

# Toquerville City ~~City Council~~ Elected Officials Policies and Procedures Manual

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## ***FOREWORD***

*In the course of serving as a public official, you will be involved with numerous issues. This Handbook attempts to centralize information on common issues related to Toquerville City's form of government and your role as an Elected Official.*

*The issues addressed are often complex and sometimes subjective. Thus, this Handbook is intended only as a guide and is not a substitute for the counsel, guidance, or opinion of City Staff or the City Attorney, nor is it intended to supersede any City ordinance or other applicable law. Any failure to follow a procedure described in this Handbook shall not invalidate any action taken by the Council, except as may be otherwise provided by law.*

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## **1. Toquerville City's Form of Government**

### **1.1 Power and Authority**

*As a political subdivision of the state, the powers of the City spring from the Utah Constitution and from powers specifically given it by the State Legislature. The State of Utah's enabling acts are generally found in Title 10 (the Utah Municipal Code) of the Utah Code (UCA). One of those powers, commonly known as the "police power" is the power to "pass all ordinances and rules . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city." See UCA 10-8-84. The Utah Supreme Court has held that this power is to be broadly interpreted unless specifically preempted or limited by state law. State v. Hutchinson, 624 P.2d 1116 (Utah Sup.Ct. 1980).*

### **1.2 The Form of Municipal Government**

*Toquerville City operates under the six (6) member Council, one of whom is the Mayor, with all the powers, authority, duties, functions, and responsibilities provided for said offices by the Utah Constitution and Title 10 of the Utah Code Annotated (including, but not limited to, Sections 10-3b-101 et seq., and 10-3b-301 et seq., Utah Code Annotated, except as otherwise provided herein.) Toquerville City Code 1-7-2.*

### **1.3 Fifth Class City**

*With a population greater than 1,000 and less than 10,000 residents, Toquerville City is classified by state law as a city of the fifth class.*

## **2. The Mayor**

### **2.1 Election of the Mayor**

*Mayors are elected for terms of four years. All municipal elections are held in the odd-numbered years.*

### **2.2 Integrity**

*The Mayor should abide by the following standards:*

- *Demonstrate honesty and integrity in every action and statement.*
- *Comply with both the letter and spirit of the laws and policies affecting the operations of government.*
- *Serve as a model of leadership and civility to the community.*
- *Inspire public confidence in City government.*
- *Work for the common good, not personal interest.*
- *Prepare in advance of Council meetings and be familiar with issues on the agenda.*

- *Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.*
- *Participate in scheduled activities to increase community relations.*
- *Review the Elected Officials Policy & Procedures at least annually.*
- *Be responsible for the highest standards of respect, civility, and honesty in ensuring the effective maintenance of intergovernmental relations.*
- *Respect the proper roles of elected officials and City staff in ensuring open and effective government.*
- *Provide contact information to the City Recorder in case an emergency or urgent situation arises.*

### ***2.3 Powers and Duties***

*The Mayor exercises executive power. The extent of that power is described and defined more fully in Utah State Code and the Toquerville City Code.*

*Utah Code 10-3b-202 describes the role of the Mayor in the council-mayor form of government and, as of this writing, states that the Mayor:*

- *is the chief executive and administrative officer of the municipality;*
- *exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality; and*

*shall:*

- *keep the peace and enforce the laws of the municipality;*
- *execute the policies adopted by the council;*
- *appoint, with the council's advice and consent, qualified persons to certain mandatory city positions;*
- *provide to the council, at intervals provided by ordinance, a written report to the council setting forth prescribed budgetary matters;*
- *report to the council the condition and needs of the municipality;*
- *report to the council any release of a person from imprisonment for violation of a municipal ordinance;*
- *report to the council at its next meeting any fine of forfeiture remitted; and*
- *perform every duty prescribed by state statute or required by a municipal ordinance that is not inconsistent with state statute; and*

*may:*

- *subject to budget constraints, appoint deputies or administrative assistants to the mayor and create administrative offices and appoint persons to such offices;*
- *appoint, with the council's advice and consent, department heads, statutory officers, and members of city commissions, boards, or committees;*
- *dismiss any person appointed by the mayor;*

- *as provided in Section 10-3b-204, veto an ordinance, tax levy, or appropriation passed by the council;*
- *exercise control of and supervise each executive or administrative department, division, or office of the municipality;*
- *regulate and prescribe the powers and duties of each other executive or administrative officer or employee of the municipality (consistent with applicable statutes and ordinances);*
- *attend each council meeting, take part in council meeting discussions, and freely give advice to the council;*
- *appoint a budget officer to serve in place of the mayor to comply with state statutes regarding fiscal procedures;*
- *execute an agreement on behalf of the municipality, or delegate, by written executive order, the authority to execute an agreement on behalf of the municipality if within budget appropriations and countersigned by the city recorder;*
- *at any reasonable time, examine and inspect the official books, papers, records, or documents of the city or any officer, employee, or agent;*
- *remit fines and forfeitures;*
- *if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality;*
- *release a person imprisoned for a violation of a municipal ordinance; and*

*may not:*

- *vote on any matter before the council.*

*Toquerville City Code Section 1-6-1 also describes the role of the Mayor. Much of this section duplicates provisions of state code listed above, but it states, as of this writing, that the Mayor's duties and powers also include:*

- *is the chair of the Council and presides at all Council meetings; and*
- *exercises ceremonial functions for the municipality.*

### ***3. The Council***

#### ***3.1 Election of Council Members***

*Council members are elected for terms of four years, which are staggered. Three council seats or two council seats are elected during one election. All municipal elections are held in the odd-numbered years.*

#### ***3.2 Council Integrity***

*All City Council Members should abide by the following standards:*

- *Demonstrate honesty and integrity in every action and statement.*

- *Comply with both the letter and spirit of the laws and policies affecting the operations of government.*
- *Serve as a model of leadership and civility to the community.*
- *Inspire public confidence in City government.*
- *Work for the common good, not personal interest.*
- *Prepare in advance of Council meetings and be familiar with issues on the agenda.*
- *Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.*
- *Participate in scheduled activities to increase Council effectiveness.*
- *Review the Elected Officials Policy & Procedures at least annually.*
- *Represent the City at ceremonial functions at the request of the Mayor.*
- *Be responsible for the highest standards of respect, civility, and honesty in ensuring the effective maintenance of intergovernmental relations.*
- *Respect the proper roles of elected officials and City staff in ensuring open and effective government.*
- *Provide contact information to the City Recorder in case an emergency or urgent situation arises.*

