























**RULES OF ORDER AND PROCEDURE**  
**OF THE HILDALE CITY COUNCIL**

The City Council for the City of Hildale, Utah has adopted these Rules of Order and Procedure (the “Rules”) to govern its public meetings, with the objective that the Public’s business should be carried out in a fair, open, civilized and orderly manner, in order to preserve the democratic principles that are necessary to good government. These Rules do not diminish the existing powers or authority of the Mayor and City Council under the Constitution of the State of Utah or under Utah law, including the Utah Municipal Code, Utah Code Annotated Section 10-1-101 *et seq.*, and the Open and Public Meetings Act, Utah Code Annotated Section 52-4-101 *et seq.* Where these Rules may conflict with applicable provisions of state law, the latter shall govern.

**1. Conduct of Meetings**

**1.1. Role of the Mayor.**

- 1.1.1. The Mayor shall serve as meeting chair.
- 1.1.2. If the Mayor is absent, unable or unwilling to serve as chair of any meeting or portion thereof, the Council may elect a Councilmember to serve as Mayor Pro Tempore, who shall retain the voting rights of a Councilmember.
- 1.1.3. The Mayor has the primary responsibility for ensuring that these Rules are followed.

**1.2. Types of Council Meetings**

Meetings of the Council shall be categorized as follows:

- 1.2.1. Regular Council Meetings. A regular council meeting is convened at the date, time and place established by the Council for its regular meetings and published in the annual meeting schedule, or as rescheduled in a duly posted and published public notice. The purpose of a public meeting is for the Council to discuss or take final action on items of Council business that are permitted or required by law to be considered in a regular meeting. Regular council meetings are ordinarily open to the public, unless closed in accordance with these Rules and the Open and Public Meetings Act.









- 1.4.7.3. Unfinished Council Business. Items of Council business that have been previously considered in a prior council meeting, may after discussion be taken up by motion for final action, or may be referred to another council meeting for further consideration.
- 1.4.7.4. New Council Business. New items of business being recommended for the Council's consideration for the first time will be presented by the item's sponsor (councilmember, mayor, staff member, or other presenter), whose name will be listed with the item on the agenda. If, in the Mayor's discretion, she or he deems that immediate action on the new business item is advisable, or the Council votes to suspend these Rules, the Council may take final action on the item by motion. Otherwise, the Council will discuss the new business item and may by motion (a) decline to address the proposed item, (b) postpone considering the item to a New Council Business agenda on a subsequent regular meeting, (c) refer the item to a work meeting for further study, or (d) refer the item to the unfinished counsel business agenda of a future regular council meeting for further action.
- 1.4.7.5. Public Hearing (if required). A public hearing provides an opportunity for all interested parties to be heard on a particular item of Council business. Public hearings are sometimes required by law before final action can be taken but may be called by the Council on any topic that the Council would like public input on. First, the Mayor or a member of the administrative staff having knowledge about the issue will present information about it and answer questions. Then, before the Council holds any discussion or takes any action, all parties interested in addressing the issue will be invited to speak. When all input has been heard, the Mayor will close the public hearing. After discussion, the Council will take action on the topic of the public hearing by motion.
- 1.4.8. Executive Session. In certain circumstances, the Council may discuss a matter in a closed meeting with only the Councilmembers and essential administrative staff present. Such a meeting may be held upon the affirmative vote of 2/3 of the Councilmembers present at the meeting. (U.C.A. Sec. 52-4-204(1)(a)(iii)). Closed meetings may only be held for purposes deemed lawful under Utah State law, as provided in U.C.A. § 52-4-205, as amended, which are:



- (a) Discussion of the character, professional competence, or physical or mental health of an individual;
- (b) Strategy sessions to discuss collective bargaining;
- (c) Strategy sessions to discuss pending or reasonably imminent litigation;
- (d) Strategy sessions to discuss the purchase, exchange or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration, or prevent the public body from completing the transaction on the best possible terms;
- (e) Strategy sessions to discuss the sale of real property including any form of a water right or water shares, if: (1) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms; (2) the public body previously gave public notice that the property would be offered for sale; and (3) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) Discussion regarding deployment of security personnel, devices or systems; and
- (g) Investigative proceedings regarding allegations of criminal misconduct.

