

## CHAPTER 5. CITY COUNCIL

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### 1-5-1. Definitions.

As used in this chapter:

(1) "Meeting" means the convening of the Tooele City Council, with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing or acting upon a matter over which the council has jurisdiction or advisory power.

(2) "Convening" means the calling of a meeting of the city council by the council chairperson, the mayor or any three members of the council, for the express purpose of discussing or acting upon a subject over which the council has jurisdiction.

(3) "Quorum" means three or more members of the council.

(Ord. 1994-12, 03-22-1994)

### 1-5-2. City council as governing body.

The governing body of Tooele City is a council composed of five people elected at large in the manner and for the terms prescribed by law. The city council shall exercise the legislative powers of the city.

(Ord. 1994-12, 03-22-1994)

### 1-5-3. Chairperson.

The city council shall, by order entered in the minutes, select one of their number to act as chairperson. Pending selection of a chairperson, the city recorder shall preside for the sole purpose of the chairperson selection.

(Ord. 1994-12, 03-22-1994)

### 1-5-4. Regular meetings - Special meetings.

(1) The city council shall hold at least one public meeting each month. The date, time and place of such meetings shall be set by ordinance.

(2) Special meetings may be called by the council

chairperson or any three council members, provided that at least 24 hours notice is given by the city recorder to each councilmember. No business shall be transacted at any special meeting except that stated in the noticed agenda.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

### 1-5-5. Meetings open to the public - Exceptions.

(1) Every meeting of the city council is open to the public unless closed pursuant to Subsections (2) and (3).

(2) A closed meeting may be held upon the affirmative vote of a quorum present at an open meeting for which notice is given pursuant to Section 1-5-6. No closed meeting is allowed except as to matters declared in Subsection (3); provided, no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name shall be entered on the minutes of the meeting. Nothing in this chapter shall be construed to require any meeting to be closed to the public.

(3) A closed meeting may be held for any purposes allowed by Utah law, including the following:

(a) discussion of the character, professional competence, or physical or mental health of an individual;

(b) strategy sessions with respect to collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange, lease, or sale of real property, including water rights;

(c) discussion regarding deployment of security personnel, systems, or devices;

(d) investigative proceedings regarding allegations of criminal misconduct.

(4) This chapter shall not apply to any chance meeting or social meeting. No chance meeting or social meeting shall be used to circumvent this Chapter.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

### 1-5-6. Public notice of meetings; emergency meetings.

(1) The city council shall give public notice at least once each year of its annual meeting schedule as provided in this section. The public notice shall specify the date, time, and place of such meetings.

(2) In addition to the notice requirements of Subsection (1), the council shall give not less than 24 hours' public notice of the agenda, date, time and place of each of its meetings.

(3) Public notice shall be satisfied by:

(a) posting written notice at Tooele City Hall;

(b) providing notice to

(i) at least one newspaper of general circulation within Tooele City, or

(ii) a local media correspondent; and,

(c) posting written notice on the Utah Public Notice Website.

(4) When because of unforeseen circumstances it is

necessary for the council to hold an emergency meeting to consider matters of an emergency or urgent nature, the notice requirements of Subsection (2) may be disregarded and the best notice practicable given. No such emergency meeting of the council shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

#### **1-5-6.5. Electronic meetings.**

(1) Pursuant to the authority of the Tooele City Charter and the Utah Code, the Tooele City Council may convene and conduct electronic meetings, as defined in the Utah Open and Public Meetings Act, in accordance with this Section.

(2) The anchor location for an electronic meeting shall be Tooele City Hall.

(3) The City Recorder and at least one City Council member shall attend an electronic meeting at the anchor location.

(4) To schedule an electronic meeting, a member of the City Council shall make a request to the Council Chairperson for the meeting at least three days before the meeting, except as provided in Section 1-5-6 for emergency meetings.

(5) Notice of an electronic meeting shall be given to all members of the City Council at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present. The notice shall include a description of how the City Council members will be connected to the electronic meeting.

(6) A quorum of the City Council must be present, in person or via electronic means, to convene the meeting, and shall indicate their presence with a City Council member roll call. The roll call shall indicate which City Council members are attending electronically.

(7) The City Council shall provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting.

(8) If comments from the public will be accepted during the electronic meeting, the City Council shall provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(9) Compliance with the provisions of this Section by the City Council shall constitute full and complete compliance by the City Council with the corresponding provisions of the Utah Open and Public Meetings Act.

