

BOARD OF DUCHESNE COUNTY COMMISSIONERS' MEETING RULES OF ORDER AND PROCEDURE

GENERAL RULES OF PROCEDURE AND POLICIES

1. Construction of Authority.

The construction of authority in all matters associated with the meetings and activities of the County Commission, including the Agenda, shall be: 1) the United States Constitution and statutes of the United States of America; 2) the Utah Constitution and statutes of the State of Utah; 3) the Code and Ordinances of Duchesne County, Utah; 4) and these Rules.

2. Meeting Shall be Public.

All meetings of the Board of County Commissioners shall be public, and notices thereof shall be posted as provided in accordance with Utah Law.

3. Conduct of Meetings.

Meetings of the Board of County Commissioners of Duchesne County shall be conducted according to these Rules.

4. Regular Meetings.

Regular Meetings of the Board of County Commissioners shall be on Monday of each week beginning at 9:00 a.m. unless otherwise determined and set by the Board of County Commissioners for any reason it deems appropriate.

5. Special Meetings.

Special meetings may be called upon by request of the Chair or any member of the County Commission, provided that two Commissioners agree to call a special meeting.

6. Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive and notice is posted in accordance with State Law governing emergency meetings.

7. Closed Meetings.

Closed meetings are meetings closed to the public. They are only permitted for the purpose of discussing matters enumerated in the Open Meetings Act of the Utah State Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The County Commission can retire into a closed meeting if a motion is duly made and seconded and a two-thirds roll call vote is affirmed by the commissioners present at the meeting. Generally, closed meetings are held at the end of a regular open meeting of the County Commission, but this may be changed as determined by the County Commission.

Items discussed in a closed meeting are to remain private. Except for action taken in an open session, no commission member, staff member, or legal counsel may discuss or reveal the proceedings of the closed meeting.

8. Recessed Meetings.

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or in the case of workshops or special meetings, to a date certain by motion duly passed.

9. Quorum.

Any two members of the County Commission shall constitute a quorum for the transaction of any business.

10. Presiding Officer.

The Chair shall serve as the presiding officer for all meetings of the County Commission; in the absence of the Chair, the Chair shall ask another member to act as the Chair and presiding officer.

The Chair shall make final rulings on all questions pertaining to these rules. All decisions of the Chair are final.

The Chair is entitled to participate in the discussion and debate and is entitled to vote on all business before the County Commission. Because the Chair conducts the meeting, it is common courtesy for the Chair to take a less active role than other members of the Council in debates and discussions. However, this practice in no way precludes the Presiding Officer from participating in the meeting fully and freely.

11. Minutes of Meetings.

The Commission Executive Assistant or a member of the Clerk/Auditor's Office shall keep an account of all proceedings of the County Commission Meetings, and they shall be open to public inspection in accordance with the laws of the State of Utah.

12. Suspension and Amendment of Rules.

The County Commission may temporarily suspend any provisions of these Rules not governed by federal or state law and may be amended similarly if such amendment was introduced at the previous regular meeting of the County Commission and shall have received preliminary approval of the County Commission at such meeting. For the purpose of this section, preliminary approval shall mean a motion and a second with a majority vote to preliminary approve the amendment.

This policy is considered to be amended at the time any new federal or state law becomes effective that conflicts with these rules, but only to the extent necessary to come into compliance with the new law.

ORDER OF BUSINESS

1. Agenda.

The Commission Executive Assistant, under the direction of the Chair, shall prepare an agenda and cause the same to be posted at least 24 hours before a meeting.

In order to facilitate the agenda process, any member of the County Commission or county employee may place an item on the agenda. In addition, any officer or employee of the county may request that an item be placed on the agenda. The Chair shall generally approve the agenda before it is published. Agenda items must be provided to the county commission by the close of business on the Thursday preceding the day of the regular meeting. If all documents associated with the item are not delivered to the county commission office by that time, the item will be postponed until the next regular meeting.

MEETING RULES OF PROCEDURE

1. Purpose

The purpose of these rules is to establish orderly conduct of the commission meetings and meetings of other bodies within the County. The ultimate purpose of these rules of procedure is to encourage and facilitate appropriate decision-making. These rules of procedure shall be made available to the public at each meeting of the Board

2. Model Format for an Agenda Item Discussion

The presiding officer can use the following ten steps as a model or guide. The meeting is governed by the agenda, and the agenda constitutes the only items to be discussed. Therefore, each agenda item can be handled by the presiding officer in the following basic format:

- a. Announce the Item. The Chair should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- b. Receive a Report. The Chair should invite the appropriate people to report on the item, including any recommendation they might have.
- c. Ask Clarifying Questions. The Chair should ask the other commissioners if they have any questions for clarification. At this point, members of the County Commission may ask clarifying questions to the people who reported on the item, and they should be given time to respond.
- d. Citizen Input. The Chair may invite citizen comments on a particular item, or if a public hearing, accept a motion to open the public hearing. Upon conclusion, the Chair should announce that public input is closed, or if a public hearing is closed, the public hearing.
- e. Motion First. The Chair should invite a motion from the County Commission before the debate is given on the merits of the item. The Chair should announce the name of the member who makes the motion.

