

Meeting Date: 07/14/2020

By: Colleen Lasher, Administrative Services

Information

Title:

Motion to Update the Remote Attendance Policy

Purpose/Background:

The current remote attendance policy was approved at the April 23, 2019 City Council meeting. The current policy significantly restricts the number of times an eligible user can participate remotely. As technology has improved there may be value in approving a less restrictive policy.

The standards for remote meeting attendance as provided by state law are included in the attached City Attorney's memo. However, since the time of the City Attorney's memo, Section 13D.02 was amended twice (2019 and 2020). It should be noted that all recent and future changes in the law will supersede the policy. The amendments changed the following: 1) Roll call votes are now required. (Previously, regular voice votes were sufficient), and 2) Previously, it was required that the public official who is attending remotely had to allow the public to participate from that remote location, wherever that is. Now, the location does not have to be public IF the member is in the military and is at a required drill, deployed or on active duty, OR the member has been advised by a health care professional to not be in a public place and a state of emergency exists (or did exist within 60 days). These two exceptions can only be used up to three times in a calendar year. If those exceptions do not apply, the regular rule requiring public access at the remote location still applies. The remaining provisions of section 13D.02 remain in place. Under all circumstances, the Remote Attendance Policy will follow state law.

The current policy restricts remote participation to one member per meeting, twice annually, per member. Staff anticipates the potential need to revise the policy to allow for greater flexibility of the policy, while still abiding by state law. The recommended revised policy is attached.

Recommended changes to the policy include:

1) Added draft language:

- OTHER MEETING PARTICIPANTS: City staff, applicants, and other meeting participants may attend meetings remotely and are not subject to the policy or statutory limitations outlined within this policy.

2) Revised draft language:

- MAXIMUM REMOTE ATTENDEES: There will be no maximum number of remote attendees so long as at least one (1) City Councilmember or member of a formally established commission of the City is physically present. In the event that all members request remote attendance, eligible participants for any particular meeting will be determined by the order in which notification was received by the City Administrator.
- ANNUAL USE: An eligible user may attend via interactive television, an unlimited number of times per year, contingent upon the general expectation that individuals will make every practical attempt to be physically present

Please see the attached marked-up draft for additional details.

Funding Source:

No additional funding is required.

Recommendation:

Staff recommends approving the updated Remote Attendance Policy.

Action:

Motion to approve an updated remote attendance policy.

Attachments

Draft Updated Policy

2019 Remote Attendance Policy

Attorney Memo

Chapter 74 Laws

Chapter 33 Laws

Form Review

Inbox

Kurt Ulrich

Form Started By: Colleen Lasher

Final Approval Date: 07/09/2020

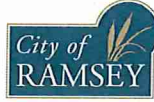
Reviewed By

Kurt Ulrich

Date

07/09/2020 03:41 PM

Started On: 07/08/2020 10:27 AM



CITY OF RAMSEY

Policy Regarding Remote Attendance and Participation in Council and Commission Meetings

ADOPTED BY CC 04/23/2019

SECTION 1: SCOPE

A. BACKGROUND: The City of Ramsey seeks to develop guidelines to promote transparent and orderly use of electronic technology that allows Council and commission members to attend meetings from a remote location. Electronic audio/video attendance options continue to advance and evolve, along with the laws that govern such attendance. Generally speaking, the city may adopt regulations that are more restrictive (not more lenient) than those provided by state law.

B. PURPOSE: The purpose of this policy is to create guidelines governing the remote attendance and participation of members at Council and Commission meetings. Advance notifications and limits are established in order to provide proper notification to the public, and to allow the City to arrange the appropriate technology to cover the meeting. The general expectation is that individuals will make every practical attempt to be physically present and that the purpose of this policy is to allow for exceptions when the member is unable to physically attend a meeting.

C. OTHER MEETING PARTICIPANTS: City staff, applicants, and other meeting participants may attend meetings remotely and are not subject to the policy or statutory limitations outlined within this policy.

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SECTION 2: CRITERIA/PROCEDURE

- A. ELIGIBLE USERS: Members of the City Council and members of any formally established commission of the City.
B. APPLICATION: Eligible users may attend and participate in any regular meeting of their respective Council or commission in accordance with this policy.
C. NOTIFICATION: Eligible Users wishing to participate via interactive television or other electronic medium shall notify the City Administrator, in writing, no earlier than ten (10) days, and no later than 72 hours prior to the meeting. The name and location of eligible members attending a meeting via electronic medium shall be posted in conjunction with, and in the same manner as, the regular agenda.

