

**ELECTRONIC MEETING POLICY AND RULE**

**UTAH INLAND PORT AUTHORITY**

**Dated September 2020**

On July 30, 2018, the board of the Utah Inland Port Authority ("UIPA") adopted an electronic meeting policy and rule as follows:

- A. These provisions govern any public meeting at which one or more members of the Inland Port Authority Board may appear electronically or telephonically pursuant to Utah Code 52-4-207.
- B. The meeting notice will specify the anchor location where members of the board not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and where applicable may participate in the open portions of the meeting.
- C. Board members are permitted to participate electronically or telephonically. Board members should give reasonable notice to the chair of intent to participate electronically or telephonically. Any member of the board appearing electronically or telephonically will be counted as present for purposes of a quorum and may fully participate in the discussion and vote on any matter. At the commencement of the meeting and when any member of the board appears electronically or telephonically the chair will identify for the record all those who are appearing telephonically or electronically. The chair will confirm on the record any votes by members of the board who are not at the physical location of the meeting.

On March 18, 2020, Governor Gary R. Herbert issued Executive Order 2020-5 which among other things suspended the enforcement of certain provisions of the Open and Public Meetings Act, Utah Code § 52-4-101 et seq. ("OPMA") and specifically authorized public bodies to convene and conduct electronic meetings without an anchor location.

Effective June 25, 2020, the Utah State Legislature amended the OPMA.

On June 5, 2019, the UIPA board approved Resolution 2019-05 which provides that:

- 3. The Authority's Executive Director shall have the power and authority **on behalf of the Authority** . . . to adopt and amend Executive Orders establishing administrative polices, **including amending board approved policies** that require conforming amendments **because of legislative changes**. The Executive Director shall provide the board members with a copy of all updated board approved policies that are amended pursuant to this delegated authority.

Accordingly, and acting pursuant to the authority granted to me as cited above, I, Jack C. Hedge, Executive Director of UIPA, by this Executive Order do hereby amend and restate in its entirety the electronic meeting policy and rule of UIPA to read as follows:

A. These provisions govern any public meeting at which one or more members of the Inland Port Authority Board may appear electronically or telephonically pursuant to Utah Code 52-4-207.

B. The Utah Inland Port Authority is hereby authorized to hold electronic meetings in accordance with the requirements of Utah State law in force and effect on the date of each electronic meeting, which requirements include but are not limited to the Open and Public Meetings Act.

C. UIPA's board may convene and conduct an electronic meeting without an anchor location if the chair:

- (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 described in paragraphs (a) and (b) above; and
- (d) includes in the public notice information on how a member of the public may view or make a comment at the meeting.

D. If there will be an anchor location, the meeting notice will specify the anchor location where members of the board not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and where applicable may participate in the open portions of the meeting. If there will be an anchor location, board members are permitted to participate electronically or telephonically. Board members should give reasonable notice to the chair of intent to participate electronically or telephonically. Any member of the board appearing electronically or telephonically will be counted as present for purposes of a quorum and may fully participate in the discussion and vote on any matter. At the commencement of the meeting and when any member of the board appears electronically or telephonically the chair will identify for the record all those who are appearing telephonically or electronically. The chair will confirm on the record any votes by members of the board who are not at the physical location of the meeting.

A copy of this amended and restated policy and rule has been provided to the board.

Utah Inland Port Authority



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Jack C. Hedge, Executive Director