LEHI CITY
MUNICIPAL COUNCIL RULES OF ORDER AND PROCEDURE
Adopted March 12, 2013 by Ordinance 08-2013

Section 1 - POWERS AND CONDUCT

1.1 Authority.

These rules are adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion and shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

These Council Rules and Procedures shall be reviewed within two months after newly elected officials are sworn in, every two years.

No rule or procedure within this document is valid that would remove or limit the powers and responsibilities given to the City Council by state or federal law.

1.2 General Code of Conduct

A. Lehi's current form of government is a six-member Council with the Mayor presiding as the Chairman of the Council. Each member of the group has only one vote, with the Mayor voting only in the event of a tie vote, or in other circumstances dictated under state law. No one member of the City Council or the Mayor can make decisions for the group nor should any member of the group, knowingly or otherwise, give the perception to an organization or individual citizen that they represent the full body of the Council without the Council's vote and approval.

B. Council members must represent the interests of the citizens of Lehi City and should consider the interests of the citizens of Lehi City as a whole and vote accordingly.

C. Council members should not attempt to exercise individual authority over the City, its employees, and its enterprises.

1.3 Adherence To Procedures

During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to ensure the City Council, staff and members of the public adhere to the Council's adopted procedures.

1.4. Procedure In Absence Of Rule

In the absence of a rule to govern a point of procedure or rule, the Mayor, as chair, or in his absence the Mayor pro tempore, shall temporarily rule on the issue until a meeting and discussion of the full Council can consider the issue. Only a vote made by the Council may override this decision.

Section 2 - CODE OF CONDUCT

2.1. City Council Members.

(a) During City Council meetings, City Council members shall assist in preserving order and decorum and shall, neither by conversation or otherwise, delay or interrupt the proceedings.

(b) A City Council member desiring to speak shall address the chair and, upon recognition by the chair, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse, sidebar discussions, or political partisan rhetoric.

(c) Except when a member of the administrative staff is giving a presentation before the City Council, a City Council member desiring to question the administrative staff shall address questions to the City Administrator who shall be entitled either to answer the inquiries or to designate some member of City staff for that purpose. City Council members shall not berate staff members, nor is it appropriate for anyone to berate the Mayor, Council members or staff, in public meetings.

(d) A City Council member, once recognized, shall not be interrupted while speaking unless called to order by the chair, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member if recognized by the chair.

(e) City Council members shall confine their questions to the particular matters before the Council and in debate shall confine their remarks to the issues before the City Council.

(f) When there is more than one speaker on the same subject, City Council members will delay their comments until after all speakers on the subject have been heard.

2.2 Administrative Staff.

(a) Members of the administrative staff and employees of the City shall observe the same rules, procedures and decorum applicable to members of the City Council.

(b) Although the chair has the authority to preserve decorum in meetings, the City Administrator, or designee, is also responsible for the orderly conduct and decorum of all City employees under the City Administrator's direction and control.

(c) The City Administrator, or designee, shall take such disciplinary action as may be necessary against City employees acting within their scope of employment to ensure that decorum is preserved at all times in City Council meetings.

(d) All persons addressing the City Council, including the City Administrator, other staff members, or members of the public shall be recognized by the chair and shall limit their remarks to the matter under discussion and, if applicable, to the time limit given by the chair.

2.3 Citizens and Other Visitors.

(a) Everyone attending the meeting will refrain from private conversations while the City Council is in session.

(b) Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the police chief, or his designee, is so directed by the chair, and the person shall be barred from further audience before the City Council during that session of the City Council. If the chair fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the chair to act. In addition to removal, violations of this rule may be subject to criminal penalties as described in Section 8.

(c) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the chair, who may direct the police chief, or his designee, to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the chair. In case the chair shall fail to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of the majority of the City Council shall require the chair to act. In addition to removal, violations of this rule may be subject to criminal penalties as described in Section 8.

(d) No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. However, exhibits, displays, and visual aids used in connection with presentations to the City Council are permitted. Those used for presentations on specific agenda items must be reviewed by staff in advance of the meeting.

2.4 Enforcement. The City police chief, or his designee, as chief law enforcement officer, shall be present at Council meetings unless excused by the mayor, and shall act as sergeant-at-arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

Section 3 - DUTIES AND PRIVILEGES OF MEMBERS

3.1. Right of Floor. A City Council member who desires to speak must first be recognized by the chair. No member shall address the chair or demand the floor while a vote is being taken.

3.2. Demand for Roll Call. Upon demand of any member for roll-call vote, made before the result is announced, the roll shall be called for yes and no votes upon any question before the City Council. The demand for roll call shall not be used as a means for members to explain their vote during the roll call.

3.3. Dissents and Protests. Any member shall have the right to express dissent from or protest against any ordinance, resolution, or other action of the City Council and shall have the reason for the dissent or protest entered in the minutes.

3.4. Reconsideration. A motion to reconsider an action of the City Council may only be made by a member who voted with the prevailing side. It must be seconded by another member.

3.5. Excusal from Attendance. City Council members are expected to attend meetings and stay in attendance during each meeting. No member shall be excused from attendance at a City Council meeting except for good and valid reasons. The chair shall excuse members from a meeting when a good and valid reason is presented.

