

SARATOGA SPRINGS CITY COUNCIL

BYLAWS, RULES OF ORDER, AND PROCEDURES

1. PURPOSE.

These policies and procedures are designed and adopted for the purpose of providing guidelines for the members of the Saratoga Springs City Council in the performance of their duties and conducting their meetings. The City Council shall be governed by the provisions of state law, city ordinances, and these rules. These rules shall not provide an independent basis or cause of action for invalidating or in any way altering a final decision of the council unless otherwise provided by city ordinance or state Law. In the event of a conflict between the provisions herein and city ordinance or state law, the stricter or more specific provision shall apply. "Council member" or "Council" as used herein shall mean any member of the City Council including the Mayor.

2. ROLE OF COUNCIL AND OTHER OFFICERS.

a. Mayor.

- i. To preside at all meetings of the Council and provide general direction for the meetings;
- ii. To call the Council to order and proceed with the order of business;
- iii. To announce the business before the Council in the order in which it is to be acted upon;
- iv. To receive and submit in the proper manner all motions and propositions presented by the members of the Council;
- v. To put to vote all questions that are properly moved or necessarily arise in the course of proceedings and to announce the results of the vote;
- vi. To vote only in the case of a tie or as otherwise provided in state law or city ordinance;
- vii. To inform the Council on any point of order or practice (may call upon legal counsel for advice);
- viii. To authenticate by signature all acts, orders, and proceedings of the Council;
- ix. To maintain order and dignity at meetings of the Council;
- x. To move the agenda along and reduce redundancy; and
- xi. To recognize speakers and Council members prior to receiving comments and presentation of evidence.

b. Mayor Pro Tem.

- i. The Mayor Pro Tem, during the temporary absence of the Mayor (as provided in City Code § 2.02.01), shall have and perform all the duties and function of the Mayor.

c. City Recorder. The City Recorder shall serve as the secretary of the Council. The City Recorder shall have the following duties:

- i. To give notice of all City Council meetings;
- ii. To keep and record accurate minutes of the proceedings of the City Council;
- iii. To keep and maintain a permanent record of all vital documents and papers pertaining to the work of the Council;
- iv. To sign the meeting minutes after the minutes have been approved by the City Council; and
- v. To perform such other duties as may be required.

d. Council members.

- i. **Meeting Attendance.** Every member of the Council shall attend the sessions of the Council unless duly excused or unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the City Recorder. The City Recorder shall call the same to the attention of the City Manager and Mayor.

3. RULES OF ETHICS, CONDUCT, AND DECORUM.

a. Ethics and Conflicts.

- i. The Council shall follow the standards of conduct for municipal officers and employees and disclose actual or potential conflicts of interest as provided for in the Municipal Officers' and Employees' Ethics Act.

b. Council Member Removal.

- i. **From Meetings.** A Council member may be expelled from a meeting for disorderly conduct upon the vote of three members of the Council. The Mayor may vote in such a case.
- ii. **From Office.** A Council member may be removed from office in accordance with state law.

c. Treatment of Information.

- i. It is important to differentiate between Council information that belongs to the public and Council information that does not.
- ii. Generally, final reports and official records of city departments must be open on an equal basis to all inquiries.
- iii. Letters, emails, and memoranda from legal counsel should be kept confidential so as not to waive the attorney-client privilege.
- iv. Information considered private, controlled, or protected that is learned in the course of performing Council duties must be treated in confidence if specifically dictated by state law. This information may become public when an application for official action is submitted. In such a case, a Council member should consult with the City Attorney to determine whether such information has become public.
- v. In the case of an administrative decision (as compared to a legislative or executive decision), the applicant should receive copies of all written

reports, data, memoranda, studies, and correspondence—unless such written information is privileged or confidential—that is obtained or used by the City Council in making a decision as to that application. This is required to protect the applicant’s due process rights, provide the applicant with notice, and allow the applicant an opportunity to address or rebut the written information. This does not apply to drafts or writings that are in progress.

d. Decorum.

- i. Council members shall not engage in personal attacks and shall respect the viewpoints of staff, the public, and other Council members.
- ii. Council members shall restrict comments to issues before the body.
- iii. Council members shall avoid engaging in private discourse or other actions that may distract the attention of the Council or the audience from the business at hand or that might interfere with a person’s right to be heard after recognition by the Mayor.
- iv. Council members shall demonstrate courtesy and not disrupt meetings.
- v. Violations of decorum or conduct of Council members shall be addressed by the Mayor, who may declare a Council member out of order.

4. MEETINGS.

a. Definitions.

