

RESOLUTION NO. R- 02 - 2024

**A RESOLUTION OF EAGLE MOUNTAIN CITY, UTAH,
REPEALING RESOLUTION NO. 98-09, A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF EAGLE MOUNTAIN, UTAH, AND ACTING ADMINISTRATIVE
RULES AND REGULATIONS FOR THE CONDUCT OF MEETING SO THE TOWN
COUNCIL**

WHEREAS, in 1998, the Eagle Mountain Town Council adopted Resolution No. 98-09, attached hereto as Exhibit A, establishing administrative rules and regulations for the administration of meetings, the appointment of Mayor Pro Tempore and conduct of the Mayor, Council, Clerk and Staff, and

WHEREAS, later ordinances were enacted regarding the rules of procedure for public meetings and the conduct for the Mayor and City Council and Staff, in compliance with State Statute, and

WHEREAS, Eagle Mountain City Council has determined that it is appropriate and desires to repeal Resolution No. 98-09, specifically regarding the appointment process for Mayor Pro Tempore.

NOW THEREFORE, BE IT RESOLVED by the City Council of Eagle Mountain City, Utah as follows:

1. Resolution No. 98-90 is repealed in its entirety.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 16th day of January, 2024.

EAGLE MOUNTAIN CITY

ATTEST:


Fionnuala B. Kofoed, MMC
City Recorder




Westmoreland, Mayor

CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 16th day of January, 2024.

Those voting yes:

☒ Donna Burnham

☒ Melissa Clark

☒ Jared Gray

☒ Rich Wood

☒ Brett Wright

Those voting no:

☐ Donna Burnham

☐ Melissa Clark

☐ Jared Gray

☐ Rich Wood

☐ Brett Wright

Those excused:

☐ Donna Burnham

☐ Melissa Clark

☐ Jared Gray

☐ Rich Wood

☐ Brett Wright

Those abstaining:

☐ Donna Burnham

☐ Melissa Clark

☐ Jared Gray

☐ Rich Wood

☐ Brett Wright


Fionnuala B. Kofoed, MMC
City Recorder



EXHIBIT A

Town of Eagle Mountain, Utah

RESOLUTION NO. 09-98

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE MOUNTAIN, UTAH AND ACTING ADMINISTRATIVE RULES AND REGULATIONS FOR THE CONDUCT OF MEETINGS OF THE TOWN COUNCIL

The Town Council of the Town of Eagle Mountain, Utah finds that it is necessary and in the public interest to define rules and deadlines for the submission of matters to be considered by the Town Council in Town Council meetings and to provide specific procedures and clarification concerning the conduct of meetings of the Town Council.

NOW THEREFORE, be it resolved by the Town Council of the Town Eagle Mountain, Utah as follows:

The following rules and regulations govern the administration of meetings of the Town Council of the Town of Eagle Mountain and to the extent not inconsistent with the provisions of the Utah Municipal Code, shall govern and define the conduct of the Mayor, members of the Town Council, the Town Clerk and other Town staff engaged in preparing notices and agenda under the Utah Open and Public Meetings Act and otherwise providing services for the Town in matters under consideration by the Town Council.

A. ORGANIZATION

1. Mayor will be the Chair and Mayor ProTem the Vice Chair.
2. The Mayor will preside at all meetings of the Council and shall provide general direction for the meetings.
3. Duties of the Mayor
 - a. To call the Council to order on the day and hour scheduled and proceed with the orders of business.
 - b. To announce the business before the Council in the order in which it is to be acted upon.
 - c. To receive and submit in the proper manner, all motions and propositions presented by the members of the Council.

- d. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the results of motions.
 - e. To inform the Council, when necessary, 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.
 - f. To authenticate by signature, when necessary, or when directed by the Council, all of the acts, findings and orders, and proceedings of the Council.
 - g. To maintain order at the meetings.
 - h. To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.
 - i. Recognize speakers and Council members prior to receiving comments and presentations.
4. Mayor Pro Tem: In the event of the absence or the disability of the Mayor, the Mayor shall appoint another Council member to serve as the Mayor until the Mayor returns. In such event, the Mayor Pro Tem shall have all the powers to perform the functions and duties assigned to the Mayor.
5. Secretary: The Town Clerk or appointee shall serve as secretary to the City Council.
6. Secretary's Duties:
- a. To post public notices of regular and special Town Council meetings consisting of a Quorum, 24 hours prior to the meeting.
 - b. To attend every session of the Town Council to record roll, to read any communications, resolutions or other papers which may be ordered to be read by the Mayor and to receive and bring to attention of the Town Council all messages and other communications.
 - c. To keep the minutes of the proceedings of the Town Council and to record them.
 - d. To keep and maintain an permanent record file of all documents and papers pertaining to the work of the Town Council.
 - e. To ensure Town Council receive materials pertinent to regularly scheduled meetings three days prior to meetings.

