

A RESOLUTION AMENDING THE CITY COUNCIL MEETING
POLICIES AND PROCEDURES.

WHEREAS, U.C.A. §10-3-606 requires city councils to adopt rules of order and procedure governing the conduct of city council meetings; and


WHEREAS, the Orem City Council periodically reviews its City Council Meeting Policies and Procedures to comply with State law and to consider amendments that help facilitate efficient and fair public meetings; and

WHEREAS, the Orem City Council reviewed the City Council Meeting Policies and Procedures in a work session on September 8, 2020 and desire to make the changes specified in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby adopts the proposed amendments to the City Council Meeting Policies and Procedures that are attached hereto as Exhibit "A" and incorporated herein by reference.
2. All resolutions and policies in conflict herewith are hereby repealed.
3. This Resolution shall take effect immediately upon passage.

PASSED and APPROVED this **29th** day of **September**, 2020.


Richard F. Brunst, Jr., Mayor

ATTEST:


JoD'Ann Bates, City Recorder



COUNCILMEMBER

AYE NAY ABSTAIN

Mayor Richard F. Brunst
Jeff Lambson
Debby Lauret
Tom Macdonald
Terry Peterson
David Spencer
Brent Sumner

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EXHIBIT A

CITY COUNCIL MEETING POLICIES AND PROCEDURES

1. PURPOSE

- 1.1 Meeting Policies and Procedures: These Meeting Policies and Procedures of the City Council of the City of Orem are intended for the government of the City Council, the preservation of order, and the orderly transaction of City Council business.

2. AUTHORITY

- 2.1 City Code: The City of Orem Code provides that the Council may determine its own procedure policies. These policies shall be in effect until such time as they are amended or new policies are adopted by the City Council. Portions of these policies may be temporarily suspended or amended pursuant to executive orders or emergency proclamations made during a declared emergency. In case of conflict between State law and these policies, State law shall prevail. Failure to follow these policies does not invalidate an otherwise valid City Council action.

3. GENERAL RULES

- 3.1 Public Meetings: All official meetings of the Council (except where State or local law allows for closed sessions) shall be open to the public.
- 3.2 Location: The location of all regular, special, emergency, and work session meetings, unless publicly noticed differently, shall be in the Council Chambers or the Council Conference Room in the Orem City Center, 56 North State Street, Orem, Utah.
- 3.3 Quorum: Four members of the Council shall constitute a quorum. A minimum of four votes shall be necessary to take any action, except where more votes are required by Section 7.2, or fewer votes are required pursuant to State law.
- 3.4 Recognition by the Mayor: All Council members, staff, and individuals from the general public shall be recognized by the Mayor before addressing the Council on any issue.
- 3.5 Minutes: The City Recorder shall prepare minutes of each City Council meeting and the City Council shall review and approve minutes of each City Council meeting as set forth in State law.
- 3.6 Meeting Agendas: The City Manager shall set a meeting agenda in advance of each City Council meeting. The following items shall be included in the meeting agenda:
 - A. Items requiring City Council review or approval pursuant to an application process set forth in City ordinance or State law.
 - B. Items brought forth by City staff and approved by the City Manager that require City Council review or approval.
 - C. Items requested by the concurrence of at least four Council members.

