

## **TOWN OF BLUFF**

### **RULES OF ORDER AND PROCEDURE, AMENDED MAY 11, 2021**

Pursuant to Utah Code 10-3-606 the town of Bluff ("Bluff") hereby adopts the following amended rules of order and procedure to govern the meetings of the Bluff Town Council ("Town Council"). See also Ordinance No. 2020-7a-4, "An Ordinance Authorizing Electronic Meetings," passed April 7, 2020 which is incorporated herein by reference.

#### **Part I. Applicability**

Rule 1. The effective date of these Rules of Order and Procedure, as amended, is June 1, 2021 and remain effective until amendment or modification. Adopted September 9, 2018; amended September 25, 2018; May 11, 2021.

Rule 2. The Rules will be available to the public at each meeting and on the Town's public website. Utah Code 10-3-606.

Rule 3. In addition to these Rules, the Town Council shall comply with all of the required procedures contained in the Utah Code.

Rule 4. The Rules of Order and Procedure, in its entirety or in part, may be reviewed at any time by motion and vote.

#### **Part II. Meeting Types**

Rule 5. Regular and Special Council Meetings. Utah Code 10-3-502

(A) The town council shall:

(1) by ordinance publish and prescribe the time and place for holding its regular meeting, subject to Subsection (1)(b); and

(2) hold a regular meeting at least once each month.

(B) The mayor of Bluff or two council members may order the convening of a special meeting of the council. Utah Code 10-3-502.

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

(a) be entered in the minutes of the council; and

(b) provide at least three hours' notice of the special meeting.

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

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

Rule 6. Business of Governing Body Conducted Only in Open Meeting. Utah Code 10-3-601. All meetings of the governing body of Bluff shall be held in compliance with the provisions of Title 52, Chapter 4, Open and Public Meetings Act. Utah Code 52-4.

Rule 7. Quorum Defined. Utah Code 10-3-504

A. The number of council members in Bluff's five-member (5) council necessary to constitute a quorum is three (3).

B. A council member or the mayor may electronically participate in the meeting and that person's appearance shall be counted in the quorum. Unless provided for by separate rule or ordinance, arrangements to electronically participate should, to the extent possible, be made 24 hours in advance of the meeting.

### **Part III. Meeting Procedures**

Rule 8. Role of Presiding OfficerThe mayor shall open and introduce items on the agenda in order, unless the mayor feels like there is a good reason to go out of order or there is a request to do so made by another council member.

A. If the item is one that require discussion, the council members can consider the item in a polite, civil, free-for-all type of exchange of ideas for as long as they feel necessary

B. The mayor may or may not, at his or her discretion, allow members of the public or staff to participate in the discussion.

C. When the mayor thinks the discussion has gone on long enough, and the item is one that requires a decision of the council, the mayor can ask for a vote on the matter.

D. Any council member who has had enough of the discussion, can at any time also ask the mayor to either move on to the next item or call for a vote on the item. If a majority of the others on the council agree, the mayor shall call for a vote or move on to the next item as appropriate. No formal motions or seconds are required or necessary.

#### Rule 9. Procedure for Proposing and Disposing of Motions

A. Be recognized by the mayor or chair.

B. State the motion ("I move that. . .")

C. Second the motion. If the motion is not seconded it is a "failed motion."

D. Mayor or chair opens it up for discussion during which time the motion may be modified.



E. Vote.

F. Mayor or chair announces outcome.

Rule 10. How the Vote is Taken. Utah Code 10-3-506.

(A) A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the town of Bluff and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded.

(B) Every resolution or ordinance for consideration shall be in writing and provided to the other council members at least 24 hours before the vote is taken.

Rule 11. Minimum vote required. Utah Code 10-3-507

(A) The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is a majority of the voting members of the council, without considering any vacancy in the council.

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

(C) An ordinance will be separately adopted concerning votes required for debt and the transfer of assets and real property.

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

(E) A majority of the council members, regardless of number, may fill any vacancy in the council as provided under Utah Code Section 20A.

Rule 12. Reconsideration. Utah Code 10-3-508

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

the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

#### **Part IV. Agenda**

Rule 13. The agenda for the meeting will be the guide to the meeting.

Rule 14. Items may be placed on the agenda 36 hours prior to the meeting by either the mayor or a council member.

Rule 15. While matters not on the agenda may at times come up for discussion, time permitting, the mayor may allow discussion.

Rule 16. The agenda shall not be changed after the agenda is posted and no action shall be taken on any matter not on the agenda.

#### **Part V. Conduct**

Rules of conduct for members of the governing body.

Rule 17. The governing body of each municipality may fine or expel any member for disorderly conduct on a two-thirds vote of the members of the governing body. Utah Code 10-3-607.

Rules of conduct for the public.

Rule 18. The governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the governing body pursuant hereto does not preclude prosecution under any other provision of law. Utah Code 10-3-608.

#### **General Rule of Conduct**

Rule 19. The mayor and council members shall treat each with respect and act at all times during the meeting in a civil and courteous manner to each other and the public. Discussion of other member's motives is not allowed. A separate code of conduct for the town council and the public will be separately adopted.

## BLUFF TOWN COUNCIL CODE OF CONDUCT FOR PUBLIC MEETINGS AND HEARINGS

### SCOPE OF APPLICATION:

This policy applies to all persons, including Council Members and other government officials, attending public meetings and hearings of the Bluff Town Council ("Council").

### POLICY:

This Code of Conduct is intended to promote open meetings that welcome debate of issues considered by the Council in an atmosphere of fairness, courtesy and respect for differing points of view.

