

## SYRACUSE CITY COUNCIL

### **RULES OF ORDER AND PROCEDURE TO GOVERN PUBLIC MEETINGS OF THE LEGISLATIVE BODY**

#### **1. PURPOSE.**

These policies and procedures are designed and adopted for the purpose of providing guidelines for the members of the Syracuse City Council in the performance of their duties and conducting their meetings. The City Council shall be governed by the provisions of all applicable State Statutes, City Ordinances, and these rules. Nothing in these rules shall be interpreted to provide independent basis for invalidating or in any way altering a final decision of the Council unless otherwise provided by City ordinance, or State Law. Nor shall anything herein be construed so as to provide or create an independent cause of action for any person or action.

#### **2. ORGANIZATION**

- A. Mayor.** The Mayor is the Chief Executive and Administrative Officer of the City. Except as otherwise provided herein, he/she shall sign his/her name officially for and in behalf of the City, and shall sign all deeds, bonds, bills, notes, obligations, and other agreements, documents, and papers to which the City is legally a party and shall perform such other duties as may be provided by law or ordinance. During his/her temporary absence or disability the City Council shall elect a Councilmember to act as Mayor pro tem, who, during such absence or disability, shall possess the power of Mayor.
- B. Duties of the Mayor.**
- i. To preside at all meetings of the Council and shall provide general direction for the meetings;
  - ii. To call the Council to order, and proceed with the order of business;
  - iii. To announce the business before the Council in the order in which it is to be acted upon;
  - iv. To receive and submit in the proper manner all motions and propositions presented by the members of the Council;
  - v. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
  - vi. To inform the Council, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Mayor shall have the right to call upon Legal Counsel for advice;
  - vii. To authenticate by signature, when necessary, or when directed by the Council, all acts, orders, and proceedings of the Council;
  - viii. To maintain order at meetings of the Council;

- ix. To move the agenda along, hold down redundancy, reference handouts and procedures in a sensitive way during meetings;
- x. Recognize speakers and Councilmembers prior to receiving comments and presentation of physical evidence, i.e., plans and pictures; and
- xi. The Mayor will not participate in the voting procedures unless authorized to do so by provisions of State law or City Ordinance.

**C. Duties of Mayor Pro Tem.** In the absence of the Mayor, a Mayor pro tem is appointed. This appointment is made via resolution adopted by the Council at the beginning of each calendar year. The Council will assign the position of Mayor pro tem, second Mayor pro tem, and third Mayor pro tem to three different Councilmembers. The assignment of the Mayor pro tem positions will remain unchanged until a subsequent vote of the Council. The Mayor pro tem, during the absence of the Mayor, shall have and perform all the duties and function of the Mayor.

**D. City Recorder.** The City Recorder shall serve as the secretary of the Council. The City Recorder shall have the following duties:

- i. To give notice of all City Council meetings;
- ii. To keep and record the minutes of the proceedings of the City Council;
- iii. To keep and maintain a permanent record file of all vital documents and papers pertaining to the work of the Council;
- iv. Is authorized to sign the meeting minutes after said minutes have been approved by the City Council; and
- v. To perform such other duties as may be required.

### **3. DUTIES OF COUNCILMEMBERS.**

**A. Meeting Attendance.** Every member of the Council shall attend the sessions of the Council unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the City Recorder. The City Recorder shall call the same to the attention of the Mayor.

**B. Conflict of Interest.** A Councilmember to whom some private benefit may come as a result of a Councilmember action shall not participate in the action.

- i. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or to groups and associations which hold some share of the person's loyalty. However, membership itself in a group or organization shall not be considered a conflict of interest as to Council action concerning such group or unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.

- ii. A Councilmember experiencing, in their opinion, a conflict of interest, shall declare that interest publicly, abstain from voting on the action, and be excused from the room during consideration of the action. That Councilmember shall not discuss the matter privately with any other Councilmember.
- iii. A conflict of interest may exist under these rules although a Councilmember may not believe an actual conflict does exist; therefore, a Councilmember who has any questions as to whether a conflict of interest exists under these rules shall raise the matter with the remaining Councilmembers and the City Attorney in order that a determination may be made as to whether a conflict of interest exists.
- iv. No Councilmember shall engage in any transaction in which the Councilmember has a financial interest, direct or indirect, with the agency or jurisdiction that the official serves unless the transaction is disclosed publicly and determined to be lawful.
- v. The requirements of Section 10-3-1301 et. Seq. of the Utah Code, known as the “Municipal Officers’ and Employees’ Ethics Act”, shall be adhered to. If a conflict exists between these policies, State law, or City ordinance, the most strict shall apply.

