
RULES OF PROCEDURE - 2016

Overview

The City Council's Rules of Procedure define the organization of the Council, filling vacancies, and outlines expectations on how Council meetings are conducted.

The Rules of Procedure also address the Council's role and expectations with regard to committees.

The areas covered by the rules of procedure are:

1. Organization of the Council.
2. Attendance of members.
3. Intergovernmental Committees.
4. Identification of meeting for public record.
5. Order of business and organization of Council agenda.
6. Public hearing process.
7. Motions.
8. Debate.
9. Questions decided without debate.
10. Voting.
11. When Council members shall vote – personal interest.
12. Quorum.
13. Meetings.
14. Decorum.
15. Privilege to address the Council.
16. Personal privilege – protest.
17. Ordinances.
18. Reconsideration.
19. Vetoes.
20. Committees. Special, Ad hoc, Joint Committee at request of the Mayor, and Oversight.
21. Suspension of the rules.

22. Amendment, revision or addition to rules.

1. Organization of the Council

A. Election of the Council Chair and Vice Chair

After newly elected Council members are sworn in, the City Council of Ogden City shall elect from among its members a Chair and Vice Chair, as provided in Section 2.3.5 of the Ogden Municipal Code and Section 10-3b.203 1)(a)(iv)(2008)_Utah Code Annotated, with such Council leadership positions for the purpose of these Rules of Procedure and Council dealings, operations and records to be known and referred to as the Chair and Vice Chair.

In even-numbered years the election shall take place during the Council meeting held at 12 o'clock noon on the first Monday of January. In odd-numbered years, the election shall occur at the first regular Council meeting in January.

Separate nominations shall be accepted for the chair and vice chair positions. Any Council member may nominate another Council member or himself/herself. The Chair opens nominations for Council Chair and closes nominations after all nominations are made known. The Council Chair candidates are given the opportunity to comment in the order of nomination. The Chair then calls for a motion to consider the first candidate nominated for Chair. After a motion and second a roll call vote is taken. If there is no majority for the

RULES OF PROCEDURE - 2016

first candidate then the Chair calls for a motion to consider the second candidate nominated for Chair. If the first round of candidates each fail to obtain the requisite four votes, the Chair opens nominations for new or renewed candidate nominations and subsequent voting. This process continues until there are at least four affirmative votes for one of the Chair candidates.

The same process is utilized for the election of the Vice Chair. Then both the Chair and Vice Chair are sworn in.

The Chair and Vice Chair shall serve from the date of the election until selection of their successors in the following years.

In the event of a vacancy in the position of Chair, the Vice Chair shall become Chair and shall serve the remainder of the term. A vacancy in the position of Vice Chair shall be filled by election in the manner prescribed in these rules.

B. Powers and duties of the Chair and Vice Chair

It shall be the duty of the chair and vice chair:

- 1) To give direction to the Council Executive Director to set the agenda for all City Council meetings.

It shall be the general duty of the Chair:

- 1) To preside at all City Council meetings.

- 2) To order a recess at any time during a Council meeting, without necessity of a motion or vote of the Council.
- 3) To sign all ordinances and resolutions passed by the Council.
- 4) To receive all messages and communications from the Mayor and others addressed to the Council as a body and be responsible to convey all such messages and communications to the rest of the Council members.
- 5) To sign all correspondence determined by the Council members to be representative of the Council as a whole.

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

In the event of the absence of, or disability of, both the Chair and the Vice Chair, the immediate past Chair, if still serving on the Council shall temporarily serve as Chair until the Chair or Vice Chair so absent or disabled shall return or the disability shall be removed, as the case may be. In the event the immediate Past Chair is absent or disabled, or is no longer serving on the Council, the City Council shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return or the disability shall be removed, as the case may be. In such event, past Chair or the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair.

RULES OF PROCEDURE - 2016

2. Attendance of members

Every Council member shall be present during the meetings of the Council unless duly excused or necessarily prevented.

3. Intergovernmental Committee Appointment Process

Each year the City Council determines which Council members are assigned or appointed to a number of intergovernmental committees.

