

HERRIMAN, UTAH
RESOLUTION NO. R30-2020

A RESOLUTION OF THE CITY COUNCIL OF HERRIMAN ADOPTING AND APPROVING AMENDED COUNCIL RULES OF ORDER AND PROCEDURE.

WHEREAS, the Herriman City Council ("*Council*") met in regular meeting on August 12, 2020 to consider, among other things, adopting and approving amended Rules of Order and Procedure; and

WHEREAS, Utah Code Ann. § 10-3-606 (the "*Code*") requires that the Council adopt a set of rules of order and procedure that govern (1) parliamentary order and procedure for public meetings; (2) ethical behavior of the Council; (3) the civil discourse of the council; and


WHEREAS, the Council has reviewed the attached version of the Council Rules of Order and Procedure and finds that they meet the statutory requirements set forth in the Code.

NOW, THEREFORE, BE IT RESOLVED by the Herriman City Council that the attached Herriman City Council Rules of Order and Procedure, as amended, are hereby approved and accepted.

This resolution assigned no. R30-2020 shall take effect immediately upon passage and acceptance as provided herein.

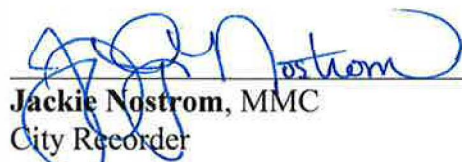
PASSED AND APPROVED by the Council of Herriman, Utah, this 12th day of August 2020.

HERRIMAN



David Watts, Mayor

ATTEST:



Jackie Nostrom, MMC
City Recorder



Herriman City

RESOLUTION NUMBER: **R30-2020**

SHORT TITLE: A RESOLUTION OF THE CITY COUNCIL OF HERRIMAN ADOPTING AND APPROVING AMENDED COUNCIL RULES OF ORDER AND PROCEDURE.

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
David Watts			X		
Clint Smith		X	X		
Jared Henderson	X		X		
Sherrie Ohm			X		
Steven Shields			X		
	TOTALS		5		

This resolution was passed by the City Council of Herriman City, Utah on the 12th day of August, 2020 on a roll call vote as described above.

HERRIMAN CITY COUNCIL

RULES OF ORDER AND PROCEDURE

Passed and approved by the Herriman City Council August 12, 2020

TABLE OF CONTENTS

BACKGROUND..... 1

1. ORGANIZATION..... 2

 1.1 Council 2

 1.2 Mayor 2

 1.3 Mayor Pro Tempore 2

 1.4 Absence of Mayor and Mayor Pro Tempore 3

 1.5 Parliamentary 3

2. PARLIAMENTARY PROCEDURE AT MEETINGS..... 3

 2.1 Purpose of Parliamentary Procedure 3

3. GENERAL MEETING RULES..... 3

 3.1 Public Meetings 3

 3.2 Location 3

 3.3 Quorum and Majority 3

 3.4 Recognition by the Mayor 3

 3.5 Meeting Minutes 4

4. TYPES OF MEETINGS..... 4

 4.1 Regular Meetings 4

 4.2 Special Meetings 4

 4.3 Emergency Meetings 4

 4.4 Closed Meetings 4

 4.5 Work Meetings 4

 4.6 Workshops and Executive Session Meetings 4

5. FORM OF MEETINGS 4

 5.1 In-Person Meetings 4

 5.2 Electronic Meetings 4

 5.3 Form of Meeting Required on Notice 5

6. GENERAL ORDER OF BUSINESS FOR REGULAR MEETINGS 5

 6.1 Work Session 5

 6.2 Regular Session 5

7. CITY COUNCIL AGENDA 6

 7.1 Agenda Requirement 6

 7.2 Requests for Agenda Items 6

 7.3 Timeframe for Delivery of Information 6

 7.4 Removing Items 6

 7.5 Preparation 6

 7.6 Withdrawal of Items 7

8. GENERAL RULES OF MOTIONS	7
8.1 Motions	7
8.2 Procedure	7
8.3 Classification and Order of Motions	7
9. TYPES OF MOTIONS	8
9.1 Main Motions	8
9.2 Secondary Motions.....	8
9.3 Privileged Motions	9
9.4 Incidental Motions.....	10
9.5. Motions that Bring a Question Again Before the Council	10
10. DISCUSSION / DEBATE	11
10.1 Recognition	11
10.2 Right to Discuss/Debate	11
10.3 Order during Discussion/Debate	11
10.4 Decisions without Discussion	12
11. VOTING.....	12
11.1 Form	12
11.2 Majority Required	12
11.3 Abstaining	12
11.4 Ties	12
11.5 Explanation of Vote / Point of Privilege	12
11.6 Voting Required	12
11.7 Roll Call	12
12. PUBLIC HEARINGS.....	12
12.1 Purpose and Scope of Public Hearings	12
12.2 Procedure	12
13. DECORUM.....	13
13.1 While Voting	13
13.2 Distractions	13
13.3 Respect	13
13.4 End of Debate.....	13
13.5 Expulsion from Meeting	13
13.6 Use of Cell Phones and other Electronic Devices	13
13.7 Recognition	13
14. CITY COUNCIL RELATIONS	13
14.1 Council Member Conduct	13
15. CONFLICTS OF INTEREST.....	14
15.1 Compliance with State Law	14

16. THE MUNICIPAL OFFICERS' AND EMPLOYEES' ETHICS ACT	14
16.1 Application, Purpose, and Scope	14
17. MEDIA INQUIRIES AND SUBMISSIONS	14
17.1 Role of City Public Information Officer / Director of Communications	14
17.2 Dissemination of Formal Information	15
18. SOCIAL MEDIA GUIDELINES.....	15
18.1 Use of City Social Media	15
18.2 Role of Public Information Officer / Director of Communications	15
18.3 Fixing Mistakes	16
18.4 Civility	16
18.5 Scope of Use	16
19. BOARDS AND COMMITTEE ASSIGNMENTS	16
19.1 Duty to Assign and Review	16
19.2 Creation of Committees	16
19.3 Powers of Standing Committees	16
19.4 Meetings of Committees	16
20. TRANSITION FOR COUNCIL OFFICE FOLLOWING MUNICIPAL ELECTIONS.....	16
20.1 Equipment	16
20.2 Separation Checklist.....	16
20.3 Distribution of Property.....	16
21. AMENDMENTS.....	16
20.1 Procedure to Amend	16

BACKGROUND

As the legislative body in Herriman City (the “City”), the Herriman City Council (the “Council”) requires a systematic and orderly way of conducting its business. The following rules of order and procedure (the “Rules”) establish methods and practices for conducting Council business. Utah Code Ann. § 10-3-606 requires that the Council adopt for all of its public meetings, a set of rules of order and procedure that govern, at a minimum, the following items:

1. Parliamentary order and procedure of public meetings;
2. The ethical behavior of the Council; and
3. Civil discourse of Council and citizens at such meetings.