4. TYPES OF MEETINGS

- 4.1 Regular Meetings: The Council shall meet in accordance with the annual meeting schedule as approved or as amended.
- 4.2 Special Meetings: Special City Council meetings may be called with the consent of at least four members of the Council.
- 4.3 Emergency Meetings: Emergency Meetings may be called by the Mayor or by a request of at least four members of the Council to consider matters of an emergency or otherwise urgent nature. The best practicable public notice shall be given for an Emergency Meeting.
- 4.4 Closed Door Meetings: The Council may adjourn to a Closed Door Meeting to discuss topics provided for under State law. Adjournment to a Closed Door meeting requires a two-thirds vote of the Council members present.
- 4.5 Work Sessions: The Council may meet informally in Work Sessions (open to the public) to review and discuss upcoming agenda items, to review City programs, to receive progress reports on current programs or projects, and to discuss policy issues. No final vote may be taken in a Work Session, although the Council may give general direction to staff regarding items not requiring a vote or items that will be brought back later for a formal vote.
- 4.6 Retreats: The Council may meet informally in Retreats (open to the public) to discuss a variety of issues facing the City. While broad general direction may be given, no final vote may be taken in a Retreat.
- 4.7 Electronic Meetings: The City Council may conduct electronic meetings where one or more of its members participate by means of a telephonic or telecommunications conference pursuant to Section 52-4-207 of the Utah Code. If the Mayor determines in writing that meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location, all requirements related to anchor locations listed below shall be waived and the City Council may conduct an electronic meeting without an anchor location pursuant to State law and subsection 4.7(K).
 - A. Members so participating shall be considered present at the meeting for all purposes, and shall be afforded every opportunity to participate in the discussion of the items on the agenda and cast their vote on issues coming to the Council for a vote.
 - B. The anchor location as described in State law shall be the Orem City Council Chambers or the Council Conference room located in the City Center at 56 N. State Street in Orem.
 - C. Public notice of the electronic meeting shall be given pursuant to Section 52-4-207 of the Utah Code by:
 1. Posting written notice at the anchor location;
 2. Posting notice on the Utah Public Notice Website; and
 3. Providing written or electronic notice to (a) at least one newspaper of general circulation within the state; or (b) a local media correspondent.
 - D. In addition to giving public notice as described above, the City shall provide notice of the electronic meeting to the members of the City Council at least 24 hours before the meeting so that they may participate in the meeting and be counted as present for all purposes, including the determination that a quorum is present. All notices to the City Council shall include a statement that one or more members of the City Council will be

participating electronically, a description of how the member(s) so participating will be connected to the electronic meeting, and the regularly published agenda for that meeting.

- E. No council meeting may be held electronically unless at least one Council member is present at the anchor location. The meeting shall be conducted from the anchor location by the mayor or the mayor pro tem. However, if neither the mayor nor the mayor pro tem is present at the anchor location, the Council shall select from its membership at the anchor location a mayor pro tem for the sole purpose of conducting the electronic meeting.
- F. Immediately prior to opening the meeting, the mayor or mayor pro tem shall communicate with the person who is participating electronically and ensure that he or she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line shall be kept open, unless the council member participating electronically wishes to withdraw from the meeting.
- G. If a council member who participates electronically withdraws from the meeting, the rest of the meeting agenda may be completed provided there is still a quorum of the council present at the anchor location or there are sufficient other council members participating electronically to comprise a quorum with those at the anchor location.
- H. The public may attend and monitor the open portions of the meeting at the anchor location, and may participate in all public hearings to the same extent normally allowed.
- I. Prior to taking a vote on any issue, the mayor or mayor pro tem shall inquire of the council member participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, and shall allow that member the opportunity to make any comments he or she desires.
- J. The minutes of the meeting shall designate the name of each Council member who participated electronically, the nature of the electronic communication, and the duration of the council member's participation.
- K. As provided in Utah Code Section 52-4-202 (as amended), the City Council may convene and conduct an electronic meeting without an anchor location if the Mayor (1) makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location; (2) states in the written determination the facts upon which the determination is based; (3) includes in the public notice for the meeting, and reads at the beginning of the meeting, the information described in (1) and (2); and (4) includes in the public notice information on how a member of the public may view or make a comment at the meeting. For City Council meetings held without an anchor location, the City shall provide means by which the public may hear, or view and hear, the open portions of the meeting and shall provide a means by which members of the public may provide comments by electronic means to the public body.

5. ORDER OF BUSINESS

5.1 Work Session (Premeeting): The general rule for the order of business in work sessions (premeetings) shall be as follows:

- A. DISCUSSION ITEMS, REPORTS and UPDATES – items scheduled for discussion or review by the City Council