The reason for holding a Closed Meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved in a Closed Meeting. Unless a meeting is closed to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices or systems, the City Council shall record the closed portion of the meeting, and may keep detailed written minutes that disclose the content of the closed portion of the meeting. Recordings and written minutes of closed meetings are protected records under Title 63G,

Chapter 2, Government Records Access and Management Act (GRAMA) and unauthorized disclosure triggers criminal penalties. If the City Council closes a meeting exclusively to discuss the character, professional competence, or physical or mental health of an individual, or to discuss the deployment of security personnel, devices or systems, the person presiding shall sign a sworn statement affirming that such was the sole purpose for closing the meeting. Actions challenging the legality of a closed meeting are governed by U.C.A. § 52-4-304.

#### 1.4.9. Calendar of Upcoming Events

1.4.10. Scheduling. The Recorder will inform those in attendance of the next regular council meeting. The Mayor will consult with the Council and schedule additional dates for work sessions or special meetings, as necessary.

1.4.11. Adjournment.

### **1.5. Processing of Action Items**

Each council meeting shall progress according to the agenda, unless the Mayor by general consent takes up an agenda item out of sequence or postpones an agenda item until later in the meeting. Individual action items on the agenda shall proceed as follows:

1.5.1. The Mayor clearly announces the agenda item number and clearly states what the agenda item subject is.

1.5.2. The Mayor invites the appropriate person to report on the agenda item, including any recommendation that they might have.

1.5.3. The Mayor asks members of the Council if they have any technical questions of clarification.

1.5.4. If in the context of a public hearing, the Mayor invites public input on the agenda item. If numerous members of the public are anticipated to offer public input, the mayor may limit the time of public speakers. At the conclusion of the public input, the Mayor will announce that the public hearing is closed.

1.5.5. If there is no public hearing, the Mayor may invite public comment.

- 1.5.6. The Mayor invites a motion on the action item.
- 1.5.7. If no motion is forthcoming, the Mayor may ask for discussion and then invite a motion again.
- 1.5.8. Once a motion is made, the Mayor asks if any other Councilmember wishes to second the motion.
- 1.5.9. If there is no second for the motion, then the motion is deemed to have died.
- 1.5.10. If the motion is seconded, the Mayor will announce the name of the Councilmember who made the motion and the name of the Councilmember who seconded the motion, and restate the motion that has been made.
- 1.5.11. The Mayor invites discussion of the motion on the table. The sponsor of the motion will be allowed to speak first and last.
- 1.5.12. During discussion, any of the following procedural motions will be considered without debate:
  - 1.5.12.1. Motion to recess
  - 1.5.12.2. Motion to adjourn
  - 1.5.12.3. Motion to adjourn at a set time
  - 1.5.12.4. Motion to suspend the rules (requires a two-thirds majority)
  - 1.5.12.5. Motion to call for a vote
  - 1.5.12.6. Motion to table the motion to later in the same meeting
  - 1.5.12.7. Motion to table the motion to a set time and date
  - 1.5.12.8. Motion to table the motion indefinitely
  - 1.5.12.9. Motion to refer the motion to a committee
  - 1.5.12.10. Motion to limit debate on a motion
  - 1.5.12.11. Motion to amend the motion

- 1.5.13. At any time before motion amendment or voting, the sponsor of the motion may withdraw the motion, with the consent of the Mayor.
- 1.5.14. Any Councilmember who wishes to speak must raise their hand after the current speaker finishes. The Mayor will call upon each member by name. Once a member has been recognized, they have the floor and may begin speaking. No interruptions will be allowed, except for a procedural motion, or to answer questions posed by the Councilmember who has the floor. After such a question has been answered, the Councilmember will retain the floor unless and until the Councilmember yields the floor.
- 1.5.15. If there is no discussion, or after the discussion has ended, the Mayor will call for a vote on the motion. The Mayor should repeat the motion again if there has been substantial discussion.
- 1.5.16. After a roll call vote, the Mayor announces the result of the vote and what action (if any) the Council has taken.

