

**MIDVALE CITY, UTAH  
RESOLUTION NO. 2020-R-11**

**A RESOLUTION TEMPORARILY SUSPENDING ELECTRONIC MEETING  
REQUIREMENTS UNDER UTAH CODE §§ 52-4-202 AND 52-4-207, AND MIDVALE  
MUNICIPAL CODE 2.36.040 DUE TO THE INFECTIOUS DISEASE COVID-19 NOVEL  
CORONAVIRUS.**

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

**WHEREAS**, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

**WHEREAS**, on March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19; and

**WHEREAS**, on March 13, 2020, Mayor Robert M. Hale declared a local state of emergency due to the global outbreak of COVID-19; and

**WHEREAS**, all levels of government recognize the importance of limiting public gatherings to prevent and control the continuing spread of COVID-19; and

**WHEREAS**, on March 18, 2020, Governor Herbert, as authorized by Utah Code § 53-2a-209, issued an Executive Order suspending enforcement of Utah Code §§ 52-4-202 and 52-4-207 until the termination of the state of emergency to protect the health of the residents of Utah; and

**WHEREAS**, the City Council, as authorized by Governor Herbert, desires to take necessary steps to avoid creating public gatherings at City meetings in order to protect the health of Midvale's residents and employees and the public at large; and

**WHEREAS**, the City Council desires to provide alternative means to ensure and maintain openness, transparency, and public participation in City meetings in a safe and responsible manner.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE,  
UTAH:**

**Section 1.** The City Council suspends the following requirements to hold an electronic meeting:

- a. Midvale Municipal Code 2.36.040(B)(1) requiring public notice of the meeting to be posted at the anchor location; and
- b. Midvale Municipal Code 2.36.040(C) designating the Council Chambers at Midvale City Hall as the anchor location of the meeting and as the provided space and facilities for interested persons and the public to attend, monitor, and participate in the open portions of the meeting.

**Section 2.** In order to supplement the procedures provided in Midvale Municipal Code 2.36.040(C) to provide for an orderly meeting, the City Council adopts the following rules:

- a. The City Council and City employees will participate in the electronic meeting by video conference or by phone.
- b. Individuals with items on the meeting agenda may be invited to participate by video conference or by phone.
- c. Interested persons and the public may remotely hear or observe the open portions of an electronic meeting by live audio or video transmission by one of the following methods:
  - i. Streaming the meeting on a live streaming platform designated by the City; or
  - ii. When identified by the City, listening to live audio on midvalecity.org.

All available methods of participation will be listed on the public notice of the meeting and at midvalecity.org. All participants in the video conference, except the City Council and selected City Staff, will be muted in order to minimize noise and to maintain order. The Mayor or Mayor Pro Tempore may recognize a participant to speak and unmute their microphone.

- d. Interested persons and the public may remotely submit questions and comments by electronic means during appropriate portions of the meeting. Any questions or comments must be submitted by email or on the streaming platform. When recognized by the Mayor or Mayor Pro Tempore, submitted comments and questions will be verbally repeated for all participants to hear.
- e. If a video conference participant becomes disruptive or disorderly, the Council may vote to remove the participant from the video conference. If further disruption persists, the City Council may vote to remove all participants from the video conference and limit public participation to viewing on a streaming platform.


**Section 3.** Sections 1 and 2 of this Resolution apply to any meeting of the City subject to the Open and Public Meetings Act, Utah Code § 52-4-101 et seq. As appropriate, Sections 1 and 2 may be modified by replacing references to the Mayor or Mayor Pro Tempore with the chair or acting chair of a City commission or board. Additionally, references to the City Council may be replaced with commission or board members.

**Section 4.** This Resolution shall take effect immediately and retroactively waive any violations of Midvale Municipal Code 2.36.040 related to this City Council Meeting. This resolution will remain in effect until the termination of Governor Herbert's state of emergency declared in Executive Order 2020-1.

APPROVED AND ADOPTED this 24<sup>th</sup> day of March, 2020.

  
Robert M. Hale, Mayor

ATTEST:

  
Rori L. Andreason,  
City Recorder



Voting by the City Council

Quinn Sperry

"Aye"

☒

"Nay"

☐

Paul Glover

☒

☐

Heidi Robinson

☒

☐

Bryant Brown

☒

☐

Dustin Gettel

☒

☐