### ***3.3 Council Members Represent the City and Act as a Body***

*Council members represent the Council and the City through public appearances, speaking engagements, and through media communications. Council members should always clarify whether they are acting in a Council capacity or as private individuals. Official Council positions should be communicated by the Council Chair after they have been approved by a majority of the Council.*

*In addition, when a Council member is responding to a question, it is important to publicly note that a Council majority is required for any Council action. When discussing the enforcement or interpretation of an existing City ordinance, good judgment would include a referral to the appropriate administrative staff for the final word.*

*No individual council member may occupy or use an office within city facilities. Council Members wishing to utilize other spaces on city property must have that space scheduled prior to its utilization.*

### ***3.4 Service on City-Related Organizations***

*Council members also serve, by virtue of their election, in certain City related organizations. These organizations include Ash Creek Special Service District, Washington County Solid Waste District, Toquerville Secondary Water System (TSWS), Hurricane Valley Fire Department, and the Southwest Mosquito Abatement District.*

### ***3.5 Powers and Duties***

*The Council exercises the City's legislative power. The extent of that power is described and defined more fully in Utah Code and the Toquerville City Code.*

*Utah Code 10-3b-203 describes the role of the Council in the council-mayor form of government and, as of this writing, states that the Council:*

*shall:*

- *legislate the manner in which city property is bought and sold and how subdivisions and annexations are considered or regulated;*
- *pass ordinances, appropriate funds, and review municipal administration;*
- *perform all other legally imposed duties;*
- *elect one of its members to be the chair of the council; and*

*may:*

- *adopt a municipal administrative code dividing the administration into departments and defining the functions and duties thereof;*
- *adopt an ordinance creating, consolidating, or abolishing administrative departments or altering the functions and duties thereof;*
- *make suggestions or recommendations to subordinates of the mayor;*
- *appoint, and delegate investigative power to, committees of council members or citizens to investigate any officer or department of the city or matter relating to the welfare of the city;*
- *make rules or regulations for the governance of the council;*
- *take any action under the general “police power” Utah Code 10-8-84; and*

*may not:*

- *direct or request, other than in writing, the appointment or removal of a person to or from an executive office;*
- *interfere with an executive officer’s performance of their duties; or*
- *publicly or privately give orders to a subordinate of the mayor.*

*Toquerville City Code Section 1-6-2 also sets forth powers and responsibilities of the Council and states:*

*“The City Council exercises any executive or administrative duty or function that has not been given to the Mayor or that has been given to the Mayor but is removed from the Mayor under subsection A2a(1) Utah Code 10-3b-104.”*

*The above powers can be categorized into the three core functions of the Council: making law; appropriating money (including budget approval); and executive oversight. See particularly UCA 10-3b-203(1)(a)(ii).*

### ***3.5.1 Making Law (and Exercising Administrative Powers)***

#### *Ordinances*

*The Council exercises its lawmaking power by passing ordinances. See UCA 10-3-701. Various state laws govern the form, procedure, and effective date of ordinances. See UCA Title 10, Chapter 3, Part 7.*

### Resolutions

*In addition to its legislative powers, the Council also holds certain defined administrative powers. These powers are generally exercised by resolution and include:*

- *establishing culinary water rates;*
- *establishing fees for city services;*
- *establishing Council personnel policies and guidelines; and*
- *regulating the use and operation of city property. See UCA 10-3-717.*

*Resolutions are also used to consent to Mayoral appointments, fill midterm vacancies in elected offices, and to express the will, intent, or view of the Council.*

### Maintaining the Municipal Code

*The Council is responsible for the accurate maintenance of the Toquerville City Code. The Council is also responsible to provide public access to the Code. The Administrative Staff manages this responsibility through the annual publication of the code and the updating of the Code on the City website.*

## **3.5.2 Appropriating Funds**

*The Council principally exercises its power to appropriate funds by passing a City budget. Additionally, the Council may appropriate specific amounts of money for specific purposes from time to time.*

### City Budget Oversight and Process

*The budget is one of the Council's strongest policy-making tools. Each year the Council expresses its priorities through annual City budget appropriations. A good budget can be used as a planning tool because it conveys what the government expects to accomplish during the coming year. Ultimately, the budget should be a reflection of policy priorities, a financial operating plan, and a tool for communicating with the public about how money is spent.*

### Adoption of the Annual Budget

*Prior to adopting the annual budget, the Council receives the Mayor's tentative (proposed) annual budget. The Council is charged with determining if the Mayor's tentative annual budget reflects an appropriate funding balance of public service*

*levels, personnel costs, creation and operation of City departments, operation and maintenance of City facilities and equipment, level of City reserves, and capital improvement projects.*

*The Council has the right to adjust the Mayor's proposed budget to reflect Council priorities as long as the budget remains balanced. The Council amends the budget by passing the budget changes to the Mayor's proposed budget. See UCA10-6-135(4). In addition, the Council may, by following legal procedure, adjust tax rates and implement or adjust fees.*

*Unless the Council sets a "Truth in Taxation" hearing to consider changing the property tax rate, the final budget must be adopted before June 30th.*

#### *Property Tax Increases*

*If a property tax increase is under consideration as a part of the budget process, the Council must provide notice of and hold a public hearing before adopting the tax increase. Pending adoption of a final budget, the City may operate on the approved tentative budget or on the previous year's final budget if readopted by resolution. Following the public hearing on the tax increase, the final budget must be adopted before September 1st.*

### ***3.5.3 Executive Oversight***

*The Council has an express mandate under state law to "review municipal administration." Consistent with the strict separation of powers found in Toquerville City's form of government, Utah law prohibits Council members from interfering with officers and the performance of their duties. The Council may not give orders to any subordinate of the Mayor either publicly or privately but may make suggestions and recommendations. However, the Council may investigate the administration of City government and make policy recommendations. Such oversight may take a number of forms, some of which are described below.*

#### *Yearly Audit and Financial Report*

*Each year, following an audit by an independent auditor selected by the Council, the audit findings and a financial report must be presented to the Council. The annual audit and financial report assist the Council in reviewing municipal administration and providing financial oversight of the City's financial affairs.*

#### *Requests for Information*

*Council members or Council Committees may request readily available information which normally would require only the copying of existing documents from individual Department Heads or the Mayor.*

### ***3.6 Relationship to City Staff***

*Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City Staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.*