Some of the committee assignments are one-year or multi-year as determined by the Council while others require the formal appointment by the Mayor with advice and consent of the Council.

The following process is utilized to determine the assignments and appointments:

- 1) In December of each year the Council Executive Director requests Council members to make their preferences known regarding which committees they wish to be assigned or appointed to. This information is summarized and presented to Council leadership after the election of the Chair and Vice Chair annually.
- 2) Council members are free to communicate their preferences to

Council leadership as deemed appropriate.

- 3) In early January, Council leadership reviews Council members' input and will consider who will be asked to serve. Equitable rotation, member availability, interest, etc., will be taken into consideration with each proposed appointment.
- 4) Council leadership will schedule a meeting with each member to discuss Council member interest and availability. Leadership will then make the final appointments.
- 5) Council members will be given the opportunity to decline an appointment.
- 6) Council leadership will address Council representation for those appointments that may occur during the year.
- 7) For those appointments that require the Mayor to appoint with advice and consent of the Council, the Council Chair discusses the proposed appointments with the Mayor. Once agreed upon a letter is sent from the Council to the Mayor requesting that the appointments be made. The regular appointment process is then followed.
- 8) A letter is sent from Council leadership to each Council member indicating the current assignments/appointments.
- 9) A letter is sent from the Council Office to each of the committees indicating who has been assigned/appointed.

RULES OF PROCEDURE - 2016

4. Identification of meeting for public record

To effectively adhere to changes in the Open & Public Meetings Law and the requirement to audio tape all meetings in addition to written minutes, the Council Chair, or Council Executive Director, will announce the type of meeting, date, and indicate members present and excused at the beginning of all meetings. This will allow validation of the meeting date and attendance on the audio version of the meeting.

5. Order of business and organization of Council agenda

A. Daily order of business

The Council shall consider business at regular meetings in substantially the following order:

- 1) Roll Call
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Recognition
- 5) Request to be on the Agenda
- 6) Approval of Minutes
- 7) Common Consent
- 8) Public Hearings/Public Input
- 9) Reports from the Planning Commission
- 10) Reports from the Administration
- 11) Old Business
- 12) New Business
- 13) Public Comments

- 14) Comments
 - a) Mayor
 - b) Council members
- 15) Closed Executive Session
- 16) Adjournment

This order is intended to serve as a general template and is subject to change based on the content of each meeting.

B. **Roll call.** At all meetings before proceeding to business, the roll call of the Council members shall be taken and the names of those present and those absent shall be entered on the record.

C. **Recognition.** The individual(s) being honored are asked by the Chair to step to the podium. Council leadership will invite a Council member to read and present the recognition (resolution, proclamation, award, plaque, etc.) The Council member who reads an honorary resolution/proclamation makes a motion to adopt it, there is a second, and the Council votes. The person or representative being honored is asked to comment. The Council Chair asks the person to come forward to allow the Council and Mayor to congratulate them. Council members and the Mayor stand and shake the person's hand.

D. **Request to be on the Agenda.** An individual or group may request time to present information during a City Council meeting. A presentation at the request of the Council would also be included under this category. Individuals will be given ten (10)

RULES OF PROCEDURE - 2016

minutes to make a presentation, unless otherwise specified by the Council's Executive Director.

- E. **Common consent.** Common Consent is defined as that class of Council action which requires no further discussion or which is routine in nature. All items on Common Consent shall be adopted by a single motion.

Prior to the motion to adopt Common Consent items, any Council member may have any item removed in order to permit discussion on that item without the necessity of a motion or a vote for removal of such item.

The removed item is considered as the next item on the agenda unless a motion is made and approved to schedule a work session or future consideration at a subsequent meeting.

If four (4) of the Council members present at the Council meeting vote are in favor of adopting the Common Consent items, every item shall be adopted.

- F. **Public Hearings/Public Input.** Public Hearings/Public Input shall consist of those items for which the Council would like to receive public comment. Such hearings shall include, but not be limited to, those requiring legal advertisement under State Law. Individual comments for a public hearing are limited to five (5) minutes and individual comments for public

input are limited to three (3) minutes. Any remaining time will be forfeited.

