

Action Number: *to be assigned by clerk*

Date of Proposal Inception: June 6, 2019

Action Type: Resolution

Action Name: Rules of Procedure and Order and Code of Ethics

Action Preamble:

WHEREAS, the Town of Cedar Highlands is a newly incorporated municipality and is establishing procedures for a transparent and structured operation of Town responsibilities; and

WHEREAS, it is the best interests of the Town to have the Town Council conduct themselves in a responsible manner and to have all meetings conducted in an established format

NOW THEREFORE, be it resolved that:

Action Body: The Town Council, as a legislative body, will use the following Rules of Procedure and Order and the Code of Ethics as a systematic way of conducting its business. These rules of procedure are to provide for the orderly conduct of Town business by the Town Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the Town Council for action in a forum open to the public, and which encourages citizens' awareness of Town Council activities. These procedures do not increase or diminish the existing powers or the authority of the Mayor or Town Council members, as set forth in state law or local ordinance. The attached document is a detail of the Rules of Procedure and Order and the Code of Ethics and is included as such in this resolution.

Action Penalty: Violation of this resolution will result in censure of the individual(s) responsible for failure to comply with this resolution.

Action Effective Date: Within ten days or as soon as published on the Cedar Highlands Town Website.

Mayors Signature

Date

Town Clerk/Recorder or 2nd Council Member

Date

Printed Name: _____

CEDAR HIGHLANDS

RULES OF PROCEDURES AND ORDER

AND CODE OF ETHICS

Recognizing that the Town Council, as a legislative body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of Town business by the Town Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the Town Council for action in a forum open to the public, and which encourages citizens' awareness of Town Council activities.

These procedures do not increase or diminish the existing powers or the authority of the Mayor or Town Council members, as set forth in state law or local ordinance.

TOWN COUNCIL MEETING AGENDA:

All meetings of the Town Council will have a notice and agenda that complies with the Utah Open Meetings Act and all applicable Town Ordinances.

An item may be placed on the agenda only by the Mayor, or at the request of any two council members. The Mayor must see that the agenda item is placed on the agenda in a timely fashion if the below 15 day threshold is met.

An item will be added to all Cedar Highlands Town Council Agendas requesting that any conflicts of interest with any items on the same agenda be declared.

Agenda Items must be submitted to the Town Clerk at least 15 days before the date of the meeting. Any item that is submitted to the Town Clerk after 15 days before the meeting will be put on the next following meeting agenda. The Clerk shall notify the Mayor and the Council of any added agenda item.

The Town Clerk shall provide to the Town Website and the Utah Public Notice website the Agenda and all corresponding documents necessary for the Council meeting as per Utah Code and Town Ordinances or Resolutions. Any member of the Town Council may submit documents to the webmaster for posting to the Town Website.

All Town Council Meetings shall have minutes and an audio recording (video recording is not prohibited and shall meet the needs for an audio recording if the audio on the recording is intelligible enough for the purpose) recorded. The minutes and audio shall be published on the Town Website and the Utah Public notice site as required by Town Ordinances and Resolutions, and the Utah Code.

The Town Clerk shall attend and take the minutes for all Town Meetings. At no time shall any relative to any Town Council or Commission member take minutes or act as Town Clerk. In the absence of a Town Clerk, a volunteer from residents present at the meeting will be permitted to take the minutes by affirmation of the Council or Commission if a Commission Meeting.

In accordance with Utah Codes, any person may record any open meeting conducted by any Town Entity as long as they do not interfere with the meeting.

ROLES OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:

- The Mayor shall:
 - Preside at meetings of the Town Council. If the Mayor is absent from the meeting, a Mayor Pro-temp shall be voted upon by the rest of the City Council and assume the role of Mayor for that meeting.

- Participate in discussion of all matters.
- Vote as a member of the Council and shall have no power to veto.

