



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: November 1, 2021

Re: Authorizing a Virtual Meeting Trial Program for Three Advisory Boards and Commissions

Executive Summary

An ordinance has been prepared to authorize virtual meetings for three (3) designated boards and commissions for a six (6) month trial period

Discussion

On June 21, 2021, City Council expressed interest in a six month trial program of virtual meetings for three (3) boards and commissions and requested the Disabilities Commission to make recommendations with regard to the three (3) Boards and Commission.

The Disabilities Commission recommends the following: Broadband Task Force, Disabilities Commission, Youth Advisory Council.

In making its recommendation, the Commission considered boards and commissions who were advisory with no quasi-judicial functions, as well as willingness to participate in the trial program. All recommended commissions have agreed to take part in a trial program.

The proposed terms of the virtual meeting ordinance are consistent with recommendations of the Disabilities Commission: (a) virtual attendees count towards a quorum and retain all rights to vote; (b) the chair and staff member must be physically present in the meeting space; (c) virtual public participation is allowed; (d) all members must keep their cameras on and have the ability to communicate; (e) chat box comments will be disabled; (f) members must request virtual participation before the meeting starts; (g) virtual attendance is not intended merely for convenience, but to be used to increase accessibility.

Fiscal Impact

Short-Term Impact: Not applicable.

Long-Term Impact: Not applicable.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Inclusive Community, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable



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Legislative History

Date	Action
06/21/2021	Report to Council from the Disabilities Commission: Virtual Meeting Policy and Accessibility. City Council approved a motion to try virtual meetings with three boards and commissions, and for the Disabilities Commission to provide recommendations with regard to the three boards and commissions.

Suggested Council Action

Approval of the ordinance.

Introduced by Treece
 First Reading 11-1-21 Second Reading 11-15-21
 Ordinance No. 024848 Council Bill No. B 371-21

AN ORDINANCE

authorizing a trial program for virtual meetings and virtual public participation for certain designated advisory boards and commissions; and fixing the time when this ordinance shall become effective and when this ordinance shall expire.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Definitions. For the purpose of this ordinance, the following words and terms are defined to mean the following:

"Eligible Board" shall mean the following named City advisory boards or any subcommittee thereof: Broadband Business Planning Task Force, Disabilities Commission, and Youth Advisory Council.

"Qualifying Participant" shall mean an individual who is reasonably prevented from attending an Eligible Board's meeting in-person. For purposes of this definition, an individual may be reasonably prevented for reasons including, but not necessarily limited to, difficulties related to a disability as defined by the Americans with Disabilities Act, health-related concerns due to the COVID-19 pandemic, transportation issues or lack of available child care. It is the intent of the City that virtual participation is not for mere convenience; rather, it is to increase accessibility of the meetings for individuals deterred from in-person attendance for difficulties outside of the reasonable control of such individual.

"Virtual Meeting" shall mean a public meeting of an Eligible Board in which a quorum of the Eligible Board is attending the meeting utilizing the Virtual Meeting Platform.

"Virtual Meeting Platform" shall mean the video application or software, being utilized by the City at the time of the meeting, to conduct the Virtual Meeting and allow for Virtual Public Participation.

"Virtual Public Participation" shall mean virtual attendance at a meeting of an Eligible Board by a Qualifying Participant using the Virtual Meeting Platform.

SECTION 2. **Virtual Meetings.**

(a) *Authorization.* Virtual Meetings are hereby authorized to be held by any Eligible Board. Any member of the Eligible Board who is a Qualifying Participant is authorized to attend a meeting virtually using the Virtual Meeting Platform and in a manner consistent with the terms of this Ordinance.

