

RESOLUTION NO. 2894

**A RESOLUTION OF THE GRAND COUNTY COUNCIL
AMENDING RESOLUTION NO. 2839 WHICH
ADOPTED AMENDMENTS TO THE "POLICIES AND PROCEDURES OF
THE GOVERNING BODY"**

WHEREAS, through the adoption of Resolution No. 2839 on July 15, 2008, the Grand County Council established policies and procedures for the government of the County Council as authorized by Utah Code §17-53-207; and

WHEREAS, the County Council now finds that the preservation of order, and the efficient transaction of business and county governance requires additional amendment of the policies and procedures; and

WHEREAS, in consideration of the number of proposed amendments, the County Council finds that in the interest of legislative economy, and in order to avoid confusion and error in the amendment process, the numerous amendments should be proposed and adopted as a whole, rather than as several individual amendments.

NOW THEREFORE, THE GRAND COUNTY COUNCIL RESOLVES AS FOLLOWS:

The "Policies and Procedures of the Governing Body" is hereby amended as presented in Exhibit A. Exhibit B, the redlined document of Exhibit A, is to be retained as an historical record to clearly indicate such approved amendments between the most recent adopted version and the current adopted version in the form of additions (underlined text) and deletions (~~strikethroughs~~).

APPROVED this 2nd day of June, 2009, by the following vote:

AYE : Greenberg, Graham, Ballantyne, Conrad, Baird, Holyoak

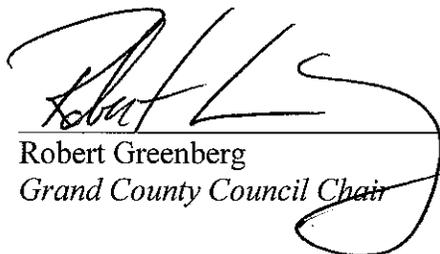
NAY Ciarus

ABSENT _____

ATTEST:



Diana Carroll
Grand County Clerk



Robert Greenberg
Grand County Council Chair

Exhibit "A"

(Amended Policies and Procedures of the Governing Body,
Indicating Amendments Adopted Since the July 15, 2008 Version)

GRAND COUNTY POLICIES AND PROCEDURES OF THE GOVERNING BODY

INTRODUCTION

These rules are made pursuant to Section 17-53-207 of the Utah Code (Attachment I), and are consistent with the provisions of the Optional Plan for Grand County's form of Government (Attachment II). ~~Three~~The certified ~~copies~~copy of these ~~rules~~bylaws and amendments thereto shall be filed with the County Clerk to be kept as a permanent public record. The current edition of Robert's Rules of Order that is provided by the Council Administrator will be referenced in cases not covered by State Code or these ~~rules~~bylaws.

A. Definitions

1. Chair/Presiding Officer: Means the person elected or appointed as -Chair of the County Council by its membership and presiding over the Governing Body. Also referred to as Chairperson/Chairman/Chairwoman.
2. County Council: Means the persons elected and sworn to the Council, who have not been removed from office for any reason, acting as a unit. Also referred to individually as Council Member or Councilman/Councilwoman. Often erroneously referred to as County Commission.
3. Governing Body: Means the current County Council, comprised of seven part-time Council Members, acting as a unit.
- ~~4. —~~ Majority Vote: Means majority of those voting.
- ~~5-4.~~ Majority Vote of Governing Body: Means four (4) Council Members' affirmative votes.
5. ~~Two-thirds~~Super Majority Vote: Means 2/3 of 7 Council Members', or five (5) 5 Council Members' affirmative votes, regardless of the number of Council Members in attendance.
67. Council Member/Council Representative/Member: Means the ~~Chair~~ and individual Council Members acting individually.
78. Membership: Means the Governing Body.
89. Quorum: Means the minimum number of persons required to act as a Governing Body. A quorum requires four (4) Council Members: Who must be present in person at the meeting location. Additional Members may attend by phone or other real-time means as long as the Electronic Meetings Resolution is enacted stating same.

910. Vice-Chair: Means a Council Member elected or appointed by the Governing Body to act as Chairperson/Presiding Officer, with all the powers of the Chairperson as defined in these bylaws, in the absence or disability of the Chair.

110. Chair Pro-Tem: Means a Council Member selected by the Governing Body as Chairperson in the absence or disability of the Chair and Vice Chair. The Chair Pro-tem's authority only extendsexists for the duration of that-a specific meetingtime period, typically a specific Council meeting.

124. Official County Council Business: Means matters that have been formally acted upon by the Council or authorized in a lawful meeting.

13. Council Officers: Means Council Chair and Vice Chair.

B. Council Members

1. Appointment of the Presiding Officers (Chair and Vice Chair): The Council shall elect or appoint the Chair and the Vice Chair at its first meeting in January. The Council shall make its best effort to elect or appoint a different Council Member as Chair each year.

2. Use of Officers' Titles: Council officers shall not use their titles in any communication that is not official County Council business. Printing officers' titles on business cards is permitted.

3. County Meeting Attendance: Council Members shall make their best effort to attend all regularly scheduled Council Meetings and meetings of the Boards/Commissions/Committees on which they are appointed to serve. Council Members shall also make their best effort to attend all special and emergency Council Meetings/Workshops, especially Budget Workshops, barring responsibilities of regular employment.

4. Participation in Local, State or Federal Committees: Council Members are encouraged to participate in other local, state and federal committees and associations and seek appointment by the appropriate authority when necessary.

