



Sandy City Council Office

10000 South Centennial
Parkway Suite 231
Sandy, UT 84070
O | 801-568-7141
Sandy.Utah.Gov

MEMORANDUM

January 30, 2024

To: City Council Members

From: Dustin Fratto, Council Office Executive Director

Subject: Staff recommendations regarding updates to the City Council Rules of Order and Procedure

State Statute (10-3-606) requires the City Council to adopt rules of order and procedure (rules). Additionally, your current rules require that the Council review and readopt the rules at least once per calendar year, by the final business meeting in February. Included with this agenda item, are your current rules. As individual council members you may consider any amendments to these rules over the coming weeks. Any changes will need to be approved by the body and final rules will need to be adopted by the February 27th council meeting.

As the Director of the Council Office, I read and review your rules regularly. Based upon that experience as well as the real-world application of the rules that, we've all experienced over previous years I would like to suggest some general changes to the rules for your consideration:

- 1. Combine Work and Business Sessions.** Alternating business and work sessions often results in lost time, increased difficulty in meeting deadlines, and is generally inconvenient. While I recommend that the council maintain the requirement that substantive items come before you in a two-step process during separate meetings (1) Informational item during the first meeting, (2) Voting item during the second meeting; I would like the council to consider doing away with the alternating Work and Business Sessions. I would instead recommend that every meeting be classified as a business session where both informational and voting items may come before the council.
- 2. Replace eComment with the CitizenComment Email.** eComment was implemented during the pandemic and the CitizenComment Email (citizencomment@sandy.utah.gov) was implemented over a year afterwards. While eComment has not garnered much use, the CitizenComment Email is very popular. The cost of the eComment feature through our agenda management system is \$2,300/Year, while the CitizenComment Email has no additional cost. Due to its limited use and high cost, I recommend that the Council phase out eComment as an option for written comments and instead pivot to the CitizenComment Email as the primary method of collecting written comments. Here is a breakdown of the number and type of formal written comments received by the council over the past two years.

CY 2022:

- eComment: 31 total comments received
- CitizenComment Email (Rolled out late 2022): 56 total comments received

CY 2023:

- eComment: 33 total comments received
- CitizenComment Email (First full year): 354 total comments received

Sandy City Council
Legislative Policies and Procedures

SUBJECT: Rules of Procedure

BACKGROUND:

State law § 10-3-606 requires the City Council to adopt rules of order and procedure governing and prescribing:

- a) parliamentary order and procedure;
- b) ethical behavior; and
- c) civil discourse.

The City Council is further required to:

- a) conduct public meetings in accordance with the adopted rules of order and procedure;
- b) make the rules of order and procedure available to the public; at each meeting of the municipal legislative body; and on the City website.

POLICY:

1. The “Sandy City Guidelines, Conduct of Official Council Meetings” adopted via Resolution #07-66C are hereby repealed.
2. Sandy City Council Rules of Procedure amended and re-adopted on February 21, 2023
3. The Sandy City Council Rules of Order and Procedure are described as follows:

Sandy City Council

Rules of Order and Procedure

Parliamentary Order and Procedure, Ethical Behavior, and Civil Discourse

1. Standard Order of Business

- a) The standard order of business for regularly scheduled meetings of the City Council is as follows. The City Council may vote to amend the standard order of business from time to time based on the actual content of each meeting. The Council will not entertain new items after 11 PM unless agreed to by a majority of the Members.
- b) Dependent on the annual meeting schedule, the City Council generally meets each Tuesday at 5:15 PM. ~~City Council meetings will alternate between Work Sessions and Business Sessions with two Work Session meetings per month and two Business Sessions per month. Council voting on substantive issues occurs in Business Sessions. Procedural votes such as closing a meeting, providing informal direction to staff based on information received from a presentation, or making necessary adjustments to the meeting schedule or agenda, may occur in the Work Session at the discretion of the Chair. The Council shall not adopt resolutions nor ordinances during a Work Session, except resolutions of Special Recognitions. Work Sessions shall be conducted on the 2nd and 4th Tuesday of each month contingent on the annual meeting schedule.~~
- c) All resolutions and ordinances shall be presented to the council during at least two separate council meetings. At the first meeting the resolution or ordinance shall be presented as a non-voting informational item. At the second meeting the resolution or ordinance shall be presented as either a consent calendar, public hearing, or council voting item.

