

AN ORDINANCE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, CHAPTER 130, OPEN MEETINGS AND RECORDS; BY ADOPTING NEW SECTION 130.090 REGARDING VIDEOCONFERENCING AT MEETINGS.

WHEREAS, in 2013, the Missouri General Assembly adopted SB 170, which amended §610.015, RSMo to allow roll call votes to be cast by elected members of a public governmental body who are attending by video conference; and

WHEREAS, this ordinance is designed to balance the benefits of additional participation from members who cannot be physically present with the concern that elected and appointed officials should make attendance at meetings a priority.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. New Section 130.090 of the Municipal Code is hereby adopted and shall read as follows:

SECTION 130.090: MEETINGS USING VIDEO CONFERENCE 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. 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 reasonable 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 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 absent and this absence should be reflected in the minutes.
- 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. 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 include 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. The City 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) 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 should 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 body via video conference are deemed present for purposes of participating in a roll call vote to the same effect as elected members of a public governmental body in physical attendance at a public meeting of that governmental body are deemed present. 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. 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, or the member is determined to be absent.
- 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.

- g. Minutes. In any 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 vote by video conference. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood or blizzard. To the extent reasonably 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. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 4. This ordinance shall be in full force and effect on the 31st day after its passage as provided by law.

PASSED and SIGNED this 18th day of March, 2014.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: March 3, 2014
Second reading: March 18, 2014