



**ORDINANCE NO. 18-003**

**AN ORDINANCE AMENDING THE BRIAN HEAD PUBLIC BODY MEETING POLICY AND PROCEDURES FOR THE TOWN OF BRIAN HEAD, UTAH, WITH AN EFFECTIVE DATE OF MAY 29, 2018.**

**WHEREAS**, all public bodies of the Town of Brian Head, Utah are required to follow the Open and Public Meetings Act, Utah Code 52-4 et seq.; and

**WHEREAS**, in 2011, the Town Council adopted Ordinance No. 11-003 establishing the Brian Head Public Body Meeting Policy and Procedures. It was determined the policy should be reviewed and revised in order to maintain current standards for the town's meeting policy, and;

**WHEREAS**, these procedures and policies are to ensure (a) parliamentary order and procedure; (b) ethical behavior; and (c) civil discourse to ensure effective and efficient meetings; and

**WHEREAS**, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

**NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF BRIAN HEAD TOWN, UTAH AS FOLLOWS:**

**SECTION I. BRIAN HEAD PUBLIC BODY POLICY & PROCEDURES** (Attachment "A") is hereby adopted and incorporated herein by reference in its entirety as the rules for all public meetings subject to the Open and Public Meeting Act.

**SECTION II. EFFECTIVE DATE** This Ordinance shall take effect May 29, 2018 upon passage by a majority vote of the Brian Head Town Council; and.

**SECTION III. SEVERABILITY CLAUSE**. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION IV. REPEALER**. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed. **PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH** this 29<sup>th</sup> day of May 2018, with the following vote.

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**Town Council Vote:**

Mayor Clayton Calloway	Aye
Council Member Lynn Mulder	Aye
Council Member Kelly Marshall	Aye
Council Member Larry Freeberg	Absent
Council Member Shad Hunter	Absent

**BRIAN HEAD TOWN  
BRIAN HEAD, UTAH**

By:   
Clayton Calloway, Mayor

Attest:

  
Nancy Leigh, Town Clerk



**CERTIFICATE OF PASSAGE AND POSTING**

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 29<sup>th</sup> day of May 2018 and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

  
Nancy Leigh, Town Clerk



# BRIAN HEAD TOWN PUBLIC BODY MEETING POLICY & PROCEDURES

## 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 Town Council, Redevelopment Agency, Special Service District, Municipal Building Authority, Planning Commission and the Tree Commission known as "public body". These procedures and policies are to ensure (a) parliamentary order and procedure; (b) ethical behavior; and (c) civil discourse.

## ESTABLISHMENT OF AGENDAS

1. All proposed agenda items from the public must be submitted to the Town Clerk **or designee as an agenda request either in writing** ~~on an agenda application~~ **or by notifying the Town Clerk or designee**
2. In order for ~~the~~ information to be included in the meeting packet, ~~the application~~ **all supporting documents** must be submitted to the Town Clerk **or designee** by 4:30 p.m. six **(6)** days prior to the scheduled meeting of which the topic is to be addressed.
3. Upon receiving **a request to be on the agenda** ~~application~~, the Town Clerk **or designee** will route the ~~application~~ **request** through the various town departments to receive the Department Head's input. If a department feels that more research is needed, they will state the reason why in writing to the applicant **and notify the Town Clerk or designee that it** may not be identified on the agenda as requested.
4. Four days prior to the public meeting, the Town Clerk **or designee** along with the Town Manager will review all agenda ~~applications/requests~~ 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/request~~ is not ready for the public meeting as requested, it may be removed, and the applicant will be notified.
5. 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 explain that ~~they understand~~ the meeting procedures, proposed action, and **any** other information in order to make the agenda items flow smoothly.
6. ~~As per State law~~ **The Utah Open Meeting Act** ~~all open meeting laws~~ will be adhered to. The public has the right to request to be on the agenda, **but must contact the Town Manager, Town Clerk or designee to submit applicable documents (if needed) for the packets** ~~no later than 24 hours in advanced~~ if they wish to be addressed during an agenda topic **requesting action from the public body**, otherwise, the public has the option to address the public body during the public input portion of the agenda for non-agenda

1 items, but no action will be taken by the public body. The public may speak during this  
 2 time for no longer than three (3) minutes.

