



City Council Policy: CP028 - Remote Participation for Public Meetings

Effective Date: October 3, 2022

Amends: April 20, 2020

Approved By: City Council

I. SCOPE

Any meeting of the Governing Body, the Council Committee of the Whole, and any other established committee (other than the Planning Commission, which is authorized to adopt its own bylaws under City Code Sec. 16-102) (unless otherwise specified in this Policy, each a "Body" or collectively, the "Bodies"), and any other meeting which is or would be subject to the requirements of the Kansas Open Meetings Act, as amended (each, a "Public Meeting").

II. PURPOSE

To establish a policy allowing for and regulating:

- (1) the holding of Public Meetings by a Body with only or predominantly by Remote Participation (defined below); and
- (2) Remote Participation by members of any Body (each, a "Member" or collectively, "Members") who are not physically present at otherwise in-person Public Meetings, so that such Members may participate in the decision process for matters of high importance to the City.

Members of such Bodies are strongly encouraged to physically attend Public Meetings whenever possible. Reference City Code Sec. 1-204 (Governing Body; Quorum; Compelling Attendance) and City Council Policy CP001 (City Committees).

III. RESPONSIBILITY

City Administrator

IV. DEFINITIONS

"Remote Participation" is defined as the participation of a Member in a Public Meeting via electronic or other means of telecommunication, when such Member is not or cannot be present at an in-person Public Meeting.

As used herein, the term "predominantly" as to Remote Participation shall mean a Public Meeting held pursuant to Section V.A below, such that a quorum of the Body is participating or is called to participate via Remote Participation. The term "in-person" as to a Public Meeting shall mean a Public Meeting not held predominantly by Remote Participation.

Other terms used herein shall be as defined herein.

V. POLICY

A. Public Meetings Held Predominantly by Remote Participation.

1. It is the intent of the City that each Body meeting for a Public Meeting meet physically, in person; provided, that Remote Participation is allowable pursuant to this Policy. Regular and special Public Meetings of any Body may only be held predominantly via Remote Participation to the extent that the Mayor (or other authorized official) has exercised his or her authority under Chapter 1, Article 13 of the Prairie Village City Code, or to the extent that, in the opinion of the chairperson of such Body in consultation with the City Administrator, any other lawful order of applicable governmental authorities prohibits (or makes impracticable) the holding of in-person Public Meetings.

2. If any Public Meeting is to be held predominantly via Remote Participation, the City and the Body shall comply with all requirements of the Kansas Open Meetings Act, as amended ("KOMA") and any regulations, temporary or otherwise, issued in accordance with KOMA. This includes, but is not limited to, making provision for proper notifications and the ability of the public to view, listen, or otherwise participate in the Public Meeting, subject to the requirements and limitations of KOMA.
3. The Mayor (in the case of Public Meetings of the Governing Body and the Council Committee of the Whole) (or, in the absence of the Mayor, the Council President or his or her designee) and the chairperson of any other Body shall coordinate the holding of any Public Meeting held predominantly via Remote Participation with the City Administrator or his or her designee.
4. If the medium for Remote Participation by the full Body allows, the City shall provide an alternative means to access the Public Meeting for members of the public who do not have internet access; provided, that to the extent required by KOMA and any regulations, temporary or otherwise, issued in accordance with KOMA, the City shall provide an in-person alternative means to access and view the Public Meeting. The City Administrator, or his or her designee, shall provide directions describing how members of the public will be able to electronically access, listen to, or observe the Public Meeting, including in-person. Prior to any Public Meeting held predominantly by Remote Participation, the City Administrator, or his or her designee, shall provide electronic or paper copies of an agenda, if any, to any individual requesting the agenda.
5. The chairperson of any Body shall clearly state each motion before the Body votes and announce the results of the final vote. The chairperson shall also clearly identify and authorize by delegation each Member of the Body or City staff who will be permitted to sign any binding document for the Body.
6. The chairperson of any Body holding a Public Meeting predominantly by Remote Participation shall describe at the beginning of the Public Meeting whether public comment will be allowed and what process will be used to identify any individual who wishes to comment, if permitted. The chairperson of the Body shall further describe at the beginning of any such Public Meeting the process that will be used for a closed or executive meeting pursuant to KOMA.

