



NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN TO THE HILDALE CITY COUNCIL AND THE PUBLIC, THAT THE HILDALE CITY COUNCIL WILL HOLD A SPECIAL COUNCIL MEETING AND WORK MEETING ON WEDNESDAY THE 29TH DAY OF JANUARY 2020 AT HILDALE CITY HALL, 320 EAST, NEWEL AVENUE, WHICH MEETING SHALL BEGIN AT 6:30 P.M. MDT.

THE AGENDA SHALL BE AS FOLLOWS:

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS
2. PLEDGE OF ALLEGIANCE
3. CONFLICT OF INTEREST DISCLOSURES
4. PUBLIC COMMENT
5. PUBLIC HEARINGS
 - A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIRST PUBLIC HEARING
6. COUNCIL COMMENTS
7. SPECIAL MEETING
 - A. OPEN AND PUBLIC MEETINGS ACT TRAINING
 - B. RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AND CERTIFICATION
8. WORK SESSION
 - A. CURFEW ORDINANCE
 - B. PROCEDURE ON STAFF ACTION ITEM ANALYSIS
9. ADJOURNMENT

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. Council Members may be attending by telephone. Agenda is subject to change up to 24 hours prior to the meeting. Individuals needing special accommodations should notify the City Recorder at 435-874-2323 at least three days prior to the meeting.

HILDALE CITY RESOLUTION NO. 2020-01-01

A RESOLUTION OF THE HILDALE CITY COUNCIL ADOPTING ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

WHEREAS, the United States Congress has enacted The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601-4655, establishing a program which includes the payment of moving and related expenses, to assist persons who move because of federally assisted projects;

WHEREAS, the City intends in the future to apply for funding from certain federal grant programs; and

WHEREAS, the City has determined it is advisable for it to adopt a local plan to minimize the adverse impacts on low- and moderate-income persons resulting from acquisition and relocation activities assisted with federal funds.

NOW THEREFORE, be it resolved by the Mayor and City Council of Hildale City, Utah as follows:

Section 1. The attached Residential Anti-Displacement and Relocation Assistance Plan is hereby adopted in the City of Hildale, and the Mayor is authorized to sign the attached Certification.

Section 2. This Resolution shall become effective immediately after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF HILDALE CITY, UTAH, ON THIS 29TH DAY OF JANUARY 2020 BY THE FOLLOWING VOTE:

		YES	NO	ABSTAIN	ABSENT
Lawrence Barlow	Council Member				
Stacy Seay	Council Member				
JVar Dutson	Council Member				
Maha Layton	Council Member				
Jared Nicol	Council Member				

[SIGNATURES ON FOLLOWING PAGE]

Donia Jessop, Mayor

ATTEST:

Vincen Barlow, City Recorder

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

It shall be the declared policy of Hildale City to establish and follow the plan described below to minimize the adverse impacts on low- and moderate-income persons resulting from acquisition and relocation activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. This plan does not replace but is supplementary to the acquisition and relocation requirements stated in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24), as amended, as well as the Utah Relocation Assistance Act.

I. REPLACEMENT OF DWELLING UNITS

A. Hildale City will replace all occupied and vacant occupiable low-to moderate-income dwelling units demolished or converted to a use other than as low-to moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1) on a one-for-one basis, unless a written waiver has been received as provided for in 24 CFR 570.606(b)(1)(iii).

B. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, Hildale City will make public and submit to the Housing & Community Development Division the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low-to moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

II. RELOCATION ASSISTANCE

Hildale City will provide relocation assistance, as described in 24 CFR 570.606(b)(2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

III. DISPLACEMENT STRATEGY

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, as amended, Hildale City will take the following steps to minimize the displacement of persons from their homes:

- A. Stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, rehabilitation of empty units to allow the shifting of tenants during rehabilitation of occupied units;
- B. Provide counseling to assist homeowners and renters to understand the range of assistance options available utilizing existing housing counseling programs to the greatest extent possible;
- C. Give priority in assisted housing units in the neighborhood to area residents facing displacement;
- D. Target Section 8 existing program certificates to households being displaced and recruit area landlords to participate in the program;
- E. Provide counseling and referral services to assist displaced homeowners and renters find alternative housing in the affected neighborhood; and
- F. Work with area landlords and real estate brokers to locate vacancies for households facing displacement.