~~5:15 PM Council Meeting Work Session (2nd and 4th Tuesday of each month)~~

Opening Remarks/Prayer/Pledge of Allegiance

- ~~A. Council Meeting Work Session Items (at the discretion of the Chairperson, the order of items within this category may be altered from time to time to accommodate presenters and other special circumstances).~~
 1. Special Recognition
 2. Informational Items (Informational briefings, training opportunities, discussion items, first readings, etc.)
 3. Consent Calendar
 4. Public Hearings (The Council will accept written and oral citizen comment on each public hearing item according to the procedure described in paragraph B below)
 5. Council Voting Items (The Council will accept written and oral citizen comment on each council voting item according to the procedure described in paragraph B below)
- ~~B. After 6:00 PM General Citizen Comment Period (see paragraph D below)~~
- ~~C. Standing Reports:~~
 1. ~~Agenda Planning Calendar Review & Council Director Report~~

Sandy City Council
Rules of Order and Procedure

- ~~2. Council Member Business~~
- ~~3. Mayor's Report~~
- ~~4. Chief Administrative Officer Report~~
- ~~5. Other Standing Reports as needed~~

5:15 Business Session (1st and 3rd Tuesday of each month)

Opening Remarks/Prayer/Pledge of Allegiance

~~D.~~ B. Citizen Comment

1. Introduction. The City Council welcomes written and oral citizen comment on any City subjects at regular meetings. Oral comment will be taken:
 - a. During the General Citizen Comment Period. Oral public comment will be taken on city subjects, including council informational and voting items listed on the meeting agenda.
 - b. During Public Hearings. Oral public comment on a public hearing item shall be held until the public hearing is opened.
 - c. During council voting items. Oral comment on every council voting item shall be accepted during the general citizen comment period and during a separate comment period for each council voting item.
2. Start times:
 - a. The General Citizen Comment period will begin no earlier than 6:00 PM. The Council will aim to open the oral General Citizen Comment Period at 6:00 PM, or at the next available transition between agenda items thereafter.
 - b. The Council will open oral public comment on each public hearing item and each council voting item when those items are called.
3. Speakers may comment in-person or remotely. Each speaker is allowed three minutes to address the Council. The Chair may extend the time for Citizen Comment at his or her discretion. Commenters are requested to provide their city of residence to the Council for the public record.
4. The Council welcomes written ~~comments. eComment on City subjects, public hearings, and on any council voting item. The link to eComment can be found on each City Council agenda. EComment closes one hour prior to the start of each meeting.~~ Citizens ~~may~~ ~~can also~~ submit a written comment on City subjects to the Council by emailing CitizenComment@sandy.utah.gov.

~~E.~~ C. Business Session Items (the order of items within this category may be altered from time to time to accommodate presenters and other special circumstances)

1. Special Recognition
2. Public Hearings (The Council will accept written and oral citizen comment on each public hearing item according to the procedure described in paragraph D above)

Sandy City Council Rules of Order and Procedure

3. Consent Calendar
4. Council Voting Items (The Council will accept written and oral citizen comment on each council voting item according to the procedure described in paragraph D above)

~~F.~~ **D. Standing Reports (not timed certain)**

1. Agenda Planning Calendar Review & Council Director Report
2. Council Member Business
3. Mayor's Report
4. Chief Administrative Officer Report
5. Other Standing Reports as needed

- d) Council Member Business, the Mayor's report, and the Chief Administrative Officer's report are informational in nature. These reports may include such items as updates from committee meetings, summaries of significant City events, recognition proposals, and recommendations for future discussion items. No action except discussion can occur on such an item at the meeting in which it is introduced; it must be added to a future agenda as a voting item before formal Council action can occur.
- e) The Council may deviate from the standard order of business as necessary.
- f) Items not completed during the Council Meeting portion of the agenda should be rescheduled at the next available Council Meeting as appropriate.

2. Motions

Main Motion

- a) A motion is a formal proposal by a Member of the City Council, in a meeting, that the Council take certain action.
- b) After a motion has been seconded, another Member of the Council may offer a friendly amendment to the original motion maker which he or she, together with the seconder of the motion, may accept or reject. Friendly amendments are informal and are not counted toward motions to amend.

Motion to Amend

- c) A motion to amend which has been seconded and receives a majority vote of the Members present amends the main motion.
 - i. A Motion to Amend must be germane. Any amendment proposed must in some way involve the same question raised by the motion it amends. As such, motions to amend should insert and/or strikeout wording of the

Sandy City Council Rules of Order and Procedure

original motion. Motions to amend may not be the negation of the main motion.

- ii. The Chair will rule whether or not a Motion to Amend is germane to the main motion.
- d) To retain clarity of debate, the main motion should only be amended no more than two times.
- e) A motion which has been seconded (amended or otherwise) and is the subject of debate must be dispensed with before a new motion can be considered. There are no “substitute motions” which unilaterally shift debate away from the main motion.

Motion to Reconsider

- f) After a main motion has been dispensed with, a Motion to Reconsider may be offered at the same meeting in which the motion suggested to be reconsidered occurred. However, the Motion to Reconsider may only be offered by a Member who voted on the winning side, whether in the affirmative or negative. A second to the Motion to Reconsider may be offered by any Member. In the event of a tie vote, any member may offer a Motion to Reconsider. The Motion to Reconsider brings up the item at the same meeting in which the vote to be reconsidered occurred.

