

Chapter 13

PUBLIC BODY MEETING POLICY AND PROCEDURES

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1-13-1: PURPOSE:

In order to conduct the public's business in an open and efficient manner, the Town Council of Brian Head, Utah hereby establishes rules of order and procedure for public meetings of the town, including, but not limited to, the Planning Commission and the Town Council. These procedures and policies are to ensure: a) parliamentary order and procedure; b) ethical behavior; and c) civil discourse. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-2: ESTABLISHMENT OF AGENDAS:

- A. All proposed agenda items from the public must be submitted to the Town Clerk on an agenda application.
- B. In order for the information to be included in the meeting packet, the application must be submitted to the Town Clerk by four thirty o'clock (4:30) P.M. six (6) days prior to the scheduled meeting of which the topic is to be addressed.

- C. Upon receiving the agenda application, the Town Clerk will route the application through the various town departments to receive department head input. If a department feels that more research is needed, they will state the reason why in writing to the applicant and may not be identified on the agenda as requested.
- D. Four (4) days prior to the public meeting, the Town Clerk along with the Town Manager will review all agenda applications to determine the final agenda for the next meeting. If the Town Manager deems necessary, he/she will request further input from the department heads. If a particular agenda application is not ready for the public meeting as requested, it may be removed and the applicant will be notified.
- E. The Town Manager, or appropriate staff member will be expected to work with agenda applicants to ensure that the proper information is included in the packet, and that they understand the meeting procedure, proposed action, and other information in order to make the agenda items flow smoothly.
- F. As per state law, all open meeting laws will be adhered to. The public has the right to request to be on the agenda no later than twenty four (24) hours in advance if they wish to be addressed during an agenda topic, otherwise, the public has the option to address the public body during the public input portion of the agenda for non-agenda items, but no action will be taken by the public body.
- G. All agendas will comply with the Utah state open meeting act Utah Code Annotated [52-4](#) for posting requirements. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-3: COUNCIL PACKETS:

- A. The Town Clerk will coordinate with the Town Manager, department heads and public to compile all documents necessary for the public meeting packets.
- B. Each agenda item will identify a memorandum as to the subject and any recommendations staff has m public body the three (3) days prior to the meeting unless extenuating circumstances prevail.
- D. Packets are to be delivered to the public body member's home and/or designated place prior to the meeting.
- E. If a public body member will not be present for the meeting; a packet will be placed in their designated box located at the town hall, 56 North Highway 143, Brian Head, Utah. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-4: OPEN AND CLOSED MEETINGS:

- A. The regular meetings of public bodies of the town are hereby established by ordinance or order of the public body and may be amended with a majority vote of the public body establishing the regular meeting schedule. The establishing public body will at least once each year approve its annual meeting schedule, tings of public bodies of the town shall be held in compliance with state laws regulating open and public meetings.
- B. All meetings of public bodies of the town shall be held in compliance with state law regulating open and public meetings.
- C. A closed meeting may be held upon the affirmative vote of two-thirds ($\frac{2}{3}$) of the public body members present at an open meeting for which the required notice has been given.
- D. No closed meeting is allowed except as to matters exempted by state law from open meeting requirements. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-5: ELECTRONIC TELECOMMUNICATIONS:

- A. As required by state law, the Council hereby adopts this section authorizing the public body to conduct open meetings by electronic telecommunications.
- B. The purpose of electronic telecommunications is to ensure a quorum be present for all public meetings. Members are discouraged from using electronic telecommunication procedures during their absence due to cost, logistic issues, and the importance of seeing body language and facial expressions of participants in the meeting. In special circumstances, a public body member may request the ability to attend a meeting via electronic means at the proceeding meeting via the approval of the Mayor and/or Chairperson of the public body.
- C. The town hall council chambers where the public body would normally meet if it was not holding an electronic meeting, currently located at 56 North Highway 143, Brian Head, Utah, shall be the anchor location for all electronic meetings, unless otherwise publicly noticed and the Council finds that such chambers provide space and facilities so that interested persons and the public may attend and monitor the open portions of the meeting, whether such meeting is a public hearing or otherwise.
- D. To call an electronic meeting, public notice of such meeting must be given at least twenty four (24) hours before the meeting by: 1) posting written notice at the anchor location; 2) providing written or electronic notice to: a) at least one newspaper of general circulation within the state and town; 3) providing notice to the members of the public body at least twenty four (24) hours before the meeting so that they participate in and be counted as present for all purposes, including the determination that a quorum is present; 4) providing a description to the members of the public body of how the members will be connected to the electronic meetings; 5) providing notice on the Utah state public meeting notice website at least twenty four (24) hours in advance of the meeting. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-6: MINUTES OF TOWN COUNCIL MEETINGS:

