

RESOLUTION NO. R32-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERRIMAN, UTAH, AMENDING THE COUNCIL RULES OF PROCEDURE.

WHEREAS, the City Council has adopted its rules of procedure, which governs, among other things, the duties of its members and procedures for council meetings; and

WHEREAS, the Council requested changes to their rules of procedure to allow for greater public interaction and to address how councilors can recuse for conflicts of interest; and

WHEREAS, the Council finds that the amendments contained in Exhibit A will benefit the health, safety, and welfare of the residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HERRIMAN, UTAH:

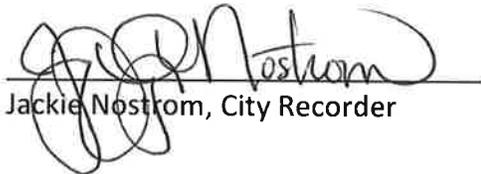
SECTION 1. Amendment. The Council hereby approves the amendments to the Council Rules of Procedure, as shown in Exhibit A.

SECTION 2. Effective Date. This Resolution shall become effective immediately upon passage.

APPROVED BY THE CITY COUNCIL OF THE CITY OF HERRIMAN, UTAH, ON THIS 14th DAY OF JUNE, 2023.

HERRIMAN CITY COUNCIL

Attest:


Jackie Nostrom, City Recorder

Mayor:


Lorin Palmer



EXHIBIT A

COUNCIL RULES OF PROCEDURE

Powers and Duties of the Mayor and Mayor Pro Tempore

The Mayor is a regular and voting member of the Council, Chair of the Council and preside at all Council meetings, exercises ceremonial functions for the City, keeps the peace and enforce the laws of the City, ensures that all applicable statutes and ordinances and resolutions are faithfully executed and observed, performs duties prescribed by statute, ordinance, or resolution, recommends for Council consideration any measures that the Mayor considers to be in the best interests of the City.

On an annual basis, at its first regular meeting in January the Council shall elect one of its members as Mayor Pro Tempore and the Recorder shall enter in the minutes of the Council meeting the election of Mayor Pro Tempore. If the Mayor is absent, unable, or refuses to act the Mayor Pro Tempore shall preside at Council meetings; and perform the duties and functions of the Mayor, during the Mayor's absence, disability, or refusal to act.

City Council Relations

The following are guidelines or rules of conduct for Council Members to use in relations and contact with each other, City Staff and members of the public. The points contained herein are intended to assist in maintaining the important distinction between the policy and legislative role of Council versus the administrative/management role of the City Manager/Staff. Although written to Council Members, these guidelines are also applicable to the Mayor, except as noted.

- a. **Representing the Council:** Council Members do not have authority to commit the City to positions without a vote or consent of the entire Council.
- b. **Complaints from Citizens:** Citizen complaints received by individual Council Members should be referred to the City Manager and/or City Attorney for delegation, investigation, resolution, and follow-up to the citizen. The respondent for the complaint should also ensure the City Manager and requesting Council Member(s) are made aware of the response (e.g. Courtesy Copy on an email). A vast majority of complaints concern enforcement issues handled by different City departments. Personal Council involvement in enforcement (which requires the interpretation of ordinances and laws) could cause legal problems.
- c. **Meeting Minutes:** Council minutes convey a summary of discussion and action taken on items of business. Digital recordings and written minutes are retained as required by law. Draft minutes are provided by the City Recorder to Council Members who are requested to suggest necessary clarifications or modifications to the minutes. All changes to draft minutes shall be made by the City Recorder's office and shall be provided to the other Council Members by the City Recorder's office.

- d. **Ordinance / Resolution Preparation:** City Attorney and staff shall prepare all ordinances and resolutions for Council consideration. All staff ordinances and resolutions must be reviewed by the city attorney and approve the form and content.
- e. **Lobbying:** Lobbying of Council Members by fellow Council Members outside of or even during discussion on matters at a meeting sometimes occurs and may be helpful. However, attempts by Council Members to influence individual Staff members' views on issues that are under study or review for later consideration by the entire Council are improper and should be avoided to ensure Staff may be as objective as possible in their work recommendations to the Council.
- f. **Private Disputes:** On occasion, individual residents or neighborhoods will come forth with problems of a purely private nature. These typically include overhanging trees, Covenant, Conditions & Restrictions (CC&Rs) enforcement, and boundary line or fence disputes. The City has no legal jurisdiction in such matters, and therefore Council should not get involved. Intercession in such matters will needlessly consume time and taxpayers' dollars and could potentially expose the City to liability. If Council is not clear whether a reported problem is properly within the City's jurisdiction, he/she should refer to the City Manager and/or City Attorney for input.
- g. **Use of Staff for City Business and Private Business:** Asking Staff for help on personal business or problems can present a dilemma and conflicts and should be avoided.
- h. **Request for Information:** All requests for information should include the City Manager. The City Manager shall respond to the requestor and the remainder of the City Council, as deemed appropriate.
- i. **Policing Problems:** It is the Council's responsibility to police and correct any problems among its members. Hopefully difference of opinions on issues will be handled with the attitude that individuals can *respectfully* disagree.