Renewal of Motions

- g) If properly placed on the Council Meeting agenda, any Member may Motion to Rescind or Amend an action of the Council.

3. Debate

- a) It is recommended that formal titles such as “Mr./Madam Chair” be utilized to encourage a professional, courteous and orderly atmosphere.
- b) No motion shall be debated until it has been seconded by another Member of the City Council. A motion dies for lack of a second from another Member of the Council.
- c) For clarity, after a motion has been seconded, the Chair should restate the motion or cause it to be displayed in writing for the Members of the Council and the public.
- d) The Chair should ensure that each Council Member who desires to speak has opportunity to do so.
- e) Members should refrain from speaking until being recognized by the Chair.

Call the Previous Question or “Calling the Question”

- f) Any Member may make a Motion for the Previous Question during debate

Sandy City Council Rules of Order and Procedure

(commonly called “calling the question”). A Motion for the Previous Question is a proposal to end debate on the main motion. It requires a second and must be adopted by a majority of Members present. The Motion for the Previous Question is not debatable. A vote on the Previous Question does not decide the main motion. It decides whether or not debate on the main motion should cease.

Appeal

- g) Any Member may raise a Point of Order without having first been recognized by the Chair in order to seek clarification on a parliamentary question. The Chair will rule on the Point of Order.
 - i. Rulings of the Chair may be appealed to the City Council as a whole. A majority vote of the City Council may override a ruling of the Chair.

Pause in Council Proceedings

- h) The Chair may allow the Council to stand at ease for a brief pause if necessary during debate.

4. Quorum

- a) A quorum of the City Council is required to conduct business. A quorum is four Members.

5. Voting

- a) Voting shall be in the form of “yes” or “aye,” “no” or “nay,” and “abstain.” The names of those voting for, against, or abstaining shall be entered in the Council minutes.
- b) No Council Members shall vote unless physically present or participating through electronic means pursuant to Utah Code Annotated § 52-4-207. Proxy votes are not allowed.

Types of Voting

- c) A roll call vote is required for all ordinances and may occur for other votes. “Roll call” means that each Council Member participating verbally gives his or her vote when called upon to vote. Any Member has the discretion to call for a roll call vote.
- d) If a roll call vote is not required, a voice vote may occur. A voice vote is the request of the Chair such as, “All in favor,” and/or “All opposed” where the Council Members simultaneously state their vote on an item.

Number of Votes Required to Pass an Item

- e) The minimum number of votes required to pass an ordinance or resolution, or to

Sandy City Council Rules of Order and Procedure

take any action by the Council, unless otherwise prescribed by law, is a majority of the entire membership of the Council, without regard to vacancy or absences, namely four votes.

- i. Notwithstanding this provision, a Council meeting may be adjourned to a specific time if the majority vote is less than four votes.
- f) An expression of “abstain” during voting shall not be considered as an affirmative or negative vote. For purposes of a Motion to Reconsider, an “abstain” vote does not grant standing. In other words, a Council Member who abstains on a question or is absent when the vote on a question is taken may not move to reconsider the question.
- g) In the case of a tie vote, the motion shall fail.

Explanation of Vote or Conflict

- h) A Council Member desiring to explain his or her vote should do so prior to the call of the roll or voice vote.
 - i) Any Council Member who has an immediate or direct financial interest in any item pending before the Council shall disclose this fact to the Council at the time the item is called. Members declaring such an interest should leave the room during the discussion and abstain from voting on that item.
 - j) Custom should not conflict with adopted Rules of Order and Procedure. To the extent that custom conflicts with adopted Rules, the Rules shall supersede until amended to reflect customary practice.
6. Amending the Rules
- a) If previous notice is given, namely a specific amendment or set of amendments to the Rules of Order and Procedure is placed on the regular Council Meeting agenda in advance, a majority vote of Members of the City Council is required to modify the Rules of Order and Procedure.
 - i. If the Rules of Order and Procedure have not been explicitly placed on the Council Meeting agenda for discussion, a two-thirds majority of the Council Members present may suspend or modify the Rules in order to accomplish a specific action.
 - b) In the event that any provision herein conflicts with state law, state law supersedes.

7. Annual Review and Re-adoption of the Rules of Procedure

- a) The City Council shall review and readopt its Rules of Procedure, including any amendments, by majority vote, each calendar year no later than the last regularly scheduled Business Session Council Meeting in February.

Sandy City Council
Rules of Order and Procedure

8. A Link to each video or audio recording of every City Council meeting shall be published on the appropriate city council social media sites.

History:

Original Approval: March 29, 2016

Revision: February 19, 2019

Last Revision: 1-21-20

Last Revision: 9-1-20

Last Revision: 3-9-21

Last Revision: 2-15-22

Last Revision: 2-21-23

Last Revision: 2-27-24