CITY OF MOAB RESOLUTION NO. 27-2018, A RESOLUTION AMENDING RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND HEARINGS

The following describes the intent and purpose of this resolution:

Utah Code Annotated § 10-3-606 requires that municipalities adopt rules of procedure and order to govern public meetings.

The City of Moab finds that it is proper from time to time to adopt and revise its rules of procedure so that public meeting will be conducted in a fair, orderly, and efficient manner.

These rules are adopted to provide advisory guidelines for the conduct of public meetings and public hearings before the Moab City Council.

Therefore, the City of Moab enacts as follows:

1. **Quorum.** The number of City Council members required to constitute a quorum for a meeting shall be three, excluding the Mayor.

2. **Convening the Meeting; Workshops,** Regular meetings shall be scheduled in advance by resolution of the Council adopted on an annual basis. Special meetings may be called, or items for consideration may be added to a meeting agenda, by the action of the Mayor or any two Council members. The Mayor or the Mayor Pro Tempore (the presiding officer) shall call the meeting to order at the time scheduled. The presiding officer is charged with preserving order at the meeting and conducting the meeting in conformity with the agenda, applicable ordinances, and these rules.

   a. The Council meeting may be preceded by an informal workshop, at which time the Council can ask questions or receive input from staff and others on agenda items or other matters. Workshops may be conducted informally. No final action shall be taken on any item discussed during a pre-meeting workshop.

3. **Citizens to be Heard.** At every regular meeting of the Council there shall be an agenda item allowing citizens to address the Council on the subject of any matter of public concern. Interested persons may address the Council on matters of concern, regardless of whether the item is identified on the agenda for action. If members of the public provide comment on a matter that is set for action later on the agenda, the comments may be considered and relied upon as part of the record for that decision. Members of the public should clearly state that they are providing testimony with respect to any such agenda item. The Council shall not take final action on any unscheduled matter identified during the citizens to be heard portion of the agenda, but Council members may ask questions, give directions to the City Manager, or ask that a matter be brought back for formal action at a later meeting.

   a. To ensure equity and avoid the appearance of favoritism, comments by members of the public during the citizens to be heard portion of the agenda shall be limited to a maximum of three minutes per individual, unless otherwise directed by the presiding officer.

   b. In order to ensure that all present feel comfortable expressing their views and
that the free speech rights of all individuals are respected, members of the public who are present but not currently speaking shall not engage in outward displays of support or opposition to those speaking at the citizens to be heard portion of the meeting.

4. **General Meeting Procedure: Consent Agenda.** Unless otherwise moved by the Council, matters shall be considered in the order specified in the agenda. Where there are several routine or uncontested matters requiring approval, the Council may elect to approve those items as a group under a consent agenda, and without extensive discussion. Any Council member may request that any item to be removed from consideration under a consent agenda, in which case it will be reviewed individually.

   a. All meetings should be conducted fairly and efficiently, and with respect for the participants. The presiding officer has discretion to conduct the meeting in a manner which is consistent with these goals.

5. **Review Procedure.** The presiding officer shall call an item up for discussion. The matter should typically be introduced by a member of the staff, who will outline the issues up for decision. The presiding officer may elect to call a proponent for a particular item, and request that interested persons address the Council on the matter under consideration. Council members may ask questions of staff and proponents, and may review documents and information as necessary to understand the issue.

   a. An applicant or member of staff may pull an item from consideration by delivering notice to the presiding officer prior to the commencement of the meeting. During the meeting the presiding officer should announce that the item has been pulled from the agenda.

6. **Manner of Acting.** To approve an item under consideration, a Council member must move to approve the item, the motion must be seconded by another Council member, and approved by a majority vote. In the absence of a second to a motion the motion fails.

   a. Prior to voting Council members may discuss or debate the motion to the extent they see fit. The presiding officer has discretion to limit lengthy debate and may call the question on any item as he/she sees fit.

   b. At any time prior to voting, a moving Council member may, without a second or vote, elect to withdraw the motion. A pending motion may be amended by offering an amendment by motion, which must be seconded. An amended motion offered prior to action on the primary motion shall be decided prior to voting on the original motion.

   c. A motion to table an item or adjourn a meeting shall be acted upon without debate.

   d. With respect to information requests to staff or similar routine items, the Council may act informally or by consensus.