- i. **“Closed Meeting”** means a meeting that is properly closed in accordance with the Utah Open and Public Meetings Act that is part of a regular meeting, special meeting, or emergency meeting.
- ii. **“Emergency Meeting”** means a meeting of an urgent or emergency nature that meets the requirements of the Utah Open and Public Meetings Act.
- iii. **“Regular Meeting”** means a meeting listed on the City Council’s annual meeting schedule that meets the requirements of the Utah Open and Public Meetings Act.
- iv. **“Special Meeting”** means a meeting to consider matters of a non-emergency or non-urgent nature that is not listed on the City Council’s annual meeting schedule and that meets the requirements of the Utah Open and Public Meetings Act.
- v. **“Quorum”** means three members of the Council, excluding the Mayor.

b. Types of Meetings.

- i. **Regular Meetings.** The Council shall hold regular meetings at least once each month. The Council shall adopt a regular meeting schedule on an annual basis. Regular meetings may include work sessions and/or policy sessions.
- ii. **Special Meetings.** The Mayor or two Council members may order the convening of a special meeting of the Council. Each order shall be entered in the minutes of the Council and provide at least three hours’ notice to each

Council member of the meeting. The City Recorder 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 residence. The special meeting shall otherwise comply with the noticing requirements of the Utah Open and Public Meetings Act. Any action taken by the Council may not be reconsidered or rescinded at any special meeting unless the number of members of the Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

- iii. **Emergency Meetings.** An emergency meeting to consider matters of an emergency or urgent nature may be held if unforeseen circumstances make it necessary to do so. In such an event, in accordance with the Utah Open and Public Meetings Act, the Council must give the best notice practicable of the time and place of the emergency meeting and the topics to be considered at the emergency meeting. An emergency meeting may not be held unless an attempt has been made to notify all of the Council members and a majority of the Council members, not including the Mayor, approves the meeting.
- iv. **Closed Meetings.** Closed meetings may be held for the purposes and by following the procedures listed in Utah Code §§ 52-4-101—305. In accordance with this section, the closed meeting may be held upon a vote by two-thirds of the Council members present, not including the Mayor, so long as a quorum is present. After conclusion of the closed meeting, no vote is required to resume to a public (open) session. In such a case, the Mayor or Mayor Pro Tem shall announce the end of the closed meeting and the resumption of the public session.

c. Agenda.

- i. A written agenda for each meeting shall be prepared under the direction of the City Manager. In the event any member of the Council desires to add an item or items to any prepared agenda, consent must be obtained from: (a) another Council member; or (b) the Mayor. The Mayor may also add an item to the agenda. Upon receiving the request, the City Manager shall add or delete the requested items to the prepared agenda.
- ii. Any member of the public may place an item on the agenda upon the approval of: (a) the City Manager; (b) two Council members, which may include the Mayor; or (c) the Mayor. The City Manager, Mayor, and Council members shall not unreasonably deny a request.

d. Serious Moment of Reflection.

- i. Each City Council Meeting may begin at the direction of the Mayor with a serious moment of reflection comprised of a prayer, supplication, moment of silence, inspirational thought, inspirational reading, etc. The serious moment of reflection will be led by a member of the City Council only.
- ii. A member of the public may give a serious moment of reflection during the general public comment period, if any public comment period is held. A

member of the public giving a moment of reflection shall adhere to the following rules:

- (a) The serious moment of reflection shall not exceed three minutes;
- (b) The presenter must be in attendance in person and prepared to proceed when or if the public comment period is opened;
- (c) The presenter must abide by the City Council's rules of decorum as set forth in Section 3;
- (d) The serious moment of reflection may consist of a prayer, supplication, inspirational thought, inspirational reading, a moment of silence, or other appropriate activity;
- (e) The serious moment of reflection should not disparage the beliefs of others;
- (f) The serious moment of reflection should not demean, insult, or degrade any person; and
- (g) The serious moment of reflection should not be crude, vulgar, or offensive to the public sense of decency.

e. Public Hearings.

- i. Public hearings are generally part of a regular meeting and shall consist of those items the Council is legally required to hold a hearing for or for items the Council wishes to receive public input on.
- ii. The City Manager shall automatically schedule matters that state law or city ordinance requires a public hearing. Upon the request of three or more Council members, or two Council members and the Mayor, the City Manager may schedule a public hearing on any other topic.
- iii. Public hearings will be held after providing proper notice as required by state law or city ordinance.
- iv. When a public hearing is held, a member of city staff having knowledge about the issue will first present information on the issue and answer questions.
- v. The Mayor will then call upon the applicant to make a short presentation about the item on the Council agenda.
- vi. Following comments from the applicant, the Mayor will declare the public hearing as opened or convened. No motion is needed to open or convene the public hearing.
- vii. At that point, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council or before any motion is made. The Mayor may provide a time limit for those addressing the Council during a public hearing and may limit redundant, irrelevant, or inappropriate comments from the public. The applicant should not speak during the public hearing. Each individual who speaks during the public hearing shall state his or her name before proceeding.
- viii. Upon conclusion of the public comment, the Mayor will announce the closure of the public hearing. No motion is needed to close the public

hearing. ix. The Council may vote to continue a public hearing to a future specified date, time, and location if there is insufficient time to take all public comment.