- 3 7. All agendas will comply with the Utah State Open Meeting Act UCA 52-4-202 for posting  
 4 **noticing** requirements.

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 6 **COUNCIL / COMMISSION / BOARD PACKETS**

- 7 1. The Town Clerk **or designee** will coordinate with the Town Manager, Department Heads  
 8 and public to compile all documents necessary for the public meeting packets.  
 9 2. Each agenda item will identify a memorandum as to the subject and any  
 10 recommendations staff has made to the public body.  
 11 ~~3. Meeting packets will be delivered to the public body the three days prior to the meeting~~  
 12 ~~unless extenuating circumstances prevail.~~  
 13 4. ~~Packets are to be delivered to the public body Member's home and/or designated place~~  
 14 ~~prior to the meeting.~~ **Packets will be delivered electronically to the member's designated**  
 15 **email four (4) days prior to the meeting unless extenuating circumstances prevail. If a**  
 16 **member does not have an email, other means of submitting a packet will be used.**  
 17 5. ~~If a public body member will not be present for the meeting, a packet will be placed in~~  
 18 ~~their designated box located at the Town Hall. 56 North Highway 143, Brian Head, Utah.~~

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 20 **OPEN AND CLOSED MEETINGS**

- 21 1. The regular meetings of ~~public bodies~~ **the Town Council** ~~of the town~~ are hereby  
 22 established by ordinance as per state code (UCA §52-4-020(2) or by order of the public  
 23 body and may be amended with a majority vote of the public body establishing the  
 24 regular meeting schedule. The ~~establishing~~ public body will ~~at least once each year~~  
 25 ~~approve its annual meeting schedule~~ **by the end of the calendar year**, specifying the  
 26 ~~dates, times, and place of such meetings by motion.~~  
 27 1. All meetings of public bodies of the town shall be held in compliance with the **Utah State**  
 28 **Open Meeting Act (UCA §52-4)** ~~Utah State laws~~ regulating ~~to open and public meetings.~~  
 29 2. A closed meeting may be held upon the affirmative vote of two-thirds of the public body  
 30 members present at an open meeting for which the required notice has been given.  
 31 ~~3. Closed Meetings will be held in compliance with the Utah State Open Meeting Act (UCA~~  
 32 ~~§52-4-205. No closed meeting is allowed except as to matters exempted by the State~~  
 33 ~~law from open meeting requirements.~~

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 35 **ELECTRONIC TELECOMMUNICATIONS**

- 36 1. **The public body may convene and conduct an electronic meeting in accordance with**  
 37 **U.C.A. §52-4-207, as amended.**  
 38 ~~2. As required by State law, the Council hereby adopts an ordinance authorizing the public~~  
 39 ~~body to conduct open meetings by electronic telecommunications.~~  
 40 3. The purpose of electronic telecommunications is to ensure a quorum ~~be~~ **is** present for all  
 41 public meetings. Members are discouraged from using electronic telecommunication  
 42 procedures during their absence due to cost, logistic issues, and the importance of  
 43 seeing body language and facial expressions of participants in the meeting **to ensure a**  
 44 **smooth and effective meeting.** In special circumstances, a public body member may  
 45 request the ability to attend a meeting via electronic means at the proceeding meeting  
 46 via the approval of the Mayor and/or Chairperson of the public body.  
 47 4. The **Brian Head** Town Hall ~~Council Chambers~~ ~~where the public body would normally~~  
 48 ~~meet if it was not holding an electronic meeting,~~ currently located at 56 North Highway  
 49 143, Brian Head, Utah, shall be the anchor location for all electronic meetings, unless  
 50 otherwise publicly noticed. ~~and the Council finds that such chambers proved space and~~

1 facilities so that interested persons and the public may attend and monitor the open  
 2 portions of the meeting, whether such meeting is a public hearing or otherwise.