7. **Voting.** Unless otherwise provided by law, all matters brought for action before the Council shall be decided by an affirmative vote of a majority of the Council. The Mayor shall
only vote in the case of a tie vote; if the Mayor Pro Tempore is the presiding officer he/she shall always be entitled to vote. If the Mayor is not present to break a tie vote, the motion fails.

a. On ordinances and all matters which create a financial obligation of the City, or where the voice vote tally is unclear, the vote shall be recorded as a roll call vote.

b. If the Council wishes to enter into a closed session, as allowed by the Utah Open and Public Meetings Act, the decision to enter into a closed meeting must be preceded by an affirmative vote of 2/3 of the Council, unless otherwise provided by law.

8. **Reconsideration.** Subject to applicable law, the Council may elect to reconsider a matter which was previously acted upon. Reconsideration requires a motion, second, and affirmative vote of the majority. At the time of reconsideration the number of Council members present must be equal to or greater than the number of Council members present when the matter was first considered. Where reconsideration would have the effect of cancelling or abrogating a binding obligation of the City (such as a contract), the presiding officer shall require that the City Attorney provide a legal opinion to the Council on the subject prior to any action on reconsideration.

9. **Conduct of Public Hearings.** By law the City Council is required to hold a public hearing prior to reaching a decision on certain adjudicatory or other matters. The Council may also elect to hold a public hearing on a matter even if it is not required by law. Public hearings are more formal than other proceedings, and shall be conducted in a manner which respects the due process rights of the applicant and all other participants. The following procedures shall apply to public hearings.

a. Where a staff report is generated prior to the public hearing the applicant shall be provided with a copy of the staff report a reasonable period of time prior to the public hearing.

b. At the public hearing the matter shall be introduced by staff, followed by testimony from the applicant at their discretion. Interested persons shall then be given the opportunity to provide testimony for or against the matter. At the conclusion of testimony by interested persons the applicant shall be given the opportunity to offer rebuttal testimony.

c. Persons providing testimony will be requested to: i) identify themselves; ii) state clearly their position on the matter subject to review; and iii) provide testimony, information, or data in support of their position. Unsupported argument or derogatory comments directed to the matter in question or the applicant are not useful to the Council, and are discouraged.

d. Persons other than the applicant may only provide testimony once during a specific public hearing; this applies to hearings that are continued or postponed to future meetings. The presiding officer has discretion to limit the length of testimony or allocate the available time for the hearing to allow interested persons the opportunity to testify.

e. All testimony, evidence, documents, photographs, or other information received
by the Council shall be entered into the record of proceedings. The Council has
discretion to postpone action on a public hearing item, and it may continue to
receive additional written comments or other evidence until such time as it closes
the public hearing.

f. At the conclusion of the public hearing the Council will consider the matter, and
Council members may engage in discussion and debate to the extent deemed
necessary. Although the rules of evidence do not apply to public hearings,
Council members have discretion to weigh the evidence and measure the
credibility of the testimony in the manner that they see fit. Irrelevant or
incompetent evidence should be disregarded.

g. A final decision may be made in the manner provided for all other decisions,
except that the Council may: i) announce its findings in support of the decision
orally on the record or; ii) give direction to staff to prepare a written order,
permit, or decision consistent with the Council findings, which the Council
may adopt or modify as it sees fit.

10. **Modification of these Rules.** To the extent these rules conflict with any other law or
statute, the other law or statute shall prevail. The Council or the presiding officer has discretion
to modify these rules or the procedures under these rules to the extent necessary to accommodate
the needs of a particular situation. The adoption of these rules shall not be deemed to confer any
specific substantive or procedural rights upon any person participating at a Council hearing or
meeting.

11. **Adjournment.** The Council may elect to adjourn a meeting without hearing all matters on
the agenda if the meeting continues past 10:30 p.m. Matters not heard will be rescheduled on the
next available agenda. The Council may also adjourn at any time if disruptive conduct at a meeting
prevents orderly action.

12. **Expulsion.** Pursuant to U.C.A. § 10-3-607 and 608, the Council, by a two-thirds vote,
may elect to expel any Council member or member of the public from an open public meeting
where that person has engaged in disorderly, abusive, or criminal conduct during a meeting.

13. **Subpoena.** Pursuant to U.C.A. § 10-3-610 the City Council may direct the City
Attorney to issue a subpoena to any person for the purpose of directing that person to appear
and give testimony and/or produce records or items of physical evidence as may be necessary in
connection with any legislative, adjudicatory, or investigatory matter before the City. The
subpoena shall be issued pursuant to the same procedures provided under the Utah Rules of
Civil Procedure.
The foregoing is approved and adopted by action of the Moab City Council, as set forth below. This resolution shall take effect immediately.

Mayor Emily S. Niehaus  

Date  

Attest:  

Rachel Stenta, Recorder  

Date

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