

COTTONWOOD HEIGHTS

RESOLUTION No. 2023-13

A RESOLUTION APPROVING AN AMENDED AND RESTATED POLICY FOR ELECTRONIC MEETINGS OF THE CITY'S PUBLIC BODIES

WHEREAS, UTAH CODE ANN. 52-4-207, a portion of the Open and Public Meetings Act codified as UTAH CODE ANN. 52-4-101 *et seq.* (the “Act”), authorizes a public body to hold a meeting at which one or more members of the body are participating by means of electronic communication so long as a resolution, rule or ordinance governing the use of electronic meetings by that public body has been adopted; and

WHEREAS, on 21 March 2023 the city council (the “Council”) of the city of Cottonwood Heights (the “City”) met to consider, among other things, amending and restating the City’s current electronic meetings policy adopted pursuant to the Council’s Resolutions 2006-24 and 2020-08 to conform such policy to the current provisions of the Act; and

WHEREAS, the Council has reviewed the “Procedures Governing Electronic Meetings of Cottonwood Heights’ Public Bodies” (the “Procedures”) that are attached as an exhibit to this Resolution 2023-13 (this “Resolution”), which shows deletions to the current Procedures ~~struck through~~ or otherwise shown as deletions, and additions to the current Procedures underlined or otherwise shown as additions; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City’s residents for the Council, as the City’s governing body, to approve and adopt the Procedures, as amended, for purposes of any electronic meetings of any of the City’s public bodies occurring on or after the effective date of this Resolution, pending any future revocation or amendment of the Procedures by the Council;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Cottonwood Heights that the Council hereby approves and adopts the Procedures, as amended, for purposes of any electronic meetings of any of the City’s public bodies occurring on or after the effective date of this Resolution, pending any future revocation or amendment of the Procedures by the Council as the City’s governing body.

This Resolution, assigned no. 2023-13, shall take effect immediately upon passage.

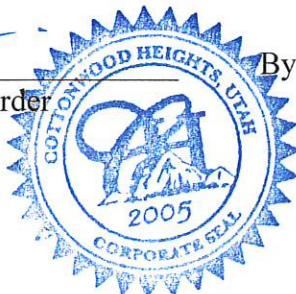
PASSED AND APPROVED this 21st day of March 2023.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Paula Melgar, Recorder

By: 
Michael T. Weichers, Mayor



VOTING:

Michael T. Weichers	Yea <u>✓</u>	Nay ___
Douglas Petersen	Yea <u>✓</u>	Nay ___
J. Scott Bracken	Yea <u>✓</u>	Nay ___
Shawn E. Newell	Yea <u>✓</u>	Nay ___
Ellen Birrell	Yea <u>Present</u>	Nay ___

DEPOSITED in the office of the City Recorder this 21st day of March 2023.

RECORDED this 21 day of March 2023.

Procedures Governing Electronic Meetings of Cottonwood Heights' Public Bodies

Pursuant to UTAH CODE ANN. §52-4-207, the following procedures (these “*Procedures*”) shall govern any electronic meeting of any of the public bodies of the city of Cottonwood Heights (the “*City*”) (including, without limitation, any meeting of the City’s city council [the “*Council*”]) at which any member(s) of such body, or any of the City’s appointed officers, are participating by means of a telephone, internet or other electronic method. Unless otherwise clearly indicated by the context, capitalized terms below shall have the same meanings as in the Open and Public Meetings Act, UTAH CODE ANN. §52-4-101 *et seq.* (the “*Act*”).

1. Meetings of the City’s Public Bodies may be conducted by electronic means pursuant to UTAH CODE ANN. §52-4-207 if, after making reasonable effort to do so, the Public Body is unable to hold the meeting with all its members physically present in the Anchor Location.

2. Any Electronic Meeting shall be held in strict compliance with the public noticing, Anchor Location and other requirements of the Act.

3. Without limiting the foregoing, notice of the Electronic Meeting and a description of how the members will be connected to the Electronic Meeting shall be given to the members of the Public Body at least 24 hours before the Electronic Meeting so they may participate in it. Members of the Public Body who desire to participate electronically are responsible for providing their contact information to the City’s recorder (or other City-designated administrator of the meeting) in advance of the meeting to allow their participation.

4. During an Electronic Meeting, contact shall be established and maintained by telephone, by televised conference, by the internet, or by any means of electronic communication reasonably designated by the City. All parties participating electronically shall be able to hear and to speak with each other and all present in the Anchor Location, and all parties in the Anchor Location shall be able to hear and to speak with those participating electronically. If visual aids or documents are to be presented or used at the meeting, reasonable efforts should be made to provide copies to each person participating electronically.

5. Unless otherwise provided by the Act or other applicable law, The City shall establish one or more Anchor Locations for the meeting, at least one of which shall be where the Public Body would normally meet if they were not holding an Electronic Meeting. City staff shall assure that space and facilities are provided at the Anchor Location so that interested persons and the public may attend and monitor the open portions of the meeting.

6. Upon determining that a Quorum is present and communication is established as required, the chair of the meeting shall convene the meeting and take a roll call of those participating. If a member is disconnected during the meeting, so long as a Quorum still exists the chair shall have discretion of whether or not to continue the meeting without that person or to wait until they can be reconnected.

7. Electronic participation in a meeting shall constitute presence at that meeting for all purposes, including the determination of a Quorum and voting.

8. Minutes of an Electronic Meeting shall note that the meeting was conducted electronically in accordance with the Act and shall identify the members of the Public Body who participated electronically.

9. Except for a unanimous vote, a Public Body that is conducting an Electronic Meeting shall take all votes by roll call.

9.10. These procedures may be revoked or amended at any time upon written resolution of the Council.

~~10. The Anchor Location, noticing, and other provisions of these Procedures that are suspended or modified pursuant to Governor Gary Herbert's Executive Order 2020-05 dated 18 March 2020 are hereby so suspended or modified during the duration of that order.~~