

AMENDED 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

(This amended Ordinance 2009-1 dated 4.15.2020 supersedes any earlier Ordinance dated 5.21.2009)

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 and other digital 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 electronics or telecommunication 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 electronic or telecommunication meetings when a public official is unable to physically attend at the regular location; and

WHEREAS, it is in the best interest of the Town to allow telecommunications meetings when the Governor declares a state of emergency or the chief executive of a local government within the seat of government is located has declared a local state of emergency and determines that physically convening the members of the public body at the seat of government is dangerous, unwise, or impractical due to a public health emergency; and

WHEREAS, the Castle Valley Town Council desires to adopt this amended 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 electronic or 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 or from which the electronic meeting originates or from which the participant(s) is/are connected.
- B. "Electronic Meeting" means a formal meeting of a Public Body of the Town of Castle Valley meeting convened or conducted by means of a telephone, internet, television, or other means of telecommunication conference ;or where one or more members of that Public Body participate from a remote location via telephone, internet, television or other telecommunication means now known or yet to be developed.
- 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 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 Electronic 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.1 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. Each member present and those participating electronically shall be able to Monitor public statements at such meeting, 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.
- B.2 In the case of an Electronic meeting, provisions will be made to provide access to the Electronic Meeting to the public. Those participating electronically will be able to fully Monitor the Electronic Meeting, 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 at the Anchor Location and present. Any form of electronic or 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 virtual or physical sites at which Electronic meetings are held will be open or available 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. Information regarding how the public may join, Monitor, and participate in such Electronic Meeting will be provided on the posted meeting agenda and at the Anchor Location so that interested persons and the public may attend, monitor, and participate in the open portions of the Electronic 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 orally 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 orally with their accompanying name(s). All voting and consensus requests shall be made orally and by roll call when a voting participant is present electronically.
- G. Public notice of the Electronic 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. 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. 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. Members participating via telecommunications may do so from any location where access can be had and the criteria of this section met.

K. 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 person(s) 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 15th day of April, 2020 by the following vote:

Those voting AYE: Mayor Duncan and Council members: Gibson, Hill, Holland and O'Brien

Those voting NAY: None

Those absent: None

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

APPROVED:

**Jazmine Duncan, Mayor
Town of Castle Valley**

ATTESTED:

**Jocelyn Buck, Town Clerk
Town of Castle Valley**