

## ITEM F-1

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# LEGISLATIVE ACTION ITEM

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**DATE:** November 27, 2002  
**TO:** City Council Members  
**FROM:** Gary Mumford  
**RE:** **Legislative Action Item: Majority of a quorum of City boards commissions or committees to be physically present when conducting electronic meetings**  
**CC:** Rocky Fluhart, David Nimkin, DJ Baxter

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At the request of Council Member Christensen, the City Attorney's Office drafted the attached ordinance amendment to require a majority of a quorum of City boards, commissions, or committees to be physically present when conducting electronic meetings. At the Council's work session on November 19, 2002, the Council agreed to advance the proposed ordinance to a future Council Meeting for consideration. Council Member Christensen explained that for City Council meetings, the Council would follow its policy of having at least a quorum physically present in the room unless an emergency were to occur requiring an emergency vote of the Council.

### **Potential Motion**

There was general agreement with the proposed ordinance at the Council's work session. The Council may wish to consider the following motion:

- I move that the Council adopt the ordinance regulating the holding of electronic meetings by the City Council and City Boards, Commissions, and Committees.

### **Background** (Provided to the Council previously)

The 1997 legislative session authorized public bodies to hold meetings electronically. Under this legislation, public bodies can hold a meeting without any member being physically present. In order to hold such meetings, members of the public body must have "the ability to communicate with all of the members of a public body, either verbally or electronically so that each member of the public body can hear or see the communication." As with any public meeting, electronic meetings must be properly noticed in compliance with the Open Meetings Act. State code provides that interested persons can attend and monitor an electronic meeting at a location in the building where the public body would normally meet if it were not holding an electronic meeting.

Originally, a proposed ordinance amendment to allow for the canceling of Airport board meetings also provided for electronic meetings. Before the Council adopted this amendment, the Administration removed the electronic-meeting portion of the proposed ordinance on the basis that State code would apply if electronic meetings were held. Council Member Christensen suggested that the Council may wish to pursue consideration of an ordinance requiring that at least a majority of a quorum be physically present in order for City boards or commissions to hold electronic meetings. On October 8, 2002 the Council asked the Administration to draft an ordinance requiring that a majority of a quorum be physically present when conducting electronic meetings. On November 19, 2002, the Council discussed the attached draft ordinance.