IV. CERTIFICATION

I certify that Hildale City has adopted the above Anti-Displacement and Relocation Assistance Plan by formal resolution on this 29th day of January 2020.

BY: _____

Donia Jessop, Mayor

ATTEST:

Vincen Barlow, City Recorder

Sec. 130-154. - Curfew specifications.

It is unlawful for any person under 18 years of age (hereafter referred to as a "minor") to idle or loiter upon the streets or public places of the town between the hours of 9:30 p.m. and 5:00 a.m.. It is unlawful for any parent, guardian or other adult person having the care and custody of such minor to encourage or allow such minor to idle or loiter upon the streets or public place between the hours specified in this section unless accompanied by such parent or guardian. It shall be a defense to prosecution under this section that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency errand;
- (6) Attending an official school, religious or recreational activity supervised by adults and sponsored by a governmental, educational or religious institution, civic organization or other similar entity that takes responsibility for the minor; or going to or returning home from, without any detour or stop, any such official government, school, religious or recreational activity supervised by adults and sponsored by a governmental, educational or religious institution, civic organization or other similar entity that takes responsibility for the minor;
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

(Ord. No. 091685-1, § 1, 9-16-1985)

Sec. 130-53. - Disturbing the peace.

- (a) It is unlawful for any person to maliciously or willfully disturb the peace and quiet of another by loud or unusual noise or music or by tumultuous conduct or by threatening or yelling in a manner likely to incite another to violence or confrontation.
- (b) It is unlawful for any person to cause noise that constitutes a public disturbance after once being requested to stop or cease making the noise, or music or tumultuous conduct. It is also unlawful for any person in possession of real property to allow to originate from the property noise, or music or tumultuous conduct that constitutes a public disturbance after once being requested to stop permitting the noise, or music or tumultuous conduct. For purposes of this section, public disturbance is sound which reasonably disturbs or interferes with the peace, comfort or repose of owners or possessors of real property and which emanates from any of the following sound sources:
 - (1) Music, stereo or sound systems.
 - (2) Loud arguing or boisterous conduct.
 - (3) The repetitive or continuous starting, testing or operation of a motor vehicle, including a motorcycle, chainsaw or motorized equipment in a residential zone.
- (c) For purposes of subsections (a) and (b) of this section, sounds are assumed to be in violation if they can be heard within 100 feet or between the hours of 6:00 p.m. and 8:00 a.m. in residential areas.
- (d) Government sponsored or sanctioned special events are exempt from these restrictions.
- (e) Disturbing the peace is a Class C misdemeanor if the offense continues after a request by a person to desist or cease. Otherwise, it is an infraction.

(Ord. No. 2017-02-01, § 1, 2-14-2017)

SPECIFIC PROVISIONS

§ 130.25 MINORS.

(A) It is unlawful for any person under 18 years of age to idle or loiter upon the streets or public places of the town between the hours of 10:00 p.m. and 5:00 a.m. unless that person is accompanied by a parent, guardian or some person of lawful age having legal custody of the person. It is unlawful for any parent, guardian or other adult person having the care and custody of the person to encourage or allow that person to idle or loiter upon the streets or public places between the hours specified in this section unless accompanied by the parent or guardian.

(B) It is unlawful for any person to continuously and/or repeatedly make uninvited contact or solicitation of minors for any unauthorized purpose, business or sexual acts without parental consent which contact could include, but is not limited to, persons whose acts create a public nuisance as defined by §§ 130.07 and 130.10 above.

(1986 Code, § 10-1-11) (Ord. 16, passed 3-16-1992) Penalty, see § 10.99

§ 130.26 NOISE.

(A) It is hereby declared to be a public nuisance, and it is unlawful for any person, firm or



To: Hildale City Council and Mayor
From: Christian Kesselring, Acting Hildale City Manager
Date: January 8, 2020
Subject: Proposal re Procedures to Aid Decision Making Process

Introduction

The Hildale City Administration is proposing for the Council's consideration changes to the Council Rules of Order and Procedure, designed to improve the decision-making process.

