

CITY OF DRAPER

CITY COUNCIL
MEETING

POLICIES AND PROCEDURES

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CITY COUNCIL MEETING RULES AND PROCEDURES

1. PURPOSE

- 1.1 Meeting Rules and Procedures: These Meeting Rules and Procedures of the City Council of the City of Draper are intended for the government of the City Council, the preservation of order, and the orderly transaction of City Council business.

2. AUTHORITY

- 2.1 City Code: Pursuant to Draper City Code Chapter 2-1 the City Council may determine its own procedures and rules governing its conduct and orderly operation of City Council meetings and City business. These rules shall be in effect until such time as they are amended or new policies are adopted by the City Council.

3. GENERAL RULES

- 3.1 Public Meetings: All official meetings of the City Council (except where State or local law allows for closed sessions) shall be open to the public.
- 3.2 Location: The location of all regular, special, emergency, and work session meetings, unless publicly noticed differently, shall be in the Council Chambers in the Draper City Hall, 1020 East Pioneer Road Draper, Utah 84020.
- 3.3 Quorum: Three members of the Council shall constitute a quorum. The Mayor may meet at any time with up to two Council Members without the formation of a Quorum. A minimum of three votes, which constitutes a majority, of the City Council shall be necessary to take any action.
- 3.4 Recognition by the Mayor: All City Council Members, City staff, and individuals from the general public shall be recognized by the Mayor before addressing the City Council on any issue. The Mayor shall regulate and facilitate City Council meetings. The Mayor shall communicate with the public on behalf of the City Council and the City staff. All communication directed to the City Council will occur at the podium, upon recognition by the Mayor. Public outbursts, gestures, applause or other attempts to disrupt the Council meeting are prohibited. Violators will be removed from the chamber at the direction and discretion of the Mayor.
- 3.5 Public Comment: Members of the public addressing the City Council shall have three minutes to make their comment. All comments will be timed by the official City Council Clock which is located on the Council Dias. At the expiration of three minutes time, no further comment will be accepted. The City Council will not address members of the public during public comment.

3.6 Minutes: The City Recorder shall prepare draft minutes of each City Council meeting as soon as is practical, and minutes shall be brought to the City Council for approval within 45 days after the meeting. Once the written minutes are in a form ready to be presented to the City Council, they are considered a public record per State law. Written minutes that are made available to the public before approval by the City Council shall be clearly identified as "awaiting formal approval."

4. TYPES OF MEETINGS

- 4.1 Business Meetings: The City Council shall meet in accordance with the annual meeting schedule as approved or as amended.
- 4.2 Special Meetings: Special City Council meetings may be called with the consent of the Mayor and the Mayor Pro Tern.
- 4.3 Emergency Meetings: Emergency meetings may be called by the Mayor or by a request of a majority of the City Council to consider matters of an emergency or otherwise urgent nature. The best practicable public notice shall be given.
- 4.4 Closed Meetings: The Council may adjourn to a closed meeting to discuss topics provided for under State law. Adjournment to a closed meeting requires a majority vote of the City Council.
- 4.5 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 vote may be taken in a work session.
- 4.6 Retreats: The City Council may meet and convene in retreats (open to the public) to discuss a variety of issues facing the City. While broad general direction may be given, no final vote may be taken in a retreat.
- 4.7 Electronic Meetings: The City Council may conduct electronic meetings where one or more of its members participate by means of a telephonic or telecommunications conference pursuant to Utah Code.
 - A. City Council 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 items on the agenda and cast their vote on issues coming to the City Council for a vote.
 - B. The anchor location as described in State law shall be the Draper City Council Chambers located at 1020 East Pioneer Road Draper, Utah 84020.
 - C. Public notice of the electronic meeting shall be given pursuant to Utah Code by:
 1. Posting written notice at the anchor location; and
 2. Providing written or electronic notice to (a) at least one newspaper of general circulation within the state; and (b) a local media correspondent.
 - D. In addition to giving public notice as described above, the City Recorder shall provide notice of the electronic meeting to City Council Members at least 24 hours before the meeting so that they may participate in the meeting and be counted as present for all purposes, including the determination that a quorum is present. All notices shall include a statement that one or more members of the City Council will be participating electronically, a description of how the member(s) so participating will be connected to the electronic meeting, and the regularly published agenda for that meeting.

