

## MEMORANDUM

Date: October 01, 2013

**TO:** Town Commission  
**FROM:** Dave Bullock, Town Manager  
**SUBJECT:** Resolution 2013-33, Amending Commission Policy Regarding  
Electronic Meeting Attendance and Participation

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At the September 16, 2013 Regular Workshop Meeting the Town Commission held a discussion regarding provisions of Resolution 2013-14 which established a Commission policy regarding interactive electronic media technology usage during non-voting workshops when Commissioners cannot physically attend and participate in such workshops. A discussion was held regarding whether the Commissioners wanted to expand upon the occasions in which Commissioners could utilize such technology to participate in other meetings when the Commissioners cannot physically attend such meetings.

Following discussion, there was consensus to amend the Commission's current policy (Resolution 2013-14) to clarify by Resolution the circumstances when and how such technology would be used at other Commission meetings by absent Commissioners. The Commissioners agreed that in all meetings, a quorum of the Commission must be physically present in order to call a meeting to order. The Commission also clarified the following:

***Regular Workshop and Special Workshop Meetings*** – Absent Commissioners may fully participate using interactive electronic technology and have the ability to participate in developing consensus.

***Regular Meeting and Special Meetings*** – Absent Commissioners can listen using interactive electronic technology as needed. They are not permitted to actively participate or vote.

***Executive Session*** – Absent Commissioners are not permitted to –listen, participate, or vote using interactive electronic technology.

***Shade or Attorney-Client*** – Absent Commissioners are not permitted to –listen, participate, or vote using interactive electronic technology.

Resolution 2013-33 provides for repeal of Resolution 2013-14, if passed at the October 7, 2013 Regular Meeting.

## RESOLUTION 2013-33

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, REPEALING RESOLUTION 2013-14; RE-ESTABLISHING A TOWN COMMISSION POLICY ENTITLED "INTERACTIVE ELECTRONIC MEDIA TECHNOLOGY POLICY" RELATING TO THE TOWN COMMISSION'S USE OF INTERACTIVE ELECTRONIC MEDIA TECHNOLOGY AT TOWN COMMISSION WORKSHOPS AND OTHER NON-VOTING SPECIAL WORKSHOPS; CLARIFYING RESTRICTIONS ON USE OF SUCH TECHNOLOGY AT TOWN COMMISSION VOTING AND OTHER SPECIAL MEETINGS; 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**, the Town Commission passed Resolution 2013-14 to allow for participation of Town Commissioners, from time to time, when scheduling conflicts or other personal circumstances prevented them from being physically present at Town Commission workshops or other non-voting special workshops, where Town business matters were discussed, but no official action was taken; and

**WHEREAS**, the Town Commission wishes to retain and clarify the 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 re-establish, clarify and re-adopt the "Interactive Electronic Media Technology (IEMT)" policy as amended herein addressing individual Town Commissioner's use of such

interactive electronic media technology at the various workshops and meetings 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 "IEMT Policy" (Policy) shall only authorize Town Commissioners use of electronic media to participate at publicly noticed Town Workshops and other Town non-voting Special Workshops where no official action will be taken by the Town Commission.

SECTION 4. This Policy shall disallow individual Town Commissioners from using electronic media under this IEMT Policy to participate at regularly noticed Town Commission voting meetings, special meetings, and public hearings. Notwithstanding the foregoing, Town Commissioners shall be permitted to listen to such meetings and hearings via audio connection(s) when technical difficulties prevent the absent Commissioner from accessing the meeting through a live internet video stream. In such instances where audio access is provided to an absent Commissioner, the absent Commission shall not participate or engage in communications with the other physically present Town Commissioners.

SECTION 5. This Policy shall prohibit the use of IEMT by absent Town Commissioners at Attorney-Client, Executive, and Shade meetings held pursuant to Chapter 447, Florida Statutes. Further, absent Town Commissioners shall also be prohibited from participating in, contributing to, or listening in on any such Attorney-Client, Executive or Shade meetings.

SECTION 6. 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 7. A Town Commissioner who seeks to utilize IEMT to attend a non-voting 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. A Town Commissioner who seeks to utilize IEMT shall provide the Town's Information Technology (IT) Department a minimum of one business day's notice of their intent to participate in such non-voting workshops via IEMT.

SECTION 8. 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 9. 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 10. Resolution 2013-14 is hereby repealed. Any other Resolutions in conflict herewith are hereby repealed.

SECTION 11. This Resolution shall become effective immediately upon adoption.

Passed at a meeting of the Town Commission held the \_\_\_\_ day of \_\_\_\_\_ 2013.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk



**End of Agenda Item**