5. County Council Documents Letterhead Logo Documents: The official Grand County letterhead, which includes the Grand County logo and names and titles of current officers/Council Members, shall be used only for official County Council business. See also "Council Communications."

6. Council Communications: Council Members, including the Chair, shall not imply that they are speaking for the Council or for Grand County in written or verbal communication without specific prior approval from the Council at a lawful meeting unless the Council has previously taken an official position on the matter. For example, phrases such as "I am just speaking for myself...", "Speaking as an

individual...”, “My position on this does not represent the Council or the County...” or “The Council has not voted on this...” may be used to clarify this issue. See also Attachment III, “Council E-mail and Communication Policy below.”

7. Email Correspondences: Council Members shall refrain from debating an issue through email correspondences. Voting or gaining approval by email is specifically prohibited. Any debate among Council Members through email may be considered a public statement and may be included as a part of the public record. UCA §52-4-103(9): General updates, review of documents or informational emails from Council Members and Administrator that will be discussed openly during a scheduled meeting are permitted. See also Section B-10 Attachment III, “Council E-mail and Communication Policy.”

8. Council E-mail and Communication Policy:

- a. Each Council member will be given a unique email address, and all email addressed to an individual Council Member or the Council will be forwarded as received.
- b. In order to reduce duplicate emails, listserve emails from the organizations listed below will not be forwarded; instead Council staff shall check at least annually to ensure that all Council members are on the direct distribution lists for:
 1. UAC
 2. NACo
 3. CCP
 4. Any other organization requested by a Council Member
- c. Anonymous communications determined by the Council Administrator to be malicious shall not be introduced to the Governing Body; instead the Council Administrator shall forward same to the County Clerk. Anonymous communications determined by the Council Administrator to not be malicious shall be placed in a file folder in the Council’s Office for Council Member review, and all Council Members will be notified of same may be forwarded via email upon such determination.
- d. Surface mail addressed to a specific Council Member is to be placed in that Councilperson’s box when received. Mail addressed to former Council Members will be distributed to their successors.

- 8.9. Municipal Building Authority and Board of Equalization: Council Members shall serve as the Municipal Building Authority as required for capital projects and local Board of Equalization as required for property tax assessment matters.

10. ~~9.~~ County Board/Commission and Special Service District Board Representation: All County Boards and Commissions and Special Service District Boards shall include one Council Member representative either as a voting or ex-officio member according to the Board/Commission’s enabling ordinance unless

otherwise prohibited by law. County Committees shall include a Council Member representative, if required, according to the Committee's enabling resolution.

~~— MOVED: County E-mail and Communication Policy:~~

~~— Each Council member will be given a unique email address, and all email addressed to an individual Council Member or the Council will be forwarded as received.~~

~~— In order to reduce duplicate emails, listserv emails from the organizations listed below will not be forwarded; instead Council staff shall check at least annually to insure that all Council members are on the direct distribution lists for:~~

~~— UAC~~

~~— NACo~~

~~— CCP~~

~~— Any other organization requested by a Council member~~

~~— Anonymous communications determined by the Council Administrator to be malicious shall not be introduced to the Governing Body; instead the Council Administrator shall forward same to the County Clerk. Anonymous communications determined by the Council Administrator to not be malicious shall be placed in a file folder in the Council's Office for Council Member review, and all Council members will be notified of same via email upon such determination.~~

~~— Surface mail addressed to a specific Council member is to be placed in that Councilperson's box when received. Mail addressed to former Council Members will be distributed to their successors.~~

C. Council Members' Participation on County Boards and Commissions and Special Service District Boards

1. ~~Appointment~~Assignments to Appointment to County Boards and Commissions and Special Service District Boards: In January of each year the Council shall review each Council Representative position to County Boards, ~~and Commissions and Committees, and~~ Special Service District Boards, ~~and other agencies.~~ Council Members shall indicate which assignments they would prefer. For assignments selected by more than one Council Member, the Council shall vote on who receives the assignment. In the event that no Member volunteers for an assignment, the Chair shall assign a Member.
2. Council Members' Role: Council Members ~~appointed assigned to~~assigned to serve on County Boards, ~~and Commissions and Committees,~~ and Special Service District Boards shall serve as the liaison to the County Council, whether a voting member or not. Council Members shall represent the County Council but cannot commit the County without the approval of the majority of the Council.
3. Boards/Commissions/Committees/Agencies Reporting to the Council: Council Representatives to Boards/Commissions/Committees and agencies shall regularly

report to the Council during the General Council Report section of the Agenda ~~on a quarterly basis and/~~—or as necessary action is required. Council Members shall request that the Chair place on the agenda as separate items any reports of assignments or meetings that require more detailed discussion or consideration,

4. Council Member Participation: Council Members who are not appointed representatives are encouraged to attend any Board, ~~or Commission, or~~ Committee meeting for informational purposes and ~~should shall~~ notify the Council Representative of their interest to attend. Council Members not appointed as Council Representatives attending these meetings shall participate as members of the public unless requested to attend by the Council Representative in their stead. When attending in place of the designated Council Representative, the Council Member shall have a vote, in cases of voting positions.
5. Special County Committees: County ~~committees~~ Committees other than Boards and Commissions shall be established through Resolution by the Council and shall include an appointed or assigned Council Representative and interested community members/stakeholders. Such committees are less formal than Boards and Commissions and are generally established to support special long-term projects and facility utilization. Such committees shall not have the authority to make Council decisions or to expend County funds without the approval of the majority of the Council at a regularly scheduled meeting. Council Members are encouraged to participate on these committees and in some cases a Council Representative is required as per the enabling resolution. The Council Representative's ability to vote as a Committee Member is also determined by the enabling resolution.
6. Special Service District Boards: In accordance with (UCA §17~~DB~~, Chapter 1) the County Council may establish Special Service District (“District”) Boards. These Boards are independent of the County save that the County Council shall, pursuant to UCA - Section 17D-1-303, make all appointments to such Administrative Control Boards except for ~~elected~~ District Boards elected by the public. Each District Board shall include one Council Member representative as appointed or assigned ~~appointed~~ by the Council to serve the term established by the District bylaws, typically four years. All business conducted by the District Board shall be independent of the County with the exception of the involvement of the Council Representative. Annual joint meetings of the Council Membership and the District Boards are encouraged for the purpose of establishing common goals and objectives.