State law also requires:

1. That the Rules apply to all public meetings of the Council;
2. That the Council conduct all meetings in accordance with the Rules; and
3. The Rules be made available to the public.

In addition to these Rules, the Council is also required to abide by the Utah Open and Public Meetings Act (Utah Code Ann. § 52-4-101, *et seq.*) and the Municipal Officers’ and Employees’ Ethics Act (Utah Code Ann. § 10-3-1301, *et seq.*). Those statutory requirements are incorporated into these Rules by reference. In the event of any conflict or inconsistency between these Rules and the Utah State Code, the Utah State Code shall govern.

The Rules are created by the Council to comply with the requirements of the State Code, but also to provide for full, open, and comprehensive debate of issues brought before the City Council for action in a forum open to the public, and which encourages citizens’ awareness of Council business. Accordingly, they are organized into two parts with the first part dealing with the organization of the Council and its meeting (comprising sections 1 – 13), and the second part dealing with general guidelines for conduct of the council (comprising sections 14 – 22). These Rules do not, and are not intended to, increase or diminish the existing powers or authority of the Mayor or Council members as such are set forth in state law or local ordinance.

To ensure that the above-describe requirements and purposes are being achieved, the Council may periodically review and amend these rules upon a majority vote of the Council.

1. ORGANIZATION

- 1.1. Council. The powers of municipal government in Herriman City (the “City”) are vested in the Council. The Council is composed of five members, one of whom is the City Mayor (the “Mayor”). The other four members of the Council are elected to represent one of four districts within the City.
- 1.2. Mayor. The Mayor is a regular, voting member of the Council. The Mayor also serves as the chair of the Council and presides at all Council meetings. The Mayor has the primary responsibility for ensuring that these Rules are followed. In addition, the Mayor is also responsible for maintaining the dignity of Council meetings, calling the meeting to order, setting time limits on input and discussion items, recognizing Council members, and courteously discouraging Council members from interrupting others who have the floor and ensuring that the rule of order of the meeting is maintained. In the mayor’s absence, inability, or refusal to act, the mayor pro tempore shall preside at Council meetings.
- 1.3. Mayor Pro Tempore.
 - 1.3.1. Authority. If the Mayor is absent, unable, or refuses to act, the Mayor Pro Tempore shall preside at Council meetings and perform the duties and functions of the Mayor during the Mayor’s absence, disability, or refusal to act.
 - 1.3.2. Election. Pursuant to Herriman City Code 1-6-3(B), the members of the Council may elect, upon a majority vote, another member of the Council to serve as mayor pro tempore. The election of the mayor pro tempore shall be held at the Council’s first regular meeting each January. The Recorder shall enter in the minutes of the Council meeting in which the mayor pro tempore is elected, the election of mayor pro tempore.
 - 1.3.3. Method of election. The election for mayor pro tempore shall comply with the following:
 - 1.3.3.1. The Mayor shall call for nominations, and any member of the Council may submit names for nomination. A voice vote is necessary to close the period of time for nomination.
 - 1.3.3.2. If two or fewer names are submitted for nominations, then only one vote will be held. If three or more are submitted, then voting will take place in two rounds.
 - 1.3.3.3. Voting shall be by written ballot which identifies the Council member casting the vote. The City Recorder shall collect all written votes and announce the vote cast, as well as the council member who cast the vote.
 - 1.3.3.4. In elections with two rounds, the first round shall narrow the field of candidates down to the two who received the most votes, and the Council will vote in a second round.
 - 1.3.3.5. In the event of a tie between two candidates, the tie shall be resolved by an immediate coin toss by the City Recorder in the presence of the Council. In the event of a three-way tie in an initial round of voting, the field shall be narrowed by means of drawing straws, with the Council member who draws the short straw being eliminated.
 - 1.3.3.6. A vacancy in the position of mayor pro tempore shall be filled by election in the manner prescribed above and the new mayor pro tempore shall serve until the end of the unexpired term which he or she is filling.
 - 1.3.4. Term. The mayor pro tempore shall serve for one year, or until the next meeting where a new mayor pro tempore is elected.

- 1.4. *Absence of Mayor and Mayor Pro Tempore.* In the absence of both the Mayor and the mayor pro tempore at a meeting, the Council member who conducted at the meeting is authorized to sign all documents upon which final action was taken during that meeting.
- 1.5. *Parliamentarian.* The City Attorney shall serve as the parliamentarian and will recommend rulings, upon the request of the Mayor, to all points of order raised during any Council meeting. The Parliamentarian does not vote on issues before the Council and only clarifies these Rules and recommends rulings.

2. PARLIAMENTARY PROCEDURE AT MEETINGS

- 2.1. *Purpose of Parliamentary Procedure.* The purpose of parliamentary procedure is to make it easier for people to work together effectively and to help groups accomplish their purposes. The following are crucial elements of parliamentary procedure to be used, respected, and observed by the Council.
 - 2.1.1. Motions are assigned a level of importance and an order of precedence as set forth herein.
 - 2.1.2. All members have equal rights, privileges, and obligations.
 - 2.1.3. One of the Mayor's main responsibilities is to use the authority of the chair to ensure that all people who attending a meeting are treated equally. The chair should not permit a vocal few to dominate the debates.
 - 2.1.4. Each member agrees to be governed by the vote of the majority.
 - 2.1.5. The rights of the minority must always be protected.
 - 2.1.6. Although the ultimate decision rests with a majority, all members have such basic rights as the right to be heard and the right to oppose.
 - 2.1.7. The rights of all members should be the concern of every member, for a person may be in a majority on one question, but in minority on the next item.
 - 2.1.8. Every matter presented for decision should be discussed fully.
 - 2.1.9. The right of every member to speak on any issue is as important as each member's right to vote.
 - 2.1.10. Every member has the right to understand the meaning of any question presented to a meeting, and to know what effect a decision will have.
 - 2.1.11. A member always has the right to request information on any motion he or she does not thoroughly understand.
 - 2.1.12. All meetings must be characterized by fairness and by good faith.

