



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**From:** Assembly Members Knox, Mosher, and Duncan

**Date:** May 2, 2022

**Subject:** Repealing and replacing sections of Chapter 2.04 "City and Borough Assembly" to address Assembly and public participation

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### **Background**

At the start of the pandemic, teleconferencing and videoconferencing were relied on out of necessity to conduct business. In February 2022, the Assembly was reminded the current use of telephonic and videoconference participation does not align with Sitka General Code (SGC). The Municipal Clerk brought forward an agenda item requesting direction on:

- Use of videoconferencing when an Assembly Member cannot attend a meeting in-person
- Amending SGC to change the required notification time to the Municipal Clerk if attending by videoconference.
- Amending SGC to allow for remote participation by the Assembly as a whole in the event of an emergency declaration.
- Amending SGC to allow for the public to offer testimony by telephone during meetings.

It is the sponsors desire to update participation guidance and modes of participation of the Assembly of the City and Borough of Sitka towards the current technology and the capabilities of our digital society.

Accountability and transparency is of great importance when it comes to how elected officials participate in meetings, in-person or when away. When participating in person, the public is allowed to see and hear how an elected official is engaged in the deliberative process in the governance of our community. In the current digital landscape there is a higher expectation of participation when officials are not available in-person. Participating by teleconference has limitations and a lot can be lost both to those who are on the phone and those at the meeting in-person. Participating via videoconference gives all members

greater access to more aspects of presentation, dialogue, debate, and process by being able to hear and see all who are a part of the Assembly.

Public satisfaction with political processes can be best enhanced through a broad range of methods of engagement, to enable citizens to participate to the extent and in the ways that they prefer. Public accountability and transparency is also an important factor for elected official's means of participation in any public meeting, and through video participation the public is better able to view and understand the nonverbal aspects of communication that builds on that transparency and accountability. When fully able to communicate both verbally and non verbally we are best able to collaborate, problem solve and more thoroughly understand the full view point of those we interact with. Enhancing our modes of participation for those who are participating remotely is an import step in modernizing our practice of meeting, and our public access and participation.

In review of other municipal participation models, Sitka General Code does not provide a clear guide to rules of decorum nor sufficient guidance on how to manage situations when decorum is broken. Good governance and public engagement relies on foundations of participation that embrace diverse viewpoints, an equal chance to participate, an acknowledgement that with rights come responsibilities, clear outlines of expectations and reduced uncertainty, and our best efforts to eliminate risks of intimidation or heckling. These underlying expectations apply to both Assembly debate and decorum as well are outlined for public engagement with the governing body, public and in public meetings.

## **Analysis**

At the February 22, 2022 meeting, there was consensus of the Assembly to address the areas identified by the Municipal Clerk surrounding videoconference and teleconference participation. In addition, the sponsors desire to provide further guidance on Assembly conduct during debate and discussion as well as public participation rules and enforcement.

- **SGC 2.04.050 Conduct of debate and discussion**  
This section provides detailed guidance and procedures for debate and discussion at the Assembly table. It also identifies the roles of the Administrator, Municipal Clerk, and Municipal Attorney during debate and discussion.
  
- **SGC 2.04.130 Public participation**
  - (A) Rules for public participation  
This section states there shall be an opportunity for public participation on agenda items and “persons to be heard” at meetings, provides an explanation for public participation on “discussion/direction/decision” items, states the allotted time for testimony and expectations of the speaker, and addresses inquiries made by a member of the public regarding municipal business during testimony.
  
  - (B) Rules of order and decorum  
This section states the presiding officer shall preserve order and decorum

at all times and identifies behavior that will not be tolerated.

o (C) Enforcement of order and decorum

This section states the presiding officer, or upon majority vote of the Assembly, the presiding officer may order the removal of any person committing disruptive acts at a meeting or work session. Any person removed shall be excluded from further attendance at the meeting from they have been removed, unless permission to attend is granted upon motion made and adopted by a majority vote of the Assembly before the next agenda item.

• SGC 2.04.185 Remote participation by the Mayor and Assembly Members

This section has been renamed remote participation and allows for members to participate by videoconference, **not telephonic**, with the exception of executive session. Key points:

- o Members participating remotely shall make every effort to participate in the entire meeting and **must have their video turned on** except during breaks.
- o During executive session, for security purposes, **the member shall participate by telephone**. The member participating shall acknowledge there is no other person with the member or in close enough proximity to hear executive session discussion. Members participating remotely are prohibited from electronically recording or taking notes in the executive session.
- o The Mayor, or presiding officer, **shall not preside over a meeting** in which they are participating remotely, except as provided in subsection H.
- o **No more than the first three members** to contact the Municipal Clerk requesting remote participation at a particular meeting may participate remotely, except as provided in subsection H.
- o The member shall **notify** the municipal clerk and presiding officer at least **24 hours in advance** of their intent to participate remotely in a meeting or work session.
- o **All voting is by roll call** when a member is participating remotely.
- o **Remote participation is limited to four regular meetings during a twelve-month period.** The twelve-month period begins at the first regular meeting of the assembly after the regular election in October. **Remote participation is not allowed consecutively for more than two regular meetings.**
- o **Remote participation in a meeting while out of town on municipal**

**business** does not count toward the four times which remote participation is limited or toward the two consecutive regular meetings limit on remote participation.

- When the administrator, assembly, governor, or federal government has **declared an emergency**, a quorum of assembly members may be established with the combined total of members participating physically, partially remote, or entirely remote. In this instance, the mayor, or presiding officer, may preside over the meeting remotely.
- **SGC 2.04.186 Telephonic participation by the public**
  - Any member of the public may request to provide comment by telephone on any agenda item or “Persons to be heard” item. To participate by telephone, the person shall provide the Municipal Clerk with a telephone contact number by 5:00 p.m. on the Monday before the Tuesday regular meeting, and at least 24 hours before any special or emergency meeting, when such notice is reasonably practicable.
  - Any member of the public who participates by telephone shall not be charged for any costs associated with telephonic participation.
  - Public participation rules and enforcement in Section 2.04.130 apply to members of the public participating by telephone.

**Fiscal Note**

No fiscal impacts are anticipated. With regards to videoconferencing and teleconferencing, the necessary IT infrastructure is in place.

**Recommendation**

Approve this Ordinance amending repealing and replacing sections of Chapter 2.04 “City and Borough Assembly” addressing Assembly and public participation.