

Council Meeting of September 27, 2017

Agenda Item No. 5e

REQUEST FOR COUNCIL ACTION

SUBJECT: Resolution 17- ~~100~~, adopting an amended policy for electronic meeting participation, from a remote location, by any City Council member (for regular and special City Council meetings).

SUMMARY: Adoption of this Resolution will allow any City Council member (up to three per meeting) to participate electronically, from a remote location, as long as four City Council member are present at the "anchor location," in all regular and special City Council meetings. If adopted, this would be a permanent change to the Rule C.8 of the Council Rules, Policies and Procedures.

FISCAL AND/OR

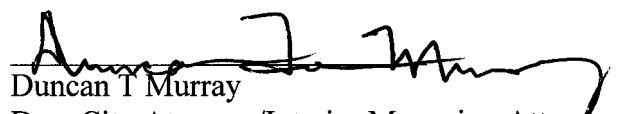
ASSET IMPACT: There does not appear to be any fiscal impact, since the technology is already in place to handle the electronic meeting participation from one to three remote locations.

MOTION RECOMMENDED [Roll Call vote required]:


Option 1: "I move to approve Resolution 17- ~~100~~, thus adopting an amended policy for electronic meeting participation, from a remote location, by any City Council member (for regular and special City Council meetings)."

OR Option 2: "I move to deny Resolution 17- ~~100~~, thus NOT adopting an amended policy for electronic meeting participation, from a remote location, by any City Council member."

Prepared and Legal Review by:


Duncan T Murray
Dep. City Attorney/Interim Managing Attorney

Reviewed by:


David R Brickey
Interim City Manager

Recommended by:

Council Members Alan Anderson and Dirk Burton

*[will present the Resolution at the
Council Meeting of September 27, 2017]*

STAFF RECOMMENDATION AND BACKGROUND DISCUSSION:

>**Recommendation:** This Resolution has been recommended by Council Member Alan Anderson. City Staff, including the Legal Department, does *not* make any recommendation as to whether or not to adopt this Resolution. The consideration of this Resolution is a policy decision for the City Council. Staff does certify, however, that this Resolution, as presently constituted, meets all of the existing requirements of state law and City ordinances. IT Director Mike Oliver has indicated that the current system in the Council Room will allow for up to three City Council members to participate simultaneously from different remote locations (the system is in the process of being tested to verify this capability).

>**The purpose of this Resolution** is a permanent rule change to allow for any City Council member to choose (seven or more days in advance) to participate electronically, from a remote location, in any and all regular and special City Council meetings, unless four out of the six other City Council members approve, in an open meeting, a motion to disallow electronic participation by a given member.

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 17- 180

A RESOLUTION ADOPTING AN AMENDED POLICY FOR ELECTRONIC MEETING PARTICIPATION, FROM A REMOTE LOCATION, BY ANY CITY COUNCIL MEMBER (FOR REGULAR AND SPECIAL CITY COUNCIL MEETINGS)

WHEREAS, a City Council, as the Governing Body of a municipality in Utah, may (generally) exercise any administrative power by resolution, pursuant to Utah State Code Ann. § 10-3-717; and may (specifically) adopt rules of procedure by resolution, pursuant to Utah State Code Ann. § 10-3-606; and

WHEREAS, the City Council currently has rules of procedure referencing electronic participation (from a remote location) by City Council members in regular and special City Council meetings, and now desires to amend these rules of procedure; in particular, Rule C.8 of the Council Rules, Policies and Procedures; and

WHEREAS, the City Council is thus willing to consider adopting an amended policy for electronic meeting participation, from a remote location, by any City Council member (for regular and special City Council meetings); and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT IT IS THE OFFICIAL POLICY OF THE CITY THAT:

Section 1. **City Council Policy Amending Council Member Remote Electronic Participation.**

Rule C.8 of the Council Rules, Policies and Procedures is hereby repealed and replaced to read as follows:

C.8 ELECTRONIC COUNCIL MEETINGS

a. Conditions; Elements. Utah law authorizes the City Council to hold meetings electronically. The law defines an electronic meeting as a public meeting convened or conducted by means of a telephonic, telecommunications or computer conference. In order to participate, members of the Council must have the ability to communicate with all other members, either verbally or electronically, so that each Council Member can hear or see the communication. Public hearings are also allowed, as part of the electronic meeting. However, as with any public meeting, electronic meetings must be properly noticed in compliance with the Open Meetings Act, as set forth in Utah Code Ann. Section 52-4-1 et seq., or successor provisions. Finally, closed meetings are not allowed as part of electronic meetings.

