

RESOLUTION # _____

A RESOLUTION OF THE CITY OF WILDWOOD, MISSOURI
ESTABLISHING A POLICY FOR REMOTE PARTICIPATION IN CITY
COUNCIL MEETINGS

WHEREAS, Section 610.015, RSMo., provides, in pertinent part, “All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected [...] shall be cast by members of the public governmental body who are physically present and in attendance at the meeting or who are participating via videoconferencing”; and

WHEREAS, pursuant to Section 110.220 of the City Code, “The rules contained in the current edition of "Robert's Rules of Order Newly Revised" shall be the parliamentary authority and shall govern the conduct of all meetings of the Council in all cases where they are not inconsistent with Statute or with the Rules of Procedure herein or hereafter adopted;” and

WHEREAS, Robert’s Rules acknowledges the desire amongst some deliberative bodies to conduct “electronic meetings,” and provides that it is allowable under the rules if provided for in the bylaws. RONR (11th ed.) p.97, ll. 15-30; and

WHEREAS, Robert’s Rules also recommends the adoption of rules pertaining to conducting “electronic meetings”. RONR (11th ed.) p.99, ll. 6-10. Accordingly, the adoption of rules pertaining to remote participation in City Council meetings is consistent with Robert’s Rules of Order, and therefore, consistent with the City Code; and

WHEREAS, the City Council has determined that it is necessary for expeditious transaction of its business that the City Council adopt a policy for the remote participation in City Council Meetings.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

SECTION NO. 1. That the following be and is hereby adopted as the “Remote Participation Policy” of the City:

The Mayor or any Council Member may attend and participate in a meeting of the City Council from a remote location via videoconferencing provided that such attendance and participation is in compliance with the Remote Participation Policy set forth herein and any applicable laws.

1. *Definitions.* For purposes of this Remote Participation Policy, the terms and phrases used herein shall have the following meanings:

CITY COUNCIL MEETING shall mean any Regular Meeting or Special Meeting of the City Council as set forth in Sections 3.8(a) and (b) of the City Charter.

CLOSED MEETING shall have the same meaning as set forth in Section 610.010, RSMo.

OPEN MEETING LAW shall mean Sections 610.010, *et seq.*, RSMo.

QUASI-JUDICIAL PROCEEDING shall apply to the action of public governmental bodies, acting in their administrative capacity, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. A determination of whether a proceeding is quasi-judicial, shall be guided by whether the City Council exercised such traditional judicial powers as the conducting of hearings at which witnesses may be summoned and examined, documents subpoenaed, and judgments handed down.

VIDEOCONFERENCE shall mean a conference among members of the City Council remote from one another who are linked by interactive telecommunication devices permitting both visual and auditory communication between and among members of the City Council and members of the public physically present at the meeting location. During any videoconference both the visual and auditory communications functions of the devices shall be used.

2. *Policy Statement.* It is the policy of the City of Wildwood that the Mayor and any Council Member may attend and participate in any City Council Meeting from a remote location via videoconferencing provided that such attendance and participation is in compliance with this policy and any other applicable laws. The Mayor and City Council Members are encouraged to make all efforts to physically attend City Council Meetings whenever possible. By promulgating these regulations, the City Council hopes to promote greater participation in government. The Mayor and City Council Members have a responsibility to ensure that remote participation in City Council Meetings is not used in a way that would defeat the purposes of the Open Meeting Law. Remote participation will not be allowed solely for the convenience of the Mayor or City Council Member or merely to avoid attending one or more particular City Council Meeting.

3. *Prerequisites.* A member shall be provided the opportunity to attend a public meeting from a remote location if the member meets the following conditions and a majority of the members physically present at the public meeting vote to approve the remote attendance.

a. The Mayor or Council Member must notify the City Clerk at least forty-eight (48) hours before the City Council Meeting of their intent to remotely participate in the City Council Meeting. The Mayor, or in the case of the Mayor submitting notice provided for herein, the Mayor Pro Tem, may waive this requirement for good cause so long as the delinquent notice would not cause the City to violate any other provision of this Policy;

b. The Mayor and Council Members who participate remotely and all Council Members physically present at the City Council Meeting location shall be clearly visible and audible to each other;

c. In the notice to the City Clerk required herein, the Mayor or Council Member must assert one of the following reasons why he or she is unable to physically attend a City Council Meeting, including either: 1) because of personal illness or disability; 2) because of employment duties outside the City, military service or other business of the City of Wildwood; or 3) because of a family or personal emergency;

d. A majority of all the members of the City Council must be physically present at the City Council Meeting location;

e. The Mayor and each Council Member are prohibited from participating remotely more than three (3) times in a calendar year; and

f. No more than three (3) Council Members shall be permitted to participate remotely in any one City Council Meeting. If more than three (3) members desire to participate remotely in the same City Council Meeting, priority shall be granted to those who first notified the City Clerk pursuant to subsection 3.a of this Policy.

g. Notwithstanding the other provisions of this section 3 to the contrary, upon a determination by the Mayor that a state of emergency exists in the City, the Mayor may allow the Mayor and all Council Members to remotely participate in one or more City Council Meetings without otherwise complying with the prerequisite requirements of this section 3. The cause for the state of emergency declared by the Mayor shall be reflected in the minutes of the first meeting at which the Mayor or Council Members were allowed to participate without complying with the provisions of this section 3.

4. *Technology.* The City Administrator shall determine which of the acceptable methods may be used for City Council Meetings, subject to availability of technology and appropriation of funds. The Mayor may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to see and hear or be seen and heard clearly by all persons physically present at the City Council Meeting location. If technical difficulties result in a remote participant being disconnected from the City Council Meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

5 *Quorum and Vote Required.* Except as set forth in section 3.g of this Policy, for a City Council Meeting to continue there shall always be a quorum physically present.

6. *Minutes.* The Mayor or Council Member participating remotely shall be counted as present by means of videoconference for that meeting. The meeting minutes of the City Council shall reflect and state specifically whether each member is physically present or present by videoconference.

7. *Participation by Remote Member.* The Mayor or Council Member permitted to participate remotely will be able to express his or her comments during the public meeting and participate in the same capacity as those physically present, subject to all general public meeting guidelines and procedures previously adopted and adhered to. The remote participant shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any remote participant shall be called during any vote taken, and his or her vote counted, recorded and placed in the minutes for the corresponding meeting. A remote participant may leave a meeting and return as is the case of any member physically present, provided the remote participant shall announce his or her departure and return.

8. *Closed meetings.* A majority of all the City Council must be physically present at any closed meeting. The Mayor nor any Council Member may remotely participate in a closed meeting by videoconference.

9. *Quasi-Judicial Proceeding.* No Council Member may remotely participate in any quasi-judicial proceeding. If a quasi-judicial proceeding is only part of a City Council Meeting, the Council Member participating remotely shall abstain from participating or voting in the quasi-judicial proceeding.

10. *Costs.* Payment of any costs associated with remote participation, including video conferencing and other audio and video equipment, must be approved by the City of Wildwood.

SECTION NO. 2. Effective Date. This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Resolved this ____ day of _____, 2021.

As Presiding Officer and as Mayor

Attest:

City Clerk