Regular Workshop – April 15, 2013
Agenda Item 9

Agenda Item:	Proposed Resolution 2013-14, Establishing Commission Policy Regarding Electronic Meeting Attendance and Participation
Presenter:	Town Manager
Summary:	At the April 1, 2013, Regular Meeting, there were discussions regarding scheduling a Special Workshop, prior to May 1, 2013, to discuss the Colony property. At least two Commissioners advised that they may not be able to attend in person and inquired as to participation via electronic technology such as Skype. Town Attorney David Persson recommended that the Town establish a policy regarding utilization of interactive electronic media technology to address electronic attendance and participation in Regular or Special Workshop meetings. Staff has drafted proposed Resolution 2013-14 for Commission consideration.
Attachments:	4-8-13 Memo, Manager to Commission; PowerPoint Presentation; Proposed Resolution 2013-14.
Recommended Action:	Pending discussion, forward Resolution 2013-14 to the April 15, 2013, Special Meeting for formal action.

MEMORANDUM

Date: April 8, 2013

TO: Town Commission

FROM: David Bullock, Town Manager

SUBJECT: Proposed Resolution 2013-14, Establishing a Policy on the Utilization of Interactive Electronic Media Technology for Participation in Commission Workshop Meetings

---

At the April 1, 2013, Regular Meeting, there were discussions regarding scheduling a Special Workshop Meeting, prior to May 1, 2013, to discuss issues related to the Colony property. At least two Commissioners advised that they may not be able to attend in person and inquired as to participation via electronic technology such as Skype.

Following discussion of the issue, Town Attorney David Persson recommended that the Commission establish a policy regarding utilization of interactive electronic media technology (IEMT) to attend and participate in Workshop meetings.

Staff has drafted proposed Resolution 2013-14 for Commission consideration.

Please don't hesitate to contact me if you have any questions.

RESOLUTION 2013-14
INTERACTIVE ELECTRONIC MEDIA TECHNOLOGY (IEMT) POLICY

- Physical quorum of four Commissioners must be present
- Maximum of three Commissioners may participate in IEMT during any non-voting meeting
- Town Charter, Article II, Section 15 – Penalty for Absence - remains in effect

- Restricted to participation at publicly noticed non-voting meetings where no official action will be taken
- Commissioners requesting to utilize IEMT shall provide advance notice to Town Manager's Office
- Requests honored in order of receipt (Earlier requests given priority)
- IEMT cannot be utilized for Regular Meetings or Public Hearings

- Use of IEMT Contingent Upon the Following:
  - Commission and public's ability to hear and participate in discussions at the workshops
  - Whether use of IEMT creates an unreasonable disruption of the workshop
  - Individual Commissioner's ability to facilitate the use of the technology from a remote location outside of the Town
  - Nothing shall impair Commission discretion pursuant to Article II, Section 15, of the Charter to determine whether or not participation through IEMT constitutes an excused absence

TOWN CHARTER
ARTICLE II, SECTION 15
PENALTY FOR ABSENCE

Sec. 15. - Penalty for absence.

Absence from all meetings and workshops for two (2) consecutive calendar months shall operate to vacate the seat of a member, unless such absence is excused by the commission prior to the end of the two-month period. The month of August shall be excluded when computing these two consecutive months.

- Commissioner's wishing to utilize IEMT shall be responsible for ensuring they have the required device(s) to utilize the technology before a meeting is convened
- Commissioner's wishing to utilize IEMT shall ensure that the device(s) they will utilize will integrate with the Town's existing digital recording system to capture the audio during the use of IEMT
- Florida's Sunshine Law and Public Records Law will be complied with in the provisions of this policy

- QUESTIONS?

RESOLUTION 2013-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, ESTABLISHING A TOWN COMMISSION POLICY ENTITLED "INTERACTIVE ELECTRONIC MEDIA TECHNOLOGY POLICY" RELATING THE TOWN COMMISSION'S USE OF INTERACTIVE ELECTRONIC MEDIA TECHNOLOGY AT TOWN COMMISSION WORKSHOPS AND OTHER NON-VOTING SPECIAL WORKSHOPS; PROVIDING FOR ACCORDANCE WITH APPLICABLE STATE LAW INCLUDING THE SUNSHINE AND PUBLIC RECORDS LAWS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has embraced evolving technology as a means to facilitate greater communication and interaction between the Town Commissioners, Town's residents, and Town Staff relative to Town business; and

WHEREAS, the Town seeks to insure that any evolving technology used by the Town is done in observance of the applicable laws in effect at the time, including Florida's Sunshine and Public Records Laws; and