- E. No City Council meeting may be held electronically unless at least one City Council Member is present at the anchor location. The meeting shall be conducted from the anchor location by the Mayor or the Mayor Pro Tern. However, if neither the Mayor nor the Mayor Pro Tern is present at the anchor location, the City Council shall select from its membership at the anchor location a Mayor Pro Tern for the sole purpose of conducting the electronic meeting.
- F. Immediately prior to opening the meeting, the Mayor or Mayor Pro Tern shall communicate with the person who is participating electronically and insure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line shall be kept open, unless the City Council Member participating electronically wishes to withdraw from the meeting.
- G. If a City Council Member who participates electronically withdraws from the meeting, the rest of the meeting agenda may be completed provided there is still a quorum of the City Council present at the anchor location or there are sufficient other City Council Members participating electronically to comprise a quorum with those at the anchor location.
- H. The public may attend the open portions of the meeting at the anchor location, and may participate in all public hearings to the same extent normally allowed.
- I. Prior to taking a vote on any issue, the Mayor or Mayor Pro Tern shall inquire of the City Council Member participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, and shall allow that member the opportunity to make any comments he or she desires.
- J. The minutes of the meeting shall designate the name of each City Council Member who participated electronically, the nature of the electronic communication, and the duration of the City Council Member's participation.

5. ORDER OF BUSINESS

- 5.1 Study Meeting: The general rule as the order of business in study meetings shall be as follows:
 - A. Agenda Review - the City Council may review items on the agenda.
 - B. Special Reports or Presentations
 - C. Council / Manager Reports- This is an opportunity for the City Manager and/or City Staff to provide information to the Mayor and City Council and for the Mayor and City Council to provide information to other Council Members or City staff. These items are for information and do not require action by the City Council.
- 5.2 Business and Special Meetings: The general rule as to the order of business in business and special meetings shall be as follows:
 - A. Call to order - by the Mayor.

- B. Thought or Prayer- as designated by the Mayor.
- C. Pledge of Allegiance / Flag Ceremony- as designated by Mayor.
- D. General Public Comment - As set forth above, time is set aside for the public to express their ideas, concerns, and make general comments on items not on the current meeting agenda. No formal action is taken on items brought up during general public comment, but the City Council may direct staff to follow-up on issues raised in general public comment and/or schedule them with necessary public notice for future meetings. Comments shall be limited to three minutes.
 - 1. Each member of the public wishing to make comment shall address the Mayor from the podium and state their full name and residential address for the record. The three minute comment period shall begin after the person making comment states their address or as directed by the Mayor. At the expiration of three minutes the public comment shall terminate.
 - 2. Persons making public comment shall not address or question individual members of the City Council or City staff. The City Council or City staff will not answer specific questions or communicate with the person making comment unless directed to do so by the Mayor.
 - 3. Public comment shall be respectful and shall not include profanity or offensive conduct.
 - 4. Public displays such as yelling, gesturing, applause or any other disruptive conduct are strictly prohibited. All communication in the meeting by the public shall occur at the designated podium and only after recognition and approval of the Mayor or Mayor Pro Tern.
 - 5. Violation of these public comment rules shall result in the immediate removal of the person(s) from the City Council Chambers as directed by the Mayor. Said person shall be subject to all civil and criminal penalties that may apply to their conduct. Any person who has been removed from a City Council meeting for violation of these rules shall be barred from future City Council meetings until such time as the Mayor or Mayor Pro Tern agrees in writing to allow said person to attend a meeting.
- E. Consent Items - Items that are routine but require final approval by the City Council may be placed on the Council Agenda as consent items.
- F. Agenda Items - Items that the Council may wish to discuss or for which members of the public may wish to respond or for which a presentation would be made will be listed as Agenda Items. A written agenda for each regular meeting shall be prepared under the direction of the Mayor. In the event that any member of the governing body desires to add or delete an item or items to any prepared agenda, then consent must be obtained from the Mayor and one City Council Member or two City Council Members. Upon receiving the request from the Mayor and one City Council Member or two City Council

Members, the City Manager shall add or delete items to prepared agendas as requested.

