
LEGISLATIVE ACTION ITEM

DATE: November 8, 2002
TO: City Council Members
FROM: Gary Mumford
RE: **Legislative Action Item: Majority of a quorum of City boards commissions or committees to be physically present when conducting electronic meetings**
CC: Rocky Fluhart, Steven Allred, David Nimkin, DJ Baxter

At the request of Council Member Christensen, the City Attorney's Office has drafted the attached ordinance amendment to require a majority of a quorum of City boards, commissions, or committees be physically present when conducting electronic meetings. (Proposed changes are on page two of the proposed amendment.) As drafted, the ordinance would also be applicable to City Council meetings. The Council's current policy (see attached) provides that a full quorum (4 members) be physically present before connecting other Council Members to the meeting via speaker phone rather than a majority of a quorum (3 members).

Options

The Council may wish to consider at least two options relating to the proposed ordinance:

1. Forward the ordinance to a future Council Meeting for consideration. The Council may also wish to reconsider the Council's policy regarding electronic Council meetings.
2. Change the portion of the draft ordinance dealing with City Council meetings, to require that a full quorum be physically present.

Background

The 1997 legislative session authorized public bodies to hold meetings electronically. In order to hold such meetings, members of the public body must have "the ability to communicate with all of the members of a public body, either verbally or electronically so that each member of the public body can hear or see the communication." As with any public meeting, electronic meetings must be properly noticed in compliance with the Open Meetings Act. State code (52-4-7.8) provides that interested persons can attend and monitor an electronic meeting at a location in the building where the public body would normally meet if it were not holding an electronic meeting.

Originally, a proposed ordinance amendment to allow for the canceling of Airport board meetings also provided for electronic meetings. Before the Council adopted this amendment, the Administration removed the electronic-meeting portion of the proposed ordinance on the basis that State code would apply if electronic meetings were held. Council Member Christensen suggested that the Council may wish to pursue consideration of an ordinance requiring that at least a majority of a quorum be physically present in order for City boards or commissions to hold electronic meetings. On October 8, 2002 the Council asked the Administration to draft an ordinance requiring that a majority of a quorum of City boards, commissions or committees to be physically present when conducting electronic meetings.

SALT LAKE CITY ORDINANCE
No. _____ of 2002
(Regulating the Holding of Electronic Meetings by the City Council
and City Boards, Commissions, and Committees)

AN ORDINANCE AMENDING SECTION 2.06.030 AND ENACTING
CHAPTER 2.84 OF THE SALT LAKE CITY CODE, RELATING TO
ELECTRONIC MEETINGS HELD BY THE CITY COUNCIL AND CITY
BOARDS, COMMISSIONS, AND COMMITTEES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 2.06.030 of the SALT LAKE CITY CODE shall be, and the same hereby is, amended to read as follows:

2.06.030 Meetings Of Council:

A. **Regular Meetings:** The Council is a part-time legislative body, but shall meet not less than twice monthly.

B. **Special Meetings:** Special meetings may be called by order of the Chairperson of the Council, by a majority of the Council members or by the Mayor. The order signed by the party calling the meeting shall be filed with the City Recorder and entered in the minutes of the Council. Notice of such special meeting shall be given to the Mayor and all Council members who have not joined in the order, not less than forty eight (48) hours before the special meeting. The notice shall be served personally or a copy thereof left at the Council member's or Mayor's place of abode, either by leaving it with a person of suitable age and discretion or taping a copy thereof to the front door by the City Recorder or his/her designee.

C. **Emergency Meetings:** Emergency meetings of the Council may be called by order of the Mayor or by a majority vote of the Council, to consider unforeseen matters of an emergency or urgent nature. Such meetings may be held without any specific advance notice, but shall be had at a time so as to give the Mayor and all Council members the most opportunity to be present, considering the exigencies requiring the emergency meeting. However, notice of such meeting shall be attempted by the best means practical under the circumstances to the Mayor and each Council member, not joining in the order.

D. **Open Meetings:** All official meetings of the Council shall be open to the public as required by the Utah Open and Public Meetings Act or its successor; provided, however, that executive sessions may be closed by a two-thirds (2/3) majority vote of the Council members present at an open meeting, for discussions of appropriate matters as provided in the Utah Open and Public Meetings Act or its successor. No final decisions shall be made in closed meetings.

E. **Electronic Meetings:** For purposes of the Utah Open and Public Meetings Act, the Council may hold an electronic meeting only if a majority of a quorum of the Council is physically present at the physical location from which the electronic meeting originates or from which the Council members are connected to the electronic meeting.

SECTION 2. That Chapter 2.84 of the SALT LAKE CITY CODE shall be, and the same hereby is, enacted to read as follows:

2.84.010 Electronic Meetings of City Boards, Commissions, and Committees.

For purposes of the Utah Open and Public Meetings Act, a board, commission, or committee of the city may hold an electronic meeting only if a majority of a quorum of the board, commission, or committee is physically present at the physical location from which the electronic meeting originates or from which the members of the board, commission, or committee are connected to the electronic meeting.

SECTION 3.EFFECTIVE DATE. That this ordinance shall take effect on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this ____ day of _____, 2002.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____
Mayor's Action: Approved Vetoed

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2002

Published: _____

Current City Council Policy

C13. ELECTRONIC COUNCIL MEETINGS (9/98)

a. House Bill 162 adopted during the 1997 legislative session authorizes public bodies to hold meetings electronically. The bill defines an electronic meeting as “a public meeting convened or conducted by means of a telephonic, telecommunications or computer conference.” The bill states that in order to participate, members of the public body must have “the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or see the communication.” Under H.B. 162, public hearings are allowed as part of the electronic meeting. As with any public meeting, electronic meetings must be properly noticed in compliance with the Open Meetings Act. 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;

2. the meeting will be called only for a declared City emergency

or to accommodate Council Members who are traveling outside the City on official City business;

3. the meeting will be held within Salt Lake City limits at a facility that allows the public to attend, monitor and participate in open portions of the meeting;

4. comments of Council Members participating electronically will be audible to the public;

5. maximum effort shall be made to notify and accommodate Council Members who are traveling outside the City on official City business.