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**INTEROFFICE MEMORANDUM**

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**TO:** CITY COUNCIL

**FROM:** MIKE APPLGARTH

**SUBJECT:** COUNCIL RULES OF PROCEDURE

**DATE:** JANUARY 16, 2020

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As you know, I am recommending that City Council Meetings include alternating Work Session and Business Sessions. Regardless of how the agenda is structured, both Work and Business Sessions are subject to the Open and Public Meetings Act.

A Work Session is a more informal, intimate meeting of the Council in conference room style. It allows the Council the time and space needed to do a “deep dive” into issues and also receive information on upcoming agenda items.

A Business Session is what most people would colloquially refer to as “Council Meeting.” It includes ceremonial aspects, public interaction, and is generally where the Council will make its final decisions.

This shift in procedure should at some point be reflected in a shift within in your Rules of Procedure.

To be clear, the Rules of Procedure represent one policy among several Council policies. The Rules of Procedure describe the order of meetings and basic parliamentary procedure. State law requires the Council to adopt “rules of order and procedure” governing parliamentary order and procedure, ethical behavior, and civil discourse (UCA 10-3-606).

In order to make this shift successful, I strongly recommend the Council initially consider its Work Sessions as a test case or pilot project. Once the Council experiences the Work Session environment, it will have a better idea of what aspects work, and what aspects do not. If we try to craft policy in the vacuum of experience, the policy will undoubtedly lead to frustration. Negotiating less substantive details such as the label or names of the agendas (i.e. Work Session, Work Meeting, Information Session, Pre-Meeting, Executive Session, etc.), location, start times, technical audio-visual requirements, and public interaction will delay, and in my opinion cripple the effort to create the time and space needed for the Council to work effectively on matters of true substance.

Please, allow our staff to create this time and space for you. We will ensure to meet the requirements of the Open and Public Meetings Act. If the Work Session (or whatever it is called)

ends up being a productive use of the Council's time, we will work with you to identify process improvements agreeable to the majority of Members. Then we look forward to crafting your Rules of Procedure around proven practices.

It is imperative for the Council to understand that Council policies should work for you not constrain you. They should facilitate the business and desired direction of the Council, not impede progress. If any policy no longer serves the interests of the majority, it is the policy that must change, not the Council.

It is also crucial to realize that there are no perfect Rules of Procedure that reflect every contingency, nor any policy that will ever make everyone happy all of the time be they Council Members, staff, or the public. No matter how you craft the agenda, someone will be inconvenienced at some point.

To give you some perspective on how the Rules of Procedure have changed over the years, I have compiled a summary table. As you can see, various Council's have altered their rules to reflect particular direction and practice. The cautionary lesson from this, is that it is all too easy for legislative bodies to get bogged down in details, only to find that they have created an ancillary, unexpected problem.

**HISTORY**

The following table is a summary of Council actions regarding Rules of Procedure:

Date	Action
6/12/1984	Council adopts "Sandy City Council Rules and Procedures for the Conduct of Council Meetings"
1993	Council readopts "Sandy City Council Rules and Procedures for the Conduct of Council Meetings"
8/14/2007	Council revises and adopts "Sandy Council <i>Guidelines: Conduct of Official Council Meetings</i> "
10/9/2007	Council discusses revisions
10/16/2007	Council discusses revisions
10/30/2007	Council discusses and adopts revisions (Resolution 07-66C)
12/9/2014	Mike Applegarth and Phil Glenn led a discussion that addressed powers and authority of the Council, policy making versus rulemaking authority, and formal versus informal policy making. After the discussion the Council agreed that Mike would be the one to decide which policies and procedures would be best to update.

3/3/2015	Mike Applegarth led a discussion on creating a Parliamentary Procedure for the City Council regarding motions. Mike would eventually like to implement a practice where written motions are on the screen for the Council to view if they decide to amend the motion and change the verbiage.
early 2016	Granicus agenda management implemented. Following implementation, as Chair, Council Member Smith moves "pre-meeting" to Council Chambers. Council begins referring to it as a Work Session. Prayer/Pledge, Standing Reports, Special Recognitions, and Citizen Comments occur post 7 PM. Standing reports later moved to beginning of meeting (5:15 PM).
3/29/2016	Council Member Fairbanks proposes new rules. Council repeals 2007 rules, adopts new rules.
1/3/2017	City Attorney and Council Office provide information on parliamentary procedure in light of Council questions regarding proper motions and actions of the Chair.
1/31/2017	Council Member Nicholl recommends amendments to Rules of Procedure to clarify that the Council will not take new business after 11 PM unless agreed to by a majority vote.
2/28/2017	Council adopts Council Member Nicholl's 11 PM amendment.
3/7/2017	Council Office recommends the Council adopt a policy on public hearings. Council does not adopt.
1/23/2018	Administration proposes moving Council Work Session to Council Overflow area as part of audio-visual upgrades to Council Chamber. Council tables the discussion.
early 2018	As Chair, Council Member Saville deviates from the Rules so the Prayer/Pledge, Special Recognitions, and Citizen Comments happen near the beginning of the meeting (5:15 PM).
5/8/2018	Council Member Christensen proposes amendments to the Rules of Procedure. Pre-7:00 PM voting restriction proposed to be lifted. Items to be distinguished between voting and non-voting items. Citizen Comment proposed to be taken on every voting item. After Council discussion, item to be brought back for further consideration.

6/5/2018	Council Member Christensen's item comes back to Council. It is proposed that the Council continue to start its meeting at 5:15 PM, but not include pre-designated Work Session time. Standing reports and informational items may continue to be scheduled near the top of the meeting, however, there would no longer be a voting restriction before 7:00 PM. For clarification to the Council and the public, items will be identified as voting, non-voting, and public hearing items. Citizen Comments will continue to be held after the Standing Reports, however public involvement will be significantly expanded by allowing comment to each item on the agenda. Comments will be limited to one-minute per speaker unless they are part of a formal public hearing, or during the Citizen Comments portion of the agenda. To accommodate speakers who cannot attend at the beginning of the meeting, a second Citizen Comments section will also be included shortly after 7:00 PM. If a citizen is unable to address the Council in person at anytime during the meeting, he or she may contact the Council Office to provide written comments which will be read into the record at the appropriate time. The Council will continue to adhere to its policy (and state law) by refraining from voting on items not specifically noticed on the agenda introduced in Council Member Business or other Standing Reports. Council adopts amended Rules of Procedure but Prayer/Pledge is retained at 7 PM.
2/19/2019	Council Member Christensen proposes amendments to the Rule of Procedure: Move the Opening Remarks/Prayer/Pledge to the beginning of the meeting at 5:15 PM. Move Public Hearings and Other Time Certain Items from 7:00 PM to 6:00 PM. Allow a public speaker 3 minutes to address voting items instead of 1 minute. Council adopts revised Rules of Procedure.
1/7/2020	Council Member Zoltanski proposes amendment moving Citizen Comments to 7 PM.
1/21/2020	Council Member Zoltanski's amendment up for further consideration.

**Again, I encourage the Council to focus on the overall direction you want to take and not get lost on the details.**