

*AN ORDINANCE ENACTING SECTION 2-56 OF THE CODE OF ORDINANCES AUTHORIZING THE BOARD OF ALDERMEN TO CONDUCT MEETINGS USING VIDEO CONFERENCE TECHNOLOGY.*

BE IT ORDAINED by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. Section 2-56 of the Code of Ordinances is hereby enacted and shall hereafter provide as follows:

**Sec. 2-56. – Meetings Using Video Conferencing Technology.**

a. **Policy Statement.** While it is legally permissible for members of the City’s public governmental bodies to attend meetings and vote via video conference transmission, a member’s use of video conference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their elected officials face-to-face, elected members of a public governmental body should endeavor to be physically present at all meetings unless attendance is unavoidable after exercising due diligence to arrange for physical presence at the meeting. The primary purpose of attendance by video conference connection should be to accommodate the public governmental body as a whole to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of the body’s members. A secondary purpose of attendance by video conference should be to ensure that all members may participate in business of the public governmental body that is emergency or highly important in nature and arose quickly so as to make attendance at a regular meeting practically impossible. Except in emergency situations, all efforts should be expended to ensure that a quorum of the members of the public governmental body be physical present at the normal meeting place of the body.

b. **Video Conference Defined.** For purposes of this section “video conference” or “videoconferencing” shall refer to a means of communication where at least one member of a public government body participates in the public meeting via an electronic connection made up of three components: (1) a live video transmission of the member of the public governmental body not in physical attendance; (2) a live audio transmission allowing the member of the public governmental body not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the public governmental body not in physical attendance to hear those in physical attendance at a meeting. If at any time during a meeting one or more of the elements of a video conference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the video conference participant is deemed immediately absent and this absence should be reflected in the minutes. A video conference participant’s absence may compromise a quorum in which case the applicable Missouri laws shall take effect regarding a broken quorum.

c. **Frequency of Use of Video Conference Attendance.** A member of a public

governmental body shall not attend more than two (2) meetings via video conference in a rolling twelve-month period, unless otherwise authorized by the board of aldermen. In keeping with the policy stated in subsection (a) above, attendance via video conference should only occur sparingly and for good cause. Such good cause shall be at the discretion of the member seeking to attend by video conference, but shall be for significant reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.

d. **Physical Location.** Members of the public may not participate in a public meeting of a governmental body via video conference. The public wishing to attend a meeting, and elected officials not participating via videoconferencing of a meeting, shall participate at the physical location where meetings of the public governmental body are typically held, or as provided in a notice provided in accordance with the Sunshine Law. The public governmental body shall cause there to be provided at the physical location communication equipment consisting of an audio and visual display, and a camera and microphone so that the member(s) of the public governmental body participating via videoconferencing, the members of the public governmental body in physical attendance, and the public in physical attendance may actively participate in the meeting in accordance with rules of meeting decorum. The communication equipment at the physical location of the meeting must allow for all meeting attendees to see, hear, and fully communicate with the videoconferencing participant.

e. **Voting.** Elected members of a public governmental body attending a public meeting of that governmental body via video conference are deemed present for purposes of participating in a roll call vote to the same effect elected members of a public governmental body in physical attendance at a public meeting of that governmental body are deemed present. As indicated in subsection (b) above, if any component of the video conference communication fails during the meeting, the member attending the meeting by video conference whose connection failed shall be deemed absent immediately upon such failure, and if the public governmental body was in the act of voting, the voting shall stop until all of the components of video conference attendance are again restored and the video conference participant's presence is again noted in the minutes.

f. **Closed Meetings.** In a meeting where a member of a public governmental body is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's vote to close the meeting, all members of the general public shall not be present. Likewise, a member of a public governmental body participating via videoconferencing must ensure there are no members of the public present at their location to see, hear, or otherwise communicate during the closed session. The member must also take all reasonable precautions to guard against interception of communication by others. Failure to ensure the requirements of this subsection may result in corrective action by the full public governmental body in accordance with City regulations.

g. **Minutes.** In the meeting, whether in open or in closed session, the minutes taken should reflect the member, if any, participating via video conference; the members in

physical attendance; and members, if any, absent.

h. **Emergency Meetings.** In the event that emergency circumstances create impossibility for the members of a public governmental body to physically attend the body as a whole may meet, and if necessary, vote by video conference. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, pandemic, or natural disaster such as earthquake, tornado, hurricane, flood, or blizzard. To the extent possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Lamar, Missouri, this 23rd day of March, 2020.

By \_\_\_\_\_  
KENT M. HARRIS, Mayor

ATTEST:

By \_\_\_\_\_  
BEV BAKER, City Clerk