- A. Records: The public bodies of the town shall keep minutes of their proceedings. The books, records, accounts and documents of each municipality shall be kept at the office of the Town Clerk and draft and approved copies shall be open and available to the public during regular business hours for examination and copying.
- B. Minutes: Minutes are the history of the community and should contain as much information necessary for clarity. Minutes should be circulated to the members of the public body and made available within "a reasonable time after the meeting" and must be marked as "DRAFT" before approval by the public body.
- C. Approval Of The Written Minutes: The minutes of the current meeting should reflect that those minutes were "approved as presented", or if the draft minutes have corrections within the minutes, the minutes of the current meeting should reflect that those minutes were "approved as corrected or amended". Grammatical errors or typos which do not change the substance of the text are not identified as corrected minutes and the Town Clerk will make minor corrections to the minutes. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-7: MEETING PROCEDURE AND DECORUM; GENERAL RULES:

- A. The purpose is to ensure fairness and common courtesy to all members and public of the meeting. These procedures and policies are to ensure: 1) parliamentary order and procedure; 2) ethical behavior; and 3) civil discourse.
- B. The public body, staff and public will turn off or turn their cellphones to vibrate during an opening meeting. The exception for this rule will be the public safety officers.
- C. Any member of the public body or staff member that is expected to attend the meeting, and will be absent or tardy shall inform the Mayor/Chairperson, Town Manager, or Town Clerk prior to the meeting so as not to delay the start of the meeting.
- D. The town encourages citizen input during public meetings. The Mayor or Chair of the public body will invite the public to share their comments at the appropriate time during public hearings, public input, or public comments for a period of three (3) minutes. The Mayor or Chair of the public body may also permit citizens to speak during individual agenda items at his/her discretion when they feel that the comments will be pertinent to the topic.
- E. Members of the public body shall not talk over one another, interrupt, or speak in a condescending manner to one another. Taking turns speaking, deferring to someone who intends to speak, and in general, maintaining civil rules of conduct toward one another, the staff, and public are expected. Members of the public body and staff members are expected to dress appropriately for the meeting and office which they hold.
- F. When person(s) are addressing the public body, the person(s) should only speak on the merits of the topic immediately at hand.

- G. Printed materials should be distributed to the public body prior to the meeting. If the public wishes to distribute printed materials to the public body during a meeting, they may do so, but must have additional copies for the Town Clerk for the official record.
- H. No public body of the town will tolerate disorderly conduct which includes insulting language or behavior by any person, including members of the audience, the public body itself, or administration. No name calling, shouting or booing is allowed during a meeting. The Mayor or Chair of the public body may call the person to order or excuse them from the meeting. The town reserves the right to have a public safety officer in attendance at a meeting to maintain public order. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-8: ATTENDANCE:

- A. The public body may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the town.
- B. The Town Council may issue subpoenas in its own name in the same manner as provided in the Utah rules of civil procedure. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-9: MAYOR OR CHAIR RESPONSIBILITIES:

