



MIDVALE CITY COUNCIL RULES OF ORDER AND PROCEDURE

Amended by Resolution No. 2019-R-10
March 19, 2019

SECTION 1

COUNCIL ASPIRATIONAL VALUES AND GOALS

1.1 COUNCIL VALUES GOVERNING ITS DECISION-MAKING PROCESS

1. **Leadership Values.** The City Council declares that it is committed to employing core values in the City's decision-making process and operational activities. It is intended that these values will be reflected in actions among Council Members and City staff and include the following:
 - a. City Team Leadership. Each Council Member will be committed to the success of the City and to providing responsible, efficient, and cost-effective governance and services to the public. They will do so by cooperatively making informed choices in establishing the municipal budget and in setting public policy.
 - b. Mutual Respect. Individuals in the City's Legislative and Administrative branches of government will care about and have respect for each other as persons. Notwithstanding differences of opinion, each City official is expected to be cognizant of and have respect for staff and citizens. All shall be treated with courtesy. Thus, each Council Member, the Mayor, and the City Manager are expected to:
 - i. refrain from making threats or uttering disparaging personal remarks in public meetings, to the news media, or at other times, even when provoked;
 - ii. show courtesy by addressing problems directly with the individual involved, before taking the matter to the Council as a whole or uttering public statements;
 - iii. seriously consider each comment or concern that comes before the Council and follow the Council Rules of Order and Procedures in good faith so they can be addressed in a fair, open, and timely fashion;
 - iv. retain and use a sense of humor appropriately, but not over use it;
 - v. focus attention on what can be accomplished and constructively work to build the community and individuals;
 - vi. respect the City's Administrative procedures and chains-of-command, including addressing problems related to Administrative department heads and staff directly with the City Manager or (alternatively) to the Council as a whole, when appropriate; and

- vii. work to resolve differences between individuals with tact and sensitivity, recognizing the value of individuals and treating each person with respect.
- c. Responsive Governance. The Council believes that the best government is one that is close to the people, is responsive to their needs, and acknowledges that it is accountable to the electorate.
- d. Innovation, Ethics and Efficiency. The City's objective at all times is to take courageous and proactive action to: (a) stay on the leading edge of technology and management theory; and (b) be a well-run, efficiently managed, and innovative City where policies and decisions are undertaken in a fiscally sound and ethically responsible manner.

1.2 CITY COUNCIL GOALS

1. **Goals.** The City aspires to be efficient and accessible to the public it serves. It seeks to do so, among other means, by employing the following principles:
 - a. Accessible Government. The City's goal is to promote government accessibility to all citizens, in all its proceedings, by openness and transparent public processing, including: (a) encouraging interaction with elected officials and administrative staff in a logical and effective manner; (b) promoting quantifiable analysis and account of government performance for public view; (c) promoting electronic communications to enhance the public's ability to participate in an observe government processes; and (d) encouraging citizens and interested parties to exercise their right to petition their government for redress or change, and providing appropriate avenues for them to be heard and have their views considered impartially.
 - b. Effective Government. The City's goal is to be innovative in achieving effectiveness and efficiency in all its operations by: (a) making it a City standard to be proactive in identifying and resolving problems; (b) rendering reason-based decisions and employing professional advice, citizen input, and verifiable information; and (c) funding and encouraging active participation in training for staff, elected, and appointed officials.
 - c. Cooperative Government. The City's goal is to be a state leader and advance good government and public service through cooperative interactions with others, including: (a) providing leadership and service in regional, state, and national programs, councils, organizations, and meetings; (b) fostering positive relationships between the City, business, government, and other service-oriented entities to improve economic conditions and the quality of life in the City; and (c) receiving and soliciting citizen participation in the City's decision-making process.

- d. **Responsible Government.** The City's goal is to provide necessary public services but be frugal with public resources. The City will seek to be supportive and proactive and to function with the highest ethical standards by: (a) being fiscally conservative in the expenditure of taxpayer resources; (b) acting and requiring the highest standards of ethical conduct at all levels of City government; (c) establishing high standards of accountability and employee performance, which includes exposing and correcting unproductive or inappropriate activities at all levels of City government; and (d) meeting with the Planning to discuss the Council's vision and purpose and to receive reports regarding the needs, accomplishments, and goals of that reporting body.

