

COTTONWOOD HEIGHTS

ORDINANCE NO. 413

AN ORDINANCE AMENDING CHAPTER 2.30 OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES

WHEREAS, in its 2024 General Session the Utah Legislature enacted HB 036 amending certain provisions of the Open and Public Meetings Act, UTAH CODE ANN. §52-4-101 *et seq.*, which now necessitates certain amendments to Chapter 2.30 of the code of ordinances (the “Code”) of the city of Cottonwood Heights (the “City”); and

WHEREAS, on 16 April 2024 the City’s city council (the “Council”) met in regular meeting to consider, among other things, amending the Code to enact the amendments necessitated by HB 036, various corrective amendments concerning the time and place of Council meetings, and additional amendments concerning public comment at Council meetings (collectively, the “Amendments”); and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to adopt and enact the Amendments as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of Amendments.** The Council hereby adopts and enacts the Amendments in the form of the attached exhibit, wherein deletions to the current affected ordinances are ~~struck through~~ or otherwise shown as deletions and additions to the current affected ordinances are underlined or otherwise shown as additions.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “Ordinance”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

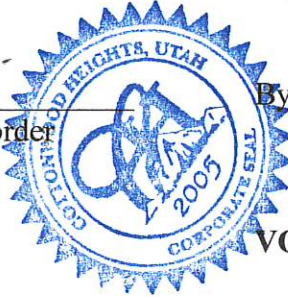
Section 5. **Effective Date.** This Ordinance, assigned no. 413, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s Recorder, or such later date as may be required by Utah statute.

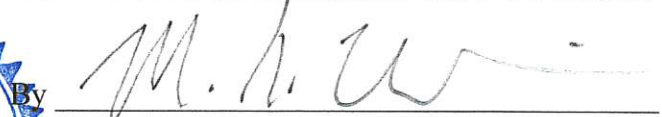
PASSED AND APPROVED this 16th day of April 2024.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Paula Melgar, Recorder



By: 
Michael T. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Matt Holton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Suzanne Hyland	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/>	Nay <input checked="" type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 16th day of April 2024.

POSTED this 17 day of April 2024.

Chapter 2.30

CITY COUNCIL PROCEDURES

- 2.30.010 Regular meetings.**
- 2.30.020 Special meetings.**
- 2.30.030 Emergency meetings.**
- 2.30.040 Quorum; Adjournment of meetings.**
- 2.30.050 Open meetings.**
- 2.30.060 Closed meetings.**
- 2.30.070 Public notice of meetings.**
- 2.30.080 Agendas.**
- 2.30.090 Minutes.**
- 2.30.100 Method of acting.**
- 2.30.110 Action by ordinance required.**
- 2.30.120 Form of ordinance.**
- 2.30.130 Order of business.**
- 2.30.140 Rules of order.**
- 2.30.150 Voting.**
- 2.30.160 Addressing the council.**
- 2.30.170 Disturbing meetings.**
- 2.30.180 Legislative advisory committees.**
- 2.30.190 Council policies.**

2.30.010 Regular meetings.

A. Regular business meetings of the city council shall be held on the ~~first~~~~second~~ and ~~third~~~~fourth~~ Tuesdays of each month, beginning at 7:00 p.m., unless otherwise changed by the city council as the need arises.

B. Regular study sessions/work meetings of the city council shall be held beginning at 46:00 p.m. ~~(1)~~ before each regular business meeting and following completion of such business meeting, as required to address the work session agenda items; ~~and (2) on the first and third Tuesdays of each month~~, unless otherwise changed by the city council as the need arises.

C. All such meetings shall occur in the city council's chambers at ~~2277 East Bengal Blvd. 1265 East Fort Union Boulevard, Suite 250~~, Cottonwood Heights, Utah, unless otherwise changed by the city council as the need arises.

2.30.020 Special meetings.

Special meetings may be held as circumstances require. Special meetings shall be called by the city recorder upon the written request of the mayor, of the city manager or of any two members of the city council. Notice of special meetings shall be given as required by Utah state law.

