

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF THE
PORTAGE CITY COUNCIL
OF FEBRUARY 13, 2018**

Mayor Patricia Randall called the meeting to order at 5:30 p.m. The following Councilmembers were present: Councilmembers Richard Ford, Lori Knapp, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also present were City Manager Laurence Shaffer, Deputy City Manager Rob Boulis, City Attorney Randy Brown, Assistant City Attorney Bryan Beach, Technology Services Director Devin Mackinder, City Clerk Adam Herringa and Deputy City Clerk Erica Eklov. Councilmember Chris Burns joined the meeting at 5:36 p.m.

Mayor Randall shared that this Committee of the Whole Meeting was to review a potential policy for electronic remote participation in City Council meetings by absent Councilmembers. Mayor Randall then invited the City Manager to begin the discussion.

City Manager Shaffer introduced the topic and deferred to City Clerk Herringa to explain his research and findings on the matter. City Clerk Herringa explained his effort to survey similar communities and local organizations regarding their respective virtual attendance practices. He noted the Council's existing 2014 "Teleconferencing Rules for Special Council Meetings" provides a good basis to create a comprehensive policy.

Mayor Pro Tem Pearson inquired as to how the remote attendance requesters receive priority. City Clerk Herringa noted the staff recommended a "first-come, first-served" basis for up to two (2) members.

Mayor Randall asked about the City of Kalamazoo's current practice and usage history. City Clerk Herringa shared information gathered from a discussion he had with Kalamazoo City Clerk Scott Borling regarding the experience, frequency and use of Kalamazoo's virtual attendance policy.

Councilmember Reid inquired whether there was a cap on the number of meetings a Councilmember could virtually attend and if so, what the limit was. City Clerk Herringa noted that the recommendation is to limit the number of virtually attended regular meetings to no more than three (3) for each member.

Mayor Pro Tem Pearson asked what the rules were regarding calling into the beginning of a meeting in instances where a Councilmember is running late in order to stay abreast of the discussion until arrival. Councilmember Urban interjected, noting the absence of existing "rules" but that the discussion at present concerned the recommendations of a draft policy. Mayor Pro Tem Pearson wondered how and what manner would be utilized to remotely attend. Councilmember Urban noted potential wiretapping legal issues for certain methods.

City Attorney Brown relayed that City Council should treat Committee of the Whole meetings and other special meetings in the same manner as regular meetings, noting they are all considered similarly under the Open Meetings Act. Councilmember Urban wanted to ensure the use of speaker phone functions adhere to one-party legal guidelines.

Mayor Randall requested further discussion on potential policy points and City Manager Shaffer provided an update on the staff discussion towards a plan. Councilmember Reid offered a reminder of the potential safety hazard with multitasking, using cell phones in cars. City Clerk Herringa finished his review of the staff recommended components of a potential virtual attendance policy. He deferred to Technology Services Director Mackinder to further discuss the recommended technology components for remote attendance.

Director Mackinder noted that City Council will need to refine the various points of a

virtual attendance policy in order to truly enable staff to determine what technology measures are needed. Deputy City Manager Boulis asked for further clarification regarding the digital technology aspects of the proposed Digital Signal Processing system. Director Mackinder noted that the system he is proposing for \$16,000 includes audio, video and cablecasting interconnection aspects and that, if City Council only wanted to pursue audio participation, the price would be significantly less. He commented that the current set-up in Council Chambers would still require some level of upgrade to be more reliable if Council were to adopt a Virtual Attendance Policy.

Councilmember Ford inquired whether any city departments are currently utilizing virtual meeting methods, specifically citing interviews with the Human Resources Department. Deputy City Manager Boulis responded that Human Resources mostly utilizes Skype, which wouldn't be the best option for City Council meetings due to the necessity of visual presentations and interactions required of Council.

