

217 East Center Street
Moab, Utah 84532-2534
Main Number (435) 259-5121
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Mayor: Emily S. Niehaus
Council : Tawny Knuteson-Boyd
Rani Derasary
Mike Duncan
Karen Guzman-Newton
Kalen Jones

Memorandum

To: Councilmembers and Media
From: Mayor Emily S. Niehaus
Date: 3/19/2020
Re: Special City Council Meeting

The City of Moab will hold a Special Moab City Council Meeting on Friday, March 20, 2020 at 11:30 a.m. The purpose of this meeting will be:

1. Proposed Ordinance 2020-06: An Ordinance Amending Moab Municipal Code Section 2.04.100, Meetings - Electronic participation.

Briefing and possible action

Per Executive Order 2020-1 issued by Governor Gary R. Herbert on March 18, 2020, this meeting will be conducted electronically and may be viewed on the City's YouTube channel: <https://www.youtube.com/channel/UClooZoZgdmz4y1FoIol7CJA>. An anchor location will not be provided.

DocuSigned by:

A handwritten signature in black ink, appearing to read "Emily S. Niehaus", is written over a horizontal line.

3182EB4724ECC84DD
Mayor Emily S. Niehaus

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Recorder's Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5121 at least three (3) working days prior to the meeting.

Moab City Council Agenda Item
Special Meeting Date: March 20, 2020

Title: An Ordinance Repealing and Replacing the City of Moab’s Municipal Code, Section 2.04.100 “Meetings – Electronic participation.”

Disposition: Discussion and possible action

Staff Presenter: Joel Linares, City Manager

Attachment(s):

- Attachment 1: Proposed Ordinance No. 2020-06 Repealing and Replacing the City of Moab’s Municipal Code, Section 2.04.100 “Meetings – Electronic participation.”
- Attachment 2: Redline of changes from previous Municipal Code Section 2.04.100

Recommended Motion:

“I move to adopt Ordinance No. 2020-06 Repealing and Replacing the City of Moab’s Municipal Code, Section 2.04.100.”

Background/Summary:

The City of Moab currently has in place Municipal Code Section 2.04.100 entitled “Meetings – Electronic participation” which establishes the requirements for City Councilmembers, the Mayor, and/or City staff to participate in an electronic meeting of the City Council. As currently in place, this code section requires a quorum of Councilmembers to be present at an anchor location which is defined as “the Moab City Council Chambers, or any other physical location where a meeting is held and from which the electronic meeting originates.”

This Ordinance would repeal the existing language of Moab Municipal Code section 2.04.100 and replace it with a new section 2.04.100 which includes language that would allow the Council to hold an electronic meeting where a quorum need not be physically present at City Hall or at an “anchor location” but rather would allow a Council meeting where Councilmembers, the Mayor and/or City staff participate electronically. The Ordinance provides that the meeting will be chaired by the presiding officer even if that person is not present at the anchor location.

This Ordinance also removes the requirement that a participant make a request for electronic participation to the City Manager 48 hours prior to the meeting in question. This Ordinance also clarifies that the definitions of the Utah Open and Public Meetings Act apply to this section and notice of any electronic meeting of the City Council will comply with the Utah Open and Public Meetings Act notification requirements for electronic meetings. Finally, the Ordinance provides that any closed session during an electronic meeting will be recorded but not broadcast.

2.04.100 Meetings – Electronic participation.

A. *Electronic ~~Participation Meetings~~ Authorized.* Moab City Councilmembers, the Mayor, and/or City staff may participate in an electronic meeting of the City Council as provided in this section. All actions ~~undertaken~~ taken at an electronic meeting held in compliance with this section are valid and binding to the same extent as if all participants had been physically present at the anchor location. ~~A request to participate by electronic means shall be made to the City Manager not less than forty eight hours prior to the meeting in question and may be denied if this City does not have the technical capability to connect electronically to the remote location.~~

B. *Definitions.* The ~~definitions in Utah Code Annotated 52-4-103, the Open and Public Meetings Act, shall apply to this section with the addition of the following definitions apply to this section:~~

~~1. “Anchor location” means the Moab City Council Chambers, or any other physical location where a meeting is held and from which the electronic meeting originates.~~ 1. “Anchor location” means the Moab City Council Chambers, or any other physical location where a meeting is held and from which the electronic meeting originates.

~~2. “Elected officials” means the Moab City Councilmembers and Mayor.~~

~~2. “Electronic meeting” means a meeting of the City Council convened or conducted where a Councilmember, the Mayor, or City staff members participate via real time audio or video telecommunication means.~~

~~3. “Remote location” means any place, other than the anchor location, where a Councilmember, the Mayor, or City staff may be located, and where meeting participants can establish real-time audio and/or video telecommunication electronic access to the meeting.~~

C. *Quorum for Electronic Meetings.*

1. As otherwise defined in this chapter, a majority of the City Council constitutes a quorum for the transaction of business. ~~A quorum of the City Council must be present to convene an electronic meeting but need not be present at the anchor location. A quorum must be present at the anchor location to convene an electronic meeting of the City Council.~~ Elected officials and/or City Staff may participate in an electronic meeting from a remote location.

2. ~~Except as noted in subsection D of this section, Councilmembers~~ Elected officials participating in an electronic meeting from a remote location shall be considered present and are authorized to vote and otherwise participate in the meeting as if they were present at the anchor location.

