

LAYTON CITY COUNCIL

BY-LAWS & RULES OF PROCEDURE

I. PURPOSE.

These policies and procedures are designed and adopted for the purpose of providing guidelines for the members of the Layton City Council in the performance of their duties and conducting their meetings. The City Council shall be governed by the provisions of all applicable State Statutes, City Ordinances and these rules. Nothing in these rules shall be interpreted to provide independent basis for invalidating or in any way altering a final decision of the Council unless otherwise provided by City ordinance, or State law. Nor shall anything herein be construed so as to provide or create an independent cause of action for any person or entity.

II. ORGANIZATION.

A. **Mayor.** The Mayor is the chief legislative, judicial, and ceremonial officer of the City. Except as otherwise provided herein, he/she shall sign his/her name officially for and in behalf of the City, and shall sign all deeds, bonds, bills, notes, obligations, and other agreements, documents, and papers to which the City is legally a party and shall perform such other duties as may be provided by law or ordinance. During his/her temporary absence or disability the City Council shall elect a Councilmember to act as Mayor pro tem, who, during such absence or disability, shall possess the power of Mayor.

B. **Duties of the Mayor.**

1. To preside at all meetings of the Council and shall provide general direction for the meetings;
2. To call the Council to order, and proceed with the order of business;
3. To announce the business before the Council in the order in which is to be acted upon;
4. To receive and submit in the proper manner all motions and propositions presented by the members of the Council;
5. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
6. To inform the Council, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of

this duty, the Mayor shall have the right to call upon Legal Counsel for advice;

7. To authenticate by signature when necessary, or when directed by the Council, all acts, orders and proceedings of the Council;
8. To maintain order at meetings of the Council;
9. To move the agenda along, hold down redundancy, reference handouts and procedures in a sensitive way during meetings;
10. Recognize speakers and Councilmembers prior to receiving comments and presentation of physical evidence, i.e., plans and pictures; and
11. The Mayor will not participate in the voting procedures unless called upon to break a tie vote.

C. Duties of the Mayor Pro Tem. In the absence of the Mayor, a Mayor pro tem is appointed. This appointment is to be done by the Mayor. If the Mayor is unable to do so, the Council may elect a Mayor pro tem, which will remain until changed by the Mayor or a subsequent vote of the Council in the Mayor's absence. The Mayor pro tem, during the absence of the Mayor, shall have and perform all the duties and functions of the Mayor.

D. Absence of Mayor and Mayor Pro Tem. In the event of the absence of, or disability of both the Mayor and the Mayor pro tem, the Council shall elect a Mayor pro tem to serve until the Mayor or appointed Mayor pro tem shall return. In such event, the elected Mayor pro tem shall have all the powers and perform the functions and duties herein assigned to the Mayor.

E. City Recorder. The City Recorder shall serve as secretary of the Council. The City Recorder shall have the following duties;

1. To give notice of all City Council meetings;
2. To keep and record the minutes of the proceedings of the Council;
3. To keep and maintain a permanent record file of all documents and papers pertaining to the work of the Council;
4. Is authorized to sign the meeting's minutes after said minutes have been approved by the City Council; and
5. To perform such other duties as may be required.

III. DUTIES OF COUNCILMEMBERS.

- A. **Meeting Attendance.** Every member of the Council shall attend the sessions of the Council unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the City Recorder. The City Recorder shall call the same to the attention of the Mayor.
- B. **Conflict of Interest.** A Councilmember to whom some private benefit may come as a result of a Councilmember action shall not be a participant in the action.
1. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or to groups and associations which hold some share of a person's loyalty. However, membership itself in a group or organization shall not be considered a conflict of interest as to Council action concerning such group or unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
 2. A Councilmember experiencing, in their opinion, a conflict of interest, shall declare that interest publicly, abstain from voting on the action, and be excused from the room during consideration of the action. That Councilmember shall not discuss the matter privately with any other Councilmember.
 3. A conflict of interest may exist under these rules although a Councilmember may not believe an actual conflict does exist; therefore, a Councilmember who has any questions as to whether a conflict of interest exists under these rules shall raise the matter with the other Councilmembers and the City Attorney's Office in order that a determination may be made as to whether a conflict of interest exists.
 4. No Councilmember shall engage in any transaction in which the Councilmember has a financial interest, direct or indirect, with the agency or jurisdiction that the official serves unless the transaction is disclosed publicly and determined to be lawful.
 5. The requirements of Section 10-3-1301 et. seq. of the Utah Code, known as the "Municipal Officers' and Employees' Ethics Act," shall be adhered to. If a conflict exists between these policies, State law or City ordinance, the most strict shall apply.
- C. **Gifts and Favors.** Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. It is very important that Councilmembers be fair and impartial in their dealings with the public and that they serve all citizens equally. It is not enough to avoid favoritism. They should strive to avoid even the appearance of giving preference to one citizen or business over any other.

1. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars, or office bric-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.
2. Councilmembers should not accept gifts from outside agencies which may be competing or applying for City business, permits, or development decisions. Accepting gifts not only gives the appearance of favoritism but may create an embarrassing and possible unlawful position for the City. Items of small value such as calendars, pencils, etc. with advertising or logos are acceptable, but larger items such as clothing, equipment for personal use, etc. should be politely declined.

F. Councilmember Removal.

1. **From Meetings.** A Councilmember may be fined or expelled from a meeting, for disorderly conduct, upon a two-thirds ($\frac{2}{3}$) vote of all members.
2. **From Office.** Any removal from office shall be pursuant to State law.

E. Treatment of Information. It is important to discriminate between Council information that belongs to the public and Council information that does not.

1. Generally, final reports and official records of City Departments must be open on an equal basis to all inquiries.
2. Information considered private, controlled or protected, that is learned in the course of performing Council duties must be treated in confidence if specifically requested by the applicant, or as dictated by Title 4 of the Layton Municipal Code. Such information becomes public when an application for official action, is submitted.
3. Information contained in studies that are in progress should not be divulged except in accordance with established City policies on the release of its studies.

IV. MEETINGS.

- A. Place.** All meetings of the City Council shall be held in the City Council Chambers of City Hall, 437 North Wasatch Drive, Layton, Utah, or at such other place in Layton City as the Council may designate.

- B. **Regular Meetings.** Regular meetings of the City Council shall be held on the first and third Thursday of each month at the hour of 7:00 o'clock p.m.
- C. **Study Sessions.** Study sessions may be held on the first and third Thursday of each month, prior to the regular meeting.
- D. **Quorum.** Three (3) members of the Council shall constitute a quorum thereof for the transaction of all business except where otherwise required.
- E. **Content.** Discussion in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentations by the public are to be limited to relevant issues. In order to ensure that the meetings proceed timely and orderly, the Mayor may impose a time limit on those desiring to address the Council. Any person who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise may be removed at the direction of the Mayor.
- F. **Additional Guidelines.** In addition to these policies and procedures, the Council may invoke additional guidelines as necessary to address issues as they arise so long as they are consistent with the nature and intent with the content herein.

V. MOTIONS.

- A. **Making of Motions.** Any Councilmember, but the Mayor, may make or second a motion. Motions should state findings for denial or approval within the motion:
 - 1. Motions should state findings at the beginning.
 - 2. The staff reports should be in sufficient detail to assist the Council in stating findings.
 - 3. All motions should be repeated at the direction of the Mayor.
- B. **Second Required.** Each motion of the City Council must be seconded. A motion that fails to receive a second shall fail.
- C. **Withdrawing a Motion.** After a motion is stated by the Mayor or read by the City Recorder, it shall be deemed in the possession of the Council, but may be withdrawn at any time before decision or amendment by the unanimous consent of the Council.,
- D. **Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and whenever possible, a specific date to rehear the matter should be scheduled.

- E. **Amending Motions.** When a motion is pending before the Council, any member may suggest an amendment without a second, at any time prior to the Mayor putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order to amend the stated motion. The author and the second may choose not to accept the amendment.
- F. **Amending Amendments to Motions.** An amendment to a motion may be amended, no second required, at any time prior to the Mayor putting the motion to a vote. The amendment to the amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the additional amendment.
- G. **Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.
- H. **To Rescind a Motion.** A motion to rescind or make void the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Council's action on the motion.
- I. **To Reconsider a Motion.** To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Councilmember who voted with the majority. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Council. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved.
- J. **Motion to Open and Close Hearings.** A motion shall be made to open and close the public portion of a hearing prior to City Council discussion and vote on the matter.
- K. **Motion to Recess.** A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.
- L. **Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each City Council meeting. No second is required to the motion to adjourn.

VI. VOTING.

Except as otherwise specifically provided in these rules, a majority vote of the Council shall be required and shall be sufficient to transact any business before the City Council.

- A. **Changing a Vote.** No member shall be permitted to change his/her vote after the decision is announced by the Mayor.
- B. **Tie Votes.** Tie votes shall be broken by the Mayor casting a vote.
- C. **Conflict of Interest/Disqualification.** Any member declaring a conflict of interest shall be disqualified and shall leave the room and not participate in the discussion and vote pertaining to that particular matter.
- D. **Minimum Votes Required.** Unless otherwise provided herein, a minimum of three (3) affirmative votes are required to make a determination on any item presented to the City Council.
- E. **Method of Voting.** For all ordinances, resolutions, actions that would create a liability for the City, or at the request of any Councilmember, a roll call vote shall be taken with either a "yes" or "no" vote, which shall be recorded. Voting on all other actions may be done by voice, raise of the hand, or other effective method. The result of that vote shall be recorded.

VII. AMENDMENTS.

These rules may be amended at any regular meeting of the City Council by an affirmative vote of the Council, provided that such amendment has been presented in writing to each member of the Council at least 48 hours preceding the meeting at which the vote is taken.