

RESOLUTION NO. 2022-02

A RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR COUNCIL MEETINGS

WHEREAS Lake Point is authorized and required by Utah Code § 10-3-606 to adopt rules of order and procedure to govern parliamentary order, ethical behavior, and civil discourse to govern the Council's public meetings;

WHEREAS the Lake Point City Council desires to adopt rules of order that are flexible in order to promote discussion and discourse without burdening discussion with overly formal rules of procedure;

NOW, THEREFORE, BE IT RESOLVED by the Lake Point City Council as follows:

Section 1. The policies and procedures set forth in Exhibit A, attached hereto and incorporated herein by reference, are adopted as the rules of order and procedure for the Lake Point City Council. Where reference is made to the "Mayor," such shall mean the elected officer serving as Council Chair.

Section 2. This Resolution shall take effect immediately upon approval.

PASSED, APPROVED, AND ADOPTED on the 7th day of December, 2022

Lake Point

By
Chair



ATTEST:


City Recorder

SEAL

Voting:

Daniel Crawford
Doyle Garrard
Jonathan Garrard
Kathleen VonHatten
Ryan Zumwalt

Yea / Nay ___ Absent ___
Yea / Nay ___ Absent ___
Yea / Nay ___ Absent ___
Yea / Nay ___ Absent ___
Yea / Nay ___ Absent ___

EXHIBIT A

Form of Meeting Procedures

LAKE POINT CITY

CITY COUNCIL

PROCEDURES AND POLICIES

R 2022-02 Exhibit A

November 28, 2022

The purpose of this document is to outline the procedures and operations of City Council Meetings, agenda formation, and Council requests to allow Lake Point City to operate in an efficient and orderly manner, as authorized by Utah State Code § 10-3-606. Nothing in this document is intended to detract or take away from the powers, duties, or processes outlined in Utah State or Lake Point City Code.

1. INTRODUCTION

1.1 Form of Government: Lake Point is a five-member council form of government. The powers are vested in a council consisting of five members one of which is the elected Chair from the Council, equivalent to Mayor when code requires it.

1.2 Chair/Mayor: The Chair (sometimes referred to as the Mayor) is the chief executive officer of the City, with the powers and duties granted by state and city code. The Chair duties are generally to preside over all Council meetings, manage Council agendas, appoint city officers and board and committee members, and exercise ceremonial functions. The Mayor is a voting member of the Council.

1.3 Council: The Council is the governing body of the City and exercises all legislative and administrative powers and functions not granted to the Chair. The Council's duties and powers are more specifically defined by state and city code.

2. GENERAL RULES OF MEETINGS

2.1 Public Meetings: All official meetings of the City Council and other meetings where a quorum of the City Council is present (except where State or local law allows for closed sessions) shall be open to the public. A quorum consists of three (3) Council Members, including the Chair. Records, recordings, and minutes of meetings shall be kept and made available to the public as expeditiously as possible, in accordance with state law.

2.2 Location: The default location for all meetings is 1528 Sunset Rd. Lake Point. Other locations may be used for non-regular meetings as designated by the Chair, and the location for regular meetings may be changed by two Council Members, or at the written request of at least three (3) Council Members. Electronic meetings may be held in accordance with state and city code.

2.3 Types of Meetings:

A. Regular Meetings: The City Council shall meet at least once per month in accordance with the annual meeting schedule as approved or as amended.

B. Special Meetings: Special City Council meetings may be called by the Chair or any two (2) Council Members by giving written notice to the City Recorder and Chair. Written notice may be provided by email. Notice of special meetings shall be provided to the Council and the public as required by law.

C. Emergency Meetings: Emergency Meetings may be called by the Chair or any two (2) Council Members to consider matters of an emergency or otherwise urgent nature. The best practicable public notice shall be given.

D. Closed Meetings: The City Council may move into a Closed Meeting (also known as an Executive Session) to discuss topics provided for under state law. Moving into a Closed Meeting requires a two-thirds (2/3) vote of the City Council present.