(b) *Quorum and voting status.*

1. *General.* Except as provided for herein, all members of the Eligible Board in attendance remotely using the Virtual Meeting Platform shall count towards a quorum and shall retain all authority to vote in the same manner as if such member was attending the meeting in-person.
2. *Virtual presence requirement.* Any member attending the meeting virtually shall have the member's camera on and be seen at all times, and have a working microphone or be able to effectively communicate in the same manner the member would normally communicate as if attending the meeting in-person. Any member utilizing the Virtual Meeting Platform that is having technical difficulties and is unable to be seen and heard shall be deemed to be absent from the meeting and will not count towards the quorum or be able to participate in the meeting until the member can be both seen and heard again.

(c) *Physical meeting space and in-person attendance.* There shall be a physical meeting space open, available and accessible to the public for every meeting of the Eligible Board, at which members of the public can also see and hear any comments from anyone participating remotely. The chair, or member of the Eligible Board acting as the chair, and at least one City staff person shall be physically present in the meeting space for the duration of the public meeting.

SECTION 3. **Virtual Public Participation.**

(a) *Authorization.* Virtual Public Participation is hereby authorized for a meeting by any Eligible Board in which the Virtual Meeting Platform is being utilized. Any member of the public who is a Qualifying Participant is authorized to virtually attend the meeting of the Eligible Board using the Virtual Meeting Platform and in a manner consistent with the terms of this ordinance.

(b) *Public comment status.*

1. *General.* Except as otherwise provided herein, any member of the public who virtually attends a meeting using the Virtual Meeting Platform shall be allowed the opportunity to make public comments in the same manner as if such person was in attendance at the meeting in-person. The chair of the

Eligible Board retains the discretion of when to allow for public comments (whether in-person or virtual) and to set any reasonable time limits on the public comments.

2. *Virtual presence requirement.* Any individual of the public who wishes to make public comment shall have the individual's camera on and be seen at all times for the duration of the public comment provided by such individual, and have a working microphone or be able to effectively communicate in the same manner as the individual would normally communicate as if attending the meeting in person. If an individual cannot be both seen and heard, then public comment will not be allowed by such individual. The chair may require such individual to turn off the camera when not speaking and to mute the microphone when not speaking.

SECTION 4. Procedures and Conduct.

(a) *Requests for virtual attendance.* All requests for virtual attendance for a public meeting of the Eligible Board shall be made in writing at least twenty-four (24) hours in advance of the meeting. If unavoidable circumstances occur where an individual is unable to provide twenty-four (24) hours advance notice of the request for virtual attendance, a late request for virtual attendance may still be made by an individual; however, accommodation of the late request will be subject to the availability of adequate resources.

(b) *Notice on agenda required.* For all meetings at which Virtual Public Participation is authorized, the Eligible Board shall post notice on its meeting agenda that Virtual Public Participation is authorized for the upcoming meeting and shall notify the public how to request virtual participation in the meeting. All agendas with such notice shall be posted in accordance with the Missouri Sunshine Law and City Code requirements.

(c) *Disable chat box comments.* All chat box comments and emoji's shall be disabled in the Virtual Meeting Platform during the meeting.

(d) *Meeting conduct.* Any person participating virtually in a meeting shall be held to standards of conduct in the same manner as if such person were attending the meeting in-person. Failure to comply with these standards of conduct may result in disconnection and removal of the person from the Virtual Meeting Platform.

SECTION 5. Miscellaneous.

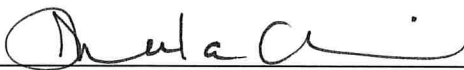
(a) *Personal electronic devices.* All members of the Eligible Board and of the public who wish to participate virtually in a public meeting are responsible for providing such person's own personal electronic device and associated internet or telecommunications service necessary to attend the meeting using the Virtual Meeting Platform.

(b) *Sunshine Law and legal compliance.* Notwithstanding the foregoing, all Virtual Meetings shall be conducted in a manner consistent with the Missouri Sunshine Law. Any public meeting not in compliance with the Missouri Sunshine Law is not authorized under this ordinance.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and shall expire on June 30, 2022.

PASSED this 15th day of November, 2021.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor