

# Santaquin City Resolution 04-03-2015

## A RESOLUTION MODIFYING THE 2015 VERSION OF THE SANTAQUIN CITY COUNCIL PROTOCOLS

**WHEREAS**, the City of Santaquin has Santaquin City Council Protocols address the order, manner, and conduct of City Council Meetings and the authority of its members; and

**WHEREAS**, the City of Santaquin has determined that it desirable to review and update these protocols from time to time to comply with Federal, State and local laws and ordinances; and


**WHEREAS**, recommended changes have been prepared by the City Manager, and reviewed by the City Attorney, Mayor, and City Council;

**NOW, THEREFORE, BE IT RESOLVED**, by the Santaquin City Council that the 2015 version of the Santaquin City Council Protocols shall be amended as shown on Attachment (A), which amendments shall be effective immediately.

Approved and adopted by the Santaquin City Council this 1<sup>st</sup> day of April, 2015.

  
Kirk F. Hunsaker, Mayor



Attest:   
Susan Farnsworth, City Recorder



# **SANTAQUIN CITY COUNCIL PROTOCOLS**

## **APPROVED April 1, 2015**

### **SANTAQUIN CITY COUNCIL PROTOCOLS**

#### **A. Regular Meetings:**

1. The City Council shall hold two (2) regular meetings which shall be held on the first and third Wednesday of each month at City Hall, 45 West 100 South, Santaquin, Utah.
2. The meetings held on the days specified in the foregoing subsection shall begin promptly at six o'clock (6:00) P.M.; provided, that:
  - a) If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday.
  - b) The City Council may, by resolution, provide for a different time and place for holding regular meetings of the City Council. (Ord. 141, 3-23-1977; amd. 1999 Code).

#### **B. Special Meetings and Emergency Meetings:**

1. **Special Meetings:** If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered in the minutes of the City Council meeting. The order shall provide at least twenty four (24) hours' notice of the special meeting and notice thereof shall be served by the City Recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a Council member at any specially called meeting constitutes a waiver of the notice required in this subsection.
2. **Emergency Meetings:** If at any time the business of the City requires an emergency meeting to consider matters of an emergency or urgent matter due to unforeseen circumstances, such meeting may be ordered by the



Mayor or any two (2) members of the City Council. The order shall be entered in the minutes of the City Council meeting. The order shall provide notice of the emergency meeting in accordance with Utah Code Annotated section 52-4-202 and notice thereof shall be served by the City Recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a Council member at any specially called meeting constitutes a waiver of the notice required in this subsection.

C. Open Meetings: Every meeting is open to the public unless closed pursuant to Utah Code Annotated sections 52-4-204 and 52-4-205.

D. Quorum:

1. Defined: The number of members of the City Council necessary to constitute a quorum is three (3) or more, not including the Mayor.
2. Necessary: No action of the City Council shall be official or of any effect except when a quorum of the members are present. Fewer than a quorum may adjourn from time to time.

E. Voting:

1. How Vote Is Taken: A roll call vote shall be taken and recorded for all ordinances, resolutions and any other action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.
2. Minimum Vote Required: Three yes votes are required to pass any item before the council with limited exceptions. The exceptions include a motion to go into closed session (executive session) which requires a 2/3 vote of the members present, and where specifically allowed by state law on matters that add to or diminish the mayors powers. The Mayor is also entitled to vote when there is a tie vote of the council. If the mayor and all five members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent and the vote is 2-2, the mayor is entitled to vote.
  - a. Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the City Council even though such majority vote is less than that required herein.
  - b. A majority of the members of the City Council, regardless of number, may fill any vacancy in the City Council.
3. Voting Procedure:
  - a. **Motions** - Motions may be made by any member of the Council, except the Mayor, providing the item is noticed on the agenda. Any member of

the Council may second the motion, other than the person offering the motion and the Mayor.

- b. **Procedure for Motion** - The following are general procedures for the making of a motion.
    - Before a motion can be considered or debated it must be seconded.
    - Council member wishing to make a motion, should state, " I move that..."
    - Council member wishing to second a motion should do so through a verbal request to the presiding officer.
    - Once the motion has been properly made and seconded, the presiding officer shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Council member.
    - Once the matter has been fully discussed and the presiding officer calls for a vote, no further discussion will be allowed, provided, however, Council members may be allowed to explain their vote.
  - c. **Motion Amendments** - When a motion is on the floor, and an amendment is offered, the moving party may accept the amendment and modify their motion prior to acting on the motion.
  - d. **Abstention** - Council members present at a meeting may abstain from voting only in the event of an actual or potential conflict of interest in the matter that is the subject of the vote.
  - e. **Tie Vote** - In the absence of the Mayor, a tie vote results in a lost motion. In such instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken. The Mayor shall not vote, except in the case of a tie vote of the City Council.
  - f. **No Veto** - The Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute. (1999 Code)
  - g. **Executive Session** - Will comply with Utah State Code Annotated sections 52- 4-204 and 52-4-205.
- F. **Reconsideration:** Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved. (Utah State Code Annotated section 10-3-508).