#### 1. Public Meeting and Hearing Decorum

a. Persons in the audience shall refrain from behavior which disrupts a public meeting of the Council, including making loud noises, clapping, shouting, booing, hissing, or interrupting Council Members or other members of the public or engaging in any other activity that disturbs, disrupts or impedes the orderly conduct of the meeting.

b. Persons in the audience will silence and refrain from using mobile phones and/or pagers while a meeting is in session with the exception of emergency personnels' mobile phones or pagers.

c. Conduct that disturbs, disrupts, or impedes the orderly business of the Council shall result in the offender's removal from the meeting.



## 2. Addressing the Council

a. Persons wishing to address the Council on any item on the agenda may do so by raising their hand either in person or in the chat box of the broadcast meeting and waiting for recognition by the Mayor or Chair. In exercising his or her discretion to permit public comment, the Mayor or Chair shall consider relevant factors, including the expected duration of the meeting; the number of agenda items to be addressed; the number of speaker requests received; the timeliness and relevance of the subject matter of the request; and whether the subject matter is within the Council's authority to address.

b. If the Council permits public comment on an issue, and there are requests to speak on opposing viewpoints on the same issue, the Council shall allow at least one speaker from each side to speak. The Mayor or Chair has discretion to limit the number of speakers.

c. Each speaker shall identify his or her name at the beginning and each speaker is allotted no more than three (3) minutes to speak on an agenda item, subject to an extension granted by the Mayor or Chair.

d. Speakers should address only the topic for which they have requested to speak and all comments should be directed to the full Council.

e. Written comments may be received and copies distributed to the Council.

## 3. Rules for Electronic Meetings

a. Login information. The Clerk or Recording Secretary shall send by e-mail to every member of the Council, at least 24 hours before each meeting, the time of the meeting, the URL and codes necessary to connect to the internet meeting service, and, as an alternative and back up to the audio connection, included within the internet

service the phone number and access code(s) the member needs to participate orally by telephone. The Clerk or Recording Secretary shall also include a copy of, or link, to these rules.

b. Login time. The Clerk or Recording Secretary shall schedule internet meeting service availability to begin at least 10 minutes before the start of each meeting.

c. Signing in and out. Council Members shall identify themselves as required to sign in to the internet meeting service, and shall maintain internet and audio access throughout the meeting whenever present, but shall sign out upon any departure before adjournment.

d. Quorum calls. The presence of a quorum shall be established by audible roll call at the beginning of the meeting. Thereafter, the continued presence of a quorum shall be determined by the online list of participating Members, unless any Member demands a quorum count by audible roll call. Such a demand may be made following any vote for which the announced totals add to less than a quorum.

e. Technical requirements and malfunctions. Each member is responsible for his or her audio and internet connections; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting.

f. Forced disconnections. The Mayor or Chair may cause or direct the disconnection or muting of a Member's connection if it is causing undue interference with the meeting. The Mayor or Chair's decision to do so shall be announced during the meeting and recorded in the minutes.

g. Assignment of the floor. To seek recognition by the Mayor or the Chair, a Member shall either raise his or her hand such that it is visible to the audience or use the chat function.



h. Interrupting a Member. A Member who intends to make a motion or request that under the rules may interrupt a speaker and shall use his or her voice for so indicating, and shall thereafter wait a reasonable time for the Mayor or Chair's instructions before attempting to interrupt the speaker by voice.

i. Motions, Resolutions, and Ordinances. Written resolutions and ordinances shall to submitted to each Member at least 24 hours prior to the meeting.

j. Voting. Votes shall be taken by audible roll call. The Mayor or Chair's announcement of the number of Members voting on each side of the question and the number of abstentions or absences shall be noted in the minutes.

k. Video display. The Mayor or Chair or the Recording Secretary shall cause a video of the Mayor or Chair to be displayed throughout the meeting, and shall also cause display of the video of the Member currently recognized to speak or report.

#### 4. Rules for Telephone Conferences

a. Log in information. The Clerk or Recording Secretary shall send by e-mail to every member of the Council, at least 24 hours before each meeting, the time of the meeting, the phone number, and unique access code that the member needs to connect to the telephone conference call.

b. The Clerk or Recording Secretary shall schedule a conference call, using a service that provides each user a unique access code, to begin 10 minutes before the start of each conference.

c. Arrival announcements. Members shall announce themselves at the first opportunity after joining the telephone conference call, but may not interrupt a speaker to do so.

d. Departure announcements. Members who leave the telephone conference before adjournment shall announce their departure, but may not interrupt a speaker to do so.

e. Quorum calls. The presence of a quorum shall be established by roll call at the beginning of the meeting and on the demand of any Member. Such a demand may be made following the departure of any Member, or following the taking of any vote for which the announced totals add to less than a quorum.

f. Obtaining the floor. To seek recognition by the Mayor or Chair, a Member shall address the Mayor or Chair and state his or her own name.

g. Voting. All votes shall be taken by roll call, unless required under the rules or ordered by the Mayor or the Chair to be taken by ballot. When a vote is taken by roll call, only the number of votes on each side and the number of Members present, but not voting, shall be entered in the minutes unless the Mayor or Chair orders a fully recorded roll-call vote.

h. Technical malfunctions. Each Member is responsible for his or her connection to the telephone conference call and no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the conference.

i. Forced disconnections. The Mayor or Chair may order the clerk or recording secretary to disconnect or mute a Member's connection. If it is causing undue interference with the telephone conference call. The Mayor or Chair's decision to do so shall be announced during the meeting and recorded in the minutes.