- 3 5. To participate electronically, call an electronic meeting, the agenda shall identify the  
 4 authority given to the public bodies to allow one or more members to participate  
 5 electronically or by telecommunications public notice must be identified on the agenda  
 6 of such meeting must be given at least 24 hours notice before the meeting by a) posting  
 7 written notice at the anchor location; b) providing written or electronic notice to (i) at least  
 8 one newspaper of general circulation within the State and Town; (ii) providing notice to  
 9 the members of the public body at least 24 hours before the meeting so that they  
 10 participate in and be counted as presented for all purposes, including the determination  
 11 that a quorum is present; (iii) providing a description to the members of the public body  
 12 of how the members will be connected to the electronic meetings (iv) providing notice on  
 13 the Utah State Public Meeting notice website at least 24 hours in advance of the  
 14 meeting.
- 15 6. A quorum of the public body must be present, either in person at the anchor location or by  
 16 electronic participation. At a minimum, two (2) members must be in attendance at the anchor  
 17 location. If, for any reason, lack of communication with a member of the public body causes  
 18 a lack of a quorum, no additional business may be conducted until the quorum can be  
 19 reconstituted. Business already conducted remains valid and binding

20  
 21 **MINUTES OF MEETINGS**

- 22 1. The public bodies of the town shall keep minutes of their proceedings. The approved  
 23 minutes books, records, accounts and associated documents of each municipality public  
 24 board shall be kept at the office of the Town Clerk. and
- 25 2. Draft or pending minutes shall be made available to the public within a reasonable time  
 26 after holding the open meeting that is the subject of the pending minutes, but no later  
 27 than 30 days after the meeting.
- 28 3. The draft or pending minutes and shall contain a clear indication that the public body has  
 29 not yet approved the minutes are subject to change until the public body approves them.  
 30 (Utah Code UCA §10-3-603)
- 31 4. Minutes are the history of the community and should contain as much information  
 32 necessary for clarity purposes. Minutes should be circulated to the members of the  
 33 public body and made available within "a reasonable time after the meeting" and must  
 34 be marked as "DRAFT" before approval by the public body.
- 35 5. Approval of the written minutes: The minutes of the current meeting should reflect that  
 36 those minutes were "approved as presented," or if the draft minutes have corrections  
 37 within the minutes, the minutes of the current meeting should reflect that those minutes  
 38 were "approved as corrected or amended." Grammatical or typos which do not change  
 39 the substance of the text are not identified as corrected minutes and the Town Clerk, or  
 40 designee will make minor corrections to the minutes.
- 41 6. The Town Clerk shall within three business days after the approval of the written minutes  
 42 of an open meeting, post on the Utah Public Meeting Website and make available to the  
 43 public a copy of the approved minutes and any public materials distributed at the  
 44 meeting in accordance with UCA §52-4-203(4)(e)(ii). This provision shall apply only to  
 45 the elected public body.

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 47 **MEETING PROCEDURE AND DECORUM – GENERAL RULES**

- 48 1. The purpose is to ensure fairness and common courtesy to all members and public of  
 49 the meeting. These procedures and policies are to ensure (a) parliamentary order and  
 50 procedure; (b) ethical behavior; and (c) civil discourse in an orderly and professional  
 51 manner of conducting the public's business.

- 1 2. The public body, staff and public will turn off or turn their cell phones to vibrate during an  
2 opening meeting. The exception for this rule will be the Public Safety Officers.
- 3 3. Any member of the public body or staff member that is expected to attend the meeting  
4 and will be absent or tardy shall inform the Mayor/Chairperson, Town Manager, Clerk **or**  
5 **designee** prior to the meeting so as not to delay the start of the meeting.
- 6 4. The Town encourages citizen's input during public meetings. The Mayor or Chair of the  
7 public body **may will** invite the public to share their comments at the appropriate time  
8 during public hearings, public input, or public comments for a period **of not more than**  
9 three (3) minutes. The Mayor or Chair of the public body may also permit citizens to  
10 speak during individual agenda items at his/her discretion when they feel that the  
11 comments will be pertinent to the topic.
- 12 5. Members of the public body shall not talk over one another, interrupt, or speak in a  
13 condescending manner to one another. **It is expected the members shall take** Taking  
14 turns speaking, deferring to someone who intends to speak, and in general, maintaining  
15 civil rules of conduct toward one another, this also includes the staff, and public. ~~are~~  
16 ~~expected~~. Members of the public body and staff members are expected to dress  
17 appropriately for the meeting and office which they hold.
- 18 6. When person(s) are addressing the public body, the person(s) should only speak on the  
19 merits of the topic immediately at hand.
- 20 7. Printed materials should be distributed to the public body prior to the meeting. If the  
21 public wishes to distribute printed materials to the public body during a meeting, they  
22 may do so, but must have additional copies for the Town Clerk for the official record.
- 23 8. No public body of the town will tolerate disorderly conduct which includes insulting  
24 language or behavior by any person, including members of the audience, the public  
25 body itself, or administration. No name calling, shouting or booing is allowed during a  
26 meeting **and shall avoid references to personalities and refrain from questioning motives**  
27 **of other members and staff**. The Mayor or Chair of the public body may call the person  
28 to order or excuse them from the meeting. The town reserves the right to have a public  
29 safety officer in attendance at a meeting to maintain public order.

