

Title 1 – Administration

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 or designee as an agenda request either in writing or by notifying the Town Clerk or designee. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- B. In order for information to be included in the meeting packet, all supporting documents must be submitted to the Town Clerk, or designee, six (6) days prior to the scheduled meeting of which the topic is to be addressed. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).

- C. Upon receiving a request to be on the agenda, the Town Clerk, or designee, will route the request through the various town departments to receive 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. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- D. Four (4) days prior to the public meeting, the Town Clerk, or designee, along with the Town Manager will review all agenda 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 request is not ready for the public meeting as requested, it may be removed, and the applicant will be notified. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- 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 the meeting procedures, proposed action, and any other information in order to make the agenda items flow smoothly. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- F. The Utah Open Meeting Act 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 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 items, but no action will be taken by the public body. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- G. All agendas will comply with the Utah state open meeting act Utah Code Annotated [52-4](#) for noticing requirements. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).

1-13-3: COUNCIL / COMMISSION / BOARD PACKETS:

- A. The Town Clerk, or designee, will coordinate with the Town Manager, department heads and public to compile all documents necessary for the public meeting packets. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- 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.
- 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. Packets will be delivered electronically to the member's designated email four (4) days prior to the meeting unless extenuating circumstances prevail. If a member does not have an email; other means of submitting a packet will be used. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018)

1-13-4: OPEN AND CLOSED MEETINGS:

- A. The regular meetings of Town Council 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 by the end of the calendar year, specifying dates, times, and place of such meetings by motion. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- B. All meetings of public bodies of the town shall be held in compliance with the Utah State Open Meeting Act (UCA §52-4) regulating open and public meetings. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- 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. Closed meetings will be held in compliance with the Utah State Open Meeting Act (UCA §42-4-205. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).

1-13-5: ELECTRONIC TELECOMMUNICATIONS:

- A. The public body may convene and conduct an electronic meeting in accordance with UCA §42-4-207, as amended. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- B. The purpose of electronic telecommunications is to ensure a quorum is 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 to ensure a smooth and effective 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. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- C. The Brian Head Town Hall currently located at 56 North Highway 143, Brian Head, Utah, shall be the anchor location for all electronic meetings, unless otherwise publicly noticed (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018)
- D. To participate electronically, the agenda shall identify the authority given to the public bodies to allow one or more members to participate electronically or by telecommunications. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018)
- E. A quorum of the public body must be present, either in person at the anchor location or by electronic participation. At minimum, two (2) members must be in attendance at the anchor location, if, for any reason, lack of communication with a member of the public body causes a lack of a quorum, no additional business may be conducted until the quorum can be reconstituted. Business already conducted remains valid and binding (Ord. 18-003, 5-29-2018)

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

- A. Records: The public bodies of the town shall keep minutes of their proceedings. The approved minutes and associated documents of each public board shall be kept at the office of the Town Clerk. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- B. Minutes: Draft or pending minutes shall be made available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes, but no later than 30 days after the meeting. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- C. The draft or pending minutes shall contain a clear indication that the public body has not yet approved the minutes and are subject to change until the public body approves them. (Ord. 18-003, 5-29-2018).
- D. Minutes are the history of the community and should contain as much information necessary for clarity purposes. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- E. 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, or designee, will make minor corrections to the minutes. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- F. The Town Clerk shall within three (3) business days after the approval of the written minutes of an open meeting, post on the Utah Public Meeting Website and make available to the public a copy of the approved minutes and any public materials distributed at the meeting in accordance with UCA §52-4-203(4) (e) (ii). This provision shall apply only to the elected public body. (Ord. 18-003, 5-29-2018)

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 in an orderly and professional manner of conducting the public's business. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- 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 or designee prior to the meeting so as not to delay the start of the meeting. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- D. The Town encourages citizen's input during public meetings. The Mayor or Chair of the public body may invite the public to share their comments at the appropriate time during public hearings, public input, or public comments for a period of not more than 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. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).

- E. Members of the public body shall not talk over one another, interrupt, or speak in a condescending manner to one another. It is expected the members shall take turns speaking, deferring to someone who intends to speak, and in general, maintaining civil rules of conduct toward one another, the staff, and public. Members of the public body and staff members are expected to dress appropriately for the meeting and office which they hold. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- 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 and shall avoid reference to personalities and refrain from questioning motives and other members and staff. 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, amd. Ord 18-003, 5-29-2018).

1-13-8: ATTENDANCE / REMOVAL:

- 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)
- C. Attendance of the members of the public body is expected at all scheduled meetings. If a member is not able to attend a meeting, they will notify either the Mayor/Chair, Town Manager, Town Clerk, or designee of their absence prior to the meeting. (Ord. 18-003, 5-29-2018)
- D. The Town Manager may remove a member from a public board, with the exception of the Town Council, with the advice and consent of the Town Council for cause after filing written charges against the member. (Ord. 18-003, 5/29/2018)

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, may 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, amd. Ord 18-003, 5-29-2018).

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

- A. The Mayor or Chair Pro Tem will be established by resolution or motion by a majority vote of the public body. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).
- 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)

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 Utah State Open Meeting Act. (Ord. 11-003, 5-24-2011, amd. Ord 18-003, 5-29-2018).

1-13-12: QUORUM:

- A. Defined: The number of members of the Town Council necessary to constitute a quorum is three (3) or more. (Ord. 18-003, 5-29-2018)
- 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.

(Ord. 11-003, 5-24-2011, amd. Ord. 18-003, 5-29-2018)

1-13-13: VOTING:

- A. How A Vote is Taken: A roll-call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the town and in any other case at the request of any member by an “Aye” or a “Nay” vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken. Each member of the public body has one vote each time a vote is held. (Ord. 11-003, 5-25-2012, amd. Ord. 18-003, 5-29,2018)
- B. The requirement for a recorded vote must include the vote of each member and reason for abstention. (Ord. 11-003, 5-24-2011)
- C. Minimum Vote Required: The minimum number of “Aye” votes required to pass any ordinance, resolution or to take any action by the public body, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3). (Ord. 18-003, 5-29-2018)
 - a. Any ordinance, resolution or motion by the Town Council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the Town Council even though such majority vote is less than that required herein. (Ord. 18-003, 5-29-2018)
 - b. A majority of the members of the Town Council, regardless of number, may fill any vacancy in the Town Council (Ord. 18-003, 5-29-2018)
- D. Reconsideration: Any action taken by the public body shall not be reconsidered or rescinded at any special meeting unless the number of members of the public body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved. (Ord. 18-003, 5-29-2018)

1-13-14: ABSTENTION & RECUSING FROM VOTING:

- A. A member may decide not to vote either in favor or against a motion.
- B. Abstention may occur if a member has been absent and/or feels insufficient information has been received on an issue. (Ord. 11-003, 5-24-2011)
- 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)
- E. 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. amd Ord. 18-003, 5-29-2018))

1-13-15: 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 UCA §10-3-1301.
- 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 public body and public before the discussion about the topic involved in the conflict of interest as per the [Municipal Officers and Employees Ethics Act](#). UCA §10-3-1301 (Ord. 11-003, 5-24-2011 amd. Ord. 18-003, 5-29-2018)

1-13-16: 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)