In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Town Council's rules of procedure are followed, all Town Ordinances and Resolutions of the Town are followed, and all State of Utah Codes and Regulations are followed;

and:

- For maintaining the dignity of Council meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Council members for motions and statements and may permit audience and staff participation at appropriate times.
- Requires knowledge of the Town's adopted rules of parliamentary procedure and how to apply them.
- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to *courteously* discourage Council members who talk too much or too often.
- Knows how to *courteously* ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Council member offering the motion, restates the motion, presents it to the Council for consideration, calls for the vote, announces the vote, and then announces the next order of business.

CODE OF CONDUCT FOR TOWN COUNCIL AND MAYOR:

Town Council members including the Mayor shall:

- Make sure remarks apply to the question under debate.
- Avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought any bias or partiality to a question before the Town Council.
- Declare all Conflicts of Interest before deliberations on a particular item begin. If the conflict is such that a council member will not be voting on an item, they shall excuse themselves from the discussion before deliberations begin.
- Be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- Be dedicated to the effective use of the Town's available resources.
- Refrain from any activity that would hinder their ability to be objective and impartial.
- Refrain from making statements, quoting laws, or generally verbalizing anything without knowledge that their statement is factual. Violations that are deemed flagrant by the Town Council, and should have been known by the Council Member to not be true, may cause that Council Member to receive a public censure or a warning.

- Insure that Town business is discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized and voted into session by the Council. Before a vote can be taken the rationale for the Executive Session must be stated for the record.

ETHICS:

The mayor and council members shall comply with the Utah Municipal Officers and Employees Ethics Act as found in Utah Code 10-3-1301 et seq.

The Mayor and Town Council members shall always err on the side of caution in matters of Ethics.

PARLIAMENTARY RULES:

The following may be referred to as the Town's Rules of Order and shall be the parliamentary rules for conducting the business of the Town Council. A Council Member, not the Mayor, or a resident of the town that is familiar with the parliamentary rule will serve as the Parliamentarian, and will recommend rulings, upon request by the chair of the meeting, to all points of order raised during the proceedings. Each Rule is followed by a required Procedure and Purpose to explain the Rule and guide the Mayor and Town Council members in its intended application.

RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the Town Council's agreed-upon roadmap for the meeting.

PROCEDURE. Each agenda item will be handled by the Mayor in the following basic format:

First, the Mayor should clearly announce the agenda item number and should clearly state the subject of that agenda item.

Second, following that agenda format, the Mayor should invite the appropriate person or persons to report on the item, including any recommendation that they might have.

The appropriate person or persons may be the Mayor, a member of the Town Council, a staff person, or an invited person charged with providing input on the agenda item.

Third, the Mayor should ask members of the Town Council if they have any technical questions of clarification. At this point, members of the Town Council may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Mayor should invite public comments if at a formal public hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Council may limit the time of each public speaker. At the conclusion of the public comments, the Mayor should announce that the public hearing is closed.

Fifth, the Mayor should invite a motion. The Mayor should announce the name of the member of the Town Council who makes the motion.

Sixth, the Mayor should determine if any member of the Town Council wishes to second the motion. The Mayor should announce the name of the member of the Town Council who seconds the motion. If there is no second then the item will be deemed concluded without decision.

Seventh, if the motion is made and seconded, the Mayor should make sure everyone understands the motion. This is done in one of three ways: (1) The Mayor can ask the maker of the motion to repeat it. (2) The Mayor can repeat the motion. (3) The Mayor can ask the Town Clerk to repeat the motion.

Eighth, the Mayor should now invite discussion of the motion by the Town Council. If there is no desired discussion, or after the discussion has ended, the Mayor should announce that the Town Council will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion

should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it shall be repeated to make sure everyone understands the motion.

Ninth, the Mayor asks for a vote of the council members. All votes on ordinances, resolutions, and any action which would create a liability against the Town or pertains to finances, and in any other case at the request of any member of the Town Council shall be by a "aye" or a "no" rollcall vote and shall be recorded in the minutes as such. Every resolution or ordinance shall be in writing before the vote is taken.

Tenth, the Mayor should announce the result of the vote and should announce what action (if any) the Town Council has taken.

