



HUNTSVILLE TOWN  
RESOLUTION NO: 2019-1-17-B

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Gail Ahlstrom

Treasurer  
Linda Laws

Attorney  
Bill Morris

**A RESOLUTION OF HUNTSVILLE TOWN, UTAH, ADOPTING RULES OF PROCEDURES IN ACCORDANCE WITH UTAH CODE §10-3-606; AND SPECIFYING THE EFFECTIVE DATE.**

**WHEREAS**, Huntsville Town (hereafter "Town") is a municipal corporation duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated §10-3-606* requires the Town to adopt certain rules of procedure and order;

**WHEREAS**, *Utah Code Annotated §10-3-717* authorizes the Town to adopt such rules by resolution;

**WHEREAS**, the Town desires to comply with state law;

**NOW, THEREFORE**, be it resolved by the Town Council of Huntsville Town, Utah, as follows:

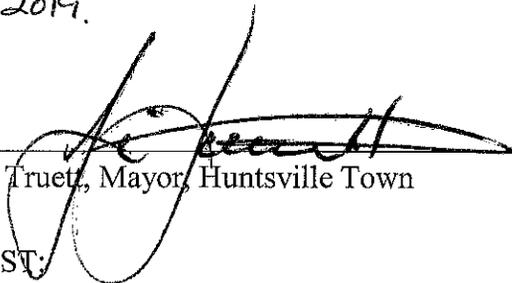
**Section 1. Rules of Procedure and Order.**

The Rules of Procedure and Order as attached as Exhibit "A" are hereby adopted and incorporated herein by this reference.

**Section 2. Effective Date.**

This Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED by the Huntsville Town Council this 17<sup>th</sup> day of Jan, ~~2018~~ 2019.

  
James Truett, Mayor, Huntsville Town

ATTEST:  
  
Beckki Endicott, Recorder, Huntsville Town



## **Exhibit "A"**

### **RULES OF PROCEDURE AND ORDER**

In accordance with *Utah Code Annotated* §10-3-606, Huntsville Town Council, as a legislative body, adopts these Rules of Procedure and Order (hereafter "Rules") to provide for the systematic and orderly conduct of the Town business by the Town Council and Planning Commission. It is the objective of these Rules to assist in providing full, open, and comprehensive debate of issues brought before the Town Council or Planning Commission for action in a forum open to the public, and which encourages citizens' awareness of Town Council and Planning Commission activities. The Town Council and Planning Commission are collectively referred to as the "Public Body."

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

### **RULES OF PROCEDURE**

#### **TOWN COUNCIL MEETING AGENDA**

All meetings of the Town Council and Planning Commission will comply with these Rules and have a notice and agenda that complies with the Utah Open Meetings Act.

An "Item" may be placed on the agenda by the Mayor, at the request of any council member, the Town Clerk, or Town Attorney. For the Planning Commission and "Item" may be placed on the Agenda by the Presiding Officer, Town Clerk, or Town Attorney.

Agenda Items must be submitted to the Town Clerk at least one week before the date of the meeting, except in extraordinary cases where an item may be added by the Presiding Officer 24-hours prior to a meeting. Any item that is submitted to the Town Clerk that is not a week in advance will be put on the next following meeting agenda. A requestor shall also notify the Mayor of the added agenda item.

#### **ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:**

- The Mayor or Planning Commission Chair (or their successor provided by law) shall serve as the "Presiding Officer" at their respective meetings before either the Town Council or Planning Commission.
- Participate in discussion of all matters.
- The Presiding Officer shall vote as a member of the Public Body provided by state law, and shall have no power to veto.

In addition, the Presiding Officer has the primary responsibility for ensuring that the Public Body's Rules are followed and:

- For maintaining the dignity of the Public Body and meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the Town's adopted Rules and how to apply it.
- Ensures compliance with the Utah Open and Public Meetings Act.
- Knows how to courteously discourage 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 Rules.
- Recognize a member offering a motion, restate the motion, presents it to the Public Body for consideration, calls for the vote, announces the vote, and then announces the next order of business.

#### **CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:**

- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall 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 bias or partiality to a question before the Public Body.
- Shall 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.
- Shall be dedicated to the effective use of the Town's available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- Town business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

#### **"RULES OF ORDER" -- PARLIAMENTARY RULES**

The following Rules of Order shall be the parliamentary rules for conducting the business of any public body. The Town Attorney will serve as the Parliamentarian and will recommend rulings during the proceedings. Each Rule is followed by a recommended Procedure and Purpose to explain the Rule and guide the Mayor and council members in its intended application.