B. RIGHTS AND DUTIES OF MEMBERS

7. Meeting Attendance: Every member of the Council shall attend the sessions of the Town Council unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary at least 72 hours in advance of the meeting. The secretary shall inform the Mayor of the excused absences.
8. Explaining the Vote: After the vote is taken any member of the Council desiring to explain his/her vote shall be allowed an opportunity to do so, but there is no requirement to do so.
9. Not to Vote Unless Present: No member of the Council shall be permitted to vote on any question unless the member shall be present when the vote on any question is taken and when the result is announced. No member shall give his/her proxy to any other person.
10. Place: All meetings of the Council shall be held at such place as the Council may designate. A meeting having been convened at the place designated, may be adjourned by the Council to any other place within the Town of Eagle Mountain for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place, or may be adjourned to any other room more convenient for conducting the business of the Council, so long as the proper notice of the meeting location is posted for the general public.
11. Regular Meetings-Time for Notice: Regular meetings of the Council shall be held every 2nd and 4th Tuesday of the month at 7:00 p.m. At the discretion of the Mayor, field trips or work sessions may be held at various times.
12. Special Meetings: The Town Clerk shall give such notice of the time and purpose of every special meeting as directed in the Utah Open and Public Meetings Act ("UO&PMA"). Such notice may also be given by the United States Mail, directed to the member of the Council to be notified and mailed no less than five days prior to the time fixed for such meetings. It is specifically provided, however, that any member may, in writing waive prior notice of the meeting.
13. Meetings, Matter Considered: Subject to compliance with the UO&PMA, other business items pertaining to the affairs of the Town of Eagle Mountain and falling within the authority and jurisdiction of the Council may be considered and acted upon at any regular meeting of the Council.
14. Quorum: Three members of the Council shall constitute a quorum for the transaction of business. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from a vote, however, shall count toward consideration of a quorum. Except as

otherwise specifically provided in these rules, a majority vote of the Council members or a full quorum of 3 shall be required to transact any business before the Council.

15. Ratification of Actions Due to Lack of Quorum: No actions shall be taken in the absence of a quorum.

C. PROCEDURE — ORDER OF BUSINESS

16. Order of business. The order of business shall be:
- a. Roll taken by secretary
 - b. Approval of minutes
 - c. Consideration of Agenda items
 - d. Other business at the discretion of the Mayor
17. Field Trips: On those occasions when site inspections are deemed advisable, field trips shall be held prior to the Council meeting, the time of the field trips to be posted on the agenda. The public shall be allowed at the sites of the field trip but encouraged to present their case at the Council meeting, not during the field trip. Field trips shall be for the purpose of gathering information, not for discussing decisions. Written minutes and a summary of the discussions on the field trip for each subject considered shall be taken.
18. Agenda for Meetings: The Town Clerk, with the assistance of the Mayor, shall prepare a written agenda for the meeting as far in advance as possible and shall place such agenda in the hands of each member of the Council prior to the commencement of the meeting. Such agenda and all related materials shall be available for members of the Council and staff by Monday 5:00 p.m. at the Town office.
19. Agenda Deadline: Requests for Town Council consideration must be properly presented to the Clerk a minimum of ten (10) days prior to the date requested for Town Council consideration, except for consent items which can be placed on the agenda no later than posting of the agenda, or items deemed to be of a special or emergency nature by the Mayor and a council member — or two council members.
20. Staff Report: Major issues presented to the Town Council for consideration shall be accompanied by a staff or council report detailing the overview, background, analysis and staff recommendation(s) which shall include findings of fact and conditions for approval. Reports shall address the petitioner's request and how it fits within the guidelines of the ordinances and the applicable laws. Reports shall be concise while allowing for adequate coverage of the subject matter and shall be made available to anyone requesting a copy of the report. Copies of reports and other pertinent

materials shall be made available to the Town Council five days prior to regularly scheduled meetings.