G. Quasi-Judicial Proceedings: Generally, a proceeding is quasi-judicial if it will determine the legal rights, duties, or privileges of specific parties in a hearing. Most land use requests are quasi-judicial and the governing body should therefore follow strict procedural guidelines. Quasi-judicial proceedings should include the following elements: Appearance of fairness for decision makers, Proper notice of hearing, a proper hearing process, a complete record, a decision based on the record that meets legal requirements.

H. Parliamentary Procedure: The purpose of parliamentary rules is to facilitate action, in an orderly manner. It is recommended that the motions in the categories listed below, be used at appropriate times by the City Council.

| Motions by Category & Precedence   | Purpose of Motion            | Interrupt Speaker | Needs Second | Amendable | Debatable | Can be Reconsidered | Required Vote |
|--|------------------------------|-------------------|--------------|-----------|-----------|---------------------|---------------|
| <b>PRIVILEGED MOTIONS:</b> Arise from questions of meetings, comfort, member's rights: require immediate attention                         |                              |                   |              |           |           |                     |               |
| 1  | To Adjourn                   | Close meeting     | NO           | YES       | NO        | NO                  | Majority      |
| 2  | To Recess                    | Interrupt mtg.    | NO           | YES       | NO        | ---                 | Majority      |
| 3  | Point of Privilege           | Assert rights     | YES          | NO        | NO        | NO                  | Chair         |
| <b>INCIDENTAL MOTION:</b> Relates to questions, which arise, from other motions or business. (No order of precedence within this group).   |                              |                   |              |           |           |                     |               |
| 4  | Point of Order               | Assert rights     | YES          | NO        | NO        | NO                  | Chair         |
| 5  | Appeal Decision of the Chair | Assert rights     | YES          | YES       | NO        | YES                 | Majority      |
| 6  | Withdrawal of a Motion       | Prevent Action    | NO           | NO        | NO        | YES                 | Majority      |
| 7  | Suspend Rules                | Do Just That      | NO           | YES       | NO        | NO                  | Majority      |
| 8  | Parliamentary Inquiry        | Clarify Rules     | YES          | NO        | NO        | NO                  | Chair         |
| 9  | Point of Information         | Ask Question      | YES          | NO        | NO        | NO                  | Chair         |
| <b>SUBSIDIARY MOTION:</b> Act upon motions in order to dispose of them; do not amend.  |                              |                   |              |           |           |                     |               |
| 10   | Table                        | Delay Action      | NO           | YES       | NO        | NO                  | Majority      |
| 11   | Take a Vote                  | Do Just That      | NO           | YES       | NO        | NO                  | Majority      |
| 12   | Extend or Limit Debate       | Do Just That      | NO           | YES       | YES       | NO                  | Majority      |
| 13   | Refer to Committee           | Further Study     | NO           | YES       | YES       | YES                 | Majority      |
| 14   | Amend                        | Modify Motion     | NO           | YES       | YES       | YES                 | Majority      |
| <b>PRINCIPLE MOTIONS:</b> Directly concerned with a proposition, with an idea, or main motion. (No order of precedence within this group). |                              |                   |              |           |           |                     |               |
| 15   | Reconsider                   | Change Decision   | YES          | YES       | YES       | YES                 | Majority      |

|    |                     |                 |    |     |     |     |     |          |
|----|---------------------|-----------------|----|-----|-----|-----|-----|----------|
| 16 | Rescind (Repeal)    | Change Decision | NO | YES | NO  | YES | YES | Majority |
| 17 | Take from the Table | Renew Decision  | NO | YES | NO  | NO  | NO  | Majority |
| 18 | MAIN MOTION         | New Business    | NO | YES | YES | YES | YES | Majority |

## I. Order Of Business

1. General Order of Business - The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed meeting may be held at any time during a meeting consistent with applicable law.

- Roll Call
- Pledge of Allegiance
- Invocation/Inspirational Thought
- Consent Agenda
  - Minutes
  - Bills
- Public Forum, Bid Openings, Awards, and Appointments
- Formal Public Hearings
- Unfinished Business
- Business Licenses
- New Business
- Introduction and Adoption of Ordinances and Resolutions
- Convene of the Community Development Board
- Convene of the Santaquin Special Service District for Road Maintenance
- Convene of the Santaquin Local Building Authority
- Petitions and Communications
- Report of Officers, Staff, Boards, and Committees
- Reports by Mayor and Council Members
- Executive Session

2. Consent Agenda - Those items on the Council agenda which are considered to be of a routine and non-controversial nature by the City Recorder are placed on the "Consent Agenda". These items shall be approved, adopted, accepted, etc. by one motion of the Council. These items can include minutes, bills, agreements, etc.