Problem Definition

The Hildale City Council has been confronted with several difficult decisions over the past year, some of which have garnered criticism from various sides. Administration has solicited feedback from councilmembers, and a common theme has been that the timing and content of information being provided to the Council has made it difficult to reach these decisions with as high a level of confidence as councilmembers would like to have. Administrative staff has thus collaborated with the Council to devise a solution.

The Proposal

Administration proposes that the Council adopt amendments to the Rules of Order and Procedure to require more time between the Council receiving information on a matter and the meeting date when that matter will be considered by the Council. Also, that written analysis be required to be commensurate to the potential impact of the matter being considered.

First, meeting packet materials would be delivered to the Council no later than one week prior to the applicable meeting date. To enable sufficient time for processing to meet that timeline, proposed agenda items and supporting materials would have to be received by the City Manager no less than two weeks prior to the meeting date.

Second, the packet materials provided to the Council would be required to include some written analysis of the relevant issues. The quantity and thoroughness of the analysis would depend upon the significance of the agenda item. Generally, significance would be measured in terms

of potential financial impact but may be in terms of strategic importance as well. For example, elimination of an existing land use zone may not have direct financial impact but would be highly significant from a strategic point of view.

Although it might be possible to define specific levels/quantity of analysis based upon certain monetary or other thresholds of significance, administration recommends that the Rules only state that the extent of the written analysis will be “appropriate to the significance of the matter under consideration,” and that the analysis should at a minimum include financial and legal considerations.

These adjustments, along with stricter adherence to the presumption that no action be taken by the Council, in most cases, until at least the second meeting, should enable the Council to make its decisions with better information and, as a result, with a higher degree of confidence.

This proposal has been placed on the January 8, 2020 agenda for the Council’s discussion. Thank you for your time and attention on this issue.

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.

1.2.2. Work meetings. A work meeting may be called by the Mayor or by two Councilmembers and shall be chaired by the Mayor or the Mayor's designee. Generally, although work meetings may be called more frequently, the Council will hold at least one work meeting each month, on the last Wednesday of the month. The purpose of a work meeting is for the Council to discuss or study items of Council business that are not ready for final action, or to receive and discuss special training or presentations. No final action shall be taken in a work meeting unless the Council votes to suspend its Rules as provided for below. In a work meeting, the Mayor and Council may sit around a conference table or in any other informal arrangement that may facilitate the subject under discussion. Work meetings must be open to the public.

1.2.3. Special meetings. A special meeting may be called by the Mayor or by two Councilmembers and shall be chaired by the Mayor. The purpose of a special 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 special meeting. The order convening the meeting shall be included in the minutes and shall state the reason for calling a special meeting. Regular council meetings are ordinarily open to the public, unless closed in accordance with these Rules and the Open and Public Meetings Act.

1.2.4. Emergency Meetings. An emergency meeting may be called by the Mayor or by two Councilmembers and shall be chaired by the Mayor or the Mayor's designee. The purpose of an emergency meeting is for the Council to discuss or take final action on matters of an emergency or urgent nature, when unforeseen circumstances make it necessary to meet without advance public notice. The order convening the meeting shall be included in the minutes and shall state the reason for calling an emergency meeting. The Council must give the best notice practicable to the public and attempt to notify every Councilmember. An emergency meeting may only be convened after at least three hours' notice, and after a majority of the Councilmembers vote to do so. Emergency meetings must be open to the public, unless closed in accordance with these Rules and the Open and Public Meetings Act.

1.3. The Agenda

1.3.1. Before any item of Council business may be discussed in a meeting of the City Council, such item shall have been listed under an agenda item included in a public notice, unless:

1.3.1.1. The item is the proper subject of a closed meeting convened in accordance with the provisions of the Open and Public Meetings Act; or

1.3.1.2. The item is raised by a member of the public, but only at the discretion of the Mayor.

1.3.2. Before any final action may be taken on an item of Council business, such item shall have been listed under an agenda item included in a public notice, unless the item is the proper subject of an emergency meeting convened in accordance with the provisions of the Open and Public Meetings Act.

1.3.2.1.3.3. Before any final action may be taken on an item of Council business, including consent agenda items, the Council shall have received and reviewed written analysis appropriate to the significance of the matter under consideration. For purposes of this subsection, significance shall generally be measured in terms of potential financial impact but may be in terms of other measures as well, such as strategic importance. At minimum, such written analysis must include discussion of financial and legal considerations. If the analysis received by the Council is inadequate to base a decision upon, the Council may by majority vote defer final action on the item until further analysis may be provided.

