

# West Point City Council

## Rules of Order and Procedure

### City Council Meetings

#### 1. Regular City Council Meetings

- a. **Time:** Regular meetings are held on the first and third Tuesdays of each month with a Work Session that typically begins at 6:00p.m. and the General Session beginning at 7:00 p.m. Regularly scheduled meetings are posted on the Utah Public Notice Website.
- b. **Place:** All Regular meetings of the Council are held in the Council Chambers of the West Point City Municipal Building or such other place as the Council may designate or adjourn to from time to time.
- c. **Agenda Listing Required:** Only matters listed on the agenda may be considered for formal action. There is time during each meeting for brief citizen comments.
- d. **Continued Meetings:** To carry on business at a subsequent meeting, matters tabled or continued may be heard. Announcement of the date, time and place of the tabled or continued meeting is to be made at the original meeting. Matters tabled indefinitely should also be voiced at the original meeting.
- e. **Cancellation:** In the event of an absence of a full quorum or if the Council does not need to meet, the Mayor may cancel a regular meeting. The latter is commonly done around holidays or when there are other conflicts. Notice is usually given at the prior council meeting. A meeting may also be canceled in the event of bad weather, natural disaster, or other situation where meeting is impractical or not possible. In all cases, notice of cancellation will be posted as soon as reasonably possible.

#### 2. Adjourned Meeting

- a. A majority of the Council shall constitute a quorum to do business, including consideration of a motion to adjourn.
- b. A recess may be declared by the Mayor or by motion of the Council, with recess to begin immediately or at a future time; following the recess; business shall be resumed at exactly the point where it was interrupted.

#### 3. Special/Emergency Meeting

- a. A special meeting may be called at any time to discuss issues of importance that cannot wait until the next regularly scheduled meeting. Special meetings will follow legal public noticing requirements.
- b. Emergency meeting means any meeting called for the purpose of dealing with an emergency when the time requirements for public notice of a special meeting would make such procedure

impractical. The authorized person calling the emergency meeting shall give as much notice as is reasonable or possible.

4. **Work Meetings (Study Sessions)**

Work Meetings are called to discuss items or issues that need to be discussed at some length. Usually these are held before regular Council Meetings at 6:00 p.m. Although formal action can be taken at these meetings, it is preferable to wait until the formal Council Meeting, which follows, to make a motion or formal vote.

5. **Agendas**

A set agenda is prepared by the City Manager for the regular Council Meetings by the Thursday before the meeting. The agenda can be changed up to 24 hours prior to the meeting. To avoid confusion, only the City Manager and the Mayor are authorized to put items on the agenda. Council Packets are placed in Councilmembers mailboxes by noon on the Friday prior to Council Meeting unless the Council Member requests other arrangements. Agendas are also e-mailed by the City Recorder's office and are posted at the West Point City Municipal Building, posted on the City website, and posted on the Public Notice Website. A typical agenda may include:

1. Call to Order, Pledge, Opening Ceremony
2. Communications and Disclosures from City Council and Mayor
3. Communications and Disclosures from Staff
4. Approval of Minutes
5. Municipal Event Announcements
6. Citizen Comments
7. Public Hearings
8. Consent Items
9. New Business
10. Adjournment

6. **Council Decorum**

The Mayor, as the Governing Body Chairman, conducts City Council meetings. He/she is responsible for preserving order and decorum of the meetings and seeing that the meeting proceeds in a business-like and expeditious manner.

7. **Call to Order**

The Mayor shall take the chair at the hour appointed and call the meeting to order.

8. **Roll Call**

The City Recorder or designee shall enter the name of those present and absent in the minutes.

9. **Quorum**

A majority of the Governing Body shall constitute a quorum at any official Council meeting.

10. **Open Meetings**

All meetings of the City Council shall be open to the public except those, which, by law, may be conducted in executive or closed sessions.

**11. Approval of the Minutes**

The Mayor calls for a motion adopting the minutes of previous meetings.

**12. Rules of Discussion**

Robert's Rules of Order, Revised, although not officially adopted, has informally been followed in the conduct of City Council meetings. Some common practices are listed as follows:

- a. Wanting to Speak: The Council Member should raise their hand and wait until the Mayor calls on them.
- b. Interruptions: A member, once recognized, shall not be interrupted while speaking unless to be called to order by the presiding officer or as hereinafter provided. If a member, while speaking, is called to order, the member shall cease speaking until the questions of order are determined and if in order, shall be allowed to proceed.
- c. Motion to Reconsider: A motion to reconsider any action taken by the Council may be made on the same day or on the day of the next regular or special meeting. Such motions must be made by one of the prevailing side, but may be seconded by any member. Such motions shall have precedence over all other motions and shall be debatable.