Scheduled items may include the following:

1. Public Hearings and Action Items - ordinances, resolutions, agreements and other obligations of the City that must be approved by a majority of the City Council.
 2. Discussion Items - Policy, procedural or other legislative or consensus building deliberations which do not include a formal action by the Council, but may include direction given to City staff for future formal consideration.
 3. Presentation Items - Informational presentations which do not require formal Council action but may include direction given to City staff for future formal consideration.
 4. Report Items - Final reports or updates of current programs by City staff members or other representatives which do not require formal action by the Council.
- G. Council / Manager Reports - This is an opportunity for the City Manager and/or City staff to provide information to the Mayor and City Council and for the Mayor and City Council to provide information to other Council Members or City staff. These items are for information and do not require action by the City Council.
- H. Adjournment - A motion to adjourn requires a motion, a second and a majority vote of the City Council.
- 5.3 Emergency Meetings: The general rule as to the order of business in emergency meetings shall be as follows:
- A. Call to Order - by the Mayor
 - B. Meeting Items
 - C. Adjournment
- 5.4 Work Sessions: In order to not interfere with regularly scheduled City Council meetings, work sessions will generally be held at specifically scheduled dates and times set by the City Council as it deems necessary. Work sessions may be held as part of a regularly scheduled meeting when there is a short agenda and the work session may be held at the end or beginning of the agenda.
- 5.5 Retreats: As set forth in the General Rules above, off-site retreats will be scheduled by the Council as it deems necessary.

6. PRESIDING OFFICER AND DUTIES

- 6.1 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 City

Council shall elect a temporary Mayor Pro Tem who will then preside at that meeting.

- 6.2 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 meetings shall be called to order by the City Manager for the election of a temporary Mayor Pro Tem.
- 6.3 Preservation of Order: The Mayor shall preserve order and decorum, prevent attacks on personalities or the impugning of member's motives, and confine debate to the question under discussion.
- 6.4 Points of Order: Council Members may at any time call for a Point of Order on any issue. The Mayor shall determine all Points of Order.
- 6.5 Time Limits: The Mayor shall have the power to set time limits on input and all discussions at the Mayor's discretion.
- 6.6 Substitution for Mayor: The Mayor may call upon the Mayor Pro Tem, or in the absence of the Mayor Pro Tem, upon any other member of the City Council to temporarily preside at the meeting in order to cover a temporary absence of the Mayor.
- 6.7 Motion to be Clear: The Mayor shall ensure that all motions submitted for a vote are clearly understood by the City Council.
- 6.8 Call for Vote: The Mayor shall call for a roll call vote on all issues voted on by the City Council. Council Members who are in attendance at the meeting when the vote is called shall vote for or against every issue put to a vote before the City Council. A Council Member shall not abstain or recuse themselves from any vote unless they have declared a conflict of interest, with a specifically stated and verified reason, pursuant to Draper City Municipal Code 19-2-010. The Mayor shall announce the result of the vote.

7. TYPES OF MOTIONS AND RECONSIDERATION

- 7 Motions Require a Second: All motions require a second before they can be discussed or acted upon.
- 7.2 Motions to Approve: All motions shall require a second and a minimum of three affirmative votes to be approved.
- 7.3 Motions to Amend: Any motion being considered by the City Council may be amended by permission of the maker of the motion and concurrence of the second, or by a motion to amend, a second and at least three affirmative votes.
- 7.5 Motions to Continue: The City Council may approve a motion to continue any item for further discussion or consideration. Public hearings that are continued must be continued to a specific date and should not generally be continued beyond 45 days without resetting and noticing the hearing.

When the applicant for an agenda item makes a request for 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 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 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 a sufficient reason to continue the item.
 - 1. If the Mayor and Mayor Pro Tem, or their designees, determine that there is not sufficient reason, the item will remain on the agenda and be considered by the City Council.
 - 2. If the Mayor and Mayor Pro Tem, or their designees, determine that there is sufficient reason to continue the item to a future agenda, City staff will notify the applicant of the decision. During the meeting for which the item was scheduled to be heard, the City Council, by motion, will select the date to which the item is to be rescheduled.
- 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 sufficient reason to continue the item to a later date.
- D. If the applicant requests a continuation and it is determined that there is not sufficient reason 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 Motions to Table: The City Council may vote to table an issue, without scheduling it for future consideration.