City Council Agenda

Only matters listed on the agenda may be considered for formal action. Any item the City Council requests to be placed on the agenda require a request from at least two Council Members but the other Council Members shall be informed . In order for an item to be removed from an agenda the applicant must request in writing to have an item removed, or the individual preparing the agenda item does not have all necessary documentation at the predetermined deadline (which is typically three (3) weeks prior to the said meeting. The agenda is prepared by the City Manager and Assistant City Manager and submitted to the Council for review. Upon Council approval, the agenda shall be posted. Once the agenda is posted it shall not be amended or modified except by the Council pursuant to motion and majority vote. Provided however, matters or items may be added to an agenda because of unforeseen circumstances of an emergency or urgent nature as determined in writing by the City Manager or Assistant City Manager and the writing is delivered

to the Council at the time the matter or item is added to the agenda. The Council may, by motion and majority vote, proceed out of order to any order of business and return to order.

To expedite progress of the meeting, the chair may announce that the presenter would like to withdraw the motion, and ask if there is any objection. If no one objects, the chair can go on to the next item of business, because a unanimous lack of objection is, in effect, a unanimous vote to delete the item from the agenda.

The Council shall consider business in the following order:

1. Work/Briefing Session (generally work/briefing sessions start at 5:00 p.m. and regular sessions starts at 7:30 p.m., or convened upon call as provided herein).
2. Regular Session Welcome, Introduction & Preliminary Matters
 - a. Invocation/thought/reading

The Council has traditionally invited the presentation of thoughts, readings, and invocations as part of the opening ceremonies of regular council meetings (specifically excluding work sessions). The opening ceremonies is solely for a secular purpose, among others reasons, to (1) provide a moment during which Council members and the audience reflect on the importance of the business before the Council; (2) promote an atmosphere of civility; (3) encourage lofty thoughts and high-mindedness; (4) recognize cultural diversity; (5) foster sensitivity for and recognize the uniqueness of all segments of our community. The presentations shall be done on a volunteer basis and without cost to the City. The presentations are intended to be nondenominational and non-proselytizing in charter and not exceed two minutes in length. (The person offering the invocation/thought/reading will be referred to as the presenter). The presenter will be allowed up to two minutes to speak. Staff shall monitor, with a timer, the amount of time for such invocation/thought/reading and to clearly indicate to such presenter (through signs and an audible alarm, or other reasonable methods) when the presenter's allotted time has expired. Upon expiration of the presenter's allotted time, the chair will request the presenter to conclude the invocation/thought/reading. If the presenter fails to comply with the request, then the chair may direct that the presenter be removed from the meeting. The City will not dictate the form or content of any such presentation. It is the intent of the Council to seek out a wide variety of community organizations, churches, and individuals to offer invocation, thoughts, and readings. The City Recorder is hereby

directed to implement the policy set forth above. The City Recorder is specifically directed to schedule at least two weeks in advance the presentation of invocation/thought/reading at each regular Council meetings, that if the scheduled presenter does not show up ensure that no last minutes substitution is made (volunteer from staff, audience, or council will not be solicited), that the City solicit on a semiannual basis participation from a broad group of potential participants, including but not limited to, area churches, and civic groups, that any individual desiring to participate be given the opportunity to participate, that the City Recorder prepare a “suggestion for presenters” outlining the City’s goals and objectives for the opening ceremony, and that such suggestion for presenter be given to each proposed presenters.

- a. Pledge of Allegiance
- b. Council Comments/Recognitions
- c. Mayor Comments/Recognitions
- d. Public comments

The purpose of public comment is to allow citizens to address the Council. Citizens requesting to address the Council will be asked to complete a written comment form and present it to a designated peace officer. In general, the chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. Staff shall monitor, with a timer, the amount of time for public comment and clearly indicate to such presenter (through signs and an audible alarm, or other reasonable methods) when the presenter’s allotted time has expired. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); request additional information from staff; ask clarifying questions of the citizen or staff; or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

3. City Council Board and Committee Reports

Council Members will present a summary report on the City committees or external boards to which they are assigned. If the Council Member would like to engage the Council in a longer discussion of Council policy with respect to a committee or organization (e.g. a proposed tax or fee increase from a district serving the City), this may be better scheduled as a work meeting or regular council meeting discussion item.