- f. Motion Second. The Chair should determine if any member of the County Commission wishes to second the motion. The Chair should announce the name of the member who seconds the motion.
- g. Repeat Motion. If the motion is made and seconded, the Chair should make certain that everyone (including the audience) understands the motion. This is done in one of three ways:
 - i. The Chair can ask the maker of the motion to repeat it;
 - ii. The Chair can repeat the motion; or
 - iii. The Chair can ask the Commission Executive Assistant to repeat the motion.
- h. Discuss the Motion. The Chair should now invite the members of the County Commission to discuss the motion. If there is no desired discussion, the Chair may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. However, if the discussion has been lengthy, it is a good idea to repeat the motion before calling for a vote.
- i. Vote. The Chair called for the vote. Unless a unanimous vote is required for the passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the County Commission seeks recusal from voting on any question where the vote would constitute a conflict of interest, and that recusal is consented to by a majority of the remainder of the County Commission, all members of the County Commission, including the Chair, shall vote upon every question, ordinance or resolution.
- j. Announce the Outcome. The Chair announces the results of the vote and should also state what action (if any) the County Commission has taken. The Chair should announce the name of any member who voted in the minority on the motion.

3. The Basic Motions

- a. The Basic Motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move approval of the Ordinance as presented/submitted."
- b. The Motion to Amend. If a member wants to change a basic motion, he or she would have to motion to amend it. For example, a motion to amend might be: "I move that we amend the motion to include the changes we discussed to the Ordinance."

A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded) but to modify it in some way. It requires the agreement of the person making the original motion.

4. Discussion and Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the County Commission. Discussion and debate can continue as long as the members wish to discuss it or until the Chair decides that it is time to move on and call a vote on the motion.

5. Other Motions

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire for the Commission to move on. The following motions are NOT debatable, and the Chair must immediately call a vote on the motion if seconded by another member.

- a. Motion to Adjourn. This motion, if passed, requires the Commission to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- b. Motion to Recess. This motion, if passed, requires the Commission to immediately take a recess. Normally the Chair will determine the length of the recess, which could last from a few minutes to several hours. It requires a simple majority vote.
- c. Motion to Fix the Time to Adjourn. This motion, if passed, requires the Commission to adjourn the meeting at the specific time set in motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- d. Motion to Table. This motion, if passed, requires discussion of the agenda item to be halted immediately and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item should be on the agenda at the following Commission meeting.

The following motions require a unanimous vote to pass.

- e. Motion to Limit Debate. This motion is sometimes referred to as "moving the question" or "calling the question." When a member of the Commission makes such a motion, the member is saying, "I have had enough discussion; let's vote on the issue." When such a motion is made, the Chair should ask for a second, stop the discussion, and vote on the motion to limit debate. The motion requires a unanimous vote to pass.

- f. Motion to Object to the Consideration of an Item. This motion, if passed, precludes the Commission from even considering the item on the agenda. However, it does not preclude the item from appearing on a future agenda. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- g. Motion to Suspend the Rules. This motion IS debatable. This motion allows the Commission to suspend its own rules for a particular purpose. For example, the Commission may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes” accomplishes this desire.

6. Motion to Reconsider

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate, and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

- a. The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and may only be considered if the Commission suspends the rules to consider it.
- b. Secondly, the motion to reconsider can only be made by a member of the Commission who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the Commission regardless of how they voted on the original motion. If a member of the Commission voted in the minority, it MUST be ruled out of order by the Chair. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back repeatedly, which would defeat the purpose of finality.

If a motion to reconsider passes, the original matter is back before the Commission, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

7. Courtesy, Decorum, and Order

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Chair (and the members of the Commission) to maintain that atmosphere of courtesy and decorum. The Chair should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion.

In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

- a. Request to Speak. Before a Commissioner, staff member, or audience member may speak, they must first be recognized by the Chair. Upon recognition, the person requesting to speak shall hold the floor and shall make their point clearly and succinctly.

If the Commission expects a large number of public comments on an issue or issues, the Chair may instruct audience members who wish to speak during an agenda to complete a Request to Speak Card and submit it to the Commission Executive Assistant. This facilitates gathering the information for the minutes and orderly and efficient comments.

The Chair has the right to cut a speaker off if the discussion becomes too personal, too loud, or too rude or crude.