**C. Gifts and Favors.** Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. It is very important that Councilmembers be fair and impartial in their dealings with the public and that they serve all citizens equally. It is not enough to avoid favoritism; Councilmembers should strive to avoid even the appearance of giving preference to one citizen or business over another.

- i. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars, or office bric-a-brac are often, but not always, acceptable. In cases of doubt, Councilmembers should refuse.
- ii. Councilmembers should not accept gifts from outside agencies which may be competing or applying for City business, permits, or development decisions. Accepting gifts not only gives the appearance of favoritism, but may create an embarrassing and possibly unlawful position for the City. Items of small value such as calendars, pencils, etc. with advertising or logos are acceptable, but large items such as clothing, equipment for personal use, etc. should be declined.

**D. Councilmember Removal.**

A Councilmember may be fined or expelled from a meeting for disorderly conduct upon a two-thirds (2/3) vote of all members.

- E. Treatment of Information.** It is important to discriminate between Council information that belongs to the public and Council information that does not.
- i. Generally, final reports and official records of City Departments must be open on an equal basis to all inquiries.
  - ii. Information considered private, controlled, or protected that is learned in the course of performing Council duties must be treated in confidence if specifically requested by the applicant, or as dictated by State law. Such information becomes public when an application for official action is submitted.
  - iii. Information contained in studies that are in progress should not be divulged except in accordance with established City policies on the release of its studies.
- F. Decorum.**
- i. Members of the Governing Body shall not engage in personal attacks and shall restrict comments to issues before the body. Violations of decorum or conduct of Councilmembers shall be addressed by the Mayor who may declare a Councilmember out of order.
  - ii. Governing Body members should avoid engaging in private discourse or committing any other act, such as text messaging, which may tend to distract the attention of the Council or the audience from business before the Council, or which might interfere with any person's right to be heard after recognition by the Mayor.

#### **4. MEETINGS.**

- A. Place.** All meetings of the City Council shall be held in the City Council Chambers of City Hall, 1979 W. 1900 S., Syracuse, Utah, or at such other place as the Syracuse City Council may designate.
- B. Business Meetings.** Business meetings of the City Council shall be held on the second Tuesday of each month beginning at 7:00 p.m.
- C. Work Sessions.** Work sessions may be held on the fourth Tuesday of each month beginning at 6:00 p.m. Work sessions are informal in nature and designed to facilitate open discussion and problem-solving among participants. The Mayor facilitates discussion and recognizes speakers, such as City staff, consultants, and members of the public who have been invited to provide input to the Council.
- D. Special Meetings.** Special meetings may be ordered by the Mayor or by any two (2) members of the Council if the business of the City requires it. Special Council meetings shall be properly noticed at least 24 hours in advance of the meeting.

- E. Emergency Meetings.** Emergency meetings may be called by the Mayor or by two (2) members of the Council for urgent matters. An attempt will be made to notify all Councilmembers of the meeting. In accordance with 10-3-502 et. Seq. of the Utah Code, a majority of the Council must vote to hold the Emergency Meeting.
- F. Closed Meetings.** Closed meetings may be held to consider certain sensitive matters as allowed by 52-4-205 et. Seq. of the Utah Code. A majority of the Council must vote to convene a closed meeting.
- G. Electronic Meetings.** The procedures to be followed at the electronic meeting shall be the same as those followed by the City Council in a non-electronic open and public meeting of the City Council. The Mayor, or Mayor Pro-tempore, shall conduct the meeting and the meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open Meetings Law. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.
- H. Public Hearings.** Public hearings are generally part of a scheduled and noticed business meeting agenda and shall consist of those items for which the Council is legally required to hold a hearing or for those items for which the Council would like to receive public input. Public hearings will be held after providing proper notice as required by state law or City ordinance for the particular subject matter to be addressed. Such hearings shall include, but not be limited to, those matters for which a public hearing is required by state law or City ordinance. Matters for which state law or City ordinance requires a public hearing will be automatically scheduled by City administration. By majority vote, the Council can direct City administration to schedule a public hearing on any other topic.
- i. When a public hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and answer questions.
  - ii. The Mayor will then declare the public hearing as opened or convened.
  - iii. At that point, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council or before any motion is made. The Mayor may provide a time limit for those addressing the Council during a public hearing.
  - iv. Each individual who speaks will state his or her name and address before proceeding.