B. Individual Remote Participation at In-Person Public Meetings.

1. Except where a Public Meeting is itself held predominantly via Remote Participation, Remote Participation should only be used for Public Meetings of the Governing Body and the Council Committee of the Whole. Remote Participation should not generally be used for executive sessions where privileged or confidential information or discussions may be impacted by the use of Remote Participation. Remote participation for training, retreats, workshops, field demonstrations, committee meetings, or other Public Meetings of any other Body may only be used where City staff resources, schedules, and facilities reasonably allow for Remote Participation.
2. For Public Meetings that are held in-person, Remote Participation is intended for Members who cannot physically attend Public Meetings for reasons of physical illness, injury or disability, personal emergencies, military service, geographic distance, or such other reasons as may make in-person participation impossible or impracticable.
3. For Public Meetings that are held in-person, and not held predominantly via Remote Participation, Remote Participation by an individual Member is subject to the following restrictions:
 - (a) A Member should give 24 hours' notice to the City Administrator or his or her designee.
 - (b) A quorum of the Body, not including any Member utilizing Remote Participation, must be physically present at and for the Public Meeting for Remote Participation to occur. The Mayor or chair of the meeting is not allowed to participate remotely.
 - (c) Remote Participation will not be used for any Public Meeting that takes place outside of Prairie Village City Hall.

VI. PROCEDURES

- A.** For Public Meetings held predominantly by Remote Participation, and upon request by a Member for individual Remote Participation in an in-person Public Meeting (and provided the qualifications for Remote Participation for such in-person meetings are otherwise met), the City Administrator will direct City staff to make accommodations for Remote Participation.
- B.** For Public Meetings held predominantly by Remote Participation, Members shall use their best efforts to utilize the Remote Participation method established by the City Administrator for such Public Meeting. For in-person Public Meetings, individual Members participating by Remote Participation are permitted to use any method, subject to approval by the City Administrator and compliance with KOMA, that allows them to be heard by those physically present at the Public Meeting and by any persons that may be viewing or watching the Public Meeting on channels provided by the City, and to hear and participate in all activities and discussion of the meeting clearly. Visual methods are permitted but not required.
- C.** The names of any individual Members utilizing Remote Participation will be stated during roll call, and Remote Participation will be explicitly noted for the record. The entrance, exit, re-entrance, disconnection, and reconnection of, from, and to the Public Meeting by any Member will also be noted in the Public Meeting minutes, to the extent minutes of any such Public Meeting are required to be kept.
- D.** A Member utilizing Remote Participation must be capable of fully participating in the Public Meeting, must be able to adequately communicate with all other Members of the Body, participating city staff, and other parties present at the Public Meeting, and should make all reasonable effort to be fully aware of all discussions, votes, activities, presentations, and any other conveyances of information occurring at said Public Meeting.
- E.** Each Member participating by Remote Participation shall take care that he or she is not unduly influenced by others, and that his or her participation will be full and absent distraction. Each Member participating by Remote Participation shall state such Member's name and title each time the Member begins speaking or voting so that such Member can be readily identified by remote listeners and observers.
- F.** Each Member participating by Remote Participation shall ensure that microphones, phones, or other electronic devices are muted when such Member is not speaking to that the ability of remote listeners and observers to hear the proceedings is not necessarily impeded.
- G.** In the event that full participation requires the use of documents, briefs, visual presentation of information, or any information conveyed via physical media, City staff will make reasonable efforts to assist in providing Members utilizing Remote Participation with the information, via physical or electronic means.
- H.** Should the Member utilizing Remote Participation experience technical difficulties, the chairperson of the Body, at his or her reasonable discretion, may suspend discussion until the Member is again able to be fully present, or so as to preserve a quorum. Should technical difficulties occur, the chairperson of the Body will retain authority to discontinue any Remote Participation and continue the Public Meeting. In general, delays collectively lasting longer than fifteen (15) minutes will result in discontinuation of Remote Participation by the Member and termination of any remote connection, at the chairperson's discretion.