*Staff will respond to requests from Council members with resources that are readily available in the City Office. Out of respect for other Council members and in consideration of Office priorities, Council member requests that could require extensive research or extensive staff time should be made to the City Manager who will decide how to best facilitate the Council member's request.*

*Questions of City staff should be directed only to the City Manager, City Attorney, or Department Heads. The City Manager should be copied on any request to Department Heads. Council Members should not set up meetings with department staff directly, but work through Department Heads. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction. However, nothing in these protocols are intended to hinder the access Council-appointed liaisons may require in order to fulfill their unique responsibilities.*

*Council Members should not get involved in administrative functions. Avoid any staff interactions that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.*

*Never publicly criticize an individual employee, including Council Appointed Officers. Criticism is different from questioning facts or the opinion of Staff. All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation.*

### ***3.7 Relationship with the City Attorney***

*Toquerville City Code 1-7-1 establishes the office of a City Attorney which is responsible for the proper administration of the legal affairs of the respective executive and legislative branches of City government. The City Attorney serves as counsel for the City to:*

- furnish legal advice, counsel and assistance to the City Council in relation to their duties and the business of the City;*
- direct and/or coordinate as determined by the City Council respectively all legal services performed by special counsel for the City who may be employed from time to time to provide legal services for the City;*
- prepare as requested or approve as to legal form all ordinances and resolutions presented to the Mayor or City Council.*

*When articulated to the City Attorney, Council Members have a right to request and expect attorney/client confidentiality, unless said confidentiality violates legal and ethical standards as determined by the City Attorney.*

### ***3.8 City Staff Hiring Process***

*The Mayor, with the advice and consent of the City Council, shall appoint qualified individuals to serve as Officers of the City. The Officers of the City include the City Recorder, City Treasurer, City Attorney, and City Engineer.*

*All other City Office positions are hired through the standard City recruitment processes by the City Manager.*

*Neither the City Council nor any of its committees or members shall direct, request or attempt to influence, either directly or indirectly, the hire of any person to office or employment for which the City Manager has hiring responsibility, except to the extent the City Council's input is requested or required. No City Council members should impose interference with or actions designed for the prevention of the City Manager from exercising individual judgment in the hiring of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.*

## ***4. Social Media, Electronics & GRAMA***

### ***4.1 Application***

*This policy applies to all information technology resources, including electronic media, social media accounts, and services which are: a) accessed on or from City premises, b) accessed from remote locations using City computer equipment, or via City-paid access methods, and/or c) used in a manner which can fairly be said to associate elected officials with the City as representatives of the City.*

*Any messages or information sent via the City's informational technology resources through an electronic network (i.e., bulletin board, online service or Internet) are statements that may be identifiable and attributable to the City. Use of personal disclaimers in an electronic communication will not relieve any user under this policy and users shall be held responsible for any communication which they initiate. All communications sent via a network must comply with this and other City policies and shall not disclose any confidential or proprietary City information or other information protected by law or policy.*

### ***4.2 Records***

*The City Council must preserve records for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Any removal or deletion of comments or posts by the public must be considered public records and must be preserved pursuant to GRAMA. The City Council must also work with the City Recorder to ensure the records are properly retained.*

#### **4.3 GRAMA**

*All Elected Officials are subject to GRAMA when conducting city business on any electronic device (whether city owned or personally owned) including open meetings law and accessibility to information required to be searched.*

#### **4.4 Social Media Policy**

*The Social Media Policy of the City shall include but not be limited to:*

- *Always conduct yourself as a representative of the City and in accordance with all appropriate City policies and standards.*
- *Avoid making posts related to your official duties or governmental bodies.*
- *Redirect political dialogue requests to an alternative means of communication.*
- *Avoid making posts and/or comments on behalf of the City.*
- *Use a clarifier such as: "These comments and opinions reflect my position as one member of the City Council."*
- *Avoid responding to inappropriate comments or personal attacks on social media.*
- *If your account is deemed public, do not block accounts, delete, or hide comments.*
- *Do not use social media to carry out your duties.*
- *Do not use public assets or staff to run your account(s).*
- *Do not use social media to make announcements about your official responsibilities, action, activities or views on organizational matters, ordinances, or policies.*
- *Do not solicit the public's views on political issues you may be engaged in.*
- *Include a social media policy on your page.*

#### **4.5 Electronics**

*Elected Officials wishing to use city owned computers, laptops, or other electronic devices to conduct city business must agree to the following:*

- *The device(s) will be used only at the City Office building and may not be taken off the premises.*
- *The device(s) will be checked out from and returned to the City Recorder.*
- *The device(s) will be used for city business only, and not for personal use.*
- *No inappropriate, illegal, obscene, pornographic, or sexually explicit material shall be accessed, stored, or viewed on City owned computer equipment.*
- *All activity will be monitored by the City's IT Department.*

### **5. Development Process Policy**

### **5.1 Establishment**

*Under the advice, direction, and counsel of the City Attorney, this Development Process Policy and Procedure for current and future development is hereby established;*

*It shall be the policy of Toquerville City that all development will follow an established meeting order of first, PSR (Planning Staff Review); second, JUC (Joint Utility Commission); third, Planning Commission; and fourth, City Council.*

*This policy further establishes PSR (Planning Staff Review) as the first step in the development process in Toquerville City and will be comprised of the City Manager, the Planning & Zoning Administrator, and the Planning Commission Chairman. Those who wish to develop in the City or apply for any type of land use will need to schedule a PSR meeting through the City Recorder.*

### **5.2 Development Meeting Schedule**

*The meeting schedule will be as follows:*

- *PSR meetings will be held as needed*
- *JUC meetings will be held on the 4<sup>th</sup> Wednesday or as needed*
- *Planning Commission is held the 2<sup>nd</sup> Wednesday of the month*
- *City Council Meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of the month.*

### **5.3 Proper Procedures**

*In order for the City to maintain proper and professional procedures and to avoid perceived favoritism or bias, it is imperative all elected and appointed officials follow the Development Process Policy and Procedure as outlined above.*

*If any elected or appointed official of the City is contacted by any person(s) wishing to develop in the City, they shall refer the developer back to the City Office so they may schedule a PSR meeting, thereby following the established order of approval for development.*

*Elected and appointed officials must adhere to the Municipal Officers' and Employees' Ethics Act to avoid misconduct or conflicts of interest.*

## **6. Ethics Rules**

*The Ethics Act applies to all elected and appointed City officers and employees (both full and part-time). This includes persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. This state law does two things. It establishes standards of conduct for municipal officers and employees*