- v. After all individuals who desire to speak have spoken, or after an amount of time determined to be sufficient, the Mayor will announce the potential closure of a public hearing two times before declaring the public hearing closed.
  - vi. The Council may vote to continue a public hearing to a future specified date, time, and location if there is insufficient time to take all public comment during a particular Council meeting.
  - vii. A public hearing can be reopened only upon a showing of exceptional circumstances and a two-thirds vote of the Council.
  - viii. After the public hearing is closed the Council may proceed with discussion on the matter at hand. When discussion by the Council is finished, a motion and second may occur concerning the item and the Council will subsequently vote.
- I. Quorum.** Three (3) members of the Council shall constitute a quorum thereof for the transaction of all business except where otherwise required.
- J. Content.** Discussions in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentation by the public are to be limited to relevant issues. In order to ensure that the meetings proceed timely and orderly, the Mayor may impose a time limit on those desiring to address the Council.
- K. Public Comment.** Individuals addressing the Council during the public comment period of the meeting or during a public hearing shall be given a time limit of not less than three minutes. Public comment periods will be included at the beginning and end of business meeting agendas and at the beginning of extended work session agendas; the Council may also accept public input for each item listed on an extended work session agenda as discussion of each item warrants. Any person who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise, may be removed at the direction of the Mayor.
- L. Time.** If a meeting has not adjourned by 10:00 p.m., the Council shall hold a vote on whether to adjourn the meeting or set a later time for adjournment. Items on the agenda that are not heard as a result of this rule shall be placed on the next agenda.
- M. Additional Guidelines.** In addition to these policies and procedures, the Council may invoke additional guidelines as necessary to address issues as they arise so long as they are consistent with the nature and intent with content herein.

## 5. MOTIONS.

- A. **Making of Motions.** Any Councilmember except for the Mayor may make or second a motion. Motions should state findings for denial or approval within the motion:
  - i. Findings should be included in the beginning of the motion.
  - ii. Staff reports should be in sufficient enough detail to assist the Council in stating findings.
  - iii. All motions should be repeated at the direction of the Mayor.
- B. **Second Required.** Each motion of the City Council must be seconded by a member of the Governing Body; the Mayor is not allowed to second a motion. A motion that is not seconded is considered failed or dead.
- C. **Withdrawing a Motion.** After a motion is stated by the Mayor or read by the City Recorder, it shall be deemed in the possession of the Council, but may be withdrawn at any time before decision or amendment by the unanimous consent of the Council.
- D. **Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and, whenever possible, a specific date to rehear the matter should be scheduled.
- E. **Amending Motions.** When a motion is pending before the Council any member may suggest an amendment; the amendment requires a second with a voice vote on the proposed amendment. After voting upon the amendment motion the Council will vote on the initial motion, if necessary.
- F. **Amending Amendments to Motions.** An amendment to a motion may be amended, no second required, at any time prior to the Mayor calling for a vote on the motion. The amendment to the amendment must be accepted by the author and the member making the second in order for the stated motion to be amended. The author and the member making the second may choose not to accept the additional amendment.
- G. **Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.
- H. **To Reconsider a Motion.** To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Councilmember who voted with the majority. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Council. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved.

- I. **Motion to Recess.** A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.
- J. **Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each City Council meeting. The motion requires a second and is not debatable.

## 6. VOTING.

Except as otherwise specifically provided in these rules, a majority vote of the Council shall be required and shall be sufficient to transact any business before the City Council.

- A. **Changing a Vote.** No member shall be permitted to change his/her vote after the decision is announced by the Mayor.
- B. **Tie Votes.** Tie votes shall be broken by the Mayor casting a vote.
- C. **Conflict of Interest/Disqualification.** Any member declaring a conflict of interest shall be disqualified and shall leave the bench and sit in the audience and shall not participate in the discussion and vote pertaining to that particular matter.
- D. **Minimum Votes Required.** Unless otherwise provided herein, a minimum of three (3) affirmative votes are required to make a determination on any item presented to the City Council.
- E. **Method of Voting.** For all ordinances, resolutions, and actions that would create liability for the City, or at the request of any Councilmember, a roll call vote shall be taken with either a “yes” or “no” vote. All votes shall be recorded. Voting on all other actions may be done by voice vote or other effective method. The result of those votes shall also be recorded.

## 7. AMENDMENTS.

These rules may be amended at any business meeting of the City Council by an affirmative vote of the Council, provided that such amendment has been presented in writing to each member of the Council at least 48 hours preceding the meeting at which the vote is taken. Proposals to amend said rules shall also be properly advertised on the business meeting agenda.