

TOWN OF APPLE VALLEY

PUBLIC BODY MEETINGS POLICY & PROCEDURES

PURPOSE

In order to conduct the public's business in an open and efficient manner, the Town Council of the Town of Apple Valley, Utah hereby establishes rules of order and procedures for public meetings of the Town, including, but not limited to, the Planning Commission and the Town Council. These procedures and policies are to ensure (a) order and procedure, (b) ethical behavior, and (c) civil discourse.

ESTABLISHMENT OF AGENDAS

All proposed agenda items from the public must be submitted to the Town Clerk/Recorder on an agenda application.

In order for the information to be included in the meeting packet, the application must be submitted to the Town Clerk/Recorder by 4:30 p.m. six days prior to the scheduled meeting at which the topic is to be addressed.

Upon receiving the agenda application, the Town Clerk/Recorder will forward the request to the Mayor or the Chairperson of the committee. If the Mayor or the chair feels that more research is needed, they will state the reason in writing to the applicant, and item may not be identified on the agenda as requested.

Four days prior to the public meeting, the Town Clerk/Recorder, along with the Mayor or Chairperson of the committee, will review all agenda applications to determine the final agenda for the next meeting. If the Mayor or Chairperson deems necessary, he/she will request further input from the department heads. If a particular agenda application is not ready for the public meeting as requested, it may be removed and the applicant will be notified.

The Mayor or Chairperson will be expected to work with agenda applicants to ensure that the proper information is included in the packet, and that they understand the meeting procedure, proposed action, and other information, in order to make the agenda item flow smoothly.

All open meetings will adhere to State Law. The public has the right to request to be on the agenda no later than 48 hours prior to the start of the meeting if they wish to be addressed during an agenda topic, otherwise, the public has the option to address the public body during the public comment portion of the agenda for non-agenda items, but no action will be taken by the public body.

All agendas will comply with Utah State Open Meeting Act UCA 52-4 for posting requirements.

COUNCIL OR COMMITTEE PACKETS

The Town Clerk/Recorder will coordinate with the Mayor/ Chairperson, department heads and public to compile all documents necessary for the public meetings packets.

Each agenda item will identify a memorandum as to the subject and any recommendations staff has made to the public body.

Meeting packets will be made available 24 hours before the meeting at the Town office for council and committee members to pick up.

If a public body member will not be present for the meeting, a packet will be placed in their designated box located at the Town Hall at 1777 N. Meadowlark Dr., Apple Valley, Utah.

OPEN AND CLOSED MEETINGS

The regular meetings of the public bodies of the Town of Apple Valley are hereby established by ordinance or order of the public body and may be amended with a majority vote of the public body establishing the regular meeting schedule. The establishing public body will approve its annual meeting schedule at least once each year, specifying the date, time, and place of such meetings by motion.

All meetings of the public bodies of the Town of Apple Valley shall be held in compliance with state laws relating to open and public meetings.

A closed meeting may be held upon the affirmative vote of two-thirds of the public body members present at an open meeting for which the required notice has been given.

No closed meeting is allowed except as to matters exempted by State Law from open meetings requirements.

ELECTRONIC TELECOMMUNICATIONS

As required by Utah State Law, the Council hereby adopts an ordinance authorizing the public body to conduct open meetings by electronic telecommunications.

The purpose of electronic telecommunications is to ensure a quorum be present for all public meetings. Members are discouraged from using electronic telecommunications procedures during their absence due to cost, logistic issues, and importance of seeing body language and facial expressions of participants in the meeting. In special circumstances, a public body member may request the ability to attend a meeting via electronic means at the proceeding meeting via the approval of the Mayor and/or Chairperson of the public body.

The Town Hall Council Chambers where the public body would normally meet if it was not holding an electronic meeting, currently located at 1777 N. Meadowlark Dr., Apple Valley, Utah, shall be

the anchor location for all electronic meetings, unless otherwise publicly noticed and the Council finds that such chambers provide space and facilities so that interested persons and public may attend and monitor the open portions of the meeting, whether such meeting is a public hearing or otherwise.

