

## **M E M O R A N D U M**

**To:** Town Commission  
**From:** Tom Harmer, Town Manager  
**Report date:** September 21, 2021  
**Meeting date:** September 27, 2021  
**Subject:** Virtual Meeting Options for Advisory Boards

### **Recommended Action**

Provide direction to Manager.

### **Background**

During the pandemic, the Governor's "State of Emergency" declaration provided flexibility related to quorum, participation, and voting for governmental agencies to meet using virtual meeting technology, such as Zoom and Microsoft Teams platforms.

That flexibility sunset when the Governor's State of Emergency expired. Based on improved technology and lessons learned during the pandemic, the Commission discussed adding additional flexibility to the current non-emergency related restrictions for Commission voting meetings.

The Town Attorney continues to advise that remote participation at voting meetings requires there to be an extraordinary circumstance. Qualifying extraordinary circumstances can be determined by the elected body.

At their June 7, 2021 Regular Meeting the Town Commission passed Resolution 2021-15 that provides for Interactive Electronic Media Technology (IEMT) for the Town Commission. The Policy defines the types of meetings at which IEMT can be used, and includes Extraordinary Circumstances Required, IEMT Requirements, Quorum Requirements, Devices, Technology Usage, Connectivity and Reception, Charter Compliance, and provisions for Sunshine Law compliance.

The Planning & Zoning Board requested that they also be covered by the Commission's Resolution. Other Boards have indicated interest in having this virtual option as well, although they have expressed a strong desire for in-person to the extent possible. The Town Attorney advised that if the Commission would like to implement a remote policy for Advisory Boards, that it should be considered separately as Advisory Boards do not have the same Charter restrictions. There would need to be discussion and direction on what constitutes qualifying extraordinary circumstances. Depending on the frequency, there could be a staffing impact to providing virtual support to the advisory boards. We

generally have to pull one of our three Information Technology staff off their assigned duties to set up and monitor the virtual meeting technology.

The Commission decided to consider remote participation by Advisory Boards separately and directed the staff to bring back this issue for further discussion in the Fall.

**Staff Recommendation**

Provide direction to Manager.

**Attachments**

- A. Staff Report for Resolution 2021-15, Providing for Commission IEMT Policy
- B. Resolution 2021-15, Commission IEMT Policy (Available in Town Clerk's Office)

## M E M O R A N D U M

**To:** Town Commission  
**From:** Tom Harmer, Town Manager  
**Report date:** June 1, 2021  
**Meeting date:** June 7, 2021  
**Subject:** Resolution 2021-15, Providing for Interactive Electronic Media Technology (IEMT) Policy

### **Recommended Action**

Pass Resolution 2021-15.

### **Background**

The current Commission policy is based on Resolution 2013-33 which established the Commission's Interactive Electronic Media Technology (IEMT) Policy. That policy allows for participation if a quorum is present at all non-voting Regular and Special Workshops. It does not allow for remote participation for exempt meetings (Shade, Executive Sessions, Attorney-Client) and only allows Commissioner to listen in on voting Regular or Special Meetings, but not to participate and/or vote.

Based on improved technology and lessons learned during the pandemic, the Commission discussed adding additional flexibility to the current restrictions for voting meetings.

The Town Attorney continues to advise that remote participation at voting meetings requires there to be an extraordinary circumstance. Qualifying extraordinary circumstances can be determined by the elected body.

Based on discussion at the May 18, 2021 Regular Workshop Meeting, the Town Attorney drafted Resolution 2015-21 defining a series of situations that would be considered extraordinary and approved in advance of the meeting. Those circumstances include:

- Illness or disability
- Caring for a recovering or ill family member (i.e., spouse, relative, new baby, child or grandchild, etc.)
- Attending an event on the Town's behalf
- Travel related to health reasons
- Family obligation (i.e., family wedding, or funeral attendance) or
- A declared local, State or National emergency

Resolution 2015-21 also provides the Commission to make additional determinations on a case by case basis at the commencement of the applicable meeting.

It also states that the use of IEMT shall be contingent on a physical quorum of Town Commissioners being present at Town hall for workshops and regularly noticed Town Commission meetings and public hearings. It also restricts the use of that technology and remote participation during meetings not held at Town Hall.

This IEMT policy applies only to the Town Commission. If the Commission would like to implement a remote policy for advisory board, the Town Attorney has recommended that be considered separately. Advisory Boards do not have the same Charter restrictions and there would need to be some discussion and direction on who approves their extraordinary circumstances.

### **Staff Recommendation**

Pass Resolution 2021-15.

### **Attachments**

- A. Resolution 2013-33
- B. Resolution 2021-15

**End of Agenda Item**