

Community Development Block Grant Policy Board

Resolution of the Community Development Block Grant Policy Board Adopting Procedures Governing Electronic Public Meetings

RECITALS

WHEREAS, Executive Order 2017-9 has created the Community Development Block Grant Policy Board (the “Board”) and housed it within the Utah Housing and Community Development Division; and

WHEREAS, Executive Order 2017-9 establishes the Board as a seven-member voting body, together with such nonvoting members as may be appointed by the Chair and Vice Chair, and provides that a majority of the voting members constitutes a quorum and that action by a majority vote of a quorum constitutes action by the Board; and

WHEREAS, the Chair of the Board, in partnership with the program manager, is responsible for calling and conducting Board meetings pursuant to Executive Order 2017-9;

WHEREAS, the Board is subject to the Utah Open and Public Meetings Act, Title 52, Chapter 4, Utah Code (the “Act”), and desires to establish procedures that promote public access, transparency, continuity of governmental operations, and effective participation by Board members; and

WHEREAS, Utah Code § 52-4-207 provides that a public body may not hold an electronic meeting unless it has adopted a resolution, rule, or ordinance governing the use of electronic meetings; and

WHEREAS, Utah Code § 52-4-207 further requires that such resolution, rule, or ordinance establish the conditions under which a remote member is included in calculating a quorum; and

WHEREAS, Utah Code § 52-4-207 permits a public body to establish additional procedures, limitations, or conditions governing electronic meetings so long as those procedures do not conflict with the Act;

WHEREAS, the Board finds that permitting electronic participation by Board members will facilitate attendance and continuity of Board business while preserving the public's right to attend, monitor, and participate in open portions of Board meetings as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT BLOCK POLICY GRANT BOARD as follows:

RESOLUTION

Section 1. Purpose and Authority

This Resolution is adopted pursuant to Utah Code §§ 52-4-207 and Executive Order 2017-9.

The purpose of this Resolution is to establish procedures, conditions, and requirements under which members of the Board may participate in Board meetings through electronic video, audio, or both video and audio connections.

Nothing in this Resolution shall be construed to limit or supersede any requirement of the Utah Open and Public Meetings Act or any other applicable provision of state law.

Section 2. Authorization of Electronic Meetings

The Board is authorized to conduct a meeting in which one or more members of the Board can participate through an electronic video, audio, or both video and audio connection, subject to this Resolution and applicable law.

The Chair shall determine whether a particular Board meeting will be conducted as an electronic meeting, in whole or in part, and shall ensure that the meeting is conducted in accordance with this Resolution.

The Chair may direct designated staff to make the arrangements necessary to conduct an electronic meeting.

Section 3. Electronic Participation by Board Members

Any voting or nonvoting member of the Board may participate in an electronic meeting through an electronic video, audio, or both video and audio connection, as long as the equipment and communication system being used facilitates a reasonably stable connection and is not disruptive to the meeting.

A member participating electronically shall have the same rights and responsibilities as a member physically present at the meeting, including the right to deliberate, make or second motions, vote, and participate in discussion.

At the commencement of the meeting, or when a member initially joins electronically, the Chair shall identify each Board member participating electronically, and the minutes shall reflect the member's electronic participation.

The Board secretary shall make reasonable efforts to accommodate a timely request for electronic participation, subject to available equipment, connectivity, staffing, and other logistical considerations.

Section 4. Quorum

For purposes of determining a quorum, a Board member participating electronically shall be counted as present if the member is connected to the meeting and is able to communicate with the other members of the Board in accordance with applicable law.

A quorum may be composed of members who are physically present, participating electronically, or a combination of both.

Section 5. Public Notice

The Board shall provide public notice of an electronic meeting in accordance with Utah Code §§ 52-4-202 and 52-4-207.

The public notice must identify the meeting as an electronic meeting and, unless otherwise permitted by law, must identify the physical anchor location at which members of the public may attend the open portions of the meeting.

When the Board conducts a meeting entirely by electronic means without an anchor location pursuant to Utah Code § 52-4-207(5)(e), the public notice shall provide information sufficient to enable members of the public to participate remotely, consistent with applicable law.

Public notice shall comply with all applicable requirements concerning the agenda, date, time, place, posting, publication, and emergency meetings.

Section 6. Anchor Location and Public Access

Except as otherwise permitted by Utah Code § 52-4-207, an electronic meeting shall provide an anchor location with space and facilities for members of the public to attend the open portions of the meeting.

The anchor location shall be identified in the public notice.

Nothing in this Resolution prevents the Board from providing both an anchor location and remote public access.

