

ORDINANCE 8-01-11 O

**AN AMENDMENT TO SECTION 3 OF THE CITY'S GENERAL ORDINANCES,
ADOPTING RULES GOVERNING PUBLIC MEETINGS**

WHEREAS, the City Council of the City of Kanab (hereinafter the "City") desires to adopt written rules governing its public meetings; and

WHEREAS, Utah Code Annotated 10-3-606 states that every municipal governing body shall establish its own procedural rules for the proper conduct of its public meetings.

NOW THEREFORE, be it ordained by the City Council of the City of Kanab that Section 3 of the City's General Ordinances is hereby amended as follows:

Sections 3-502, 3-504, 3-505, 3-506, 3-507, 3-508, 3-509, 3-601, 3-606, 3-607, 3-608, 3-609, and 3-610 are revised. Section 3-503 has been repealed. Section 3-510 is added. The City's General Ordinances now read as follows:

Section 3-502 Time, Place – Exceptions

~~The governing body shall hold two regular meeting(s) which shall be held on the second and fourth Tuesdays of each month. The meeting(s) shall begin promptly at 7:00 o'clock p.m. with a work meeting beginning at 6:00 o'clock p.m.~~

~~A. The governing body may by resolution provide a different time and place for holding regular meetings of the governing body.~~

A. Regular Meetings: The City Council shall hold two regularly scheduled meetings per month, which shall be held at the Kane County Commission Chambers at 76 North Main, Kanab, Utah on the second and fourth Tuesdays of each month. The meetings shall begin promptly at 7:00 o'clock p.m. with a work meeting beginning at 6:30 o'clock p.m.

1. If a regular meeting date falls on a legal holiday or day observed as a legal holiday, the meeting shall be cancelled or rescheduled by the City Council.
2. Upon approval of each member, the City Council may provide for a different time and/or location for holding any regular meeting in any given month, provided notice of the change and of the new meeting time and location is posted at the City Hall, the post office and the State Bank of Southern Utah no later than the Friday preceding the meeting.

B. Special Meeting: If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered into the minutes of the City Council. The order shall provide at least three (3) hours notice of the special

meeting and notice thereof shall be served by the City Recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a council member at any specially called meeting constitutes a waiver of the notice required in this subsection.

- C. Electronic Meetings: The City Council may convene and conduct an electronic meeting in accordance with Utah Code Annotated 52-4-207 as amended.
1. A quorum of the council must be present, either in person at the anchor location or by electronic participation. At a minimum, two (2) council persons must be in attendance at the anchor location. If, for any reason, lack of communication with a member of the council causes a lack of a quorum, no additional business may be conducted until the quorum can be reconstituted. Business already conducted remains valid and binding.
 2. A council member must give notice to the City Recorder as to what electronic means said council member intends to utilize to attend a meeting electronically at least forty-eight (48) hours prior to the meeting to allow for arrangements to be made for the electronic meeting.
 3. One anchor location for electronic meetings shall be the Kane County Commission Chamber at 76 North Main, Kanab, Utah. Other locations may be deemed acceptable as required by circumstances, as long as adequate facilities are provided for public participation. Public participation is limited to the anchor location.
 4. Electronic meetings may be prohibited or limited based on budget, public policy or logistical circumstances.
 5. Notice of the meeting is to be given pursuant to Utah Code Annotated 52-4-202 and 52-4-207 as amended.

Section 3-503 Meetings in The Cities of the Third Class and Towns

See U.C.A. 10-3-503

Repealed. [The Utah Legislature has repealed U.C.A. 10-3-503]

Section 3-504 Quorum Necessary to do Business

See U.C.A. 10-3-504

No action of the City Council shall be official or of any effect, except when a quorum of the members is present. Fewer than a quorum of the City Council may vote to adjourn a meeting from time to time when a quorum is not present.

Section 3-505 Quorum Defined

~~See U.C.A. 10-3-505~~

The number of members of the City Council necessary to constitute a quorum is three (3) or more.

Section 3-506 Attendance

~~See U.C.A. 10-3-506~~

The City Council shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith.

Section 3-507 How the Vote is Taken

~~See U.C.A. 10-3-507~~

A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a “yes” or a “no” vote and shall be recorded. Every ordinance or resolution shall be in writing before the vote is taken.

Section 3-508 Minimum Vote Required

~~See U.C.A. 10-3-508~~

The minimum number of “yes” votes required to pass any ordinance, resolution or to take any action by the City Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3).

- a. Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the City Council even though such a majority is less than that required herein.
- b. A majority of the members of the City Council, regardless of the number, may fill any vacancy in the City Council as provided in Utah Code Annotated 20A-1-510, as amended.

Section 3-509 Reconsideration

~~See U.C.A. 10-3-509~~

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City 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.

