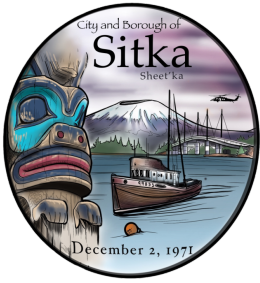


## **Discussion / Direction / Decision**

on guidelines for telephonic and videoconference participation by Assembly members and the public at Assembly meetings.



# City and Borough of Sitka


PROVIDING FOR TODAY...PREPARING FOR TOMORROW

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*A Coast Guard City*

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Sara Peterson, Municipal Clerk

**Date:** February 11, 2022

**Subject:** Guidelines for Telephonic and Videoconference Participation by Assembly Members and the Public at Assembly Meetings

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### Background

Beginning in March 2020, at the start of the pandemic, teleconferencing and videoconferencing were relied on heavily out of necessity to conduct business.

Alaska Statutes 44.62.310, 44.62.312, and Sitka General Code (SGC) 2.04.185, authorize teleconference participation by the Mayor, Assembly members and the public at Assembly meetings.

Per SGC 2.04.185, the Mayor and Assembly members are allowed to participate telephonically in the following manner:

- Notify the clerk by 4:00 p.m. on the Friday before the Tuesday regular Assembly meeting, or at least twelve hours before a special meeting.
- The Mayor, or the presiding officer in the absence of the Mayor, shall not preside over the Assembly meeting when participating by teleconference.
- All voting at the meeting shall be by roll call vote.
- Teleconference participation at any Assembly meeting is limited to four times a year by each Assembly member or by the Mayor. However, teleconference participation by a member or the Mayor will not be allowed consecutively for more than two regular meetings.

Per SGC 2.04.185, the public is allowed to participate by teleconference in the following manner:

- Any member of the public not present within Sitka during an Assembly meeting, and who wants to participate by teleconference concerning any agenda item which

allows for public participation under Section 2.04.060, may request to participate by teleconference.

- The member of the public shall provide the Clerk with a telephone contact number for teleconference participation by 4:00 p.m. on the Monday before the Tuesday regular Assembly meeting, and at least twelve hours before any special meeting.

### **Analysis**

The current use of telephonic and videoconference participation does not align with Sitka General Code; in particular, public participation by telephone. Exceptions were allowed when emergency declarations were in place due to the pandemic. Those emergency declarations have expired.

The use of videoconferencing (zoom) during meetings is helpful when Assembly members are unable to attend in-person or when a presentation is being given by an entity outside of Sitka.

### **Recommendations**

Staff is looking for direction from the Assembly and has provided the following points for consideration:

- Use videoconferencing (zoom) when an Assembly member cannot attend in-person or when there is a presentation from an entity outside of Sitka.
- Amend code to change notification time for the Assembly, for regular meetings, from Friday at 4:00 p.m. to Monday at 4:00 p.m.
- Amend code to allow for telephonic and videoconference participation by the Assembly in the event of emergency situations – e.g. pandemic.
- Request IT support be available to assist with technical difficulties related to videoconferencing.
- For public participation by telephone, adhere to Sitka General Code or direct staff, through the Administrator, to bring forward an ordinance amending Sitka General Code to allow otherwise.

Encl: Sitka General Code 2.04.185

## **2.04.185 Teleconference participation.**

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A. The use of teleconferencing at assembly meetings is for the convenience of government officials and the public. Teleconference participation by the mayor, assembly members and the public is authorized by AS [44.62.310\(a\)](#) and [44.62.312](#). While physical presence of the mayor, assembly members and the public is the preferred method of participation at assembly meetings, the mayor, assembly members, and the public are allowed to participate at assembly meetings in the following manner:

1. Participation of Mayor and Assembly Members by Teleconference.

a. Any assembly member may participate in any assembly meeting by teleconference. Teleconference participation is solely at the discretion of the assembly member who requests this method of participation if the assembly member is out of town or incapacitated. The assembly member shall notify the clerk to arrange for teleconference participation by four p.m. on the Friday before the Tuesday regular assembly meeting, and at least twelve hours before any special assembly meeting.

b. The mayor, or the presiding officer in the absence of the mayor, may also participate in any assembly meeting by teleconference. The mayor, or the presiding officer in the absence of the mayor, shall notify the clerk to arrange for teleconference participation by four p.m. on the Friday before the Tuesday regular assembly meeting, and at least twelve hours before any special assembly meeting. However, the mayor, or the presiding officer in the absence of the mayor, shall not preside over the assembly meeting when participating by teleconference.

c. The mayor and any assembly member participating by teleconference shall be deemed to be present at the assembly meeting for all purposes, including for quorum and voting, except as provided in subsection (A)(1)(b) of this section.

d. The mayor and any assembly member participating by teleconference shall have the same right to participate in any matter as if physically present at the assembly meeting, including debate under Section [2.04.050](#), executive sessions, adjudicatory matters, and presentations. Reasonable efforts shall be made to make available to the mayor and any assembly member participating by teleconference any pertinent documents that are to be discussed and/or acted upon, including the assembly packet.

e. The mayor and any assembly member participating by teleconference shall have the same right to vote on any matter as if physically present at the assembly meeting. All voting at the meeting shall be by roll call vote. The assembly member who is participating by teleconference, or the mayor when participating by teleconference, determines whether the member or the mayor has had the opportunity to evaluate all pertinent information, including any testimony and/or evidence, and is prepared to vote.

f. Teleconference participation at any assembly meeting is limited to four times a year by each assembly member or by the mayor. However, teleconference participation by a member or the mayor will not be allowed consecutively for more than two regular meetings.

2. Participation of Public by Teleconference. Any member of the public who will not be present within the city and borough of Sitka during any assembly meeting, and who wants to participate by teleconference concerning any agenda item which allows for public participation under Section [2.04.060](#), may request participating by teleconference. The assembly agenda is available from the clerk and the city and borough of Sitka website prior to the assembly meeting, in accordance with Section [2.04.010](#). In order to participate by teleconference, the member of public shall provide the clerk with a telephone contact number for the teleconference participation by four p.m. on the Monday before the Tuesday regular assembly meeting, and at least twelve hours before any special assembly meeting. The clerk will call that phone number during the public participation section on the agenda item.

B. Cost of Teleconference Participation. The mayor, any assembly member, and any member of the public who participates by teleconference shall not be charged for any telephone costs associated with the teleconference participation.

(Ord. 06-01 A(2) § 4(A), 2006.)