21. Submission of Written Materials: Applicants or interested parties should submit five (5) sets of written materials prior to the agendaed meeting to allow the Town Council adequate time to review the materials.
22. Notification of Public Hearings: Notices of all items scheduled for the Town Council informal hearings shall be mailed to the appropriate parties within 14 days of the Town Council meeting. Anyone wishing to receive notice of Town Council meeting agendas, copies of minutes and/or staff reports may be placed on the regular mailing list by contacting the Town Clerk. All Notifications shall be consistent with the Early Notification Ordinance.

D. PROCEDURE — ORDER AND DECORUM

23. Order of Consideration of Items: The following procedure will normally be observed; however, it may be rearranged by the Mayor for individual items if necessary for the expeditious conduct of business:
 - a. Item introduction by Mayor.
 - b. Petitioner/Developer presentation of proposal.
 - c. Opening of the public portion of hearings.
 - d. Community presentation/response.
 - e. Opponents/Proponents comments.
 - f. Public hearing closed.
 - g. City Council discussion and vote. The discussion is closed to staff, the petitioner and public unless the City Council requests additional information of the staff. Mayor outlines possible actions: approval, denial, continuation or approval with conditions. If additional information is required, the public portion of the meetings may be reopened by a majority vote.

E. PROCEDURE — MOTIONS

24. Making motions: Any Town Council member, but the Mayor, may make or second a motion. Motions should state findings for approval or denial within the motion:
 - a. Motions should state findings at the beginning of the motion followed by the recommendation to the appropriate body, if any, and should be concluded with the conditions of approval. The motion may refer to

staff report for the detail of the findings of fact and conditions for approval if the author of the motions finds them acceptable.

- b. The staff summary should be sufficient in detail to assist the Council in stating findings.
 - c. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Member.
 - d. Town Council members may request legal advice from the City Attorney in the preparation, discussion and deliberation of motions.
25. Second Required: Each motion of the Council must be seconded except for motions to amend a motion and motions to adjourn the meeting.
26. Withdrawing a Motion: After a motion is stated, the motion shall be in the possession of the Council but may be withdrawn by the author of the motion prior to the vote. Withdrawal of a second is not necessary.
27. 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.
28. 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 for it to amend the stated motion. The author and the second may choose not to accept the amendment.
29. 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.
30. Substitute Motions: A substitute motion, which shall replace the original, motion may be made prior to a vote on the original motion.
31. 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.
32. To Reconsider a Motion: to recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Member 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.

- 33. Motion to Open and Close Informal Hearings: A motion shall be made to open and close the public portion of each informal hearing prior to City Council discussion and vote on the matter.
- 34. 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.
- 35. 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 motion to adjourn.

F. PROCEDURES — DEBATE

- 36. Interruptions and Questions: No member of the Council shall interrupt or question another member in debate without obtaining the Council's consent, and to obtain such consent, shall first address the Mayor.

G. PROCEDURES — VOTING

- 37. Changing a Vote: No member shall be permitted to change his/her vote after the decision is announced by the Mayor.
- 38. Tie Votes: Tie votes shall be broken by the Mayor.
- 39. Abstention: Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered a conflict of interest.

H. PROCEDURES — SUSPENSION OF RULES

- 40. Suspension or alteration of rules: No procedural rules of the Council shall be altered, amended, suspended or rescinded without the vote of a majority of all members of the Council.

I. AMENDMENT OF RULES OF PROCEDURE

41. These rules of the procedure may be amended at any meeting of the Council held after not less than fourteen (14) days written noticed of the proposal to amend the rules, upon an majority vote of all the members of the City Council.
42. The public shall have the opportunity to review and respond to the Rules of Procedure prior to the adoption of the City Council.

J. RECORDING RULES

43. These rules and all subsequent amendments shall be recorded by the Town Clerk and copies shall be furnished to each member of the Council.

ADOPTED by the Town Council of the Town of Eagle Mountain, Utah, this 26TH day of MAY, 1998.

Town of Eagle Mountain, Utah


Mayor

ATTEST


Clerk