

# NEPHI CITY COUNCIL

## RULES OF ORDER

Pursuant to Utah Code Ann. §10-3-606, Nephi City has adopted the following Rules of Order. The purpose of these Rules of Order is to make it easier for the City Council to work together effectively to accomplish the business of the City. These rules should assist, not inhibit, the Council in conducting their meeting.

Nephi City Council meetings will convene as established by ordinance or by notice of a special meeting. The meeting will proceed according to agenda. The preparation of the agenda is under the direction of the Mayor. The Mayor may revise the order of the agenda during the meeting in order to accommodate the Council or to more efficiently handle the business of the Council.

In order to take any action in a council meeting, a quorum must be present. A quorum is three or more members of the City Council (Utah Code Annotated §10-3-504). If a quorum is not present, those Council members present may 1) proceed with portions of the agenda that do not require Council action while waiting for sufficient Council members to arrive to form a quorum or 2) the attending Council members may adjourn the meeting.

In order to take action, a majority vote of the quorum is required, provided there are no less than three votes in favor of the measure (Utah Code Annotated §10-3-507). The Mayor has no vote except in case 1) of a tie vote, 2) votes on the appointment or dismissal of a municipal manager, and 3) votes on an ordinance that enlarges or restricts the mayor's powers, duties, or functions. (Utah Code Annotated §10-3b-302). In the Mayor's absence, a *Mayor Pro Tempore* shall conduct the meeting. The Council Member acting as *Mayor Pro Tempore* retains his/her right to vote without the necessity of a tie vote.

A member of the public may request to be on the agenda to address the Council. The Mayor may establish a deadline to place an item on the agenda. An item discussed because of such an agenda request is a non-action item. If the Council desires action to be taken after listening to the information presented, then it may direct staff to prepare appropriate documents and place it on a future agenda for action. Nothing in this paragraph should be interpreted as prohibiting the Council from taking action on an item that was timely placed on the agenda as an action item by the Mayor regardless of whether it was at the request of a member of the public.

Other items are placed on the agenda 1) in accordance with ordinance, 2) at the direction of the Mayor, or 3) at the request of at least two (2) members of the Council. They will generally be presented by staff.

Unless the meeting is a public hearing, the general public may only speak in a public meeting when invited to do so by the Mayor. There is a difference between a public meeting (e.g. council meeting, planning commission meeting) and a public hearing. All public hearings are public meetings, but not all public meetings are public hearings. In general, a public meeting is one in which the public is invited to come and watch the Council deliberate on and decide matters. There is no right for any individual member of the public to actively participate in the meeting. Conversely, in a public hearing the public has the right to actively participate in the meeting by giving testimony and information on the topic that is the subject of the meeting.

When a public hearing is scheduled, staff should generally present the matter. An applicant, if there is one, should generally be allowed to give a brief presentation. Anyone present shall be allowed to speak. Comments from the public should be germane to the topic and should be for the purpose of presenting information and giving input to the Council. A public hearing is not a time for members of the public to question the Council or staff about actions it has taken or actions it is contemplating taking. Additionally, a public hearing is generally not the time for members of the public to request or gather information from the Council or staff. The Mayor may set time limits for each speaker at a public hearing. Each member of the public is expected to comply with the time limits imposed. The time limit shall be uniform for all speakers. A common group of citizens may designate a spokesperson, who may accumulate the time of those persons present who designate him/her as their spokesperson. When everyone desiring to speak has had the opportunity to do so, the public hearing for that topic will be closed, and no additional comment will be accepted.

Once an agenda item has been presented to the Council, and public comment received if a public hearing is involved, the item is ready for discussion by the Council. The Mayor directs the discussion. All Council Members should have an opportunity to voice their opinions. The discussion period is the time for ramifications of the proposed action to be explained, questions from the Council answered or raised, and information shared. Every member is entitled to know what effect the decision will have. Council Members have the right to express opposing viewpoints. Proper respect should be shown for members expressing any viewpoint.

Once an agenda item has been fully discussed by the Council, it is ready for action. Action should be taken on each agenda item before moving to the next agenda item. Action consists of approving the item, approving the item with changes, denying the item, or tabling the item. The effect of tabling an item is to continue action to a future meeting. Action is initiated by motion. Every motion must be seconded. A motion which is not seconded dies for the lack of a second. Once a motion has been made and seconded, further discussion or debate may take place on the motion. The Mayor may impose a time limit on each member during any discussion. Every member is entitled to understand the motion. Therefore, any member may raise a question on the motion to fully understand it.