Mayor Randall asked about the prior 2014 City Manager candidate interviews using the Whiteboard. Director Mackinder relayed that those proceedings weren't recorded by PMN or broadcast. Director Mackinder noted that cable casting is the difficult aspect and requires a full overhaul of the broadcasting equipment in Council Chambers. Mayor Randall asked if the digital system Director Mackinder was proposing is the same technology that City of Kalamazoo, Portage Public Schools and Portage District Library utilize. Specific technology was unknown.

Councilmember Reid asked how dropped calls would be handled. City Clerk Herringa responded that it would be noted in the minutes. Technology Services Director Mackinder noted that the proposed technology would also show any disconnection at the City Clerk dais station.

Councilmember Knapp asked whether the noted technology entails all or just part of Director Mackinder's proposal and Director Mackinder confirmed that it was just a part of the system. Mayor Pro Tem Pearson stated it would be beneficial if the proposed system matched the Portage Public Schools technology. Secondly, he noted that the current live streaming is undependable.

Councilmember Burns asked how written ballots would be handled and City Clerk Herringa responded that written ballots only happen when selecting a Mayor Pro Tem. Councilmember Urban commented from his experience that interactive involvement is needed albeit rare and cited instances where meeting handouts requiring immediate review would be an issue, suggesting in those instances that virtual attendees recuse themselves. Mayor Pro Tem Pearson relayed that he has been able to keep abreast of discussion from the last two meetings during which he was absent by way of the live streaming. Technology Services Director Mackinder asked City Clerk Herringa whether the CivicClerk could handle the meeting handout issue noted by Councilmember Urban. City Clerk Herringa responded that it could.

Councilmember Burns inquired if closed sessions would be addressed under virtual attendance. City Clerk Herringa confirmed that it is possible but could be concerning in light of confidentiality and disclosure concerns.

Councilmember Reid brought up her recent experience with virtually attending a Council meeting and the difficulty caused by a several minute delay between the video live streaming PMN broadcast combined with the audio of a conference call. She proposed only using virtual attendance at a Committee of the Whole or special meeting and not for regular meetings.

Mayor Pro Tem Pearson asked whether the delay is common with the existing technology and Director Mackinder responded in the affirmative.

Councilmember Ford commented that deficiencies are part of virtual attendance and it should be understood as an expected drawback but that virtual attendance would be only for cases of emergencies and not for regular Councilmember vacations.

Councilmember Reid advised regarding potential conflicts with state legislation prohibiting virtual attendance and Assistant City Attorney Beach noted that the proposed bills to date had never received full approval.

Mayor Pro Tem Pearson noted that the Central County Transportation Authority had discussed use of virtual attendance at its February 12, 2018 meeting. He also advised that Oshtemo Township was currently discussing virtual attendance; however, he hoped that Portage could be at the forefront of such a measure.

Councilmember Burns supported the suggestion that virtual attendance remain an emergency only use but desires to have a policy in place if and when such an emergency comes up. Councilmember Reid remarked that meeting types are different in topics, procedures, etc. and suggested that voice calling and listening be accepted but that votes not be allowed for a year trial period, at which time Council could revisit the issue.

Councilmember Knapp asked Director Mackinder whether his proposed technology would address Council's concerns and Director Mackinder was unsure without being able to first test the suggested technology.

Mayor Randall asked if anyone had any further issues, questions or concerns at which time Councilmember Reid made mention that City Council should be cognizant of potential hearing issues that would further complicate any virtual participation.

Mayor Randall provided her thoughts and concerns, notably the \$16,000 suggested technology system purchase for one to two absences a year. She preferred that staff find a less expensive option and asked the City Manager what the next steps should entail. City Manager Shaffer offered to pursue a revised set of standards/policy that include a sunset clause and optional technology within thirty days.

Councilmember Urban asked that closed sessions be removed from any draft policy and City Attorney Brown stated he would further review the matter, noting that third parties have the potential to access closed sessions. Mayor Randall closed discussion and thanked everyone for attending the meeting.

ADJOURNMENT: Mayor Randall adjourned the meeting at 6:26 p.m.

Erica L. Eklov, Deputy City Clerk