

City of Washington Terrace City
County of Weber, State of Utah

ORDINANCE 07-11

AN ORDINANCE ESTABLISHING ELECTRONIC MEETING PROCEDURES FOR THE WASHINGTON TERRACE CITY COUNCIL.

WHEREAS, it is necessary or desirable from time to time to convene a public meeting of the Washington Terrace City Council, Boards and Commissions by means of telephone and/or computer conferences; and

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

WHEREAS, the Washington Terrace City Council desires the flexibility in situations involving emergencies, loss of facilities, or other unforeseen circumstances that prevent the Mayor, City Council or other Board members from attending to hold an electronic meeting to conduct the necessary business of the City; and

WHEREAS, the Washington Terrace City Council desires to adopt Section 2.08.015 establishing procedures governing electronic meetings of the Washington Terrace City

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WASHINGTON TERRACE, UTAH:

Section 1. The Municipal Code, which sets forth the laws and policies within Washington Terrace City, is hereby amended to read as follows:

2.08.15 Electronic Meetings

Definitions.

As used in this Ordinance:

- (a) "Anchor location" means physical location from which the electronic meeting originates or from which the participate are connected.
- (b) "Electronic meeting" means a Washington Terrace City Council 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.
- (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.

Procedures

Any public body of Washington Terrace City may, by following the procedures and requirements of this Ordinance, convene and conduct an electronic meeting. The public body convening or conducting an electronic meeting shall:

- (a) Give public notice of the meeting pursuant to the Utah Code Annotated, Section 52-4-6, by posting written notice at the anchor location; and providing written or electronic notice to at least one newspaper of general circulation within the Municipality.
- (b) In addition to giving public notice required by Subsection (a), provide notice of the electronic meeting to the members of the public body at least twenty-four 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; and a description of how the members will be connected to the electronic meeting.

Procedures Governing Electronic Meeting

The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic meeting of the Board. The Mayor/Chair or Mayor/Chair Pro-Tem shall conduct the meeting and the meeting shall be held in pursuant to the agenda posted for that meeting.

Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open Meetings Law. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.

The initial anchor location for meetings of the Washington Terrace City Council shall be the City Hall Council Chambers located at 5249 South South Pointe Drive, Washington Terrace, UT. If the meeting is a public hearing, 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.

If the meeting is connected telephonically, then a speakerphone 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. To insure full participation of each member present, and those participating electronically, will be given a specific opportunity to make inquires 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.

If a member or members are participating by email or instant messaging, the email or instant messaging shall either be projected upon a surface with a person assigned to read aloud, into the public address system, comments made, or if no projection system exists or is inoperable, then a person will be assigned to read said messages into the public address system. The person to do the reading will be assigned by the respective member(s) participating electronically.

If a member or members are participating by web cast, the web cast shall be projected upon a surface with the audio being 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.

Section 2: 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 3: Effective date. This Ordinance shall take effect immediately upon its passage and posting.

ADOPTED AND APPROVED on this 21st day of August, 2007.

Mark C. Allen, Mayor, Washington Terrace City

APPROVED AS TO LEGAL FORM

Stephen F Noel, City Attorney

ATTEST:

Marci S. Heil, City Recorder

RECORDED this ___ day of _____, 2007.
PUBLISHED OR POSTED this ___ day of _____, 2007.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1)_____ 2)_____ and 3)_____ on the above referenced dates.

_____ DATE: _____
City Recorder