(10) Public notice of an electronic meeting shall be given:

(a) in accordance with UCA Section 52-4-202; and,

(b) by posting written notice at the anchor location.

(Ord. 2020-16, 03-18-2020)

#### **1-5-7. Minutes of open and closed meetings - Public**

#### **records - Recording of meetings - Approval of minutes.**

(1) Written minutes shall be kept of all open meetings. Such minutes shall include:

(a) the date, time and place of the meeting;

(b) the names of members present and absent;

(c) the substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(d) the names of all citizens who testified during a public hearing and the substance in brief of their testimony;

(e) any other information that any member requests be entered in the minutes.

(2) Written minutes shall be kept of all closed meetings. Such minutes shall include:

(a) the date, time and place of the meeting;

(b) the names of members present and absent;

(c) the names of all others present except where such disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting.

(3) The minutes of open meetings are classified as public records. The minutes of closed meetings are classified as protected records.

(4) All or any part of an open meeting may be recorded by any person in attendance; provided, the act of recording does not interfere with the peaceful and orderly conduct of the meeting, in the discretion of the council chairperson.

(5) Minutes shall be deemed the official record of the meeting upon the approving vote of the City Council and the approving signature of the City Council chairperson or designee.

(Ord. 2012-11, 04-04-2012) (Ord 2009-14, 11-21-2009)

(Ord. 1994-12, 03-22-1994)

#### **1-5-8. Achieving a quorum - Voting.**

(1) Attendance of city council members at city council meetings is required unless excused by the chairperson for cause. Should any member of the council refuse or neglect to attend any meeting of the council without being excused by the chairperson for cause and when notified that such member's presence is necessary to form a quorum, that member may be fined a sum not exceeding \$250.00 upon the vote of a majority of the council.

(2) The vote of each council member voting for or against an ordinance or resolution shall be recorded upon the original thereof. The concurrence of three council members shall be necessary for the passage of any ordinance, resolution or other business item.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

#### **1-5-9. Reconsideration.**

No vote of the council shall be reconsidered or rescinded unless at a meeting where there is present at least the same number of the council as was present when such vote was taken.

(Ord. 2019-06, 04-03-2019) (Ord. 1994-12, 03-22-1994)

**1-5-10. Claims approval.**

The city council shall examine all claims in excess of \$30,000 presented against the city and when found to be valid obligations of the city, approve their payment.

(Ord. 2022-28, 08-03-2022) (2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

**1-5-11. Compensation of city officers and employees.**

(1) The council shall, by resolution in June of each municipal election year, fix the compensation per term of any and all Tooele City officers to be elected.

(2) The council shall adopt a salary schedule for all Tooele City employees with each fiscal year's budget. (Ord. 1994-12, 03-22-1994)

**1-5-12. Council members not to hold created office.**

(1) A council member may not hold or be appointed to any city office or position created, or for which the compensation has increased, during that council member's term, until one year after the council member's term expires.

(2) Subsection (1) shall not apply to a council member serving on any board or appendage of Tooele City government during that member's term of office and as a part of that member's duty as a council member.

(3) As used in this section, "compensation" means anything of economic value which is paid, loaned, given, granted, donated or transferred to any person or business entity, for or in consideration of personal services, materials, property, or anything whatsoever.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

**1-5-13. Rules.**

The council may, from time to time, make such rules for governing its proceedings as deemed necessary and proper.

(Ord. 1994-12, 03-22-1994)

**1-5-14. Disciplinary powers.**

The council may punish its members for disorderly conduct and may, with the concurrence of a quorum, expel a member from any meeting for good cause. No member shall be removed from a meeting unless afforded an opportunity of being heard.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

**1-5-15. Standards of conduct.**

(1) A council member's unexcused absence will result in that member's monthly salary being reduced by the percentage of meetings missed to the total meetings held for the month. An unexcused absence is an absence in which the council member did not contact the council chairperson, indicating the cause of the absence, prior to the meeting.

(2) Use of profanity is not permitted by the city council. Any council member who uses profanity will be

warned once and then fined, by vote of the council, for any subsequent use of profanity in that or subsequent meetings.

(3) Council members are encouraged to be prepared for meetings. Any apparent unpreparedness may result in the balance of the council not allowing the unprepared council member to participate in the discussion. An unprepared council member may still vote on the issue.

(4) Council members shall perform their duties in a professional manner. They shall make no personal attacks on other council members, city employees, or on any citizen in attendance at council meetings.

(5) Because council members are elected representatives of the community, they are expected to participate in parades, social functions, and any civic activity, where possible, to show support of the activity by the city government.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)