SECTION 2

COUNCIL INTERNAL POLICIES

2.1 MEALS/REFRESHMENTS AT CITY COUNCIL MEETINGS

1. **Meals and Refreshments.** The Council may provide meals and/or refreshments for the Council Members and City staff during City Council meetings, retreats, strategic planning sessions, meetings with dignitaries for City business-related purposes, or similar events. To do so, the Mayor shall request the City Manager to make appropriate arrangements, provided that appropriated funds are available for that purpose.
2. **Funding.** Refreshments will be purchased only for the functions listed above and will be purchased within appropriated funding levels in the most effective manner possible.
3. **Staff.** As a courtesy, food at Council meetings may be provided for department heads. If additional food is available, others may be invited by the Council to receive food/refreshments.
4. **Use of Surplus.** If the City Manager wishes to have the Council authorize extra food for others in an emergency or for special occasions, he/she may make request of the Council provided that the expenditure has a bona fide public purpose and appropriated funds are available.

2.2 COUNCIL OFFICE TRAVEL

1. **Conferences/Conventions.** Any Council Member may travel to conferences and conventions on City business.
2. **Budgeting.** The Council currently budgets for travel by asking each Council Member, at the beginning of the budget formulation process, which conferences/activities

he/she desires to attend. Based on this information, the City Manager will prepare cost estimates for including in the Council travel budget.

3. **Council Approval Required; City Manager Duties.** When a Council Member expresses interest in travel to a conference, convention, or seminar, the City Manager will notify the Council of a proposal by a Council Member to travel. If the Council is opposed to the proposed travel or if appropriated funds are not available, the trip will not be scheduled. If approved, the City Manager will arrange for the travel.

2.3 LEGISLATIVE ACTION ITEMS

1. **Council Initiatives.** Council Members may initiate legislation, rather than simply reacting to proposals from the Administration. This policy includes land-use and zoning issues. However, these matters usually require review or a factual development and recommendation by the Administration and the Planning Commission.
2. **Process of Development.** An individual Council Member who wishes to initiate legislation is encouraged to talk to the City Manager about the goal of the contemplated legislation and how the Council Member would like to achieve that objective. The City Manager will put the requested legislation on the Council's agenda as a discussion item as expeditiously as possible.
3. **Council Vote Required.** Prior to the use of staff time on Council Member-initiated legislation, a vote of the Council is required. Only two affirmative votes from Council Members are necessary for the Council to direct the City Manager how to proceed with the Council Member-initiated legislation .
4. **Preparation of Legislative Item.** Upon approval of the Council, the City Manager will oversee the preparation of the Council Member-initiated legislation and will place the appropriate legislative item (such as an ordinance or resolution) on the Council's agenda as expeditiously as possible.

2.4 PARTICIPATION ON CITY BOARDS AND COMMISSIONS

1. **Service Limited to Ex-Officio Capacity.** Council Members may not serve on any City appointed boards or commissions unless authorized in their ex-officio capacity.
2. **Non-City Committee Service.** Council Members are free to participate on non-City appointed boards. However, the following conditions apply:
 - a. Each Council Member shall submit, in writing, to the City Council a list of all non-City appointed boards on which that Council Member sits.
 - b. When issues arise before the Council that directly or indirectly affect an organization on whose board a Council Member sits, that Council Member

must declare a conflict of interest and abstain from both the debate and the vote.

2.5 SPEAKING TO THE PUBLIC OR MEDIA.

1. **Council Spokesperson.** The Mayor is the official spokesperson for the Council on items that the Council has voted on. As spokesperson, the Mayor speaks for the majority of the Council. When the Council has not voted on an item, there is no spokesperson for the Council and no one is authorized to speak on behalf of the Council.
2. **Individual Capacity.** The Mayor and Council Members may speak to the public or media in their individual capacity as Mayor or Council Member. When doing so, they must make it clear that the opinions presented are their own and they are speaking on their own behalf, rather than on behalf of the Council. The Mayor and Council Members should be careful to say “I” rather than “we” in such communications.