*and it requires disclosure of certain actual or potential conflicts of interest between one's public duties and personal interests.*

### ***6.1 Compliance***

*Elected and appointed officers and employees are required to comply with the disclosure requirements of the Municipal Officers' and Employees' Ethics Act (the Ethics Act) with regard to actual and potential conflicts of interest. (The requirements of the Ethics Act are discussed in more detail below.) To facilitate this compliance, the City has required annual completion of a Conflict of Interest Disclosure Form. The purpose of this procedure is to avoid conflict of interest problems.*

*The Municipal Officers' and Employees' Ethics Act (Utah Code §10-3-1301 et seq.), applies to municipal councilors and the municipal council's staff. The Council considers it a best practice to revisit and remind the councilors and council staff of the limits and responsibilities of our unique positions. It is the policy of the Toquerville City Council that every Council member, the City Manager, Assistant City Manager, all City Officers, and all full-time employees of the City to complete and retain on file annually the Conflict of Interest Disclosure forms provided by the Administration.*

*While the City seeks to assist its officers and employees in disclosing actual or potential conflicts of interest, the duty of disclosure falls on the individual. If an actual or potential conflict of interest arises during the year, a Council Member should use the Disclosure Form to disclose the matter in accordance with the Act's requirements as soon as possible and not wait for the City's annual disclosure process to occur.*

### ***6.2 Withdrawal Due to Conflict of Interest***

*In addition to meeting disclosure requirements, in certain circumstances a Council Member may also be required to recuse (or disqualify) himself or herself from deliberating, deciding, and/or voting on an issue where a conflict of interest exists.*

*Other instances may not require recusal, but a Council Member may elect to recuse himself or herself from deliberating, deciding, or voting on an item whenever this seems appropriate to avoid any appearance of impropriety.*

*However, another section of stat law does allow the council to expel a member from a meeting if the member has a direct or indirect financial conflict of interest with the matter at issue. Utah Code 10-3-607.*

### ***6.3 Ethics Review Commission***

*Toquerville City will refer all complaints of violations of the Ethics Act to the Political Subdivisions Ethics Review Commission as provided for in Utah Code Section 10-3-1311(2)(b)(ii).*

## **6.4 Standards of Conduct**

*The Ethics Act makes it a crime for an Elected Official to do any of the following:*

- *Disclose or improperly use private, controlled, or protected information acquired as the result of your official position or duties in order to substantially further your personal economic interest or to secure special privileges or exemptions for yourself or others. Private, controlled or protected information is information classified as such under the Government Records Access and Management Act;*
- *Use or attempt to use your official position to substantially further your personal economic interest or secure special privileges for yourself or others;*
- *Knowingly receive, accept, take, seek, or solicit, directly or indirectly, for yourself or another, a gift of substantial value, or a substantial economic benefit tantamount to a gift*
  - *(i) that would tend to improperly influence a reasonable person holding your position to depart from the faithful and impartial discharge of your public duties;*  
*or*
  - *(ii) that you know, or a reasonable person in your position should know under the circumstances, is primarily for the purpose of rewarding you for official action taken.*
- *Receive compensation for assisting any person or entity in any transaction with the City without making a written and oral disclosure to the Mayor and the public. This rule does not apply to an occasional nonpecuniary gift having a value of less than \$50, an award publicly presented in recognition of public service, a loan made in the ordinary course of business, or a political campaign contribution actually used in a political campaign. An economic benefit tantamount to a gift includes loans at substantially less than commercial rates and compensation for services at a rate substantially higher than fair market value.*

*In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally engages in any of the above must be removed from office and is guilty of:*

- *A second degree felony if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000.*
- *A third degree felony if (i) the total value of the compensation, conflict of interest, or assistance is more than \$250 but less than \$1,000, or (ii) the elected or appointed officer or municipal employee has been convicted twice before of violating the Ethics Act and the value of the conflict of interest, compensation or assistance was \$250 or less.*
- *A class A misdemeanor if the value of the compensation or assistance was more than \$100 but less than \$250.*
- *A class B misdemeanor if the value of the compensation or assistance was \$100 or less.*

## **6.5 Disclosure Requirements**

*The Ethics Act requires that a Council Member disclose any of the following:*

- *Receiving or agreeing to receive compensation for assisting any person or business entity in any transaction involving the City. Disclosure must be provided by filing a sworn statement with the Mayor giving your name and address, the name and address of the person being assisted, and a brief description of the transaction and service to be performed. The statement must be filed 10 days before the date of agreement or receipt of compensation. Council members must make the disclosure in an open Council meeting before the matter is discussed. City staff must make the disclosure to his or her immediate supervisor and any other person who may evaluate or approve the activity.*
- *Being an officer, director, agent, employee, or owner of a substantial interest of a business entity regulated by Toquerville City. A "substantial interest" means legal or equitable ownership by an individual, spouse, or minor children, of at least 10% of the outstanding shares of a corporation or a 10% interest in any other business entity. Disclosure must be provided upon election, appointment, or employment by filing a sworn statement with the Mayor disclosing the position held, and the nature and value of the interest. Disclosure is required again if the position changes or the interest value increases significantly. Within 30 days of receipt, the Mayor must report the substance of the disclosure to the Council or give the Council a copy of it. Two exceptions apply. First, an interest valued at less than \$2,000 is not required to be disclosed. Second, life insurance policies or annuities do not need to be considered in determining the value of an interest.*
- *Being an officer, director, agent, employee, or owner of a substantial interest of a business doing business with Toquerville City. Disclosure must be made to the Council in a public meeting prior to any discussion involving the entity and must be entered into the meeting minutes.*
- *Any personal interest or investment which creates a conflict between your personal interest and your public duties. Disclosure must be made to the Council in a public meeting in the manner described above.*

*The Ethics Act requires that a person who knowingly and intentionally violates any of the above-listed activities be removed from office. A related contract or transaction may be voided.*

## **TOQUERVILLE CITY COUNCIL POLICIES AND PROCEDURES**

### **1. ~~PURPOSE~~**

- ~~1.1 Meeting Policies and Procedures: These Meeting Policies and Procedures of the City Council of Toquerville City ("Council") are intended for the government of the Council, the preservation of order, and the orderly transaction of Council business. These Policies and Procedures should assist and give direction to the Council in conducting their meeting not inhibit it.~~

~~2. AUTHORITY~~

~~2.1 City Code: The Toquerville City Code and the Utah Municipal Code provides that the Council may determine its own procedure policies. These policies shall be in effect until such time as they are amended or new policies are adopted by the Council.~~

~~3. GENERAL RULES~~ *7. Public Meetings*

~~7.1~~ **Public Meetings**

All official meetings of the Council (except where State or local law allows for closed sessions) shall be open to the public "Open and Public Meetings Act" pursuant to Section 52-4-101 of Utah Code Ann. The Council shall give at least twenty-four (24) hours advanced notice of its meetings unless an exception for shorter notice is provided under state law. The approved and corrected minutes of the proceedings of these open meetings shall be available for public inspection.