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

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

G. Electronic Meetings: The City Council may conduct electronic meetings where one (1) or more of its members participate remotely by telecommunication in accordance with state and city code. Members so participating shall be considered present at the meeting for all purposes, and shall be afforded every opportunity to participate in the discussion of the agenda items and cast their vote on issues coming to the Council for a vote.

3. AGENDA PROCEDURE

3.1 The Chair and City Council may establish or add items to the City Council's agenda as set forth herein:

A. The Chair, together with the City Recorder, has the primary responsibility for creating and posting an agenda in advance of each meeting, and determining the items to be considered as part of said agenda. The Chair may add or remove items, provided that if an item was requested by two (2) or more Council Members, the Chair shall not remove or reschedule the item without the approval of the requesting Council Members.

B. Two (2) or more Council Members may add any item to the agenda by providing a written request outside of a meeting prior to the scheduled Council meeting or by formally requesting the item during a Council meeting. Requested items shall be added to the next available agenda. At the request of either of the requesting Council Members, the item may be removed from the agenda or postponed to a future agenda.

3.2 Discussion items may be placed on any agenda by the Chair, and any single Councilmember, though no final action can be taken. If desired, items can be referred to a future agenda for further discussion and potential action.

4. MEETING MANAGEMENT

4.1 Presiding Officer: The Presiding Officer for all meetings shall be the Chair, or, if the Chair is absent, the Vice Chair designated by the Council. Vice Chair is equivalent to the Pro Tempore Mayor when Chair is absent.

4.2 General Rules: The Presiding Officer shall conduct all meetings in accordance with these simplified rules of order. Strict adherence to these rules is not required, and meetings shall be managed to allow for orderly, civil, and productive decision-making. The Presiding Officer shall open and introduce each item on the agenda in order, unless they believe there is a good reason to go out of order. The Presiding Officer shall generally allow a free-for-all discussion of each item, but may limit comments and discussion by time or topic in order to preserve order, civility, and decorum. The City Council may, with a motion, a second, and majority vote, suspend or modify the rules of order for any portion of a meeting.

4.3 Ending Discussion: The City Council may, with a motion (i.e., calling the question), a second, and a majority affirmative vote, end any discussion and require a motion to be made on the item being discussed.

4.4 Motions to be Clear: The Presiding Officer shall ensure that all motions submitted for a vote are clearly understood by the City Council and that individual Councilmembers have the opportunity to ask any clarifying questions.

4.5 Call for Vote: The Presiding Officer shall call for a voice vote or a roll call vote. A roll call vote shall be taken for all ordinances, resolutions, or actions which may create a liability against the City. The Presiding Officer shall announce the result of the vote. The meeting minutes shall indicate the results of the vote and the vote of each Council Member for all roll call votes. In general, Council Members should vote "yea" or "nay" on all items and should not abstain from voting unless they are recusing themselves from the decision. In the event a Council Member abstains or refuses to vote, the abstention does not count as either a "yea" or "nay" vote.

4.6 Explanation of Votes: The Presiding Officer shall allow a reasonable time for a Council Member to succinctly explain their vote, if requested by the Council Member. This should not be used to demand that a motion be reconsidered, attack other Council Members, or to restart a discussion that has already concluded.

5. ORDER OF BUSINESS

The general rule as to the order of business in meetings shall be as outlined below. Each of these items are held only as needed and as directed by the Chair. The Presiding Officer or Council, with a motion, a second, and majority vote, may adjust the order of business as expedient.

A. Call to Order, Invocation, Pledge of Allegiance

B. Public Comments - Time is set aside for the public to express their ideas, concerns and comments on items not set for a public hearing. No formal action is taken on items brought up during public comments, but the City Council may direct staff to follow-up on items and/or schedule them with necessary public notice for future meetings.

C. Presentation Items - Informational presentations or updates that do not require formal Council action, but may include direction given to staff for future formal consideration.