- G. **Reports from the Planning Commission.** The Commission representatives and/or the Planning Staff review with the City Council recommendations from the Commission. The Council also may request consideration of an issue by the Planning Commission.

- H. **Reports from the Administration.** The Mayor or his/her representative present information regarding items on the agenda.

- I. **Old Business.** The Old Business section shall consist of those items which have been considered previously by the Council and are presented for further discussion or action.

- J. **New Business.** The New Business section of the Council agenda is defined as the introduction of new items or issues for Council discussion.

New Business shall include the introduction of new ordinances unless appropriate for Common Consent or Reports from the Administration.

Items added to New Business during the meeting may be discussed by the Council but no action can be taken.

- K. **Public Comments.** Any individual member of the audience may address the Council for three (3) minutes to address all concerns at this time. Any remaining time will be forfeited.

RULES OF PROCEDURE - 2016

A citizen who is reading verbatim from a typed or written statement may provide a copy to the City Recorder when his/her comments are finished so it may be included as part of the public record.

L. **Comments.** Any Council member, the Mayor or his/her representative, or Council Staff may request time to address the Council on matters of City business.

M. **Out of Order.** The Council may, by motion and majority vote, proceed out of order to any order of business or return to any order already passed.

6. Public Hearing/Public Input Process

- A. Introduction of the issue is given by the Chair.
- B. Administrative or Council Staff gives an overview.
- C. Applicant/petitioner makes his/her presentation, if applicable. Presentation is limited to ten (10) minutes. Any remaining time will be forfeited.
- D. The public is asked to comment. Individual comments for a public hearing are limited to five (5) minutes and individual comments for public input are limited to three (3) minutes. Any remaining time will be forfeited.

E. The Council closes or continues the public hearing. If it is a public input item this action is not necessary.

F. The Council members then discuss the issue amongst themselves.

G. Action by the Council: approve, not approve, approve with changes, or table/continue.

7. Motions

A. No motion shall be debated until it has been seconded and announced by the Chair.

B. Any motion may be withdrawn or modified by the sponsor of the motion, with the consent of the second, at any time before amendment, decision or voting.

C. When a question is under debate, the Council Chair shall entertain no motion except the following procedural motions, whose passage shall require the affirmative vote of a majority of the members present.

- 1) To adjourn
- 2) To recess
- 3) To take up a question out of its proper order
- 4) To move the previous question
- 5) To postpone to a day certain
- 6) To refer to a committee (commit or recommit)
- 7) To limit debate
- 8) To lay on the table (limited solely to Council meeting at which proposed)

RULES OF PROCEDURE - 2016

9) To amend

- D. Such motions shall take precedence in the order moved.
- E. Any substitute motion or amendment must relate to the same subject as the original ordinance, item or resolution under consideration.

If a motion is made and seconded, then a substitute motion would be considered after the original motion is considered.

If a motion is made, with no second, a substitute motion (with a second) would be considered instead of the original motion which dies for lack of a second.

An affirmative vote on the amended motion negates any further consideration of the original motion.

8. Debate

- A. The Council Chair shall recognize any Council member requesting recognition to speak, debate, give a notice, make a motion, submit a report or for any reason address the Council, unless a motion taking precedence is offered.
- B. The Council Chair shall recognize the author of the motion first and then others wishing to address the motion, with the author of the motion providing the summation.

- C. During debate, the presiding officer shall be responsible for maintaining order. If, in the opinion of the presiding officer, private discourse among or between Council members or any other disturbance disrupts the Council's business, the presiding officer may call the Council to order. If the presiding officer calls the Council to order, all Council business shall cease until such time as the presiding officer resumes the Council's business.

- D. Any Council member may make a motion that the Council be called to order.
- E. All Council members shall be allowed to speak at least once on any subject.