3. GENERAL MEETING RULES

- 3.1. *Public Meetings.* All meetings of the Council shall be open to the public except as allowed by State Law.
- 3.2. *Location.* Unless publicly noticed otherwise, all meetings of the Council shall be in Council chambers located at Herriman City Hall, 5355 West Herriman Main Street, Herriman, Utah 84096.
- 3.3. *Quorum and Majority.* Three members of the Council shall constitute a quorum. At least three votes, which constitutes a majority of the Council, are required to take any action by the Council regardless of absence or vacancy.
- 3.4. *Recognition by the Mayor.* All Council members, City staff, and individuals from the general public shall be recognized by the Mayor before addressing the City Council on any issue. All communications directed to the City Council will occur at the podium or at any location where a microphone is present and upon recognition

by the Mayor. Public outbursts, gestures, applause, or other attempts to disrupt any Council meeting are prohibited and may be punished under State law.

- 3.5. Meeting Minutes. The City Recorder shall prepare draft minutes of each Council meeting. Draft minutes shall be brought to the Council for approval. Once written minutes are ready to be presented to the City Council, those minutes become public record. Written minutes that are made available to the public before final approval of the Council shall be clearly identified as “awaiting approval.”

4. TYPES OF MEETINGS

- 4.1. Regular Meetings. The Council holds regular meetings on the second and fourth Wednesday of each month. The Council conducts standard business in Regular Meetings.
- 4.2. Special Meetings. The Council may convene a Special Meeting upon order of either the Mayor or any two Council members. The order to convene a Special Meeting shall provide at least three hours’ notice of the Special Meeting and notify the other Council members (who did not order the Special Meeting) of the time and place of such meeting.
- 4.3. Emergency Meetings. In the event of an emergency or an urgent matter, any Council member, including the Mayor, may request an Emergency Meeting. An attempt must be made to notify all Council members of such meeting and the best notice practicable shall be given. No Emergency Meeting will be held unless a majority of the Council Members vote in favor of holding such a meeting.
- 4.4. Closed Meetings. Subject to the parameters of the Open and Public Meetings Act, and upon a majority vote of the Council, the Council may adjourn a noticed meeting¹ to a closed meeting to discuss certain topics. The reason for holding a Closed Meeting and the roll-call vote to hold such a meeting shall be entered on the minutes of the noticed meeting. The Council may not approve any ordinance, resolution, rule, regulation, contract, or appointment in a Closed Meeting. Unless a meeting is closed to discuss the character, professional competence, or physical or mental health of an individual, the Closed Meeting may be recorded and minutes may be kept. Any recordings or minutes of a Closed Meeting are protected records under Utah’s Government Records Access and Management Act (GRAMA).
- 4.5. Work Meetings. The Council may regularly convene Work Meetings to openly discuss upcoming Council business, receive updates on items already before the Council, or to address those items on the Work Meeting agenda. The Council takes no action at Work Meetings and public comment is generally not allowed. Instead, after discussion, the Council will refer items to a future Regular Meeting agenda for consideration under the Consent Agenda, or to another work meeting for additional work and discussion by the Council. Notice of Work Meetings shall be provided and the Mayor shall sit as the chair of such meetings.
- 4.6. Workshops and Executive Session Meetings. The Council may convene a Workshop or Executive Session meeting to discuss broad issues facing the City. These meetings are open to the public and appropriate public notice must be given. The Council makes no final decisions on any resolutions, ordinances, or other matters before the Council at such meetings.

5. FORM OF MEETINGS

- 5.1. In-Person Meetings. Unless as otherwise set forth below, all Council meetings shall be held in-person and at the location listed on the notice for the respective meeting.
- 5.2. Electronic Meetings. Under certain circumstances, which are governed by state law and local ordinance, the Council may convene a public meeting through electronic means where each Council member is connected with all others concurrently. Notice of electronic meetings will be posted as required by law and an opportunity will be provided for the public to provide comments and give appropriate feedback at such meetings.

¹ A meeting is a “noticed meeting” if it complies with the requirements of Utah Code Ann. § 52-4-202.

- 5.3. Form of Meeting Required on Notice. Every notice of Council meetings, regardless of the type, will set forth the form of the meeting and shall otherwise comply with the notice requirements of the Open and Public Meetings Act.

6. GENERAL ORDER OF BUSINESS FOR REGULAR MEETINGS

- 6.1. Work Session. Generally, a Work Session will precede a Regular Meeting and shall start at 5:00 p.m. Work Sessions usually proceed as follows.

6.1.1. Council Business

6.1.1.1. Regular Session Agenda Review

6.1.1.2. Identify Future Agenda Items

6.1.2. Administrative Reports from the City Manager and other City Staff

- 6.2. Regular Session. Generally, regular sessions shall start at 7:30 p.m., or upon call of the Council. Regular sessions usually proceed as follows.

6.2.1. Call to Order / Welcome / Introduction / Invocation / Thought / Reading

6.2.1.1. Any presentation, invocation, thought, or reading (collectively the “Presentations”) shall be done on a volunteer basis and without cost to the City.

6.2.1.2. The Presentations are intended to be non-denominational and non-proselytizing in charter and not exceed two minutes in length.

6.2.1.3. The person offering the Presentations will be referred to as the presenter. The presenter will be allowed up to two minutes.

6.2.1.4. The City will not dictate the form or content of any Presentation.

6.2.2. Pledge of Allegiance

6.2.3. Council and Mayor Comments/Recognitions

6.2.4. Public comments

6.2.4.1. The purpose of public comment is to allow citizens to address the Council.

6.2.4.2. Citizens requesting to address the Council will be asked to complete a written comment form and present it to a designated peace officer.

6.2.4.3. In general, the Mayor will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. Staff shall monitor, with a timer, the amount of time for public comment and clearly indicate to such presenter when the presenter’s allotted time has expired. At the conclusion of the citizen comment time, the Mayor may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action.