Once discussion/questions have taken place, the member making the motion may move to withdraw the motion. If a member who seconded agrees, the motion may be withdrawn if there is no objection from the Council. If an objection is raised, the Mayor shall call for a vote on the motion to withdraw. If the motion is withdrawn, any member may make a motion with respect to the agenda item.

Once discussion/questions have taken place, a motion to amend the motion may be made. Such a motion must be seconded. Discussion or debate may take place on the motion to amend. The Mayor may impose a time limit on each member during any discussion. Questions may also be asked in order to fully understand the motion to amend. Once discussion/questions have taken place the Mayor shall call for a vote on the motion to amend. If the amendment passes, the amended motion becomes the motion. Note: Too many amendments become confusing to the Council and the minute keeper. It is sometimes better to deny a motion and start over than to have multiple amendments to a motion.

Once a motion has been discussed and questions clarified, the Mayor shall call for a vote. If the motion fails to pass, a member may make another motion. If no other motion is made, the measure dies, and the Mayor may move to the next agenda item. If the motion passes, the Mayor may move to the next agenda item.

During the course of a meeting, a member may move for a recess. This may occur at any point in the meeting, but it is generally more productive and efficient if done between agenda items. This motion requires a second but no discussion takes place. The Mayor calls for a vote. If the motion passes, then the Mayor may set a time limit on the recess.

All meetings are terminated by a motion to adjourn. The Council can set a time limit on its meetings. A motion to adjourn can be made prior to action on all the agenda items if the time limit has passed. Such a motion cannot be made during discussion/action of an agenda item but must be made between agenda items. Such a motion requires a second, but no discussion takes place. Upon a motion being made and seconded, the Mayor shall call for a vote. If the vote passes, then all the remaining agenda items are automatically tabled to the next meeting. Note: When conducting the public's business it is generally better not to adjourn prior to completion of the agenda, but this policy recognizes the need to do so on occasion.

A member who believes these rules are not being followed during the course of a meeting may call for a point of order. This may be done at any time during the meeting, requiring no second or discussion. The Mayor shall make an immediate ruling on the point of order – either directing the Council to comply with these rules or explaining why the Council is in compliance with these rules.

The Council is required to maintain an orderly meeting. If a member of the public is disrupting the meeting, he may be ordered removed by a two-thirds vote of the Council (Utah Code Annotated §10-3-608). This motion may be made any time during the meeting and should coincide with the disruptive behavior. It requires a second but no discussion. Upon the motion being seconded, the Mayor calls for a vote. If the motion passes, then the Mayor shall direct the expelled individual to leave the meeting. If necessary, the Mayor may enlist the assistance of law enforcement to remove the individual from the meeting.

Voting on motions concerning ordinances, resolutions, or actions which create liability must be by a roll call vote (Utah Code Annotated §10-3-506). Other matters may be by a roll call vote at the discretion of the Mayor or at the request by any member. This request may be made at the time the Mayor calls for a vote.

A member of the Council may be expelled from a City meeting by a two-thirds vote of the council for 1) disorderly conduct during the meeting, 2) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting, or 3) a commission of a crime during the meeting. (Utah Code Annotated §10-3-607.

At all times during a public meeting, members of the Council should exercise civility and respect to each other, staff, and members of the public. This includes members of the Council being attentive to the topic being addressed and not having side conversations while another Council member, staff, presenter, or member of the public "has the floor." During a public meeting, members of the Council should restrict their use of electronic devices to matters that are pertinent to the items being discussed during the meeting. Members should not engage in any other behavior or activity during a public meeting that is distracting to themselves and/or anyone else attending the meeting.

The Council generally should avoid taking positions, adopting resolutions or ordinances, and similar actions on items that do not directly affect city business and that may create unnecessary division on the Council. Without limitation, examples of these items are social causes or issues (e.g. abortion, gun control, etc.) that are typically decided at a state or national level and where action by the City Council would have little or no impact on the item. Taking a position on local issues that do not directly affect city services should also generally be avoided to maintain good relations with other local government entities.

Adopted 2/2/16. Revised 1/4/21.