

Hurricane Valley Fire District

Rules of Order and Procedure for Board Meetings

[Adopted 8.14.23; Rev 9.7.23]

SECTION 1
HURRICANE VALLEY FIRE DISTRICT GENERAL RULES

Pursuant to section 17B-1-310 of the Utah Code and Utah’s Open and Public Meetings Act, the Hurricane Valley Fire District (“Fire District” or “District”) hereby adopts these rules of order and procedure to govern meetings of the Board of Trustees (“Board” or “District Board”).

1.1 – General Participation in Public Meetings. Members of the public are welcome and invited to attend District board meetings, and will be admitted to Fire Station #46, 56 N Coral Canyon Blvd, Hurricane, Utah, or at such other locations and virtually, as may be identified in any applicable Notice.

1.2 – Guiding Principles.

- A. The public has the right to participate in discussions at the appropriate time, when directed by the Chair.
- B. Everyone has the right to attend all public meetings, but no one may interrupt another while speaking unless it is an emergency.
- C. Only one thing (motion) may be discussed at a time.

SECTION 2
BOARD MEETINGS

2.1 – Fire District Meeting Schedule

- A. Regular Meetings. The Board holds regular Board Meetings each month to approve District business items. Generally, regular meetings will be held on the first Monday of each month. The Board may cancel any meeting for any reason approved by the Chair.
- B. Special Meetings. The Chair or two Board Members may order the convening of a special meeting of the Board. A special meeting must be noticed in compliance with the Utah Open and Public Meetings Act.
- C. Notice. The District Clerk is responsible for posting agendas and providing notice of all Board meetings, as provided by State Law.

2.2 – Board Meeting Agendas and Paperwork

- A. Written Agenda. The District Chief, under the direction of the Chair, is responsible for creating a written agenda for each Board meeting.
- B. Agenda Items. Items may be placed on Board agendas by only the Chair, individual Board Members, or District staff, provided the Board Chair approves. If the Board Chair does not approve, the individual wanting the item on the agenda may request a vote by the Board to place the item on the agenda. If a majority vote of the Board present agrees, the item will be placed on the next agenda. Requests will be made by:
- i. Submittal to the Chair and District Clerk. Requests to be placed on a Board meeting agenda and supporting documents should be delivered to the Chair and District Clerk at least five days before the scheduled Board meeting.
 - ii. Materials for Agenda Item. All items submitted for Board action should include the following:
 - a. Ordinance, Resolution, or Other Action Item. The action item being considered by the Board should be provided in the appropriate written form.
 - b. Summary Report. A written report that outlines the subject matter, fiscal impact, and recommendation in a form approved by the Chair for matters requiring approval by majority vote of the Board.
 - c. Supporting Documents. All background material appropriate to an agenda item should be included with the request to have a matter placed on the Board agenda.
 - iii. Consent Items on Board Agenda. If the agenda item is likely routine, procedural, or non-controversial, it will be placed on the formal Board meeting “Consent” agenda for action at the soonest possible date. Examples of consent agenda items include, but are not limited to, approval of minutes or final approval of proposals or reports that the board has been dealing with for some time. The Chair is granted sole discretion to resolve disputes over whether any item may be included on the Consent agenda.
 - iv. Business Items on Board Agenda. Although not required, it is better practice and recommended that an item be placed on the Board agenda as a discussion only item in a previous meeting prior to being placed on the Board agenda as an action item for approval.
 - v. Public Comments. Public comment is welcome at all Public Hearings. For Public Meetings, and at the discretion of the Chair, public comment may be allowed and limited.

- a. Time for Comments. Total time for comments will not exceed twenty (20) minutes, and each individual may not exceed three minutes. These times may be extended, but only upon a majority vote of the Board for that specific meeting.
- b. Rules for Public Comments. See sections 1.2 and 2.4.B for guidance on public comments.

2.3 – Closed Meetings

- A. Closed Meeting Standards. Utah Law requires that every meeting of a legislative body remain open to the public unless it is lawfully closed. Utah Code Ann. § 52-4-204 provides that a closed meeting may be held upon the affirmative vote of two-thirds of the Board, provided that a quorum is present. No ordinance, resolution, rule, regulation, contract or appointment can be approved in a closed Meeting. The reason(s) for holding a closed meeting and the vote of each Board Member, by name, shall be entered in the minutes of the meeting. Closed meetings may only be held for purposes detailed in section Utah Code Ann. § 52-4-205 (as amended).
- B. Records or Minutes Required. Closed meetings for purposes other than those permitted under the Utah Open and Public Meeting Act shall be recorded (i) by audio or video, or (ii) by detailed written minutes disclosing the content of the closed portion of the meeting.
- C. Confidentiality Required. Closed meeting discussions shall remain absolutely confidential. No Board Member shall disclose confidential information, nor may a Board Member use such information for private gain or benefit. Persons violating this duty may be subject to criminal sanctions.
- D. Notice. Notice of a closed meeting must be in a Board agenda, duly posted and publicized. This notice must generally be provided 24 hours before a scheduled meeting. Emergency meetings may be held as provided in Utah Code Ann. § 52-4-202(5).