6.2.5. City Council Board and Committee Reports

6.2.5.1. Council Members will present a summary report on the City committees or external boards to which they are assigned.

6.2.6. Reports, Presentations, and Appointments

6.2.7. Public Hearings

6.2.7.1. Public Hearings shall be conducted in accordance with Section 12 of these Rules.

6.2.8. Consent Agenda

6.2.8.1. The Consent Agenda consists of items that are administrative actions where no additional discussion is needed or which are routine in nature.

6.2.8.2. All items on the Consent Agenda shall be adopted by a single motion and roll call vote.

6.2.8.3. The Council can remove an item from the Consent Agenda for discussion by a majority vote. The item will keep its agenda number and will be added to the Discussion and Action Items portion of the agenda for discussion, unless placed otherwise by the Council.

6.2.9. Agenda Items for Discussion and Action

6.2.9.1. These items are legislative in nature and therefore Council discussion, presentation, and public feedback are encouraged. Such items also include policy, procedural, or other deliberations which do not include a formal action by the Council, but may include direction given to City staff for future consideration.

6.2.10. Future Meetings and Events

6.2.11. Closed Meeting

6.2.12. Adjournment

7. CITY COUNCIL AGENDA

7.1. Agenda Requirement. All meetings of the Council will have a notice and agenda that complies with the Utah Open and Public Meetings Act.

7.2. Requests for Agenda Items. An item may be placed on the agenda by the City Manager or at the request of at least two Council members. The City manager should inform all the other Council members of the items being requested for the agenda. Proper requests for agenda items shall appear on a draft agenda for Council review.

7.3. Timeframe for Delivery of Information. For each Council meeting, members will receive a packet containing the agenda of the meeting as well as complete information pertaining to items on the agenda. To allow members adequate time to study the items for consideration at the upcoming meeting(s), all information for agendas and packets will be delivered to the City Recorder by noon on the Wednesday preceding the meeting(s). The City Recorder will then distribute the agenda and packet to the Council by 5:00pm the following day (Thursday preceding the meeting). These timeframes may be altered depending upon the type of meeting being held.

7.4. Removing Items. In order for an item to be removed from an agenda, the applicant must request in writing to have an item removed. If, however, the applicant has not provided all of the necessary documentation for a meeting of the Council prior to the appropriate deadline as set forth above, the item will automatically be removed from the Agenda.

7.5. Preparation. The agenda is prepared by the City Manager and submitted to the Council for review. Upon Council approval, the agenda shall be posted. Once the agenda is posted, it shall not be amended or modified except by the Council pursuant to motion and majority vote. Provided however, matters or items may be added to an agenda because of unforeseen circumstances of an emergency or urgent nature as determined in writing by the City Manager or Assistant City Manager and the writing is delivered to the Council at the time the matter or item is added to the agenda.

- 7.6. Withdrawal of Items. To expedite progress of the meeting, the Mayor may announce that the presenter or applicant would like to withdraw the item from the agenda and ask if there is any objection. If no members object, the Mayor can go on to the next item of business. A unanimous lack of objection is, in effect, a unanimous vote to delete the item from the agenda.

8. GENERAL RULES OF MOTIONS

- 8.1. Motions. A motion is a formal proposal by a Council member during a meeting that the Council take certain action. Matters appearing on the agenda for a meeting may be discussed by the Council prior to a motion being made. Motions should be succinct and clearly understood by the Council. All motions require a second before they can be discussed or acted upon. A motion that does not receive a second dies for lack of a second and no action may be taken on that motion. Motions require a minimum of three affirmative votes to be approved. The Council should not consider any matter unless it has been placed before the meeting in the form of a motion.
- 8.2. Procedure. The following procedures apply to making, discussing, and voting on motions:
- 8.2.1. A motion on an agenda item shall not be made prior to the Mayor requesting for a motion on the matter. After a motion has been made, the Mayor shall: (1) announce the author of the motion; (2) restate the motion; (3) announce who seconded the motion; (4) ask if there are any questions on the motion; and (5) call for a vote on the motion.
 - 8.2.2. If a question is raised or further discussion is needed on a motion, the author of the motion is allowed to speak first. All other Council members are allowed to address the issue after the author. The author is also allowed to make a summation.
 - 8.2.3. The author of a motion may amend or withdraw the motion before it has been seconded and restated by the Mayor. Once a motion has been restated by the Mayor, it belongs to the Council and the motion requires a majority vote to withdraw it.
 - 8.2.4. If no additional discussion, questions, or other motions are made, the Mayor may then call for a vote on the original motion.
- 8.3. Classification and Order of Motions. Each motion is assigned a level of importance and precedence. The terms “precedence” and “importance” are not synonyms. The most important motion is the main motion which also has the lowest degree of precedence. Motions should be classified by level of importance and precedence in accordance with the following rules.
- 8.3.1. The most important motion is the first one made.
 - 8.3.2. The motion with the highest degree of precedence is the last motion made.
 - 8.3.3. Except as otherwise set forth in these Rules, there can only be one motion of any degree of precedence pending at one time. Other motions proposed during consideration of a motion can be accepted by the Mayor only if they are of higher precedence.
 - 8.3.4. There may only be up to three motions of any level of precedence on the floor at the same time.
 - 8.3.5. The motions shall be addressed in the reverse order in which they were made. As such, the last motion being made should be addressed first. If the third motion being made passes and moots the first and second motions, the first and second motions shall not be considered. If the third motion fails, the second motion shall be considered before the first. If the second motion passes and moots the first motion, the first motion shall not be considered. If the second motion fails, the first motion shall be considered. If the first motion was amended by another motion of higher precedence, the amended format would be considered. If not amended by another motion, then the original version of the first motion would be considered.

9. TYPES OF MOTIONS

9.1. Main Motions.

- 9.1.1. A main motion is a motion that brings business before a meeting.
- 9.1.2. Because a meeting can consider only one subject at a time, a main motion can be made only when no other motion is pending.
- 9.1.3. A main motion ranks lowest, in the order of precedence, but highest in terms of importance.
- 9.1.4. When a main motion has been stated by one member, seconded by another member, and repeated for the meeting by the Mayor, the meeting cannot consider any other business until that motion has been disposed of, or until some other motion of higher precedence has been proposed, seconded, and accepted by the Mayor.
- 9.1.5. A main motion must not interrupt another speaker, requires a seconder, is debatable, can be amended, cannot be applied to any other motion, and may be reconsidered.
- 9.1.6. When a motion has been made by a member and seconded by another, it becomes the property of the meeting. The mover and seconder cannot withdraw the motion unless a majority of the Council agrees. Alternatively, the Mayor may ask if the Council objects to the motion being withdrawn. If no one objects, then the motion may be withdrawn.

