

RESOLUTION No. 2020-07
A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN
APPROVING A SUPPLEMENT TO THE TWIN OAKS OPEN
MEETINGS AND RECORDS POLICY PERTAINING TO
MEETINGS USING VIDEO CONFERENCE TECHNOLOGY.

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby approves the Supplement to Open Meetings and Records Policy pertaining to meetings using video conference technology attached as “Exhibit 1” and incorporated herein by reference.


Section 2. This Resolution is adopted and shall be in full force and effect on and after its passage and approval.

THIS RESOLUTION WAS PASSED AND APPROVED THE 6th DAY OF MAY 2020, BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI.



Russ Fortune, Mayor

Attest:



Theresa Gonzales, Acting City Clerk

Exhibit 1

Supplement to Open Meetings and Records Policy

Open Meeting Policy; Meetings Using Video Conference Technology

- A) ***Policy Statement.*** While it is legally permissible for members of the City's Board of Aldermen, Planning & Zoning Commission, Board of Adjustment, Park Committee and other boards, commissions and committees (collectively and individually "public governmental body," as defined in §120.010 of the Twin Oaks Code) to attend meetings and vote via video conference transmission, a member's use of video conference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their City officials face-to-face, members of a public governmental body should endeavor to be physically present at all meetings unless attendance is unavoidable after exercising due diligence to arrange for physical presence at the meeting. The primary purpose of attendance by video conference should be to accommodate the public governmental body, as a whole, to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of its members. A secondary function of video attendance should be to ensure that all members may participate in business of the public governmental body that is an emergency or highly important in nature or arose quickly or so uniquely so as to make attendance at a regular meeting practically impossible. Except in emergency situations or other extraordinary circumstances such as Sections H or I below, all efforts should be expended to ensure that a quorum of the members of the public governmental body be physically present at its normal meeting place.
- B) ***Definitions.*** For purposes of this Policy, unless the context otherwise indicates, the following terms mean:

ROLL CALL VOTE

Any Public Vote taken so as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

VIDEO ATTENDANCE OR VIDEOCONFERENCING

Communication where at least one member of a public government body participates in the public meeting via an electronic connection made up of three components: (1) a live video transmission of the member of the public governmental body not in physical attendance; (2) a live audio transmission allowing the member of the public governmental body not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the public governmental body not in physical attendance to hear those in physical attendance at a meeting at the normal meeting place. If at any time during a meeting one or more of the elements of a video conference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the video conference participant is deemed immediately absent and this absence* should be reflected in the minutes. A video attendee's absence may compromise a quorum in which case the applicable Missouri laws shall take effect regarding a loss of quorum.

*It is the City's policy that, per §610.015 RSMo, a video attendee shall count towards establishing a quorum.

- C) ***Frequency of Use of Video Attendance.*** Except as set forth in Subsections H and I, a member of a public governmental body shall not video attend more than three (3) meetings in a rolling twelve-month period. In keeping with the policy stated in section (A) above, video attendance should only occur sparingly and for good cause. Such good cause shall be at the discretion of the member proposing video attendance but shall be for significant reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling,

child, or grandchild.

- D) *Physical Location.* Except as provided in Sections H or I below, members of the public may not participate in a public meeting of a governmental body via video conference. The public wishing to attend a meeting, and elected officials not video attending, shall participate at the physical location where meetings of the public governmental body are typically held (the "meeting place"), or as provided in a notice provided in accordance with the Sunshine Law. The public governmental body shall cause there to be provided at the meeting place communication equipment consisting of an audio and video display, and a camera and microphone so that (1) the member(s) of the public governmental body in video attendance, (2) the members of the public governmental body at the meeting place, and (3) the public at the meeting place, may participate in the meeting in accordance with established rules of meeting decorum. The communication equipment at the physical location of the meeting must allow for all meeting attendees to see, hear, and communicate with those in video attendance.
- E) *Voting.* Pursuant to §610.015 RSMo, elected members of a public governmental body in video attendance are deemed present for purposes of participating in a roll call vote to the same effect elected members of a public governmental body in attendance at the meeting place are deemed present. As indicated in section (B) above, if any component of the video conference communication fails during the meeting, the video attendee whose connection failed shall be deemed absent immediately upon such failure, and if the public governmental body was in the act of voting, the voting shall stop until all components of the video attendance are again restored at which time the video attendee's presence is to be again recorded in the minutes.
- F) *Closed Meetings.* In a meeting where a member of a public governmental body is in video attendance and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's roll call vote to close the meeting, the video attendee must ensure confidentiality at their location including safeguarding against accidental overhearing by others of the audio or video of the closed session. Failure to ensure the requirements of this subsection may result in corrective action by the full public governmental body in accordance with City regulations including disqualification of the member from future video attendance.
- G) *Minutes.* In the meeting, whether in open or in closed session, the minutes taken should reflect the member, if any, in video attendance; the members in physical attendance; and members, if any, absent.
- H) *Emergency meetings.* If emergency circumstances create impossibility for the members of a public governmental body to attend at the meeting place, the body may meet, and if necessary, roll call vote, by video attendance. Examples of such emergency circumstances include, but are not limited to, pandemic, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, flood, or blizzard. To the extent possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation or provide access via audio/video feed.
- I) *Public Attendance Limitations; Statewide or National Emergency.* Pursuant to the authority granted in §610.020.1 & 2, RSMo, and in §120.070 of the Twin Oaks Code, in the event of a declaration of a national, regional, or statewide state of emergency ("state of emergency") where the circumstances underlying the state of emergency make it unsafe or unhealthy for members of the public to access City Hall and thereby attend in person a meeting of a public governmental body,

and as such, make it impossible or impractical to provide a safe physical location for public attendance and participation, the public governmental body may take all necessary and appropriate steps to limit "in person" attendance by the public at City Hall for the meeting so long as the City:

1. Allows for virtually simultaneous public access and attendance through conference call, web meeting, video conferencing, online meeting, livestreaming, or other similar technology;
2. Posts a notice of the meeting (including the tentative agenda) on the Twin Oaks website in addition to City Hall that notifies the public how to access the meeting. Depending on the circumstances, this may include a phone number the public can use to dial in to listen to the meeting or the web address where a video feed can be accessed;
3. Includes on the tentative agenda the nature of the emergency of the public body justifying that departure from the normal requirements and which emergency situation shall be stated in the minutes; and
4. Encourages public comment via email, text, chat or other medium that does not interfere with the public governmental body's conduct of the meeting or the audio of the meeting.

For purposes of this subsection, the underlying circumstances of the state of emergency shall be deemed to have made it impossible or impractical for the public governmental body to hold the meeting in a place that is physically accessible to the public under §610.021(1) and §120.070 of the Twin Oaks Code and, thus, the public body shall, through the City's use of the technology available, make the meeting accessible to the public via audio or audio/video streaming.