



RESOLUTION NO. 2017-05

**A RESOLUTION OF SUMMIT COUNTY SERVICE AREA NO. 3
TO REPEAL AND REPLACE ORDINANCE 2014-01 TO
ADOPT GOVERNANCE STANDARDS AND RULES OF ORDER AND PROCEDURE**

PREAMBLE

WHEREAS, Summit County Service Area #3 (“Service Area”) is a service area authorized and organized under the provisions of Utah law to carry out those purposes set forth in Section 2-27-1 of the Summit County Code, and

WHEREAS, pursuant to Utah Code Ann. § 17B-1-301(h), the Service Area’s Board of Trustees is authorized to adopt by laws for the orderly functioning of the Board; and

WHEREAS, pursuant to Utah Code Ann. § 17B-1-310(3)(b)(i), the Service Area’s Board of Trustees is authorized to adopt rules of order and procedure to govern the public meetings of the Board; and

WHEREAS, the Service Area desires to update and amend its Governing Standards, or bylaws, to include rules of order and procedure.

NOW, THEREFORE, be it **RESOLVED** by the Board of Trustees of the Summit County Service Area #3 that Ordinance #2014-01 is hereby repealed in its entirety and replaced as follows:

1. MEETINGS.

- a. REGULARLY SCHEDULED MEETINGS. The Board of Trustees shall meet at least once each month, and more frequently as business dictates, on a regularly scheduled day each month. These meetings shall be known as the “Regular Meetings.”
- b. SPECIAL MEETINGS. Any meeting that is not a Regular Meeting, called with 24 Notice, shall be known as a “Special Meeting.” The Chair of the Board of Trustees, or a majority of the Board of Trustees, may call as many Special Meetings, in addition to the Regular Meetings, as shall be deemed necessary.
- c. EMERGENCY MEETINGS. Emergency meetings may be called by the Chair, or Vice Chair, with less than 24 hour notice, but all action taken at said emergency meetings shall be considered and/or ratified at a special meeting or a regularly scheduled meeting. Furthermore, no emergency meeting shall be held unless an attempt has been made to notify all Trustees by phone and email, and a majority of Trustees authorizes the Emergency Meeting.
- d. NOTICE OF MEETINGS. Notice of Regular Meetings, or Special Meetings, shall be provided via email, at the Trustee’s designated email address, to each Trustee at

least 24 hours in advance of the meeting. Further, notice of Regular Meetings and Special Meetings, and the agenda therefore, shall be posted at a place within the Service Area where constituents are most likely to observe the notice. Said notice shall be given not less than 24 hours prior to the meeting and shall state the agenda, date, time and place of each meeting. In addition, notice of each Regular Meeting and Special meeting shall be posted on the Utah Public Notice Website and the Service Area's Website. If at all practicable, notice of each emergency Meeting will be posted on the Utah Public Notice Website. .

- e. NOTICE OF PUBLIC HEARINGS. Notice of all public hearings will be given as provided by state law. Notice of budget public hearings shall be published in a newspaper of general circulation within the Service Area's boundaries and posted in the same manner as notices for Regular Meetings.
- f. QUORUM. Four Trustees shall constitute a quorum of the Board of Trustees of Summit County Service Area No. 3.
- g. MEETINGS OPEN TO THE PUBLIC. All meetings of the Service Area Board of Trustees shall be conducted in compliance with the provisions of the Utah Open and Public Meetings Act and all enactments of the Service Area shall be in compliance with applicable state law for the matter considered by the Board.
- h. VOTE BY PROXY. Vote by proxy shall not be allowed for any purpose.
- i. RULES OF ORDER AND PROCEDURE. All meetings of the Service Area Board of Trustees shall be conducted in compliance with the Rules of Order and Procedure attached and incorporated herein as **Addendum A**.

