



## **TOQUERVILLE CITY** **ORDINANCE 2020-08**

AN ORDINANCE AMENDING TOQUERVILLE ORDINANCE 2017-16 AND AMENDING AND RESTATING TITLE 1, CHAPTER 6, SECTION 3 OF THE TOQUERVILLE CITY CODE ESTABLISHING AUTHORITY TO CONDUCT ELECTRONIC MEETINGS AND TO PROVIDE PROCEDURES FOR PARTICIPATION IN ELECTRONIC MEETINGS OF THE COUNCIL AS WELL AS ESTABLISHING EXECEPTIONS WHEN REGULAR MEETINGS, WORKSHOPS AND EXECUTIVE MEETINGS MAY BE CANCELLED OR HELD WITH MODIFICATIONS IN FORCE MAJEURE CIRCUMSTANCES.

### RECITALS

WHEREAS, pursuant to Utah Code Annotated § 52-4-207, public bodies are authorized to conduct public meetings in whole or in part by electronic means;

WHEREAS, Utah Code Annotated § 52-4-207 provides among other things that a public body may not hold an electronic meeting unless the public body has adopted a resolution, rule or ordinance governing the use of electronic meetings; and

WHEREAS, Toquerville City ("City") has adequate facilities to support the conduct of telephonic or electronic meetings; and

WHEREAS, the use of electronic means in conducting meetings will make it easier for members of the Toquerville City Council ("City Council") to attend and participate in meetings of the Council; and

WHEREAS, the use of electronic means in conducting meetings would save both time and money for the City, its employees and its citizens;

WHEREAS, likewise the City, State and Country has recently experience worldwide pandemic (COVID 19) which has caused the State of Utah and Federal Government to instigate strict prohibitions against public gatherings and restrictions on private non-essential businesses and function.

WHEREAS, the City Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to adopt an ordinance to implement authority to conduct electronic meetings and to provide procedures for participation in electronic meetings of the City Council.

WHEREAS, the City Council has determined that it is also in the best interests of the health, safety and welfare of the citizens of the City to allow for the City Council to cancel or modify the method, location and noticing requirements for regular City Council meetings, workshops and executive meetings if an emergency or exceptional *force majeure* circumstances exist.



ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

1. AMENDMENT OF TOQUERVILLE ORDINANCE 2017-16 AND AMENDMENT AND RESTATEMENT OF TITLE 1, CHAPTER 6, SECTION 3. Toquerville Ordinance 2017-16 is hereby amended, superseded and incorporated into Toquerville City Code 1-6-3 which is hereby amended and restated in its entirety as follows:

***1-6-3: MEETINGS:***

*A. Regular Meetings: The City Council shall conduct at least one regular meeting per month, as provided in section 10-3-502(1)(b), Utah Code Annotated (1953, amended). Regular meetings shall be scheduled on the first Thursday and second Thursday, in the City Council Chambers located at 212 N. Toquerville Blvd., Toquerville, Utah, commencing promptly at a time set by resolution, provided that: 1) such meeting may be canceled or rescheduled by the Mayor and/or City Council if said meeting date is a legal holiday, or is immediately preceding or following such; and 2) the Mayor may cancel any meeting so long as at least one regular meeting of the Council is scheduled and held during the calendar month in which such meeting is canceled. Every meeting is open to the public, unless closed pursuant to Utah Code Annotated sections 52-4-204, 52-4-205, and 52-4-206.*

*B. Special Meetings: The Mayor or any two (2) members of the City Council may order a special meeting of the City Council by delivering a written notice of the special meeting signed by him or them to each member who did not join in the order, leaving a copy of the notice at the member's usual place of abode at least three (3) hours prior to such meeting. The personal appearance by a member of the City Council at any specially called meeting constitutes a waiver of the notice required by this subsection. The written notice required in this subsection shall state the time and place the special meeting is to be held and the purpose for which the special meeting is being called, and shall comply with all applicable provisions of the Utah Open and Public Meetings Act, Utah Code Annotated section 52-4-101 et seq.*

*C. Record Of Proceedings: The City Recorder shall keep a record of the proceedings of the meetings of the City Council, except that minutes of the executive session shall not be available to the public until such time as the City Council shall make them public or by an order of court.*

*D. Conduct Of Meetings And Order Of Business: All meetings will follow the current policy and procedure practices adopted by resolution.*

*E. Electronic Meetings: The City Council may conduct Electronic Meetings pursuant to the requirements of Utah Code Annotated § 52-4-207, as such may be*



*amended from time to time. As required by the Utah law, the following shall apply to Electronic Meetings.*

*1. Definitions. For purposes of conducting Electronic Meetings, the following are defined terms:*

*a. "Anchor Location" means the physical location from which the electronic meeting originates and where interested persons and the public may attend, monitor and participate in open portions of a City Council meeting.*

