

**Rules of Order
and Procedure
for the
City Council
of
Heber City**

Resolution 2012-13

Adopted December 11, 2012

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

1.0 – Role of the Mayor as Council Chair

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

Section 2 – General Information on Public Meetings

2.0 – General Rules

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

2.1 – Regular Meetings

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

2.1– Workshop Meeting

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

2.2 – Special Meetings and Emergency Meetings

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

2.3 – Notice of Meetings –

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

Section 3 – Agenda Submission Deadlines and Distribution

3.0 – Deadline for Filing and Removal of Agenda Items -

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

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

3.1 – Agenda Distribution

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

3.2 – Agenda Item Information

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

Section 4 – Participation in Public Meetings

4.0 – Councilmembers’ Right to Speak

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

4.1 – City Employees’ Right to Speak

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

4.2 – General Participation In Public Meetings

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

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

Section 5 – Motion Procedures

5.0 Motions

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

5.1 Using General Consent for Motions

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

5.2 Allowed Motions

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

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

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

5.4 Motions Not Debatable

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

5.5 Reconsidering a Motion

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

5.6 Appealing the Ruling of the Chair

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

Section 6 - Voting Procedures

6.0- Council Voting-

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

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

Section 7 – Order of Business for Regular Meetings

7.0 – General Order

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

7.1 – Standard Adjournment

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

Section 8 – Order of Business for Public Hearings

8.0 – General Order

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

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

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

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