

Council Meeting of Sept. 7, 2016

Agenda Item No. 7.h.

REQUEST FOR COUNCIL ACTION

SUBJECT: Resolution to amend the "Electronic Council Meetings" rules in the Council Rules, Policies, and Procedures.

SUMMARY: Approval of the Resolution will allow for members of the City Council to attend Council meetings electronically, for any reason approved by a majority of the Council in an open Council meeting.

FISCAL AND/OR ASSET IMPACT: There is some potential fiscal impact associated with the approval of this Resolution, since electronic meetings would be more likely to occur, and new equipment might be needed to allow for reasonable participation from a remote location.

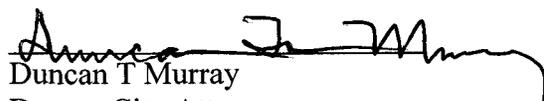
STAFF RECOMMENDATION: Staff recommends approval of the Resolution, with or without changes.

MOTION RECOMMENDED:

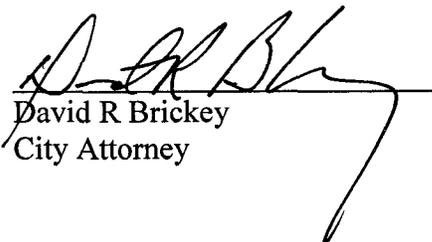
"I move to approve Resolution 16-145 (Rules Amendments: Electronic Council Meetings)."

[Roll Call vote required]

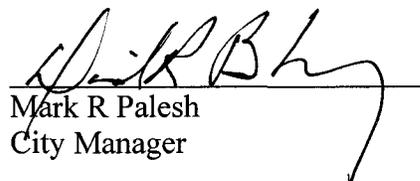
Prepared by:


Duncan T Murray
Deputy City Attorney

Reviewed by:


David R Brickey
City Attorney

Recommended by:

for 
Mark R Palesh
City Manager

BACKGROUND DISCUSSION:

The purpose of this Resolution is to allow for members of the City Council to attend Council meetings electronically, for any reason approved by a majority of the Council in an open Council meeting. This change requires a formal amendment, by Resolution, to the Council Rules, Policies, and Procedures.

City staff recommends approval of the Resolution, which was recommended by some of the members of the City Council.

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 16-145

**A RESOLUTION TO AMEND COUNCIL RULES, POLICIES, AND PROCEDURES
(ELECTRONIC COUNCIL MEETINGS)**

WHEREAS, as required by § 10-3-606, Utah Code Ann., the City Council of the City of West Jordan has adopted Council Rules, Policies, and Procedures (“Rules”) in order to assist with the governing body’s decision-making and operational activities, and with conducting efficient and effective meetings of the City Council; and

WHEREAS, it is necessary to amend these Rules to better and more efficiently conduct the affairs of the Council, especially with regards to electronic participation by Council Members in Council Meetings; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, THAT:

Section 1. The Council Rules, Policies, and Procedures are amended by repealing and replacing Subsection C.8(b)(2), as follows:

C.8 ELECTRONIC COUNCIL MEETINGS . . .

b. Limitations. . . .

“2. the meeting will be called only to accommodate Council Members who are traveling outside the City, if approved by a motion during an open meeting by at least four (4) Council Members who are physically present at the physical location where the meeting is being held, subject to any limitations in the City Code of West Jordan;”

Section 2. Any provision of the Council Rules, Policies, and Procedures which is in conflict with the new Subsection adopted by this Resolution is repealed and rescinded. All remaining provisions of the Council Rules, Policies, and Procedures shall remain in full force and effect.

Section 3. This Resolution shall take effect immediately upon adoption.

Adopted by the City Council of West Jordan, Utah, this 7th day of September, 2016.

CITY OF WEST JORDAN:

By: _____
MAYOR KIM V. ROLFE

ATTEST:

MELANIE BRIGGS, MMC, City Clerk

Res 16-145

Voting by the City Council:

	"AYE"	"NAY"
Council Member Dirk Burton	_____	_____
Council Member Jeff Haaga	_____	_____
Council Member Zach Jacob	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Sophie Rice	_____	_____
Mayor Kim V. Rolfe	_____	_____

Council Rules, Policies and Procedures

6. Discussion regarding deployment of security personnel, devices, or systems; and
7. Investigative proceedings regarding allegations of criminal misconduct.

b. Records or Minutes Required. Section §52-4-7.5 of the Utah Code, defines the record of closed meetings and how they must be kept. This section states that if a public body closes a meeting to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems, the person presiding must sign a sworn statement affirming that the meeting was closed for one of these sole purposes. If a public body closes a meeting for any other purpose, the public body shall either tape record the closed portion of the meeting or keep detailed written minutes that disclose the content of the closed portion of the meeting.

c. Confidentiality Required. It is imperative that all closed meeting discussions remain completely confidential. No Council Member shall disclose confidential information acquired by reason of the officer's official position or use such information for the officer's or another's private gain or benefit. **Any person violating this duty of non-disclosure may be subject to criminal sanctions.**

d. Notice. Notice of a closed meeting must be in an Council agenda, dully posted and publicized. This notice must, usually, be given 24 hours before a scheduled meeting. However, emergency meetings, including closed meetings, may be held as provided and controlled by §52-4-6 of the Utah Code.

C.8 ELECTRONIC COUNCIL MEETINGS

a. Conditions; Elements. Utah law authorizes the City Council to hold meetings electronically. The law defines an electronic meeting as a public meeting convened or conducted by means of a telephonic, telecommunications or computer conference. In order to participate, members of the Council must have the ability to communicate with all other members, either verbally or electronically, so that each Council Member can hear or see the communication. Public hearings are also allowed, as part of the electronic meeting. However, as with any public meeting, electronic meetings must be properly noticed in compliance with the Open Meetings Act.

Council Rules, Policies and Procedures

b. Limitations. For those instances, when the Council elects to hold an electronic meeting:

1. the meeting will be held with a quorum (4 members) physically present at the same physical location;

2. the meeting will be called only for a declared City emergency, to accommodate Council Members who are traveling outside the City on official City business, or other unique circumstances that make such a meeting in the public interest;

3. the meeting will be held within Salt Lake County and at a facility that allows the public to attend, monitor and participate in open portions of the meeting;

4. audio equipment will be used so that comments of each Council Member participating electronically will be audible to those attending the meeting; and

5. reasonable but diligent efforts shall be made to notify and accommodate Council Members who are traveling outside the City on official City business so that they can participate in such a meeting, if they desire to do so.

C.9 CITIZEN COMMENTS AT COUNCIL MEETINGS

a. Citizen Comment. Near the start of each Council meeting, interested persons will be permitted to address the Council concerning any matter over which the Council has jurisdiction, including comments concerning an item on the meeting's agenda, provided that if the matter to be discussed is the subject of a public hearing, the commenter will be required to speak when that hearing is conducted. If appropriate, the presiding officer may refer a commenting citizen to the City Manager to assist the citizen on the issue, which could include a future presentation at a future Council meeting. (Res. No. 09-83, 05-12-09; Res. No. 10-146, 10-27-10)