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

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

First, the Presiding Officer should clearly announce the agenda item number and should clearly state what the agenda item subject is.

Second, following that agenda format, the Presiding Officer 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 Presiding Officer, a member of the Public Body, a staff person, or an invited person charged with providing input on the agenda item.

Third, the Presiding Officer should ask members of the Public Body if they have any technical questions of clarification. At this point, members of the Public Body 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 Presiding Officer should invite public comment if at a formal 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 Presiding Officer may limit the time of public speakers. At the conclusion of the public comments, the Presiding Officer should announce that the public hearing is closed. For a regularly scheduled agenda item, the Presiding Officer may invite public comment.

Fifth, the Presiding Officer should invite a motion. The Presiding Officer should announce the name of the member of the Public Body who makes the motion.

Sixth, the Presiding Officer should determine if any member of the Public Body wishes to second the motion. The Presiding Officer should announce the name of the member of the Presiding Officer 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 Presiding Officer should make sure everyone understands the motion. This is done in one of three ways: (1) The Presiding Officer can ask the maker of the motion to repeat it. (2) The Presiding Officer can repeat the motion. (3) The Presiding Officer can ask the Town Clerk, or designee, to repeat the motion.

Eighth, the Presiding Officer should now invite discussion of the motion by the Public Body. If there is no desired discussion, or after the discussion has ended, the Presiding Officer should

announce that the Public Body 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 is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Presiding Officer takes a vote. All votes for purposes of the meeting minutes shall be by voice vote or roll call as provided by law. Roll call votes are required to approve any Ordinance, Resolution, or any matter that creates a liability for the Town.

Tenth, the Presiding Officer should announce the result of the vote and should announce what action (if any) the Public Body has taken.

**PURPOSE OF THE RULE.** 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 Public Body decision shall be made by motion.**

**PROCEDURE.** The procedure for any motion shall be as follows: First, the Presiding Officer should recognize the member of the Public Body. Second, the member of the Public Body makes a motion by preceding the member's desired approach with the words: "I move...." Therefore, a typical motion would state: "I move to approve (or recommend approval for Planning Commission) Ordinance ABC-123."

The Presiding Officer usually initiates the motion by either: (1) Inviting the members of the Public Body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the Public Body. "A motion would be in order that we adopt the Ordinance." (3) Making the motion. As noted, the Presiding Officer has every right as a member of the Public Body to make a motion, but should normally do so only if the Presiding Officer wishes to make a motion on an item but is convinced that no other member of the Public Body is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the Town Staff.

**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 question at a time and one speaker at a time.**

**PROCEDURE.** Only one question will be discussed at a time. The question may have 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 Presiding Officer 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 member 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 question and to allow 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 Presiding Officer may use General Consent with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the Public Body.**

**PROCEDURE.** When the Presiding Officer feels the Public Body is all in unanimous agreement, the Presiding Officer asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Presiding Officer 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 member may object simply because he or she feels it is important to have a formal vote.

Example: The Presiding Officer states, “If there is no objection, we will recess for 10 minutes, [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 Presiding Officer states, "An objection being made, the question is shall we recess for 10 minutes? Those in favor of the 10 minute recess say 'Aye.' Those opposed, say 'No.' The Ayes have it and we are in 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 Motion, Motion to Amend, and Substitute Motion.**

**PROCEDURE.** The initial motion is the one that puts forward an item for the Public Body's consideration. An initial motion might be: "I move that we adopt Resolution ACB-123 as presented."

If a member wants to change the initial motion that is before the Public Body, they would move to amend it. A motion to amend might be: "I move to amend the motion to adopt Resolution ABC-123 with a change in paragraph 1 as follows..." A motion to amend takes the initial motion which is before the Public Body 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.

If a member wants to completely do away with the initial motion that is before the Public Body, and put a new motion before the Public Body, they would move a substitute motion. A substitute motion might be: "I move that we refer Resolution ABC-123 to the Town Staff for correction and 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 Presiding Officer. So that if a member makes what the member calls a "motion to amend", but the Presiding Officer determines that it is really a "substitute motion", then the Presiding Officer'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 Presiding Officer can reject a fourth motion until the Presiding Officer 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 ABC-123.” During the discussion of this motion, a member might make a second motion to “amend the main motion to adopt Ordinance ABC-123 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 staff.” The proper procedure would be as follows:

First, the Presiding Officer would deal 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 Public Body 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 Presiding Officer 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 Presiding Officer would now deal 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 Presiding Officer would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Presiding Officer would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Presiding Officer would now deal 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 to satisfy those who want to be clever while allowing the slow to still keep up.