Council members may request that any item listed under "Consent Agenda" be removed from the Consent Agenda, and Council will take action separately on this item. A member of the public may request that an item listed under "Consent Agenda" be removed and Council action taken separately on the item; however, the City Council must concur in such a request.

A Council member may ask questions on any item of the Consent Agenda as long as they will not involve extended discussion and still keep the item



on the Consent Agenda. Council members are encouraged to seek clarification prior to the meeting, if possible.

No vote: When a Council Member wishes to pull an item, simply to register a dissenting vote, the Council Member shall inform the Presiding Officer that they wish to register a dissenting vote without discussion. These items will be handled along with the rest of the Consent Agenda, and the City Recorder will register a "no" vote in the minutes.

3. Public Forum - This is the portion of the City Council meeting in which members of the public may address the Council on items of city business, which are not listed on the agenda.
  - a. **Time Limit** - This portion of the meeting is limited to no more than thirty-(30) minutes total for all speakers, with each speaker given no more than five (5) minutes each. If there are more than six (6) speakers, time will be adjusted accordingly to meet the thirty (30) minute requirement. If a non-agenda public forum item will exceed thirty (30) minutes, it should be re-scheduled as an agenda item on a future council meeting.
  - b. **Speaker Sign-in** - Persons wishing to speak under the Public Forum should sign in at the start of Council meeting.
  - c. **Presentations** - Presentations under Public Forum are limited to no more than five (5) minutes, without Council approval and are limited to items within the subject matter jurisdiction of the city.
  - d. **Written Comments** - Members of the public may submit, and are encouraged to submit, comments in writing to the City Council relating to any items of city business, whether on the Council agenda or not. Members of the public are encouraged to provide written comments in time for council review. Such written comments will be distributed to members of the Council and considered and acted upon, or not, as the City Council in its judgment may deem appropriate. If relevant, written comments will be added as an attachment to the official minutes.
  - e. **Repetitious Comments** - A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially the same matter may not be presented orally by the same person any further. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. With the consent of the presiding officer, the time allocation may be extended for a designated spokesperson or for the forum duration.
  - f. **Non-Exclusive Rules** - The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of

its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

4. Special Announcements and Presentations - All special presentations will be calendared and coordinated through the Recorder's office and be limited to a time period not to exceed 10 minutes at each Council meeting.
5. Public Hearings - The Council procedure for the conduct of public hearings is generally as follows:
  - Introduction-by Mayor or presiding officer
  - Opening of public hearing
  - Initial presentation of facts-Usually presented by staff
  - Presentation by the applicant-The applicant or appellant then has the opportunity to present comments, testimony, or arguments.
  - Testimony by members of the public - Members of the public have the opportunity to present comments, testimony, or arguments.
  - Questions of staff
  - Rebuttal or concluding comments by the applicant-Burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments
  - Closing of public hearing
  - Decision by decision maker-The Council deliberates and can then take action if on the agenda or may take it under advisement.
- a. **Timed Matters** - Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter, as is reasonably possible, and will continue until the matter has been completed.
- b. **Continuance of Hearings** - Any hearing being held or noticed to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.
- c. **Speaker Sign-in** - Persons wishing to speak under the Public Forum should sign in at the start of Council meeting.
- d. **Presentations** - Presentations under Public Forum are limited to no more than five (5) minutes, without Council approval and are limited to items within the subject matter jurisdiction of the city.
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members of the Council and considered and acted upon, or not, as the City Council in its judgment may deem appropriate.

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  - g. **Germane Comments** - No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered.
  - h. **Due Process** - The presiding officer shall conduct the meeting in such a manner as to afford due process.
  - i. **Meeting Atmosphere** - The hearing should be conducted with the utmost respect; such things as booing, hissing, cheering, harassing remarks or other obnoxious behavior should not be tolerated.
- 6. **Reports of Officers, staff, boards and committees** - Staff presentations should not exceed 10 minutes. Lengthy discussion and report items should be prepared in memo format and provided to the Council in the agenda packets.
  - 7. **Reports by Mayor and Council** - Council members are encouraged to prepare lengthy discussion or reports in memo form and provide to other Council members.
  - 8. **Adjournment** - All Council meetings will conclude by 10:30 p.m., unless a majority vote by the Council has allowed an extension.