## **1.6. Motions**

- 1.6.1. General Consent. For procedural motions that do not require a roll call vote, the Mayor may use general consent. After a motion has been made and seconded, and the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion. After a pause, if there are no objections the Mayor states that the motion is approved. If there is an objection, then the motion is put to a regular vote. A Councilmember may vote in favor of a motion after objecting, as when the member feels it is important to have a formal vote.
- 1.6.2. Motions to Reconsider. A Councilmember who voted on the prevailing side of an item previously voted on in the same or an immediately preceding meeting may make a motion to reconsider the decision. A vote shall not be taken on a motion to reconsider made at a subsequent special meeting unless the number of Councilmembers present at the special meeting is greater than or equal to the number of Councilmembers who voted on the original motion. Any discussion on a motion to reconsider shall relate to the reason for reconsideration only, such as any new information received or mistake discovered since the action was taken, and not to the merits of the original motion. If the motion to reconsider is successful, the Mayor shall

announce the names of the members who made and seconded the original motion, and restate the motion, then call for any discussion. If there is no discussion, or after discussion has concluded, the Mayor shall call for a new vote on the original motion.

1.6.3. Motions to Amend. The intent of an amendment is to modify the original motion by inserting, adding to, striking out, and striking out and inserting language in the original motion. A motion to amend a motion should relate to the same subject as the original motion. This ensures that the Council will vote on one matter at a time. A motion to amend should not have as its intent a reversal of the main motion. For example, if the main motion is to adopt an ordinance, it is not a proper motion to submit an amendment to "not" adopt the ordinance. Amendments to the main motion are discussed and voted on before the main motion. Only the amendment is discussed - not the main motion. If the amendment fails, then discussion and voting on the main motion, as originally stated, follows. If the amended motion passes, the amended motion becomes the main motion. The Mayor will proceed with an amendment motion in the same manner as a main motion. In conducting a Council discussion on an amendment motion, the sponsor of such motion is allowed to speak first. All other Council Members are allowed to address the issue after that. The author of the amendment motion is also allowed to make a summation. 19 Any Council Member may move to amend any proposed ordinance or proposed resolution; provided, however, that no amendment shall change the original purpose. Any amendments to a proposed ordinance or proposed resolution recommended by a committee of the Council shall be made to the appropriate document prior to its appearing on the Consent Agenda. Such amendment will be noted in the Council minutes

#### 1.6.4. Voting

- 1.6.4.1. Voting shall be in the form of “yes,” “no,” or “abstain.” All votes requiring a majority shall be a majority of the quorum present, except where State law require otherwise.
- 1.6.4.2. A Councilmember voting “abstain” shall be required to state the reason for abstaining and such reason shall be entered in the minutes of the meeting. An abstention shall not be counted as either a yes or a no vote, nor for purposes of calculating a majority. A Councilmember who abstains on a question, or is absent during voting, may not move to reconsider that question.
- 1.6.4.3. In the case of a tie vote, the Mayor shall cast the deciding vote.
- 1.6.4.4. Council members shall not explain their votes during the call of the roll or at the time of a voice vote. However, at the conclusion of the vote, any Council member may request a point of personal privilege to give an explanation of their vote.

#### 1.7. Committees

- 1.7.1. The City Council may, from time to time, create, revise, or abolish any and all Council committees, or make any changes to the committee structure. The City Council may create any special or ad hoc committee for any specific purpose proper for Council consideration. When such committee is created, its purpose and a relevant time frame will be established.
- 1.7.2. Upon completion of a committee’s purpose, the committee through its chair or designee shall deliver its written report in a meeting of the Council and may summarize the report orally. After the final report of the committee, the special or ad hoc committee of the Council will be abolished.
- 1.7.3. The City Council may or may not elect to formally participate, either by its own membership or its designees, in a committee being established by the Mayor.
- 1.7.4. 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. However, no powers are accorded the committee other than those provided by state law.

- 1.7.5. All meetings of Council committees, standing, ad hoc, oversight, shall provide notice in conformance with the Utah Open and Public Meetings Act.