To call an electronic meeting, public notice of such meeting must be given at least 24 hours before the meeting by (a) posting written notice at the anchor location, (b) providing written or electronic notice to ~~(i) at least one newspaper of general circulation within the State and Town;~~ (ii) providing notice to the public body at least 24 hours before the meeting so that they participate in and be counted as present for all purposes, including the determination that a quorum is present; (iii) providing a description to the members of the public body of how the members will be connected to the electronic meeting; (iii) providing notice on the Utah State Public Meetings notice website at least 24 hours in advance of the meeting.

MINUTES OF THE TOWN COUNCIL MEETINGS

The public bodies of the Town shall keep minutes of their proceedings as provided by State law. The books, records, accounts and documents of each municipality shall be kept at the office to the Town Clerk/Recorder and draft and approved copies shall be open and available to the public during regular business hours for examination and copying. (Utah Code Section 10-3-603)

Minutes are history of the community and should contain as much information necessary for clarity. Minutes should be circulated to members of the public body and made available to the public within “a reasonable time after the meeting” and must be marked as “DRAFT” before approval by the public body.

Approval of the Written Minutes: The minutes of a meeting at which draft minutes of past meetings are approved should reflect that those minutes were “approved as presented” or if draft minutes have corrections, the minutes of the current meeting should reflect that those draft minutes were “approved as corrected or amended.” If there are grammatical or spelling errors, which do not change the substance of the text, which are not identified as corrected in the minutes then the Town Clerk/Recorder will make such minor corrections to the minutes.

MEETING PROCEDURES AND DECORUM – GENERAL RULES

The purpose is to ensure fairness and common courtesy to all members of the public at the meeting. These procedures and policies are to ensure (a) order and procedure, (b) ethical behavior, and (c) civil discourse.

The public body, staff and public will turn off or turn their cell phones to silent during an open meeting. The exception to this rule will be the public safety officers.

Any member of the public body or staff member that is expected to attend the meeting, and will be absent or tardy, shall inform the Mayor/ Chairperson, or Clerk/Recorder prior to the meeting so as not to delay the start of the meeting.

The Town encourages citizen input during public meetings. The Mayor or chair of the public body will invite the public to share their comments at the appropriate time during public hearings, public input, or public comments for a period of three (3) minutes. The Mayor or chair of the public body may also permit citizens to speak during individual agenda items at his/her discretion when they feel the comments will be pertinent to the topic. The Mayor or chair shall have the discretion to limit the time available for such comments.

Members of the public body shall not talk over one another, interrupt, or speak in a condescending or demeaning manner to one another. Individuals shall take turns speaking, defer to someone who intends to speak, and in general, maintain civil rules of conduct toward one another. The staff and public are expected to do the same. Members of the public body and staff members are expected to dress appropriately for the meeting and office which they hold.

When person(s) are addressing the public body, the person(s) should only speak on the merits of the topic immediately at hand.

Printed materials should be distributed to the public body prior to the meeting. If the public wishes to distribute printed materials to the public body during a meeting, they may do so, but must have additional copies for the Town Clerk/Recorder for the official record.

No public body of the Town will tolerate disorderly conduct which includes insulting language or behavior by any person, including members of the audience, the public body itself, or administration. No name calling, shouting, or booing is allowed during a meeting. The Mayor or Chair of the public body may call the person to order or excuse them from the meeting. The Town reserves the right to have a public safety officer in attendance at a meeting to maintain public order.

ATTENDANCE

The public body 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 Town.

The Town Council may issue subpoenas in its own name in the same manner as provided in the Utah Rules of Civil Procedure.

MAYOR OR CHAIR RESPONSIBILITIES

The Mayor shall preside at all regular and special meetings of the Town Council. In the absence of the Mayor, or in the event of the Mayor's inability or refusal to act, the Mayor Pro-Tem shall preside

over the meeting or meetings and shall have the powers and duties of the Mayor during the Mayor's absence or disability. A chair shall be designated for all other public bodies. The chair will lead the meeting attending to the process, rules of conduct and facilitate closure, summarization of main discussion points and request motions be formulated.