**13. Public Discussion**

Persons may address the Council on any item of community business when the Mayor calls for public discussion on that item. Not every item is a public discussion item.

**14. Ordinances, Resolutions and Motions**

- a. Resolutions and ordinances are to be reduced to writing before the vote is taken thereon; and the vote of each member of the Council shall be recorded.
- b. All proposed ordinances shall be in writing and shall be prepared by the City Attorney, or other person designated by the City Manager and may be submitted to the City Attorney for approval as to the form and content, as determined by the City Manager.
  - (1) After discussion, a motion and a second are required before a vote can be taken.
  - (2) The Mayor may repeat the motion so the Council, City Recorder and others present clearly understand the motion.
  - (3) Vote Taken: The Mayor calls for the vote on the motion, first calling for the affirmative and then for the negative vote. An affirmative vote of three members of the Council shall be required for the adoption of any action, or in case of a tie, the Mayor's vote may be included in the required three-vote affirmations. The Mayor does not have a veto vote.
  - (4) The effective date of the ordinance can be accomplished as follows: Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the Governing Body, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.

- (5) The Mayor or person exercising the duties of the Mayor's office shall sign all passed ordinances and resolutions.

15. **Voting**

- a. The Mayor shall not vote except in case of a tie vote of the Council.
- b. The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the Council shall be three.
- c. Any ordinance, resolution or motion of the Governing Body having less than three favorable votes shall be deemed defeated.

16. **Citizen Petition to be filed with the City Recorder**

All citizen petitions shall be filed with the City Recorder and receipt thereof noted in the minutes. The full copy of the petition shall be retained by the City Recorder as a public record.

## **City Council Relations**

The following are some suggested guidelines or rules of conduct for Council Members to use in relations and contact with each other, City Staff and members of the public. The points contained herein are intended to assist in maintaining the important distinction between the policy and legislative role of Council versus the administrative/management role of the City Manager/Staff. Although written to Council Members, these guidelines are also applicable to the Mayor, except as noted.

1. **Council Relations**

- a. **Representing the Council:** Council Members should be careful not to commit the City to positions without a vote or consent of the entire Council. This may include individually initiating contact with developers, involvement in negotiations, etc., unless specifically assigned or authorized. Members should refer potential developers to Staff for information on development. Staff receives direction from the Council through the City Manager.
- b. **Complaints from Citizens:** Citizen complaints received by individual Council Members should be referred to Staff for investigation and resolution. A vast majority of complaints concern enforcement issues handled by a City department. Personal Council involvement in enforcement (which requires the interpretation of ordinances and laws) could cause legal problems or embarrassment. Citizen complaints should be handled quickly and routinely by referral to the appropriate department as soon as possible.

Complaints to Staff should be made objectively so that all sides of the matter can be reviewed. Having a Council Member personally accompany a complainant to a staff member (especially by way of *surprise* visits) could place an undue demand on Staff, as well as an undue expectation by complainant. The Council Member should give Staff the background on the problem before Staff contacts the citizen so Staff can be better prepared to respond to the citizen's concerns.

- c. **Approval of Minutes:** Council minutes convey a brief summary of discussion and action taken on items of business. They do not contain lengthy discourse from testimony given or all individual comments of Council Members or participants. Generally, meetings are digitally recorded. Backup copies are made and stored according to legal retention schedules.
- d. **Ordinance / Resolution Preparation:** Staff prepares all ordinances and resolutions for Council consideration. The City Attorney may review all ordinances and resolutions to approve the form and content, as determined by the City Manager.
- e. **Role in Negotiations:** The City gets involved in negotiations on a variety of subject matters, including labor negotiations, leases, redevelopment issues, land acquisition, etc.

The Council's proper role is to provide policy direction to the negotiators, i.e., City Staff. On occasion, a Council Member may be assigned to work with Staff on a problem that will involve some negotiations. In all cases, the Mayor and Council are informed of the proceedings. The Council makes the ultimate decision.

