

ORDINANCE NO. 01-05

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Kelepolo
SECOND the foregoing motion: Councilmember Wadsworth

ORDINANCE NO. 01-05

ORDINANCE AUTHORIZING TELECOMMUNICATIONS MEETINGS

WHEREAS, Spanish Fork City is a public entity subject to the Utah Open and Public Meetings Act; and

WHEREAS, the Act provides for electronic meetings by following the requirements of Utah Code Annotated §52-4-7.8 (1953 as amended); and

WHEREAS, Spanish Fork City has the capability to hold meetings using telecommunications technologies; and

WHEREAS, it is in the best interest of the City to allow telecommunications meetings when a council member or staff is out of town, ill, or otherwise able to attend at the regular location; and

WHEREAS, the telecommunications industry is changing rapidly, with technological

advances, which advances Spanish Fork City should take advantage of without the necessity of amending this ordinance with each technological advance;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork Municipal Code §2.08.035 Telecommunications Meetings is hereby created as follows:

2.08.035 Telecommunications Meetings.

A. Definitions

As used herein, the following terms shall have the following meanings:

“Anchor Locations” means Spanish Fork City offices, or such other place where a public meeting is held, as established by law;

“City” means Spanish Fork City;

“Council” means the Spanish Fork City Council;

“Member” means an individual who serves either on the Council or as staff of City;

“Real Time” means instantaneous communications such as speaking face to face, without undue delays, hearing and/or seeing what is being said or done;

“Remote Location” means any place other than the anchor location, where a Member is at who participates in a telecommunications meeting;

“Telecommunications Meeting” means a formal meeting of the City where one or more Members participates from a remote location via-telephone, internet, television, or other telecommunication means now known or yet to be developed.

B. Telecommunications Meetings Authorized

- i. Members may participate in meetings via telecommunications media.
- ii. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.
- iii. Members who desire to participate in a meeting of the City via telecommunications should notify the City of their intent at least one week in advance of the meeting so that appropriate arrangements can be made to conduct the meeting via telecommunications. The one week notice may be waived by the City in the event of emergency conditions which preclude the ability to give one weeks notice.
- iv. Any member(s) participating from remote locations shall make contact with the City 15 minutes prior to the start of the meeting to ensure the equipment to be used is in proper working order.

C. Notices

- i. Notices of meetings are to be given in the manner and within the time frame set forth by law.
- ii. Public notices, to the extent applicable, are to be given according to law, listing the anchor location as the site of the meeting.

D. Quorum

- i. Members participating via telecommunications are to be considered present for purposes of establishing a quorum, as defined by law.
- ii. In the event of failure of equipment, or other factor, which causes a lack of communications with a member(s) causing lack of a quorum, no additional business may be

conducted until the quorum can be reconstituted. Continuances may be granted as set forth by law. Business already conducted remains valid and binding.

E. Location

i. Whenever a meeting is to be held with a member(s) via telecommunications, the anchor location, identified in all notices, shall be the City offices, 40 South Main Spanish Fork, Utah or such other location as determined by the Council in accordance with law.

ii. Public participation is limited to the anchor location.

iii. Members participating via telecommunications may do so from any location where access can be had and the criteria of this section met.

F. Method

i. Any telecommunications method now known or hereafter developed may be used to conduct a telecommunications meeting, so long as the criteria set forth herein can be met.

ii. All persons at the anchor location shall be required to have real time video and/or audio contact with member(s) participating from remote locations, so as to know the entire discussion and deliberations of the Council.

iii. Members participating from remote locations shall have the obligation to use appropriate equipment or take other precautions to eliminate static or other disturbances to the orderly conduct of the meeting.

iv. If available, and not cost prohibitive, an audio and video feed is the preferred method of conducting a telecommunications meeting.

G. Costs

i. The City may elect to pay the costs of a telecommunications meeting.