- b. Order. If a person fails to be recognized by the Chair, the Chair shall rule them Out of Order and remind them that they do not have the floor. While the Commission is in session, all Commissioners must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting nor disturb any other person while speaking or refuse to obey the orders of the Chair. Members of the Commission should not leave their seats during a meeting without first obtaining permission from the Chair or making a Motion to Recess.
- c. Improper References Prohibited. Every person desiring to speak shall address the entire Commission and shall not single out a member of the Commission, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
- d. Interruptions. A Commissioner, once recognized, shall not be interrupted when speaking unless it is to call him or her to order or other such interruption expressed below. If the Commissioner, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Commissioner is found to be in order, he or she shall be permitted to proceed to speak.

Allowable interruptions or points of order are as follows:

- e. Point of Privilege. The proper interruption would be a "Point of Privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Commission Member's ability to hear.
- f. Point of Order. The proper interruption would be: "Point of Order." The Chair would then ask the interrupter to "state your point." Appropriate points of order

relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair calls for a vote on a motion that permits debate without allowing any discussion.

- g. Motion to Appeal. If the Chair makes a ruling that another Commissioner disagrees with, that member may appeal the ruling of the Chair by stating, "motion to appeal." If the motion is seconded and after the debate, if it passes by a simple majority vote, the ruling of the Chair is reversed.
- h. Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a Commission Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Chair discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- i. Withdraw a Motion. During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn, and discussion on the motion shall cease. Commission Members are free to make the same motion or another motion.

8. Enforcement of Rules and Procedures

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Chair under his or her own action or upon a Motion to Enforce by any Commissioner.

- a. Warning. The Chair may order any person (Commissioner, staff member, or audience member) in violation of these rules to be silent.
- b. Removal. If, after receiving a warning from the Chair, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Chair may order the person to leave the meeting. If the person does not leave the room, the Chair may order the Sergeant-at-Arms to remove the person.
- c. Sergeant-at-Arms. The Sergeant-at-Arms shall be the highest-ranking police officer in attendance at the Commission Meeting or such other officer designated by the Sheriff for that purpose. Upon instruction of the Chair, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the Commission. A violation of these Rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting.
- d. Resisting Removal. Any person who resists removal by the Sergeant-at-Arms may be charged as deemed appropriate by the Sergeant-at-Arms.

- e. Motion to Enforce. Any Commission Member may move to require the Chair to enforce these rules, and the affirmative vote of a simple majority of the Commission shall require the Chair to do so. A motion to enforce is an allowable interruption and is not debatable.

AGENDA ORDER

1. Call to Order

The Chair shall call the meeting to order.

2. Announcement of a Quorum

The Chair shall announce that a quorum of the commission is present and shall state for the record the names of all members of the Commission that are absent.

3. Pledge of Allegiance

The Chair shall invite all those in attendance to join the Commission Members in the pledge of allegiance.

4. Presentations and Proclamations

The Chair shall make any presentation or deliver any proclamation as may be required from time to time.

5. Public Hearings

This section is only used when a statutorily required public hearing is part of the order of business. The Chair shall open the public hearing and receive citizen input. While the public hearing is open, Commission may ask questions of the speakers but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the Chair shall close the public hearing. The commission may deliberate or take action on the matter at hand upon closing the public hearing.

6. Items for Individual Consideration

Items for individual consideration shall be considered by the Commission individually and approved by either a simple majority vote.

7. Citizen Comments on Non-Agenda Items

All persons desiring to speak to the Commission on a non-agenda item must submit a Request to Speak Card for Non-Agenda Items and submit the card to the Commission Executive Assistant.

8. Future Agenda Items

The Commission may request future items to be placed on a future agenda at this time. No discussion or deliberation of the items may take place.

9. Adjournment

The Chair shall adjourn the meeting upon passage of the appropriate motion.

RULES GOVERNING CITIZEN COMMENTS

1. Purpose

It is the desire of the Commission to hear from the citizens of Duchesne County to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the Commission. Therefore, the following rules shall control and govern audience comments.

2. Chair to State Rules for Audience Comments

Immediately preceding the opening of a public hearing, or citizen input on an agenda item, or to receive comments on non-agenda items, the Chair shall summarize the rules governing comments from the audience. A copy of the rules should be made available in the Commission Chambers.

3. Rules

- a. Each person desiring to address the Commission at a public hearing, an agenda item, or a non-agenda item must complete the appropriate Request to Speak Card and must be recognized by the Chair or, if required for that meeting, complete a Request to Speak Card and submit the card to the Commission Executive Assistant before the agenda item they wish to comment upon is considered.
- b. The Chair shall recognize each person requesting to speak in turn. A person may only speak if recognized by the Chair.
- c. Upon being recognized by the Chair, each person shall have a time limit of three (3) minutes and shall be given notice that one (1) minute is remaining. The time limit shall govern all public hearings, citizen comments on agenda items, and citizen comments on non-agenda items.
- d. Comments shall be addressed to the Commission. Speakers shall use good manners and refrain from personal attacks, boisterous language, or profanity.

4. Preservation of Order

The Chair shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Commission Chambers any person speaking out of order or disrupting the order of the meeting.