4. Reports, Presentations, and Appointments
5. Consent Agenda

The Consent Agenda consists of items that are administrative actions where no additional discussion is needed or which are routine in nature, including meeting minutes. All items on the Consent Agenda shall be adopted by a single motion and roll call vote. Concerns about items on the Consent Agenda should be addressed in work session. The Council can remove an item from the Consent Agenda for discussion by a majority vote, the item will keep its agenda number and will be added to the Discussion and Action Items portion of the agenda for discussion, unless placed otherwise by the Council.

6. Discussion and Action Items
7. Calendar Meetings and Events
8. Closed Session (If Needed)

Voting

Voting shall be in the form of “aye” “yes “or “nay” “no.” ” vote. All votes requiring a majority shall be a majority of the quorum present including those attending the meeting electronically, except where State law [requires](#) otherwise. An expression of “abstain” during voting shall be considered and recorded as a no vote. However, if a Councilor recuses themselves from all debate and voting on the issue due to an actual financial conflict of interest, their recusal shall not be counted as a no vote. It will be recorded as an absence. A Council member who abstains on a question, or is absent, may not move to reconsider that question. In the case of a tie vote, the motion shall fail. Council members shall not explain their votes during the call of the roll or at the time of a voice vote. However, at the conclusion of the vote, any Council member may request a point of personal privilege to give an explanation of their vote.

When Council Members Shall Vote/Conflicts

Every Council member who is deemed present (either in person or by electronic means) at the time the vote is called shall vote. On a roll call vote, votes shall be cast as the roll is called. Roll call votes shall proceed as directed by the Chair. Any Council Member who has a financial interest in any issue pending before the Council shall comply with applicable provision of law including, but not limited to, Utah Code Ann. § 10-3-1301 et seq.

Electronic Meetings

The Council may hold electronic meeting as set forth in Herriman Code of Ordinances §1-6-5.

Memorials

Memorials shall be adopted in the form of resolutions or motions, as may be deemed appropriate, and shall be used as a statement of policy to respond to or commend persons or groups for notable activities which have been called to the attention of the council.

Parliamentary Procedure/Meetings/Motions

The purpose of parliamentary procedure is to make it easier for people to work together effectively and to help groups accomplish their purposes. Rules of procedure should assist a meeting, not inhibit it.

A meeting can deal with only one matter at a time. The various kinds of motions have therefore been assigned an order of precedence

All members have equal rights, privileges and obligations. One of the chairpersons' main responsibilities is to use the authority of the chair to ensure that all people attending a meeting are treated equally, for example, not to permit a vocal few to dominate the debates.

A majority vote decides an issue. In any group, each member agrees to be governed by the vote of the majority. Parliamentary rules enable a meeting to determine the will of the majority of those attending a meeting.

The rights of the minority must be protected at all times. Although the ultimate decision rests with a majority, all members have such basic rights as the right to be heard and the right to oppose. The rights of all members should be the concern of every member, for a person may be in a majority on one question, but in minority on the next item.

Every matter presented for decision should be discussed fully. The right of every member to speak on any issue is as important as each member's right to vote.

Every member has the right to understand the meaning of any question presented to a meeting, and to know what effect a decision will have. A member always has the right to request information on any motion he or she does not thoroughly understand. Moreover, all meetings must be characterized by fairness and by good faith. Parliamentary strategy is the art of using procedure legitimately to support or defeat a proposal.

Debate on Motions

Business is accomplished in meetings by means of debating motions. The word "motion" refers to a formal proposal by two members (the mover and seconder) that the meeting take certain action. A meeting should not consider any matter unless it has been placed before the meeting in the form of a motion. However, in practice it is advantageous to permit discussion of a general topic before a motion is introduced. An introduction of the topic and preliminary discussion can sometimes indicate the precise type of action that is most advisable, whereas presentation of a motion first can result in a poorly worded motion, or a proposal for that, in the light of subsequent discussion, seems inadvisable. Often, this can be accomplished in the work session. This departure from strict

parliamentary procedure must be used with caution. The chair must be careful not to let the meeting get out of control.

Proper Wording of a Motion

Much time can be wasted at meetings when a motion or resolution is carelessly worded. It is for this reason that a motion proposed at a meeting, unless it is very short and simple, should be carefully considered. The City Recorder will generally include a recommended motion on City Council Meeting agenda for use as deemed necessary by the mover.

How Motions are Classified

The concept of order of precedence of motions is based on the principle that a meeting can deal with only one question at a time. Once a motion is before a meeting, it must be adopted or rejected by a vote, or the meeting must dispose of the question in some other way, before any other business can be introduced. Under this principle, a main motion can be made only when no other motion is pending. A meeting can deal with a main motion in several ways other than just passing or defeating the motion. These other ways are the purpose of the various secondary motions. The rules under which secondary motions take precedence over one another have evolved gradually through experience. If two motions, A and B, are related in such a way that motion B can be made while motion A is pending, motion B takes precedence over motion A and motion A yields to motion B. The secondary motion thus takes precedence over a main motion; a main motion takes precedence over nothing, yielding to all secondary motions. When a secondary motion is placed before a meeting it becomes the immediately pending question; the main motion remains pending while the secondary motion is decided.