- D. MAXIMUM REMOTE ATTENDEES: There will be no maximum number of remote attendees so long as at least one (1) City Councilmember or member of a formally established commission of the City is physically present. ~~No more than one (1) eligible user may participate in any single meeting via electronic medium. In the event that all members request remote attendance, e~~Eligible participants for any particular meeting will be determined by the order in which notification was received by the City Administrator.
- E. ANNUAL USE: An eligible user may attend via interactive television, an unlimited number of times per year, contingent upon the general expectation that individuals will make every practical attempt to be physically present ~~maximum of two (2) regular meetings via interactive television per year.~~
- F. OTHER: Remote attendance and participation at any public meeting shall be in full compliance with the Open Meeting Law (OML), Minnesota Statutes section 13D.02, subdivision 1. All members of the public showing up at a remote location must be able to see and hear all discussion and votes. All members of the body must be able to see and hear one another, as well as the public.
- G. EXCEPTIONS: The requirements of this policy may be waived in the event of an emergency as defined by state statute.
- H. DECORUM: It is expected that all members attending remotely will conduct himself or herself in a professional manner, and attend only from meeting locations that are suitable for the proper conduct of professional business.
- I. EXPENSES: Members attending remotely will cover all extraordinary costs necessary for the connection.
- J. TECHNOLOGY: Remote meeting attendees shall comply with all technological and security standards as established by QCTV and the City's Information Technology staff.



CITY OF RAMSEY

Policy Regarding Remote Attendance and Participation in Council and Commission Meetings

ADOPTED BY CC 04/23/2019

SECTION 1: SCOPE

- A. **BACKGROUND**: The City of Ramsey seeks to develop guidelines to promote transparent and orderly use of electronic technology that allows Council and commission members to attend meetings from a remote location. Electronic audio/video attendance options continue to advance and evolve, along with the laws that govern such attendance. Generally speaking, the city may adopt regulations that are more restrictive (not more lenient) than those provided by state law.

- B. **PURPOSE**: The purpose of this policy is to create guidelines governing the remote attendance and participation of members at Council and Commission meetings. Advance notifications and limits are established in order to provide proper notification to the public, and to allow the City to arrange the appropriate technology to cover the meeting. The general expectation is that individuals will make every practical attempt to be physically present and that the purpose of this policy is to allow for exceptions when the member is unable to physically attend a meeting.

SECTION 2: CRITERIA/PROCEDURE

- A. **ELIGIBLE USERS**: Members of the City Council and members of any formally established commission of the City.
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- D. **MAXIMUM ATTENDEES**: No more than one (1) eligible user may participate in any single meeting via electronic medium. Eligible participants for any particular meeting will be determined by the order in which notification was received by the City Administrator.

- E. ANNUAL USE: An eligible user may attend a maximum of two (2) regular meetings via interactive television per year.
- F. OTHER: Remote attendance and participation at any public meeting shall be in full compliance with the Open Meeting Law (OML), Minnesota Statutes section 13D.02, subdivision 1. All members of the public showing up at a remote location must be able to see and hear all discussion and votes. All members of the body must be able to see and hear one another, as well as the public.
- G. EXCEPTIONS: The requirements of this policy may be waived in the event of an emergency as defined by state statute.
- H. DECORUM: It is expected that all members attending remotely will conduct himself or herself in a professional manner, and attend only from meeting locations that are suitable for the proper conduct of professional business.
- I. EXPENSES: Members attending remotely will cover all extraordinary costs necessary for the connection.
- J. TECHNOLOGY: Remote meeting attendees shall comply with all technological and security standards as established by QCTV and the City's Information Technology staff.

MEMORANDUM



TO: Kurt Ulrich

FROM: Joseph J. Langel, City Attorney

DATE: February 6, 2018

RE: Remote attendance at public meetings

You indicated that elected and/or appointed officials in Ramsey inquired about whether and how they can attend public meetings remotely. This inquiry raised some related questions as well, which are discussed below.

Issues

1. What options are available under the Open Meeting Law?
2. Are there any restrictions?
 - a. How many members can be absent at the same time?
 - b. Are there specific requirements at the remote location?
 - c. Are there specific requirements at the regular location?
3. How does this impact voting rights and quorum requirements?
4. Are there special notice requirements if one or more members are attending remotely?

Discussion

1. Remote Options Available under the OML

The Open Meeting Law (OML), Minnesota Statutes section 13D.02, subdivision 1, allows a meeting to be conducted by interactive television. In Minnesota Department of Administration Advisory Opinion 13-009, the use of Skype was deemed suitable under the OML, given its similarity to interactive television. It is likely that software similar to Skype, such as FaceTime, would also be allowed under these provisions.

Note that the ability to use “a telephone or other electronic means” is available only to state agencies. *Minn. Stat. § 13D.015*. The League has suggested that this option be broadened to include cities, but that has not occurred. Consequently, only the “interactive television” option, or its equivalent, is available to cities, meaning combined audio-visual is required; having a member on speaker phone does not suffice.

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2. Restrictions on Remote Options

a. How many members can be absent at the same time?

As long as one member is physically present at the regular meeting location, the rest of the council, board or commission can appear via one or more remote links.

b. Are there specific requirements at the remote location?

The remote location that a member is participating from is to be open and accessible to the public. *Minn. Stat. 13D.02 subd. 1(4)*. According to Advisory Opinion 13-009, this location can be outside the city. It is not required that the location be convenient for city residents; it just has to be open to the public. This can get a little awkward when the remote attendee is in a hotel room or relative's home and should be taken into consideration when choosing the remote location. Any member of the public showing up at the remote location must be able to see and hear all discussion and votes, which means the remote member may be sharing a computer screen with someone.