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31 **ATTENDANCE / REMOVAL**

- 32 1. The public body may require the attendance of any person to give testimony or produce  
33 records, documents or things for inspection, copying or examination necessary or useful  
34 for the governance of the town.
- 35 2. The Town Council may issue subpoenas in its own name in the same manner as  
36 provided in the Utah Rules of Civil Procedure.
- 37 3. **Attendance of the members of the public body is expected at all scheduled meetings. If**  
38 **a member is not able to attend a meeting, they will notify either the Mayor/Chair, Town**  
39 **Manager, Town Clerk or designee of their absence prior to the meeting.**
- 40 4. **The Town Manager may remove a member from a public board, with the exception of**  
41 **the Town Council, with the advice and consent of the Town Council for cause after filing**  
42 **written charges against the member.**

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44 **MAYOR OR CHAIR RESPONSIBILITIES**

- 45 1. The Mayor is the chair of the council meetings. A Chair shall be designated for all other  
46 public bodies. The Mayor or Chair, as applicable, will lead the meeting/attention to  
47 process, rules of conduct and facilitate closure, summarization of main discussion point  
48 and request motions be formulated.
- 49 2. The Mayor or Chair, as applicable, at his/her discretion, **may will** recognize person(s)  
50 wishing to make comments or address the public body and request them to address the  
51 public body at the podium, stating their name and address for the official record. All

1 comments should be directed to the public body and not to others in attendance.  
 2 Person(s) wishing to speak should not request recognition while someone else is  
 3 speaking.  
 4

#### 5 **MAYOR OR CHAIR PRO-TEM RESPONSIBILITIES**

- 6 1. The Mayor or Chair Pro-tem will be established by resolution Ordinance or motion by a  
 7 majority vote of the ~~Town Council~~ or public body.
- 8 2. The Mayor or Chair pro-tem will chair the meetings in the absence of the Mayor or Chair  
 9 and will conduct in accordance with meeting procedures.

#### 10 **MEMBER RESPONSIBILITIES**

- 11 1. It is the duty of the voting members of a public body to consider interest of the  
 12 municipality in its entirety.
- 13 2. To prepare for the meetings by reviewing the agenda, supporting materials and asking  
 14 questions in advance.
- 15 3. Communicate needs to staff and other members about personal learning style, physical  
 16 or mental limitations, and other accommodations required as permitted under the  
 17 Americans with Disabilities Act and respect the accommodation needs of other  
 18 Members.
- 19 4. Respect the public process and decisions.
- 20 5. The Members of a public body may expel any public body Members for disorderly  
 21 conduct on a two-thirds vote of the members.
- 22 6. Maintain confidential information and discussion that is shared in closed sessions per  
 23 the Open Public Meeting Act laws.  
 24

#### 25 **QUORUM**

- 26 1. **Defined: The number of members of the town council necessary to constitute a quorum**  
 27 **is three (3) or more.**
- 28 ~~2. The majority of a public body constitutes a quorum for the public body and all motions of~~  
 29 ~~a public body shall be approved by a majority of the public body (not just a majority of~~  
 30 ~~the quorum in attendance).~~
- 31 3. If a position is vacant, a quorum is the majority of the remaining members of the public  
 32 body.
- 33 4. Abstention does not impact a quorum.
- 34 ~~5. There must be a minimum of a majority of the entire public body of affirmative votes for~~  
 35 ~~adoption of a motion.~~  
 36