7.7 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 not approved and have the effect of being denied. However, the applicant or any City Council Member may request that the item be brought back to the City 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 reconsideration.

7.8 Motions to Reconsider a Decision: Any two City Council Members who voted in the majority to approve or deny a motion may request a reconsideration of the action.

The request must be made by making a motion to reconsider the action at the same meeting in which the original motion was approved or denied or by notifying the Mayor within seven days of that meeting that there should be a motion to reconsider the decision at the next regularly scheduled City 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.

7.9 Question on the Motion: After a motion and a second, any member of the City Council may call for a question on the motion. Once a question has been called, the Mayor shall call for a vote to determine if the City Council wishes to terminate

discussion on the item. Unless at least three members of the City Council vote to terminate discussion, discussion will continue until another "Question on the Motion" is made or until the Council is ready to vote. If at least three members of the City Council vote to terminate discussion, the City Council shall then vote on the original motion. The Mayor shall make sure that the original motion is clear before calling for a vote on the motion.

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 City 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. Approve requests or grant permits relating to the development of property.
 - C. Take official action relating to financial matters.
 - D. Take any administrative action which the Council is authorized by law to take.
 - E. Regulate the use and operation of municipal property.
 - F. 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, which form shall be approved by the City Attorney.
- 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 City Council shall adopt any ordinance, resolution, or agreement by a motion, second and a majority vote.

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

- 9.2 Member Approval: The members of the policy advisory committees, boards, and commissions are nominated by the Mayor, and then approved by the City Council.
- 9.3 Ad-hoc Resident Committees: The Mayor, with the advice and consent of the City Council, may appoint ad-hoc resident committees to address policy issues of specific concern. Ad-hoc committees shall continue for a temporary and limited duration.

10. PUBLIC HEARINGS

10.1 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 an issue.

10.2 Before the Public Hearing:

- A. Notification should be given in compliance with State and local law.
- B. Written material submitted by residents and interested groups must be submitted by Noon of the Thursday before the hearing if they want copies to be distributed in the agenda packets. Residents and interested groups may distribute copies of materials to the City Council at any time.

10.3 Order of Public Hearings and Consideration of Items on the Agenda:

- A. The Mayor shall conduct all public hearings pursuant to General Rules in Section 3 set forth above. 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 City staff member who will present and discuss with the City Council the issue at hand.
- C. Upon completion of the City staff report, and any questions from the City Council, the Mayor shall allow the applicant time to present his/her application.
- D. Following the applicant's presentation, shall open the hearing to the public. Any person desiring to address the City Council shall first be recognized by the Mayor. Public comment shall proceed pursuant to General Rules in Section 3.
- E. The Mayor shall retain flexibility if requested by the City Council on new information only.
- F. Under the discretion and the authority of the Mayor, the public hearing shall be closed. After the public hearing is closed, no further remarks by the public will be heard unless approved, by motion, of the City Council. The City Council may, by a majority vote, continue a public hearing to another specific date and time. A public hearing should not generally be continued for longer than 45 days without re-noticing and reconvening the hearing.
- H. Upon completion of the public hearing and of any further discussion and/or deliberation of the City Council, the City Council shall take appropriate action on the issue. If no motion is made to approve or deny the matter of the public hearing, the matter shall be automatically continued to the next City Council meeting as an action item. At any subsequent meeting the City Council may deliberate and vote on the item, considering only that information and testimony

provided through the completion of the public hearing agenda item.

- 10.4 Manner of Addressing the City Council: Persons addressing the City Council shall use the microphone and shall state their name 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 individual member thereof. No person shall be permitted to enter into any discussion, either directly or through the members of the City Council unless first recognized by the Mayor. No questions will be asked of the City Council Members except through the Mayor.
- 10.5 Questions from City Council Members: City Council Members may at any time during a public hearing request clarification or additional input from City staff, applicants, or the general public as recognized by the Mayor or Mayor Pro Tem.

11. RULES OF CONDUCT

- 11.1 Disorderly Persons: Any person, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the City Council may be considered disorderly by the City Council and may be expelled at the discretion of the Mayor or Mayor Pro Tem.
- 11.2 Disorderly Council Members: The City Council, on a majority vote, may expel any member of the City Council for disorderly conduct.