Section 4 - CHAIR AND DUTIES

4.1. Chair. The Mayor, if present, shall preside as chair at all meetings of the City Council. In the absence of the Mayor, the Mayor pro tempore shall preside. In the absence of both the Mayor and Mayor pro tempore, the Council shall elect a chair.

4.2. Call to Order. The meetings of the City Council shall be called to order by the Mayor or, in the Mayor's absence, by the Mayor pro tempore or, in the Mayor pro tempore's absence, by the appointed chair.

4.3. Preservation of Order. The chair shall preserve order and decorum by enforcing proper compliance with these rules, and confining members in debate to the question under discussion. The chair may call upon the sergeant-at-arms as necessary to maintain proper decorum in the Council chambers.

4.4. Questions to be Stated. The chair shall state all questions submitted for a vote and announce the result. A roll-call vote shall be taken when requested by a member in accordance with Subsection 3.3 and when required by state law.

4.5. Call for Recess. The chair may call for a recess at appropriate points in the meeting agenda.

Section 5 - ORDER OF BUSINESS

5.1. Agenda.

(a) Preparation and Distribution. A written agenda for each regular meeting shall be prepared under the direction of the Mayor with assistance from the City Administrator. The order of business of each meeting shall be as contained in the agenda, prepared as follows:

(1) The agenda shall be a listing by topic of subjects to be considered by the City Council, and shall be delivered to members of the City Council in advance of each meeting as early as practicable.

(2) In the event any member of the City Council desires to add an item or items to any prepared agenda, a city council member must obtain consent from the Mayor or one additional City Council Member. Upon receiving the request from the Mayor or one additional City Council Member, the item shall be added to prepared agendas as requested. Once posted, amendments may be made to the agenda in the same manner, up to 24 hours prior to the meeting or as prescribed by state law. City Council members desiring to introduce items that may require substantial research,

preparation, and review by administrative staff must first place the item on a pre-council meeting agenda. After being presented, a majority vote of the City Council is required to move the item forward and direct staff to do the necessary research and to prepare documents for consideration at a regular City Council meeting.

(b) Briefing – Pre-council meetings.

(1) Prior to all regularly scheduled meetings, the City Council may hold a pre-council meeting. At a pre-council meeting, brief presentations to the City Council may be made and the Mayor will review the agenda for the regular council meeting. As described in 5.1(a)(2) above, items which require the dedication of substantial staff resources are required to be placed on a pre-council meeting agenda for approval by a majority of the City Council before the item may proceed.

(2) It shall be the practice of the City Council not to conduct a final vote on an item during pre-council meeting unless necessary where time is of the essence to advance the work of the City.

5.2. Citizen Speakers (Open Communications). At City Council meetings, a person may address the City Council concerning any item, or may present a subject for the City Council's consideration during the open communication periods, in accordance with the following rules:

(a) In order that the City Council may properly consider each matter brought before them by citizens, speakers are asked to observe the following rules:

(1) Only one person may approach the microphone at any one time unless approved by the chair, and only the person at the microphone will be allowed to speak. Speakers must clearly identify themselves at the beginning of any comments.

(2) In an effort to reduce replication and to save time, pooling of speakers is encouraged wherein one person may speak for and on behalf of a group of individuals. Nothing in the foregoing precludes submission of comments to the City Council in writing, for such action or non-action as the Council, in its discretion, may deem appropriate.

(3) Speakers shall address their comments to the governing body.

(4) Speakers may file copies of their remarks or supporting information with the City Recorder, or designee. The City Recorder will make the information available to the City Council and City Administrator if requested.

(5) A person who addresses the City Council during a public hearing must limit remarks to the specific subject matter being considered by the City Council in that public hearing.

(b) Time Limits on Items. The length of time a person will be allowed to speak on items at City Council meetings will be determined according to the following rules:

(1) Speakers will have approximately three minutes to speak regardless of the number of items they wish to address unless the Mayor grants longer periods of time. The Mayor may also shorten the amount of time if there are high numbers of individuals wishing to speak. The Mayor may determine the order in which speakers are called. The order in which speakers are called is not required to be in the order items appear on the agenda, nor are all speakers on a particular item required to be called at the same time.

(c) Council members will refrain from debate on any item during the time allotted to speakers unless a specific time is granted by the chair.

5.3. Oral Presentations. Matters requiring the City Council's attention or action may be presented orally by the Mayor or City Administrator. If matters have developed since the deadline for delivery of the agenda, the Mayor, City Administrator, or any City Council member, may make an oral report to the City Council; but formal action, if required, shall be delayed until the next meeting, unless said matter is deemed an emergency and immediate action is required and approval of the action complies with state law.

5.4. Public Hearings.

(a) The Mayor shall schedule public hearings on the City Council's agenda in accordance with state law.

(b) The City Council may schedule public hearings at times other than its regular meetings when they determine the matter to be heard is a significant issue that requires more time than is available at regular meetings. The Mayor may call an advertised public hearing at a specified time on any matter.

Section 6 - VOTES REQUIRED

Approval of every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of the quorum present unless state law imposes other voting requirements on various questions.