Certain secondary motions also take precedence over other secondary motions, so that it is possible for more than one secondary motion to be pending at any one time (together with the main motion). In such a case, the motion most recently accepted by the chair is the immediately pending question that is, it takes precedence over all the other motions.

The main motion, the secondary motions, and the privileged motions fall into a definite order of precedence, which gives a particular rank to each. The main motion does not take precedence over anything will rank the lowest. Each of the other motions has its proper position in the rank order, taking precedence over the motions that rank below and yielding to those that rank above such motion. For ease of reference, the order of precedence is presented in *Table 1*.

When a motion is on the floor, a motion of higher precedence may be proposed, but no motion of lower precedence is in order.

At any given time there can be pending only one motion of any one rank. This means that other motions proposed during consideration of a motion can be accepted by the chair only if they are of higher precedence. In voting, the meeting proceeds with the various motions in inverse order – the last one proposed, being of highest precedence, is the first one to be decided.

Please note – “precedence” and “importance” are not synonyms. The most important motion is the main motion which also is the lowest in precedence.

Main Motions

A main motion is a motion that brings business before a meeting. Because a meeting can consider only one subject at a time, a main motion can be made only when no other motion is pending. A main motion ranks lowest, in the order of precedence.

When a main motion has been stated by one member, seconded by another member, and repeated for the meeting by the chair, the meeting cannot consider any other business until that motion has been disposed of, or until some other motion of higher precedence has been proposed, seconded and accepted by the chair.

A main motion must not interrupt another speaker, requires a seconder, is debatable, is lowest in rank or precedence, can be amended, cannot be applied to any other motion, may be reconsidered, and requires a majority vote to pass.

When a motion has been made by a member and seconded by another, it becomes the property of the meeting. The mover and seconder cannot withdraw the motion unless the meeting agrees. (usually the chair will ask if the meeting objects to the motion's being withdrawn. If no one objects, the chair will announce: "The motion is withdrawn".)

Secondary Motions (Subsidiary Motions)

Secondary motions assist a meeting in treating or disposing of a main motion (and sometimes other motions). These motions are listed below in ascending order of rank. Each of the motions takes precedence over the main motion and any or all of the motions listed before such motion.

i. ***Postpone Indefinitely***: despite its name, this motion is not one to postpone, but one to suppress or kill a pending main motion. If an embarrassing main motion is brought before a meeting, a member can propose to dispose of the question (without bringing it to a direct vote) by moving to postpone indefinitely. Such a motion can be made at any time except when a speaker has the floor. If passed, the motion kills the matter under consideration. It requires a seconder, may be debated (including debate on the main motion), cannot be amended, can be reconsidered only if the motion is passed, and requires a majority vote to pass.

ii. ***Amend***: an amendment is a motion to change, to add words to, or to omit words from, an original motion. The change is usually to clarify or improve the wording of the original motion and must be germane to that motion. An amendment cannot interrupt another speaker, must be seconded, is debatable if the motion to be amended is debatable, may itself be amended by an amendment to the amendment, can be reconsidered, and requires a majority vote to pass. The chair should allow full discussion of the amendment (being careful to restrict debate to the amendment, not the original motion) and should then have a vote taken on the amendment only, making sure the members know they are voting on the amendment, but not on the original motion.

If the amendment is defeated, another amendment may be proposed, or discussion will proceed on the original motion.

If the amendment carries, the meeting does not necessarily vote immediately on the motion as amended. The discussion of the principle of the original motion was not permitted during debate on the amendment, there may be members who want to speak now on the issue raised in the original motion.

Other amendments may also be proposed, provided that they do not alter or nullify the amendments already passed. Finally, the meeting will vote on the "motion as amended" or, if all amendments are defeated, on the original motion.

An amendment to an amendment is a motion to change, to add words to, or omit words from, the first amendment. The rules for an amendment apply here, except that the amendment to an amendment is not itself amendable and that it takes precedence over the first amendment. Debate proceeds and a vote is taken on the amendment to the amendment, then on the first amendment, and finally on the original motion (“as amended,” if the amendment has been carried).

Only one amendment to an amendment is permissible.

Sometimes a main motion is worded poorly, and several amendments may be presented to improve the wording. In such cases it is sometimes better to have a substitute motion rather than to try to solve the wording problem with amendments.

iii. ***Postpone to a Certain Time:*** if during a meeting, the Council prefers to consider a main motion later in the same meeting or at a subsequent one, a member can move to postpone a motion to a certain time, which is specified in the motion to postpone. Such a motion can be moved regardless of how much debate there has been on the motion it proposes to postpone.

A motion to postpone may be to postpone to a specific time/date or until after some other item of business has been decided.