2. ELECTION OF OFFICERS.

- a. CHAIR AND VICE-CHAIR. The Board of Trustees shall elect a Chair and a Vice-Chair at its first regularly scheduled meeting in January each year. The Chair and Vice-Chair shall serve for a period of one year or until their successors are elected. Neither the Chair nor Vice-Chair may serve consecutive terms in the same office.
- b. CLERK AND TREASURER. The Board shall elect a Clerk and a Treasurer. These two offices may not be held by a single person.
- c. DUTIES OF THE CHAIR. Among other duties approved by the Board, the Chair shall:

- (1) Cause the agenda to be compiled and posted in advance of any meeting. The Chair shall place upon the agenda any item requested by any member of the Board of Trustees for any specific meeting;

- (2) Conduct all meetings and determine time limits to be given to an subject under discussion by the Board, or any person, including Trustees, who desire to speak to any subject addressed by the Board;
 - (3) Call any Special Meetings or Emergency Meetings that the Chair may deem necessary and appropriate.
 - d. DUTIES OF THE VICE-CHAIR. Among other duties approved by the Board, the duties of the Vice-Chair shall be to act in the absence of the Chair and perform all official duties and functions that the Chair is empowered to perform when the Chair is absent.
 - e. DUTIES OF THE CLERK. The Clerk shall keep or cause to be kept, the minutes of every Regular Meeting Special Meeting and Emergency Meeting, whether open or closed. The Clerk shall further be responsible for carrying out any official duties as directed by the Board of Trustees.
 - f. DUTIES OF THE TREASURER. The Treasurer shall be responsible for holding and maintaining in appropriate accounts all funds collected by the Service Area. The Treasurer shall be responsible for all matters relating to funds in any way involving the Service Area. The Treasurer shall be responsible for all collection and disbursement of funds in the Service Area.
 - g. TERMS OF CLERK AND TREASURER. The Clerk and Treasurer shall serve two year terms.
3. EXPENSES AND COMPENSATION. The Board of Trustees shall approve the payment of all expenses of the Service Area at each regular meeting. Members of the Board of Trustees shall be compensated for all out-of-pocket expenses undertaken by them on behalf of the Service Area. Each member of the Board of Trustees shall be entitled to be paid compensation not exceeding \$5000.00 per year as a majority of the Board shall determine. All expenses of the Service Area shall be generally approved in advance, except under emergency circumstances.
4. BUDGET OF THE SERVICE AREA.
- a. Summit County Service Area No. 3 shall conform in all respects to the fiscal procedures act for service areas, as set forth in Utah Code Ann. § 17B-1-101 *et seq.* and Utah Code Ann. § 17B-2a-901 *et seq.*
 - b. The budget shall be prepared with regard to the separate funds required under State law.
 - c. The budget shall provide a financial plan for the budget year and shall specify estimates of all anticipated revenues and all appropriations for expenditures. The

total of the anticipated revenues shall equal the total of appropriated expenditures, which may include reserve funds as allowed by law.

- d. On or before the first regularly scheduled meeting of the Board of Trustees in November, the Board shall prepare for the ensuing year a tentative budget for each fund for which a budget is required. The tentative budget shall be reviewed, considered, and tentatively adopted by the Board in any regular meeting or special meeting called for that purpose, and may be amended or revised in any manner which is considered advisable prior to public hearings; copies of the tentative budget shall be provided to all affected and interested entities as required by law. A copy of the tentative budget shall be available for public inspection for a period not less than 30 days prior to the final hearing to adopt the budget.
 - e. At the meeting in which the tentative budget is adopted, the Board of Trustees shall establish the time and place of a public hearing to consider the adoption of the final budget as required by state law, and shall order that notice of the hearing be published not less than 7 days prior to the hearing in at least one issue of a newspaper of general circulation within the Service Area's boundaries..
 - f. At the time and place advertised, or at any time or any place to which the public hearing may be adjourned, the Board of Trustees shall hold a public hearing on the budget tentatively adopted. All interested persons in attendance shall be given an opportunity to be heard on the estimates of revenues and expenditures or any item in the tentative budget of any fund.
 - g. After the conclusion of the public hearing, the Board may continue to review the tentative budget and may insert any new items, or may increase or decrease items of expenditure that were the proper subject of consideration at the public hearing, except as otherwise provided by State law.
 - h. The Board of Trustees shall by Resolution adopt a budget for the ensuing fiscal year for each fund for which a budget is required. A copy of the final budget for each fund shall be certified by the Board of Trustees and filed as provided by law.
 - i. Upon final adoption, the budget shall be in effect for the budget year, subject to later amendment. A certified copy of the adopted budget shall be filed in the Service Area office and shall be available to the public during regular business hours.
 - j. The Board of Trustees may, at any time during the budget year, review the individual budgets of the governmental funds for the purpose of determining if the total of any of them should be increased. If the Board of Trustees decides that the budget total of one or more of these funds should be increased, it shall follow the procedures established under State law.
5. VOTING QUORUM OF THE BOARD. All business to be carried out by the Service Area must be approved by a majority vote of a quorum at any meeting.