~~7.2~~ **Location**

The location of all regular, special, emergency and work session meetings, unless publicly noticed differently, shall be in the Council Chambers in the Toquerville City Hall located at 212 North Toquer Boulevard, Toquerville, Utah 84774.

~~7.3~~ **Quorum**

Three members of the Council shall constitute a quorum. A minimum of three votes shall be necessary to take any action, except where more votes are required by Section 11.2.

~~7.4~~ **Recognition by the Mayor**

The mayor shall recognize all Council members, staff and/or individuals from the general public before addressing the Council on any issue.

~~4. 8. Types Of Meetings~~

~~A. 8.1 Regular Meetings~~

The City Council shall conduct at least one regular meeting per month, as provided in section 10-3-502(1)(b), Utah Code Annotated (1953, amended). Regular meetings shall be scheduled on the first and third Wednesdays, in the City Council Chambers located at 212 N. Toquer Blvd., Toquerville, Utah, commencing promptly at a time set by resolution, provided that: 1) such meeting may be canceled or rescheduled by the Mayor and/or City Council if said meeting date is a legal holiday, or is immediately preceding or following such; and 2) the Mayor may cancel any

meeting so long as at least one regular meeting of the Council is scheduled and held during the calendar month in which such meeting is canceled. Every meeting is open to the public, unless closed pursuant to Utah Code Annotated sections 52-4-204, 52-4-205, and 52-4-206.

~~B.~~ **8.2 Special Meetings**

The Mayor or any two (2) members of the City Council may order a special meeting of the City Council by delivering a written notice of the special meeting signed by him or them to each member who did not join in the order, leaving a copy of the notice at the member's usual place of abode at least three (3) hours prior to such meeting. The personal appearance by a member of the City Council at any specially called meeting constitutes a waiver of the notice required by this subsection. The written notice required in this subsection shall state the time and place the special meeting is to be held and the purpose for which the special meeting is being called, and shall comply with all applicable provisions of the Utah Open and Public Meetings Act, Utah Code Annotated section 52-4-101 et seq.

~~C.~~ **8.3 Record Of Proceedings**

The City Recorder shall keep a record of the proceedings of the meetings of the City Council, except that minutes of the executive session shall not be available to the public until such time as the City Council shall make them public or by an order of court.

~~D.~~ **8.4 Conduct Of Meetings And Order Of Business**

All meetings will follow the current policy and procedure practices adopted by resolution.

~~E.~~ **8.5 Electronic Meetings**

The City Council may conduct Electronic Meetings pursuant to the requirements of Utah Code Annotated § 52-4-207, as such may be amended from time to time. As required by the Utah law, the following shall apply to Electronic Meetings.

1. Definitions. For purposes of conducting Electronic Meetings, the following are defined terms:

a. "Anchor Location" means the physical location from which the electronic meeting originates and where interested persons and the public may attend, monitor and participate in open portions of a City Council meeting.

b. "Electronic Meeting" means a public meeting of the City Council convened and conducted by means of a telephonic, telecommunications or

computer device or other electronic means, allowing each member of the City Council to be in contact with the anchor location and participate concurrently with all other members of the City Council in the conduct of such meeting.

2. Anchor Location: The only Anchor Location for Electronic Meetings of the City Council shall be the conference room in the City offices at 212 N. Toquer Boulevard, Toquerville, Utah. Other Anchor Locations for an electronic meeting may be approved as required by circumstances. Public participation in an Electronic Meeting is limited to an Anchor Location.

3. Facilities at Anchor Location. Space and facilities must be provided at the Anchor Location so that all interested persons may attend and monitor the open portions of the meeting. In addition, if comments from the public will be accepted during the Electronic Meeting, space and facilities must be provided at the Anchor Location so that interested persons and the public may attend, monitor and participate in the open portions of the meeting.

4. Member Arrangements for Electronic Participation. A member of the City Council must give the City Recorder notice of his or her intent to attend a City Council meeting electronically at least forty-eight (48) hours prior to the meeting to allow for arrangements to be made for the Electronic Meeting. Such notice by the City Council member must include the electronic means the City Council member intends to utilize to attend the meeting.

5. General Requirements. A quorum of the City Council need not be present at the Anchor Location, so long as all other requirements of this Utah Code Annotated § 52-4-207 for an Electronic Meeting is satisfied. No meeting of the City Council may be held electronically unless at least one member of the City Council is present at the Anchor Location. The meeting shall be conducted from the Anchor Location by the Mayor or the Mayor Pro Tempore. If neither the Mayor nor Mayor Pro Tempore is present at the Anchor Location, the City Council shall select from its membership present at the Anchor Location a Mayor Pro Tempore for the sole purpose of conducting the Electronic Meeting.

6. Attendance and Participation. Any member of the City Council participating in a meeting of the City Council by electronic means shall be considered present at the meeting for all purposes, including counting toward a quorum. A member of the City Council participating in a meeting via electronic means shall be afforded every opportunity to participate in the discussion of the items on the agenda and may make, second and vote on all motions.

7. Notice of Electronic Meeting. Public notice of an Electronic Meeting of the City Council shall be given not less than twenty-four (24) hours prior to the meeting by: (i) posting written notice of the meeting at the Anchor Location, (ii) by providing written or electronic notice to at least one newspaper of general circulation in

Washington County or a local media correspondent, and (iii) by posting the notice on the Utah Public Notice Website created under Utah Code Annotated § 63F-1-701. In addition, the City Recorder shall provide notice of the Electronic Meeting to members of the City Council at least twenty-four (24) hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present. The notices of the Electronic Meeting shall describe how the members of the City Council will be connected to the Electronic Meeting.

