

# City of Livingston Remote Participation Policy

Pursuant to 7-5-4103 Montana Code Annotated (MCA) the City Commission of the City of Livingston, Montana, hereby adopts a remote participation policy.

## Introduction

The purpose of the Remote Participation Policy is to provide the Commission with the guidance to allow remote participation of Commissioners in certain meetings. This policy cannot address every possible situation where remote participation may be desired and as such the Commission has the authority to suspend the rules of the remote participation policy by a 2/3 majority vote of those members present.

## Background

The City of Livingston's responsibility under Title 2 Chapter 3 of the MCA and Article II Section 8 of the Montana Constitution to meet the requirements of open meetings and public participation are the primary consideration in the development of this policy. It is understood that any alternative method to Commissioners being physical present erodes the public's right to participation. However, under the rules of this policy the City Commission believes that remote participation meets the basic requirements set forth by the State of Montana. While individual Commissioners do not have the right to remote participation, the Commission may allow remote participation with any restrictions deemed appropriate.

## Policies and Rules

### 1. Acceptable Means of Remote Participation

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable means of remote participation. Commissioners attending by an acceptable means of remote participation will be considered "present" for roll call.

### 2. Quorum & Voting

Commissioners attending meetings remotely will not be counted towards the required quorum. Remote participants may vote if they are present for the entirety of the issue being considered. If Commissioners are attending remotely they are expected to be present for the entirety of the meeting.

### 3. Expectation to Appear/Allowable Absence

There is an expectation that Commissioners will be physically present for Commission meetings if able. Remote participation will not be used for the convenience of a Commissioner. There are five (5) permissible reasons for remote participation. The chair (or other person chairing the

meeting) must make a determination that one or more of the following factors make the commissioners' physical attendance unreasonably difficult:

- (a) personal illness;
- (b) personal disability;
- (c) emergency;
- (d) military service; or
- (e) geographic distance

#### 4. Approval for Remote Participation

Commissioners wishing to participate remotely must notify the Commission Chair a minimum of 48-hours prior to the meeting. The Chair will determine if the subject matter for that meeting will allow for effective remote participation and that the reason for the absence meets the criteria set forth in this policy. The Chair will notify the City Manager if accommodations for remote participation are necessary.

#### 5. Meeting Procedures

At the start of the meeting, the chair (or other person chairing the meeting) must announce the name of any commissioner who will be participating remotely and the reason. All votes must be taken by a roll call and reflected in the minutes.

#### 6. Procedures for Lost Connectivity

If during remote participation the communication connectivity is lost the following procedure will be followed:

- Announce to the room that connectivity has been lost and all discussion will stop
- There will be an automatic 5-minute recess to establish connectivity
- If connectivity is not re-established in 5-minutes the meeting will resume and the remote attendee will not be allowed to vote on that issue

If connectivity is subsequently re-established, the remote attendee may vote on any other issue where they are present for the entirety of the deliberation. If a remote participant loses connectivity three (3) times during a meeting their connection is considered unreliable, they will not be allowed to reconnect to the meeting, and Chair will announce that the remote participant is no longer present for the meeting. If a remote participant is difficult to hear or they are having difficulty hearing proceedings, at the discretion of the Chair their connection can be declared unreliable, they will be disconnected from the meeting and the Chair will announce the remote participant is no longer present for the meeting.

#### 7. Meeting Minutes

Meeting minutes will annotate which Commissioners are participating remotely. Additionally, the minutes will reflect anytime a remote participant is disconnected from the meeting. If a remote participant leaves the meeting for technical or any other reasons it will be annotated in the minutes. A sworn affidavit from each commissioner participating remotely shall be attached

to the minutes for that meeting. The affidavit shall substantially be in the form attached hereto as Exhibit A.

#### 8. Restrictions on Remote Participation

Remote participation will not be allowed for meetings where the Commission acts in a quasi-judicial capacity or during closed sessions.

**Exhibit A**

**Sworn Affidavit**

The undersigned, being first duly sworn, deposes and states:

1. That the undersigned is an active commissioner of the City of Livingston, Montana City Commission.
2. That the undersigned participated remotely in the public meeting of the City of Livingston City Commission held on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ am/pm located at \_\_\_\_\_.
3. The undersigned hereby acknowledges that the City of Livingston City Commission is placing material reliance upon the representations rendered herein.

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

State of Montana  
County of Park

This instrument was signed and sworn before me on \_\_\_\_\_ by  
\_\_\_\_\_  
(Name of signer)

\_\_\_\_\_  
(Notary Signature)  
**[Affix seal/stamp to the left or below]**