9.2. Secondary Motions

- 9.2.1. Secondary motions assist a meeting in treating or disposing of a main motion and, as such, take precedence over the main motion.
- 9.2.2. These motions are listed below in ascending order of rank. Accordingly, each of these motions takes precedence over all of the secondary motions listed before such motion.
 - 9.2.2.1. **Postpone Indefinitely.** This motion is made to kill a pending main motion. If a main motion is brought before a meeting, a Council member can propose to dispose of the question (without bringing it to a direct vote) by moving to postpone indefinitely. Such a motion can be made at any time except when a speaker has the floor. If passed, the motion kills the matter under consideration. It requires a seconder, may be debated, cannot be amended, can be reconsidered only if the motion is passed, and requires a majority vote to pass.
 - 9.2.2.2. **Amend.** A motion to amend may be made after an initial motion and is usually used to change the initial motion in some way. A motion to amend is germane to the initial motion and must not be the same as a negative vote on the initial motion. It seeks to retain the initial motion on the floor and only alter it slightly with new or different language. An amendment to the initial motion should be discussed and voted on before the main motion. With a motion to amend, the Council votes only on whether to amend the initial motion and not the item addressed in the initial motion. If the amended motion passes, it becomes the initial motion and the Mayor shall proceed with the amended motion in the same manner as the initial motion. A motion to amend cannot interrupt another speaker, must be seconded, is debatable if the motion to be amended is debatable, may itself be amended by an amendment to the amendment, can be reconsidered, and requires a majority vote to pass. If the amendment is defeated, another amendment may be proposed, or discussion will proceed on the original motion. If the amendment carries, the meeting does not necessarily vote immediately on the motion as amended. The discussion of the principle of the original motion was not permitted during debate on the amendment and there may be members who want to speak now on the issue raised in the original motion. Other amendments may also be proposed, provided that they do not alter or nullify the amendments already passed. After all

discussion on all applicable amendments, the Council will vote on the “motion as amended” or, if all amendments are defeated, on the original motion. If more than two amendments are proposed, the Council should consider a substitute motion.

- 9.2.2.3. **Postpone to a Certain Time.** A motion to postpone to a certain time is used to consider a main motion later in the same meeting, or at a later time and in another meeting. Such a motion can be made regardless of how much debate there has been on the main motion it proposes to postpone. A motion to postpone may be to postpone to a specific time/date or until after some other item of business has been decided. When the time to which a motion has been postponed has arrived, the Mayor shall state the postponed motion to the Council for its consideration. A motion to postpone to a definite time may not interrupt another speaker, must be seconded, is debatable only as to the propriety or advisability of postponing and of postponing to the particular time, can be amended, can be reconsidered, and requires a majority vote if the postponement is to a subsequent meeting. If the postponement is to a later time in the same meeting, the effect is to amend the agenda of that meeting, and the motion therefore requires a majority vote.
- 9.2.2.4. **Limit/Extend Limits of Debate.** A motion to limit debate changes the normal rules of debate set forth herein. Such a motion may, for example, limit the time of the whole debate or it might limit the time taken by each speaker. A motion to extend debate permits greater participation and time than usual. A motion to limit or extend the time of debate may not interrupt a speaker, must be seconded, and is not debatable, can be amended, may be reconsidered, and requires a majority vote.
- 9.2.2.5. **Table.** A motion to Table a main motion has the effect of delaying action on the main motion in question. If a subsequent meeting does not lift the question from the table, the effect of the motion to table is to prevent action from being taken on the main motion. A motion to table may not interrupt another speaker, must be seconded, is not debatable, is not amendable, may not be reconsidered, and requires a majority vote.

9.3. Privileged Motions

- 9.3.1. Unlike either secondary or main motions, privileged motions do not relate to the pending business. Rather, privileged motions have to do with special matters of immediate and overriding importance that, without debate, should be allowed to interrupt the consideration of all other matters.
- 9.3.2. The privileged motions are listed below in ascending order of rank. Accordingly, each of these motions takes precedence over all of the privileged motions listed before such motion.
- 9.3.2.1. **Recess.** A Council member may propose an intermission in a meeting, even while business is pending, by moving to recess for a specified length of time. A motion to recess may not interrupt another speaker, must be seconded, is not debatable, can be amended, cannot be reconsidered, and requires a majority vote.
- 9.3.2.2. **Adjourn.** A motion to adjourn is used to close a meeting. This motion can be made even while business is pending, provided that the time for the next meeting is established or has been set by the Council. In such a case, unfinished business is carried over to the next meeting. A motion to adjourn may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote. If the motion to adjourn has been made, but important matters remain for discussion, the Mayor may request that the motion to adjourn be withdrawn. A motion to adjourn can be withdrawn only with the majority vote of the Council.
- 9.3.2.3. **Fix Time to Which to Adjourn.** This motion takes the highest degree of precedence of all privileged motions. This motion is appropriate only when made

while another question is pending and when there is no meeting scheduled for the same or the next day. The time fixed cannot be beyond the time of the next meeting. When the Council meets at the time to which it adjourned, the meeting is a continuation of the previous session. The motion may not interrupt a speaker, must be seconded, is not debatable, is amendable, can be reconsidered, and requires a majority vote.

9.4. Incidental Motions

9.4.1. These motions are incidental to the motions or matters out of which they arise. Because they arise incidentally out of the immediately pending business, they must be decided immediately, before business can proceed. Most incidental motions are not debatable.

9.4.2. Because incidental motions must be decided immediately, they do not have an order of precedence. An incidental motion is in order only when it is legitimately incidental to another pending motion or when it is legitimately incidental in some other way to business at hand. It then takes precedence over any other motions that are pending.