The Mayor or chair, as applicable, at his/her discretion, will recognize person(s) wishing to make comment or address the public body and request them to address the public body at the podium, stating their name and address for the official record. All comments should be directed to the public body and not the others in attendance. Person(s) wishing to speak should not request recognition while someone else is speaking.

MAYOR OR CHAIR PRO-TEM RESPONSABILITIES

The Mayor or chair pro-tem will be established by Ordinance or motion by a majority vote of the Town council or public body.

The chair Pro-tem will chair the meetings in the absence of the chair and will conduct in accordance with meeting procedures.

MEMBER RESPONSIBILITIES

It is the duty of the voting members of a public body:

To consider the interests of the municipality in its entirety.

To prepare for the meetings by reviewing the agenda, supporting materials and asking questions in advance.

To communicate needs to staff and other members about personal learning style, physical or mental limitations, and other accommodations required as permitted under the Americans with Disabilities Act and respect the accommodations needs of other Members.

To respect the public process and decisions.

The members of the public body may expel any public body members for disorderly conduct on a two-thirds vote of the members.

To maintain confidential information and discussions that are shared in closed sessions per the Open Public Meetings laws.

QUORUM

The majority of the public body constitutes a quorum for the public body and all motions of a public body shall be approved by a majority of the public body (not just a majority of the quorum in attendance).

If a position is vacant, a quorum is the majority of the remaining members of the public body.

Abstention does not impact a quorum.

There must be a minimum of a majority of the entire public body of affirmative votes for adoption of a motion.

RECORDED VOTE

Each member of the public body has one vote each time a vote is held.

The requirement for a recorded vote must include the vote and each member's reason for abstention.

ABSTENTION FROM VOTING

A member may decide not to vote either in favor or against a motion.

Abstention may occur if a member has been absent and /or feels insufficient information has been received on an issue.

Abstention is not to be confused with voting against a matter.

Members not abstaining carry the vote, as long as the motion receives the minimum required affirmative votes.

RECUSING

If a public body member should choose to recuse themselves from an agenda item. They will need to remove themselves from their seat.

CONFLICTS OF INTEREST / DISCLOSURE STATEMENTS

All public body Members will complete a written statement and disclosure regarding conflicts of interest and of financial interests and affiliations annually, or when there is change in the nature of the conflict, interest or affiliation, and file it with the Town Clerk/Recorder. All disclosure statements will adhere to the Utah Municipal Officers and Employees Ethics Act (UCA 10-3-1301)

All disclosure statements are public information and may be inspected by the public during normal business hours.

A conflict of interest must be made orally in an open meeting to the members of the body of which they are a member immediately before the discussion about the topic involved in the conflict of interest as per the Municipal Officers and Employees Ethics Act (UCA 10-3-1301).

MOTIONS

The Mayor or chair may recommend language to the Council for a motion.

Motions should begin with "I move to ".

Before a motion can be discussed it must be seconded.

Agenda Items identified as discussion items only may not require a motion.

Amending a motion requires recognition by the Mayor or chair. The Member must state the change clearly and specifically and requires a second. It is debatable at this point before a majority vote to pass.

The motion must be made at the appropriate time in the order of business.

Agenda items needing more attention, investigation and/or discussion may be referred to a committee or staff for further review. A motion should be made which identifies specifics of the committee or staff on when and how they are to report on the matter.

A motion to recess the meeting for a break must be made and should state for how long or a time to reconvene the meeting. This motion requires a second and is not debatable.

If a public body Member requests to withdraw a motion, the Mayor or chair will ask for any objections to the motion being withdrawn, if no objection, the motion is immediately withdrawn. If there is an objection, the request to withdraw becomes a motion, which must be seconded and is not debatable and requires a simple majority to pass.