## **1.8. Rules to Govern Councilmember Conduct**

- 1.8.1. At regular meetings of the City Council, Councilmembers shall speak only after being recognized by the Mayor. Any meeting designated as a work meeting shall be more informal and Councilmembers may freely participate as long as proper decorum is maintained.
- 1.8.2. Councilmembers shall conduct themselves at all times with decorum and respect.
- 1.8.3. Councilmembers shall refrain from making any disparaging remarks concerning any other member of the Council or the public.
- 1.8.4. Councilmembers shall avoid references to personalities, and refrain from questioning motives of other members or staff.
- 1.8.5. No Councilmember shall walk about, in or out of the Council Chamber while the Mayor is calling the vote.
- 1.8.6. Councilmembers should avoid engaging in private discourse or committing any other act which may tend to distract the attention of the Council or the audience from the business before the Council or interfere with any person's right to be heard after recognition by the Mayor.
- 1.8.7. When debating a specific subject before the Council, Councilmembers shall confine their remarks to the topic under discussion or debate. Anyone engaging in discussion or debate beyond the topic before the Council shall be ordered to stop by the Mayor.
- 1.8.8. Any Councilmember may be expelled from a portion or the remainder of a meeting in the event of : (a) disorderly conduct at the open public meeting; (b) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or (c) commission of a crime during the open public meeting.

## **1.9. Rules to Govern Conduct of Members of the Public**

- 1.9.1. Other than at public hearing or public comment portions of the meeting, members of the public shall not be allowed to participate in the meeting unless they are on the agenda or requested to present to the Council by the Mayor.
- 1.9.2. No member of the public shall be heard until recognized by the Mayor.
- 1.9.3. Members of the public shall avoid personal attacks, demonstrations, or outbursts without being recognized.
- 1.9.4. Members of the public must address their remarks directly to the Council as a body concerning the agenda business.
- 1.9.5. Members of the public shall observe proper decorum and must not behave disruptively.
- 1.9.6. When speaking or discussing before the Council, members of the public shall confine their remarks to the question under discussion, avoiding personalities. Anyone engaging in discussion beyond the question before the Council shall be ordered to stop by the Mayor, and no further discussion will be allowed by said person.
- 1.9.7. It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.
- 1.9.8. Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies.
- 1.9.9. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in



addressing City Council, shall be deemed to have disrupted a public meeting and, upon a two-thirds vote of the Council, shall be removed from Council chambers by Police Department personnel or other agent designated by City Council or City Manager

## **1.10. Investigations**

1.10.1. Hildale City takes seriously allegations of official misconduct of all kinds, whether malfeasance and nonfeasance; particularly regarding fraud, misrepresentation, theft, and ethical breaches of elected or appointed public officials and employees, and discrimination based on membership in any class protected by law.

1.10.2. If a member of the City Council or the public alleges or suspects that official misconduct has been or is being committed by a public official or city, they should notify the Mayor, the City Manager and the City Attorney. If the Mayor, City Manager and City Attorney determine there is a reasonable suspicion of official misconduct, the matter should be placed on the next council meeting agenda for an executive session. In the discretion of the Mayor, the individual accused of misconduct may or may not be invited to participate in the executive session. After the conclusion of the executive session provided for hereunder, the Mayor shall in an open meeting call for a motion to refer the matter for an investigation into the conduct discussed in the executive session, without being specific as to the nature of the alleged conduct or the identity of the alleged perpetrator. If such a motion is made and is successful, the Mayor shall direct the Recorder to prepare a summary of the executive session recording in a memorandum to the City Attorney. The City Attorney shall thereafter investigate the allegations and report their findings in writing to the Mayor and City Manager. If the City Attorney finds that official misconduct probably occurred, the Mayor and City Manager shall take any appropriate administrative action, then they shall place the matter on the next council meeting agenda for an executive session and there review their findings and actions taken with the members of the City Council.

1.10.3. No member of the public or the City Council may initiate investigative proceedings within the City except through the process described herein but may resort to any other processes and remedies provided by state law.