Section 3-510 City Council Agenda

1. Any member of the public desiring to have an item placed upon the City Council Agenda needs to submit an Agenda Application, along with all required information, to the City Manager no later than 10:00 am on the Friday before the regularly scheduled City Council meeting.
2. Subject to Utah state law and local ordinance, the Mayor will make the final decision regarding what items are placed on the City Council Agenda.
 - a. An applicant will be notified by the City Manager of whether the item was placed on the City Council Agenda no later than 3:00 pm on the Monday before the regularly scheduled City Council meeting.
3. If an item is not placed on the City Council Agenda, the applicant may make a public comment as prescribed in Section 3-606 of the City's General Ordinances.
4. If two (2) or more City Council members determine that the subject of a public comment should be placed on the City Council Agenda, the item will be placed on the agenda for the next regularly scheduled City Council meeting.

Section 3-601 Business of Governing Body Conducted Only in Open Meeting

~~See U.C.A. 10-3-601~~

1. Every meeting of the City Council is open to the public, unless closed pursuant to Utah Code Annotated sections 52-4-204 and 52-4-205.
2. The public may witness the workings of their public officials, but are not guaranteed the right to participate in the proceedings unless the meeting is a public hearing. Even though the public is not guaranteed the right to speak at a public meeting, the Mayor or presiding officer of the meeting may invite citizens to speak.
3. Public hearings provide citizens with the opportunity to comment about agenda items for which a public hearing has been scheduled. Citizens shall have the opportunity to make comments at all public hearings in accordance with the Rules of Procedure prescribed in Section 3-606.

Section 3-606 Rules of Procedure

~~See U.C.A. 10-3-606~~

1. The Mayor or presiding officer shall at all times have the authority to conduct and maintain order in all public meetings.
2. At a public hearing, comments pertaining to items on the agenda shall be heard when the agenda item is considered.

3. At the Mayor's discretion, the City Council meeting agenda may contain a "public comments" item as the last regular meeting agenda item after all other items on the agenda have been addressed.
4. Citizens should wait to be recognized by the presiding officer and invited to speak before doing so.
5. Once recognized, the individual shall come to the podium and state his/her name for the record before beginning to make comments.
6. Only the presiding officer shall have the right to interrupt individuals during their time to make comments.
7. Those making comments shall not make personal references or attacks on the reputation of other persons.
8. Those making comments shall confine their comments to three (3) minutes. This limit will be strictly enforced so that all who desire to speak will have an equal amount of time in which to do so.
9. Members of the public may only speak once per public meeting, unless the presiding officer makes special exception. This limit will be strictly enforced so that all who desire to speak will have an opportunity to do so.
10. The presiding officer may request any member of the public to refrain from inappropriate language, statements or behavior, and if he/she does not honor said request, the presiding officer may terminate the right of that individual to speak further at that meeting. Individuals who do not respect the authority of the presiding officer shall not be permitted to speak.
11. Once all who wish to participate respecting any given issue have done so, or once the specified time for comments on an issue has concluded, the presiding officer shall, in the case of a public hearing, close the public hearing by motion, and in all other cases shall inform the public and/or any party(ies) making presentations that no further comments will be taken regarding that issue. Thereafter the presiding officer will refuse to recognize any such comments.
12. In circumstances where it is deemed appropriate to do so by the presiding officer, Rules 2, 3, 4, 6, 7, 8 and 9 may be waived in whole or in part in favor of a more open, participative discussion and dialogue, or a question and answer format.

Section 3-607 Rules of Conduct for Members of the Governing Body

See U.C.A. 10-3-607

The City Council may fine or expel any City Council Member for disorderly conduct on a two-thirds (2/3) vote of the members of the City Council.

Section 3-608 Rules of Conduct for the Public

See U.C.A. 10-3-608

The City Council, on a two-thirds (2/3) vote, may expel any person who is disorderly during the meeting of the City Council. This subsection or any action taken by the City Council pursuant hereto shall not preclude prosecution under any other provision of law.

Section 3-609 Action on Committee Reports

See U.C.A. 10-3-609

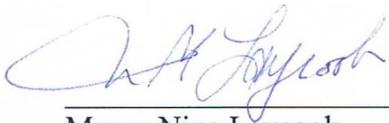
Final action on any report of any committee appointed by the City Council shall be deferred to the next regular meeting of the City Council on the request of any two (2) members, except that the City Council may call a special meeting to consider final action.

Section 3-610 Requiring Attendance of Witnesses, Production of Evidence

See U.C.A. 10-3-610

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this subsection or it may issue subpoenas in its own name in the same manner as provided in the Utah Rules of Civil Procedure.

PASSED AND ADOPTED by the Kanab City Council the 9th day of August, 2011.
This ordinance shall be effective upon passage and posting.



Mayor Nina Laycook



Attest: City Manager Duane Huffman