CHAPTER 5. CITY COUNCIL

1-5-1. Definitions.
As used in this chapter:
(1) "Meeting" means the convening of the Tooele City Council, with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing or acting upon a matter over which the council has jurisdiction or advisory power.
(2) "Convening" means the calling of a meeting of the city council by the council chairperson, the mayor or any three members of the council, for the express purpose of discussing or acting upon a subject over which the council has jurisdiction.
(3) "Quorum" means three or more members of the council.
(Ord. 1994-12, 03-22-1994)

1-5-2. City council as governing body.
The governing body of Tooele City is a council composed of five people elected at large in the manner and for the terms prescribed by law. The city council shall exercise the legislative powers of the city.
(Ord. 1994-12, 03-22-1994)

1-5-3. Chairperson.
The city council shall, by order entered in the minutes, select one of their number to act as chairperson. Pending selection of a chairperson, the city recorder shall preside for the sole purpose of the chairperson selection.
(Ord. 1994-12, 03-22-1994)

1-5-4. Regular meetings - Special meetings.
(1) The city council shall hold at least one public meeting each month. The date, time and place of such meetings shall be set by ordinance.

1-5-5. Meetings open to the public - Exceptions.
(1) Every meeting of the city council is open to the public unless closed pursuant to Subsections (2) and (3).
(2) A closed meeting may be held upon the affirmative vote of a quorum present at an open meeting for which notice is given pursuant to Section 1-5-6. No closed meeting is allowed except as to matters declared in Subsection (3); provided, no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name shall be entered on the minutes of the meeting. Nothing in this chapter shall be construed to require any meeting to be closed to the public.
(3) A closed meeting may be held for any purposes allowed by Utah law, including the following:
   (a) discussion of the character, professional competence, or physical or mental health of an individual;
   (b) strategy sessions with respect to collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange, lease, or sale of real property, including water rights;
   (c) discussion regarding deployment of security personnel, systems, or devices;
   (d) investigative proceedings regarding allegations of criminal misconduct.
(4) This chapter shall not apply to any chance meeting or social meeting. No chance meeting or social meeting shall be used to circumvent this Chapter.
(Ord. 2012-11, 04-04-2012 (Ord. 1994-12, 03-22-1994)

1-5-6. Public notice of meetings; emergency meetings.
(1) The city council shall give public notice at least once each year of its annual meeting schedule as provided in this section. The public notice shall specify the date, time, and place of such meetings.
(2) In addition to the notice requirements of Subsection (1), the council shall give not less than 24 hours' public notice of the agenda, date, time and place of each of its meetings.
(3) Public notice shall be satisfied by:
   (a) posting written notice at Tooele City Hall;
   (b) providing notice to
      (i) at least one newspaper of general circulation within Tooele City, or
      (ii) a local media correspondent; and,
   (c) posting written notice on the Utah Public Notice Website.
(Ord. 1994-12, 03-22-1994)
1-5-6.5. Electronic meetings.

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

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

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

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

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

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

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

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

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

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

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

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


1-5-7. Minutes of open and closed meetings - Public records - Recording of meetings - Approval of minutes.

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

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

(b) the names of members present and absent;

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

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

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

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

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

(b) the names of members present and absent;

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

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

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

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


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

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

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


1-5-9. Reconsideration.

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

1-5-10. Claims approval.
The city council shall examine all claims in excess of
$20,000 presented against the city and when found to be
valid obligations of the city, approve their payment.

1-5-11. Compensation of city officers and employees.
   (1) The council shall, by resolution in June of each
   municipal election year, fix the compensation per term of
   any and all Tooele City officers to be elected.
   (2) The council shall adopt a salary schedule for all
   Tooele City employees with each fiscal year's budget.
   (Ord. 1994-12, 03-22-1994)

1-5-12. Council members not to hold created office.
   (1) A council member may not hold or be appointed
   to any city office or position created, or for which the
   compensation has increased, during that council member's
   term, until one year after the council member's term
   expires.
   (2) Subsection (1) shall not apply to a council
   member serving on any board or appendage of Tooele
   City government during that member's term of office and
   as a part of that member's duty as a council member.
   (3) As used in this section, "compensation" means
   anything of economic value which is paid, loaned, given,
   granted, donated or transferred to any person or business
   entity, for or in consideration of personal services,
   materials, property, or anything whatsoever.

The council may, from time to time, make such rules
for governing its proceedings as deemed necessary and
proper.
(Ord. 1994-12, 03-22-1994)

1-5-14. Disciplinary powers.
The council may punish its members for disorderly
conduct and may, with the concurrence of a quorum,
expel a member from any meeting for good cause. No
member shall be removed from a meeting unless afforded
an opportunity of being heard.

1-5-15. Standards of conduct.
   (1) A council member's unexcused absence will
   result in that member's monthly salary being reduced by
   the percentage of meetings missed to the total meetings
   held for the month. An unexcused absence is an absence
   in which the council member did not contact the council
   chairperson, indicating the cause of the absence, prior to
   the meeting.
   (2) Use of profanity is not permitted by the city
council. Any council member who uses profanity will be
   warned once and then fined, by vote of the council, for
   any subsequent use of profanity in that or subsequent
   meetings.
   (3) Council members are encouraged to be prepared
for meetings. Any apparent unpreparedness may result in
the balance of the council not allowing the unprepared
council member to participate in the discussion. An
unprepared council member may still vote on the issue.
   (4) Council members shall perform their duties in a
professional manner. They shall make no personal attacks
on other council members, city employees, or on any
citizen in attendance at council meetings.
   (5) Because council members are elected
representatives of the community, they are expected to
participate in parades, social functions, and any civic
activity, where possible, to show support of the activity by
the city government.