SECTION 3

COUNCIL MEETINGS

3.1 CITY COUNCIL MEETING SCHEDULE

1. **Regular Meetings.** The Council holds, at minimum, one regular Council meeting per month to approve City business items. Generally, two regular meetings will be held on the first and third Tuesdays of the month.
2. **Workshop Meetings.** The Council may schedule workshop meetings as necessary. Typically, City business items will not be presented to the Council for approval during workshop meetings. If a special need arises to consider a business item for approval before a regular Council meeting has been scheduled, the Council may consider the item for approval if the City Recorder has properly noticed and disclosed that a business item will be considered for approval by the City Council in compliance with the Utah Open and Public Meetings Act.
3. **Special Meetings.** The Mayor or two Council Members may order the convening of a special meeting of the Council (see Utah Code Ann. §10-3-502(2)). A special meeting must be noticed in compliance with the Utah Open and Public Meetings Act.
4. **Emergency Meetings.** An emergency meeting may only be with the majority approval of the Council (see Utah Code Ann. §52-4-202(5)(b)). An emergency meeting must be noticed in compliance with the Utah Open and Public Meetings Act.
3. **Notice.** The City Recorder is responsible for posting agendas and providing notice of all Council meetings, as provided by State law.

3.2 COUNCIL MEETING AGENDAS AND PAPERWORK

1. **Written Agenda.** The City Recorder, under the direction of the City Manager, is responsible for creating a written agenda for each Council meeting.
2. **Agenda Items.** Items may be placed on Council agendas by the City Manager, the Mayor, individual Council Members, and staff. Requests will be made by:
 - a. Submittal to Recorder. Requests to be placed on a Council meeting agenda and supporting documents should be delivered to the City Recorder at least five days before the scheduled Council meeting at 10 a.m.
 - b. Materials for Agenda Item. All items submitted for Council action should include the following:
 - i. Ordinance, Resolution, or Other Action Item. The action item being considered by the Council should be provided in the appropriate written form. For example, an ordinance being considered for Council approval must be properly formatted as an ordinance and assigned an ordinance number by the City Recorder.
 - ii. Agenda Summary. A written report that outlines the subject matter, fiscal impact, and recommendation in a form approved by the City Manager for matters requiring approval by majority vote of the Council.
 - iii. Supporting Documents. All background material appropriate to an agenda item should be included with the request to have a matter placed on the Council agenda.
 - iv. City Attorney Approvals. Some documents require the City Attorney's approval "as to form" before they can be executed including, but not limited to, interlocal cooperation agreements, franchise agreements, and similar contracts. If the City Attorney's approval is necessary, such approval must be received prior to the submission of the documents to the City Recorder.
 - c. Consent Items on Council Agenda. If the agenda item is likely non-controversial and is of a routine or ongoing nature, it will be placed on the formal Council meeting "Consent" agenda for action at the soonest possible date. Consent agenda items include but are not limited to: Resolutions for appointments and reappointments to City boards; Resolutions for appointment of administrative executive-level employees; Resolutions authorizing signature of non-controversial agreements; and other non-controversial items requiring a majority vote of the Council. If a Council Member has a question concerning a Council calendar item, they should talk

to the City Manager prior to the meeting, if practical, rather than have the item pulled for discussion during the meeting.

- d. Business Items on Council Agenda. If agenda items are not routine, the item will be placed on the formal Council meeting as either a discussion or an action item in the agenda. The City Manager shall determine which items are to appear as business items. Generally, an item should be placed on the Council agenda as a discussion item in a previous meeting prior to being placed on the Council agenda as an action item for approval of the Council.
- e. Public Comments. Each agenda for a regularly scheduled Council meeting will allow time for public comments. Any person desiring to address the Council will be permitted to speak, subject to legal constraints and the other applicable provisions of these Rules, including but not limited to 3.6 and 3.8.