PURPOSE OF THE RULE: The purpose of this rule is to govern how the Mayor chairs the meeting. This is meant to be the rule to guide the Mayor in his or her conduct as a chair. All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the council speaking on an issue, the substance of what the member says, an accurate description of any action taken by the council and the voting record of each individual member of the council.

RULE NO 2: Any matter that requires a Town Council decision or Liability shall be brought before the Council by motion.

PROCEDURE. The procedure for any motion shall be as follows:

First, the Mayor should recognize the member of the Town Council wishing to make a motion.

Second, the member of the Town Council makes a motion by preceding the member's desired approach with the words: "I move" So, a typical motion might be: "I move that we give the Town Attorney a raise in pay."

The Mayor usually initiates the motion by either (1) Inviting the members of the Town Council to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the Town Council. "A motion would be in order that we give the Town Attorney a raise in pay." (3) Reading a motion suggested by the Town Staff and asking if any member would like to make that motion.

Third: The Mayor then asks if any member of the Town Council wishes to second the motion. If there is no second then the item will be deemed concluded without discussion or decision.

PURPOSE OF THE RULE. The purpose of this rule is to limit items under discussion to those and only those that the council members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

RULE NO 3: One matter at a time and one speaker at a time.

PROCEDURE: Only one matter will be discussed at a time. The matter may involve several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Mayor will call upon the person by name. Once a member has been recognized, he has been granted "the floor" and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a councilmember wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to "I have additional comments and wish to retain the floor after this question has been answered."

PURPOSE OF THE RULE. The purpose is to focus on only one subject matter at a time and to allow council members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

RULE NO 4: The Mayor may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes or require a roll call of the council.

PROCEDURE: When the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Mayor pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A council member may object simply because he or she feels it is important to have a formal vote.

Example: The Mayor states, "If there is no objection, we will recess for 10 minutes" The Mayor should then pause to see if any member objects. There being no objection, we will recess for 10 minutes.

If a member objects by stating, "I object" the matter is then put to a vote.

The Mayor states, "An objection being made, the question is shall we recess for 10 minutes. Those in favor, say Aye and those opposed, say No." If the motion is carried, the Mayor would declare that "the Ayes have it and we will recess for 10 minutes."

PURPOSE OF THE RULE. General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

RULE NO 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

PROCEDURE:

The initial motion: The initial motion is the one that puts forward an item for the Town Council's consideration. An initial motion might be: "I move that we give adopt ordinance number 1-2019 as presented."

The motion to amend: If a member wants to change the initial motion that is before the Town Council, they would move to amend it. A motion to amend might be: "I move that we amend the motion to adopt ordinance number 1-2019 with changes in paragraph 1 as follows...." A motion to amend takes the initial motion which is before the Town Council and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion: If a member wants to completely do away with the initial motion that is before the Town Council, and put a new motion before the Town Council, they would move a substitute motion. A substitute motion might be: "I move that we refer ordinance number 1-2019 to the planning commission for its recommendation."

PURPOSE OF THE RULE. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Mayor. So that if a member makes what that member calls a "motion to amend" but the Mayor determines that it is really a "substitute motion" then the Mayor's designation governs.

RULE NO 6. There can be up to three motions on the floor at the same time and no more than three. The Mayor can reject a fourth motion until the Mayor has dealt with the three that are on the floor and has resolved them.

PROCEDURE: When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "Motion to adopt ordinance 1-2019." During the discussion of this motion, a member might make a second motion to "Amend the main motion to adopt ordinance 1-2019 with changes in paragraph 1 as follows...." Perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we refer the matter to the planning commission." The proper procedure would be as follows:

First, the Mayor would proceed with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the Town Council of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Mayor would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Mayor would now proceed with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment. If the motion to amend passed the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Mayor would now proceed with the first motion that was placed on the floor. The original motion would either be in its original format, or, if amended, would be in its amended format.

PURPOSE OF THE RULE: Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering and should satisfy all on the Council.