When the time to which a motion has been postponed has arrived, the chairperson should state the postponed motion to the meeting for its consideration. If another item of business is being discussed at that time, the chairperson should present the postponed motion immediately after the other business has been concluded. If the meeting, in postponing the original motion has instructed that it be given priority at the time to which it has been postponed (issued a “special order”), the postponed motion interrupts any item of business on the floor at that time. For this reason, any “special order” requires a majority vote.

A motion to postpone to a definite time may not interrupt another speaker, must be seconded, is debatable only as to the propriety or advisability of postponing and of postponing to the particular time, can be amended, can be reconsidered, and requires a majority vote if the postponement is to a subsequent meeting. If the postponement is to a later time in the same meeting, the effect is to amend the agenda of that meeting, and the motion therefore requires a majority vote.

iv. ***Limit/Extend Limits of Debate:*** a motion to limit debate changes the normal rules of debate. It could, for example, limit the time of the whole debate (such as, “I move that debate on this motion be limited to 15 minutes”) or it might limit the time taken by each speaker (“I move that debate on this motion be limited to two minutes per speaker”).

A motion to extend debate permits greater participation and time than usual.

A motion to limit or extend the time of debate (on a matter or for the entire meeting) may not interrupt a speaker, must be seconded, and is not debatable, can be amended, and can be reconsidered.

v. ***Table:*** sometimes a meeting wants to lay a main motion aside temporarily without setting a time for resuming its consideration but with provision that the motion can be taken up again whenever the majority so decides. This is accomplished by a motion to table or to lay the motion on the table.

The motion has the effect of delaying action on a main motion. If a subsequent meeting does not lift the question from the table, the effect of the motion to table is to prevent action from being

taken on the main motion. Rather than either pass or defeat a motion, a meeting will sometimes choose to “bury” it by tabling.

A motion to table may not interrupt another speaker, must be seconded, is not debatable, is not amendable, may not be reconsidered, and requires a majority vote.

Privileged Motions

Unlike either secondary or incidental motions, privileged motions do not relate to the pending business, but have to do with special matters of immediate and overriding importance that, without debate, should be allowed to interrupt the consideration of anything else.

The privileged motions are listed below in ascending order of rank. Each of the succeeding motions takes precedence over the main motion, any secondary motions, and any or all of the privileged motions listed before it.

i. ***Recess***: a member can propose a short intermission in a meeting, even while business is pending, by moving to recess for a specified length of time.

A motion to take a recess may not interrupt another speaker, must be seconded, is not debatable, can be amended (for example, to change the length of the recess) cannot be reconsidered, and requires a majority vote.

ii. ***Adjourn***: a member can propose to close the meeting entirely by moving to adjourn. This motion can be made and the meeting can adjourn even while business is pending, providing that the time for the next meeting is established by a rule of the association or has been set by the next meeting. In such a case, unfinished business is carried over to the next meeting.

A motion to adjourn may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote.

If the motion to adjourn has been made, but important matters remain for discussion, the chair may request that the motion to adjourn be withdrawn. A motion can be withdrawn only with the majority vote.

The motions to recess and to adjourn have quite different purposes. The motion to recess suspends the meeting until a later time; the motion to adjourn terminates the meeting. The motion to adjourn should, however, be followed by a declaration from the chairperson that the meeting is adjourned.

iii. ***Fix Time to Which to Adjourn***: this is the highest-ranking of all motions. Under certain conditions while business is pending, a meeting – before adjourning or postponing the business – may wish to fix a date, an hour, and sometimes the place, for another meeting before the next regular meeting. A motion to fix the time to which to adjourn can be made even while a matter is pending, unless another meeting is already scheduled for the same or the next day.

The usual form is: “I move that the meeting adjourn to Thursday, October 23, at 7:30 at _____.” The motion may not interrupt a speaker, must be seconded, is not debatable, is

amendable (for example, to change the time and/or place of the next meeting), can be reconsidered, and requires a majority vote.

Incidental Motions

These motions are incidental to the motions or matters out of which they arise. Because they arise incidentally out of the immediately pending business, they must be decided immediately, before business can proceed. Most incidental motions are not debatable.

Because incidental motions must be decided immediately, they do not have an order or precedence. An incidental motion is in order only when it is legitimately incidental to another pending motion or when it is legitimately incidental in some other way to business at hand. It then takes precedence over any other motions that are pending. The most common incidental motions are:

i. ***Point of Order***: this motion permits a member to draw the chair's attention to what he/she believes to be an error in procedure or a lack of decorum in debate. The member will rise and say: "I rise to a point of order," or simply "Point of Order." The chair should recognize the member, who will then state the point of order. The effect is to require the chair to make an immediate ruling on the question involved. The chair will usually give his/her reasons for making the ruling. If the ruling is thought to be wrong, the chair can be challenged.

