
PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Work Meeting, on Wednesday, May 18, 2022, at 5:30 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

We encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page at <https://www.facebook.com/tooelecity>.

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Public Comment Period at Public Meetings**
Presented by Roger Baker, City Attorney
 - b. **Update – Garage Parking Temporary Zoning Ordinance**
Presented by Roger Baker, City Attorney
 - c. **Proposed Charter Amendments**
Presented by Tony Graf, City Council Member
 - d. **Fiscal Year 2022-2023 Budget**
Presented by Debbie Winn, Mayor
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to The Americans With Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, At 435-843-2111 Or Michellep@Tooelecity.Org, Prior To The Meeting.

MEMORANDUM

To: City Council

From: Roger Evans Baker, City Attorney

Date: May 18, 2022

Re: Public Comment

House Bill 135 of the 2022 Utah legislative session requires City Councils to allow public comment at its public business meetings, and to adopt a resolution or rule so stating. The resolution must be approved prior to July 1. I request the opportunity to discuss with you your public comment period in order to obtain feedback on how you would like to allow public comment, and so I can prepare an acceptable resolution. In preparation for our initial discussion, attached for your consideration are three documents:

1. HB 135 (the relevant 2 of 5 pages).
2. Draft public comment rules prepared in 2014 at the request of then Chairman Pratt.
3. Tooele County's proposed public comment period rules.

Tooele City Council

Public Comment Period: Policy and Procedure

(Effective Date: _____, 2014)

Purpose: The purpose of the Tooele City Council Public Comment Period is to allow Tooele City residents and others to express to the City Council items of interest or concern.

Procedures: The following procedures shall govern the Public Comment Period. The City Council Chairperson shall be authorized to exercise his/her discretion in implementing these procedures.

1. **Pre-Registration.** All persons wishing to speak in the Public Comment Period shall register with the City Recorder's Office at least 24 hours before the commencement of the City Council meeting at which they wish to speak. To register, the person shall provide their full name, home address, home or mobile telephone number, email address, and a brief description of the topic or topics they wish to address. Registration may be made in person, by telephone, by email, or by the internet or social media (if available). A person who does not register in this manner shall not be permitted to speak at the Public Comment Period.
2. **Time Limitation.** All persons speaking at the Public Comment Period may be permitted to speak for up to three minutes. The City Council Chairperson or designee shall keep time and shall inform the speakers when their time has expired. The Chairperson has discretion to allow persons to speak for an additional limited amount of time. The use of this discretion for one speaker does not entitle other speakers to additional time. Persons who wish to speak for longer than three minutes may convey the balance of their message to the City Council in writing or at a future Public Comment Period for which they have registered. The Chairperson has discretion to limit the Public Comment Period to a certain total length of time or number of speakers.
3. **Open Meetings Law.** Because the topics addressed in the Public Comment Period have not been noticed for discussion or action on a City Council meeting agenda, the City Council will not do any of the following:
 - discuss or debate the topics addressed
 - engage in question and answer dialog with the speaker (except to ask for further information)
 - explain, opine, decide, vote upon, or otherwise take action regarding items presented
 - ask the Mayor or City staff to explain or opine upon items presented
 - propose resolutions for items presented

The City Council will take all items presented under advisement without action. The City Council may discuss further or take action upon any items presented by noticing them on a future City Council work session or business agenda.

4. **Violations.** Violations of this Policy and Procedure by members of the City Council may be addressed by any member of the City Council. Violations of this Policy and Procedure by the speaking public may result in the following actions, to include, the speaker being asked to stop speaking, being asked to leave the meeting, being removed from the meeting, and being barred from registering for and speaking at a future Public Comment Period.