3.3 RESOLUTIONS OF EMPLOYEE RECOGNITION

1. **Resolutions of Employee Recognition.** Resolutions of Employee Recognition are placed on the Council agenda at the request of the City Manager.
2. **Letter.** The City Manager will draft a letter to be signed by the Mayor and Council Members congratulating the employee, department, or division
3. **Council Meeting.** As appropriate, the City Manager may request time on the Council Agenda to permit the Mayor, on behalf of the Mayor and the Council Members, to present or announce the award during a Council meeting.
4. **No Discussion or Vote.** Resolutions of Employee Recognition are ceremonial and do not require a discussion or vote by the Council.

3.4 CLOSED MEETINGS

1. **Closed Meeting Standards.** Utah Law requires that every meeting of a legislative body remain open to the public unless it is lawfully closed. Utah Code Ann. §52-4-204 provides that a closed meeting may be held upon the affirmative vote of two-thirds of the Council, provided that a quorum is present. No ordinance, resolution, rule, regulation, contract, or appointment can be approved in a closed meeting. The reason(s) for holding a closed meeting and the vote of each Council Member, by name, either for or against the proposition to hold such a meeting shall be entered in the minutes of the meeting. Subject to Utah Code Ann. §52-4-205, a closed meeting may be held for any of the following purposes:
 - a. Discussion of the character, professional competence, or physical or mental health of an individual; however, the Council may not interview a person to fill an elected position or discuss filling a midterm vacancy or temporary absence in a closed meeting;

- b. strategy sessions to discuss collective bargaining;
 - c. strategy sessions to discuss pending or reasonably imminent litigation;
 - d. strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - e. strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
 - i. public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - ii. the public body previously gave public notice that the property would be offered for sale; and
 - iii. the terms of the sale are publicly disclosed before the public body approves the sale;
 - f. discussion regarding deployment of security personnel, devices, or systems;
 - g. investigative proceedings regarding allegations of criminal misconduct.
2. **Records or Minutes Required.** Utah Code Ann. §52-4-206 defines the record of closed meetings and how they must be kept. This section states that if a public body closes a meeting to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems, the person presiding must sign a sworn statement affirming that the meeting was closed for one of these sole purposes. If a public body closes a meeting for any other purpose, the public body shall either tape record the closed portion of the meeting or keep detailed written minutes that disclose the content of the closed portion of the meeting.
3. **Confidentiality Required.** It is imperative that all closed meeting discussions remain completely confidential. No Council Member shall disclose confidential information acquired by reason of the officer's official position or use such information for the officer's or another's private gain or benefit. Any person violating this duty of non-disclosure may be subject to criminal sanctions.
4. **Notice.** Notice of a closed meeting must be in a Council agenda, duly posted and publicized. This notice must, usually, be given 24 hours before a scheduled meeting.

However, emergency meetings may be held as provided and controlled by Utah Code Ann. §52-4-202(5).

3.5 TREATMENT OF INFORMATION

1. **Access to Information.** The Council recognizes two constitutional rights: (a) the public's right of access to information concerning the public's business; and (b) the right of privacy in relation to personal data gathered by governmental entities. The Council also recognizes a public policy interest in restricting access to certain records for the public good. The Council, therefore, follows Utah's Government Records Access and Management Act as adopted by Chapter 2 of Title 63G of the Utah Code, as amended.
2. **Public Information.** The Council recognizes that information in City records are public unless expressly provided by law. This generally includes information such as meeting agendas and minutes, ordinances, resolutions, final reports, and official records of the City.
3. **Private, Controlled, or Protected Information.** The Council may access or be given information that is considered private, controlled, or protected under the Government Records Access and Management Act. Such information should be in confidence. While the City Manager and staff will do their best in notifying the Council if information is private, controlled, or protected, Council Members should consult with the City Attorney in determining the classification of information.
4. **Legal Counsel.** All correspondence, including, but not limited to, letters, emails, and memoranda, from legal counsel—whether from the City's legal department or outside legal counsel retained by the City—should be kept confidential in order to maintain the attorney-client privilege. Failure to keep this information confidential may result in the waiver of this privilege.
5. **Information Requests.** Requests for City information should be forwarded to the City Recorder to ensure compliance with Utah's Government Records Access and Management Act.

