

**FRUIT HEIGHTS CITY
ORDINANCE NO. 2024-002B**

**AN ORDINANCE AMENDING FRUIT HEIGHTS CITY CODE TITLE 2A:
GOVERNMENT**

WHEREAS, revisions have been proposed to update Title 2A Chapter 1 of the Fruit Heights Municipal Code; and

WHEREAS, the City Council finds that the proposed changes promote the efficiency of the city administration of government; and

WHEREAS, the efficient administration of government promotes the general health, safety and welfare of residents and visitors of Fruit Heights City; and

NOW, THEREFORE, BE IT ORDAINED that effective upon approval by the City Council Title 2A Chapter 1 of the Fruit Heights City Code shall be updated and amended as follows and the provisions below shall be included to prior versions of Title 2A Chapter 1.

2A.01.180 Terms of City Council Members.

No person shall serve more than twelve (12) consecutive years on the City Council. In applying this section, service of the City Council resulting from an election prior to January 1, 2024, or service of less than two years by a person elected or appointed after the effective date of this section to complete the term of another person, shall be counted.

PASSED AND APPROVED this 9 day of April, 2024.

FRUIT HEIGHTS CITY COUNCIL

ATTEST:



City Recorder

By:



John Pohlman, Mayor

[SEAL]



VOTING:

Mark Cottrell	Yea ☒	Nay ☐
Gary Anderson	Yea ☐	Nay ☒
Eileen Moss	Yea ☐	Nay ☒
George Ray	Yea ☒	Nay ☐
Florence Sadler	Yea ☒	Nay ☐

ATTEST:



Darren Frandsen, City Recorder

DEPOSITED in the office of the City Recorder this 9 day of April, 2024.

RECORDED this 9 day of April, 2024.

TITLE 2A
GOVERNMENT

CHAPTER 2A-01.	CITY COUNCIL
CHAPTER 2A-02.	MAYOR
CHAPTER 2A-03.	ELECTION AND QUALIFICATION
CHAPTER 2A-04.	LEGISLATION
CHAPTER 2A-05.	CONSTITUTIONAL TAKING ISSUES

CHAPTER 2A-01. CITY COUNCIL

2A-01-010.	Governing Body.
2A-01-020.	Powers and Duties.
2A-01-030.	Meetings.
2A-01-040.	Open Meetings Law.
2A-01-050.	Notice of Meetings.
2A-01-060.	Agenda.
2A-01-070.	Minutes and Recordings.
2A-01-080.	Mayor Presides.
2A-01-090.	Quorum.
2A-01-100.	Voting.
2A-01-110.	Reconsideration.
2A-01-120.	Rules of Procedure.
2A-01-130.	Attendance.
2A-01-140.	Disorderly Conduct.
2A-01-150.	Required Attendance of Witnesses and Production of Evidence.
2A-01-160.	Electronic Meetings.
2A-01-170.	Utah Retirement System.

2A-01-010. Governing Body.

The governing body of Fruit Heights City shall be a six-member council form of government consisting of six (6) members, one of whom shall be the Mayor and five (5) of whom shall be Council Members, which council is hereinafter referred to as the "City Council."

2A-01-020. Powers and Duties.

The City Council is the legislative body of the City and shall exercise the legislative powers and perform the legislative duties and functions of the City and may perform such other functions as may be specifically provided or necessarily implied by law. The City Council may also exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function that has not been given to the Mayor in accordance with and subject to the provisions set forth in *Utah Code Ann.* §10-3b-303, as amended.

2A-01-030. Meetings.

(a) Regular Meetings. The City Council shall hold regular meetings to conduct the business of the City at least once each month and shall prescribe by ordinance the time and place for holding its regular meetings. In general, regular meetings of the City Council are held on the first and third Tuesdays of each month at the offices of Fruit Heights City, 910 S. Mountain Road, Fruit Heights, Utah, which meetings shall begin at approximately 7:00 p.m. The City Council shall prepare and provide notice of its annual meeting schedule in accordance with Section 2A-01-050.

(b) Special Meetings. If at any time the business of the City requires a special meeting of the City Council, such a special meeting may be ordered by the Mayor or any two Council Members. Notice of the special meeting shall be provided in accordance with the provisions of the Utah Open and Public Meetings Act and *Utah Code Ann.* §10-3-502, as amended. The order of the special meeting shall be entered into the minutes of the City Council.

