

## Lower Macungie Township

### Policy for Remote Attendance/Participation by Elected and Appointed Officials, Applicants and Members of the Public at Meetings of Township Boards, Commissions, Committees, and Councils by Electronic Means

#### **I. Introduction:**

As a function of a board, commission, committee, or council member's ("Member(s)") duties and responsibilities to the public they serve, Members are expected to regularly attend/participate in meetings of the respective body of which they are a member. Furthermore, a Member's regular attendance/participation at meetings is critical to conducting Township business.

While regular physical attendance at meetings is preferred and encouraged, the Board of Commissioners of Lower Macungie Township ("Board") recognizes that sometimes Members may be unable to physically attend/participate in a meeting due to illness, travel, or other commitments.

Section 702(b.1) of the First Class Township Code, as amended, permits the use of telecommunication devices, including computer technology, for use at a public meeting pursuant to an established policy, provided a quorum is present at the advertised meeting site and the equipment used for communications permits the ability of the attendees to hear and communicate with each other, participate in voting, and hear and respond to any members of the public that may be physically present at the meeting.

In order to implement a uniform policy for a Member's remote electronic attendance/participation at Township boards, commissions, committees, or council meetings, the Board has considered, reviewed, and adopted this Policy to implement procedures and guidelines regarding a Member's remote attendance/participation at meetings through electronic means.

#### **II. Purpose:**

This Policy's purpose is to:

1. Implement a comprehensive uniform policy regarding a Township board, commission, committee, or council Member's remote electronic attendance/participation at meetings of the respective Body of which they are a member.
2. Ensure that remote electronic attendance/participation procedures implemented by each respective Township Body complies with Pennsylvania law.

#### **III. Applicability:**

This Policy shall apply to meetings of:

1. The Board of Commissioners;
2. The Audit Advisory Committee;
3. The Building Code Board of Appeals;

4. The Environmental Advisory Council;
5. The Historical Commission;
6. The Parks and Recreation Advisory Committee;
7. The Planning Commission;
8. The Public Safety Advisory Committee;
9. Any member or citizen comprised committee created under any of the bodies enumerated above (all of the foregoing enumerated bodies shall be referred to herein as “Body(ies)”).

This Policy shall not apply to the Zoning Hearing Board. The PA Municipal Planning Code requires physical attendance of its Members at its meetings.

**IV. Policy:**

It shall be the policy of the Township that remote electronic attendance/participation at the respective meetings of each Body shall be permitted and conducted according to the following:

1. Provided a quorum is present at the advertised meeting site, a Member of any Body may remotely attend/participate in a meeting of the respective Body of which he/she is a member through an electronic voice and/or video communication system such as a telephone or computer system with Skype, Zoom, Teams or other similar program or system which meets the requirements of Section 4 below.
2. A Member remotely attending/participating in a meeting by electronic means must give its respective Body and the Township Manager at least twenty-four (24) hours notice of his/her intent to attend/participate at the meeting remotely through electronic means.
3. The Township will provide, at its discretion, a communication system, meeting the requirements of Section 4 below. Prior to commencement of the meeting, the respective Body is responsible for running the communication system.
4. The telephone or other electronic communication system must be capable of:
  - a. allowing the remotely attending Member to hear the comments of and speak to all those present at the meeting, including members of the public present at the meeting site;
  - b. allowing all those present at the meeting to hear the comments of and speak to such remote Member contemporaneously;
  - c. the Members and public physically present at the meeting site must be able to hear the off-site participants and to communicate with them; and,

- d. once a quorum is established for the meeting by those physically present at the advertised meeting site, the quorum will continue provided enough persons are present through telecommunication service if any member at the advertised site is required to recuse themselves during the meeting.

The requirements of this Section 4 are critical in ensuring a Member can fully participate in the meeting and without such capabilities the Member's remote electronic attendance/participation may be invalid.

5. If a telephone or other electronic communication system which meets the requirements as set forth in Section 4 above is not available, then the Member may not attend/participate at the meeting by remote electronic participation.
6. At all times during the duration of a Member's remote participation/attendance at a meeting, the requirements set forth in Section 4 must be met.
7. The remotely attending Member must be connected to the meeting prior to the commencement of the meeting by the Body. A Member should make a good faith reasonable effort to remain connected until the adjournment of the meeting. However, if a Member is disconnected prior to the adjournment of a meeting, any actions taken by the Body or the Member, including but not limited to a vote, prior to the Member being disconnected shall be valid, binding, and stand.

Notwithstanding the foregoing, if a Member intends to or does so vote on a matter up for a vote by the Body at the meeting in which the Member is remotely attending/participating, then a Member shall be connected by the electronic communication system, in a manner which meets the guidelines of Section 4 above, during the entire time the matter up for vote is open for discussion until the conclusion of the vote.

8. When remote participation is available, members of the public may watch and listen to the meetings and proceedings before the Body remotely, but may not participate remotely. Members of the public, including those participating in presentations or a hearing proceeding, must attend in person to address the Body, in the case of a presentation or public comment, or to provide testimony in the case of a hearing. The Body may grant an exception to the requirements of this section to allow remote public participation in a presentation or hearing, upon written request submitted to the Township within forty-eight (48) hours prior to the meeting or hearing, setting forth good cause for the request.
9. The respective Body is responsible for documenting the remote attendance in the official minutes of the Body.

**V. Conflict:**

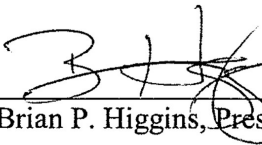
If any Body has a policy regarding remote electronic attendance/participation which conflicts with this Policy, then this Policy shall control. Each Body shall adopt this Policy as its remote electronic attendance/participation policy.

**VI. Enforcement:**

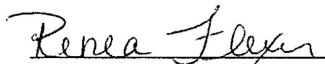
Each Body shall be responsible for enforcing this Policy with its Members and at its meetings.

Approved by proper action of the Board of Commissioners of Lower Macungie Township on the 20<sup>th</sup> day of October, 2022, at an official public meeting of the Township.

Lower Macungie Township  
Board of Commissioners

  
\_\_\_\_\_  
Brian P. Higgins, President

Attest:

  
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Renea Flexer, Township Secretary

Adopted: April 3, 2014  
Suspended: April 2, 2020 (due to the Covid 19 pandemic)  
Amended: June 17, 2021  
Amended: October 20, 2022