*b. "Electronic Meeting" means a public meeting of the City Council convened and conducted by means of a telephonic, telecommunications or computer device or other electronic means, allowing each member of the City Council to be in contact with the anchor location and participate concurrently with all other members of the City Council in the conduct of such meeting.*

*2. Anchor Location: The only Anchor Location for Electronic Meetings of the City Council shall be the conference room in the City offices at 212 N. Toquerville Boulevard, Toquerville, Utah. Other Anchor Locations for an electronic meeting may be approved as required by circumstances. Public participation in an Electronic Meeting is limited to an Anchor Location.*

*3. Facilities at Anchor Location. Space and facilities must be provided at the Anchor Location so that all interested persons may attend and monitor the open portions of the meeting. In addition, if comments from the public will be accepted during the Electronic Meeting, space and facilities must 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.*

*4. Member Arrangements for Electronic Participation. A member of the City Council must give the City Recorder notice of his or her intent to attend a City Council meeting electronically at least forty-eight (48) hours prior to the meeting to allow for arrangements to be made for the Electronic Meeting. Such notice by the City Council member must include the electronic means the City Council member intends to utilize to attend the meeting.*

*5. General Requirements. A quorum of the City Council need not be present at the Anchor Location, so long as all other requirements of this Utah Code Annotated § 52-4-207 for an Electronic Meeting is satisfied. No meeting of the City Council may be held electronically unless at least one member of the City Council is present at the Anchor Location. The meeting shall be conducted from the Anchor Location by the Mayor or the Mayor Pro Tempore. If neither the Mayor nor Mayor Pro Tempore*



*present at the Anchor Location, the City Council shall select from its membership present at the Anchor Location a Mayor Pro Tempore for the sole purpose of conducting the Electronic Meeting.*

6. *Attendance and Participation. Any member of the City Council participating in a meeting of the City Council by electronic means shall be considered present at the meeting for all purposes, including counting toward a quorum. A member of the City Council participating in a meeting via electronic means shall be afforded every opportunity to participate in the discussion of the items on the agenda and may make, second and vote on all motions.*

7. *Notice of Electronic Meeting. Public notice of an Electronic Meeting of the City Council shall be given not less than twenty-four (24) hours prior to the meeting by: (i) posting written notice of the meeting at the Anchor Location, (ii) by providing written or electronic notice to at least one newspaper of general circulation in Washington County or a local media correspondent, and (iii) by posting the notice on the Utah Public Notice Website created under Utah Code Annotated § 63F-1-701. In addition, the City Recorder shall provide notice of the Electronic Meeting to members of the City Council at least twenty-four (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. The notices of the Electronic Meeting shall describe how the members of the City Council will be connected to the Electronic Meeting.*

8. *Communication. For each Electronic Meeting of the City Council, a speakerphone, or similar amplifying electronic device with or without video capabilities will be connected in such a manner that comments made by the members participating electronically will be broadcast at the Anchor Location. Opportunities for each member present at that Anchor Location and those participating electronically will be given to make inquiries and participate in the discussion. Discussion of motions will take place in accordance with the usual procedures of the City Council with the exception that those present electronically must declare their intent verbally with their accompanying name(s). Votes taken in Electronic Meetings shall be roll call methods, with each member audibly verbalizing their vote. If a member participating in a meeting electronically withdraws from the meeting, the rest of the meeting may be completed provided there is a still a quorum present, counting all members still participating in the meeting whether at the Anchor Location or participating electronically.*

9. *Minutes. Minutes of an Electronic Meeting shall designate the name of each City Council member who participated electronically, the nature of the electronic communication and the duration of the member's participation in the meeting. The roll call for members present will be taken verbally and recorded, during the meeting.*



10. *Limitations. Electronic Meetings may be prohibited or limited based on budget, public policy or logistical circumstances.*

*F. Force Majeure Exception. In instances where conducting a regular meeting, workshop or executive session is not practicable or reasonable due to causes outside of the control of the City Council, including: acts of God, civil commotion, war, terrorism, governmental regulations or control and health pandemics the City Council may cancel the meeting, close the meeting, or conduct it in an alternative location or choose to conduct the meeting, workshop or executive session as an Electronic Meeting without the requisite advanced notice due to the emergency or extraordinary circumstances pursuant to Utah Code Annotated §§ 54-2-201(2)(b) and 54-2-202(5).*

2. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

3. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by the City Council.

PASSED AND APPROVED this 16<sup>th</sup> day of April, 2020.

John 'Chuck' Williams	Aye <u>✓</u>	Nay _____
Keen Ellsworth	Aye <u>✓</u>	Nay _____
Justin Sip	Aye <u>✓</u>	Nay _____
Gary Chaves	Aye <u>✓</u>	Nay _____
Ty Bringhurst	Aye <u>✓</u>	Nay _____

TOQUERVILLE CITY  
a Utah Municipal Corporation

  
\_\_\_\_\_  
Lynn Chamberlain, Mayor

04/21/2020  
Date

Attest:

  
\_\_\_\_\_  
Ruth Evans, City Recorder