(c) Closed Meetings. The affirmative vote of at least two-thirds of the City Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under *Utah Code Ann.* §52-4-205, as amended. The reason or reasons for holding a closed meeting and the vote, by name, of each member of the City Council, either for or against the motion to hold the closed meeting, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

(d) Electronic Meetings. The City Council may convene and conduct an electronic meeting in accordance with the provisions of *Utah Code Ann.* §52-4-207, as amended, and Section 2A-01-160 of the Fruit Heights City Code.

2A-01-040. Open Meetings Law.

All meetings of the City Council shall be open to the public, except closed meetings, and shall be conducted in accordance with the Open and Public Meetings Act as set forth in *Utah Code Ann.* §52-4-101, *et seq.*, as amended.

2A-01-050. Notice of Meetings.

The City shall give public notice at least once each year of its annual meeting schedule and shall give not less than twenty-four (24) hours' public notice of the agenda, date, time and place of each of its meetings, other than emergency meetings, in accordance with *Utah Code Ann.* §52-4-202, as amended, and *Utah Code Ann.* §63F-1-701, as amended, regarding postings on the Utah Public Notice Website.

2A-01-060. Agenda.

A written agenda for each regular meeting shall be prepared by the City Manager or his or her designee and approved by the Mayor or Mayor pro tempore in his or her absence. Each agenda shall provide reasonable specificity to notify the public as to the topics to be considered at the public meeting and topics discussed at the meeting shall comply with applicable provisions of *Utah Code Ann.* §52-4-202, as amended.

2A-01-070. Minutes and Recordings.

Except as otherwise provided by law, written minutes and a recording shall be kept of all meetings of the City Council in accordance with the provisions set forth in *Utah Code Ann.* §52-4-203 and -206, as amended. The City Council shall establish and implement procedures for approval of written minutes of its meetings.

2A-01-080. Mayor Presides.

The Mayor shall be the chairperson and preside at the meetings of the City Council. In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor pro tempore in accordance with the procedures set forth in Chapter 2 of this Title.

2A-01-180B Terms of City Council Members. (Updated on April 9,2024)

No person shall serve more than twelve (12) consecutive years on the City Council. In applying this section, service of the City Council resulting from an election prior to January 1, 2024, or service of less than two years by a person elected or appointed after the effective date of this section to complete the term of another person, shall be counted.

2A-01-090. Quorum.

No action of the City Council shall be official or of any effect except when a quorum of the Council Members are present, provided, that fewer than a quorum may adjourn a meeting. The number of Council Members necessary to constitute a quorum is three (3), excluding the Mayor.

2A-01-100. Voting.

(a) How Taken. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote. Every resolution or ordinance shall be in writing before the vote is taken.

(b) Number Required. The minimum number of "yes" votes required to pass any ordinance, resolution, or to take any action by the City Council, unless otherwise prescribed by law, shall be a majority of the voting members of the City Council, without considering any vacancy in the City Council. Any ordinance, resolution, or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid. Notwithstanding the foregoing, a council meeting may be adjourned by a majority vote of the Council even though the majority is less than required herein, and a majority of the Council Members, regardless of number, may fill any vacancy in the Council as provided in *Utah Code Ann.* §20A-1-510, as amended.

(c) Mayor Voting. Except as provided herein, the Mayor is a nonvoting member of the City Council. The Mayor may vote as a voting member of the Council on each matter for which there is a tie vote of the other Council Members, when the City Council is voting on whether to appoint or dismiss the City Manager, or as otherwise provided by law, as more particularly discussed in Chapter 2 of this Title.

2A-01-110. Reconsideration.

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

2A-01-120. Rules of Order and Procedure.

Pursuant to *Utah Code Ann.* §10-3-606, as amended, the City Council hereby adopts the following rules of order and procedure governing public meetings of the City Council ("Rules of Order and Procedure"). All public meetings of the City Council shall be conducted in accordance with the Rules of Order and Procedure. The Rules of Order and Procedure shall be made available to the public at each public meeting of the City Council and on the City's website.

(a) Parliamentary Order and Procedure. The City Council's meetings shall be conducted in general accordance with *Robert's Rules of Order*. The City Council may adopt by resolution additional rules of order and procedure for the proper conduct of its meetings.

(b) Ethical Behavior. Members of the City Council are elected officers within the meaning of the Utah Municipal Officers' and Employees' Ethics Act, as set forth in *Utah Code Ann.* §§10-3-1301, *et seq.*, as amended. City Council members shall comply with the provisions of the Ethics Act in all matters pertaining to the City and in public meetings of the City Council.