D. Consent Items - Minutes of preceding meetings, items that have previously received a preliminary approval by the City Council, administrative matters, and other items that are routine but require final or formal approval by the City Council. Council may vote on all items at once or may pull one or more items from Consent for further discussion.

E. Action Items - Items that are scheduled for City Council consideration. This may include ordinances, resolutions, agreements, public hearings, or other city business. The steps for each item shall be generally as follows, with the Council asking clarifying questions throughout the process as necessary:

- (1) Presiding Officer calls the item;
- (2) Chair /Staff gives a brief report and recommendation;
- (3) The individual who requested the item presents (if other than Chair);
- (4) The Presiding Officer allows public comment if the item requires a public hearing or if a council member motions with a second;
- (5) Discussion between the public requestor and council may continue at the discretion of the Presiding Officer and Council.
- (6) The City Council discusses and may request clarification or additional input from the staff or applicants through the Presiding Officer
- (7) City Council takes action on the issue.

F. City Reports, Communication, and Discussion Items - These items are meant to be informational and do not have formal City Council action, and may include items that the Chair, Council, or Staff want to raise for a future agenda item. Typical items would be upcoming community events, announcements, reporting back by staff on previous tasks, or reports by Council Members on their assignments or items of concern.

G. Executive Session – The agenda generally includes an item allowing for a closed session. The Council will specify the reason for the closed session during the meeting if necessary.

6. PUBLIC COMMENT

6.1 Purpose: The Council may wish to take public comment on an issue to be better informed prior to making a decision on the issue. Public comment is not required for all issues, though some Council items require a formal Public Hearing as outlined in Utah State Code.

6.2 In all cases where the Council is hearing from the public, in the interest of maintaining a fair and efficient meeting, the following guidelines shall be adhered to unless specifically permitted by the Presiding Officer or two members of the Council, who retains flexibility in managing public comment.

A. The Presiding Officer may designate a maximum duration for the public comment period and for individual comments. Individual comments shall generally be limited to three (3) minutes, and repetition of comments should be discouraged. The Presiding Officer or two members of the Council retains discretion to limit or allow comments as appropriate.

B. Each person addressing the City Council shall be called forward and shall state their name and City of residence in an audible tone of voice for the record. All remarks shall be addressed to the City Council as a body, and not to any specific member(s) thereof or to staff. The Council Members may request clarification or additional input from the staff, applicants, or the general public through the Presiding Officer during the public comment.

C. The Presiding Officer closes the public comment period. No further remarks by the public will be heard once the period is closed.

7. TYPES OF MOTIONS AND RECONSIDERATION

7.1 Motions: Except where specific requirements are given in State or Municipal code, all motions shall require a second and a minimum of three (3) affirmative votes to be approved.

7.2 Motions Requiring A Two-Thirds Vote: Motions to move into a closed meeting or to expel a member of the City Council or the public shall require a motion, a second, and two-thirds (2/3) vote of the Council: votes with 5 or 6 voters require a minimum of 4 affirmative votes, and votes with 4 or fewer voters require a minimum of 3 affirmative votes.

7.3 Motions to Reconsider a Decision: Any two (2) Council Members, one of which voted in the majority on a motion approved by the City Council, may request a reconsideration of the action at the same meeting. Reconsideration shall follow the two-step process below:

A. A Council Member makes and another seconds the motion to reconsider. One of these must have voted in the majority on the motion approved by the City Council earlier. The Council may discuss whether to reconsider the item. A motion to reconsider must be approved by a majority vote.

B. Motion on the Item: When the majority vote to reconsider the item, the discussion and subsequent vote on the item may only take place at the same meeting as the original action. Otherwise, the item must become a new item on a future agenda with appropriate public notice.

7.4 Other Motions: The City Council may make other motions as appropriate. Attached as Appendix A is a summary of common motions and related procedures.

APPENDIX A – Motion Procedures and Examples

1. INITIAL MOTION

At the appropriate time, a Council Member makes a motion that explains what action the Council Member would like the Council to take. If the Council does not wish to take action regarding an item, then a Motion to Table is appropriate.