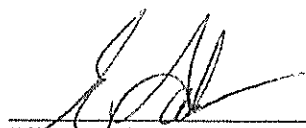
6. CONSISTENCY WITH STATE LAW. This resolution shall be interpreted and construed to be consistent with Summit County ordinances applicable to the Service Area and Utah State law, and to the extent of any inconsistency, any mandatory provisions of Utah State law shall govern.
7. LITTLE MANUAL. To the extent applicable and not contrary to state law the Service Area shall follow the "Little Manual for Local & Special Service Districts" published by the Office of the State Auditor of Utah.
8. BYLAWS AND GOVERNANCE. This Resolution shall supersede and replace any prior bylaws or governance resolutions adopted by the Service Area.
9. PUBLICATION AND EFFECTIVE DATE. This Resolution shall be published as provided in Utah Code Ann. § 17B-1-313 and shall be effective upon passage.

ADOPTED AND APPROVED by majority vote at a duly called meeting of the Board of Trustees on this _____ day of _____, 2017.

SUMMIT COUNTY SERVICE AREA NO. 3


Vincent Pao-Borjigin, Chairman
Board of Trustees

ATTEST:


Erleen Galoostian, Board Clerk

ADDENDUM A

RULES OF ORDER AND PROCEDURE Summit County Service Area #3

Recognizing that the Service Area Board of Trustees (“**Trustees or Board**”), as a governing body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of Service Area business by the Service Area Board of Trustees, with the objective of providing for full, open, and comprehensive debate of issues brought before the Service Area Board of Trustees for action in a forum open to the public, and which encourages citizens’ awareness of Service Area Board activities.

These procedures do not increase or diminish the existing powers or authority of the Chair or Service Area Trustees, as set forth in state law or local resolution ordinance, and shall be used in conjunction with Resolution No. 2016-01.

Pursuant to the provisions of Summit County Code § 2-27-1, *et seq.*, and Utah Code Ann. § 17B-1-301(h) – (i) and § 17B-1-310(3)(b), the Board of Trustees of Summit County Service Area No. 3 shall abide by the following regulations for the conduct of its Board Meetings.

A. SERVICE AREA BOARD MEETING AGENDA

An Item may be placed on the agenda by the Chair, or at the request of any Trustee. The Service Area Clerk shall be responsible for preparing the agenda and including Items requested by the Chair or Trustees.

Agenda Items must be submitted to the Service Area Clerk by the close of business, 8:00 am on the Thursday prior to the Monday date of the meeting. Any item that is submitted to the Service Area Clerk after the deadline will be put on the next following meeting agenda. Requestor should also notify the Chair of the added agenda item.

Any agenda item not addressed during the meeting shall automatically be placed on the agenda of the next meeting.

B. ROLE OF THE CHAIR AS BOARD CHAIR AND OTHER TRUSTEES:

- The Chair shall preside at meetings of the Service Area Board.
- Participate in discussion of all matters.
- Shall vote as a member of the governing body of the Service Area, and shall have no power to veto.

In addition, the Chair, as the Chair, has the primary responsibility for ensuring that the Board’s rules of procedure are followed and:

- For maintaining the dignity of Board meetings.

- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Trustees for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the Service Area's adopted rules of parliamentary procedure and how to apply it.
- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to courteously discourage Trustees and members of the public who talk too much, too often, or who are repetitive in their comments.
- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Trustee offering the motion, restates the motion, presents it to the Board for consideration, calls for the vote, announces the vote, and then announces the next order of business.

C. CODE OF CONDUCT FOR SERVICE AREA CHAIR, TRUSTEES, AND PUBLIC ATTENDING MEETINGS, INCLUDES:

- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the Service Area Board.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- Shall be dedicated to the effective use of the Service Area's available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- Service Area business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

D. PARLIAMENTARY RULES:

The following may be referred to as the Service Area's Rules of Order and shall be the parliamentary rules for conducting the business of the Service Area Board. The Service Area Attorney will serve as the Parliamentarian, and will recommend rulings, upon request by the presiding officer, to all points of order raised during the proceedings. Each Rule is followed by

a recommended Procedure and Purpose to explain the Rule and guide the Chair and Trustees in its intended application.

RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the Service Area Board's agreed-upon roadmap for the meeting.

PROCEDURE. Each agenda item will be handled by the Chair in the following basic format:

First, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is.

Second, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a Trustee, a staff person, or an invited person charged with providing input on the agenda item.

Third, the Chair should ask the Trustees if they have any technical questions of clarification. At this point, the Trustees may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Chair should invite public comments if at a formal public hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that the public hearing is closed. For a regularly scheduled agenda item, the Chair may invite public comment.

Fifth, the Chair should invite a motion. The Chair should announce the name of the Trustee who makes the motion.

Sixth, the Chair should determine if any member of the Service Area Board wishes to second the motion. The Chair should announce the name of the Trustee who seconds the motion. If there is no second then the Chair should call for another motion.

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the Service Area Clerk to repeat the motion.

Eighth, the Chair should now invite discussion of the motion by the Service Area Board. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the Service Area Board will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Chair takes a vote. All votes for purposes of the meeting minutes shall be by roll call of the Board.

Tenth, the Chair should announce the result of the vote and should announce what action (if any) the Service Area Board has taken.

PURPOSE OF THE RULE: All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any Trustee speaking on an issue, the substance of what the Trustee says, an accurate description of any action taken by the Board and the voting record of each individual Trustee.

RULE NO 2: Any matter that requires a Service Area Board decision shall be brought before the Board by motion.

PROCEDURE. The procedure for any motion shall be as follows: First, the Chair should recognize the Trustee. Second, the Trustee makes a motion by preceding the member's desired approach with the words: "I move" So, a typical motion might be: "I move that we adopt this resolution."

The Chair usually initiates the motion by either (1) Inviting the Trustees to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the Trustees... "A motion would be in order that we adopt this resolution." (3) Making the motion. As noted, the Chair has every right as a Trustee to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other Trustee is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the Service Area Staff.

PURPOSE OF THE RULE. The purpose of this rule is to limit items under discussion to those and only those that the Trustees want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

RULE NO 3: One question at a time and one speaker at a time.

PROCEDURE: Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Chair will call upon the person by name. Once a Trustee has been recognized, he has been granted "the floor" and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a Trustee wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to "I have additional comments and wish to retain the floor after this question has been answered."

PURPOSE OF THE RULE. The purpose is to focus on only one question and to allow Trustees the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

RULE NO 4: The Chair may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes or require a roll call of the Board.

PROCEDURE: When the Chair feels the Board is all in agreement, the Chair asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Chair pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A Trustee may object simply because he or she feels it is important to have a formal vote.

Example: The Chair states, "If there is no objection, we will recess for 10 minutes, [pause to see if any Trustee objects]. There being no objection, we will recess for 10 minutes.

If a Trustee objects by stating, "I object" the matter is then put to a vote.

The Chair states, "An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes."

PURPOSE OF THE RULE. General consent is helpful in expediting general routine business or when the Chair senses the Board is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

RULE NO 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

PROCEDURE: The initial motion. The initial motion is the one that puts forward an item for the Service Area Board's consideration. An initial motion might be: "I move that we adopt resolution number 10-1 as presented."

The motion to amend. If a Trustee wants to change the initial motion that is before the Service Area Board, they would move to amend it. A motion to amend might be: "I move that we amend the motion to adopt resolution number 10-1 with changes in paragraph 1 as follows...." A motion to amend takes the initial motion which is before the Service Area Board and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a Trustee wants to completely do away with the initial motion that is before the Service Area Board, and put a new motion before the Service Area Board, they would move a substitute motion. A substitute motion might be: "I that we refer resolution number 10-1 to the planning commission for its recommendation."