(c) Civil Discourse. Remarks and comments made in public meetings of the City Council should be relevant to the matters before the City Council. Speakers should speak in an audible and clear tone and refrain from attacking City Council members or others or their motives. City Council meetings should be conducted in a courteous manner to promote an atmosphere in which all points of view may be expressed and heard. Council members should not interrupt other members during discussion and debate. Remarks should be addressed through the Mayor who shall allow reasonable opportunity for all points of view to be expressed.

2A-01-130. Attendance.

The City Council shall have the power to compel the attendance of its own members at its meetings and to provide penalties it considers necessary for the failure to comply with an exercise of authority to compel attendance.

2A-01-140. Disorderly Conduct.

The City Council on a two-thirds vote of its members may expel any person who is disorderly and/or disruptive during the meeting of the City Council. The City Council may also on a two-thirds vote of its members expel or fine any member for disorderly and/or disruptive conduct. This Section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law.

2A-01-150. Required Attendance of Witnesses and Production of Evidence.

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council may issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this Section.

2A-01-160. Electronic Meetings.

(a) Purpose. The purpose of this Section is to establish written procedures governing electronic meetings in accordance with *Utah Code Ann.* §52-4-207, as amended, permitting a public meeting held by the City Council to be convened or conducted by means of a conference using electronic communications.

(b) Definitions. As used in this Section, the following terms shall have the meaning set forth as follows:

(1) "Anchor location" means the physical location from which the electronic meeting originates or from which the participants are connected.

(2) "Electronic meeting" means a meeting of a public body convened or conducted by means of a conference using electronic communications.

(3) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communications.

(4) "Public body" means the Fruit Heights City Council.

(5) "Public hearing" means a portion of a meeting at which comments from the public will be accepted.

(6) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(c) Notice. The public body may, by following the procedures and requirements of this Section, convene and conduct an electronic meeting. The public body convening or conducting an electronic meeting shall:

(1) Give public notice of the meeting in accordance with *Utah Code Ann. §52-4-202*, as amended, and other applicable provisions of the Utah State Code;

(2) Post written notice at the anchor location;

(3) Provide notice of the electronic meeting to the members of the public body 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; and

(4) Provide a description of how the members will be connected to the electronic meeting.

(d) Emergency Meeting. Pursuant to *Utah Code Ann. §52-4-202(5)*, as amended, certain noticing requirements may be disregarded if because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature. In the event of an emergency meeting, the public body shall comply with the requirements of *Utah Code Ann. §52-4-202(5)*, as amended.

(e) Location. The Fruit Heights City Offices, located at 910 S. Mountain Road, Fruit Heights, Utah, 84037, shall be considered the anchor location for purposes of this Section. Space and facilities shall be provided at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting. If the meeting is a public hearing, space and facilities shall be provided at the anchor location so that interested persons and the public may attend, monitor and participate in the open portions of the meeting.

(f) Procedures Governing Electronic Meeting. The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic open and public meeting of the public body. The meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. The Mayor shall confirm that the non-present members are connected via electronic means. Minutes shall be kept for the meeting in accordance with the requirements of the Open Meetings Law. If voting is required for any action, a roll call vote shall be taken so that the non-present member(s) vote may be counted and heard. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.

(g) Participation. All interested parties shall be able to either hear public statements made by all members of the public body participating in the meeting, or be able to view and hear all members participating in the meeting. In addition, all interested parties shall be able to participate in a public hearing by having their voices or their voices and images conveyed live to all members of the public body. Care should be taken to ensure that participants verbalize their statements and responses so that non-present members may hear them. In addition, any and all visual aids and written material not available to the non-participating members should be verbally described. Nothing in this policy may be construed to interfere with accommodations made under the Americans with Disabilities Act.

(h) Statement. Each agenda for an electronic meeting should include the following statement:

Meetings of the Fruit Heights City Council may be conducted via electronic means pursuant to Utah Code Ann. §52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

2A-01-170. Utah Retirement System.

For purposes of determining eligibility under the Utah Retirement System and provisions of the Utah State Retirement and Insurance Benefit Act, as set forth in Title 49 of the *Utah Code*, the City hereby certifies that all elected official positions of the City are part-time. Unless otherwise provided by law, any elected official taking office for the first time on or after July 1, 2011, shall not be eligible for participation in the Utah Retirement System.