8. Communication. For each Electronic Meeting of the City Council, a speakerphone, or similar amplifying electronic device with or without video capabilities will be connected in such a manner that comments made by the members participating electronically will be broadcast at the Anchor Location. Opportunities for each member present at that Anchor Location and those participating electronically will be given to make inquiries and participate in the discussion. Discussion of motions will take place in accordance with the usual procedures of the City Council with the exception that those present electronically must declare their intent verbally with their accompanying name(s). Votes taken in Electronic Meetings shall be roll call methods, with each member audibly verbalizing their vote. If a member participating in a meeting electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum present, counting all members still participating in the meeting whether at the Anchor Location or participating electronically.

9. Minutes. Minutes of an Electronic Meeting shall designate the name of each City Council member who participated electronically, the nature of the electronic communication and the duration of the member's participation in the meeting. The roll call for members present will be taken verbally and recorded, during the meeting.

10. Limitations. Electronic Meetings may be prohibited or limited based on budget, public policy or logistical circumstances.

#### **F. 8.6 Force Majeure Exception**

In instances where conducting a regular meeting, workshop or executive session is not practicable or reasonable due to causes outside of the control of the City Council, including: acts of God, civil commotion, war, terrorism, governmental regulations or control and health pandemics the City Council may cancel the meeting, close the meeting, or conduct it in an alternative location or choose to conduct the meeting, workshop or executive session as an Electronic Meeting without the requisite advanced notice due to the emergency or extraordinary circumstances pursuant to Utah Code Annotated §§ 54-2-201(2)(b) and 54-2-202(5).

#### **5. 9. Order Of Business**

## ~~5.1 Regular and Special Meetings~~

~~Regular City Council meetings shall be scheduled on the first and third Wednesdays of each month at 6:00 p.m. As noted the Mayor or any two (2) City Council members may call a Special meeting at any time (with proper notice), if such a meeting is deemed necessary.~~

### *9.1 Order of business*

The general rule as to the order of business in regular and special meetings shall be as follows:

- A. CALL TO ORDER - by the Mayor.
- B. OPENING CEREMONY - Opening Comments and Pledge of Allegiance:
  - Opening Comments - as assigned by the Mayor from the members of City Council or any Enterprise resident who has submitted a request in writing prior to the meeting.
  - Pledge of Allegiance - as assigned by the Mayor from the members of the City Council.
  - Opening Prayer – as assigned by the Mayor
  - Call for Statement of Beliefs from the public present – made by the Mayor.
- C. APPROVAL OF AGENDA - The Mayor can revise the order of the agenda items during this time in order to accommodate the Council or to more efficiently handle the business at hand. During this part of the Agenda, members of the Council shall declare any conflicts of interest, and the nature of the conflict of interest, in relation to any matter which is before the Council for action, prior to any discussion of that matter. If a member of the Council realizes a conflict of interest, they may abstain from voting on the matter. If the conflict of interest is in the nature of a financial or economic interest, members of the Council are encouraged to abstain from voting on the matter. No action shall be taken on any items, not on the published agenda.
- D. APPROVAL OF MINUTES AND ACCOUNTS PAYABLE – The Council shall consider for approval any preceding meetings’ minutes and any accounts payable through the date of the meeting. The Council may make any such adoption conditional upon corrections being made to the minutes.
- E. STAFF REPORTS – Reports from Staff Personnel and other various entities involved with Toquerville City Government.
- F. OPEN FORUM – The Mayor can ask for and or conduct any type of General Citizen Communication during this time. This is also the time for citizens to address the City Council, limiting the time to three minutes for each person.

- G. PROCEED WITH THE APPROVED AGENDA – The Mayor will then follow the approved agenda as outlined.  
  
The Agenda shall consist of:
  - A. Public Hearing(s) and/or
  - B. General Business.
- H. MAYOR/COUNCIL REPORTS – Reports from the mayor and councilmembers appointed to special boards and special assignments.
- I. CLOSED SESSION – During the Executive Session, the Council may adjourn the public meeting for the purpose of conducting a Closed Meeting pursuant to Section 52-4-205 of Utah State Code and sections 7.1 and 8.1 of these Policies and Procedures above. Upon the completion of the purposes of the Closed Meeting, the Mayor or Mayor pro tem shall close the Executive Session and reopen the public meeting, without motion of the Council.
- J. CALENDAR OF EVENTS – The Council may review upcoming meetings, holidays, community events, presentations of commendations, or other upcoming events of interest to the Council or public.
- K. ADJOURNMENT – The Council shall adjourn the meeting by motion, requiring a second and a majority of affirmative votes.

~~5.2~~ **9.2 Emergency Meetings**

Emergency Meetings may be called and notice given pursuant to Section 52-4-202, subsection (5), of the Utah Code. The general rule as to the order of business in Emergency Meetings shall be as follows:

- A. Call to order - by the Mayor
- B. Opening Comments
- C. Vote by Council members present to approve the Emergency Meeting
- D. Meeting Items
- E. Adjournment

In the event that fewer than three (3) of the Council members vote to approve the Emergency Meeting, the Mayor or Mayor pro tem shall immediately close the meeting without further discussion or action.

~~5.3~~ **9.3 Work Meetings**

The Mayor may call a Work meeting at any time (with proper notice) if such meeting is deemed necessary. The general rule as to the order of business in work meetings shall be as follows:

- A. Call to order - by the Mayor

- B. City Department Reports
- C. Public Forum
- D. Working Agenda
- E. Mayor/Councilmember Reports
- F. Possible Closed Session
- G. Adjournment

~~5.4~~ **9.4 Placing Items on the Agenda**

The Mayor is responsible for the City Council Agenda. The general rule as to when to place an item on the agenda for consideration is as follows:

- A. The Mayor may place items on the agenda for consideration, discussion, or action.
- B. Any Council Member may place items on the agenda for consideration, discussion, or action.
- C. The City Recorder, City Manager (if applicable), and other City Staff may place items on the agenda for consideration, discussion, or action, with the approval of the Mayor.
- D. Residents, vendors, suppliers, partners, governmental entities, and service providers may request an item be placed on the agenda, provided they identify relevance, pertinence, or timeliness of the topic, subject to approval by the Mayor.
- E. Non-residents may request items be placed on the agenda, such requests shall be in writing, and they shall identify relevance, pertinence, or timeliness of the topic, subject to approval by the Mayor.

The Mayor shall have broad discretion in determining when to schedule any item, both in terms of agenda order and meeting date, to ensure timely and efficient use of meeting time and to avoid overloading meeting agendas.

~~5.5~~ **9.5 Items for the Agenda Deadline**

Persons requesting items be placed on the agenda shall submit their request to the City Manager or City Recorder, with any related supporting documentation, by 4:30 pm the Monday prior to the City Council Meeting. Requests made after the deadline may be considered on a subsequent agenda, as determined the Mayor.