Section 7. Public Participation

If remote public participation is offered, the Board secretary or meeting administrator shall provide instructions in the public notice or meeting materials describing how members of the public may access and, when applicable, participate in the meeting.

Section 8. Technology and Connection Failures

The Board secretary or meeting administrator shall make reasonable efforts to maintain a functional electronic connection throughout an electronic meeting.

If the electronic connection of a Board member is interrupted, the Chair may temporarily recess the meeting to permit the member to reconnect or to address the technical problem.

If a connection failure prevents a Board member from communicating with the other members of the Board, the Chair shall determine whether the member remains present for purposes of quorum and participation based on the requirements of applicable law.

If a technical failure materially prevents the public from observing or participating in an open meeting as required by law, the Chair may recess, postpone, or adjourn the meeting as appropriate.

Section 9. Identification and Conduct of Remote Members

A Board member participating electronically shall identify themselves when joining the meeting and shall use reasonable measures to ensure that the member can hear and communicate with the Board.

When video participation is used, the member should remain visible to the extent reasonably practicable.

A member participating electronically shall take reasonable steps to prevent other persons from interfering with or disrupting the Board's business.

Section 10. Voting

A member participating electronically may vote on any matter properly before the Board.

Unless otherwise determined by the Chair or required by applicable law, votes may be taken using the same procedure employed for an in-person meeting.

The Chair may require a roll-call vote when necessary or appropriate to clearly identify the vote of each member participating electronically.

The minutes shall accurately reflect the votes of Board members, including the identity of members participating electronically when applicable.

Section 11. Closed Meetings

An electronic meeting may include a closed meeting only when authorized and conducted in accordance with the Utah Open and Public Meetings Act.

If a closed meeting is convened, the Chair shall take reasonable measures to ensure that only persons authorized to participate in the closed meeting are able to hear or observe the closed meeting discussion.

If a closed meeting is convened, the Board secretary shall facilitate an electronic breakout room or other means for the closed meeting to be conducted so as to not terminate the public meeting feed that is open to the public.

Nothing in this Resolution expands the circumstances under which the Board may close a meeting to the public.

Section 12. Records and Minutes

The minutes of an electronic meeting must identify Board members participating electronically and shall accurately record motions, votes, actions, and other matters required to be included in the official record.

Any recording of a meeting required by applicable law must be made and retained in accordance with the Act and applicable state records-retention requirements.

Section 13. No Circumvent Public Meetings Requirements

Electronic participation may not be used to circumvent the Utah Open and Public Meetings Act.

Board members shall not use electronic communications outside of a properly noticed meeting to engage in deliberation, discussion, or action with a quorum or otherwise engage in conduct prohibited by the Act.

Compliance with this Resolution does not excuse compliance with any other applicable provision of law.

Section 14. Administrative Authority

The Board secretary, or another person designated by the Chair, is authorized to establish administrative procedures and technical protocols reasonably necessary to implement this Resolution, including procedures for:

1. distributing electronic meeting connection information;
2. testing electronic connections;
3. identifying Board members and members of the public participating remotely;
4. managing microphones, cameras, and other meeting technology;
5. facilitating remote public comment;
6. addressing technical disruptions; and
7. preserving meeting records.

Any administrative procedure adopted under this Section must be consistent with this Resolution and applicable law.

Section 15. Construction and Severability

If any provision of this Resolution is determined to be invalid, unlawful, or unenforceable, that determination shall not affect the validity of the remaining provisions.

If a provision of this Resolution conflicts with a subsequently enacted or amended provision of Utah law, the applicable law shall control, and the remaining provisions of this Resolution shall remain effective to the fullest extent permitted by law.

Section 16. Amendment or Repeal

This Resolution may be amended, superseded, or repealed by the Board by subsequent resolution adopted in accordance with applicable law.

The Board secretary shall periodically review this Resolution and recommend amendments when necessary to maintain consistency with changes to the Utah Open and Public Meetings Act, Executive Order 2017-9, or other applicable laws.

Section 17. Effective Date

This Resolution shall take effect immediately upon its adoption by the Community Development Block Grant Policy Board.

ADOPTED this ____ day of _____, 2026.

Community Development Block Grant Policy Board

Chair

By: _____

Name: _____

Board Member

By: _____

Name: _____

Board Member

By: _____

Name: _____

Board Member

By: _____

Name: _____

Board Member

By: _____

Name: _____

Board Member

By: _____

Name: _____

Board Member

By: _____

Name: _____

ATTEST

Board Secretary

By: _____

Name: _____