D. Duties of the Chair

1. The Chair: The Chair (and each of the Vice-Chair and Chair Pro-Tem acting as Chair) shall have no veto power and no other special substantive authority. The Chair is responsible for developing-setting the Council Agenda, facilitating the Council Meetings, and signing ~~of~~ the Council-approved documents. The Chair

does not represent the Council as a whole Governing Body unless directed by the majority of the Council Members during a lawful meeting and is subject to all of the provisions of Section B of ~~this document~~these bylaws. The Chair is authorized, particularly when time is of the essence, prior to Council approval in a lawful meeting to sign documents of a non-political nature for potential ratification by the Council at the next regular meeting; examples include non-political letters of support, marketing agreements in budget, grant applications with grant match in budget, and the like. Additionally, (The Chair provides guidance to the Council Administrator; while the Council as a unit provides specific direction. See also Section E, "The Council Administrator."

2. Presides: The Chair shall be the Presiding Officer at all meetings and hearings of the Governing Body.
3. Vice-Chair: In the event of absence or disability of the Chair, the Vice-Chair shall preside. Upon the Chair's request, the Vice-Chair shall assist with the discharge of any of the Chair's duties.
4. Chair Pro-Tem: In the absence of the Chair and Vice-Chair, the ~~members~~ Members shall appoint a Chair Pro-Tem.
5. Study Committees: The Chair may, at his/her discretion, oversee the membership and proper functioning of the Council Study Committees, whether or not a designated committee member. See also Section E, "The Council Administrator."
6. Control of Chambers: The Chair shall have control of the Council Chambers.
7. Points of Order: The Chair shall preserve order, and decide all points of order and procedure, subject to appeal of membership. The Chair may vote on all matters but may not make motions according to Robert's Rules of Order.
8. Roll Call Vote: All matters involving expenditure of funds require a roll call vote.
9. Declare Votes: Motions may be determined by voice vote, or show of hands or at the request of any member by roll call. The Chair shall declare all votes. If any Mmember requests it, a roll call shall be ordered.
10. Sign Documents and Contracts and Agreements: The Chair shall sign resolutions, ordinances, and all other documents issued by the Governing Body. The Chair shall sign all contracts and agreements approved by the County Council on behalf of the Council-, including "all associated documents" when included in the motions. to approve the document. The Chair may delegate such signatory authority to the Vice-Chair as per Section D. 1, 3-(above), or when appropriate, the Chair Pro-Tem. The Chair shall consult with the Council Administrator and the County Attorney for review of above said documents as deemed appropriate. If, due to time constraints, a document must be signed prior to a Council meeting.

the Chair may use discretion to sign the document for ratification by the Council at the next Council meeting; discretion must include consideration that political matters require Council vote prior to signature. For more details, see Section D.1.

11. Training on Open and Public Meetings Act: The Chair shall ensure that all Members are provided with the opportunity for annual trainings of the Open and Public Meetings Act- per UCA §52-4-104

11.12. Voting Rights and Authority: The Chair, Vice-Chair and Chair Pro-Tem shall have the same rights to debate and vote in the Council as any other Council Member. The Chair shall not make or second, amend, or substitute motions, according to Robert's Rules of Order.

E. The Council Administrator and Department Heads

1. Direction Received: In general, the Council Administrator acts under the direction of policies adopted by the Governing Body and in accordance with the provisions of the Council Administrator's current Job Description (Attachment IV). Specific direction and guidance-is received from the Chair-Council as a unit as communicated by the Chair. -Day to day guidance, as needed, is received from the Chair with regard for the Council's wishes.
2. Prepares Agenda: The Council Administrator shall develop and prepare copies of the Council Agenda as approved by the Chair. and The Council Office delivers same to the Members, County Attorney, County Clerk, and any person requesting to be on the agenda notice distribution list and ensures posting in the Courthouse or meeting location and on the County website and the State Public Meeting Notice website.
3. Council Meeting: The Council Administrator shall prepare for each Council Meeting or Workshop a packet, together with such other supporting memoranda and communications materials as the Chair or membership-Membership direct or require except that materials that (i) are copyrighted unless written permission by the copyright holder is provided; (ii) proprietary; (iii) confidential; (iv) related to a closed/executive session; (v) intended as a legal communication shall not be included in the general packet unless allowed by G.3.-(below)these bylaws. Such excluded materials shall be provided under separate cover, marked "confidential."
4. Attends Meetings: The Council Administrator shall attend all meetings of the Governing Body unless excused by the Council or Chair, and, in the absence of Department Heads, may speak on their behalf.
5. Study Committee: The Council Administrator shall attend and participate in Study Committee Meetings: Unless excused by the Council or Chair.

