ORDINANCE NO. 2021-22

AN ORDINANCE OF IVINS CITY, UTAH, ADOPTING RULES OF ORDER AND PROCEDURE FOR ELECTRONIC MEETINGS

WHEREAS the Ivins City Council is empowered by the Utah Open and Public Meetings Act to adopt an ordinance governing the use of electronic meetings; and

WHEREAS the Ivins City Council believes that it is in the best interests of the public to allow electronic meetings from time to time to assure that all members of the City Council have an opportunity to participate in meetings of the City regardless of the physical location of the individual members of the City Council; and

WHEREAS the need for having the option of electronic meetings become even more evident and necessary during the COVID pandemic and the Utah State Legislature has amended the Open and Public Meetings Act to recognize the heightened need and some of the limitations that can exist during emergencies, including but not limited to, a pandemic;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that the following Part shall be added to Title 2, Chapter 6 of the Ivins City Code:

TITLE 2

ADMINISTRATION

* * *

CHAPTER 6

RULES OF ORDER AND PROCEDURE GOVERNING PUBLIC MEETINGS OF THE CITY COUNCIL, PLANNING COMMISSION, SENSITIVE LANDS COMMITTEE AND ARTS COMMISSION

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2.06.701 DEFINITIONS. As used in this Part, the following terms shall be defined as follows:

(1) "Anchor Location" means the City Council chambers located at 85 North Main Street, Ivins City, Utah 84738.

(2) "Electronic Meeting" means a public meeting of an Ivins City public body, as defined herein, convened and conducted by means of an electronic conference device or other electronic means, allowing each member of the public body to access the anchor location electronically and participate concurrently with all other members of the public body in the conduct of the meeting.

(3) "Meeting Administrator" means the City Recorder or another employee of Ivins City specifically assigned and designated to operate the electronic conference equipment at the anchor location to assure that all members of the public body participating electronically are connected and able to participate in the meeting.

(4) "Member" means an individual who serves either on an Ivins City public body, as defined herein, or as staff of Ivins City.

(5) "Public Body" means the Ivins City Council, Planning Commission, Sensitive Lands Committee, and the Arts Commission.

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

(7) "Remote Location" means any place other than the anchor location, where a member participates in an electronic meeting.

2.06.702 ELECTRONIC MEETINGS AUTHORIZED. An electronic meeting is authorized upon a request for an electronic meeting made by any member of the public body desiring to hold the electronic meeting up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting.

2.06.703 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.

2.06.704 PUBLIC NOTICE. A public body that convenes or conducts an electronic meeting shall:

(1) give public notice of the meeting:

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

(b) except as provided in Section 2.06.705(1), post written notice at the anchor location; and

(2) in addition to giving public notice required by Section 2.06.704(1), provide:

(a) notice of the electronic meeting to the members of the public body 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; and

(b) a description of how the members will be connected to the electronic meeting.

2.06.705 PUBLIC ATTENDANCE.

(1) Except as provided in Section 2.06.706, a public body that convenes and conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.

(2) A public body that convenes and conducts an electronic meeting may provide means by which members of the public who are not physically present at the anchor location may attend the meeting remotely by electronic means.

2.06.706 EXCEPTION TO PUBLIC ATTENDANCE. Section 2.06.705 does not apply to an electronic meeting if:

(1) (a) the chair of the public body determines that:

(i) conducting the meeting as provided in Section 2.06.705 presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location; or

(ii) the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and

(b) the public notice for the meeting includes:

(i) a statement describing the chair's determination under subsection (1)(a);

(ii) a summary of the facts upon which the chair's determination is based; and

(iii) information on how a member of the public may attend the meeting remotely by electronic means; or

(2) (a) during the course of the electronic meeting, the chair:

(i) determines that continuing to conduct the electronic meeting as provided in Section 2.06.705 presents a substantial risk to the health or safety of those present at the anchor location; and

(ii) announces during the electronic meeting the chair's determination under subsection 2.06.706(2)(c)(i) and states a summary of the facts upon which the determination is made; and

(b) in convening the electronic meeting, the public body has provided means by which members of the public who are not physically present at the anchor location may attend the electronic meeting remotely by electronic means.

(3) A determination under subsection 2.06.706(1)(a) expires 30 days after the day on which the chair of the public body makes the determination.

(4) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF NOVEMBER, 2021 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Derek Larsen	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____

_____

Chris Hart, Mayor

ATTEST:

_____

Kari Jimenez, City Recorder