

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

**To:** Town Commission  
**From:** Tom Harmer, Town Manager  
**Report date:** October 31, 2022  
**Meeting date:** November 7, 2022  
**Subject:** Resolution 2022-24, Providing for Interactive Electronic Media Technology (IEMT) Policy for Planning & Zoning (P&Z) Board

### **Recommended Action**

Pass Resolution 2022-24.

### **Background**

On June 7, 2021, the Town Commission adopted Resolution 2022-15 updating the authorized circumstances when the Town Commissioners may use Interactive Electronic Media Technology (IEMT) to participate remotely in Town Commission workshops and meetings. Resolution 2021-15 was limited in its application to only the Town Commissioners and not any of the Town's advisory boards. Since adopting Resolution 2021-15, the Town Commission has received requests from the Town's Planning & Zoning (P&Z) Board asking to extend virtual meeting usage to that particular advisory board's members. After discussing the pros and cons of extending IEMT usage to the P&Z Board members, at the October 17, 2022 Town Commission meeting, the Commission instructed the Town Attorney to prepare an IEMT policy for application to the P&Z Board members provided that certain qualifying circumstances are satisfied.

The Town Attorney prepared Resolution 2022-24 for application to the P&Z Board members, and modeled it on the Town Commission's policy set forth in Resolution 2021-15. Under Resolution 2022-24, virtual participation in P&Z Board meetings is conditioned upon: (1) a physical quorum of the P&Z Board being present at the P&Z Board meeting or workshop in Town Hall, and (2) a qualifying "extraordinary circumstance" exists.

Resolution 2022-24 defines a series of situations that would be considered extraordinary circumstances under the policy. Those circumstances would be limited to the following:

- 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

It is also important to recognize that remote participation is reliant on internet and remote participation technology. Occasionally those services may not be functioning properly to allow for connectivity during the public meeting.

Unlike the Town Commission's IEMT policy in Resolution 2022-15, Resolution 2022-24 does not allow for additional flexibility for determinations to be made on a case by case basis at the commencement of the applicable P&Z Board meeting. This allowance was purposefully excluded from Resolution 2022-24, as it is believed that the list of extraordinary circumstances will cover most (if not all) reasonable situations for which a P&Z Board member would not be physically present for a meeting/workshop.

Resolution 2022-24 reinforces the expectation that P&Z Board members will be physically present at such Board meetings, and periodic absences are permitted. It reiterates the requirement in Section 33.20 of Town Code that a P&Z Board member's unexcused absence from three (3) consecutively scheduled and called P&Z Board Regular Meetings shall continue to result in an automatic forfeiture of the P&Z Board member's appointment. Additionally, Resolution 2022-24 only authorizes the use of IEMT and remote participation by P&Z Board members during meetings held at Town Hall.

This Resolution is specific to P&Z Board Members that request to participate remotely based on meeting one of the listed extenuating circumstances. This option would not apply to applicants, or the public. This option would also not apply to other advisory boards of the Town.

If the Commission authorizes P&Z Board members to participate virtually when they have an extraordinary circumstance that will be a new level of service for the Town staff to support. The Information Technology (IT) Department has reviewed the proposed resolution with the Planning, Zoning, & Building Department and has provided the following background information.

In the past, during an emergency declaration, the Planning, Zoning & Building Department staff has handled the hosting of the meeting and the connection with any members participating remotely. In addition, the IT staff has dedicated a staff member to remain in the area to be available for any technical issues that may come up.

Based on reviewing the anticipated number of meetings, and hours, in a year and the expectation that P&Z Board members will actively participate when permitted by remote access, IT has estimated 48 hours of support in a year. Anticipating that they would need to engage outside resources, they have estimated the annual cost at up to \$9,000.

### **Staff Recommendation**

Pass Resolution 2022-24.

### **Attachments**

- A. Resolution 2021-15 (Commission IEMT Policy) (Available in Town Clerk's Office)
- B. Resolution 2022-24 (P&Z Board IEMT Policy) (Available in Town Clerk's Office)

**End of Agenda Item**