

**ORDINANCE 2009 – 1**

**AN ORDINANCE ESTABLISHING THE AUTHORIZATION OF AND PROCEDURES FOR ELECTRONIC MEETINGS TO CONDUCT THE BUSINESS AND AFFAIRS OF THE TOWN OF CASTLE VALLEY**

**WHEREAS**, pursuant to Section 52-4-7.8, Utah Code Annotated 1953, as amended (the “Utah Code”), public bodies are authorized to conduct public meetings in whole or in part by means of a telephone or telecommunications conference; and

**WHEREAS**, it is necessary or desirable from time to time to convene a public meeting of the Town of Castle Valley by means of telephone, computer aided or other electronic conferences; and

**WHEREAS**, the Town of Castle Valley has the capability to hold meetings using telecommunications technologies; and

**WHEREAS**, Utah Code Annotated, Section 52-4-7.8(3)(c) provides that a public body shall establish written procedures governing an electronic meeting at which one or more members of the public body are participating by means of a telephonic or telecommunications conference; and

**WHEREAS**, the Town of Castle Valley (the “Town”) is a public body within the meaning of Section 52-4-7.8, Utah Code; and

**WHEREAS**, the Town of Castle Valley desires the flexibility in situations involving emergencies, illness, loss of facilities, outside work or family obligations or other unforeseen circumstances that prevent public officials from attending a meeting, to hold an electronic meeting to conduct the necessary business of the Town; and

**WHEREAS**, it is in the best interest of the Town to allow telecommunications meetings when a public official is unable to physically attend at the regular location; and

**WHEREAS**, the Castle Valley Town Council desires to adopt Ordinance 2009 - 1, establishing procedures governing electronic meetings for the Town of Castle Valley.

**NOW, THEREFORE, BE IT ORDAINED BY THE CASTLE VALLEY TOWN COUNCIL:**

**TELECOMMUNICATIONS MEETINGS AUTHORIZED.** It is hereby the policy of the Town of Castle Valley that elected and appointed members, representatives and staff may participate through the use of electronic means in

meetings via telecommunications media on appropriate notice. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

**Section 1. Enactment.** Ordinance 2009 - 1 is hereby created and shall read as follows:

- A. Any public body of the Town of Castle Valley may, by following the procedures and requirements of this Ordinance and those outlined by state law, convene and conduct an electronic meeting.

**Section 2. Definitions.**

- A. “Anchor location” means the Castle Valley Community Center, 2 Castle Valley Drive, or any other physical location where a public meeting is held and from which the electronic meeting originates or from which the participant(s) is/are connected.
- B. “Electronic meeting” means a Town of Castle Valley meeting convened or conducted by means of a telephonic, telecommunications, or computer conference.
- C. “Electronic notice” means electronic mail, fax or public notice on the Town’s website.
- D. “Monitor” means to hear live, by speaker or by other equipment, all of the public statements of each member of the Public Body who is participating in a meeting, so that each member of the Public Body can hear the communication.
- E. “Public Body” means the Town Council or other official Town body or commission that is created by Town ordinance or resolution and consists of two or more persons and expends, disburses, or is supported by tax revenue and is vested with the authority to make decisions regarding the public’s business.
- F. “Public Hearing” means a meeting at which comments from the Public will be accepted. At public meetings, participation of the public is through observation/listening with public input being provided during any approved period of the meeting agenda that has been designated for such participation.
- G. “Public Statement” means a statement made in the ordinary course of business of the Public Body with the intent that all other members of the Public Body receive it.
- H. “Remote location” means any place, other than the anchor

location, where a member is at, who participates in a telecommunication meeting.

- I. “Telecommunications Meeting” means a formal meeting of the Town where one or more members participate(s) from a remote location via telephone, internet, television, or other telecommunication means now known or yet to be developed.

**Section 3. Procedures.**

- A. The meeting procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic meeting.
- B. A speakerphone, or similar amplifying electronic device, will be connected in such a manner that comments made by the members participating electronically will be broadcast at the anchor location. Full participation of each member present and those participating electronically will be given to make inquiries and participate in the discussion through a roll call method. Votes taken in these circumstances shall be by roll call method, with each member audibly verbalizing their vote.
- C. Town of Castle Valley elected and appointed representatives and Town staff participating electronically shall be considered present as if the individual(s) were physically on-site and present. Any form of telecommunication may be used, as long as it allows for real-time interaction in the way of discussions, questions and answers, and voting.
- D. Designated sites at which electronic meetings are held will be open to the public unless specifically closed to the public under state law. Members of the public attending such meetings may provide input during any meeting that is designated for public participation. Space and facilities will be provided at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.
- E. Minutes of the meeting shall record the presence of members participating through electronic means. The roll call for members present will be taken verbally and recorded.
- F. Discussion of motions will take place in accordance with usual procedures with the exception that those present electronically must declare their intent verbally with their accompanying name(s). All voting and consensus requests shall be made verbally and by roll call when a voting participant is present electronically.

- G. Public notice of the meeting shall be made in the manner and within the timeframe as set forth in Utah Code Annotated, Section 52-4-6.
- H. Any member(s) participating from remote locations shall make contact with the Town 15 minutes prior to the start of the meeting to ensure that the equipment to be used is in proper working order.
- I. **QUORUM.** Members participating via telecommunications are to be considered present for purposes of establishing a quorum, as defined by law. In the event of failure of equipment, or other factor, which causes a lack of communications with a member(s) causing lack of a quorum, no additional business may be conducted until the quorum can be reconstituted. Continuances may be granted as set forth by law. Business already conducted remains binding.
- J. **LOCATION.** Whenever a meeting is to be held with a member(s) via telecommunications, the anchor location identified in all notices shall be the Town of Castle Valley Community Center, 2 Castle Valley Drive, Castle Valley, Utah 84532, or such other location as determined by the Council in accordance with law. Public participation is limited to the anchor location. Members participating via telecommunications may do so from any location where access can be had and the criteria of this section met.
- K. **METHOD.** Any telecommunications method now known or hereafter developed may be used to conduct a telecommunications meeting, so long as the criteria set forth herein can be met. All persons at the anchor location shall be required to have real time video and/or audio contact with member(s) participating from remote locations, so as to know the entire discussion and deliberations of the Council. Members participating from remote locations shall have the obligation to use appropriate equipment or take other precautions to eliminate static or other disturbances to the orderly conduct of the meeting.

**Section 4. Repealer.** Any provision of the Town of Castle Valley Ordinance Code found to be in conflict with this Ordinance is hereby repealed.

**Section 5. Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of the Ordinance, or specific application of the Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Passed and approved by the Town Council, Town of Castle Valley, in open session this    day of            , 2009 by the following vote:

**Those voting AYE:**

**Those voting NAY:**

**Those absent:**

**Section 6: Effective date.** This Ordinance shall take effect immediately upon its passage and posting

**APPROVED:**

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**Damian Bollermann, Mayor  
Town of Castle Valley**

**ATTESTED:**

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**Denise Lucas, Town Clerk  
Town of Castle Valley**