

**TOQUERVILLE CITY**  
**ORDINANCE 2023.21**



AN ORDINANCE AMENDING AND RESTATING TITLE 1, CHAPTER 6, SECTION 3 OF THE TOQUERVILLE CITY CODE REGARDING THE TIMING, SCHEDULING AND CONDUCTING OF CITY COUNCIL MEETINGS INCLUDING ELECTRONIC MEETINGS.

RECITALS

WHEREAS Toquerville City ("City") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 103 and Title 10, Chapter 3b, Section 301, the Toquerville City Council ("City Council") is designated as the governing body of the City;

WHEREAS Utah Code Annotated Title 10, Chapter 3, Part 5 regulates the conduct of the City Council and requires the City Council to adopt by ordinance internal requirements and regulations regarding the conducting of its meetings.

WHEREAS after careful consideration, the City Council has determined it to be in the best interest of the City to amend and restate Section 1-6-3 (Meetings) of the Toquerville City Code to better clarify and articulate the City Council's meeting schedule and procedures and when an official meeting of the City Council can occur.

ORDINANCE

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

1. AMENDMENT AND RESTATEMENT OF TITLE 1, CHAPTER 6, SECTION 3. Section 3 (Meetings) of Chapter 6 (Mayor and City Council) of Title 1 (Administration) of Toquerville City Code 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 (1) regular meeting per month, as provided in section 10-3-502(l)(b), Utah Code Annotated. Meeting schedules set by resolution no less than once per year 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 (1) 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 section 52-4-207, as such may be amended from time to time. As required by 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 section 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, meeting shall be conducted from the anchor location by the Mayor or the Mayor Pro Tempore. If neither the Mayor nor Mayor Pro Tempore is 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 in compliance with Utah Code § 63G-30-102 by:

- a. Posting written notice of the meeting at the anchor location,
- b. Give public notice of the electronic meeting in accordance with Utah Code Annotated Section 52-4-202 and
- c. By posting the notice on the Utah Public Notice Website created under Utah Code Annotated section 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 and public body will be connected to the electronic meeting.

8. Communications During Electronic Meetings. 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 still a quorum present, counting all members still participating in the meeting whether at the anchor location or participating electronically.

9. Minutes of Electronic Meetings. 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 on Electronic Meetings. 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 sections 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.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 16<sup>th</sup> day of August, 2023, based upon the following vote:

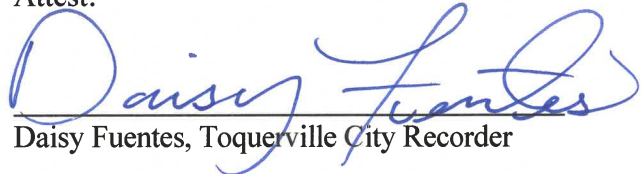
Councilmember:

Ty Bringhurst	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Joey Campbell	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
John 'Chuck' Williams	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Gary Chaves	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Todd Sands	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>

TOQUERVILLE CITY  
a Utah Municipal Corporation

  
Justin Sip, Toquerville City Mayor

Attest:

  
Daisy Fuentes, Toquerville City Recorder