes a vote. All votes for purposes of the meeting minutes shall be by roll call of the council.

*Tenth*, the Mayor should announce the result of the vote and should announce what action (if any) the City Council has taken.

**PURPOSE OF THE RULE:** All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting



be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the council speaking on an issue, the substance of what the member says, an accurate description of any action taken by the council and the voting record of each individual member of the council.

**RULE NO 2: Any matter that requires a City Council decision shall be brought before the Council by motion.**

*PROCEDURE.* The procedure for any motion shall be as follows: First, the Mayor should recognize the member of the City Council. Second, the member of the City Council makes a motion by preceding the member's desired approach with the words: "I move . . . ."

So, a typical motion might be: "I move that we give the City Attorney a raise in pay."

The Mayor usually initiates the motion by either (1) Inviting the members of the City Council to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the City Council. "A motion would be in order that we give the City Attorney a raise in pay." (3) Making the motion. As noted, the Mayor has every right as a member of the City Council to make a motion, but should normally do so only if the Mayor 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. (4) Reading a motion suggested by the City Staff.

*PURPOSE OF THE RULE.* The purpose of this rule is to limit items under discussion to those and only those that the council members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

**RULE NO 3: One question at a time and one speaker at a time.**

*PROCEDURE:* Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Mayor will call upon the person by name. Once a member has been recognized, he has been granted "the floor" and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a councilmember wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to "I have additional comments and wish to retain the floor after this question has been answered."



*PURPOSE OF THE RULE.* The purpose is to focus on only one question and to allow council members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

**RULE NO 4: The Mayor 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.**

*PROCEDURE:* When the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Mayor pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A council member may object simply because he or she feels it is important to have a formal vote.

*Example:* The Mayor states, "If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes.

If a member objects by stating, "I object" the matter is then put to a vote.

The Mayor states, "An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes."

*PURPOSE OF THE RULE.* General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

**RULE NO 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.**

*PROCEDURE:* The 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 give adopt ordinance number 10-1 as presented."

The motion to amend. If a member 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 which 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.

The substitute motion. If a member 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 move a substitute motion. A substitute motion might be: "I that we refer ordinance number 10-1 to the planning commission for its recommendation."

*PURPOSE OF THE RULE.* "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Mayor. So that if a member makes what that member calls a "motion to amend", but the Mayor determines that it is really a "substitute motion", then the Mayor's designation governs.

**RULE NO 6. There can be up to three motions on the floor at the same time and no more than three. The Mayor can reject a fourth motion until the Mayor has dealt with the three that are on the floor and has resolved them.**

*PROCEDURE:* When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to adopt ordinance 10-1." During the discussion of this motion, a member might make a second motion to "amend the main motion to adopt ordinance 10-1 with changes in paragraph 1 as follows...." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we refer the matter to the planning commission." The proper procedure would be as follows:

*First,* the Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Mayor would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

*Second,* if the substitute motion failed, the Mayor would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment. If the motion to amend passed the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.

*Third,* the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format, or, if amended, would be in its amended format.



*PURPOSE OF THE RULE:* Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.



**RULE NO 7: The debate can continue as long as members of the City Council wish to discuss an item, subject to the Mayor determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate. 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.**

*PROCEDURE.* There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the City Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor must immediately call for a vote of the City Council without debate on the motion):

*A motion to adjourn.* This motion, if passed, requires the City Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

*A motion to recess.* This motion, if passed, requires the City Council to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

*A motion to fix the time to adjourn.* This motion, if passed, requires the City Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

*A motion to table.* This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the City Council: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future city council meeting except at the order of the Mayor or the request of any two council members. A motion to table an item requires a simple majority vote.

*A motion to limit debate.* The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the City Council makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Mayor should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the City Council.

*PURPOSE OF THE RULE.* Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Mayor by General Consent or the majority of the council to end the debate, after a



reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

**RULE NO 8: Three yes votes are required to pass any item before the council with limited exceptions. The exceptions include a motion to go into close session (executive session) which requires a 2/3 vote of the members present and when the mayor is entitled to vote where specifically allowed by state law on matters that add to or diminish the mayors powers. The Mayor is also entitled to vote when there is a tie vote of the council.**

*PROCEDURE.* If the mayor and all five members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent and the vote is 2-2, the mayor is entitled to vote.

*PURPOSE OF THE RULE.* Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and the mayor may vote as allowed by state statute.

**RULE NO 9: 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. First, is 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 on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Council unless the number of members of the council present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.**

*PROCEDURE.* If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the City Council may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

*PURPOSE OF THE RULE.* The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the City Council again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the City Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

**RULE NO 10: The Mayor and council members shall adhere to the code of conduct.**

*PROCEDURE.* The Mayor, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members of the City Council. There



are, however, exceptions that are intended to assist the Mayor in keeping order to the meeting. A speaker may be interrupted by a council member only for the following reasons and in the form set forth below:

*Privilege.* The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the council or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

*Order.* The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.

*Appeal.* If the Mayor makes a ruling that a member of the City Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.

*Call for orders of the day.* This is simply another way of saying, "Let's return to the agenda." If a member believes that the City Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the City Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

*Withdraw a motion.* To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

**PURPOSE OF THE RULE.** Debate and discussion should be focused, but free and open. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including members of the City Council. A council member may continue speaking on a majority vote of the Council. The rules of order are meant to create an atmosphere where the members of the City Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the City Council to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Mayor before proceeding to speak.

## **RESIDENTS' RIGHT TO BE HEARD:**

It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of



concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Mayor.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the mayor.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Mayor.
- If a representative is elected to speak for a group, the Mayor may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies.
- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and, at the direction of the Mayor, shall be removed from Council chambers by Police Department personnel or other agent designated by City Council or City Manager.

