

MILLCREEK, UTAH
RESOLUTION NO. 16-10

**A RESOLUTION OF THE MILLCREEK COUNCIL ADOPTING
COUNCIL RULES OF PROCEDURE**

WHEREAS, the Millcreek Council elect (“Council”) met in a special session on December 27, 2016, to consider, among other things, adopting council rules of procedure; and

WHEREAS, Utah Code Ann. § 10-2a-218 provides that upon canvass of the final election of city officers and until the future city becomes legally incorporated, the offices of the future city may perform certain functions, including but not limited to, prepare a proposed budget and compilation of ordinances, negotiate and make personnel contracts and hirings, negotiate and make service contracts, negotiate and make contracts to purchase equipment, materials, and supplies, borrow funds from the county in which the future city is located, and borrow funds for startup expenses of the future city; and

WHEREAS, on November 22, 2016, the canvass of the final election of the city officers for the City was held and thereby the Council is authorized by Utah Code Ann. §10-2a-218 to, including but not limited to, prepare a proposed budget and compilation of ordinances, negotiate and make personnel contracts and hirings, negotiate and make service contracts, negotiate and make contracts to purchase equipment, materials, and supplies, borrow funds from the county in which the future city is located, and borrow funds for startup expenses of the future city; and

WHEREAS, after careful consideration, the Council has determined that adopting council rules of procedure is consistent with and inherent in Utah Code Ann. §10-2a-218 and adoption of council rules of procedure is in the best interest of the health, safety and of the present and future inhabitants of Millcreek; and

WHEREAS, a copy of the proposed council rules of procedure has been presented to the Council for review and approval, a copy of which is attached hereto (“Rules”);

NOW, THEREFORE, BE IT RESOLVED by the Council that that the attached Rules be adopted by the Council as rules of procedures that govern the operation of the Council.

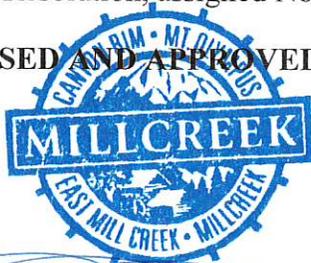
This Resolution, assigned No. 16-10, shall take effect immediately.

PASSED AND APPROVED by the Millcreek Council this 27th day of December, 2016.

ATTEST:



Leslie Van Frank, Acting City Recorder



MILLCREEK



Jeff Silvestrini, Mayor elect

COUNCIL RULES OF PROCEDURE

Powers and Duties of the Mayor and Mayor Pro tempore

- 1.1. The Mayor is the Council chair and presides at all Council meetings, is a regular and voting member of the council, exercises ceremonial functions for the City, and may not veto any ordinance, tax levy, or appropriation passed by the Council.
- 1.2. The Council shall elect one of its members as Mayor pro tempore and the recorder shall enter in the minutes of the Council meeting the election of mayor pro tempore. If the Mayor is absent or unable or refuses to act the Mayor pro tempore shall preside at a Council meeting; and perform, during the mayor's absence, disability, or refusal to act, the duties and functions of Mayor.

Order of Business and Organization of Council Agenda

The Council shall consider business in the following order:

- 2.1. Work/Briefing Session (generally work/briefing sessions will be held on Monday starting at 5:00 p.m. and regular sessions will be held on Monday starting at 7:00, or convened upon call of the Mayor).
- 2.2. Regular Session Welcome, Introduction & Preliminary Matters
 - a. Pledge of Allegiance
 - b. Public comments

The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Council will be asked to complete a written comment form and present it to the City Recorder. In general, the chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.
 - c. Mayor's report
 - d. Special recognition
- 2.3. Reports
- 2.4. Appointments
- 2.5. Consent Agenda

The Consent Agenda lists Council action items which require no further discussion or which are routine in nature, including the minutes of prior meetings. All items on the Consent Agenda shall be adopted by a single motion and roll call vote. Prior to the motion to adopt the Consent Agenda, any Council member may have any item removed from the Consent Agenda in order to permit discussion on that item. If a majority of the quorum present at the Council meeting vote in favor of adopting the Consent Agenda, every item on the Consent Agenda shall be adopted.

- 2.6. Planning Matters
- 2.7. Financial Matters
- 2.8. Other Matters
- 2.9. New Items for Subsequent Consideration
- 2.10. Notice of Future Public Meetings
- 2.11. Calendar of Upcoming Events

The Council may, by motion and majority vote, proceed out of order to any order of business and return to order.