- x. After the public hearing is closed, the Council may proceed with discussion on the matter at hand. As part of the discussion, the Council shall offer the applicant an opportunity to address comments made by the public and to answer questions asked by the Council.
- xi. When discussion by the Council is finished, a motion may occur in accordance with subsection 4.h.

f. **Quorum.** Three members of the Council (not including the Mayor, and including the Mayor Pro Tem if the Mayor is not present) shall constitute a quorum thereof for the transaction of all business except where otherwise required.

g. **Content.**

- i. Discussions in the meetings are to be limited to agenda items and issues reasonably related thereto.
- ii. Comments or presentation by the public that are redundant, irrelevant, or inappropriate may be limited by the Mayor.
- iii. In order to ensure that the meetings proceed timely and orderly, the Mayor may impose a time limit on those desiring to address the Council.
- iv. At the discretion of the Mayor, groups desiring to address the Council may be asked to select a spokesperson. A group shall be defined as an assembly of three or more people in attendance with similar viewpoints on a given issue. The names of each member of the group shall be provided to the City Recorder as well as the name of the spokesperson of the group. This information must be provided prior to the spokesperson being allowed to address the Council.
- v. Any person who exceeds a time limit, shows disrespect to any person attending or participating in the meeting, is disruptive, violates any law, or discusses irrelevant, redundant, or inappropriate issues may be removed at the direction of the Mayor.

h. **Motions.**

- i. **Making Motions.** Any Council member, except for the Mayor, may make or second a motion. Motions should state findings for denial or approval within the motion. Council members may adopt by reference any findings contained in staff reports if the Council members have reviewed and agree with those findings and so state on the record. All motions shall be repeated if directed by the Mayor.
- ii. **Second Required.** Each motion of the Council must be seconded by a member of the Council. The Mayor is not allowed to second a motion. A motion that is not seconded is considered failed.
- iii. **Withdrawing a Motion.** After a motion is made and seconded, it shall be deemed in the possession of the Council, but it may be withdrawn at any time

before decision or amendment by the consent of the author and Council member who seconded the motion.

- iv. **Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and, whenever feasible, a specific date to rehear the matter. The item should be placed on the next available Council agenda if feasible.
- v. **Amending Motions.** When a motion is pending before the Council, any Council member may suggest an amendment without a second at any time prior to the Mayor calling for a vote on the motion. The amendment must be accepted by the author and the member that seconded the motion in order to amend the stated motion.
- vi. **Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion. The substitute motion must be accepted by the author and the member that seconded the motion in order to substitute the stated motion. If not accepted, the member making the substitute motion shall wait until after a vote on the original motion to make a new motion.
- vii. **Reconsidering a Motion.** To recall a previous motion for further evaluation or action, a motion for reconsideration may be made by a Council member who voted with the majority. The motion to reconsider must pass with a minimum of three votes. If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Council. Motions to reconsider a previous motion should normally take place during the same meeting the motion was made.
- viii. **Recesses.** No motion is necessary to break for a short recess. In such a case, the Mayor shall announce that the Council is taking a break and announce the time the Council will reconvene. In addition, one or more Council members may take a short recess so long as a quorum remains in attendance.
- ix. **Adjourn.** No motion is necessary to adjourn a meeting. In such a case, the Mayor shall announce the adjournment of the meeting.

i. Voting.

- i. **Number of Votes Required.** Unless otherwise provided by state law, City ordinances, or herein, the minimum number of votes required to make a determination on any item presented to the Council or to transact any business before the Council shall be three votes so long as a quorum is present.
- ii. **Changing a Vote.** No member shall be permitted to change his or her vote after the decision is announced by the Mayor, unless a motion for reconsideration or a substitute motion is made and approved as provided herein.
- iii. **Tie Votes.** Tie votes shall be broken by the Mayor casting a vote.
- iv. **Conflict of Interest, Disqualification.** If required to be disqualified from voting by the Municipal Officers' and Employees' Ethics Act because of a

conflict of interest or other reason, a disqualified Council member shall leave the room and not participate in the discussion or vote of that particular item.

v. **Roll Call Required.** A roll call vote shall be required for the following types of actions:

1. ordinances;
2. resolutions;
3. actions that would create a liability for the City;
4. action on an item when a Council member specifically requests a roll call; and
5. action on an item for which a Council member is participating electronically.

5. MISCELLANEOUS.

- a. **Additional Guidelines.** In addition to these policies and procedures, the Council may invoke additional guidelines as necessary to address issues as they arise so long as they are consistent with the nature and intent herein.
- b. **Amendments.** These rules may be amended at any policy meeting of the City Council by affirmative vote of the majority of the entire Council, not including the Mayor, provided that the amendment has been presented in writing to the Council, City Manager, and City Attorney at least 48 hours preceding the meeting at which the vote is taken. Proposals to amend these rules shall also be properly noticed under the Utah Open and Public Meetings Act.