

Sandy City Council
Legislative Policies and Procedures

Original Approval Date:
Revision:
Chapter:
Section:
Date Council Approved:

SUBJECT: Public Hearings

BACKGROUND:

State law requires that certain decisions before the City Council must be made after a public hearing on the matter is conducted. This policy is intended as a guide to the Council, staff and the public for how those hearings are conducted. The Council may, by a vote of a majority of Members present, adjust, amend or overturn any policy.

The City of Sandy is a local government entity which operates under the council-mayor form of government. The powers of the council-mayor form of government are vested in two separate, independent, and equal branches of municipal government consisting of a mayor (commonly referred to as the "executive" branch) and the city council (commonly referred to as the "legislative" branch).

Generally, the role of the City Council is to formulate and decide the policy direction and governing philosophy of the city. The legislative decisions of a City Council are given great deference by the courts and will generally be upheld as long as those decisions are based upon a rational reason. Public sentiment, preferences and opinion of individual City Council Members, scientific data, facts and circumstances surrounding a decision, professional opinions and advice, and any number of factors may, at the option of or in the sole discretion of the City Council, be considered by the City Council in its legislative decision-making process. In legislative decision-making, the adage "reasonable minds may differ" has meaning and is respected by the courts when reviewing a City Council decision. In legal terminology, unless a decision of the City Council is found by a court to be arbitrary, capricious or illegal, a court will uphold the decision of the City Council even if there are good reasons for making a contrary or alternative decision. Arbitrary and capricious means a decision without reasonable grounds. Illegal refers to decisions which are inconsistent with or contrary to a statute, ordinance, or court ruling.

POLICY:

- A. General Public Hearing Procedure:
 - 1. City staff provides an overview and/or recommendation on the subject item.
 - 2. If the public hearing pertains to a land use, budgetary or other decision for a specific project, generally the project representative will have the opportunity to provide information about the project.

3. Council Members may offer comments or ask questions of the staff and/or the project representative.
4. Public comment is taken on the subject item.
 - a. Each member of the public desiring to address the City Council is allowed to speak for no more than 3 minutes on any issue, unless the time to speak is extended by ~~the Chair or~~ a majority vote of the Council. ~~The sole spokesperson for an organization or defined group may speak for 5 to 7 minutes on behalf of the group. The spokesperson for a group should contact the Council Office in advance to request this additional time.~~
 - b. It is not beneficial to repeat same points already make by previous speakers, ~~as it takes away time from others who may want to speak.~~
 - c. Any person desiring to address the Council a second time must wait until all others have spoken before being allowed to speak a second time on the same issue, ~~and shall speak only to provide the Council new information.~~
 - d. ~~The City Council Chair may not limit the total time allowed for public comment.~~
 - e. The City Council Chair may ask each member of the public who desires to speak to form a line behind the first speaker. If no one is in line the chair may close public comment. In order to ensure an orderly and thorough discussion, and to maintain a complete record of proceedings, the City Council Chair may require each person desiring to address the Council to complete a speaker card.
 - f. Public comments are directed to the Council, and persons will refrain from talking to or approaching staff and/or the project representative while they are presenting information to the Council.
 - g. Those interested in submitting a petition, handout, or other form of written comment on a particular agenda item should contact the Council Office for information on submission dates and deadlines. Written comments intended for the Council during a meeting should be provided to the Council Office staff for distribution to the Council Members.
 - h. Council Members may ask clarifying questions during public comment. However, the intent of a public hearing is to receive comment from the public. ~~It is not an opportunity for the public to engage the Council or a project representative in debate.~~ It is not a forum in which the public should expect an interactive question and answer exercise between the public and the Council or a project representative. A member of the public may pose a question which the Council, in its sole discretion, may choose to answer, or ask staff or a project representative to answer, at the close of the public hearing.
5. Public comment is closed. ~~A project representative may choose to address issues raised in public comment.~~ Council Members may ask questions of or offer comments to staff and/or

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the project representative based on information provided in public comment. ~~The Chair may limit the time for initial responses, question, or comments from Council Members until each Member desiring to speak has done so.~~ This initial response period is meant for clarification, not deliberation. Unless a Council Member requests further information from a member of the public who has previously addressed the Council, there is no further public comment.

6. The City Council deliberates and takes appropriate action. The Council may act on an item at the meeting in which the public hearing was held, may defer the vote to a later meeting, or may choose to take no action.

B. Comments on items scheduled for public hearing will not be accepted during the Citizen Comments portion of the meeting, but only when that item is opened for public comment by the Chair. Comments on Council items not scheduled for public hearing may be offered during the Citizen Comments portion of the meeting.

C. Civil Discourse

~~1. In order to ensure orderly and thorough discussion and record of proceedings, the Council Chair may require each person desiring to address the Council to complete a speaker card.~~

~~2.1.~~ All persons should avoid undermining the integrity or dignity of others in the meeting. Clapping, booing, cheering or other vocal signs of support or opposition to the proposal is not permitted.

~~3.2.~~ Persons should refrain from leaving their seats, making any noise or disturbance, or interfering or interruption the Council or staff while the Council is in session.

~~4.3.~~ Persons not following these guidelines may be asked, after a ~~2/3~~ majority vote of the Council, to leave the meeting or building for the remainder of the meeting. Any person not honoring the request of the Chair to leave the meeting may be escorted from the meeting by law enforcement and may be deemed guilty of disturbing an official meeting in violation of Section 7-8-11 of the Revised Ordinances of Sandy City ~~or section 76-9-103, the Utah State Code annotated~~, and would be guilty of a Class B Misdemeanor. Disruptive behavior by a person may also result in prosecution for disorderly conduct and/or obstruction government operations under any number of provision of the Utah Code, depending upon the specific behavior of an individual.

D. Petitions ~~and Written Comments~~

1. A petition is a request of the City Council to take or refrain from some action signed by multiple individuals. Unless otherwise provided by law, a petition does not obligate or bind the City Council. ~~Petitions are generally more persuasive if specific; arguments are most persuasive to the City Council when supported by evidence. Opinions or speculation are less persuasive despite being held by multiple individuals.~~ The City Council does not prescribe the form that a petition must take.

2. ~~Those interested in submitting a petition, handout, or other form of written comment on a particular agenda item should contact the Council Office for information on submission dates and deadlines. Written comments intended for the Council during a meeting should be provided to the Council Office staff for distribution to the Council Members.~~

~~E. City Council Decisions~~

1. ~~The City of Sandy is a local government entity which operates under the council mayor form of government. The powers of the council mayor form of government are vested in two separate, independent, and equal branches of municipal government consisting of a mayor (commonly referred to as the "executive" branch) and the city council (commonly referred to as the "legislative" branch).~~
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3. ~~Generally the role of the City Council is to formulate and decide the policy direction and governing philosophy of the city. The legislative decisions of a City Council are given great deference by the courts and will generally be upheld as long as those decisions are based upon a rational reason. Public sentiment, preferences and opinion of individual City Council members, scientific data, facts and circumstances surrounding a decision, professional opinions and advice, and any number of factors may, at the option of or in the sole discretion of the City Council, be considered by the city Council in its legislative decision-making process. In legislative decision making the adage, "reasonable minds may differ," has meaning and is respected by the courts when reviewing a City Council decision. In legal terminology, unless a decision of the City Council is found by a court to be arbitrary, capricious or illegal, a court will uphold the decision of the City Council even if there are good reasons for making a contrary or alternative decision. Arbitrary and capricious means a decision without reasonable grounds. Illegal refers to decisions which are inconsistent with or contrary to a statute, ordinance, or court ruling.~~