RULE NO 7: The discussion or debate can continue as long as members of the Town Council wish to discuss an item, subject to the Mayor determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

PROCEDURE. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Town Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor must immediately call for a vote of the Town Council without debate on the motion):

A motion to adjourn. This motion, if passed, requires the Town Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the Town Council to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the Town Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the Town Council: "I move we table this item until our regular meeting in November" or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future Town council meeting except at the order of the Mayor or the request of any two council members. A motion to table an item requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the Town Council makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the Mayor should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the Town Council.

PURPOSE OF THE RULE. Debate and discussion are important, but not so as to dominate the meeting. This rule allows the Mayor by General Consent or the majority of the council to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

RULE NO 8: A 2/3 vote of the Council Members present are required to pass any item before the council.

PROCEDURE. If the mayor and all four members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails

PURPOSE OF THE RULE. Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire council is present and voting then it is not a tie when one member abstains.

RULE NO 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider.

First, is the timing of the motion. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Town Council if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Council unless the number of members of the council present at the special meeting equals or exceeds the number present at the meeting when the action was approved.

Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.

PROCEDURE. If such a member changes their position on a motion, he or she can make the motion to reconsider (any other member of the Town Council may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

PURPOSE OF THE RULE. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Town Council again and again. That would defeat the purpose of finality. If the motion to reconsider passes, then the original matter is back before the Town Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time. A new matter brought before the council that has the effect of repealing or amending a previously decided matter is not considered a motion to reconsider. It is a new matter and should be treated as such.

RULE NO 10: The Mayor and council members shall adhere to the code of conduct.

PROCEDURE. The Mayor, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focus on the agenda item and the policy in question, not the personalities of the members of the Town Council. There are, however, exceptions that are intended to assist the Mayor in keeping order to the meeting. A council member speaker may be interrupted by a council member only for the following reasons and in the form set forth below:

Privilege. The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the council or any individual

is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks.

Order. The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Mayor makes a ruling that a member of the Town Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed. An example could be that the shuts off discussion before the council is ready.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the Town Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Town Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

Withdraw a motion. To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

PURPOSE OF THE RULE. Debate and discussion should be focused, but free and open. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including members of the Town Council. A council member may continue speaking on a majority vote of the Council. The rules of order are meant to create an atmosphere where the members of the Town Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the Town Council to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Mayor before proceeding to speak.

RULE NO 11. Meetings will end promptly at 9:00 pm on regular council nights. Meeting location restraints condition this.

PROCEDURE: When the meeting comes to 8:57 pm, the Mayor will ask for a stay in the discussion currently on the table and will ask for a motion that meeting be adjourned.

PURPOSE OF THE RULE: Meetings should be informative, constructive, and concise. Repetitive discussion should be kept to a minimum as the business of the Town takes center stage. Respect for the time of staff members and elected officials should be of the highest concern.

RESIDENTS' RIGHT TO BE HEARD:

It is the Town Council's goal that residents of the Town resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that the Town's staff is very limited. Therefore, residents may from time to time believe it is necessary to speak to the Town Council on matters of concern. Accordingly, the Town Council expects any person presenting to the Town council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Mayor.
- Public comments will only be heard during the Public Comment portion of the meeting unless the purpose of the meeting is a Public Hearing or a member of the public is asked to speak on a matter by the mayor.
- Speakers must state their name and address for the record.

- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to four (4) minutes unless prior approval by the Mayor.
- Any member of the Town Council may ask questions or ask the speaker to continue.
- If a handout is offered to the Council from a speaker, it shall be added to the minutes upon the request of any one member of the Town Council.
- If a representative is elected to speak for a group, the Mayor may approve an increased time allotment. If the Mayor does not approve an increase, the Mayor may be overruled by two members of the Town Council.
- Personal attacks made publicly toward any person or Town employee are not allowed. A personal mention shall not be deemed an attack if the subject of the statement is in any public record or common knowledge.

Any member of the public, or the Town Council, interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and may be expelled from the meeting upon a two thirds vote of the Town Council.