Motions

- 3.1. Motions can be made or seconded by any member of the Council. No motion shall be debated until it has been seconded and announced by the Chair.
- 3.2. Any motion may be modified by the sponsor of the motion, with the consent of the second, or withdrawn by the sponsor, with consent of the chair, at any time before amendment or voting.
- 3.3. When a question is under debate, the procedural motions listed below, shall require a majority vote of the quorum present at the Council meeting. The Chair will consider motions to:
 - a. Recess
 - b. Suspend the rules to address an immediate more urgent matter (this motion requires a two-thirds majority)
 - c. Cease debate and call for a vote
 - d. Postpone to a set time and date
 - e. Refer to a committee
 - f. Limit debate
 - g. Table the motion (postpone indefinitely)
 - h. Amend
- 3.4. Any amendment must relate to the same subject as the original motion under consideration.

Debate

- 4.1. The Chair shall recognize any Council member requesting recognition to speak, debate, make a motion, submit a report, or for any reason, address the Council, unless a motion taking precedence is offered.
- 4.2. The Chair shall recognize the author of the motion first and then others wishing to address the motion.

- 4.3. During debate, the Chair shall be responsible for maintaining order. If private discourse among or between Council members or any other disturbance disrupts the Council's business, the Chair may call the Council to order. When the Chair calls the Council to order, all discussion and other disturbance shall cease.
- 4.4. Any Council member may make a motion to call to order, a point of personal privilege, or for information on or clarification of the motion. A motion for any of these issues does not require a second and is not debatable.
- 4.5. All Council members shall be allowed to speak once on each motion before any member may speak a second time.

Motions Decided Without Debate

The following motions will be decided without debate:

- 5.1. Adjourn
- 5.2. Recess
- 5.3. Suspend the rules
- 5.4. Cease debate and call for a vote
- 5.5. Limit debate
- 5.6. Table the motion (may be limited debate on the propriety of the motion to table)

Voting

- 6.1. Voting shall be in the form of "yes," "no," and no "abstain," votes will be accepted.
- 6.2. All votes requiring a majority shall be a majority of the quorum present, except where State law require otherwise.
- 6.3. An expression of "abstain" during voting shall be considered as a no vote. A Council member who abstains on a question, or is absent, may not move to reconsider that question.
- 6.4. In the case of a tie vote, the motion shall fail.
- 6.5. Council members shall not explain their votes during the call of the roll or at the time of a voice vote. However, at the conclusion of the vote, any Council member may request a point of personal privilege to give an explanation of their vote.

When Council Members Shall Vote

- 7.1. Every Council member who is in the Council chambers at the time the vote is called shall vote. On a roll call vote, votes shall be cast as the roll is called. Roll call votes shall proceed as directed by the Chair.
- 7.2. Any Council member who has a financial interest in any issue pending before the Council shall comply with applicable provision of law including, but not limited to, Utah Code Ann. § 10-3-1301 et seq.

Decorum

- 8.1. No Council member shall walk about in or out of the Council Chamber while the Chair is calling the vote.
- 8.2. Council members should avoid engaging in private discourse or committing any other act which may tend to distract the attention of the Council or the audience from the business before the Council, or interfere with any person's right to be heard after recognition by the Chair.
- 8.3. When speaking to or debating a specific subject before the Council, all persons, including Council members, shall confine their remarks to the topic under discussion or debate, avoiding personal attacks. Anyone engaging in discussion or debate beyond the topic before the Council shall be ordered to stop by the Chair and no further discussion or debate will be allowed by said person.
- 8.4. No one may address the Council without first being recognized by the Chair.

Reconsideration

- 9.1. Any Council member who has voted with the prevailing side of a question may move at the same meeting to reconsider the question.
- 9.2. A motion to reconsider shall require the affirmative vote of a majority of the quorum present.

Amendment, Revision or Addition to Rules of Procedure

- 10.1. Any Council member may propose amendments, revisions, or additions to these Rules of Procedure.
- 10.2. Each amendment, revision, or addition proposed by a Council member shall be in written form and copies shall be provided to each Council member.
- 10.3. A majority vote of all Council members in a regular Council meeting shall be required for passage and adoption of any amendment, revision, or addition to these Rules of Procedure.

Roberts Rules of Order

- 11.1. With respect to matters not described above, Roberts Rules of Order-Simplified shall govern.