

**Laketown, Utah
RESOLUTION 2020-01**

**A RESOLUTION OF LAKETOWN ESTABLISHING A POLICY FOR THE TOWN
COUNCIL TO CONVENE AND CONDUCT ELECTRONIC PUBLIC MEETINGS AND
PROVIDING PROCEDURES FOR PARTICIPATION IN ELECTRONIC MEETINGS**

WHEREAS, under the provisions of Utah Code §52-4-207 the town council or other public body of the town may hold an electronic meeting if the town has adopted a resolution, rule or ordinance governing the use of electronic meetings; and

WHEREAS, the town council wishes to adopt standards and procedures for electronic meetings to be held under limited circumstances; and

WHEREAS, the town council believes it is in the public interest to conduct electronic meetings from time to time to assure that all members of the council have an opportunity to participate in meetings of the council regardless of the physical location of the individual members of the council; and

WHEREAS, the town council desires to have the option of conducting electronic meetings when circumstances may require given the many communication options provided by technology.

NOW THEREFORE, BE IT ORDAINED by the Laketown Town Council as follows:

SECTION 1: Definitions.

For the purpose of this resolution the following definition shall apply.

1. "Anchor location" shall mean the physical location from which an electronic meeting originates or the participants are connected.
2. "Electronic meetings" shall mean a public meeting convened or conducted by means of a conference using electronic communications.
3. "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the town council who is participating in a meeting.
4. "Participate" shall mean the ability to communicate with all of the members of the town council, either verbally or electronically, so that each member of the town council can hear or observe the communication.
5. "Public body" shall mean the town council or other official town body or commission that is created by town 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.

RESOLUTION 2020-01 ESTABLISHING A POLICY FOR THE TOWN COUNCIL TO CONVENE AND CONDUCT ELECTRONIC PUBLIC MEETINGS AND PROVIDING PROCEDURES FOR PARTICIPATION IN ELECTRONIC MEETINGS

SECTION 2: Electronic Meeting Requirements.

No meeting of the town council may be convened and held as an electronic meeting except on the following conditions.

1. A request for an electronic meeting has been made by a member of the public body to the mayor at least twenty-four (24) hours in advance of the meeting to allow for arrangements to be made for the electronic meeting; and
2. Notice of the electronic meeting has been given as provided herein.

SECTION 3: Notice of Electronic Meetings.

An electronic meeting may be convened and conducted by the town council or public body when the following requirements are met.

1. Public notice of the meeting must be given pursuant to Utah Code §52-4-202 of the Utah Open and Public Meetings Act by:
 - a. Posting written notice at the anchor location for each meeting and on the Utah Public Notice website; and
 - b. Providing notice of the electronic meeting to the members of the town council or public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present.
 - c. The notice to the members of the public body shall give a description of how the members will be connected to the electronic meeting.
2. Emergency meetings will follow the Utah Code §52-4-202 (5).

SECTION 4: Place of meeting.

1. The town clerk shall establish one or more anchor locations for the public meetings, at least one of which shall be where the town council would normally meet if they were not holding an electronic meeting.
2. Members of the town council and the mayor may be connected to the meeting by telephonic, telecommunications, or computer conference.
3. If the mayor is unable to be at the anchor location for the electronic meeting, a town council member may be designated to chair the meeting from the anchor location. Procedures for conducting an electronic meeting shall be the same as other town council meetings.

RESOLUTION 2020-01 ESTABLISHING A POLICY FOR THE TOWN COUNCIL TO CONVENE AND CONDUCT ELECTRONIC PUBLIC MEETINGS AND PROVIDING PROCEDURES FOR PARTICIPATION IN ELECTRONIC MEETINGS

- In cases of emergency, an alternate anchor location may be utilized. Prior notice regarding the location change will be made in keeping with public notice requirements.

SECTION 5: Meeting facilities.

When there is an electronic meeting, facilities in the town council chamber will be made available so that interested persons and the public may attend and monitor the open portions of the meeting; and if the meeting includes a public hearing, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

SECTION 6: Governor Gary Herbert's executive order suspending the Enforcement of Provisions of Utah Code §52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus as follows in attached "Exhibit A"

SECTION 7: This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED THIS 2nd day of September 2020.