~~6.~~ **10. Presiding Officer And Duties**

~~6.1~~ **10.1 Mayor as the Presiding Officer**

The Mayor, if present, shall act as Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor pro tem shall preside. In the absence of both the Mayor and the Mayor pro tem, the Council shall elect a temporary Mayor pro tem who will then preside at that meeting. All references to the Mayor in these Policies and Procedures shall also generally mean and refer to the Mayor pro tem duly elected

by the Council and serving pursuant to section 10.6 below.

**~~6.2~~ 10.2 Call to Order**

Meetings of the Council shall be called to order by the Mayor or in the Mayor's absence, by the Mayor pro tem. In the absence of both the Mayor and the Mayor pro tem, the meeting shall be called to order and the attending Council members will elect a temporary Mayor pro tem.

**~~6.3~~ 10.3 Preservation of Order**

The Mayor shall preserve order and decorum; prevent attacks on personalities or the impugning of member's motives and confine any debate to the question under discussion.

**~~6.4~~ 10.4 Points of Order**

The Mayor shall determine all points of order.

**~~6.5~~ 10.5 Time Limits**

The Mayor shall have the power to set time limits on input and discussions at the Mayor's discretion.

**~~6.6~~ 10.6 Substitution for Mayor**

The Council shall elect a member of the Council to serve as mayor pro tem to preside at meetings and perform the duties of the mayor in the event that the mayor is unable, through absence, disability, or refusal to act, to fulfill his or her duties as set forth herein and in applicable state and local law. The mayor pro tem term will be for two years. Should the mayor pro tem not be present, any other member of the Council will be elected to temporarily preside at the meeting in order to cover an absence of the mayor pro tem. The Mayor Pro Tem, as a member of the Council, shall, while conducting any meeting, continue to act as a voting member of the Council.

**~~6.7~~ 10.7 Motion to be Clear**

The mayor shall ensure that all motions submitted for a vote are clearly understood by the Council.

**~~6.8~~ 10.8 Call for Vote**

The mayor shall call for a vote. The mayor shall announce the result of the vote.

**~~6.9~~ 10.9 Input from Public in Absence of Public Hearing**

The mayor may, of his own volition or at the request of any council member, request input from members of the public present on any item before the council for discussion or consideration, even in the absence of a scheduled public hearing as set forth in section 12 below. The mayor shall have no obligation to request such public input. The mayor shall only receive such input in a manner consistent with the other provisions of this section.

## ~~7.~~ **11. Types Of Motions And Reconsideration**

### ~~7.1~~ **11.1 Motions Require a Second**

All motions require a second before they can be discussed or acted upon. In the mayor's discretion, questions for clarification of a motion may be allowed of the non-moving members present, prior to a second on the motion.

### ~~7.2~~ **11.2 Motions Requiring A Two-thirds Vote**

A motion to adjourn to a closed meeting shall require a motion, a second, and a two-thirds (2/3) vote of the council members present, or as otherwise required by state law.

### ~~7.3~~ **11.3 Motion to Approve**

All motions shall require a second and majority affirmative votes to be approved.

### ~~7.4~~ **11.4 Amendments to Pending Motion**

Any motion being considered by the council may be amended by permission of the maker of the motion and concurrence of the second.

### ~~7.5~~ **11.5 Motions to Continue**

The council may approve a motion to continue any item for further discussion or consideration. Public Hearings and Show Cause Hearings must be continued to a specific date and time and may not be continued beyond forty-five (45) days from the date for which it was first noticed without resetting and re-noticing the hearing.

When the applicant for an agenda item makes a request for a continuance, the following policy will be used:

- A. A request to continue the agenda item will be granted if the applicant makes the request at least seven (7) days in advance of the meeting, in which the item was scheduled to be heard. The applicant has the responsibility to notify the affected property owners (those who are required by State law, City ordinance, or City noticing policy to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Council

agenda.

- B. If the request is made less than seven (7) days in advance of the meeting in which the item was scheduled to be heard, the mayor and the mayor pro tem, or their designees, will determine whether or not there is good cause to continue the item.
  - 1. If the Council determines that there is not good cause to continue the item, the item will remain on the agenda and be considered by the City Council.
  - 2. If the Council determines that there is good cause to continue the item to a future agenda, staff will notify the applicant of the decision. During the meeting in which the item was scheduled to be heard the City Council, by motion, will select the date, and if applicable, the time to which the item is to be rescheduled.

The applicant shall have the responsibility to notify the affected residents (those who are required by City ordinance to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Council agenda.
- C. If the applicant requests a continuation during the meeting for which the item is scheduled, the City Council will make the determination if there is good cause to continue the item to a later date.
- D. If the applicant requests a continuation and it is determined that there is not good cause to continue the item, and the applicant withdraws the application in lieu of proceeding, the application will not be considered by the City Council until the applicant files a new application and pays the required fees. The new application must follow the same process as any new application.

#### ~~7.6~~ **11.6 Motions to Table**

Not including Public Hearings and Good Cause Hearings, the Council may table an issue, without scheduling it for future consideration, with a motion, second and a majority of affirmative votes.

#### ~~7.7~~ **11.7 Motions which do not receive at least three votes on either side**

Motions which do not receive at least three votes for or against the proposition being voted upon are considered to be a tied vote. The Mayor will then vote to cast the tie-breaking vote. However, should the Mayor not be present to break the tied vote, or should the Mayor's vote not serve to break the tie (such as when there are two votes on one side, and one on the other, and the Mayor votes with the side having only one vote) the applicant or any City Council member may request that the item be brought back to the Council at a subsequent meeting to be decided by sufficient members to

get three votes one way or the other. The subsequent action is not considered a reconsideration. In the event that neither the applicant nor a Council member requests a subsequent vote, then the item shall be considered to have been voted down.

#### ~~7.8~~ **11.8 Motions to Reconsider a Decision**

Any two Council members who voted in the majority on a motion approved or denied may request a reconsideration of the action. The request may be made by making a motion to reconsider at the same meeting in which the original motion was approved or denied or by requesting within seven days of that meeting that there be a motion to reconsider being heard at the next regularly scheduled Council meeting. If a properly made motion to reconsider passes, the actual reconsideration of the item shall take place only after appropriate legal notice is given. After a motion for reconsideration has been acted on, no other motion for reconsideration on that issue shall be allowed within a twelve (12) month period without unanimous consent of the entire Council. Following the twelve (12) months, the item may be considered as a new item.