WHEREAS, from time to time, individual Town Commissioners may have scheduling conflicts or other personal circumstances that prevent them from being physically present at Town Commission workshops or other non-voting special workshops, where Town business matters are discussed, but no official action will be taken; and

WHEREAS, the Town Commission wishes to develop a policy that permits Town Commissioners to use evolving means of interactive electronic media technology to participate at certain Workshops and other non-voting Special Workshops when such Town Commissioners are unable to be physically present at such workshops; and

WHEREAS, the Town Commission recognizes that a quorum of the Town Commission must be physically present at all Workshops and other non-voting Special Workshops irrespective of whether such interactive electronic media technology is used; and

WHEREAS, the Town Commission recognizes that Town Commissioner participation by interactive electronic media technology should be considered an exception for Town Commissioners, and that physical presence of Town Commissioners at workshops shall continue to be the expectation as required in Article II, Section 15, of the Town Charter; and

WHEREAS, the Town Commission finds it is in the best interest of the Town to develop an "Interactive Electronic Media Technology (IEMT)" policy as provided for herein addressing individual Town Commissioner's use of such interactive electronic media technology at Workshops and Special Workshops which may be scheduled throughout the year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA:

SECTION 1. The above Whereas clauses are hereby incorporated, ratified and confirmed as true and correct.

SECTION 2. This Resolution shall be entitled **Interactive Electronic Media Technology (IEMT) Policy.**

SECTION 3. This Interactive Electronic Media Technology (IEMT) Policy ("Policy") shall only be applicable to Town Commissioner's participation at publicly noticed Town Workshops and other Town non-voting Special Workshops where no official action will be taken by the Town Commission. This Policy shall not apply to regularly noticed Town Commission meetings or public hearings.

SECTION 4. The Town recognizes that it may be beneficial for individual Town Commissioners who cannot be physically present at Workshops and non-voting Special Workshops to participate at such meetings through the use of IEMT, including but not limited to: video conferencing, Facetime, or Skype. A quorum of Town Commissioners shall be physically present at the Workshop or non-voting Special Workshop before other Town Commissioner(s) will be permitted to appear at such workshop through IEMT. No more than three (3) Town Commissioners shall be permitted to use IEMT to appear at the same time at a particular Regular or Special workshop. Town Commissioners seeking to utilize such technology at a Town Regular or Special Workshops shall provide advance notification of their request to the Office of the Town Manager. Earlier requests to the Town Manager shall be given priority. If a quorum is present, a Town Commissioner may be allowed to participate at the workshop through IEMT. Use of interactive electronic media shall be contingent upon the following: (a) the Town Commission's and the public's ability to hear and participate in discussions at such workshops, (b) whether such use of interactive electronic media creates an unreasonable disruption to the workshop, and (c) the individual Town Commissioner's ability to facilitate the use of such technology from a remote location outside of the Town. Nothing herein shall impair the Town Commission's discretion pursuant to Article II, Section 15, of the Town Charter to determine whether or not a Town Commissioner's participation at a workshop through IEMT constitutes an excused absence.

SECTION 5. A Town Commissioner who seeks to utilize IEMT to attend a Regular or Special Workshop, shall be solely responsible for ensuring that he or she has the required device(s) to utilize such technology before such workshop is convened and that such device(s) are properly integrated with the available Town's digital recording system in order to capture the audio electronic media format.

SECTION 6. The Town Commission is subject to Florida's Sunshine Law as provided for in Chapter 286, Florida Statutes, and Florida's Public Record Law as provided for in Chapter 119, Florida Statutes. All public meetings conducted at Town Hall including Regular or Special Workshops in which Town Commissioners discuss Town business are open to the public. The Town utilizes a digital recording system to capture and record the verbal dialogue of Town Commissioners held at the Town Commission workshops. Unless such recordings are otherwise exempt from public

disclosure as provided for by Florida Statutes, audio recordings of the Town's workshops are available for public access on the Town's website. Audio recordings of Town Commission Workshops and Special Workshop Meetings are subject to retention and destruction schedules in accordance with State law.

SECTION 7. Nothing herein shall be deemed a waiver of an exemption, attorney client privilege, or exclusion to the Public Records Law or Sunshine Law. Any meeting that is subject to an exemption, privilege, or exclusion shall be governed by State Law.

SECTION 8. Any Resolutions in conflict herewith are hereby repealed.

SECTION 9. This Resolution shall become effective immediately upon adoption.

Passed at a meeting of the Town Commission held the ____ day of _____2013.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

End of Agenda Item