Note that *all* members of the body must be able to hear and see one another. This must be taken into account when considering camera and screen placement in the room. If there are two or more remote attendees, this can create substantial technical issues that must be worked out prior to the meeting.

Not only can the public be present at the regular meeting site and the remote site, the OML also allows the public to "monitor" the meeting electronically from a remote location "to the extent practical" if interactive television or its equivalent is being used. Any incremental costs incurred by the City to make that available may be charged to the person requesting it.

c. Are there specific requirements at the regular location?

At the regular location, both the public and the other members must be able to hear and see the member attending the meeting remotely. This may require more than one screen, depending on the room layout.

3. How does this impact voting rights and quorum requirements?

Voting rights are not impacted by remote attendance and a member attending remotely is considered present at the meeting for purposes of determining a quorum.

4. Are there special notice requirements if one or more members are attending remotely?

If interactive television or its equivalent are used, the city “shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting.” *Minn. Stat. § 13D.02, subd. 4*. The timing and method of notice is the same as with any other meeting of that kind (i.e., regular, special or emergency). Note, however, that if a regular meeting location changes (which would be the case if someone is attending remotely), notice must given in the same manner as a special meeting, meaning posted three days before the date of the meeting and mailed to whomever requested such notices. *Minn. Stat. § 13D.04*.

As a practical matter, this means that the member who is to appear remotely must inform City staff of the site where he or she will be for the meeting, and do so early enough that staff can post and mail a timely notice.

Office of the Revisor of Statutes

Minnesota Session Laws - 2020, Regular Session

[Authenticate](#)

This document represents the act as presented to the governor. The version passed by the legislature is the [final engrossment](#). It does not represent the official 2020 session law, which will be available here summer 2020.

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 74--H.F.No. 4556

An act relating to state government; providing for COVID-19 policy and certain other policy changes; extending certain deadlines; covering certain COVID-19 health expenses; providing temporary emergency authority; expanding usage of electronic communication, applications, and signatures; appropriating additional money for grants to Second Harvest Heartland to purchase commodities from Minnesota farmers; modifying certain vehicle registration provisions; allowing nonposting of tax delinquency and suspension of nondelivery of liquor or beer related to delinquency; modifying certain treatment provisions; correcting errors in health and human services appropriations; making forecast adjustments; requiring reports; amending Minnesota Statutes 2018, sections 168.013, by adding a subdivision; 245F.03; 245F.04, by adding a subdivision; 254B.03, subdivision 1; 299C.46, subdivision 3; Minnesota Statutes 2019 Supplement, sections 13D.02, subdivision 1; 168.013, subdivision 1a; 254A.03, subdivision 3; 256B.0759, subdivisions 3, 4; Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 5; Laws 2019, First Special Session chapter 9, article 14, section 2, subdivisions 2, 24, 30, 31, by adding a subdivision; Laws 2020, chapter 71, article 2, section 15, subdivision 3, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 2019 Supplement, section 254B.03, subdivision 4a; Minnesota Rules, parts 9530.6600, subparts 1, 3; 9530.6605, subparts 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 21a, 21b, 24a, 25, 25a, 26; 9530.6610, subparts 1, 2, 3, 5; 9530.6615; 9530.6620; 9530.6622; 9530.6655.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

COVID-19 POLICY

Section 1. Minnesota Statutes 2019 Supplement, section 13D.02, subdivision 1, is amended to read:

Subdivision 1. **Conditions.** (a) A meeting governed by section [13D.01, subdivisions 1, 2, 4, and 5](#), and this section may be conducted by interactive television so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location; ~~and~~

(4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and

(5) each location at which a member of the body is present is open and accessible to the public.

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:

(1) the member is serving in the military and is at a required drill, deployed, or on active duty; ~~and or~~

(2) ~~the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public.~~

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **[524.2-503] HARMLESS ERROR.**

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 33--H.F.No. 281

An act relating to Open Meeting Law; modifying requirements for attendance by interactive television; amending Minnesota Statutes 2018, section 13D.02, subdivisions 1, 2, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2018, section 13D.02, subdivision 1, is amended to read:

Subdivision 1. **Conditions.** (a) ~~A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:~~

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location; and

(4) each location at which a member of the body is present is open and accessible to the public.

(b) ~~A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public if:~~

(1) ~~the member is serving in the military and is at a required drill, deployed, or on active duty; and~~

(2) ~~the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public.~~

Sec. 2. Minnesota Statutes 2018, section 13D.02, subdivision 2, is amended to read:

Subd. 2. **Members are present for quorum, participation.** Each member of a body participating in a meeting by ~~electronic means~~ interactive television is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Sec. 3. Minnesota Statutes 2018, section 13D.02, is amended by adding a subdivision to read:

Subd. 6. **Record.** The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive television and state the reason or reasons for the appearance by interactive television.

Presented to the governor May 17, 2019

Signed by the governor May 17, 2019, 5:51 p.m.