6. Matters Continued: ~~Matters Action items~~ on the agenda which are not acted upon shall be continued upon the agenda of subsequent meetings until disposed of by the Council.
7. Agreements, Permits, and Contracts Signing of Documents: The Council Administrator shall sign agreements, permits, and contracts on behalf of the County Council when so directed by the Council and approved by the majority of its Members. The Administrator will be responsible to provide the original signed documents to the County Clerk.

The Council Administrator and/or the non-elected Department Heads/Supervisors under the purview of the Council, including the IT Manager as applicable, shall have authority to sign such administrative documents for their departments, in compliance with the Employee Handbook, as direct report timesheets, Individual Development Plans, disciplinary documents, annual evaluations, time off request forms, travel vouchers; routine Invitation to Bid and routine Requests for Bids/Proposals/Qualifications; Notice of Bid Award and the like upon Council approval of bid award whenever required by the Purchasing Policy; purchase orders and work orders within budget and in compliance of the Purchasing Policy; change orders in budget and aligned with the scope of work; routine service orders in compliance with the Purchasing Policy; routine marketing and advertising documents in budget and aligned with the Marketing Plan (marketing and advertising agreements and contracts, insertion orders, magazine and campaign agreements, radio and television contracts, media and broadcasting contracts, spotlight contracts, and the like); routine grant applications so long as any grant match is in budget and aligned with the County's objectives (does not include binding grant agreements); permits, letters and other correspondence in the routine course of business; recommendation letters on behalf of past or terminating employees in good standing; and similar non-political documents on behalf of the County Council for the specific purpose of forwarding the Council's business via the Administrator and non-elected departments. The Administrator or Department Heads/Supervisors shall not sign or authorize any document of a political nature, nor sign or authorize any action, whether in writing or not, beyond the purview of their specific department or job description without specific approval of the County Council.

8. Furnish Rules: The Council Administrator shall furnish all Members with copies of Robert's Rules of Order, the link to County Land Use Code and General Plan, and the Policies and Procedures of the Governing Body. Bylaws of County Boards, Commissions, and Committees and Policies and Procedures of County Departments; shall be available upon request.
9. Minutes: ~~Minutes shall be posted on the County website once approved. Moved to Clerk section.~~

910. Written Comments: Any written comments from the public regarding Council action or public hearings shall be compiled by the Council Administrator's Office and forwarded to the Clerk/Auditor's Office ~~prior to once the~~ once the hearing ~~is~~ is being closed and action taken by the Council.

F. The County Clerk

1. Attends Meetings: The Clerk or deputy shall attend meetings of the Governing Body and shall attest ~~all~~ instruments signed by the Chair, particularly resolutions and ordinances.
2. Notices: In collaboration with the Council Administrator shall ensure that all required notices are ~~sent out posted and or~~ published as required by the Open and Public Meetings Act and that all notices include the date, time and name or initials of the person posting the notice.
3. Minutes: The Clerk or deputy S shall prepare and maintain minutes and recordings of the proceedings, including closed sessions, and such journals and records as required. Minutes shall be prepared consistent with UCA 52-4-203 and shall conform to all state requirements. Minutes shall be posted on the County website once approved.
4. Completeness of Documents Signed: The text of all ordinances, resolutions and other documents shall be complete, with all blanks filled in, and shall not lack any information before vote thereon.

G. The County Attorney

1. Meeting Attendance: When requested by the Council or Council Administrator the County Attorney or designated representative shall provide best efforts to attend ~~regular or special~~ regular, special or emergency meetings of the Governing Body.
2. Legal Counsel: Shall provide legal counsel as to all matters including lawful procedure to the County Council.
3. Grand County Attorney Records Classified as Protected, Privileged and Confidential: Generally, all documents and records created by the government are public documents, and subject to open disclosure to the public under the Government Records Access and Management Act ("GRAMA"), found in UCA 63G-1-101 et. seq. However, GRAMA allows an exception for records and/or communications between a governmental entity and an attorney. In adopting GRAMA, the Utah Legislature has classified those records as "Protected" and "Privileged,"; not subject to public disclosure. Those documents, communications and records that qualify for exemption from GRAMA and public disclosure may

be summarized in the following categories, including, but not limited to, records that are:

- related to pending law enforcement proceedings where disclosure would be harmful, UCA 63G2-305(9).
- created solely in anticipation of litigation, UCA 63G-2-305(16).
- attorney work product, mental impressions, and legal theories concerning litigation, UCA 63G-2-305(17).
- communications between a County attorney, or an attorney retained by the County, and County officials or employees, UCA 63G-2-305(18). This category could include letters, emails, phone messages, memoranda, text messages, photos, videos, notes, etc.; and also may include other documents or records (such as statistics, diagrams, data compilations), that are provided by a government official or employee to the County Attorney at the request of the County Attorney—even though those documents may not appear to contain protected, privileged or confidential information.
- Settlement negotiations, UCA 63G-2-305(33).

It shall be a rebuttable presumption that all records that could possibly fall into one of the categories above (records either sent to, or received from, the County Attorney's office), shall be treated as "Protected" and "Privileged" under GRAMA. Such documents shall not be disclosed without prior review and approval from the County Attorney's office. If there is any reasonable doubt as to whether or not a record is "Protected" or "Privileged," then, prior to disclosure, that record shall be submitted to the County Attorney's office for legal review.

Pursuant to UCA 63G-2-306, there is no requirement for the County or the County Attorney to mark all County Attorney records with a "Protected" stamp in order for those communications to be considered protected under the statute because, as cited above, those communications by their nature are already classified as "Protected" under State law.