9. Questions decided without debate

- A. To adjourn
- B. To recess
- C. Questions relating to order of business

10. Voting

- A. Voting shall be in the form of "yes" or "aye", "no" or "nay", and "abstain", and the names of those voting for, against or abstained entered in the Council minutes.
- B. A "roll call" vote is required for all ordinances and may occur for other votes regarding controversial items. "Roll call" means that each Council

RULES OF PROCEDURE - 2016

member, that is present, verbally gives his/her vote when called upon by the Recorder. The Chair has the discretion to call for a "roll call" vote on any agenda item depending upon the situation. If a "roll call" vote is not required or desired, a "voice vote" occurs. If any "nay" voice votes occur the Chair must verbally identify the names of those Council members voting "nay".

- C. The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is a majority of all voting members of the council, without considering any vacancy in the Council (i.e., 4 votes).

Notwithstanding this provision, a council meeting may be adjourned to a specific time by a majority vote of the council if the majority vote is less than four (4) members.

A majority of the council members, regardless of number, may fill any vacancy in the council.

- D. An expression of "abstain" during voting shall not be considered as an affirmative or a negative vote. A Council member who "abstains" on a question or is "absent" on a question may not move reconsideration of the question under rule relating to reconsideration.
- E. In the case of a tie vote, the motion shall fail.

- F. Any Council member may change his or her vote prior to the closing of the vote by the Chair.
- G. A Council member desiring to explain his/her vote should make their comments prior to a call of the roll or voice vote or after the vote is finalized.
- H. No Council member shall be permitted to vote on any question unless s/he shall be present, either physically or via electronic means pursuant to 52-4-207, Utah Code Ann., and as provided in subparagraph below, when the vote is taken and when the result is announced.

No Council member shall give his/her proxy to any persons whomsoever and no pairing of the vote of an absent Council member against the vote of a present Council member shall be permitted.

- I. The following supplemental rules and procedures will be utilized for electronic meetings held pursuant to 52-4-207, Utah Code Ann.:
- 1) The anchor location will be located at 2549 Washington Blvd, City Council Chambers or Suite 310, Ogden, Utah 84401, or at such other location as designated by the Council in accordance with paragraph 12.A of these rules.
 - 2) Notices of such meetings shall comply with the special noticing requirements of 52-4-207 (a)(b) in

RULES OF PROCEDURE - 2016

addition to the general requirements of 52-4-202.

- 3) A Council member should notify the City Council Executive Director, or the Executive Director's designee, in writing, of his or her intention to participate in a meeting electronically by the Wednesday immediately preceding the date of any regular Tuesday meeting, or six days prior to the date of any scheduled special meeting. Exceptions to the requested timeframe may be made at the discretion of the City Council Chair if an emergency or other unexpected event (e.g. illness) occurs for a Council member.

For meetings located in the Ogden City Municipal Building, the Council member participating electronically will be connected to the electronic meeting via telephonic or other telecommunications means sufficient to meet the requirements of 52-4-207. Council Staff will coordinate the arrangements for the electronic meeting.

Electronic participation in meetings held at locations other than the Ogden City Municipal Building may not be feasible. A determination of the feasibility of electronic participation for meetings held at off-site locations will be made by Council staff on a case-by-case basis.

11. When Council members shall vote - personal interest

- A. Every Council member who is in the Council Chambers when a question shall be stated from the Chair shall vote, but no Council member shall be obliged to vote upon any question unless s/he shall be within the Council Chambers when his or her name is called. Any member entering the Chamber after the question is stated and before it is decided, may have the question stated, cast his or her vote, and be counted.
- B. Any Council member who has an immediate or direct financial interest in any item pending before the Council shall disclose this fact to the Council at the time the vote is called and shall "abstain" upon such bill or measure. The Council member declaring such interest shall then leave the room during the discussion and vote on that item.

12. Quorum

Four Council members shall constitute a quorum thereof for the transaction of all business.

13. Meetings

- A. **Place.** All regular meetings of the Council shall be held in the Council Chambers located on the third floor of the Ogden City Municipal Building, 2549 Washington Boulevard, Ogden, Utah, or

RULES OF PROCEDURE - 2016

at such other place in Ogden City as the Council may designate.