- B. AGENDA REVIEW and PREVIEW OF UPCOMING AGENDA ITEMS– the City Council will review items on that night’s regular City Council agenda and items scheduled for future City Council meeting agendas.
 - C. CITY COUNCIL NEW BUSINESS
 - D. CITY COUNCIL REPORTS – opportunity for City Council members to report on assignments, raise issues or concerns, or provide information.
- 5.2 Regular and Special Meetings: The general rule for the order of business in regular and special meetings shall be as follows:
- A. CALL TO ORDER - by the Mayor
 - B. INVOCATION/INSPIRATIONAL THOUGHT - as designated by the Mayor
 - C. PLEDGE OF ALLEGIANCE - as designated by Mayor
 - D. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL - May include any of the following:
 - 1. Presentations and Commendations.
 - 2. Appointments to Boards and Commissions.
 - 3. Announcements.
 - 4. Upcoming Community Events.
 - 5. Upcoming Agenda Items.
 - 6. Reports by Council members on assignments.
 - 7. Recognition and Walter C. Orem Award.
 - 8. Reports.
 - 9. Proclamations.
- Generally, these items do not require formal Council action. The exceptions are proclamations and appointments to boards and commissions. Appointments are recommended by the Mayor with the advice and consent of the City Council. City proclamations are approved by the Council.
- E. CITY MANAGER APPOINTMENTS - The City Manager appoints members of the Planning Commission, Board of Adjustment, and Board of Building and Fire Code Appeals with the advice and consent of the City Council.
 - F. PERSONAL APPEARANCES - Time is set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the agenda. Those wishing to speak should sign in before the beginning of the meeting. No formal action is taken on items brought up during personal appearances, but the Council may direct staff to follow-up on an item raised during personal appearances and/or schedule the item for formal action at a future City Council meeting. Individual comments during personal appearances should be limited to three minutes.

- G. **CONSENT ITEMS** - Items that have been previously reviewed by the Council, items that have previously received a preliminary approval by the Council and other items that are fairly routine but require final approval by the Council.
- H. **SCHEDULED ITEMS** - Items that the Council may wish to discuss or for which members of the public may wish to respond or for which a presentation would be made.

Scheduled items may include the following:

- 1. **Formal Items** - ordinances, resolutions, agreements and other obligations of the City that must be approved by at least four affirmative votes.
- 2. **Discussion Items** - Policy, procedural or other legislative or consensus building deliberations which do not include a formal action by the Council, but may include direction given to staff for future formal consideration.
- 3. **Presentation Items** - Informational presentations which do not require formal Council action but may include direction given to staff for future formal consideration.
- 4. **Report Items** - Final reports or updates of current programs by staff members or other representatives which do not require formal action by the Council.
- I. **COMMUNICATION ITEMS** - Items received by the Mayor, any Councilmember, or the City Manager which are intended for the entire Council. Action or discussion on the communication item may take place if the Council desires.
- J. **CITY MANAGER INFORMATION ITEMS** - This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.
- K. **ADJOURNMENT** - A motion to adjourn requires a second and at least four affirmative votes.

5.3 **Emergency Meetings:** The general rule as to the order of business in emergency meetings shall be as follows:

- A. Call to order - by the Mayor
- B. Invocation/Inspirational Thought
- C. Meeting Items
- D. Adjournment

5.4 **Work Sessions:** In order to not interfere with regularly scheduled City Council meetings, work sessions will generally be held at specifically scheduled dates and times set by the City Council as it deems necessary. Work Sessions may be held as part of a regularly scheduled meeting when there is a short agenda and the work session may be held at the end of the agenda.

5.5 **Retreats:** Off-site retreats will be scheduled by the Council as it deems necessary.

6. PRESIDING OFFICER AND DUTIES

6.1 **Mayor as the Presiding Officer:** The Mayor, if present, shall act as Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In

the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a temporary Mayor Pro Tem who will then preside at that meeting.

- 6.2 Call to Order: Meetings of the Council shall be called to order by the Mayor or, in the Mayor's absence, by the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Manager for the election of a temporary Mayor Pro Tem.
- 6.3 Preservation of Order: The Mayor shall preserve order and decorum; prevent attacks on personalities or the impugning of member's motives; and confine debate to the question under discussion.
- 6.4 Points of Order: The Mayor shall determine all points of order.
- 6.5 Time Limits: The Mayor shall have the power to set time limits on input and discussions at the Mayor's discretion.
- 6.6 Substitution for Mayor: The Mayor may call upon the Mayor Pro Tem, or in the absence of the Mayor Pro Tem, upon any other member of the Council to temporarily preside at the meeting in order to cover the recusal or other temporary absence of the Mayor.
- 6.7 Motion to be Clear: The Mayor shall ensure that all motions submitted for a vote are clearly understood by the Council.
- 6.8 Call for Vote: The Mayor shall call for a vote. The vote shall be a roll call vote when required by State law or City ordinance. The Mayor shall announce the result of the vote.