3. In the event of an equipment failure, or other similar event which causes an interruption of communication with ~~the a~~ remote location, the Council has discretion to either: (a) act on the matters up for consideration on its agenda provided that a quorum is still present; or (b) continue the matter to a subsequent meeting.

D. *General Procedures for Electronic Meetings.*

1. Notice of any electronic meeting of the Council shall be given in the same manner as provided for all other City Council meetings except that the notice shall indicate that the meeting will be electronic and shall comply with Utah Code Annotated 52-4-207(3)(b) which requires: “notice of the electronic meeting to the members of the 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; and a description of how the members will be connected to the electronic meeting.”

2. Meeting procedures for electronic meetings of the Council shall be the same as for nonelectronic meetings, except as noted below.

~~32. A speakerphone, or similar amplifying electronic device,~~ Elected officials and City staff shall be connected in such a manner that comments made by them ~~persons participating electronically~~ will be broadcast ~~at the anchor location to the public.~~ The Recorder will take a verbal roll-call for elected officials present. The presiding officer shall allow remote participants to participate in the discussion to the same extent as if they were present at the anchor location.

43. Matters called to a vote in an electronic meeting shall be via roll-call vote, and Councilmembers or the Mayor (if applicable) participating from a remote location must state their name and their vote audibly when asked by the Recorder.

54. Minutes of all meetings shall record the presence of members participating through electronic means. ~~The roll call for members present will be taken verbally and recorded.~~

65. ~~City Councilmembers~~ Elected officials shall not may participate in a closed session of the City Council via electronic means. The closed session will be recorded as allowed by this chapter but will not be broadcast.

76. All electronic meetings of the City Council shall be chaired by the presiding officer whether at the anchor location or whether participating remotely. ~~All electronic meetings of the City Council shall be chaired by a person physically present at the anchor location.~~ (Ord. 19-16, 2019)

CITY OF MOAB ORDINANCE #2020-06

AN ORDINANCE REPEALING AND REPLACING THE CITY OF MOAB’S MUNICIPAL CODE SECTION 2.04.100

The City of Moab’s Municipal Code Section 2.04.100 is repealed and replaced as follows:

2.04.100 Meetings – Electronic participation.

A. *Electronic Meetings Authorized.* Moab City Councilmembers, the Mayor, and/or City staff may participate in an electronic meeting of the City Council as provided in this section. All actions taken at an electronic meeting held in compliance with this section are valid and binding to the same extent as if all participants had been physically present at the anchor location.

B. *Definitions.* The definitions in Utah Code Annotated 52-4-103, the Open and Public Meetings Act, shall apply to this section with the addition of the following definitions:

1. “Anchor location” means the Moab City Council Chambers, or any other physical location where a meeting is held and from which the electronic meeting originates.
2. “Elected officials” means the Moab City Councilmembers and Mayor.
3. “Remote location” means any place, other than the anchor location, where a Councilmember, the Mayor, or City staff may be located, and where meeting participants can establish real-time audio and/or video telecommunication access to the meeting.

C. *Quorum for Electronic Meetings.*

1. As otherwise defined in this chapter, a majority of the City Council constitutes a quorum for the transaction of business. A quorum of the City Council must be present to convene an electronic meeting but need not be present at the anchor location. Elected officials and/or City Staff may participate in an electronic meeting from a remote location.
2. Elected officials participating in an electronic meeting from a remote location shall be considered present and are authorized to vote and otherwise participate in the meeting as if they were present at the anchor location.
3. In the event of an equipment failure, or other similar event which causes an interruption of communication with a remote location, the Council has discretion to either: (a) act on the matters up for consideration on its agenda provided that a quorum is still present; or (b) continue the matter to a subsequent meeting.

D. *Procedures for Electronic Meetings.*

1. Notice of any electronic meeting of the Council shall be given in the same manner as provided for all other City Council meetings except that the notice shall indicate that the meeting will be electronic and shall comply with Utah Code Annotated 52-4-207(3)(b) which requires:

“notice of the electronic meeting to the members of the 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; and a description of how the members will be connected to the electronic meeting.”

2. Meeting procedures for electronic meetings of the Council shall be the same as for nonelectronic meetings, except as noted below.
3. Elected officials and City staff shall be connected in such a manner that comments made by them will be broadcast to the public. The Recorder will take a verbal roll-call for elected officials present. The presiding officer shall allow remote participants to participate in the discussion to the same extent as if they were present at the anchor location.
4. Matters called to a vote in an electronic meeting shall be via roll-call vote, and Councilmembers or the Mayor (if applicable) participating from a remote location must state their name and their vote audibly when asked by the Recorder.
5. Minutes of all meetings shall record the presence of members participating through electronic means.
6. Elected officials may participate in a closed session of the City Council via electronic means. The closed session will be recorded as allowed by this chapter but will not be broadcast.
7. All electronic meetings of the City Council shall be chaired by the presiding officer whether at the anchor location or whether participating remotely.

PASSED AND APPROVED by a majority of the City of Moab City Council. This ordinance shall take effect immediately upon passage.

SIGNED:

Emily S. Niehaus, Mayor

Date

ATTEST:

Sommar Johnson, Recorder