



ORDINANCE O-22-02

AN ORDINANCE ESTABLISHING THE AUTHORIZATION OF AND PROCEDURES FOR ELECTRONIC MEETINGS TO CONDUCT THE BUSINESS AND AFFAIRS OF GARLAND CITY.

WHEREAS, Garland City is a public entity subject to the Utah Open and Public Meetings Act; and

WHEREAS, Such Act provides for electronic meetings by following the requirements of Utah Code Annotated §52-4-7.8 (1953 as amended); and

WHEREAS, it is necessary or desirable from time to time to convene a public meeting of Garland City by means of telephone, computer aided or other electronic conferences; and

WHEREAS, Garland City has the capability to hold meetings using telecommunications technologies; and

WHEREAS, Utah Code Annotated, Section 52-4-207 requires the Garland City Council approve the process and to establish written procedures governing electronic meetings and the Garland City Council desires to do so; and

WHEREAS, the Garland City Council desires the flexibility in situations involving emergencies, illness, loss of facilities, outside work or family obligations or other unforeseen circumstances, that prevent the Mayor, City Council, staff or other Board members from attending a meeting, to hold an electronic meeting to conduct the necessary business of the City; and

WHEREAS, it is in the best interest of the City to allow telecommunications meetings when a member is unable to physically attend at the regular location; and

WHEREAS, the Garland City Council desires to adopt 1-6-5 F., establishing procedures governing electronic meetings for Garland City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARLAND CITY COUNCIL:

TELECOMMUNICATIONS MEETINGS AUTHORIZED. It is hereby the policy of Garland City 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. Title 1, Chapter 6, Section 5 F., of the Garland Municipal Ordinance Code is hereby created and shall read as follows:

F. Electronic Meetings:

1. Any public body of Garland City may, by following the procedures and requirements of this Ordinance and those outlined by state law, convene and conduct an electronic meeting.

2. Definitions.

a. "Anchor location" means the physical location where a public meeting is held and from which the electronic meeting originates or from which the participate (s) is/are connected.

b. "Electronic meeting" means a Garland City meeting convened or conducted by means of a telephonic, telecommunications, or computer conference.

c. "Electronic notice" means electronic mail or fax.

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; or see, by computer screen or other visual medium, all public statements of each member of the Public Body who is participating in a meeting.

e. "Participate" means the ability to communicate with all of the members of the Public Body, either verbally or electronically, so that each member of the Public Body can hear or see the communication.

f. "Public Body" means the City Council or other official City body or commission that is created by City 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.

g. "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.

h. "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.

i. "Remote location" means any place, other than the anchor location, where a member is at, who participates in a telecommunication meeting.

j. "Telecommunications meeting" means a formal meeting of the City where one or more members participates from a remote location via telephone, internet, television, or other telecommunication means now known or yet to be developed.

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 through the public address system 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 in accordance with Garland City Code.

c. Garland City elected and appointed representatives and city staff 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 an electronic meeting is held will be open to the public unless specifically closed to the public under state law. Members of the public attending such a meeting 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 of 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 time frame as set forth in Utah Code Annotated, Section 52-4-6.

h. Any member(s) participating from remote locations shall make contact with the City 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 City offices, 72 N. Main St., Garland City, Box Elder County, Utah 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. If available, and not cost prohibitive, an audio and video feed is the preferred method of conducting a telecommunications meeting.

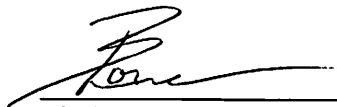
1. Closed meetings. Participation in a closed meeting shall not be allowed electronically.

Section 2. Repealer. Any provision of the Garland Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

Section 3: 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.

Section 4: Effective date. This Ordinance shall take effect immediately upon its passage and posting.

ADOPTED, APPROVED AND ORDERED POSTED on this 19 day of January, 2020.



Linda Bourne, Mayor, Garland City

ATTEST:



Sharlet Anderson, City Recorder