9.4.3. The most common incidental motions are:

9.4.3.1. **Point of Order.** This motion permits a member to draw the Mayor's attention to what the member believes to be an error in procedure or a lack of decorum in debate. The Mayor should recognize the member, who will then state the point of order. The Mayor shall make an immediate ruling on the question involved. The Mayor will give the reason(s) for making the ruling. If the ruling is thought to be wrong, the Mayor can be challenged by any other member. A point of order can interrupt another speaker, does not require a seconder, is not debatable, is not amendable, and cannot be reconsidered.

9.4.3.2. **Appeal.** The Council may appeal certain rulings of the Mayor on decisions of parliamentary law. The appeal is made by one member and seconded by another. At that point, the question is taken from the Mayor and vested in the Council for final decision. Members have no right to criticize a ruling of the Mayor unless they appeal such decision.

9.4.3.3. **Suspension of the Rules.** A motion to suspend the rules allows the Council to temporarily suspend these Rules to conduct some matter of business. The matter of business, and suspension of these Rules, may not be in conflict with local, state, or federal law. Additionally, any temporary suspension of these Rules should avoid violating the fundamental principles of parliamentary law and procedure. Such a motion cannot interrupt a speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote. After the meeting has taken the action it wants to take, the rules that were suspended come into force again automatically.

9.4.3.4. **Motions Related to Methods of Voting.** A member can move that a vote be taken by roll call. Such motions may not interrupt another speaker, must be seconded, are not debatable, are amendable, can be reconsidered, and require majority votes.

9.4.4. All other incidental motions, and their respective levels of precedence, set forth in Roberts Rules of Order are incorporated into these Rules by this reference.

9.5. Motions that Bring a Question Again Before the Council

9.5.1. These types of motions allow the Council to consider again the merits of a question that has previously been disposed of in some way. They are usually made while no other business is pending.

- 9.5.2. These motions enable the Council to reopen a completed question during the same session, or to take up one that has been temporarily disposed of, or to change something previously adopted and still in force.²
- 9.5.3. The four types of these motions are:
- 9.5.3.1. **Take from the Table.** Before a meeting can consider a matter that has been previously tabled, a member must move that the question concerning the tabled matter be taken from the table. Such a motion may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote. If a motion to take from the table passes, the meeting resumes debate on the original question (or on any amendments to it).
- 9.5.3.2. **Rescind or Amend Something Previously Adopted.** This motion allows the Council to consider and change an action previously taken or ordered. To rescind a previous item means to cancel or countermand the order relating to that item. The effect of *rescind* is to strike out an entire main motion, resolution, order, or rule that has been adopted at some previous time. To amend something previously adopted is the motion that can be used if it is desired to change only a part of the text, or to substitute a different version.³ Such a motion may not interrupt another speaker, must be seconded, is debatable, is amendable, can only be reconsidered if the vote was negative, and requires a majority vote of the Council.
- 9.5.3.3. **Discharge a Committee.** This motion allows the Council to take a matter out of a committee's hands after previously referring it to the committee and before the committee has made a final report on it. This motion may not interrupt another speaker, must be seconded, is debatable, is amendable, can only be reconsidered if the vote was negative, and requires a majority vote of the Council.
- 9.5.3.4. **Reconsider.** A motion to reconsider allows the Council to bring back for further consideration, a motion which has already been voted on. This generally occurs when additional information becomes available after the original vote was taken. A motion to reconsider can only be made by a member who voted with the prevailing side and must be made at the same meeting in which the motion suggested to be reconsidered occurred or at the immediately preceding meeting if new information or a changed situation makes it appear that a different result might reflect the true will of the Council. If at the next preceding meeting, an item to be reconsidered shall appear on the unfinished business portion of the agenda and shall be identified as "Reconsideration of _____." Discussion of the substance of the matter to be reconsidered shall occur only after a motion to reconsider has been successfully approved by a majority of the Council present and voting. This motion may not interrupt another speaker, must be seconded, is debatable, cannot be amended, cannot be reconsidered, and requires a majority vote of the Council.

10. DISCUSSION / DEBATE

- 10.1. **Recognition.** The Mayor shall recognize any Council member requesting recognition to speak, discuss, give notice, make a motion, submit a report, debate, or for any other reason address the Council unless a motion taking precedence is offered.
- 10.2. **Right to Discuss/Debate.** All Council members shall be allowed to speak at least once on any subject.
- 10.3. **Order during Discussion/Debate.** The mayor shall be responsible for maintaining order during all discussions and debates of the Council. If, in the discretion of the Mayor, private discourse among Council members or

² RONR (11th ed.), p. 75, ll. 20-24.

³ RONR (11th ed.), p. 305, ll. 3-14.

any other disturbance disrupts the Council’s business, the Mayor may call the Council and meeting to order. If the Mayor calls the Council to order, all Council business shall cease until such time as the Mayor resumes the Council’s business. Any Council member may make a motion that the Council be called to order.

10.4. Decisions without Discussion. The following will be decided without discussion:

- 10.4.1. A motion to adjourn
- 10.4.2. A motion to recess
- 10.4.3. Questions relating to the order of business

11. VOTING

- 11.1. Form. Voting shall be in the form of “aye” “yes” “or” “nay” “no” vote.
- 11.2. Majority Required. All votes requiring a majority shall be a majority of the quorum present including those attending the meeting electronically, except where State law or these Rules require otherwise.
- 11.3. Abstaining. An expression of “abstain” during voting shall be considered and recorded as a no vote. A Council member who abstains on a question, or is absent, may not move to reconsider that question. A Council member who abstains should, as a common courtesy, state a point of personal privilege and give an explanation of such abstention.
- 11.4. Ties. In the case of a tie vote, the motion shall fail.
- 11.5. Explanation of Vote / Point of Privilege. Council members shall not explain their votes during the call of the roll or at the time of a voice vote. However, before the vote is taken or at the conclusion of the vote, any Council member may request a point of personal privilege to give an explanation of their vote.
- 11.6. Voting Required. Every Council member who is deemed present (either in person or by electronic means) at the time the vote is called shall vote.
- 11.7. Roll Call. On a roll call vote, votes shall be cast as the roll is called as directed by the Mayor.