1.3.3.1.3.4. Items may be placed on the agenda by the Mayor, by the City Manager, or by any two Councilmembers.

1.3.4.1.3.5. To allow the Council adequate time to study agenda items in advance of meetings, all agenda items and packet materials must be received by the Mayor or City Manager by ~~8:00 a.m. on the Friday preceding~~ 5:00 p.m. on the day 14 days prior to the meeting in which the item will be considered, or the item will be placed on the agenda for the next following meeting.

1.4. Order of Business

Each regular meeting shall be conducted in the following order:

1.4.1. Opening Ceremonies

1.4.1.1. Welcome, Introduction and Preliminary Matters

1.4.1.2. Serious Moment of Reflection/Pledge of Allegiance

1.4.1.3. Special recognitions

- 1.4.2. Approval of Minutes. Councilmembers will have had prior opportunity to review the minutes of prior meetings. The Mayor will ask the Council if there are any changes or corrections. Requests for verbatim transcriptions are disfavored. Once changes and corrections have been made, if any, the Mayor will solicit a motion to adopt the minutes, and a vote will be taken. Once the minutes have been adopted, they become the final, official record of the relevant meeting.
- 1.4.3. Public Comment. Members of the public are encouraged to address the Council. Comments on any topic relevant to the public interest in the City are welcome but, at the Mayor's discretion, comments relating to items on the agenda may be reserved until such agenda items are taken up. Commenters shall begin by stating their full name, place of residence, and any position or relationship relevant to the comment. If numerous public comments are anticipated, each commenter may be limited to three minutes per comment, at the discretion of the Mayor. In the Mayor's discretion, she or he may respond or ask questions to a commenter after a comment is made or may allow a Councilmember or member of the administration to respond or ask questions. No Council action can be taken on a topic raised in public comment until a subsequent council meeting.
- 1.4.4. Informational Summaries. By invitation of the Mayor, two Councilmembers, or administrative staff, a member of the public may present an informational summary to the Council. Information summaries are intended to offer a place on the agenda for community partners, proponents of major projects, and individuals with significant grievances to give the Council an informative report beyond the strictures of Public Comment. Presenters shall be required to submit a written statement or report to the City at least one week before the next regular council meeting to be placed on the agenda. During the Informational Summary portion of the relevant meeting, any oral presentation shall be limited to the subject matter of the submitted written material and shall be no longer than ten minutes. In the Mayor's discretion, she or he may respond or ask questions to the presenter after a presentation is finished or may allow a Councilmember or member of the administration to respond or ask questions.

1.4.5. Council Comments. Councilmembers may address brief comments to the Council or to the public at large, but the Council shall not discuss or take any action on councilmembers' comments.

1.4.6. Oversight Items

1.4.6.1. Financial and Check Registry Review and Approval

1.4.6.2. Ratification of Utility Board Actions

1.4.6.3. City Manager's Report. The City Manager reports to the Council every month in writing. This report is intended to be a brief oral summary of the written report, and an opportunity for Councilmembers to ask questions regarding the written report.

1.4.6.4. Mayor's Report. The Mayor will report, and councilmembers will have the opportunity to ask questions on the Mayor's recent activities, as well as any other matters the Mayor desires to present that do not require Council action, such as community events or correspondence to the City. The Mayor's Report will also be delivered to the Council in writing.

1.4.7. Action Items

1.4.7.1. Consent Agenda. The consent agenda lists Council action items which require no further discussion or which are routine in nature, such as contracts negotiated by the city administration. The Mayor may ask if any Councilmember has a question regarding a consent agenda item. All items on the consent agenda shall be adopted by a single motion and roll call vote. Prior to the motion to adopt the consent agenda, any Councilmember may have an item removed from the consent agenda in order to permit discussion on that item under unfinished council business. A motion to adopt the consent agenda will list separately each consent agenda item proposed to be adopted by consent.

1.4.7.2. Appointments. After the Council has had the opportunity in a work meeting to be introduced to and ask questions of a candidate subject to appointment by the Mayor or City Manager to a board, committee, or public official position, the City Council gives its advice and consent for the appointment in a subsequent regular meeting.

- 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.