

# Title 10 Development Code

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## Chapter 10 RULES OF PROCEDURE AND ORDER

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### **10-10-1 PURPOSE:**

The 2011 Utah Legislature has now required all cities and towns to adopt rules of procedure and order for its council meetings and planning commission meetings. Prior to this the state law established some minimum rules of procedure and of course required us all to follow the Utah Open and Public Meetings Act. These rules are generally found in Utah Code 10-3-502 through 10-3-608 but additional rules regarding notice, agenda and minutes are found in the Utah Open and Public Meetings Act which is found at Utah Code 52-4-101 et seq.

### **10-10-2 APPLICABILITY:**

Pursuant to Utah Code 10-3-606 the Town of Randolph hereby adopts the following rules of order and procedure to govern the meetings of the Town Board.

### **10-10-3 RULES:**

#### **Rule No. 1**

The City shall comply with the all required procedures contained in Utah Code including the following Sections:

#### **10-3-502. Regular and special council meetings:**

(1) The council of each municipality shall:

- (a) by ordinance prescribe the time and place for holding its regular meeting, subject to Subsection (1)(b); and
- (b) hold a regular meeting at least once each month.

(2) (a) The mayor of a municipality or two council members may order the convening of a special meeting of the council.

(b) Each order convening a special meeting of the council shall:

- (i) be entered in the minutes of the council; and
- (ii) provide at least three hours' notice of the special meeting.

(c) The municipal recorder or clerk shall serve notice of the special meeting on each council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.

(d) The personal appearance by a council member at a special meeting of the council constitutes a waiver of the notice required under Subsection (2)(c).

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## **10-3-504. Quorum defined.**

The number of council members necessary to constitute a quorum is:

- (1) in a municipality with a seven-member council, four;
- (2) in a municipality with a five-member council, three; and
- (3) in a municipality operating under a six-member council form of government, three, excluding the mayor.

## **10-3-505. Compelling attendance at meetings of legislative body.**

The legislative body of a municipality may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance.

## **10-3-506. How the 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 municipality and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

## **10-3-507. Minimum vote required.**

(1) 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 the voting members of the council, without considering any vacancy in the council.

(2) (a) Any ordinance, resolution, or motion of the council having fewer favorable votes than required in this section is defeated and invalid.

(b) Notwithstanding Subsection (2)(a), a council meeting may be adjourned to a specific time by a majority vote of the council even though the majority vote is less than that required in this section.

(3) A majority of the council members, regardless of number, may fill any vacancy in the council as provided under Section 20A-1-510.

## **10-3-508. Reconsideration.**

Any action taken by the governing body may not be reconsidered or rescinded at any special meeting unless the number of members of the governing 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.

## **10-3-601. Business of governing body conducted only in open meeting.**

All meetings of the governing body of each municipality shall be held in compliance with the provisions of Title 52, Chapter 4, Open and Public Meetings Act.

## **10-3-607. Rules of conduct for members of the governing body.**

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The governing body of each municipality may fine or expel any member for disorderly conduct on a two-thirds vote of the members of the governing body.

### **10-3-60B. Rules of conduct for the public.**

The governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the governing body pursuant hereto does not preclude prosecution under any other provision of law.

### **Rule No. 2**

The agenda for the meeting will be the guide to the meeting. Items may only be placed on the agenda by either the mayor or any two council members. While matters not on the agenda may at times come up for discussion, no final action can be taken on any matter not on the agenda.

### **Rule No. 3**

The mayor shall open and introduce an item on the agenda in order, unless the mayor feels like there is a good reason to go out of order. If the item is one that requires discussion the council members can consider the item in a polite, civil, free-for- all type exchange of ideas for as long as they feel necessary. The mayor may or may not, at his or her discretion, allow members of the public or staff to participate in the discussion. When the mayor thinks the discussion has gone on long enough, and the item is one that requires a decision of the council, the mayor can ask for vote on the matter. Any council-member, who has had enough of the discussion, can at any time also ask the mayor to either move on to the next item or call for a vote on the item. If a majority of the others on the council agree, the mayor shall call for a vote or move on to the next item as appropriate. No formal motions or seconds are required or necessary.

### **Rule No. 4**

The mayor and council members shall treat each with respect and act at all times during the meeting in a civil and courteous manner to each other and the public.