12. PUBLIC HEARINGS

- 12.1. Purpose and Scope of Public Hearings. Public hearings are designed to provide the public an opportunity to give input and feedback to the Council on certain issues coming before the Council for decision. Public hearings shall consist of those items for which the Council would like to receive public input as well as those items for which public hearings are required under the laws of the State of Utah.
- 12.2. Procedure. The following procedures apply to public hearings conducted at Council meetings.
 - 12.2.1. The Council shall first receive a report or presentation by City staff on the matter being discussed. The Council should ask all questions of the presenter at this time.
 - 12.2.2. Upon completion of the presentation(s) and any questions from the Council, the Mayor shall open the public hearing to the public. At this time, all parties interested in addressing the matter being considered during the public hearing are invited to speak only after being recognized by the Mayor. Each individual who speaks at the public hearing will state his or her name and city or residence before proceeding. The Mayor may limit the time for public input, cutoff input that is unrelated to the matter being discussed, and otherwise have disorderly public participants removed from the meeting in accordance with these rules. Generally, the public may not directly ask questions of the Council or its members during a public hearing, however, such questions posed by the public may be discussed by the Council after the public hearing is closed.

12.2.3. After all individuals have had an opportunity to speak at the public hearing, the Mayor shall close the public hearing. No further remarks by the public will be heard on the matter unless approved, by motion of the Council. The Council may, upon a majority vote, continue a public hearing to another specific date and time.

12.2.4. Upon completion and closure of the public hearing, the Council may re-convene its discussions on the matter being considered. When the Council has completed its discussion on the matter, the Mayor may entertain a motion on the matter and the matter may be otherwise disposed of as set forth herein.

13. DECORUM

13.1. While Voting. No Council member shall walk about in or out of the Council Chamber while the Chair is calling the vote.

13.2. Distractions. Council members should avoid engaging in private discourse or committing any other act or dress in a manner which may tend to distract the attention of the Council or the audience from the business before the Council or otherwise interfere with any person's right to be heard after recognition by the Chair.

13.3. Respect. When speaking to or debating a specific subject before the Council, all persons, including Council members, shall not use vulgar or obscene language and confine their remarks to the topic under discussion or debate, avoiding personal attacks.

13.4. End of Debate. Anyone engaging in discussion or debate beyond the topic before the Council shall be ordered to stop by the Chair and no further discussion or debate will be allowed by said person.

13.5. Expulsion from Meeting. The Council may expel any member of the Council from an open public meeting or prohibit the member from attending an open public meeting for disorderly conduct following a vote of the Council or expel any member of the public from an open meeting for disorderly conduct following a vote of the Council.

13.6. Use of Cell Phones and other Electronic Devices. Cell phones and other electronic devices are convenient tools that members may use to help them conduct Council business. However, Council members' use of cell phones and other electronic devices during Council meetings to discuss any matters listed on the agenda is discouraged. Such communications are subject to GRAMA requests and may become part of the record of the meeting. Additionally, use of electronic devices and cell phones to share messages about agenda items during the course of a meeting is contrary to the public policy purpose of the Open and Public Meetings Act to take actions and deliberate openly.

13.7. Recognition. No one may address the Council without first being recognized by the Mayor.

14. CITY COUNCIL RELATIONS

14.1. Council Member Conduct. The following are rules of conduct for Council members to use in relations and contact with each other, City Staff, and members of the public. The points contained herein are intended to assist in maintaining the important distinction between the policy and legislative role of Council versus the administrative/management role of the City Manager/Staff.

14.1.1. Representing the Council. Council Members do not have authority to commit the City to positions or otherwise obligate the City without a vote or consent of the entire Council as set forth in these Rules.

14.1.2. Private Meetings with Other Council Members. Council members are permitted to meet with one another outside of noticed meetings so long as a quorum is not present. If two members meet with one another and City staff or other outside third parties are also present, the two members who attended the meeting shall provide a summary of the meeting to the other Council members as soon as possible but no later than 24 hours after the meeting.

- 14.1.3. *Complaints from Citizens.* Citizen complaints received by individual Council Members should be referred to the City Manager and/or City Attorney for delegation, investigation, resolution, and follow-up. The respondent for the complaint should also ensure the City Manager and requesting Council Member(s) are made aware of the response (e.g. Courtesy Copy on an email). A vast majority of complaints concern enforcement issues handled by different City departments. The direct involvement by individual Council Members in matters of enforcement is discouraged.
- 14.1.4. *Lobbying.* Lobbying of Council Members by fellow Council Members outside of or even during discussion on matters at a meeting sometimes occurs and may be helpful. However, attempts by Council Members to influence individual Staff members' views on issues that are under study or review for later consideration by the entire Council are improper and should be avoided to ensure Staff may be as objective as possible in their work recommendations to the Council.
- 14.1.5. *Private Disputes.* On occasion, individual residents or neighborhoods will come forth with problems of a purely private nature. These typically include overhanging trees, Covenant, Conditions & Restrictions (CC&Rs) enforcement, and boundary line or fence disputes. The City has no legal jurisdiction in such matters, and therefore Council should not get involved. Intercession in such matters will needlessly consume time and taxpayers' dollars and could potentially expose the City to liability. If Council is not clear whether a reported problem is properly within the City's jurisdiction, he/she should refer to the City Manager and/or City Attorney for input.
- 14.1.6. *Use of Staff for City Business and Private Business.* Asking Staff for help on personal business or problems can present a dilemma and conflicts and should be avoided.
- 14.1.7. *Request for Information.* All requests for information should include the City Manager. The City Manager shall respond to the requestor and the remainder of the City Council, as deemed appropriate.
- 14.1.8. *Policing Problems.* It is the Council's responsibility to police and correct any problems among its members. Any violation of these Rules shall be discussed in an open meeting and a majority of the Council may impose consequences permitted by law upon any other member found by a majority of the Council to be in violation of these Rules.

15. CONFLICTS OF INTEREST

- 15.1. *Compliance with State Law.* Council members are required by Utah law to disclose actual or potential conflicts of interest between their public duties and their personal interests. Under most conflict of interest situations, Council members should abstain from voting on a matter if they have a substantial interest in the item before the Council, and to avoid participating in the discussion as well.

16. THE MUNICIPAL OFFICERS' AND EMPLOYEES' ETHICS ACT

- 16.1. *Application, Purpose, and Scope.* All municipal officers and employees must abide by the Municipal Officers' and Employees' Ethics Act as outlined in Utah State Code §10-3-13. The stated purposes of this state law are to establish standards of conduct for municipal officers and employees and to require a disclosure of actual or potential conflicts of interest between public duties and personal interests. The ethics law apply to all elected and appointed officers and employees of the City. These include persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. It applies to both full and part-time employees.