A point of order can interrupt another speaker does not require a seconder, is not debatable, is not amendable, and cannot be reconsidered.

ii. ***Suspension of the Rules***: sometimes a meeting wants to take an action, but is prevented from doing so by one or more of its rules of procedure. In such cases the meeting may vote (majority required) to suspend the rules that are preventing the meeting from taking the action it wants to take.

Such a motion cannot interrupt a speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered and requires a majority vote.

Please note that only rules of procedure can be suspended. A meeting may not suspend any ordinance or state law. After the meeting has taken the action it wants to take, the rules that were suspended come into force again automatically.

iii. ***Motions Related to Methods of Voting***: a member can move that a vote be taken by roll call. Such motions may not interrupt another speaker, must be seconded, are not debatable, are amendable, can be reconsidered, and require majority votes.

Motions that Bring a Question Again Before a Meeting

There is a motion that can bring business back to a meeting. This is to take from the table.

i. ***Take from the Table***: before a meeting can consider a matter that has been tabled, a member must move: "that the question concerning _____ be taken from the table." Such a motion may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote.

If a motion to take from the table passes, the meeting resumes debate on the original question (or on any amendments to it). If a considerable period of time has elapsed since the matter was tabled, it is often helpful for the first speaker to review the previous debate before proceeding to make any new points.

Any Council member may propose amendments, revisions, or additions to these Rules of Procedure. Each amendment, revision, or addition proposed by a Council member shall be in written form and copies shall be provided to each Council member. A majority vote of all Council members in a regular Council meeting shall be required for passage and adoption of any amendment, revision, or addition to these Rules of Procedure.

With respect to matters not described above, interpretation of procedure, or applicability of the Roberts Rules of Order-Simplified is determined by a majority of the Council shall control.

Decorum

No Council member shall walk about in or out of the Council Chamber while the Chair is calling the vote. Council members should avoid engaging in private discourse or committing any other act or dress in a manner which may tend to distract the attention of the Council or the audience from the business before the Council, or interfere with any person's right to be heard after recognition by the Chair. When speaking to or debating a specific subject before the Council, all persons, including Council members, shall not use vulgar or obscene language and confine their remarks to the topic under discussion or debate, avoiding personal attacks. Anyone engaging in discussion or debate beyond the topic before the Council shall be ordered to stop by the Chair and no further discussion or debate will be allowed by said person. The Council may expel any member of the Council from an open public meeting or prohibit the member from attending an open public meeting for disorderly conduct following a vote of the Council or expel any member of the public from an open meeting for disorderly conduct following a vote of the Council. No one may address the Council without first being recognized by the Chair.

The Municipal Officers' and Employees' Ethics Act (UCA §10-3-13)

All municipal officers and employees must abide by the Municipal Officers' and Employees' Ethics Act as outlined in Utah State Code §10-3-13. The stated purposes of this state law are to establish standards of conduct for municipal officers and employees and to require a disclosure of actual or potential conflicts of interest between public duties and personal interests.

The ethics law applies to all elected and appointed officers and employees of the City. These include persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. It applies to both full and part-time employees.

The law makes it a crime to commit the following:

1. Disclose or improperly use private, controlled, or protected information acquired by reason of an official position or in the course of official duties in order to further substantiate the officer's or employee's personal economic interests or to secure special

privileges or exemptions for the officer or employee or others. Private, controlled or protected information is information that has been classified as such under the Government Records Access and Management Act (GRAMA). This includes information obtained in an Executive Session.

2. Use or attempt to use an official position to further substantiate the officers or employees personal economic interest or secure special privileges for himself or others.
3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another, a gift of substantial value or a substantial economic benefit tantamount to a gift that would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties or that a reasonable person in that position should know under the circumstances is given to him or her primarily for the purpose of rewarding the person for official action taken.
4. All officers or employees shall comply with the Municipal Officers' and Employees' Ethics Act.

The exceptions to the above are for an employee or officer to receive an occasional non-pecuniary gift having a value of less than \$50, an award publicly presented, a loan made in the ordinary course of business, or a political campaign contribution actually used in a political campaign. An economic benefit tantamount to a gift includes loans at substantially less than commercial rates and compensation for services at a rate substantially higher than fair market value.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates the above referenced sections of the Act (not the disclosure requirement discussed below) must be dismissed from employment or removed from office and is guilty of the following:

1. A felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000.
2. A felony of the third degree if:
 - a. The total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or
 - b. The elected or appointed officer or municipal employee has been convicted twice before of a violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less.
3. A class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250
4. A class B misdemeanor if the value of the compensation or assistance was \$100 or less.