“I move that the City Council adopt Ordinance Number 2022-01 rezoning Developer XYZ’s property”

The Council Member may then add additional statements or findings to the motion.

“...and find that the rezone will be in the public interest and provide for a community need for agricultural property that is not being met.”

Findings are not always required. Often resolutions and ordinances will be drafted with a preamble (“WHEREAS...”) that explains the purpose and need for the resolution or ordinance. In those circumstances, no additional statements or findings are necessary, unless the Council Member wants to change anything about the document as written:

“I move that the City Council adopt Resolution Number 2022-01, with the change to require a 20 foot front yard setback instead of a 30 foot front yard setback.”

2. SECONDING A MOTION

Each motion must be seconded (supported) by a different City Council Member with language along of the lines of, “I second the motion.” If no Council Member seconds the motion, the motion dies, and the Council may have further discussions or make alternative motions, such as to continue, table, or reject the item.

3. DISCUSSION

After a motion is made and seconded, the Presiding Officer then asks if the Council has any further questions, discussions, or motions to make regarding the pending motion. Sometimes a Council Member will want to amend the initial motion to clarify or change something about how the motion was presented:

“I move to amend the pending Motion to require a 25 foot front yard setback.”

This motion must be seconded and voted upon. As with any other motion, if there is no second, or if a majority does not vote in favor of the motion to amend, then that motion fails, and the Presiding Officer calls for further discussion or a vote on the original motion.

4. VOTE

After any final discussion or additional motions, the Presiding Officer calls for a vote on the motion. In general, motions must be supported by a majority of those present, with a minimum of 3 affirmative votes. Votes may be voice votes, where all members vote “yea” or “nay” at the same time, or roll call votes, where each member is called by name to give their vote. Roll call votes are required for resolutions, ordinances, and anything that creates a liability against the City, such as a contract.

COMMON MOTIONS

GENERAL MOTION: "I move to adopt/approve/accept [DESCRIBE ITEM]"

MOTION ON A CONTRACT: "I move to approve the [NAME OF CONTRACT] with [PERSON OR ENTITY] and authorize the Mayor/Chair to execute the same."

MOTION ON A RESOLUTION OR ORDINANCE: "I move to adopt/reject Resolution/Ordinance number X."

MOTION TO AMEND: "I move to amend the pending motion as follows"

Alters a pending motion. Any motion may be amended by any member including the original maker of the motion. Informal amendments to the motion may be made as long as the original motioner and the seconder agrees with the amendment. Other formal amendments require a second. Debate and voting on the motion to amend occurs first and is decided before returning to the motion itself.

MOTION TO CONTINUE: "I move to continue Agenda Item #X to the following meeting."

Continues an item for further discussion. The Council may set a specific date and time or give general direction for staff to bring the item back later. The Council may give direction on additional information desired by the Council.

MOTION TO TABLE: "I move to table Agenda Item #X."

Suspends current discussion of an item without a decision and without rescheduling it for further consideration. The Council may give direction on when or if to bring the item back to the Council.

MOTION TO CALL THE QUESTION: "I move to call the question on Agenda Item #X."

Ends discussion and debate on an item and calls for a vote. If the motion to call the question is seconded, a vote is taken immediately on whether to end debate on the matter. If the motion passes, then the underlying matter is put to a vote without further discussion or debate.

MOTION TO RECONSIDER: "I move to reconsider Agenda Item #X."

Reconsiders an item already voted on during a meeting. Any two (2) Council Members, one of which voted in the majority on a motion approved by the City Council at the same meeting as the motion to reconsider, may request a reconsideration of the action. Motion to reconsider requires a second and majority vote. If a Council Member would like to reconsider an action taken at a previous city council meeting, the item must be brought forward as an action item on a future meeting agenda. If a special meeting is held to reconsider an item, the same number of council members must be present at the special meeting as were present at the meeting where the original action was taken.