b. Limitations. For those instances, when the Council elects to hold an electronic meeting:

1. the meeting will be held with a quorum (4 members) physically present at the same anchor location;
2. up to three (3) remote locations are allowed, each with at least one (1) Council Member present, but with no other people present;
3. the anchor location shall be set up in a way that allows the public to attend, monitor and participate in the open portions of the meeting;

4. appropriate equipment will be used so that comments of each Council Member participating electronically at each remote location will be audible to those attending the meeting at the other remote locations (if any) and at the anchor location;

5. any Council Member may choose to participate electronically in any City Council meeting by contacting the City Clerk at least seven (7) days in advance, unless the City Council, in an open meeting, passes a motion (at least 4 votes) to disallow such participation;

6. in the alternative, any Council Member may choose to participate electronically in any City Council meeting by contacting the City Clerk two (2) to six (6) days in advance, if the City Council, in an open meeting, passes a motion (at least 4 votes) to allow such participation; and

7. if one or more Council Members choose to participate electronically in any City Council meeting, the City Clerk shall post the appropriate notices at least twenty-four (24) hours in advance. (Res. No. 17-__, 09-27-2017)

Section 2. Legal Construction and Severability; and Effective Date of This Resolution.

The following apply:

- a. If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable; and
- b. This Resolution shall take effect (be adopted) immediately on September 27, 2017 (effective date).

Approved by the City Council of West Jordan, Utah, this 27th day of September 2017.

ATTEST:

KIM V ROLFE
Mayor

MELANIE S BRIGGS, MMC
City Clerk

Voting by the City Council:

Council Member Dirk Burton
Council Member David Newton
Council Member Zach Jacob
Council Member Chris McConnehey
Council Member Chad Nichols
Council Member Alan Anderson
Mayor Kim V. Rolfe

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"NAY"

LEGISLATIVE

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a. Conditions; Elements. Utah law authorizes the City Council to hold meetings electronically. The law defines an electronic meeting as a public meeting convened or conducted by means of a telephonic, telecommunications or computer conference. In order to participate, members of the Council must have the ability to communicate with all other members, either verbally or electronically, so that each Council Member can hear or see the communication. Public hearings are also allowed, as part of the electronic meeting. However, as with any public meeting, electronic meetings must be properly noticed in compliance with the Open Meetings Act, as set forth in Utah Code Ann. Section 52-4-1 et seq., or successor provisions. Finally, closed meetings are not allowed as part of electronic meetings.

b. Limitations. For those instances, when the Council elects to hold an electronic meeting:

1. the meeting will be held with a quorum (4 members) physically present at the same physical anchor location;
2. the meeting will be called only for a declared City emergency, to accommodate Council Members who are traveling outside the City on official City business, or other unique circumstances that make such a meeting in the public interest up to three (3) remote locations are allowed, each with at least one (1) Council Member present, but with no other people present;
3. the meeting will be held within Salt Lake County and at a facility anchor location shall be set up in a way that allows the public to attend, monitor and participate in the open portions of the meeting;
4. audio appropriate equipment will be used so that comments of each Council Member participating electronically at each remote location will be audible to those attending the meeting at the other remote locations (if any) and at the anchor location; and
5. reasonable but diligent efforts shall be made to notify and accommodate Council Members who are traveling outside the City on official City business so that they can participate in such a meeting, if they desire to do so. any Council Member may choose to participate electronically in any City Council meeting by contacting the City Clerk at least seven (7) days in advance, unless the City Council, in an open meeting, passes a motion (at least 4 votes) to disallow such participation;
6. in the alternative, any Council Member may choose to participate electronically in any City Council meeting by contacting the City Clerk two (2) to six (6) days in advance, if the City Council, in an open meeting, passes a motion (at least 4 votes) to allow such participation; and
7. if one or more Council Members choose to participate electronically in any City Council meeting, the City Clerk shall post the appropriate notices at least twenty-four (24) hours in advance. (Res. No. 17- , 09-27-2017)