Town of Laketown:



**Burdette W. Weston
Laketown Mayor**

ATTEST:



**Amber Drosbeke
Town Clerk**



TOWN COUNCIL VOTE AS RECORDED:

	Motion	Second	Aye	Nay
Council Member Clark:	_____	<u>BC</u>	<u>BC</u>	_____
Council Member Ogilvie:	_____	_____	<u>LO</u>	_____
Council Member Robinson:	_____	_____	<u>ERR</u>	_____
Council Member Wight:	<u>AW</u>	_____	<u>AW</u>	_____

(In event of a tie vote of the Council):

Mayor Burdette W. Weston

EXECUTIVE ORDER

Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus

WHEREAS, On March 6, 2020, Governor Gary R. Herbert issued an Executive Order declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic;

WHEREAS, On March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19;

WHEREAS, Federal, state, and local authorities have recommended that individuals limit public gatherings and that individuals experiencing symptoms of COVID-19 self-isolate to prevent and control the continuing spread of COVID-19;

WHEREAS, The public monitoring and participation requirements in the Open and Public Meetings Act, Utah Code § 52-4-101 et seq. (OPMA), will gather interested persons, members of the public, and members of a public body in a single, confined location where the risks of further spreading COVID-19 are far greater;

WHEREAS, Utah Code § 52-4-207(2) prohibits a public body from holding an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings;

WHEREAS, Utah Code §§ 52-4-207(3)(a)(ii), (c), (d), and (e) require a public body to take certain actions regarding anchor locations associated with an electronic meeting where members of the public body, interested persons, or the public are required or permitted to gather;

WHEREAS, Utah Code § 52-4-202(3)(a)(i)(A), requires a public body to give public notice of a meeting by posting written notice at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held;

WHEREAS, Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e) limit the ability of public bodies to hold electronic meetings and thereby implement the recommendations of federal, state, and local authorities to limit gatherings and encourage self-isolation in order to prevent and control the continuing spread of COVID-19;

WHEREAS, Strict compliance with the provisions of any order, rule, or regulation of any state agency implementing or conforming with Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e) would substantially prevent, hinder, or delay necessary action in coping with the continuing spread of COVID-19;

WHEREAS, Suspending the enforcement of Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), 207(3)(e), and any provision of any order, rule, or regulation of any state agency to the extent that the order, rule, or regulation implements or conforms with these subsections is directly related to and necessary to address the state of emergency declared due to COVID-19;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related to and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-209(3) authorizes the governor to suspend the provisions of any order, rule, or regulation of any state agency, if the strict compliance with the provisions of the order, rule, or regulation would substantially prevent, hinder, or delay necessary action in coping with the emergency or disaster;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to part 2 of the Emergency Management Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e), and the suspension of any provision of any order, rule, or regulation of any state agency to the extent that the order, rule, or regulation implements or conforms with these subsections.

Accordingly, a public body governed by OPMA may hold an electronic meeting even if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings. Furthermore, a public body that convenes or conducts an electronic meeting is not required to:

1. post written notice at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held;
2. post written notice at an anchor location;
3. establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;
4. provide space and facilities at an anchor location so that interested persons and the public may physically attend and monitor the open portions of the meeting; or
5. if comments from the public will be accepted during the electronic meeting, provide space and facilities at an anchor location so that interested persons and the public may physically attend, monitor, and participate in the open portions of the meeting.

Notwithstanding the foregoing, a public body that holds an electronic meeting shall:

1. provide a means by which interested persons and the public may remotely hear or observe, live, by audio or video transmission the open portions of the meeting;
2. if comments from the public will be accepted during the electronic meeting, provide a means by which interested persons and the public participating remotely may ask questions and make comments by electronic means in the open portions of the meeting; and
3. if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings, adopt as soon as practicable a resolution, rule, or ordinance, which may be adopted at an electronic meeting pursuant to this Order, governing the use of electronic meetings in accordance with Utah Code § 52-4-207.

A public hearing governed by OPMA may be conducted electronically according to the exemptions and conditions in this Order.

Except for provisions specifically suspended above, nothing in this Order shall be construed to exempt or excuse a public body from giving public notice of an electronic meeting as otherwise required by Utah Code §§ 52-4-207(3)(a)(i) and (3)(b).

This Order shall remain in effect until the termination of the state of emergency declared in Executive Order 2020-1.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 18th day of March 2020.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2020/005/EO