

Council Business Meeting

August 3, 2021

Agenda Item	Council and Commission Virtual Meetings and Hybrid Protocols	
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SUMMARY

With the recent and tentative plan to return to in person Council meetings, several questions were raised relating to the potential for hybrid formats with a member or members of Council attending virtually while others attend in person. There are a number of technical issues that will need to be addressed, but more importantly, there are Municipal Code Council Rules in place that would need to be modified to allow virtual attendance and participation.

Additionally, Advisory Commissions have been holding meetings virtually as authorized via the declaration of emergency. There is interest by a number of Commission to continue that practice indefinitely. The Municipal Code allows virtual attendance and voting “if another means of attendance has been established by the membership and public meetings law requirements are met.” To date, no advisory commission has formally established and approved how “other means of attendance” would function.

POLICIES, PLANS & GOALS SUPPORTED

Enhance and improve transparency and communication.

PREVIOUS COUNCIL ACTION

Prior Councils have discussed this issue and have prioritized and maintained in person attendance as the default participation method.

BACKGROUND AND ADDITIONAL INFORMATION

Council attendance and voting

[AMC 2.04.040 B](#) – Attendance by Electronic Communication prohibits attendance or vote “by means of telephone or other electronic communication” except via suspension of rules pursuant to [AMC 2.04.010 E](#). While this does permit Council to allow electronic participation and voting, that allowance can only be requested and approved within that Council meeting. There is no procedure that would allow a suspension of rules to be in effect for a future meeting.

Technology Requirements

From a technology perspective, the Council Chambers would need to be reconfigured with individual cameras for each seat on the dais as well as the presenter table in order for the virtual participant to view the meeting that they are participating in. There are other alternatives that would provide some level of two-way interaction between virtual and in-person participants that could be explored but would have limitations and reduce the seamlessness of the integration. Additionally, that electronic feed would need to be connected with the RVTV equipment to allow the cable TV and streaming broadcast to be displayed in either the electronic or “in-person” view and include the ability of the equipment operator to toggle between the two views as needed.

State Regulations for Virtual Public Testimony

The Council Chambers are utilized by a number of bodies in addition to Council, including the Planning Commission, Ashland Parks and Recreation Commission and the Ashland School District. A recently approved bill ([HB 2560](#)) requires local governing bodies to allow the submittal of public testimony via telephone, video or other electronic or virtual means and requires that this be available and in place by January 1, 2022. Ensuring that the

Council Chambers technology is adequate to meet the requirements of HB 2560 is a project that is already being scoped and planned internally with no current defined timeline other than that set by the bill.

Advisory Commission Virtual Meetings/Attendance

Staff would like direction from Council on the following:

- 1) Should virtual advisory commission meetings be allowed after the declaration of emergency ends?
- 2) If Yes, should advisory commissions operate in a hybrid format or be allowed to be 100% virtual as has been the practice for the past 12-14 months?
- 3) If 100% virtual is accepted/preferred, staff suggests the development of an administrative policy that all commissions would uniformly follow for virtual meetings, rather than each advisory commission developing their own set of virtual meeting rules and processes as the Municipal Code currently allows.

Benefits of virtual advisory commission meetings include:

- Easier scheduling of limited public meeting rooms/spaces
- Potentially increased attendance providing greater likelihood of ensuring quorum thresholds are met
- Potential for increase in public participation as virtual meetings are more universally accessible
- Virtual meetings can be readily recorded and posted online, increasing the access to the meeting content without requiring live attendance

FISCAL IMPACTS

If no changes are made to the Municipal Code, only costs associated with ensuring compliance with HB 2560 would be incurred. If Council modifies the Municipal Code to allow for regular attendance and voting via virtual means, additional costs would be incurred to ensure Councilor participation virtually is able to be integrated with the in-person meeting proceedings as well as the cable and streaming broadcast through RVTV. Cost estimates for each element have yet to be developed as the technology solution employed depends on the extent Council is interested in virtual meeting participation.

STAFF RECOMMENDATION

Staff recommends Council provide direction to staff to develop draft ordinance language for future consideration should Council be interested in allowing virtual participation beyond the current code limitation of utilizing the suspension of rules provision in AMC 2.04.04 B. Should Council make this direction to staff, cost estimates for different technology solutions will also be developed and incorporated with the required technology improvements triggered by HB 2560.

Staff also recommends Council provide direction to staff to develop an administrative policy setting clear and objective rules and process for advisory commissions to adopt and follow for virtual commission meetings. The administrative policy would not mandate in-person or virtual, but would outline the requirements should the commission choose to meet virtually. This would retain the independent decision-making of in-person or virtual meeting to that of the advisory commission, who could utilize a virtual meeting style for some months of the year (Summer for example) or as their standard, default meeting format.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

- 1) I move to direct staff to develop draft ordinance language to make available the option of virtual attendance and voting by the Mayor and/or individual Councilors. OR
- 2) I move to retain the current Code language that prohibits virtual attendance and voting, expect via suspension of rules.

AND

- 1) I move to direct staff to develop and implement an administrative policy that prescribes a uniform set of rules and processes for virtual meetings for advisory commissions.

REFERENCES & ATTACHMENTS

None