



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: City Manager
To: City Council
From: City Manager & Staff
Council Meeting Date: October 5, 2020
Re: Virtual Meetings

Executive Summary

Staff has been reviewing options for virtual meetings for Boards and Commissions. Virtual meetings are allowable under the Sunshine Law, but have not been authorized for general use by all boards and commissions by the City Council. This memo sets forth the legal requirements and some of the additional cost and logistical information for Council to consider whether to authorize some form of virtual meetings for boards and commissions.

Discussion

The City of Columbia has over 40 boards, commissions and task forces ("commissions"). Each commission has varying duties that range from being purely advisory to having quasi-judicial functions. All commissions are considered to be public governmental bodies under the Sunshine Law and thus must comply with all applicable requirements along with general legal requirements related to ADA accessibility, etc. In addition, a heightened obligation may exist for certain commissions due to the nature of their duties. This memo does not intend to seek guidance on the holding of virtual meetings by the City Council, which as an elected governmental body has separate requirements under the Sunshine Law.

In general, the Sunshine Law allows for a meeting of a public governmental body to be held completely in person, completely using electronic means or a combination of the two methods. If the meeting is held by electronic means, the Sunshine Law requires the meeting notice to identify the mode by which the meeting will be conducted and a location at which the public may observe and attend the meeting. When a body meets by "internet chat, internet message board, or other computer link," the meeting notice is required to notify the public of how to access the meeting.

If less than a quorum of the body is permitted to attend a meeting using video conferencing with a quorum of the body being present in person at the designated meeting location, no general public access to the video conferencing platform is required. This is because due to a quorum being present in person the meeting is technically being held at the fixed physical location where the quorum is located. If greater than a quorum participates via video conferencing, public access to the video conferencing platform or designation of a location where public participation via alternative methods is available also required. A copy of the Attorney General's Guidance on the Sunshine Law requirements for public governmental bodies is attached as supplemental information.

Due to the nature of the work performed by some of the commissions, there is a higher level of due diligence required when it comes to holding virtual proceedings. These requirements



City of Columbia

701 East Broadway, Columbia, Missouri 65201

exist in addition to the Sunshine Law authority. For instance, the Board of Adjustment holds quasi-judicial hearings in which an applicant presents a case, persons are allowed to testify in favor or against and the Board renders an opinion. The Planning and Zoning Commission holds statutorily required public hearings upon which a record to support or deny an application is based. The Personnel Advisory Board holds hearings on personnel appeals that require witnesses to be sworn prior to taking testimony. For these types of commissions, a "see and be seen" standard is important to ensure all of the underlying statutory and due process requirements are met. A list of the commissions for which a due process component has been identified include: Board of Adjustment, Building Construction Codes Commission, Citizens Police Review Board, Commission on Human Rights, Firefighters' Retirement Board (appeals hearings), Historic Preservation Commission, Liquor License Review Board, Marijuana Facility License Review Board, Personnel Advisory Board, Planning and Zoning Commission, Police Retirement Board (appeals hearings), Tax Increment Financing Commission, and Tobacco Retailer License Review Board.

On the other end of the spectrum are single purpose advisory commissions such as the Mayor's Task Force on the USS Columbia (whose purpose is to maintain positive relationships between various entities) and the Railroad Advisory Board (who advises the Council on the operation and needs of the railroad). These commissions play an important advisory function within city government, but are not conducting public hearings which affect applicant property rights or serving as a final decision-making body.

The software capabilities of the vendors providing the platforms for online meetings is varied. There are completely open formats where anyone has the opportunity to follow a link to join the meeting and commission members are mixed among other attendees who appear on/off the main screen. Alternatively, there are more robust regulated formats where an individual serves as a meeting host and allows persons to raise their hand and be allowed to enter the virtual meeting room either as a participant or a guest. There are numerous decision points to be made and while it may not be a one-size-fits-all solution, in order to have base-line consistency and move forward there need to be minimum ground rules under which the commissions are authorized to operate.

Authorizing individual members, but less than a quorum to participate in a meeting via video or teleconferencing would have minimal cost as long as the meeting room utilized contains the requisite camera and video screen technology. The current technology is user-friendly and there is low risk of outside interference if the meeting link is not publicly available. The technology may be utilized immediately with minimal training. The downside is limited public access through the virtual platform.

Meetings where a majority of the members are participating via electronic means will require the purchase of the requisite meeting/webinar software licenses, the cost of an additional staff member to serve as a meeting host, plus IT support for any technology issues. Meeting participants who participate electronically would be required to provide their own equipment. Policy and procedure rules on how the public accesses the virtual platform and is granted permission to speak (or make a presentation) would be needed.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Staff seeks guidance from Council on whether to move forward with authorizing less than a quorum of a commission to attend a meeting via electronic means and whether there is interest by a majority of Council to continue to explore fully virtual meetings for future use by commissions.

Fiscal Impact

Short-Term Impact:

Long-Term Impact: Enter the cost of proposed legislation to the city for years **beyond two**.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
	None.

Suggested Council Action

No recommendation.