Under UCA 63G-2-801, any "public employee or other person who has lawful access to any private, controlled, or protected record under this chapter, and who intentionally discloses, provides a copy of, or improperly uses a private, controlled, or protected record knowing that the disclosure or use is prohibited under this chapter, is guilty of a class B misdemeanor."

H. Study Committee

1. Establishment of a Study Committee: From time to time, the Council may choose to appoint a committee of its Members for the purpose of researching, reviewing and recommending to the Governing Body action on particular issues, problems, and areas of interest. Committees are not executive bodies, and the Committee Chair has no executive authority. The Governing Body may however, from time

to time, authorize the committees to undertake specific tasks and make specific agreements. While other Council Members are not obligated to vote according to committee recommendations, the work of the committees shall be respected.

2. Study Committee Representation: Committees shall not consist of more than three (3) Members. In addition to the three Members, the Council Administrator shall attend and participate in Study Committee Meetings unless excused by the Council or the Chair. See also Section D, "Duties of the Chair."

I. Council Meetings

1. Open and Public Meetings Act: All Council Meetings shall be in compliance with the Open and Public Meetings Act, UCA Title 52 Chapter 4. All Council Meetings will be open to the public. Any closed ~~executive~~ sessions shall be in accordance with UCA 52-4-204.
2. Approval of Annual Schedule of Meetings: The Council shall approve its annual meeting schedule during the December scheduled meeting and publish the approved schedule in accordance with UCA 52-4-202.
3. Council Meeting Dates and Times: The Council shall hold regular meetings the first and third Tuesday of each month. In those months when the holidays or elections fall on the first or third Tuesday, the meeting shall be held the following day. To the extent practicable and if so required as determined by the Chair, County Council Meetings will begin at 4:00PM for one session per meeting. Public hearings to adopt or change a budget or to consider matters related to taxes or fees shall begin at 6:00PM or later, as well as any other Public Hearings. All other Public Hearings shall begin at 5:00PM or later.
4. 4. — Special Meetings: The Chair, or upon request by any Council Member shall call special meetings, or emergency meetings in accordance with the UCA Open and Public Meetings Act as becomes necessary.
5. Emergency Meetings: The Council may call an emergency meeting to discuss an urgent matter due to unforeseen circumstances. When an emergency meeting is determined necessary the following is required:
 - Give the best notice practicable of the time, location and topics to be considered.
 - Attempt to contact all Council Members.
 - A majority of the Council Members must approve the meeting. (UCA 52-4-202(5))

J. Workshops

1. Workshops: Workshops ~~are Special Meetings and~~ may be required from time to time and scheduled as needed, and to the extent possible, attended by all ~~Council~~ Members. The purpose of these meetings shall be to discuss ~~and consider items pending on the Council Agenda or other~~ items that require the attention of the Council, ~~such as Administrative or Budget Workshops, so as to receive in-depth updates or arrive at consensus prior to a future, formal vote.~~ The Council may provide direction to the staff concerning those same issues. Unless it is so noted on the agenda, action will not be taken at ~~Workshop~~workshops.
2. Joint Workshops: The Council may from time to time or on a regular schedule conduct joint workshops with other local government bodies and staff as deemed necessary for the purpose of working together on administrative and informational updates on issues that have impacts on the entities. There shall be no formal action taken during these workshops.

K. Agenda

1. Order of Business: The Council Administrator shall prepare, and the Chair shall approve, a written agenda for each meeting including, as necessary, the agenda for the Municipal Building Authority. ~~In general, each regular meeting shall consist of an afternoon administrative session, and an evening public business session.~~

The Municipal Building Authority and Council session matters shall be considered, as far as practicable, in the following order:

Municipal Building Authority

- Call to Order
- Pledge of Allegiance
- Approval of Minutes
- Ratification of Payment of Bills
- ~~Action Items~~
- Discussion Items
- General Business – Action Items
- Public Hearings- Possible Action Items
- Closed Session(s) if necessary
- Adjourn

Council ~~Afternoon Session~~ Meeting

- Call to Order
- Pledge of Allegiance
- Approval of Minutes
- Ratification of Payment of Bills
- Elected Officials Reports – for any elected official other than Council Members
- Council Administrator Report

- Department Head Reports
- Agency Reports
- Citizens to Be Heard
- Presentations
- ~~□ General Business – Action Items~~
- Discussion Items
 - Discussion of Calendar Items and Public Notices
- ~~□ General Business – Action Items~~
- Consent Agenda- Action Items
- Public Hearings- Possible Action Items
- General Council Reports and
 - Future Considerations
- Closed Session(s) if necessary
- Adjourn

2. Procedure: All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted to the Council at a public meeting shall be delivered to the Council Administrator 6 days in advance of the meeting unless otherwise authorized. The Administrator shall prepare the agenda for review by the Chair.

(a) The Chair shall review the agenda and background informationsupporting material prior to the posting deadline and as close to the agenda deadline as possible. The Chair may delete or add items to the agenda at their discretion, except those items specifically requested by a Council Member. ~~The Chair shall maintain a rotating schedule for Council Member reports on Board, Committee and special assignments such that a report on each assignment is received at least quarterly.~~

(b) Following the agenda review, the agenda with the additions, deletions or other corrections, shall be returned to the Council Administrator who shall prepare the agenda in its final draft form for review by the Council Members.

(c) The Council Members will have 24 hours or less to request changes or additions to the draft agenda.

~~(de)~~ The Council Administrator shall make a copy of the meeting packet available to the press, if desired, prior to each meeting and at the Grand County Library and County Council's Office prior to each meeting, removing any materials that are (i) copyrighted unless written permission by the copyright holder is provided; (ii) proprietary; (iii) confidential; (iv) related to a closed/~~executive~~ session; and/or (v) intended as a legal opinion. The Administrator shall make available prior to the meeting an identical online copy, with materials removed as described in (i) through (v) above, at the County's website.

(ed) The agenda shall be made public in advance of the meeting ~~both~~ by posting on the regular public bulletin board at the County Courthouse ~~and the Public Meeting Notice website~~ and by ~~notification dissemination~~ to the public news paper of record ~~media~~. Such action shall be taken concurrently with the furnishing of the agenda to individual Members of the County Council: ~~Aand to individuals on the agenda notice email and fax distribution lists.~~

(fe) Copies of the agenda shall be made available to the public at the meeting.

3. Posting Deadline: Agendas shall be posted, as far as practicable, forty-eight (48) hours in advance of any regular meeting, but in no event less than twenty-four (24) hours in advance of a regular meeting ~~or special meeting~~ (UCA 52-4-202).

~~3.~~

4. Agenda and Agenda Summary Deadline: Requests for inclusion on an agenda and supporting documentation must be received by 5 PM on the Wednesday prior to a Regular Council Meeting and forty-eight (48) hours prior to any Special Council Meeting. ~~The Council Administrator~~ ~~staff~~ may extend this deadline when staff time permits: ~~so long as the final agenda is set by the Chair.~~

5. Legal Review: Agenda items requiring legal review must be submitted to the County Attorney at least fourteen (14) days in advance of the scheduled meeting ~~except in unusual circumstances in which time is of the essence~~. Items requiring legal review ~~would include~~ ~~new~~ ordinances, resolutions, memoranda of understanding, contracts, agreements, and any other documents including proposed correspondence which involve a legal obligation or commitment on behalf of the County. ~~Unsubstantial amendments or contract renewals do not require legal review.~~

L. Council Chambers

1. Described: The Council Chambers consists of the auditorium and the raised dais.
2. Auditorium: The auditorium shall be open to the public for all public meetings with the exception of ~~closed~~ ~~executive~~ sessions.
3. Removal: Law enforcement may remove from the Chambers ~~any persons~~ causing disturbances or otherwise violating the law.

M. Voting

1. To Pass Acts: Four (4) affirmative votes of the Membership shall be necessary to pass any resolution, ordinance or act (~~motion~~) of the Governing Body, ~~regardless of the number of Council Members in attendance.~~

2. Conflict of Interest: Member(s) shall not vote where there is a conflict of interest as defined by Ordinance No. 462, An Ordinance Establishing Policies and Procedures for Conflicts of Interest of Grand County Officers and Utah State Code § 67-16-9 and shall declare such conflict and recuse themselves. The ~~Member(s) shall not debate the matter, and the Chair shall excuse them from the dais. They may remain in the auditorium and participate as a member of the public.~~
3. Failure to Vote: A failure to vote by a Council Member shall be considered a non-vote or an abstained vote.
4. Tie Votes: A tie results in the defeat of a proposed action because it failed to gain the four (4) required votes.
5. Leaving Seat: When a call for the vote is commenced, no Member shall leave until the vote is disclosed.
6. Change of Vote: A ~~Member~~ may change their vote after the call for the vote has been completed and before announcement of the result, but not thereafter.
7. Abstentions: Although it is the duty of every ~~Member~~ who has an opinion on a question to express it by their vote, they can abstain, since they cannot be compelled to vote. (An abstention shall be considered a non-vote.)
8. Questions Affecting Oneself: Members are permitted to vote for themselves for an office or other position to which Members are generally eligible, including when other Members are included with them in the motion.

N. Motions

1. Making and Withdrawing: When a motion is made, the Chair shall restate the motion and call for a second. If the motion receives a second, the Chair shall restate the motion before debate commences. If there is no second to the motion, the motion shall die without further debate due to the lack of a second. A motion may not be withdrawn by the person making the motion without the consent of the Member seconding it once it has been stated by the Chair. The Chair may request that the motion is submitted in written form prior to the motion being stated by the Chair.
2. Division of Motion: If the motion contains two (2) or more divisible propositions, the Presiding Officer may, and upon request of a Member shall, divide the same.

3. Motions Out of Order: The Presiding Officer may not at any time permit a member to introduce an ordinance, resolution, or motion out of the regular order as set forth in the agenda unless it is approved to do so by two-thirds (2/3) or Super Majority vote.
4. Amending Something Previously Adopted: Is the motion that can be used if it is desired to change only a part of the text, or to substitute a different version. (Robert's Rules of Motion)
5. Rescinding a Motion: The effect of Rescind is to strike out an entire main motion, resolution, order, or rule that has been adopted at some previous time (Robert's Rules of Order).
- 4.6. Reconsideration of a Motion: A motion may be reconsidered at any time only during the same meeting if the motion to reconsider is introduced by a Member who had voted on with the prevailing side. Only after the motion to reconsider has been approved by the majority can the main motion be considered.
5. Postponing a Motion: Any item on the agenda may be postponed until the next meeting or a specific future date. A motion to postpone shall give best efforts to include the future time of consideration and reason a Member who makes for postponement. A motion to postpone indefinitely means the item of discussion is postponed for an unspecified period of time.
6. Tabling a Motion: Any item on the agenda may be tabled until later in the meeting. Afternoon or Evening Session only. A motion to table temporarily suspends further consideration or action on an agenda item until later in the meeting. A motion to bring back to the table shall be made to resume discussion on the item tabled. An item to be considered at a future meeting shall be postponed.
- ~~7. Amending a Resolution or Ordinance: Amendments of resolutions and ordinances shall be approved by a majority vote of the Council and are subject to all of the provisions of this document's Sections O for ordinances and P for resolutions.~~
87. Robert's Rules of Order: Any specific questions regarding motions that are not addressed in this document section shall be determined by the edition of Robert's Rules of Order provided to the Council by the Council Administrator.

O. Reading and Passage of Ordinances

All proposed ordinances to enact regulations of a general and permanent nature, enforceable as local law, shall require public hearings as described in Section S of

these Policies and Procedures, and shall be subject to the following requirements for passage:

1. Printed Copies Due: In order to be considered, typed or printed copies of proposed ordinance shall be in the possession of the Governing Body forty-eight (48) hours prior to the meeting.
2. Required Readings: Any Member may request a full reading; otherwise an ordinance shall be read by ~~number and~~ title only. An ordinance may be passed and adopted at any time after the reading.
3. Available to the Public: Copies of proposed ordinances shall be available to the public, when feasible, at the ~~County~~ council offices and the Library not less than forty-eight (48) hours before the Governing Body convenes to act upon the ordinance. Should copies be not so available, said ordinance shall be ordered read in full before the vote thereon, upon request by any member of the public at the meeting.
4. Waiver: The requirement relating to reading and passing of ordinances ~~are is~~ considered waived by the ~~membership~~ Membership voting upon them without an objection being raised.
5. Effective Date: No ordinance passed by the Council shall take effect within less than fifteen (15) days of its publication in accordance with UCA 17-53-208 unless authorized otherwise by state code, such as for emergencies.

P. Reading and Passage of Resolutions

All proposed resolutions are to express the opinion of the ~~membership~~ Membership on a matter of temporary or advisory nature or to handle administrative business and shall be subject to the following requirements for passage:

1. Printed Copies Due: In order to be considered, typed or printed copies of proposed resolution shall be in the possession of the Governing Body forty-eight (48) hours prior to the meeting.
2. Required Readings: Any ~~member~~ Member may request a full reading; otherwise said resolution shall be read by ~~number and~~ title only. A resolution may be passed and adopted at any time after the reading.
3. Available to the Public: Copies of proposed resolutions shall be available to the public, when feasible, at the ~~County~~ County Council offices and the Library not less than forty-eight (48) hours before the ~~hour the~~ Governing Body convenes to act upon the resolution. Should copies be not so available, said resolution shall be ordered read in full before the vote thereon, upon request by any member of the public at the meeting.

4. Waiver: The requirement relating to reading and passing of resolutions ~~are~~ is considered waived by the ~~membership~~ Membership voting upon them without an objection being raised.

Q. Decorum and Debate

1. Being Recognized: When a Member desires to speak or make a motion, they shall address themselves to “Mr./Madam Chair”. Upon being recognized, they may address the Membership, staff or members of the public.
2. First Person Recognized: When more than one Member addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.
3. Interruptions: No Member shall interrupt another, except when permitted by parliamentary procedure.
4. Decorum: No Member shall indulge in personalities, arraign motives of Members, or use language tending to hold a Member up to contempt.
5. Debate with the Public: No Council Member shall debate with the public or employees during meetings or workshops.
6. Limitation of Debate: ~~No~~ In general, no Member of the Council or public shall be allowed to speak more than once upon any one subject until all ~~members~~ Members have had an opportunity to speak. Council Members will generally be limited to two statements on any issue under consideration unless substitute motions are made.
7. Anonymous Communications: Anonymous communications determined by the Council Administrator to be malicious shall not be introduced to the Governing Body; instead the Council Administrator shall forward same to the County Clerk. Anonymous communications determined by the Council Administrator to not be malicious may be forwarded
~~7. shall be placed in a file folder in the Council's Office for Council Member review, and all Council Members will be notified of same~~ via email upon such determination. See also Section B, 108 Attachment III, “Council E-mail and Communication Policy.”
8. Leaving Chambers: No Member shall leave the Council Chambers during session without requesting and receiving permission of the Chair.

R. Participation by the Public

1. Employee/Public Recognized: No person in the auditorium shall speak unless recognized by the Chair, who may permit persons to speak on any agenda item. A card for the public is provided at the doorway of each meeting for this purpose for submitting to the Clerk/Auditor at the dais before that item on the agenda is discussed. Upon being recognized, they should be directed by the Chair to advance to the dais-microphone near the dais and state their full name and address. The number of persons heard and the time allowed each may be limited at the discretion of the Chair. On matters set for Public Hearings the Chair may invoke a three-minute time limit per person to allow maximum public participation.
2. Citizens to Be Heard: ~~During~~At Citizens to Be Heard portion of the meeting, citizenspersons desiring to speak on an item not on the agenda shall address themselves to the Chair. Upon being recognized, they shall be directed to advance to the dais, state their full name, address, whom they represent, and state their subject matter. The number of persons heard and the time allowed each may be limited at the discretion of the Chair to three minutes.
3. No Interruptions: No person shall interrupt legislative proceedings.
4. Three-Minute Rule: No person of the public shall speak more than three (3) minutes except upon ~~unspoken or spoken~~ waiver by the Chair or on motion of the Membership.
5. Procedure: Orderly procedure requires that each person-member of the public shall proceed without interruption from the audience and shall retire when their time is up; that all arguments shall be addressed to the Governing Body, and that there be no questioning or argument between individuals.
6. Questions: The Members of the Governing Body and staff ~~members~~members may ask questions and make appropriate comments; however, no Member should argue or debate an issue with the petitioner/member of the public.
7. Written Requests: Should a person ~~request~~desire to speak longer than three (3) minutes at a regular meeting, they shall file a written ~~petition-request, via an agenda summary form (Attachment III),~~ with the Council's Office at least ~~seven~~ six (6) days prior to the meeting date, stating the subject matter and the amount of time desired. The Chair may place the matter upon an ~~appropriate~~agenda and determine the time that shall be granted. Generally, matters are presented for seven (7) to ten (10) minutes, plus time for questions and answers for the Council's benefit. -This rule applies mainly to presentations, hearings and zoning matters.

8. No Assignment of Time: If there are several speakers on a matter, one person may not assign their time to another. Citizen groups may select a person to make their a presentation in their behalf.
9. Members of the Press: Members of the press shall not be recognized during meetings of the Governing Body.
10. Orderly Conduct: Citizens attending meetings shall observe rules of propriety, decorum and good conduct. Unauthorized remarks and similar demonstrations shall not be permitted by the Chair who may direct offenders from the Chambers.

S. Public Hearings

1. Posting of Public Hearing: All public hearings shall be published in the local newspaper of record and posted in accordance with Utah State Code, Grand County Land Use Code 9.1.8-10 and local ordinances, as applicable.
2. Staff Presentation: The appropriate staff shall make a presentation to the County Council and the public on behalf of the public hearing matter.
3. Applicant Speaks: Regarding Planning and Zoning issues, the applicant shall be the first to speak to the Council Members after the staff has made a presentation. Applicants may appear in person or by legal or other counsel. Applicant statements shall be limited to ten (10) minutes unless waived by the Chair (spoken or unspoken).
4. Questions: Council Members may direct questions to the applicant and/or staff in order to bring out relevant facts, circumstances or conditions affecting the case and may call for questions from the staff.
5. Opening Hearings: The Chair shall open the hearing and invite the public to the podium-microphone for comment. All public participation shall be subject to Section Q, (“Decorum and Debate”) of these rules/bylaws.
6. Closing Hearings: The Council Chair may close the public hearing (except for written comments generally allowed until 5PM six (6) days prior to the next regularly scheduled Council Meeting) ~~or and the Council may~~ continue the hearing ~~by motion~~ until the next scheduled meeting or other specified date included in the motion. See also “Decision.” below.
7. Written Comments: Written comments, including email comments unless otherwise specified, may be submitted for the record at the public hearing or up to forty-eight (48) hours 5PM six (6) days before the ~~Call to Order of the~~ next ~~County~~ Council Meeting, earlier if a holiday falls within the six (6) days. The Council Administrator shall ensure that all documents are available for review by

Council Members forty-eight (48) hours prior to the Council meeting at which the issue is to be considered. ~~Prior to~~At~~After~~ the close of each public hearing the Council Administrator shall forward all comments to the Clerk's Office.

8. Anonymous Comments: The Council Administrator, at his/her discretion, may choose not to forward anonymous written comments related to public hearings to Council Members, whether malicious or not, and such anonymous comments shall be forwarded to the Clerk under seal, whenever possible, indicating that they have not been reviewed by the Council Members.
9. Decision: The ~~County~~ Council shall consider the public hearing matter item at its next regularly scheduled meeting in order to receive additional written comments or to receive additional evidence for further study. The County Council may take action at the same meeting immediately upon closing of the public hearing provided it is moved and approved to take action by a two-thirds (2/3) vote (Super Majority). If the motion to take action at the same meeting as the public hearing is approved, the ~~County~~ Council can then move to consider the item.

T. Personnel Action Appeal Hearing Protocol

Purpose of Informal Council Hearing: To determine if there is reasonable support for the decision based upon the grounds stated in the personnel action.

1. County Council Administrator to notice appellant of Council's decision regarding granting a hearing, and if granted, the date and time of the hearing and hearing protocol.
2. Hearing to be held in closed session, no recordings.
3. Department Head, HR Director, Clerk/Auditor, Council Administrator, Appellant, and Council to be present. No witnesses, representatives or outside attorneys.
4. No exhibits or additional documents to be considered. Confidential Council packet to include:
 - a. Letter of termination/personnel action
 - b. Appeal by employee to Department Head
 - c. Response by Department Head
 - d. Appeal by employee to HR Director
 - e. Response by HR Director
 - f. Appeal to Council
 - g. Letter to Appellant setting date of appeal
 - h. Relevant County policies and/or procedures
 - i. Appeal protocol
5. Order of and Time allotted for presentations:
 - a. Department Head-5 minutes
 - b. HR Director-5 minutes
 - c. Appellant -10 minutes
6. No cross-examination of presenters. Council ~~members~~Members only may ask questions at the end of each presentation.

7. Presenters and Appellant to be excused at the end of presentations and Council questions. Council to make determination during closed session and may:
 - a. Uphold personnel action;
 - b. Overturn personnel action; or
 - c. Request additional information and continue hearing until information is received and considered.
8. Council issues a written decision to appellant within 15 working days of adjournment of ~~the~~ hearing.

U. Amendment of Policies and Procedures

1. Amending the Policies and Procedures: No policy or procedure of the Governing Body shall be amended except by four (4) affirmative votes of its Membership, and consideration of the amendments shall be held during ~~a~~ regularly scheduled meeting(s).
2. Resolution Required: Amendment of the Policies and Procedures of the Governing Body shall be through resolution. ~~The resolution shall identify all changes to be included in the amendment. A redlined document shall be archived electronically by the Council's Office identifying all changes for approval.~~