

**RESOLUTION NO. R-12-14-2020-01**

**A RESOLUTION AMENDING THE WRITTEN PROCEDURES GOVERNING ELECTRONIC MEETINGS.**

**WHEREAS** Eureka City has adopted written procedures governing electronic meetings where one or more members of the City Council is/are participating by means of a telephonic or telecommunications conference;

**WHEREAS** Utah Code Ann. 52-4-202 and 52-4-207 governing electronic meetings was amended in June of 2020;

**WHEREAS** it has become necessary to amend the written procedures to provide all Public Bodies the ability to utilize electronic meetings.

**NOW, THEREFORE**, the City Council of Eureka resolves to amend the written procedures governing electronic meetings to read as follows:

**SECTION I: PROCEDURES AND POLICIES REGARDING ELECTRONIC MEETINGS.**

**RESOLVED** that the Chair of a respective Public Body may excuse one or more members of the Public Body from personally attending a hearing or meeting (hereinafter collectively referred to as "meeting") of the Public Body , and authorize such member or members to participate electronically in said meeting, subject to the following rules, regulations , policies, and procedures:

1. Notice to Chair: Notice shall be provided to the Chair of the respective Public Body by the Public Body member desiring to participate electronically at least 48 hours prior to the electronic meeting, so that the notice requirements of Utah Code Ann. Sections 52-4- 202 and 52-4-207 (1953, as amended), may be satisfied.
2. Notice Requirements: The notice requirements of Utah Code Ann. Sections 52-4-202 and 52-4-207 (I 953, as amended), shall be satisfied.
  - a. Public Notice.
    - (1) Public notice of such meeting, and the fact that one or more members of the Public Body intend to be participating electronically, shall be given pursuant to the provisions of Utah Code Ann. Section 52-4-202(1953, as amended):

- (a) Except for an electronic meeting held without an anchor location as permitted by Utah Code Ann. 52-4-207 , by posting written notice thereof at the City Administrative Offices; and
      - (b) By providing written notice on the Utah Public Notice Website and at least one newspaper of general circulation within the geographic jurisdiction of the Public Body or to a local media correspondent.
    - (2) The notice requirement may be disregarded due to unforeseen circumstances as set forth in Utah Code Ann. 52-4-202(5).
    - (3) Public notice shall, in addition to meeting the requirements of Utah Code Ann. Section 52-4-202 (1953, as amended), include the following:
      - (a) "Notice of Electronic Meeting" in the caption of the Notice.
      - (b) A statement that one or more members of the Public Body expect to be physically absent from the meeting, but intend to be participating electronically therein.
      - (c) Except for an electronic meeting held without an anchor location as permitted by Utah Code Ann. 52-4-207, by posting written notice at the anchor location (the site where the meeting is physically occurring).
  - b. Notice to Members of the Public Body.
    - (1) At least 24 hours prior to the electronic meeting, notice shall be given to the members of the Public Body of said meeting.
    - (2) Such notice shall include a description of the manner in which, or the method whereby, any physically-absent member of the Public Body intending to participate electronically will be connected to the meeting.
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- 3. Equipment. Voice transmission and sound equipment must provide for and facilitate the following:
    - a. The ability of the Public Body member participating electronically to clearly hear:

- (1) The members of the Public Body;
    - (2) The City Staff advising the Public Body; and
    - (3) Any member of the public addressing the Public Body.
  - b. Except for an electronic meeting held without an anchor location as permitted by Utah Code Ann. 52-4-207, provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting; or
  - c. For an electronic meeting held without an anchor location, provide means by which the public may hear, or view and hear, the open portions of the meeting; and
  - d. If comments from the public will be accepted during the electronic meeting, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting; or
  - e. For an electronic meeting held without an anchor location, provide means by which members of the public may provide comments by electronic means to the public body.
4. Anchor Location. Except for an electronic meeting held without an anchor location, one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting.
5. No Anchor Location. A public body may convene and conduct an electronic meeting without an anchor location if the chair of the public body:
- a. makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
  - b. states in the written determination the facts upon which the determination is based;
  - c. includes in the public notice for the meeting, and reads at the beginning of the meeting, the information set forth in Subsection 5a. and 5b.;
  - d. includes the public notice information on how a member of the public may view or make a comment at the meeting.
6. Written Determination. A written determination described in Subsection 5

expires 30 days after the day on which the chair of the public body makes the determination.

7. Use of Equipment. That the Chair of the respective Public Body may require the members of the Public Body, City Staff and/or the public to use a microphone, speak loudly and clearly, and /or use the lectern in order that the preceding requirement may be met.
8. Quorum. Except for an electronic meeting held without an anchor location as permitted by Utah Code Ann. 52-4-207 , that, except with prior written permission of the Chair of the respective body, no electronic meeting shall commence or continue unless a quorum of members of the Public Body are physically present at the anchor location of the meeting.
9. Participation. That unless otherwise permitted by the Chair of the respective Public Body, any member participating electronically shall consent to - and be required to - electronically participate in the *entire* meeting or hearing in which he or she desires to participate.
  - a. The Chair of the respective Public Body may permit a member of the Public Body to participate in only a portion of the meeting if:
    - (1) The member, in giving notice to the Chair of the respective Public Body under Section One hereof of his or her desire to participate electronically, requests that he or she participate in only a portion of the meeting, states his or her reason(s) therefore, and specifies the portion of the meeting in which he or she intends to participate.
    - (2) The Chair of the respective Public Body approves the request to participate in only a portion of the meeting - weighing the reason(s) in support of the request against the public interests of having the member participate in the entire meeting, including any actual or perceived harm or delay which may be caused to someone seeking relief or some other action in the portion of the meeting in which the member does not intend to participate.
    - (3) The notices under Section Two hereof indicate the portion of the meeting in which the member will be participating electronically.
    - (4) If the member will not be participating at the commencement

of the meeting, the member has made arrangements prior to the meeting for the City to establish contact with him or her during the course of the meeting so that he or she can participate during the portion of the meeting in which he or she intends to participate.

10. Voice Vote. That all actions at such meetings will be taken by voice vote, where each member of the Public Body shall separately and orally state on the record his or her vote.
11. Sparingly. That electronic participation by any given Public Body member is to be exercised sparingly - giving due regard to the concerns of the public for openness, fairness, and an adequate and meaningful opportunity for constituents to be heard and to witness their government in action.

**SECTION II:** SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Resolution.

**SECTION III:** EFFECTIVE DATE.

The Eureka City Council specifically finds that it is necessary for the immediate preservation of the health, safety, welfare, and interests of the present and future inhabitants of the City of Eureka that this Resolution take effect immediately upon passage.

**PASSED** by the Eureka City Council this 14th day of December, 2020.

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J. NICHOLSON CASTLETON  
Mayor of Eureka City

ATTEST:

  
PATRICIA BIGLER, City Recorder