RESOLUTION NO. 2020-04R

A RESOLUTION OF IVINS CITY, UTAH, AMENDING AND EXPANDING ELECTRONIC MEETING PROCEDURES FOR MEMBER PARTICIPATION IN ELECTRONIC MEETINGS

WHEREAS, the Ivins City Council is empowered by the Utah Open and Public Meetings Act to hold electronic meetings of the city council; and

WHEREAS, by Resolution No. 2012-16R the City Council adopted procedures for member participation in electronic meetings of the City Council; and

WHEREAS, the Ivins City Council desires to hereby amend and expand those guidelines and procedures;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH, AS FOLLOWS:

1. **Definitions.** As used in this Resolution, the following terms shall be defined as follows:

   a. "Anchor Location" means the city council chambers located at 55 North Main Street, Ivins City, Utah 84738, but in the event a declaration of local, state or national emergency is in effect, the anchor location may be the communication device of the member convening the electronic meeting.

   b. "Electronic Meeting" means a public meeting of the City Council or Planning Commission convened and conducted by means of an electronic conference device or other electronic means, allowing each member of the City Council or Planning Commission to access the anchor location electronically and participate concurrently with all other members of the City Council or Planning Commission in the conduct of the meeting.

   c. "Meeting Administrator" means the City Recorder or another employee of the City specifically assigned and designated to operate the electronic conference equipment at the anchor location to assure that all members of the City Council or Planning Commission participating electronically are connected and able to participate in the meeting.

   d. "Member" means an individual who serves either on the City Council, Planning Commission or as staff of the City.

   e. "Real Time" means instantaneous communications such as speaking face to face, without undue delays, hearing and/or seeing what is being said or done.

   f. "Remote Location" means any place other than the anchor location, where a Member participates in an electronic meeting.

2. **Electronic Meetings Authorized.** Members are hereby authorized to participate in meetings via electronic media so long as the minimum number of members are at the anchor location or in in the event a declaration of local, state or national emergency is in effect, a quorum is not

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required to be physically present at a single anchor location so long as a quorum is participating electronically in the meeting.

3. Equipment. Any form of electronic media may be used to facilitate the electronic meeting, so long as it allows for real time interaction in the way of discussions, questions, answers, and voting.

4. Member Notice. ~~Members who desire to participate in a meeting of the City via electronic media should notify the City Manager or City Recorder of their intent at least one week in advance of the meeting so early enough that appropriate arrangements can be made and legal notice given to conduct the meeting via electronic media. The one week notice requirement may be waived by the City in the event of emergency conditions which preclude the ability to give one week's notice.~~ Notice of an electronic meeting to the members of the City Council or Planning Commission shall be give 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. Members shall also be provided with a description of how the members will be connected to the electronic meeting.

The notice to members of the City Council or Planning Commission shall indicate the telephone number required for participation and any access codes necessary to make an electronic meeting conference available to members of the City Council or Planning Commission.

5. Verification of Equipment. Any member participating from a remote location shall make contact with the City at least 15 minutes prior to the schedule start of the meeting to ensure that the equipment to be used is in proper working order.

6. Notice of Electronic Meetings. The City Council shall convene electronic meetings when necessary pursuant to specific public notice of an electronic meeting by posting written notice of the electronic meeting at the anchor location and providing written or electronic notice to the media as otherwise provided by law. Pursuant to Executive Order issued by the Governor on March 18, 2020, posting written notice at the building where the meeting is to be held and at the anchor location shall not be required during the term of the Executive Order. Also the requirement to establish one or more anchor locations for an electron meeting and the requirement to provide space and facilities for the public at an anchor location are waived during the term of the Executive Order. ~~Notice of the electronic meeting shall also be provided to each member of the City Council at least 24 hours before the meeting, including a description of how members will be connected to the electronic meeting. The notice to members of the City Council shall indicate the telephone number required for participation and any access codes necessary to make an electronic meeting conference available to members of the City Council.~~

7. Minimum Required at Anchor Location. No electronic meeting may be held without at least ~~the Mayor, or Mayor Pro Tem, and two (2) Council Members~~ a quorum present at the anchor location or in the event a declaration of local, state or national emergency is in effect, the anchor location may be the communication device of the member convening the electronic meeting. In the event of equipment failure, the meeting may continue, provided a quorum is still present, and any business already conducted prior to the equipment failure shall remain valid and binding. The foregoing notwithstanding, it remains the expectation and practice that ~~City Council~~ Members physically attend ~~city council~~ meetings if reasonably possible. In the event of an emergency declared by the Mayor or Mayor Pro Tem, then an electronic meeting may be held

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with just the Mayor, Mayor Pro Tem or Chair, as the case may be, at the anchor location, provided at least a quorum is participating in the electronic meeting.

8. Public Attendance. Each electronic meeting shall be convened by the Mayor, Mayor Pro Tem or Chair, as the case may be, who shall announce the members present at the meeting. ~~The meeting administrator shall make available to members of the public at the anchor location an amplified speaker enabling members of the public to hear the comments of the City Council members and the conduct of the meeting.~~ Minutes and an audio recording of the meeting will be made available to the public, the same as with any other public meeting, when possible.

9. Conduct of the Meeting. Upon determining that a sufficient number of the City Council or Planning Commission are present for the electronic meeting to be convened and that members of the public can adequately hear the comments of all members ~~of the City Council~~, the Mayor, Mayor Pro Tem or Chair, as the case may be, shall formally convene the meeting and take a roll call of those participating. The Mayor, Mayor Pro Tem or Chair, as the case may be, shall provide opportunity for each matter on the agenda to be presented and shall request comments one at a time from those members ~~of the City Council~~ participating in the electronic meeting. Individual ~~City Council~~ members may request permission to be recognized for further comments, questions, or statements as the meeting progresses. ~~Public participation is limited to the anchor location.~~

10. Compliance with Law. In all other respects, electronic meetings shall be conducted, recorded, and minutes shall be kept as required by law for all other open and public meetings or for all other record keeping purposes of the City.

EFFECTIVE DATE: This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS 19th DAY OF MARCH, 2020 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Miriah Elliott	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____

_____

Chris Hart, Mayor

ATTEST:

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Kari Jimenez
Ivins City Recorder

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