- f. **Lobbying:** Lobbying of Council Members by fellow Council Members outside of or even during discussion on matters at a meeting sometimes occurs and may be helpful. However, attempts by Council Members to influence individual Staff members' views on issues that are under study or review for later consideration by the entire Council should be avoided. The reason for this is that Staff is trying to be as objective as possible in their work and their recommendations to the Council.
- g. **Private Disputes:** On occasion, individual residents or neighborhoods will come forth with problems of a purely private nature. These typically include overhanging trees, boundary line disputes and fence problems. The City normally has no legal jurisdiction in such matters and therefore Council should not get involved. Intercession in such matters will needlessly consume time and taxpayers' dollars and could potentially expose the City to liability. If Council is not clear whether a reported problem is properly within the City's jurisdiction, he/she should ask the City Manager for his/her input.
- h. **Use of Staff for City Business and Private Business:** Asking Staff for help on personal business or problems can present definite problems and conflicts and should be avoided.
- i. **Policing Problems:** It is the Council's responsibility to police and correct any problems among its members. Hopefully difference of opinions on issues will be handled with the attitude that individuals can *agreeably disagree*.

## 2. Council/Manager and Staff Relations

In addition to the items mentioned under *Council Relations*, the following may be helpful for both the Governing Body and City Staff:

- a. **City Manager:** West Point City operates under a six-member council, manager by ordinance, form of government. Any administrative power held previously by the Mayor or City Council has been delegated to the City Manager (WPCC 2.10.100 & 2.10.110). The City Manager is the chief administrative officer of the city to whom all employees of the city report. The City Manager is

responsible to the City Council for the administration of all city affairs placed in his/her charge. (WPCC 2.10.040)

- b. **Everyone is Equal:** All Council Members will receive the same information about a matter, particularly as it relates to business items for consideration as a body. No one should receive different or special information that would put one Council Member at an advantage over the others. Staff reports will be prepared for the entire Council to avoid such problems.
- c. **Favoritism:** Individual Council Members have more of an interest in some departmental functions than others do. However, that should not give cause for Staff to show special deference to certain Council Members or vice-versa.
- d. **Lobbying Council Members:** Individual Council Members are not to be lobbied by Department Directors for support of their projects. Their proposals or programs must stand on their merits; as opposed to their success in lobbying and lining up Council votes. Department Directors work through the City Manager.
- e. **Council Orders:** As the Municipal Code requires, Council Members are not to individually order the City Manager, Department Directors, or other employees to do anything. Only a majority of the Council may give direction to the City Manager.
- f. **Use of Staff Resources:** Staff resources are limited and are fully devoted to carrying out Council determined priorities and programs. There are no resources available to pursue special interest projects of individual Council Members. There will be a number of situations when a Council Member will call and request information. This is encouraged and helpful and to the extent that it is available, the information will be furnished. However, special research efforts or requests involving a lot of time could divert Staff from working on priorities and goals of the entire Council and Staff's day-to-day responsibilities.
- g. **Office Visits:** Council Members are welcome to frequent any City department or office. Usually these will be for business matters, information inquiry or observation. Social visits are also made from time to time.
- h. **Office Space:** The Mayor has an office to meet citizens in and to carry out his/her duties. If a Council Member, by assignment, needs to meet with anyone officially, conference rooms may be scheduled. Arrangements for these meetings can be made through the City Manager's office.
- i. **Council Meetings:** Council meetings have an agenda that is set in advance to assist in having the meeting and business conducted in an orderly fashion. Work meetings are held before Council meetings to discuss both set items and miscellaneous matters. A Council Member should contact the City Manager or Mayor if he/she wants to discuss a matter or has a question. Many matters can be resolved faster and better by talking to Staff rather than bringing up the matter for the first time in a Council meeting.
- j. **City Manager Contact:** The Council Members' primary contact is the City Manager. Questions, requests for information, etc. should first be made to the City Manager, if possible, then to the appropriate Department Director or employee as determined by the City Manager. There are

good reasons for this approach: the City Manager will then know what is going on, and he/she can determine which department(s) should become involved.

- k. **Department Director Contact:** If a Department Director is contacted by the Mayor or a Council Member, the Department Director is to let the City Manager know what the problem was, if any, in a reasonable time.
  
- l. **Personnel Complaints:** Council Members may receive complaints about City personnel. Problems do occur from time to time, and information on a possible problem is welcome from any source. These complaints should be mentioned to the City Manager to investigate or resolve. In some cases, disciplinary action may be required, and protection of both the City's rights and the employees' rights are a paramount consideration in dealing with employee complaints.