3.6 ELECTRONIC COUNCIL MEETINGS

1. **Conditions.** Utah Code Ann. §52-4-207 authorizes the Council to hold meetings electronically. An electronic meeting is defined as a public meeting convened or conducted by means of electronic communications. In order to participate, Council Members must have the ability to communicate with all other participating Council Members, either verbally or electronically, so that each participating Council Member can hear or see the communication. Public hearings are allowed as part of the electronic meeting. However, as with any public meeting, electronic meetings must be properly noticed in compliance with the Open and Public Meetings Act.

2. **Limitations.** When the Council elects to hold an electronic meeting:
 - a. the meeting will be held with a quorum physically present at the same physical location;
 - b. the meeting will be called only for a declared City emergency, to accommodate Council Members who are traveling outside the City on official City business, or other unique circumstances that make such a meeting in the public interest;
 - c. the meeting will be held within Midvale City Hall, or, if necessary, at the Emergency Operations Center of the Unified Fire Authority or a facility that allows the public to attend, monitor, and participate in open portions of the meeting;
 - d. audio equipment will be used so that comments of each Council Member participating electronically will be audible to those attending the meeting;
 - e. in the event of an emergency, reasonable efforts will be made to notify and accommodate Council Members who are traveling outside the City so that they can participate in such a meeting; and
 - f. public notice of the meeting will provide notice that the meeting will be held electronically, identify the anchor location of the meeting, and comply with all the requirements under Utah Code Ann. §52-4-207(3).

3.7 PUBLIC COMMENTS AT COUNCIL MEETINGS

1. **Public Comment.** During the public comment portion of Council meetings, members of the audience will be permitted to address the Council concerning any matter if it pertains to City business or a matter over which the Council has jurisdiction, time permitting. However, if the matter to be discussed is the subject of a public hearing, the individual will be required to speak when that hearing is conducted and public comments are received. Audience members addressing the Council and/or Mayor will be called forward to the podium by the presiding officer of the Council meeting. Each speaker is required to speak into the microphone at the podium, clearly state their name, and indicate if they are a resident of Midvale City. The Council will allow three minutes to address the Council, unless the Council, allocates more time in a content-neutral and uniform manner.
2. **Groups.** At the beginning of the formal Council meeting, those wishing to comment will be called forward to the podium. The presiding officer may take a poll of those wishing to speak for or against an issue in determining how many individuals or spokespersons to accommodate. When groups are going to speak to the same issue, the presiding officer may request a spokesperson or spokespersons to represent that

position as an aid and to facilitate the efficient and effective use of the limited time available at the meeting.

3. **Order of Comments.** The order of comments shall be at the sole discretion of the presiding officer; however, the presiding officer should give preference to those persons who have requested in writing, before the commencement of the meeting, to be heard or on the agenda. At that time, the Council may direct the City Manager to assist the individual on the issue, which may include future formal action by the Council. Individuals may also supplement their comments by providing documents or supplementing their oral statements by filing written comments.
3. **Address and Phone Numbers.** In order to permit follow-up by City staff, the presiding officer may request the person addressing the Council to provide his/her address and phone number in writing to a staff member.
4. **Written Supplementary Information.** Due to the limitation on the time available for an oral presentation, any person wishing to communicate is encouraged to submit any written materials or comments to the Council by submitting them through the City Recorder either before or at the time of the meeting he or she participates in.

3.8 COMMUNICATION DEVICES

1. **Duty to Disengage Electronic Equipment.** Persons attending Council meeting are to refrain from using and must turn off or silence all audible features of cellular telephones, audible pagers, or other communication devices while meetings are in session.
2. **Removal for Violation.** A person who violates these provisions is disorderly and may be expelled from the meeting upon a two-thirds majority vote of the Council, pursuant to Utah Code Ann. §10-3-608.