2.30.030 Emergency meetings.

Emergency meetings of the city council may be called due to unforeseen circumstances to consider matters of emergency or urgent nature. Notice of the emergency meeting shall be given using the best notice practicable. No emergency meeting of the city council shall be held unless an attempt has been made to notify all members of the city council, and a quorum of the city council consents to hold the meeting.

2.30.040 Quorum; Adjournment of meetings.

A majority of the members of the city council in office at the time shall be a quorum for the transaction of business at all council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the city recorder may adjourn any meeting for not longer than one (1) week.

2.30.050 Open meetings.

All meetings of the city council shall be held in compliance with the Utah Open and Public Meetings Act, UTAH CODE ANN. §52-4-101 *et seq.* (the “*Open Meetings Act*”), and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the council may prescribe.

2.30.060 Closed meetings.

A closed meeting may be held upon the affirmative vote of two-thirds of the members of the city council at an open meeting. A meeting may be closed only to the extent that the matters discussed in such meeting are exempted from open public discussion under the Open Meetings Act. A record shall be kept of closed meetings as required by the Open Meetings Act.

2.30.070 Public notice of meetings.

As provided by the Open Meetings Act, the city council shall give (a) public notice at least once each year of its annual meeting schedule, and (b) not less than 24 hours’ public notice of the agenda, date, time and place of each of its non-emergency meetings, and (c) the best public notice that is practical in the case of emergency meetings.

2.30.080 Agendas.

A written agenda for each meeting of the city council shall be prepared under the direction of the mayor or mayor pro tempore, with the opportunity for input by the city manager. If any member of the city council desires to add any item(s) to any prepared agenda, then consent must be obtained from at least two city council members. If such a request is made at least six hours before the statutory noticing deadline for the meeting, the city recorder shall add the requested item(s) to the agenda and re-notice the same, as required.

2.30.090 Minutes.

Written minutes shall be kept of all meetings of the city council as required by the Open Meetings Act, and shall be presented to the city council for review, correction and approval. In addition, city council meetings shall be recorded as required by the Open Meetings Act; provided, however, that only the written minutes shall be evidence of the official actions taken at such meeting.

2.30.100 Method of acting.

A. The city council shall act by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. Each ordinance and resolution shall be given an identifying number.

B. -Adoption and publication of ordinances and resolutions shall be authenticated by the signature of the mayor (or mayor pro tempore) and the city recorder and by the certificate of publication, if publication is required. A true copy of every resolution and ordinance adopted by the city council shall be permanently recorded in the city’s official records.

C. Pursuant to UTAH CODE ANN. 52-4-208, individuals constituting a quorum of the city council or any other public body of the city may not act together outside a public meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a matter that is within the scope of the authority of such body; provided, however, that such

prohibition shall not apply to a public body of the city with both executive and legislative responsibilities, a managerial or operational matter.

2.30.110 Action by ordinance required.

In addition to such acts of the city council as are required by Utah state law to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance.

2.30.120 Form of ordinance.

Every ordinance shall be introduced in written or printed form and shall comply with the requirements of UTAH CODE ANN. §10-3-704 or any successor statute. The enacting clause of all ordinances shall be substantially as follows: **“Be it ordained by the city council of the city of Cottonwood Heights.”**

2.30.130 Order of business.

A quorum being present, the city council shall proceed to transact its affairs in its business meetings in the following manner, unless such order of business is temporarily suspended by unanimous consent:

1. Call to order.
2. Pledge of allegiance.
3. Ceremonies and proclamations.
4. Public hearings.
5. Public comment period.
6. Reports.
7. Ordinances
8. Resolutions.
- ~~8. Ordinances.~~
9. Unfinished business.
10. New business.
11. Consideration of minutes of preceding meeting(s) and correction and approval of same, unless by consent dispensed with.
12. Adjournment.