- B. **The time and place** for holding a Council meeting at a place other than such Council Chambers shall be noticed in accordance with the provisions of Utah Code Annotated title 52, chapter 4, relating to open and public meetings.

A regular meeting having been convened at the place designated may be adjourned by the Council to any other place within Ogden City for the purpose of investigating some particular matter of business which may be more conveniently investigated at such other place or if it is determined in the public interest to do so.

- C. **Regular meetings - time and notice.** Commonly, regular meetings of the City Council shall be held on the first, third and fourth Tuesday of each month at the hour of 6:00 p.m. in the Council Chambers at 2549 Washington Boulevard. Prior to each scheduled meeting, beginning at 3:30 p.m., a Council Work Session shall be held. Agenda items for the meeting which begins at 6:00 p.m. will be reviewed during the Work Session.

The City Recorder shall, not later than the day immediately preceding such regular meeting and not earlier than the Friday preceding such meeting, notify each Council member that such meeting will be held at the time specified. Means

of notification may be via postal mail, e-mail, hand delivered, oral or telephone.

- D. **Special meetings - call.** A special meeting of the Council may be called at any time by the Chair or by a written call of a special meeting by any four Council members submitted to the Executive Director and filed with the City Recorder which shall state the time and purpose of the meeting. A special meeting of the Council shall be called at any time upon the written request of the Mayor.
- E. **Special meeting - notice.** Notice shall be given to each Council member of the time and purpose of every special meeting of the Council.

The City Recorder shall, not later than the day immediately preceding such regular meeting and not earlier than the Friday preceding such meeting, notify each Council member that such meeting will be held at the time specified. Means of notification may be via postal mail, e-mail, hand delivered, oral or telephone.

- F. **Emergency meetings.** Emergency meetings of the Council may be held to consider matters of an emergency or urgent nature, if the circumstances are unforeseen. Emergency meetings may be called by either the Council Chair or by the Mayor. No such emergency meeting shall be held unless an attempt has been made to notify all of the Council members and a majority of the Council votes in the affirmative to hold the meeting.

RULES OF PROCEDURE - 2016

- G. **Open meetings law.** All meetings of the Council shall be conducted and noticed in conformance with the requirements of Title 52, Chapter 4, Open and Public Meetings Law of the State of Utah.

14. Decorum

- A. No Council member shall walk across or out of the Chambers while the Presiding Officer is calling the question.
- B. Council members 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 business before the Council; or which might interfere with any person's right to be heard after recognition by the presiding officer.
- C. When speaking or debating before the Council, all persons including Council members, shall confine their remarks to the question under discussion or debate, avoiding comments on personalities. Anyone engaging in discussion or debate beyond the question before the Council shall be directed to stop by the presiding officer, and no further discussion or debate will be allowed by said person.

15. Privilege to address the Council

- A. Any Council member may request time to address the Council on behalf of the public on any matter the Council member deems appropriate.
- B. The Mayor or his/her representative may request time to address the Council regarding items not on the agenda.

The presiding officer shall recognize the request and shall determine the length of time allotted to address the Council.

- C. No one may address the Council without first receiving the recognition of the presiding officer.

16. Personal privilege - protest

- A. Any Council member may, as a matter of personal privilege, speak for a period not longer than ten minutes upon such matters as may collectively affect the Council, its rights, its dignity, and the integrity of its proceedings, or the rights, reputation and conduct of its individual members in their official capacities only.
- B. Any Council member shall have the right to protest any action of the Council, stating the reasons therefore, and have the same entered in the minutes, provided such reasons do not impugn

RULES OF PROCEDURE - 2016

the motives or character of any Council member.

17. Ordinances

A. Every ordinance proposed shall be introduced in writing in the form in which it is proposed to be finally passed.

B. If required by law, or otherwise desired by the Council, the Council shall forthwith fix the date and time for a public hearing on the proposed ordinance.

