



Electronic Board Meeting Policies and Procedures Template

Prepared for

**The adoption and use of Special and Special Service Districts
in Utah in consultation with their legal counsel**

(not needed if included in an adopted Board Meeting Policy)

**Prepared by
The Utah Association of Special Districts
November 9, 2023 Update**

(insert the district's name)

ELECTRONIC BOARD MEETING POLICIES AND PROCEDURES

I. Policy: These rules shall be known as the _____
(the “District”) Electronic Board Meeting Policy (the “Policy”).

II. Electronic Meetings:

A. **General:** A Board meeting of the governing body of the District (the “Board”) may be convened and conducted by means of telephonic, telecommunications, computer conference, or any other electronic means by satisfying the requirements of Utah Code Ann. § 52-4-207.

B. **Public Participation:** The primary purpose for holding an electronic meeting is to enable members of the Board to participate in the meeting electronically and, provided that an anchor location is provided, the general public and other interested persons will be given an opportunity to attend and monitor an open Board meeting via electronic means at the discretion of the Board. Notwithstanding the foregoing, if there is no anchor location that is available to the public, as governed by Utah Code Ann. § 52-4-207(5), electronic means will be provided for members of the public and the media to monitor open portions of the electronic Board meeting and to fully participate in any public hearing, and instructions concerning how to access the electronic Board meeting will be included as part of the meeting notice and agenda.

C. **Anchor Location:** Except as otherwise provided by applicable law, one or more anchor locations must be established for all electronic meetings. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. Unless the requirement to have a physical anchor location is modified by law, at least one anchor location for an electronic Board meeting must be in the building where the Board would normally meet if not holding an electronic meeting, unless an emergency situation precludes the meeting from being held at that location. Space and facilities must be provided at the anchor location, if there is a physical anchor location, so that interested persons may attend and monitor the open portions of the meeting.

D. **No Anchor Location:** A Board meeting may be held without an anchor location, as provided in Utah Code Ann. § 52-4-207(5), based on a determination of the Board Chair that conducting a meeting with an anchor location presents a substantial risk to the health or safety of those present, or who would otherwise be present, at the anchor location, or the location where the Board would normally meet has been ordered closed to the public for health or safety reasons, and the public notice for the meeting includes a

statement describing the Chair's determination and a summary of the facts upon which the Chair's determination is based and information describing how a member of the public may attend the meeting remotely via electronic means. The Chair may also close a Board meeting during the course of the meeting based on substantial health or safety concerns as provided in Utah Code Ann. § 52-4-207(5)(b). The District may also hold a Board meeting without an anchor location if one or more members of the Board qualify to be on the Board as an owner of land or as an agent or officer of an owner of land within the District, as opposed to being a registered voter who resides within the District, as provided in Utah Code Ann. § 52-4-207(5)(c) or (d), provided that the public notice for the electronic meeting includes information concerning how members of the Board and members of the public may attend the meeting remotely by electronic means.

E. **Quorum:** A quorum of the Board need not be present at a single anchor location for an electronic meeting to be held. As few as one Board member may be present at the anchor location, if a physical anchor location is required, as long as all other requirements of this Policy and of Utah Code Ann. § 52-4-207 are satisfied for a meeting to be held as an electronic meeting, provided that the Board member who chairs the meeting must physically be present at the anchor location if there is a physical anchor location.

F. **Notice:** Not less than 24 hours' advance public notice, including the agenda, date, time, location, and a description of how the Board Members will be connected to the electronic meeting, will be given as a class A notice under Utah Code § 63G-30-102(1) for each electronic meeting of the Board by: (a) publishing the notice on the Utah Public Notice Website created under Utah Code Ann. § 63A-16-601, (b) publishing the notice on the District's or the Board's official website if the District or the Board maintains an official website and has an annual operating budget of \$250,000 or more; and (c) posting the public notice in a public location in or near the District that is likely to be seen by residents of the District or, if there are no residents within the District, individuals who pass through or near the District. In addition, the notice must be posted at the anchor location, if there is an anchor location (which may be the principal office of the District), and must be provided to all Board Members at least 24 hours before the meeting. The requirement that the public notice be posted in a public location within the District may be satisfied by posting the notice in, on, or near the anchor location for the Board meeting or the structure or other area where the meeting will be held. These notice requirements are minimum requirements and are not to be construed as precluding such additional postings and notifications as may be directed by the Board or required by law. If there is no anchor location, or if members of the public and others will be allowed to attend the Board meeting electronically even though there is an anchor location, the public notice of the Board meeting will include a description of how members of the public and others may connect electronically to the meeting.

G. **Budget or Logistical Considerations:** The Chair, or the Vice Chair in the Chair's absence, may determine, based upon budget or logistical considerations, that it is not in the best interest of the District to hold an electronic meeting, in which event the

meeting will not be held as an electronic meeting. The Chair, or the Vice Chair in the Chair's absence, may also restrict the number of separate electronic connections that are allowed for an electronic meeting based on available equipment capacity. Provided that there is a physical anchor location that is open to the public, a request from a member of the public to participate in a meeting electronically may be denied by the Chair, or Vice Chair in the Chair's absence, based on budget, public policy or logistical considerations deemed sufficient by the Chair or Vice Chair. In any event, a request from a member of the public to be able to connect electronically to a Board meeting that will not otherwise be held as an electronic meeting must be submitted to the District in writing at least three (3) business days before the day of the Board meeting to be considered.

H. **Conduct of Meeting:** No action may be taken and no business may be conducted at a meeting of the Board unless a quorum, consisting of a simple majority of the members or voting power of the Board, is present. A Board Member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward the required quorum in accordance with Utah Code Ann. § 52-4-207. Any Board Member participating via electronic means may make, second and vote on all motions and participate in the discussion as though present, except that the Board Member who chairs the meeting must be present at the anchor location, unless there is no physical anchor location as provided elsewhere in this Policy. If neither the Chair nor the Vice Chair is physically present at the anchor location (but there is still a quorum) a Board Member who is physically present at the anchor location will preside over the meeting, unless there is no physical anchor location as provided elsewhere in this Policy, in which event the Board Chair, Vice Chair or other designated Board Member will chair the meeting using an electronic connection. Except for a unanimous vote, all votes during an electronic Board meeting shall be taken by roll call.

I. **Public Hearings:** If the meeting is a public hearing, space and facilities must be provided at the anchor location(s) and/or electronically if there is no physical anchor location, so interested persons and the public may monitor and participate in the public hearing.

J. **Conflicting Law:** In the event that an applicable state law conflicts with this Policy, to the extent of the conflict, the state law shall control.

Approved by the legislative body of the District on the _____ day of _____, 20____.

Title: _____

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