

TOWN OF DUTCH JOHN

RESOLUTION NO. 2020 - 02

**A RESOLUTION OF TOWN OF DUTCH JOHN COUNCIL TO ADOPT A POLICY
AUTHORIZING AND GOVERNING ELECTRONIC COUNCIL MEETINGS AND
EMERGENCY ELECTRONIC MEETING PROCEDURES.**

WHEREAS, Section 52 - 4 - 207 Utah Code authorizes public bodies to convene and conduct electronic meetings in accordance with that section; and

WHEREAS, Town of Dutch John desires to adopt an Electronic Meeting Policy to ensure compliance with State Law and facilitate Council member participation in meetings that they may not be able to physically attend; and

WHEREAS, the Town Council has reviewed the attached Policy and believes that adopting the Policy will be in the best interests of the Town and is necessary for the efficient conduct of Town meetings; and

WHEREAS, in times of public emergency some or all of the requirements of Utah Code section 52 - 4 - 207 may necessarily be temporarily waived; and

WHEREAS, the Governor of the State of Utah, Gary Herbert, has issued an Executive Order relaxing some of the requirements of title 52, chapter 4, open and public meetings act to allow for more electronic public meetings; and,

WHEREAS, a summary of the Executive Order is set forth herein as follows:

Order summary

"The OPMA currently allows public bodies to hold electronic meeting but requires that the public body still have an "anchor location" where the public may physically attend. Under the executive order, a public body may hold an electronic meeting in accordance with the OPMA but the order waives the following statutory requirements:

Posting written notice at the building where the meeting is to be held;

Posting notice at an anchor location;

Establishing one or more anchor locations for an electronic meeting; and

Providing space and facilities for the public at an anchor location.

Under the executive order, a public body holding an electronic meeting shall comply with the following:

Permit members of the public to monitor (as defined in UCA § 52-4-103(7)) open portions of the meeting.

If public comment is accepted during the electronic meeting, ensure that the public may participate by electronic means.

If a public body has not already adopted a resolution, rule, or ordinance governing an electronic meetings, as required by UCA § 52-4-207, that the public body adopt that resolution, rule, or ordinance as soon as possible and may do so at an electronic meeting."; And

WHEREAS, for the duration of the Executive Order, Town of Dutch John shall treat the Order as superseding law for those statutory provisions identified in the Order. The town shall identify one or more options for service providers for electronic meetings, including Facebook live, YouTube, Zoom, Lifesize, Adobe Connect, Go to Meeting, or Google or other available resources; and,

WHEREAS, in order to maintain order and assure that the meeting is not disrupted by random comments at any time, the meeting chairman may disallow verbal comments including by muting most to attend the meeting, but allowing them to comment either during the comment section or by written comment; and,

WHEREAS, the Council has reviewed the attached Policy and this Resolution and believes that adopting the Policy and Resolution is in the best interests of the Town and is necessary for efficient conduct of Town meetings.

NOW, THEREFORE, be it resolved by the Town Council of Town of Dutch John that the Town hereby adopts and approves the attached Electronic Meeting Policy, as modified by the Executive Order set forth in the Resolution.

Adopted and passed this day 23 of March, 2020

Town of Dutch John Council

By Mayor Sandy Kunkel
Mayor Sandy Kunkel

Attest:

Hannah Kunkel
Town Recorder

Approved as to form and legal
review:

/s/ Dennis L. Judd
Dennis L. Judd
Town Attorney

TOWN OF DUTCH JOHN ELECTRONIC MEETING POLICY

Section 1-Purpose

The purpose of this Policy is to authorize and govern the use of electronic meetings by the Town Council in accordance with Section 52-4-207 of the Utah Code. Unless stated otherwise, all other Policies, Regulations, and Laws governing Council meetings pertaining to notice, meetings being open to the public, and other matters will apply to Council meetings held through electronic means and the participation of Council members in non-electronic Council meetings through electronic means.

Section 2 - Definitions

The Town Council hereby adopts those definitions of specific terms which appear in the Act at Section 52 – 4 – 103 (UCA).

Section 3-Member Request for an Electronic Meeting

A. Calling an Electronic Meeting: Council member(s) may request that a meeting be held electronically. Except in an emergency, such requests must be made to the Mayor or Council at least three days prior to the time that the Council meeting is scheduled, so that the necessary arrangements can be made for the electronic meeting. The Mayor or a majority of the Council must agree to hold the meeting electronically.

B. Electronic Member Participation: Council members may elect, in their discretion, to participate electronically in any electronic meeting, provided that they give reasonable notice to the Mayor/ Chair of their intent to participate electronically and the necessary arrangements needed to facilitate their electronic participation are reasonably available in the opinion of the Mayor/ Chair.

Section 4 - Notice of Electronic Meeting

The Council will call an electronic meeting by giving notice of the meeting, including notice of the agenda, date, time and anchor location of the electronic meeting, at least 24 hours before the meeting, by:

A. Posting written notice of the electronic meeting at the anchor location in conformance with all applicable public notice requirements for public meetings;

B. Providing written or electronic notice of the electronic meeting via email or fax to at least one newspaper of general circulation in the area and to a local media correspondent;