#### 37 **VOTING**

- 38 1. **How Vote is Taken: A roll call vote shall be taken and recorded for all ordinances,**  
 39 **resolutions and any action which would create a liability against the town and in any**  
 40 **other case at the request of any member by an "Aye" or a "Nay" vote and shall be**  
 41 **recorded. Every resolution or ordinance shall be in writing before the vote is taken. Each**  
 42 **Member of the public body has one vote each time a vote is held**
- 43 2. The requirement for a recorded vote must include the vote of each member and reason  
 44 for abstention.
- 45 3. **Minimum Vote Required: The minimum number of "Aye" votes required to pass any**  
 46 **ordinance, resolution or to take any action by the public body, unless otherwise**  
 47 **ordinance, resolution or to take any action by the public body, unless otherwise**  
 48

1 prescribed by law, shall be a majority of the members of the quorum, but shall never be  
2 less than three (3).

3 a. Any ordinance, resolution or motion of the Town Council having fewer favorable  
4 votes than required herein shall be deemed defeated and invalid, except a meeting  
5 may be adjourned to a specific time by a majority vote of the Town Council even  
6 though such majority vote is less than that required herein.

7 b. A majority of the members of the Town Council, regardless of number, may fill any  
8 vacancy in the Town Council.

9 3. Reconsideration: Any action taken by the public body shall not be reconsidered or  
10 rescinded at any special meeting unless the number of members of the public body  
11 present at the special meeting is equal to or greater than the number of members  
12 present at the meeting when the action was approved.

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14 **RECORDED VOTE**

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16 **ABSTENTION & RECUSING FROM VOTING**

- 17 1. A member may decide not to vote either in favor or against a motion.  
18 2. Abstention may occur if a member has been absent and/or feels insufficient information  
19 has been received on an issue.  
20 3. Abstention is not to be confused with voting against a matter.  
21 4. Members not abstaining carry the vote, as long as the motion receives the minimum  
22 required affirmative votes.  
23 5. If a public body Member should choose to recuse themselves from an agenda item.  
24 They will need to remove themselves from their seat.  
25

26 **RECUSING**

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28 **CONFLICTS OF INTEREST / DISCLOSURE STATEMENTS**

- 29 1. All public body Members will complete a written disclosure statement annually or when  
30 there is a change in the nature of the conflict and file it with the Town Clerk. All  
31 disclosure statements will adhere to the Utah Municipal Officers and Employees Ethics  
32 Act (UCA 10.3.1301)  
33 2. All disclosure statements are public information and may be inspected by the public  
34 during normal business hours.  
35 3. A conflict of interest must be made orally in an open meeting to the members of the  
36 public body and public ~~the of which there are a member immediately~~ before the  
37 discussion about the topic involved in the conflict of interest as per the Municipal Officers  
38 and Employees Ethics Act (UCA 10-3-1301).  
39

40 **MOTIONS**

- 41 1. The Mayor or Chair may recommend language to the members for a motion.  
42 2. Motions should begin with "I move to".  
43 3. Before a motion can be discussed it must be seconded.  
44 4. Agenda Items identified as discussion items only may not require a motion.  
45 5. Amending a motion requires recognition by the Mayor or Chair; the member must state  
46 the change clearly and specifically **and** requires a second. It is debatable at this point  
47 before a majority vote to pass.



- 1       6. The motion must be made at the appropriate time in the order of business.
- 2       7. Agenda items needing more attention/investigation and/or discussion may be referred to
- 3       a committee or staff for further review. A motion should be made which identify specifics
- 4       of the committee or staff on when and how they are to report on the matter.
- 5       8. A motion to recess the meeting for a break must be made and should state for how long
- 6       or a time to reconvene the meeting. This motion requires a second and is not debatable.
- 7       9. If a public body member request to withdraw a motion. The Mayor or Chair will ask for
- 8       any objections to the motion being withdrawn, if no objection, the motion is immediately
- 9       withdrawn. If there is an objection, the request to withdraw becomes a motion, which
- 10      must be seconded and is not debatable and requires a simple majority to pass.
- 11
- 12      End.