#### ~~7.9~~ **11.9 Question on the Motion**

After a motion and a second, any member of the Council may request a discussion on the motion. Once a question has been answered and discussion is completed, the Mayor shall call for a vote on the motion.

#### ~~7.10~~ **11.10 Withdrawal or Substitution of Motion**

At any time prior to the Mayor's call for a vote on the Motion, the moving Council member may voluntarily withdraw the motion or make a new motion which shall be considered to have superseded his or her prior motion. A new motion shall require a new second.

#### ~~7.11~~ **11.11 Minutes of Action on Motion**

Unless a vote of the Council is unanimous, the minutes of each action taken on any motion shall reflect the vote of each individual Council member.

### ~~8.~~ **Ordinances, Resolutions and Agreements**

~~8.1~~ Ordinances: The City Council may pass a law to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition as allowed by state law. Ordinances are generally passed as part of the City Code.

~~8.2~~ Resolutions: The City Council may express a formal opinion or the will of the Council without it becoming a part of the City Code. A resolution may be used to do any of the following:

- ~~A. Adopt official policies.~~
- ~~B. Take official action relating to financial matters.~~
- ~~C. Take any administrative action in which the Council is authorized by law to take.~~
- ~~D. Regulate the use and operation of municipal property.~~
- ~~E. Make an official declaration.~~

~~8.3 Agreements: The Council may enter into an agreement between the City and one or more parties agreeing to do or not to do an act or take a course of action.~~

~~8.4 Form: Ordinances, Resolutions, and Agreements shall be in written form.~~

~~8.5 Funding: All Ordinances, Resolutions, and Agreements authorizing an expenditure of money shall include the amount, source, and purpose of the expenditure.~~

~~8.6 Adoption of Ordinance, Resolution, or Agreement: The Council shall adopt any Ordinance, Resolution, or Agreement by a motion, second and at least three affirmative votes. The effective date on all Ordinances and Resolutions shall be immediately upon passage, unless the City Council establishes a specific effective date; or, in the case of Ordinances, upon publication. The effective date on all Agreements shall be the date of execution by the Mayor, unless another effective date is established by the City Council at the time the City Council approves the Agreement.~~

## ~~9. CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS~~

~~9.1 Citizen Committees, Boards and Commissions: The Council may create policy advisory committees, boards, and commissions with such duties as the Council may specify which are not inconsistent with the City Code and State Law.~~

~~9.2 Member Approval: The request for appointment to the policy advisory committees, boards, and commissions are reviewed by the Mayor and Council. The Mayor will recommend members by appointment, which must then be approved by the Council with a majority vote.~~

~~9.3 Ad hoc Citizen Committees: The Mayor, with the advice and consent of the Council, may appoint Ad hoc Citizen Committees to address policy issues of specific concern. Ad hoc Committees shall continue for a temporary and limited duration.~~

## ~~10. 12. Public Hearings~~

### ~~10.1 12.1 Purpose of Public Hearings~~

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

~~10.2~~ **12.2 Before the Public Hearing**

- A. Notification will be given well in advance and comply with applicable state and local law.
- B. Written material submitted by citizens and interested groups must be submitted to the City Recorder's office by 4:30 pm of the Monday before the hearing if they want copies to be distributed in the agenda packets. Any information received after this time will be given to the Council prior to the meeting being called to order. Citizens and interested groups may distribute copies of materials to the City Council at any time, but during any meeting of the Council, the material may only be distributed with the approval and direction of the Mayor.

~~10.3~~ **12.3 Order of Public Hearings**

- A. The Mayor or Mayor Pro Tem shall conduct all Public Hearings. The Mayor should review the rules and procedures for conducting public hearings at the start of the public hearing.
- B. The public hearing shall first be opened to the appropriate staff member who will present and discuss with the Council the issue at hand.
- C. Upon completion of the staff member's report, and questions from the Council, the Mayor invites the applicant to discuss with the Council the issue at hand and present additional or more specific information.
- D. Following staff and the applicant's discussion and any questions from the Council, the Mayor shall open the hearing to the public for comments. The Mayor must first recognize any person desiring to address the Council. The Mayor shall try to provide equal time to those favoring and opposing the issue.
- E. The Mayor should courteously limit repetition. The Mayor should retain flexibility for additional comments but only on new information.
- F. At the Mayor's discretion, staff and/or the applicant may address any questions or clarify any matter raised during the comment period.
- G. At the discretion of the Mayor, the public hearing shall be closed once the applicant has the opportunity to clarify any concerns, which had been previously discussed. No further remarks by the public will be heard.
- H. The Council may by motion: (i) close a public hearing in order to consider and take action on the issue; (ii) re-open a public hearing during the same meeting at which the public hearing was originally closed, and prior to taking action on the issue; or (iii) continue a public hearing, also continuing consideration of and

action on the issue to another specific date and time. A public hearing may not be continued for longer than forty-five (45) days from the date for which it was first noticed without re-noticing and reconvening the hearing.

- I. Upon completion of the public hearing and of any further discussion and/or deliberation of the Council, the Council shall take appropriate action on the issue.

#### ~~10.4~~ **12.4 Manner of Addressing the Council**

Each person addressing the Council shall use the microphone and shall state their name and address of residence in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body, and not to any member thereof. Council members should be addressed using their formal title followed by the individual's last name. No person shall be permitted to enter into any discussion, either directly or through the members of the Council unless first recognized by the mayor. No questions will be asked of the Council Members except through the mayor.

#### ~~10.5~~ **12.5 Questions from Council members**

The council members may at any time during a public hearing request clarification or additional input from the staff members, applicants, or the general public.

### ~~11.~~ **13. Rules Of Conduct *During Public Meetings***

#### ~~11.1~~ **13.1 Disorderly Citizens**

Any person, including staff, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the council, or who otherwise continues to violate the decorum, order, or procedure of any meeting after a reasonable warning or admonishment, may be considered disorderly by the council and may be expelled by a two-thirds vote of the council as pursuant to Section 10-3-608 of Utah State Code, as amended.

#### ~~11.2~~ **13.2 Disorderly Council members or Mayor**

Any member of the council, or the mayor, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the council, or who otherwise continues to violate the decorum, order, or procedure of any meeting after a reasonable warning or admonishment, may be considered disorderly by the council and may be expelled by a two-thirds vote of the council as pursuant to Section 10-3-607 of Utah State Code, as amended.

# Toquerville City Flow Chart