17. MEDIA INQUIRIES AND SUBMISSIONS

- 17.1. *Role of City Public Information Officer / Director of Communications.* All City-related press releases should originate from the City's Communications Director or Public Information Officer ("PIO"). Additionally, all Council Members shall comply with the following regarding media inquiries:
 - 17.1.1. Only the PIO will convey to the media the City's official position.

- 17.1.2. If a reporter contacts a Council member for an official City position, the Council member shall inform the PIO.
 - 17.1.3. At times, a reporter may contact an Elected Official for their personal viewpoint related to an issue. The elected official providing a personal viewpoint shall notify the PIO prior to the interview, if possible, or as soon as possible thereafter, and should ensure language is used to indicate the position is their own, not the city's official position.
 - 17.1.4. Elected Officials are provided opportunities to submit articles to local publications to address items of citizen interest. With adequate notice, the City's PIO or City Manager may be asked to suggest topics or provide information or statistics to be shared with the public. Fact-based articles are preferred to avoid any misunderstandings regarding a shared opinion being the opinion of the City or City Council as a whole.
- 17.2. Dissemination of Formal Information. Individual Council Members are not the "Spokesman" for the City. The Council "Body" is the designated "Spokesman" for the City of Herriman. The Communication Department will disseminate information for the Council "Body".

18. SOCIAL MEDIA GUIDELINES

- 18.1. Use of City Social Media. Elected officials are to comply with the following guidelines when using City social media sites. The guidelines of this Section 18.1 apply only to elected officials' use of City social media sites and the guidelines do not apply to the personal social media sites of elected officials.
- 18.1.1. Herriman City social media sites are the official sites for City information.
 - 18.1.2. Elected officials shall not use personal social media accounts to conduct City business.
 - 18.1.3. Elected officials shall not use official City social media sites for campaigning purposes.
 - 18.1.4. Elected officials shall not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to an elected officials' campaign site.
 - 18.1.5. Elected officials should not use social media as a mechanism for conducting official City business other than to informally communicate with the public, share information from the official City page, and educate the public on proper protocol and accurate information.
 - 18.1.6. Elected officials should reveal that they are elected officials for the City when making a post and should be honest, straightforward, and respectful.
 - 18.1.7. Elected officials should add value to any social media discussion by staying focused on the issue and presenting facts.
 - 18.1.8. Members of the City Council should refrain from responding to any published postings, or from using the site to respond to, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the Council body. Individual Council Members are not spokespersons for the City. The Director of Communications and Communications Department will disseminate information from the Council body.
 - 18.1.9. City elected officials shall not engage in online discussions concerning matters which may come before them for City Council action. They should also not imply a position on an item that may come before the City Council for action as it has the potential to reveal non-neutrality on the topic.
- 18.2. Role of Public Information Officer / Director of Communications. The PIO or Director of Communications serves as the official spokesperson for the City on official City social media sites. To help prevent errors, elected officials should not post official information about the City as it could create liability issues. If it is information that the City is pushing out, the elected officials should "share" the official post made by the City.

- 18.3. Fixing Mistakes. If an elected official makes a mistake, it should be corrected as soon as the official is made aware of the error. Corrections should be upfront and as timely as possible. If modifying an earlier post, make it clear the posting has been corrected. Consider designating corrections with "fixed link" or "fact correction" prior to the correction.
- 18.4. Civility. Elected officials should maintain civility when posting on social media and not use profane language, support unsubstantiated allegations, or use social media as a place to engage in disagreement or instigate, promote, or bolster a dispute among public or other Council members.
- 18.5. Scope of Use. It is also not good policy to use social media for official discussions or to criticize the votes of other City Council members. Social media posts aimed at colleagues reflects on your leadership as well as the City. It is recommended that you let your vote speak for itself without denigrating the votes of your colleagues.

19. BOARDS AND COMMITTEE ASSIGNMENTS

- 19.1. Duty to Assign and Review. Council Members may serve on various City committees or external boards as official representatives of the City pursuant to assignment by the Council. Council Members serving on said boards and committees should attend the annual trainings that are offered. At the first regular meeting in January, the Council shall review Council Member assignments to City committees or external boards.
- 19.2. Creation of Committees. The Council may create, revise, or abolish any and all Council committees. The Council may create any special or ad hoc committee for any specific purpose proper for Council consideration. When such committees are created, their purpose and a relevant time frame will be established. After the final report of the committee, the special or ad hoc committee will be abolished.
- 19.3. Powers of Standing Committees. Any standing committee, or the Council as a whole, may resolve to sit as an oversight committee for the purpose of investigating items relating to the conduct of City business. No powers are accorded the standing committee other than those provided by Utah State law.
- 19.4. Meetings of Committees. All meetings of Council committees shall provide notice in compliance with the requirements of the Utah Open and Public Meetings Act.

20. TRANSITION FOR COUNCIL OFFICE FOLLOWING MUNICIPAL ELECTIONS

- 20.1. Equipment. Council member(s) who are not reelected shall deliver any City-owned equipment to the City Recorder no later than noon on the day that elected officials of the City take their oath of office. City-owned property includes, but is not limited to, iPads, laptop computers, printers, software, office keys, City identification, etc.
- 20.2. Separation Checklist. Council members who are not reelected must meet with the City Recorder to complete and sign a separation checklist before receiving their final paychecks.
- 20.3. Distribution of Property. As soon as practical after the elected officials of the City take their oath of office, the City Recorder shall arrange for City-owned property to be distributed to the new Council member(s) and records shall be maintained regarding assignment of items.

21. AMENDMENTS

- 21.1. Procedure to Amend. Any Council member may propose amendments, revisions, or additions to these Rules of Procedure. Each amendment, revision, or addition proposed by a Council member shall be in written form and copies shall be provided to each Council member. Consideration of any amendments, revisions, or additions to these Rules shall be noticed on a Council agenda in compliance with the Utah Open and Public Meetings Act. A majority vote of all Council members in a regular Council meeting shall be required for passage and adoption of any amendment, revision, or addition to these Rules of Procedure.