

RESOLUTION 22-11092

A RESOLUTION ESTABLISHING RULES, PROCEDURES, AND CRITERIA FOR A CITY COUNCIL MEMBER OR A MEMBER OF A CITY BOARD, COMMISSION, OR COMMITTEE TO PARTICIPATE REMOTELY IN PUBLIC MEETINGS

WHEREAS, pursuant to 2-3-103, MCA, and the Montana Constitution, the City of Billings must establish procedures for permitting and encouraging the public to participate in decisions of the City Council and of the City's boards, committees, or agencies that are of significant interest to the public; and

WHEREAS, the City has adopted such procedures through Chapter 2, Article 2, Billings, Montana City Code, among others; and

WHEREAS, the City Council desires to adopt procedures and establish rules to authorize members of Council and the City's boards, commissions, and committees to participate remotely under specific circumstances and conditions while ensuring such remote participation fulfills the City's obligation to permit and encourage public participation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Pursuant to BMCC 2-212, the City Council hereby establishes the following criteria that must be met and procedures that must be followed to authorize a council member or a member of a City board, agency, or committee to participate in their official capacity at a public meeting through remote participation. Whenever this policy refers to a City Council member the same criteria and procedures apply to members of City boards, commissions, and committees unless a specific standard applies.

1. Remote participation means participation by a Council member at any meeting of the City Council through the use of technology such as a video meeting software application.
2. Remote participation by a Council member may be available only upon a determination by the city administrator that the City has the technological and administrative capacity to support remote participation and remote participation is beneficial and convenient for the administration of city business in the discretion of the city administrator.
3. Council members are expected to attend meetings in person absent authorization by the presiding officer as described in the following paragraph.
4. Remote participation may be authorized by the presiding officer only under the following circumstances:
 - a. Council member illness or health condition;

- b. Council member personal emergency, travel, or other circumstances reasonably limiting the Council member's ability to participate in person; or
 - c. Fire, flood, earthquake, or other community emergency that makes it impracticable for the Council member to attend the meeting.
5. A Council member shall submit a request to the presiding officer, city administrator, and city clerk in advance of the meeting to determine if an arrangement for remote participation is possible. The Council member seeking such accommodation shall endeavor to advise the City of their intent to participate remotely at the earliest possible time and not less than twenty-four (24) hours prior to the meeting unless notice within that time frame is not reasonable under the circumstances. The presiding officer shall seek to advise the Council member within 12 hours of the meeting if the request is approved or denied. Any approved request does not guarantee that a remote connection can be established or maintained during the meeting.
6. A Council member may be authorized to participate remotely pursuant to any single request for no more than two consecutive meetings. A Council member must submit a subsequent request to participate remotely for any additional meetings. Other than illness or injury, in no case may a Council member be authorized to participate remotely for more than four meetings in any calendar year without approval by a majority of the Council, board, commission or committee. Remote participation is generally intended to be a temporary accommodation, and repeated absence from in-person attendance for the same or different reasons may result in refusal to grant additional requests.
7. The Council member participating remotely must ensure the equipment, technology and venue the Council member uses meets the following to ensure that the Council member's remote participation is materially comparable to in-person participation and is not a distraction for the public or other Council members:
 - a. Each member of Council and the public must be able to adequately see and hear the Council member participating remotely;
 - b. The Council member participating remotely must be able to adequately see and hear the other Council members and City staff;
 - c. The Council member participating remotely must be able to reasonably observe all materials reviewed and discussed by the Council during the meeting; and
 - d. The Council member participating remotely must ensure they have a suitable location from which to participate and must ensure they do not communicate with others not in the meeting regarding matters on the agenda.
8. A Council member participating remotely meeting the above requirements will be counted in determining a quorum and is eligible to vote on all business presented during the meeting. If, at any time, the member does not have the required connection meeting the requirements above or the connection fails during a presentation, public hearing, or any other time in which the item is discussed, then the member attending remotely will be considered absent for that portion of the meeting and is not eligible to vote. However, the member may appeal to the

presiding officer if their absence might not have had a material adverse impact on their ability to make a fair judgment or the public's ability to observe the Council member. The presiding officer has the sole and final discretion to approve or deny the appeal.

9. If the Mayor is remotely participating in a meeting and the Deputy Mayor or the Deputy Mayor Pro Tempore is participating in person, the Deputy Mayor or Deputy Mayor Pro Tempore shall preside over the meeting. If the Mayor, Deputy Mayor, and Deputy Mayor Pro Tempore, or other presiding officer in the case of a City board, commission, or committee, are absent or participating remotely, the Council shall select a temporary presiding officer to preside over the meeting.
10. No member shall be allowed to participate remotely in a meeting closed to the public pursuant to BMCC 2-600 and state law by electronic means.
11. This policy does not grant any member of the public a right to remotely attend or offer public comment at a public meeting by electronic means or authorize the City to conduct public meetings of the City Council or of a city board, commission, or committee wherein the public's only means of participation in the meeting is through remote methods. If a meeting is to occur limiting the public to only remote participation, such a decision may be made only upon a determination that public health or safety or other exigent circumstances necessitate a fully remote meeting. For the City Council such a decision may be made by the presiding officer or City Administrator. For boards, commissions, and committees, such a decision may be made by the City Administrator.

This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 19th day of December, 2022.

CITY OF BILLINGS



DocuSigned by:
By: William A. Cole
William A. Cole, Mayor

ATTEST:

DocuSigned by:
By: Denise R. Bohlman
Denise R. Bohlman, City Clerk