2.4 – General Public Participation in Public Hearings.

- A. Public Comment. Public comments should be directed to the agenda item under consideration. Audience members addressing the Board and/or Chair will be called forward to the podium by the presiding officer of the Board meeting. Each speaker is required to speak into the microphone at the podium, clearly state their name, and disclose their city of residence. The Board will allow three minutes to address the Board, unless the Board allocates more time in a content-neutral and uniform manner. Members of the public desiring to speak are encouraged to submit any written materials or comments to the Board by submitting them prior to the meeting he or she participates in.

- i. Groups. At the beginning of the formal Public Hearing, those wishing to comment will be called forward to the podium. The presiding officer may take a poll of those wishing to speak for or against an issue in determining how many individuals or spokespersons to accommodate. When groups are going to speak to the same issue, the presiding officer may request a spokesperson or spokespersons to represent that position as an aid and to facilitate the efficient and effective use of the limited time available at the meeting.
- ii. Order of Comments. The order of comments shall be at the sole discretion of the presiding officer.
- iii. Removal of Disorderly Persons. Persons who exceed the time or are otherwise disorderly, including Board Members, may be expelled by the Board upon a two-thirds vote, as provided in Utah Code Ann. §10-3-608. However, nothing herein shall limit or preclude a person from being arrested, cited, or otherwise subject to police action for a violation of other applicable law.

2.5 – General Procedures

- A. Chair. The Chair is the Presiding Officer and acts as Chair at Board meetings.
- B. Interim Chair. In the absence or incapacity of the Chair, another Board Member may serve as Presiding Officer. The interim Presiding Officer maintains his/her ability to vote as a Board Member.
- C. Modified Roberts Rules. The Board adopts a simplified parliamentary procedure, as follows:
 - i. Procedure.
 - a. Board members may speak after being recognized by the Chair and may make motions that propose Board action.
 - b. A motion may be discussed and voted upon only if it is seconded by another Board member.
 - c. Board members will limit their comments to the subject matter or motion currently being considered by the Board.
 - d. Although discouraged, the Chair may at his or her discretion allow members of the public to participate in the discussion, provided the time and manner conform to the requirements outlined herein.

- e. A motion may be amended by any Board member. A Board member may propose an amendment to the motion by substitution.
- f. When the Chair has confirmed there is no further discussion, the Chair can call for the vote on the matter. Any Board Member may also call for the vote, but only after each Board Member has had an opportunity to speak on the item.
- g. Unless otherwise specified by applicable law or ordinance, a motion passes if a majority of Board members present vote in favor.
- h. If there is a dispute regarding a motion, the Chair will use Robert's Rules of Order Newly Revised, 12th edition to resolve the dispute.

D. Decorum.

- i. Interrupting. A Board Member, when given the floor, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another Board Member or unless the speaker chooses to field a question from another Board Member. Board members shall not be interrupted in making a motion.
- ii. Disruptive Behavior. Persons demonstrating rude, boisterous, or profane behavior will be called to order by the Chair. When faced with continued rude, boisterous, or profane behavior, any member of the Board may do any of the following: motion for a recess, motion to remove such disorderly person(s) from the meeting, motion to adjourn the meeting, or take such other appropriate action as permitted by law.

2.6 – Voting and Procedures.

- A. Obligation to Vote. Unless prohibited by law, each Board Member is to vote when present.
- B. Discussion. Prior to any action that requires a roll call vote of each Board Member, the presiding officer must allow Board Members to discuss the action. Each Board Member has the option of speaking on the action at least once, if they so choose.
- C. How Vote Taken. A vote may be taken only when there is a quorum of not less than 5 Board members present (either in person or virtually) at a properly noticed meeting. No vote may be taken unless and until there is a motion by any Board Member and a second of the motion by any other Board member. The Chair may not make a motion or second a motion unless there are fewer than five Board Members present. Once there is a motion and a second on any duly noticed agenda item, a vote may be had to either approve or not approve the motion. No motion shall be passed or become effective, without an affirmative majority

vote of the quorum, including: (1) not less than the minimum votes required by §17B-1-310 of the Utah Code, as amended or its successor provision; or (2) a super majority vote, if mandated by applicable State law.

- D. Abstention. If a Board Member abstains and refuses to vote, the abstention will be counted as a “no” vote.
- E. General Consensus. Matters not requiring a “roll call” vote may be acted upon by the Presiding Officer declaring a general consensus in his/her discretion, provided there is no negative vote or objection by a Board Member. Alternatively, the Presiding Officer may call for a collective vote of the Board as an affirmative or negative vote.
- F. Recording. All action and votes of the Board shall be recorded by the District Clerk.
- G. Conflicts of Interest. If a Board Member has a conflict of interest, that Board Member must declare that conflict and excuse him/herself from the discussion. The conflicted Board Member may not lobby, vote, or address the matter with Board Members or staff.

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