**TOWN OF DANIEL, UTAH**

**MUNICIPAL RESOLUTION**

Number: DR 2020-05-04 A

Appr. Date: May 5, 2020

Effect. Date: May 5, 2020

Short Title: Electronic meeting

Purpose: To establish a policy to hold electronic meetings.

Resolution:

Whereas the Daniel Town Council, as a duly governing body of the Town of Daniel, mindful of its capacity and duty to care for public safety

Whereas, Daniel Town adopts a resolution, in accordance to hold an electronic meeting’s in the event that limits a public body from meeting in person.

WHEREAS, On March 6, 2020, Governor Gary R Herbert issued an Executive Order declaring a state of emergency due to the novel coronavirus disease 2019 (COVID-19);

WHEREAS, Federal, State, and local Authorities have recommended that individuals limit public gatherings and that individuals experiencing symptoms of COVID 19 self- isolate to prevent and control the continuing spread of COVID 19;

WHEREAS, Utah Code 52—4-202(3)(a)9i)9A0, 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e) limit the ability of public bodies to hold electronic meetings and thereby implement the recommendation of federal, state, and local authorities to limit gatherings and encourage self-isolation in order to prevent and control the continuing spread of COVID 19;

WHEREAS, Utah Code 53-2a-209(4) authorizes the Governor to suspend by executive order enforcement of a statute that is directly related to and necessary to address a state of emergency;

Now, Therefore Gary R Herbert, Governor of the State of Utah, hear by order the suspension of enforcement of Utah Code 52-4-202(3)(a)(i)(A, 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e ), and the suspension of any provision of any order, rule, or regulation of any state agency to the extent that the order, rule, or regulation implements or conforms with these subsections.

Accordingly, a public body governed by OPMA may hold an electronic meeting even if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings. Furthermore, a public body that convenes or conducts an electronic meeting is not required to:

1. Post written notice at the principal office of the public body or specified body, or if no principle office exists, at the building where the meeting is to held;
2. Post written notice at an anchor location;
3. Establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;
4. Provide space and facilities at an anchor location so that interested persons and the public may physically attend, monitor, and participate in the open portion of the meeting or;
5. If comments from the public will be accepted during the electronic meeting provide space and facilities at an anchor location so that interested persons and the public may physically attend, monitor, and participate in the open portions of the meeting.

Notwithstanding the foregoing, a public body that hold an electronic meeting shall:

1-Provide a means by which interested persons and the public may remotely hear or observe, live, by audio or video transmission the open portions of the meeting;

2- If public comments from the public will be accepted during the electronic meeting, provide a means by which interested persons and the public participating remotely may ask questions and make comments by electronic means in the public portions of the meeting; and

3- If the public body has not adopted a resolution, rule , or ordinance governing the use of electronic meetings, adopt as soon as practicable a resolution, rule, or ordinance, which may be adopted at an electronic meeting pursuant to this order, governing the use of electronic meetings in accordance with Utah Code 52-4-207.

A public Hearing governed by OPMA may be conducted electronically according to this exemptions and conditions in this order.

Statute USC § 52-4-207