- A. The Mayor is the Chair of the Council meetings. A Chair shall be designated for all other public bodies. The Mayor or Chair, as applicable, will lead the meeting/attention to process, rules of conduct and facilitate closure, summarization of main discussion point and request motions be formulated.
- B. The Mayor or Chair, as applicable, at his/her discretion, will recognize person(s) wishing to make comments or address the public body and request them to address the public body at the podium, stating their name and address for the official record. All comments should be directed to the public body and not to others in attendance. Person(s) wishing to speak should not request recognition while someone else is speaking. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-10: MAYOR OR CHAIR PRO TEM RESPONSIBILITIES:

- A. The Mayor or Chair Pro Tem will be established by ordinance or motion by a majority vote of the Town Council or public body.
- B. The Mayor or Chair Pro Tem will chair the meetings in the absence of the Mayor or Chair and will conduct in accordance with meeting procedures. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-11: MEMBER RESPONSIBILITIES:

- A. It is the duty of the voting members of a public body to consider interest of the municipality in its entirety.
- B. To prepare for the meetings by reviewing the agenda, supporting materials and asking questions in advance.
- C. Communicate needs to staff and other members about personal learning style, physical or mental limitations, and other accommodations required as permitted under the Americans with disabilities act and respect the accommodation needs of other members.
- D. Respect the public process and decisions.
- E. The members of a public body may expel any public body members for disorderly conduct on a two-thirds ($\frac{2}{3}$) vote of the members.
- F. Maintain confidential information and discussion that is shared in closed sessions per the open public meeting laws. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-12: QUORUM:

- A. The majority of a public body constitutes a quorum for the public body and all motions of a public body shall be approved by a majority of the public body (not just a majority of the quorum in attendance).
- B. If a position is vacant, a quorum is the majority of the remaining members of the public body.
- C. Abstention does not impact a quorum.
- D. There must be a minimum of a majority of the entire public body of affirmative votes for adoption of a motion. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-13: RECORDED VOTE:

- A. Each member of the public body has one vote each time a vote is held.
- B. The requirement for a recorded vote must include the vote of each member and reason for abstention. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-14: ABSTENTION FROM VOTING:

- A. A member may decide not to vote either in favor or against a motion.

- B. Abstention may occur if a member received on an issue.
- C. Abstention is not to be confused with voting against a matter.
- D. Members not abstaining carry the vote, as long as the motion receives the minimum required affirmative votes. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-15: RECUSING:

- A. If a public body member should choose to recuse themselves from an agenda item, they will need to remove themselves from their seat. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-16: CONFLICTS OF INTEREST/DISCLOSURE STATEMENTS:

- A. All public body members will complete a written disclosure statement annually or when there is a change in the nature of the conflict and file it with the Town Clerk. All disclosure statements will adhere to the Utah municipal officers and employees' ethics act.
- B. All disclosure statements are public information and may be inspected by the public during normal business hours.
- C. A conflict of interest must be made orally in an open meeting to the members of the body of which they are a member immediately before the discussion about the topic involved in the conflict of interest as per the [municipal officers and employees ethics act](#). (Ord. 11-003, 5-24-2011, eff. 7-1-2011)

1-13-17: MOTIONS:

- A. The Mayor or Chair may recommend language to the council for a motion.
- B. Motions should begin with "I move to".
- C. Before a motion can be discussed it must be seconded.
- D. Agenda items identified as discussion items only may not require a motion.
- E. Amending a motion requires recognition by the Mayor or Chair; the member must state the change clearly and specifically and requires a second. It is debatable at this point before a majority vote to pass.
- F. The motion must be made at the appropriate time in the order of business.

- G. Agenda items needing more attention/investigation and/or discussion may be referred to a committee, staff for further review. A motion should be made which identifies specifics of the committee or staff on when and how they are to report on the matter.
- H. A motion to recess the meeting for a break must be made and should state for how long or a time to reconvene the meeting. This motion requires a second and is not debatable.
- I. If a public body member requests to withdraw a motion, the Mayor or Chair will ask for any objections to the motion being withdrawn; if no objection, the motion is immediately withdrawn. If there is an objection, the request to withdraw becomes a motion, which must be seconded and is not debatable and requires a simple majority to pass. (Ord. 11-003, 5-24-2011, eff. 7-1-2011)