**RULE NO. 7: The debate can continue as long as members of the Public Body wish to discuss an item, subject to the Presiding Officer determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a 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 Public Body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Presiding Officer must immediately call for a vote of the Public Body without debate on the motion):

A motion to adjourn. This motion does not require a second, if passed, requires the Public Body 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 Public Body 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 Public Body 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 Public Body: "I move we table this item until our regular meeting in October." 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 meeting except at the order of the Presiding Officer or the request of any two 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 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 Presiding Officer 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 Public Body.

**PURPOSE OF THE RULE.** Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Presiding Officer, by General Consent, or the majority, 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: Three yes votes are required to pass any item before the Town Council with limited exceptions. The exceptions include a motion to go into closed session (executive session) which requires a 2/3 vote of the members present.**

**PROCEDURE.** If the Mayor and all five members of the Town Council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. The Mayor is entitled to vote. The Planning Commission takes action by a majority vote of the quorum present at the public meeting.

**PURPOSE OF THE RULE.** Utah statues set out both the number of the quorum and the minimum vote required on any issue for the Town Council. This rule is meant to clarify that when the entire Town Council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and a tie vote does not pass and Item before the Town Council.

**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 timing. 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 Town 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 has a change of heart, 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 and allowing the correction of errors. 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.

The Planning Commission is a recommendation body and surrenders jurisdiction to the Town Council upon making a recommendation. Therefore, the Planning Commission cannot make a motion to reconsider.

**RULE NO. 10: The Presiding Officer and Members shall adhere to the code of conduct.**

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

**Privilege.** The proper interruption would be: "point of privilege." The Presiding Officer 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 Public Body 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 Presiding Officer 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 Presiding Officer moved to vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the Presiding Officer makes a ruling that a member of the Public Body disagrees with, that member may appeal the ruling of the Presiding Officer. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Presiding Officer is deemed reversed.

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 Public Body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Presiding Officer discovers that the agenda has not been followed, the Presiding Officer simply reminds the Public Body to return to the agenda item properly before them. If the Presiding Officer fails to do so, the Presiding Officer'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 Presiding Officer may, however, limit the time allotted to speakers, including members of the Public Body. A member may continue speaking on a majority vote of the Public Body. The Rules are meant to create an atmosphere where the members and the public can attend to business efficiently, fairly, and under rules of participation. At the same time, it is up to the Presiding Officer and the members of the Public Body to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Presiding Officer before proceeding to speak.

#### **GUEST RULES – VISITOR AND RESIDENT RIGHT TO BE HEARD**

Visitors and residents are guests at a meeting before a Public Body. It is recognized that guests may from time to time believe it is necessary to speak to the Town Council or Planning Commission on matters of concern. Accordingly, the Public Body expects any person presenting to the Public Body to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending. Further, it is the policy of the Town Council that complaints involving any volunteer or employee performance be resolved by the administration with staff or the Mayor directly and not before the Town Council or Planning Commission, except where authorized by the Mayor.

- No member of the public shall be heard unless recognized by the Presiding Officer.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the Presiding Officer.
- Speakers must state their name for the record.
- Any guest requesting to speak is limited to matters of fact regarding the issue of concern.
- Comments are limited to three (3) minutes, unless approval for additional time is granted by the Presiding Officer.

- If a representative is elected to speak for a group, the Presiding Officer may approve an increased time allotment.
- Personal attacks made publicly toward any person, volunteer, staff, or employee is not allowed. Speakers are to bring their complaints regarding such through the supervisory chain-of-command or in accordance with the Town's Personnel Policies.
- Any member of the public interrupting the proceedings of a Public Body, approaching the dais without permission, or otherwise creating a disturbance, or failing to abide by these Rules in addressing the Public Body, shall be deemed to have disrupted a public meeting and, at the direction of the Presiding Officer, shall be removed from the chambers by law enforcement personnel or other agent designated by the Town.

## **VII. SUMMARY OF APPLICABLE STATE LAWS**

*Utah Code §10-3-502* – Regular and special council meetings.

*Utah Code §10-3-504* – Quorum defined.

*Utah Code §10-3-505* – Compelling attendance at meetings of legislative body.

*Utah Code §10-3-506* – How the vote is taken.

*Utah Code §10-3-507* – Minimum vote required.

*Utah Code §10-3-508* – Reconsideration.

*Utah Code §10-3-601* – Business of governing body conducted only in open meeting.

*Utah Code §10-3-606* – Rules of procedure and conduct.

*Utah Code §10-3-607* – Rules of conduct for members of the governing body.

*Utah Code §10-3-608* – Rules of conduct for the public.