7. TYPES OF MOTIONS AND RECONSIDERATION

- 7.1 Motions Require a Second: All motions require a second before they can be discussed or acted upon.
- 7.2 Motions Requiring a Two-thirds Vote: Motions to hire the City Manager or expel a member of the Council or the public shall require a motion, a second, and a two-thirds vote of the Council. A motion to adjourn to a closed-door meeting shall require a motion, a second, and a two-thirds vote of the Council members present.
- 7.3 Motion to Approve: All motions shall require a second and a minimum of four affirmative votes to be approved.
- 7.4 Motions to Amend: Any motion being considered by the Council may be amended by permission of the maker of the motion and concurrence of the second, or by a motion to amend, a second and at least four affirmative votes.
- 7.5 Motions to Continue: The Council may approve a motion to continue any item for further discussion or consideration. Public Hearings and Show Cause Hearings must be continued to a specific date and time and should not generally be continued beyond forty-five (45) days without resetting and renoticing the hearing.

When the applicant for an agenda item makes a request for continuance, the following policy will be used:

- A. A request to continue the agenda item will be granted if the applicant makes the request at least seven (7) days in advance of the meeting in which the item was scheduled to be heard. The applicant has the responsibility to notify the affected property owners (those who are required by State law, City ordinance, or City noticing policy to be notified) of

the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Council agenda.

- B. If the request is made less than seven (7) days in advance of the meeting in which the item was scheduled to be heard, the Mayor and the Mayor Pro Tem, or their designees, will determine whether or not there is a sufficient reason to continue the item.
1. If the Mayor and Mayor Pro Tem, or their designees, determine that there is not sufficient reason, the item will remain on the agenda and be considered by the City Council.
 2. If the Mayor and Mayor Pro Tem, or their designees, determine that there is sufficient reason to continue the item to a future agenda, staff will notify the applicant of the decision. During the meeting for which the item was scheduled to be heard, the City Council, by motion, will select the date, and if applicable, the time to which the item is to be rescheduled.

The applicant shall have the responsibility to notify the affected residents (those who are required by City ordinance or policy to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Council agenda.

- C. If the applicant requests a continuation during the meeting for which the item is scheduled, the City Council will make the determination if there is sufficient reason to continue the item to a later date.
- D. If the applicant requests a continuation and it is determined that there is not sufficient reason to continue the item, and the applicant withdraws the application in lieu of proceeding, the application will not be considered by the City Council until the applicant files a new application and pays the required fees. The new application must follow the same process as any new application.
- 7.6 Motions to Table: The Council may table an issue, without scheduling it for future consideration, with a motion, second and four affirmative votes.
- 7.7 Motions which do not receive at least four votes on either side: Motions which do not receive at least four votes for or against the proposition being voted upon are not approved and have the effect of being denied. However, the applicant or any council member may request that the item be brought back to the Council at a subsequent meeting to be decided by sufficient members to get four votes one way or the other. The subsequent action is not considered a reconsideration.
- 7.8 Motions to Reconsider a Decision: Any two Council members who voted in the majority on a motion approved or denied may request a reconsideration of the action.

The request must be made by making a motion to reconsider at the same meeting in which the original motion was approved or denied or by requesting within seven days of that meeting that there be a motion to reconsider heard at the next regularly scheduled council meeting. If a properly made motion to reconsider passes, the actual reconsideration of the item shall take place only after appropriate legal notice is given.

After a motion for reconsideration has been acted on, no other motion for reconsideration on that issue shall be allowed within a twelve (12) month period without unanimous consent of the entire Council. Following the twelve (12) months, the item may be considered as a new item.

- 7.9 Question on the Motion: After a motion and a second, any member of the Council may call for a question on the motion. Once a question has been called, the Mayor shall call for a vote to determine if the Council wishes to terminate discussion on the item. Unless at least four (4) members of the Council vote to terminate discussion, discussion will continue until another "Question on the Motion" or until the Council is ready to vote. If at least four (4) members of the Council vote to terminate discussion, the Council shall then vote on the original motion. The Mayor shall make sure that the original motion is clear before calling for a vote on the motion.