There is a disclosure requirement of the ethics law as well. Two types of disclosure may be required – written and oral. An officer or employee is required to make a disclosure in writing and file it with the City. This written statement must be sworn and include certain minimal information about the conflict of interest. The second required disclosure is oral and must be made in an open meeting to the members of the body of which he/she is a member immediately before the discussion about the topic involved in the conflict of interest. An appointed officer who is not a member of a public body or a municipal employee must also disclose the information required to his or her immediate supervisor. The following must be disclosed:

1. Agreements to receive compensations for assisting any person or business entity in any transaction involving the municipality.
2. Whether an officer or municipal employee is an officer, director, agent, employee or the owner of a substantial interest in any business entity that is subject to the regulation of the municipality.
3. Interests in a business entity doing business with the municipality.
4. ~~Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employees or official's personal interests and public duties.~~
5. The nature of the personal conflict of interest including, if applicable, the position held and the nature and value of a business interest held in a regulated business or one which is doing business with the municipality.

If the conflict involves an agreement for compensation to assist a person in their business with the municipality, the disclosure must contain the following:

1. The name and address of the officer or municipal employee.
2. The name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest.
3. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

The officer or employee should file the disclosure statement upon first getting elected or appointed and again when there is a change in the nature of the conflict. In the case of a contract with the city, ten days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or ten days before the receipt of compensation by the officer or employee, whichever is earlier.

The oral disclosure must be made in the open meeting of the governing body on the record before any discussion of the relevant material takes place. The written disclosure is to be made in a sworn statement filed with the City. The City must report the substance of all such disclosure statements to the members of the governing body, or he or she may provide to the members of the governing

body copies of the disclosure statement within 30 days after the statement is received by the City. The oral disclosure statement is to be entered in the minutes of the meeting. The written statement is public information and must be available for examination by the public.

If any transaction is entered into in connection with a violation of the disclosure requirements the municipality performs the following:

1. Must dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violated the Act from employment or office.
2. May rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Generally a complaint is filed with the City Manager and/or City Attorney. The City Manager and/or City Attorney investigates the complaint and must give the person an opportunity to be heard. A written report of the findings and the recommendation of the City Manager must be filed with the governing body. If the governing body finds that the person has violated the Act, it may dismiss, suspend, or take such other appropriate action with respect to the person.

In addition, complaints of criminal conduct will be investigated by county attorneys, and in some cases, the Utah Attorney General's Office.

The Act does not require anyone who complies with the disclosure provisions to abstain from voting or participating in the discussion. The Act does not prevent a person who appropriately discloses the conflicts from doing business with or in the municipality. The Act sets out a minimum standard of ethics. Once an appropriate disclosure is made of the conflict of interest it is presumed that the officer or employees personal sense of propriety and values along with public scrutiny will guide the officer or employee to do the right thing.

Media Inquiries and Submissions

All press releases should be from the City's Communications Director/PIO. Only the PIO will convey to the media the City's official position. If a reporter contacts you for an official city position, notify the PIO prior to the interview. At times, a reporter may contact an Elected Official for their personal viewpoint related to an issue. The elected official providing a personal viewpoint shall notify the PIO prior to the interview, if possible, or as soon as possible thereafter, and should ensure language is used to indicate the position is their own, not the city's official position.

Elected Officials are provided opportunities to submit articles to local publications to address items of citizen interest. With adequate notice, the City's PIO or City Manager may be asked to suggest topics or provide information or statistics to be shared with the public. Fact-based articles are preferred to avoid any misunderstandings regarding a shared opinion being the opinion of the City or City Council as a whole. Disagreements should not be provoked or continued through the media.

Social Media Guidelines for Elected Officials

Elected officials should comply with the following guidelines when using Herriman City social media sites:

- a. Herriman City social media sites are the official sites for City information.
- b. Elected officials shall not use personal social media accounts to conduct City business.
- c. Elected officials shall not use official City social media sites for campaigning purposes.
- d. Elected officials shall not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to an elected officials' campaign site.
- e. Elected officials should not use social media as a mechanism for conducting official City business other than to informally communicate with the public, share information from the official City page, and educate the public on proper protocol and accurate information.
- f. Elected officials should reveal that they are elected officials for the City when making a post and should be honest, straightforward, and respectful.
- g. Elected officials should add value to any social media discussion by staying focused on the issue and presenting facts.
- h. Members of the City Council should refrain from responding to any published postings, or from using the site to respond to, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the Council body. Individual Council Members are not spokespersons for the City. The Director of Communications and Communications Department will disseminate information from the Council body.
- i. City elected officials shall not engage in online discussions concerning matters which may come before them for City Council action. They should also not imply a position on an item that may come before the City Council for action as it has the potential to reveal non-neutrality on the topic.
- j. The Director of Communications serves as the official spokesperson for the City on official City social media sites. To help prevent errors, elected officials should not post official information about the City as it could create liability issues. If it is information that the City is pushing out, the elected officials should "share" the official post made by the City.
- k. If an elected official makes a mistake, it should be corrected as soon as the official is made aware of the error. Corrections should be upfront and as timely as possible. If modifying an earlier post, make it clear the posting has been corrected. Consider designating corrections with "fixed link" or "fact correction" prior to the correction.
- l. Elected officials who are contacted by news media on a topic of official City business should follow City Communications protocols by informing the Communications Department/Public Information Officer.
- m. Elected officials should not post or comment using profane language or unsubstantiated allegations.