Section 7 - COMPLAINTS

Personal complaints, especially those of a derogatory nature against any official or employee of the City shall not be discussed at a Council meeting. Citizens wishing to make such complaints shall be instructed that the same should be first processed and handled through the Mayor's office. Then, if the citizen feels appropriate action has not been taken, it shall be proper for the complaint to be communicated in writing to the members of the Council. The City Attorney, or designee, should be consulted regarding confidentiality, rights to privacy and other legal concerns.

Section 8 - PENALTY

Willful or intentional disruption of a Lehi City Council meeting is declared to be a class B misdemeanor, subject to penalty of up to six (6) months in jail and/or a fine of $1,000, or both.

Section 9 - ELECTRONIC MEETINGS

9.1. Authorized. Any public body of Lehi City may, by following the procedures and requirements of this subsection and those outlined by state law, convene and conduct an electronic meeting.

9.2. Definitions.

(a) Anchor Location: The physical location where a public meeting is held and from which the electronic meeting originates or from which the participant(s) is/are connected.

(b) Electronic Meeting: A Lehi City meeting convened or conducted by means of a telephonic, telecommunications, or computer conference.

(c) Electronic Notice: Electronic mail or fax.

(d) Monitor: To hear live, by speaker or by other equipment, all of the public statements of each member of the public body who is participating in a meeting; or see, by computer screen or other visual medium, all public statements of each member of the public body who is participating in a meeting.

(e) Participate: The ability to communicate with all of the members of the public body, either verbally or electronically, so that each member of the public body can hear or see the communication.

(f) Public Body: The City Council or other official City body or commission that is created by City ordinance or resolution and consists of two (2) or more persons and expends, disburses, or is supported by tax revenue and is vested with the authority to make decisions regarding the public's business.

(g) Public Hearing: A meeting at which comments from the public will be accepted. At public meetings, participation of the public is through observation/listening with public input being provided during any approved period of the meeting agenda that has been designated for such participation.

(h) Public Statement: A statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(i) Remote Location: Any place, other than the anchor location, where a member is at, who participates in a telecommunications meeting.

(j) Telecommunications Meeting: A formal meeting of the City where one or more members participates from a remote location via telephone, internet, television, or other telecommunication means now known or yet to be developed.

9.3. Procedures

(a) Procedures Same As For Non-electronic Meeting: The meeting procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic meeting.

(b) Roll Call Method Used: A speakerphone, or similar amplifying electronic device, will be connected in such a manner that comments made by the members participating electronically will be broadcast through the public address system at the anchor location. Full participation of each member present and those participating electronically will be given to make inquiries and participate in the discussion through a roll-call method. Votes taken in these circumstances shall be by roll-call method, with each member audibly verbalizing their vote in accordance with subsection E of this section.

(c) Electronic Participants Considered Present: Lehi City elected and appointed representatives and City staff shall be considered present as if the individuals were physically on site and present. Any form of telephonic, telecommunication, or computer assisted communication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

(d) Public Participation: Designated sites at which an electronic meeting is held will be open to the public unless specifically closed to the public under state law. Members of the public attending such a meeting may provide input during any meeting designated for public participation. Space and facilities will be provided at the anchor location so interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(e) Minutes to Record Participation: Minutes of the meeting shall record the presence of members participating through electronic means. The roll call for members present will be taken verbally and recorded.

(f) Discussion Of Motions; Voting: Discussion of motions will take place in accordance with usual procedures with the exception of those present electronically must declare their intent verbally with their accompanying name(s). All voting and consensus requests shall be made verbally and by roll call when a voting participant is present electronically.

(g) Public Notice: Public notice of the meeting shall be made in the manner and within the time frame as set forth in Utah Code Annotated section 52-4-202.

(h) Pre-meeting Contact: Any member(s) participating from remote locations shall make contact with the City fifteen (15) minutes prior to the start of the meeting to ensure the equipment to be used is in proper working order.

(i) Quorum: Members participating via telecommunications are to be considered present for purposes of establishing a quorum, as defined by law. In the event of failure of equipment, or other factor, which causes a lack of communication and thereby a lack of a quorum, no additional business may be conducted until the quorum can be reconstituted. Continuances may be granted as set forth by law. Business already conducted remains

binding.

(j) Location: Whenever a meeting is to be held with a member(s) via telecommunications, the anchor location identified in all notices shall be the City offices, 153 North 100 East, Lehi City, Utah County, Utah, or such other location as determined by the Council in accordance with law. Public participation is limited to the anchor location. Members participating via telecommunications may do so from any location where access can be had and the criteria of this subsection me

(k) Method: Any telecommunications method now known or hereafter developed may be used to conduct a telecommunications meeting, so long as the criteria set forth herein can be met. All persons at the anchor location shall be required to have real time video and/or audio contact with member(s) participating from remote locations, so as to know the entire discussion and deliberations of the Council. Members participating from remote locations shall have the obligation to use appropriate equipment or take other precautions to eliminate static or other disturbances for the orderly conduct of the meeting. If available, and not cost prohibitive, an audio and video feed is the preferred method of conducting a telecommunications meeting.