

Committee of the Whole Work Session of February 13, 2018.

5:30 p.m. Call to Order.

Roll Call.

A. Discussion on electronic participation by Councilmembers at City Council meetings.

1. Components of a Virtual Attendance Policy

B. Petitions and Statements of Citizens:

C. Summary of Discussion on electronic participation by Councilmembers at City Council meetings.

Adjournment.

TO: Honorable Mayor and City Council**DATE:** February 12, 2018**FROM:** Laurence Shaffer, City Manager**SUBJECT:** Virtual Attendance Policy Components

Best practice research has been conducted in advance of the February 13, 2018 Committee of the Whole Meeting regarding “Electronic City Council Participation.” Of the nine jurisdictions surveyed only two permit virtual attendance. Locally, yet outside of local government, it was determined that the Portage District Library and Portage Public School boards both allow for virtual attendance. The City of Portage already has the framework in place for a broader Virtual Attendance Policy via the “Teleconferencing Rules for Special Meetings of Council” which was enacted by City Council on March 11, 2014. Based on a review of the existing policy as well as policies of other units of government, the following are key components to either be maintained or incorporated into a new *Virtual Attendance Policy*.

The Open Meetings Act (OMA) is silent on whether members of public bodies may participate in a meeting remotely using electronic means. This means that while remote participation is not prohibited under state law, it is also not specifically permitted either. However, some remote participation is generally regarded to be acceptable so long as a quorum is physically present and a sound system is used so that all persons can be clearly heard. The Attorney General’s OMA Handbook also recommends that any votes should be taken by roll call if members are participating remotely.

Lastly, it is worth noting that multiple bills to prohibit remote participation have recently come very close to passage by the state legislature. So while remote participation may be permissible for the time being, that may not always be the case in the future.

Recommended Policy Components

- The *Virtual Attendance Policy* applies to Committee of the Whole, Special and Regular Meetings along with closed sessions. The policy would not apply to Pre-Council Meetings.
- Quorum is based on the number of Councilmembers physically present.
- Councilmembers who participate in a meeting electronically will be marked present in the meeting minutes but not counted as part of the quorum. However, remote participation will be reflected in the minutes.

- Councilmembers may participate in discussion regarding all items on the agenda and be allowed to vote. Voting is permitted on all questions except when prohibited by statute, rule or conflict of interest.
- No more than two (2) Councilmembers may participate virtually at any Council Meeting unless so waived by a majority of Councilmembers physically present. Virtual participation is determined by order of request.
- Councilmembers may participate virtually for up to three (3) regular meetings with good cause. A specific cause is not necessary for the record. Additional meetings may be attended virtually with the permission of City Council for medical reasons for self or immediate family member(s).
- All votes taken will be completed via roll call vote.
- Whenever the Mayor participates in a meeting virtually the Mayor Pro Tem shall preside. Should both the Mayor and Mayor Pro Tem participate virtually the senior Councilmember will preside over the meeting.
- Notice of intention to participate virtually must be provided to the City Clerk at least six hours (6) prior to meeting. Twenty four (24) hour notice is preferred.
- Councilmembers must disclose the location from which he or she is participating and the names of any individuals who are present with the Councilmember.
- The *Virtual Attendance Policy* applies only to the City Council and not the various boards and commissions.
- All City Council Meetings remain subject to the Open Meetings Act.

Technology Recommendation

Install an audio Digital Signal Processing (DSP) system that will integrate directly with the City VOIP phone system and cablecasting system. Total system cost will be approximately \$16,000 or less.