PURPOSE OF THE RULE. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A

motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Chair. So that if a Trustee makes what that Trustee calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

RULE NO 6. There can be up to three motions on the floor at the same time and no more than three. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

PROCEDURE: When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to adopt resolution 10-1." During the discussion of this motion, a Trustee might make a second motion to "amend the main motion to adopt resolution 10-1 with changes in paragraph 1 as follows..." And perhaps, during that discussion, a Trustee makes yet a third motion as a "substitute motion that we refer the matter to the planning commission." The proper procedure would be as follows:

First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the Service Area Board of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment. If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format, or, if amended, would be in its amended format.

PURPOSE OF THE RULE: Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

RULE NO 7: The debate can continue as long as Trustees wish to discuss an item, subject to the Chair determining it is time to move on and take action by

using General Consent to limit debate or by a proper motion by a Trustee to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

PROCEDURE. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Service Area Board to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Service Area Board without debate on the motion):

A motion to adjourn. This motion, if passed, requires the Service Area Board to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the Service Area Board to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the Service Area Board to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the Service Area Board: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future Service Area Board meeting except at the order of the Chair or the request of any two Trustees. A motion to table an item requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a Trustee makes such a motion, the Trustee is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the Service Area Board.

PURPOSE OF THE RULE. Debate and discussion are important until they are not. When a matter is fully debated it should be acted upon. This rule allows the Chair by General Consent or the majority of the Board to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

RULE NO 8: An affirmative vote of the majority of the quorum present are required to pass any item before the Board with limited exceptions. The exceptions include a motion to go into close session (executive session) which requires a 2/3 vote of the Trustees present. Four Trustees shall constitute a

quorum and a majority of the quorum present may act on all business of the Board.

PROCEDURE. If all seven Trustees are present, a vote of 4-3 passes the motion. If four Trustees are present at least three must vote yes for a motion to pass.

PURPOSE OF THE RULE. Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire Board is present and voting then it is not a tie when one or more Trustees abstain, so long as a majority votes in favor of the motion.

RULE NO 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Service Area Board if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Board unless the number of Trustees present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a Trustee who voted in the majority on the original motion.

PROCEDURE. If such a Trustee has a change of heart, he or she can make the motion to reconsider (any other Trustee may second the motion). If a Trustee who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

PURPOSE OF THE RULE. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Service Area Board again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Service Area Board, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

RULE NO 10: The Chair and Trustees shall adhere to the code of conduct.

PROCEDURE. The Chair, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the Trustees of the Service Area Board. There are, however, exceptions that are intended to assist the Chair in keeping order to the meeting. A speaker may be interrupted by a Trustee only for the following reasons and in the form set forth below:

Privilege. The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the Board or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

Order. The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that

would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling that a Trustee disagrees with, that Trustee may appeal the ruling of the Chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a Trustee believes that the Service Area Board has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the Service Area Board to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a motion. To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

PURPOSE OF THE RULE. Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including Trustees. A Trustee may continue speaking on a majority vote of the Board. The rules of order are meant to create an atmosphere where Trustees and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the Trustees to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Chair before proceeding to speak.

RULE NO 11: Significant matters should be adopted by a written resolution.

PROCEDURE. When a significant matter comes before the Board of Trustees, such as the annual budget or a policy of the Service Area, the Board of Trustees should approve the matter by adopting a written resolution.

PURPOSE OF RULE. This will provide for a better record of the reasons for the adoption of the matter.

E. SITUATIONS NOT COVERED BY THESE RULES OF ORDER

If a situation arises that is not addressed in these Rules of Order the Chair may apply Robert's Rules of Order which shall govern.

F. THE PUBLIC'S RIGHT TO BE HEARD:

It is the Board's goal that the public, especially residents of the Service Area, resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to Service Area Board on matters of concern. Accordingly, the Service Area Board expects any person

presenting to the Service Area Board to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Chair.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the Chair.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Chair.
- If a representative is elected to speak for a group, the Chair may approve an increased time allotment.
- Personal attacks made publicly toward any person or Service Area employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the Service Area's Personnel Policies.
- Any member of the public interrupting Service Area Board proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Service Area Board, shall be deemed to have disrupted a public meeting and, at the direction of the Chair, shall be removed from Board chambers by law enforcement personnel or other agent designated by Service Area Board.