- n. Elected officials should maintain civility when posting on social media and not use it as a place to engage in disagreement or instigate, promote, or bolster a dispute.
- o. In addition to the above guidelines, elected officials should comply with the principles outlined in the City's Communications and Social Media policies.

It is also not good policy to use social media for official discussions or to criticize the votes of other City Council members. Social media posts aimed at colleagues reflect on your leadership as well as the City. It is recommended that you let your vote speak for itself without denigrating the votes of your colleagues.

If more than two members are commenting on a social media site, it could be construed as a meeting, especially in the event the members are implying a position on a particular item. This could be in violation of the Open Meetings Act. City Council members are expected to be neutral decision makers on topics, being sure to hear all positions prior to making an evaluated decision. Individual Council Members are not a "Spokesman" for the City of Herriman. The Council "Body" is the designated "Spokesman" for the City of Herriman. The Communication Department will disseminate information for the Council "Body".

Boards and Committee Assignments

Council Members may serve on various City committees or external boards as official representatives of the City pursuant to assignment by the Council. Council Members serving on said boards and committees should attend the annual trainings that are offered. At the first regular meeting in January, the Council shall review Council Member assignments to City committees or external boards.

Planning Commission Appointment

If a vacancy occurs on the Planning Commission (regular member or alternate member) then the City Council may appoint an alternate member to fill the vacancy for the unexpired terms of such member.

If a vacancy occurs on the Planning Commission (regular member or an alternate member) and the City Council does not appoint an alternate member to fill the vacancy, then the vacancy shall be filled utilizing the following process:

1. The City Recorder or designee shall post a notice of the vacancy in various locations within the City, including the Herriman City website and social media.
2. The City Recorder or designee will accept applications and resumes for a minimum of 30 calendar days or a period specified by the City Council.
3. The City Recorder or designee will forward all applications to the Planning Director for an initial review to ensure completeness and accuracy.
4. Under the direction of the Planning Director, staff shall prepare a summary of all applications received. Staff will forward the summary and related materials to the interview panel (described below) for review.

5. Under the direction of the interview panel, the City Recorder or designee will schedule an interview with each applicant. The interview panel should include at least two City Council members, one member of the Planning Commission, and the Planning Director or designee.
6. To the extent practical the composition of the interview panel should be consistent throughout the interview process using interview questions and score sheets prepared by the Planning Director. The Planning Director will collate and tabulate all score sheets and forward the information to the entire City Council for review. If deemed necessary by the City Council, the entire City Council may conduct a second interview with selected nominees.
7. The City Council will then direct the Planning Director to contact the nominees regarding the decision and coordinate presentation of the nominee(s) of the Planning Commission.
8. If a vacancy occurs on the Planning Commission (regular member or an alternate member) within three (3) months of a prior appointment, the City Council may appoint a nominee from the previous applicants or alternates.

Elected Officials Benefits

Elected Officials are provided the same benefits as Herriman City employees as approved in the Annual Budget.

Annual Open Meeting Training/ Ethics Training

The Chair of the City Council shall ensure that Council Members are provided with annual training on the requirements of the Open and Public Meetings Act as well as the Elected Officials and Employees Ethics Act.

Transition for Council Office Following Municipal Elections

Council member(s) who are not reelected shall deliver any City-owned equipment to the City Recorder no later than noon on the day that elected officials of the City take their oath of office. City-owned property includes, but is not limited to, iPads, laptop computers, printers, software, office keys, City identification, etc.

Council members who are not reelected must meet with the City Recorder to complete and sign a separation checklist before receiving their final paychecks.

As soon as practical after the elected officials of the City take their oath of office, the City Recorder shall arrange for City-owned property to be distributed to the new Council member(s) and records shall be maintained regarding assignment of items.

Travel or Meal Expenses

The Council Travel and Business Expense Reimbursement Policy shall follow the same guidelines set forth in the Herriman City Travel and Business Reimbursement Policy.

Herriman City

RESOLUTION NUMBER: **R32-2023**

SHORT TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERRIMAN, UT AH, AMENDING THE COUNCIL RULES OF PROCEDURE.

ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Lorin Palmer			X		
Jared Henderson		X	X		
Teddy Hodges			X		
Sherrie Ohrn			X		
Steven Shields	X		X		
	TOTALS		5		

This resolution was passed by the City Council of Herriman City, Utah on the 26th day of April 2023, on a roll call vote as described above.