Allowing Public Comments During Meetings That Are Open to the Public

Prepared by Colin Winchester, Deputy Tooele County Attorney
Draft: April 7, 2022

(required by HB 135 – must be adopted prior to July 1, 2022)

1. Each meeting of the County Council that is open to the public (except work meetings) shall include a reasonable opportunity for the public to provide written comments and verbal comments during the meeting.
2. Persons ^{may}~~shall~~ provide written comments to the clerk
3. Persons who provide verbal comments:
 - shall identify themselves and their area of residence at the beginning of their comments
 - shall address their comments to the Council (not to others)
 - should not simply reiterate previous speakers' comments
 - shall adhere to established time limits (if any)
 - shall maintain appropriate decorum
 - shall not use vulgar or offensive language
 - shall not engage in violent or disruptive or other inappropriate behavior

26 [52-4-207](#), as last amended by Laws of Utah 2021, Chapter 242



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **52-4-201** is amended to read:

30 **52-4-201. Meetings open to the public -- Exceptions.**

31 (1) A meeting is open to the public unless closed under Sections [52-4-204](#), [52-4-205](#),
32 and [52-4-206](#).

33 (2) (a) A meeting that is open to the public includes a workshop or an executive
34 session of a public body in which a quorum is present, unless closed in accordance with this
35 chapter.

36 (b) A workshop or an executive session of a public body in which a quorum is present
37 that is held on the same day as a regularly scheduled public meeting of the public body may
38 only be held at the location where the public body is holding the regularly scheduled public
39 meeting unless:

40 (i) the workshop or executive session is held at the location where the public body
41 holds its regularly scheduled public meetings but, for that day, the regularly scheduled public
42 meeting is being held at different location;

43 (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in
44 accordance with this chapter, public notice is given;

45 (iii) the workshop or executive session is an electronic meeting conducted according to
46 the requirements of Section [52-4-207](#); or

47 (iv) it is not practicable to conduct the workshop or executive session at the regular
48 location of the public body's open meetings due to an emergency or extraordinary
49 circumstances.

50 (3) (a) (i) A public body holding a meeting that is open to the public shall allow a
51 reasonable opportunity for the public to provide verbal comment during the meeting.

52 (ii) Subsection (3)(a)(i) does not apply to:

53 (A) a meeting that is a work session of the public body; or

54 (B) a planning commission meeting under Title 10, Chapter 9a, Part 3, General Land
55 Use Provisions, or Title 17, Chapter 27a, Part 3, General Land Use Provisions.

56 (b) No later than July 1, 2022, a public body shall adopt a resolution, rule, or ordinance

57 that provides a reasonable opportunity for the public to provide verbal and written comments in
58 a meeting of the public body:

59 (i) that is open to the public; and

60 (ii) to which Subsection (3)(a) applies.

61 (c) Notwithstanding Subsections (3)(a) and (b), legislative rules govern public
62 comment at a public meeting of the Legislature or of a legislative committee.

63 Section 2. Section **52-4-207** is amended to read:

64 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

65 (1) Except as otherwise provided for a charter school in Section **52-4-209**, a public
66 body may convene and conduct an electronic meeting in accordance with this section.

67 (2) (a) A public body may not hold an electronic meeting unless the public body has
68 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

69 (b) The resolution, rule, or ordinance may:

70 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical
71 considerations;

72 (ii) require a quorum of the public body to:

73 (A) be present at a single anchor location for the meeting; and

74 (B) vote to approve establishment of an electronic meeting in order to include other
75 members of the public body through an electronic connection;

76 (iii) require a request for an electronic meeting to be made by a member of a public
77 body up to three days prior to the meeting to allow for arrangements to be made for the
78 electronic meeting;

79 (iv) restrict the number of separate connections for members of the public body that are
80 allowed for an electronic meeting based on available equipment capability; or

81 (v) establish other procedures, limitations, or conditions governing electronic meetings
82 not in conflict with this section.

83 ~~[(3) A public body that convenes or conducts an electronic meeting shall:]~~

84 ~~[(a) give public notice of the meeting:]~~

85 ~~[(i) in accordance with Section **52-4-202**; and]~~

86 ~~[(ii) except for an electronic meeting under Subsection (5)(a), post written notice at the~~
87 ~~anchor location; and]~~