

# Electronic Meetings

## UTAH TRANSPORTATION COMMISSION

Effective: October 14, 2016

UTC 01-04

Revised: New

### Purpose

This policy establishes a procedure the Utah Transportation Commission (UTC) shall follow to convene and conduct electronic meetings as provide for in the Open and Public Meetings Act.

### Policy

Pursuant to the commission's authority to make policies necessary to perform the commission's duties described under Utah Transportation Code, § 72-1-303.

### Background

As authorized by the Utah Open and Public Meetings Act, Utah Code Ann. § Section 52-4-207, the UTC may hold, convene and conduct any meeting in which one or more of the UTC members may participate electronically provided that the notice and the procedures of the meeting conforms to the Open and Public Meetings Act, and is adopted by resolution.

On December 3, 2008, the UTC passed a resolution allowing for the convening and conducting of electronic meetings as per § Section 52-4-207.

### Definitions

**Electronic Meeting** – A meeting that takes place over an electronic medium rather than in the traditional face-to-face fashion, allowing them to be held without physically travelling to an agreed upon location.

### Procedures

#### Electronic Meeting

#### UTC 01-04.1

UTC members not physically present, but who wish to participate electronically in a meeting, may be connected to the anchor location by an electronic medium, at the appointed time. Electronic participation shall only apply to the UTC members and the Department of Transportation.

UTC members who wish to participate electronically shall notify the UTC Secretary at the minimum of twenty-four hours before the scheduled start of the meeting and shall provide contact information to allow their participation.

The minutes of the meeting shall note that the meeting was conducted electronically in accordance with Open and Public Meetings Act. The minutes shall note the identity of those UTC members participating electronically.

All members participating electronically should be able to hear and to speak with each other and all individuals present at the anchor location.

UTC members and individuals in the anchor location should be able to hear and speak with those members participating electronically.

Electronic participation in a meeting shall constitute presence at that meeting for all purposes, including the determination of a quorum and voting.

If visual aids or documents are to be presented or used at the meeting, the Department of Transportation shall make reasonable efforts to provide copies to each member participating electronically.

At the conclusion of the meeting, members participating electronically shall verbally certify that they participated in good faith in the entire meeting.

**Confidentiality**

Because confidentiality may be inadvertently compromised during an electronic meeting, the following will not be part of an electronic meeting:

- Communication among the Transportation Commission members, staff and legal counsel, such that the attorney-client privilege may arise.
- Any closed session as allowed by the Open and Public Meetings Act.