8. ORDINANCES, RESOLUTIONS, and AGREEMENTS

- 8.1 Ordinances: The City Council may pass a law to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition as allowed by State law. Ordinances are generally passed as part of the City Code.
- 8.2 Resolutions: The Council may express a formal opinion or the will of the Council without it becoming a part of the City Code. A resolution may be used to do any of the following:
- A. Adopt official policies.
 - B. Approve requests or grant permits relating to the development of property.
 - C. Take official action relating to financial matters.
 - D. Take any administrative action which the Council is authorized by law to take.
 - E. Regulate the use and operation of municipal property.
 - F. Make an official declaration.
- 8.3 Agreements: The Council may enter into an agreement between the City and one or more parties agreeing to do or not to do an act or take a course of action.
- 8.4 Form: Ordinances, Resolutions, and Agreements shall be in written form, approved by the City Attorney.
- 8.5 Funding: All Ordinances, Resolutions, and Agreements authorizing an expenditure of money shall include the amount and purpose of the expenditure.
- 8.6 Adoption of Ordinance, Resolution, or Agreement: The City Council shall adopt any Ordinance, Resolution, or Agreement by a motion, second and at least four affirmative votes.

The effective date of all Ordinances shall be after publication or posting as required by State law. The effective date of Resolutions shall be immediately upon passage unless the City Council establishes a specific effective date.

The effective date on all Agreements shall be the date specified in the Agreement, unless another effective date is established by the City Council at the time the City Council approves the Agreement.

9. CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS

- 9.1 Citizen Committees, Boards and Commissions: The City Council may create policy advisory committees, boards, and commissions with such duties as the Council may specify which are not inconsistent with the City Code and law.

- 9.2 Member Approval: The members of the policy advisory committees, boards, and commissions are nominated by the Mayor, or, in limited instances, by the City Manager, and then approved by the City Council.
- 9.3 Ad-hoc Citizen Committees: The Mayor, with the advice and consent of the City Council, may appoint Ad-hoc Citizen Committees to address policy issues of specific concern. Ad-hoc Committees shall continue for a temporary and limited duration.

10. PUBLIC HEARINGS

- 10.1 Purpose of Public Hearings: The purpose of public hearings is to provide for public input to the City Council on issues on a specific day and time in order for the City Council to be better informed prior to making a decision on the issue.
- 10.2 Before the Public Hearing:
- A. Notification should be given in compliance with State and local law.
 - B. Written material submitted by citizens and interested groups must be submitted by 12:00 Noon of the Thursday before the hearing if they want copies to be distributed in the agenda packets. Citizens and interested groups may distribute copies of materials to the City Council at any time.
- 10.3 Order of Public Hearings:
- A. The Mayor shall conduct all Public Hearings. The Mayor should review the rules and procedures for conducting public hearings at the start of the public hearing.
 - B. The public hearing shall first be opened to the appropriate staff member who will present and discuss with the Council the issue at hand.
 - C. Upon completion of the staff member's report, and questions from the Council, the Mayor may request the applicant to discuss with the Council the issue at hand and present additional or more specific information.
 - D. Following the applicant's presentation, and any questions from the Council, the Mayor shall open the hearing to the public. Any person desiring to address the Council shall first be recognized by the Mayor.
 - E. The Mayor should courteously limit repetition. The Mayor should retain flexibility for additional comments but only on new information.
 - F. Under the discretion and the authority of the Mayor, the public hearing shall be closed. No further remarks by the public will be heard unless approved by the Mayor or by vote of 2/3 of the Council members present at the meeting.
 - G. The Council may continue a public hearing or close the public hearing and continue Council consideration to another specific date and time. A public hearing should not generally be continued for longer than forty-five (45) days without renoting and reconvening the hearing.
 - H. Upon completion of the public hearing and of any further discussion and/or deliberation of the Council, the Council shall take appropriate action on the issue.
- 10.4 Manner of Addressing the Council: Persons addressing the Council shall use the microphone and shall state their names in an audible tone of voice for the record. All remarks shall be

addressed to the Council as a body, and not to any member thereof. No person shall be permitted to enter into any discussion, either directly or through the members of the Council unless first recognized by the Mayor. No questions will be asked the Council members except through the Mayor.

- 10.5 Questions from Council members: The Council members may at any time during a public hearing request clarification or additional input from the staff members, applicants, or the general public.

11. RULES OF CONDUCT

- 11.1 Disorderly Citizens: Any person, including staff, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the Council may be considered disorderly by the Council and may be expelled by a two-thirds vote of the Council.
- 11.2 Disorderly Council Members: The Council, on a two-thirds vote, may expel any member of the Council for disorderly conduct.