If noticing standards for a required public hearing are not provided by ordinance or statute, or, if the City Council has not indicated an alternative form of noticing for any public hearing which is discretionary on the part of the Council, the City Recorder shall provide notice of the public hearing in the following manner:

- 1) The notice shall be published at least once in a newspaper of general circulation in the City.
- 2) The published notice shall appear at least seven days prior to the time advertised for hearing.
- 3) The notice shall include the time and place of the hearing and a description of the ordinance in brief and general terms.
- 4) The notice shall state the proposed ordinance is available for public inspection in the Office of the City Recorder.

The City Council is not required by law to hold public hearings on any land use ordinance. However, the Council has decided, prior to making a decision on any land use ordinance, that it will allow public input. Noticing requirements for these meetings have been established in the Municipal Code.

C. Any amendments to a proposed ordinance shall be made to the ordinance prior to its final consideration and adoption. Such amendment will be noted in the Council minutes.

18. Reconsideration

A. Any Council member who has voted with the prevailing side of a question may move at the same meeting to reconsider the question at the same meeting, or at either of the next two available Council meetings. If a question has failed by a tie vote, members who voted against the question shall be considered to be on the prevailing side.

B. A motion to reconsider shall require a majority of all voting members of the council, without considering any vacancy in the Council (i.e., 4 votes).

19. Vetoes

A. In the event the Mayor vetoes an ordinance, tax levy, or appropriation duly passed by the Council, said ordinance, tax levy, or appropriation shall be scheduled for consideration by

RULES OF PROCEDURE - 2016

the Council at its next regularly scheduled meeting after the first agenda meeting at which the disapproved ordinance was available for City Council reconsideration.

The Mayor has 15 calendar days from the date the ordinance is delivered to the Mayor's Office to veto (per Municipal Code 2-8-2). The last day cannot be a Saturday, Sunday, or any legal holiday (per Municipal Code 1-2-6).

- B. A motion to override a veto by the Mayor may be substantially in the following formats:
 - 1) *"I move that all of the appropriation item(s) vetoed by the Mayor be approved and adopted again as part of Ordinance 200X-XX"*
 - 2) *I move that Ordinance 200X-XX vetoed by the Mayor be approved and adopted again by the City Council."*
- C. Upon reconsideration of an ordinance, tax levy, or appropriation vetoed by the Mayor, a two-thirds vote (5 of 7) of all Council members shall be required before said ordinance, tax levy, or appropriation can be recorded and in force.
- D. Approval of an ordinance, tax levy, or appropriation vetoed by the Mayor shall not be reconsidered pursuant to section 17 of these rules.

20. Committees. Special, Ad hoc, Joint Committee at request of the Mayor, and Oversight.

- A. 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, subject to a 4 of 7 vote of the Council.
- B. The City Council, by a 4 of 7 vote, may create by resolution 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. After the final report of the committee, the special or ad hoc committee of the Council will be abolished unless otherwise provided.
- C. The City Council may resolve, either through a standing committee or as the Council as a whole, 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.
- D. All meetings of Council committees, standing, ad hoc, oversight, shall provide notice in conformance with the Utah Open and Public Meetings Act.

RULES OF PROCEDURE - 2016

21. Suspension of the rules

Revised 12/15/09, Resolution #2009-32

Revised 09/23/08, Resolution #2008-21

Adopted 01/09/92, Resolution #6-92

No rule shall be suspended except by a vote of two-thirds of the Council members voting, a quorum being present.

22. Amendment, revision or addition to rules

- A. Any Council member or Council Staff may propose amendments, revisions, or additions to these Rules of Procedure.
- B. Each amendment, revision, or addition proposed by a Council member or Council Staff shall be in written form, and copies shall be provided to each Council member.
- C. Amendments, revisions or additions to these Rules of Procedure shall be considered by Council resolution and shall be noticed on a Council agenda in conformance with the Utah Open and Public Meetings Act.
- D. A majority vote of all voting members of the Council (i.e., 4 votes) shall be required for passage and adoption of an amendment, revision, or addition to these rules of procedure.

Revised: 3/8/16, Resolution #2016-__

Revised: 10/XX/14, Resolution #2014-14

Revised: 1/6/14, Resolution #2014-1

Revised 12/21/10, Resolution #2010-25