3.9 REMOVAL OF DISORDERLY PERSONS

Persons who exceed the time or are otherwise disorderly, including Council Members, may be expelled by the Council upon a two-thirds majority vote, as provided in Utah Code Ann. §10-3-608. However, nothing herein shall limit or preclude a person from being arrested, cited, or otherwise subject to police action for a violation of other applicable law.

3.10 GENERAL PROCEDURES

1. **Modified Roberts Rules.** Roberts Rules were developed for large-scale legislative bodies. A scaled-down and modified version is more appropriate for a City Council comprised of six members. Thus, the Council adopts a simplified parliamentary procedure, as follows:

- a. **Mayor.** The Mayor is the Presiding Officer and acts as Chair at Council meetings.
- b. **Mayor Pro-Tempore.** In the absence or incapacity of the Mayor, the Mayor Pro-Tempore serves as Presiding Officer. The Mayor Pro-Tempore maintains his/her ability to vote as a Council Member. The Mayor Pro-Tempore does not receive the Mayor's authority to vote in the event of a tie vote of the Council under Utah Code Ann. §10-3b-302(1)(b)(i).
- c. **Seating.** The Mayor, with the approval of individual Council Members, shall establish other seating arrangements for regular Council meetings.
- d. **Limit Disruptive Behavior.** Persons demonstrating rude, boisterous, or profane behavior will be called to order by the Mayor. When faced with continued rude, boisterous, or profane behavior any member of the Council may call a recess, request a vote on removing such disorderly person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by law.
- e. **Public Demonstrations Inappropriate.** Applause, booing, or other similar behavior from individuals during meetings is discouraged and, if persistent, may constitute disruptive behavior or render an individual a disorderly person, subject to removal and other lawful sanctions.
- f. **Values of Respect.** The City Council recognizes the importance of approaching the public's business in an environment of personal respect. The public's business should be conducted on a basis of considering policy and advancing the best interests of the community, while protecting individual rights and property. As such, Council Members should focus discussions on policy matter and avoid personal criticism. Polite and reasoned discourse should be observed, while following and observing proper rules of procedure.
- g. **Enforcement of Order.** The City Manager or his/her designee is the Sergeant-at-Arms. Any Council Member may request the Mayor to enforce the rules of protocol and move to limit or end disruptive behavior or remove disorderly persons, consistent with law.

3.11 VOTING PROCEDURES

- 1. **Obligation to Vote.** Unless prohibited by law, each Council Member is to vote when present.
- 2. **Discussion.** Prior to any action that requires a roll call vote of each Council Member, the Presiding Officer must allow Council Members to discuss the action prior to the roll call. Each Council Member has the option of speaking on the action at least once, if they so choose.

3. **How Vote Taken.** Each ordinance, resolution, action which creates a liability against the City, expends City funds, or directs the City Manager, and other cases at the request of any Member of the Council, shall be acted upon by a roll call vote of each Council Member, by a vote in the affirmative or negative. Every resolution or ordinance shall be in writing before the vote is taken and no ordinance, resolution, or motion shall be passed or become effective, without an affirmative majority vote of the quorum, including: (1) not less than the minimum votes required by §10-3-507 of the Utah Code, as amended or its successor provision; or (2) a super majority vote, if mandated by applicable State law.
4. **Abstention.** If a seated Council Member abstains and refuses to vote, the abstention will be counted as a “no” vote.
5. **Tie Vote.** In the event of a tie vote of the Council Members present at a Council meeting, the Mayor may vote as a member of the Council. In the event that the Mayor is authorized to vote on the issue and there is a tie vote, the tie vote will be considered a vote that has failed
6. **General Consensus.** Matters not requiring a “roll call” vote may be acted upon by the Presiding Officer declaring a general consensus in his/her discretion provided there is no negative vote or objection by a Council Member. Alternatively, the Presiding Officer may call for a collective vote of the Council as an affirmative or negative vote.
7. **Recording.** All action and votes of the Council shall be recorded by the City Recorder.
8. **Conflicts of Interest.** If a Council Member has a conflict of interest under State or City law, that Council Member must declare that conflict and excuse him/herself from the dais. The conflicted Council Member may not lobby, vote, or address the matter with Council Members or staff.