2.30.140 Rules of order.

Robert’s Rules of Order shall govern the proceedings of the city council where applicable, when not in conflict with statutes or ordinances or otherwise modified by the city council.

2.30.150 Voting.

A. A roll call vote, by “yes” and “no” or comparable, of each member of the city council shall be taken and recorded for all ordinances, resolutions and any other action which would create a liability against the city.

B. Except as otherwise provided in this code or applicable law, at least three affirmative votes shall be required to pass any measure.

C. When there is a vacancy on the city council, subsection B of this section shall not apply, and any vacant position shall not count towards determining the number needed to constitute a quorum.

D. For purposes of determining the number of members of the city council needed to constitute a quorum in order to fill any vacancy pursuant to UTAH CODE ANN. §20A-1-510, neither

vacant positions nor members who are disqualified from participating in the process by UTAH CODE ANN. §20A-1-510(3) shall be counted.

2.30.160 Addressing the council.

A. No person shall address or attempt to address any regular, study, or special meeting of the city council without first having been recognized by the presiding officer.

B. During each regular city council meeting (specifically excluding work sessions), there will be a period not to exceed sixty minutes for citizen comment. The purpose of the citizen comment time is to allow citizen speakers to have direct input to the council. The council may also hold public hearings as desired or as legally required.

C. Before the citizen comment or public hearing period, the chairman of the meeting shall instruct the audience and all potential speakers substantially as follows:

1. Any person wishing to comment during the citizen comment or public hearing period shall request recognition by the chairman. Only persons physically present in the meeting room may address the council verbally. The council may provide a method for written comments to be submitted before the meeting and, if timely submitted, accepted into the record of the meeting.;

2. Upon recognition, the citizen shall approach the microphone and address the council.;

3. All citizen comment shall be directed to the council, and not to the audience.;

4. No person speaking during the citizen comment or public hearing period shall allow his or her comments to exceed the time limit specified by the chairman, which typically should be three3 minutes unless ~~specifically~~ otherwise directed authorized by the chairman at the beginning of the citizen comment or public hearing period.;

5. No person addressing the city council during the citizen comment period shall be allowed to comment more than once per period (whether a citizen comment period or a public hearing period).meeting;

6. Citizen speakers should not expect any debate or dialog with the mayor, city council or city staff.;

7. If a speaker or member of the audience violates the provisions of this section, the city may require removal of that person from the meeting and the remainder of the meeting.

8. If the foregoing requirements are printed on the meeting agenda, the chairman may simply reference such requirements rather than providing detailed verbal instruction concerning them.

D. In addition to the above listed requirements, if a public hearing is scheduled for a meeting which has not occurred before the citizen comment time, the chairman may request, but not require, the citizens to use the public hearing time rather than the citizen comment time to express their views concerning the subject matter of the public hearing.

2.30.170 Disturbing meetings.

A. The city council may fine or expel any of its members for disorderly conduct upon a two-thirds vote of the members of the city council.

B. The city council may also, upon a two-thirds vote, expel any person who is disorderly during any meeting of the city council.

2.30.180 Legislative advisory committees.

In addition to the advisory committees and councils established pursuant to chapter 2.140 of this title, the city council may appoint such legislative advisory committees as the city council feels are necessary or advisable for the proper consideration of legislative issues. Committee members shall be appointed and subject to removal by majority vote of the city council. Any such committees shall meet at the city council's request and shall make such recommendations on matters referred to them as they shall find to be in the city's best interests.

2.30.190 Council policies.

The council may from time to time, by resolution, adopt written policies concerning such matters as the council deems advisable to structure or facilitate the council's internal administration and operation.

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B. Regular study sessions/work meetings of the city council shall be held beginning at 4:00 p.m. before each regular business meeting and following completion of such business meeting, as required to address the work session agenda items, unless otherwise changed by the city council as the need arises.

C. All such meetings shall occur in the city council's chambers at 2277 East Bengal Blvd., Cottonwood Heights, Utah, unless otherwise changed by the city council as the need arises.

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