

BILL NO. 21-117

AN ORDINANCE APPROVING A NEW SECTION OF THE CITY CODE GOVERNING PROCEDURAL RULES FOR PUBLIC MEETINGS AND PUBLIC HEARINGS CONDUCTED BY VIDEOCONFERENCE.

WHEREAS, the City of Lee's Summit, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and,

WHEREAS, during the Covid pandemic, the City was required by County emergency orders to conduct public meetings by videoconference; and,

WHEREAS, during the Covid emergency, Mayor William Baird approved an emergency order which adopted a set of rules governing the conduct of public hearings by videoconference while the emergency declaration was in effect; and,

WHEREAS, the City Council now desires to formally approve a set of rules governing public meetings and public hearings which are held by videoconference, both during periods while an emergency declaration is in effect and also under normal conditions when an emergency declaration is not in effect, to the extent that meetings are held by videoconference during any such time periods; and,

WHEREAS, the City Council desires to have these rules incorporated into the City Code to govern the conduct of meetings generally by the City Council, Council Committees and boards and commissions of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City Code is hereby amended by adding the following new section:

Sec. 2-50. Procedural Rules for Public Meetings and Public Hearings Conducted by Videoconference.

- A. Applicability. The provisions of this section shall apply to the City Council, Council Committees, and all boards and commissions of the City that are subject to the Sunshine Law as set forth in Chapter 610 of the Revised Statutes of Missouri (each a "body" as used in this section).
- B. Method of holding meetings, in-person or by videoconference. Each body may elect to conduct meetings in-person or by videoconference. The chair of each body shall communicate the method of conducting each meeting to City staff with sufficient advanced notice to prepare for the method of holding each meeting. City staff will coordinate with the body to conduct each meeting by the method selected by the body.
- C. General rules for videoconference meetings.
 - 1. The City Manager shall select a videoconference platform which shall be used by each body to hold meetings which are conducted by videoconference. This method shall be

BILL NO. 21-117

communicated to the bodies of the City. The City Manager may change the videoconference platform from time to time, as deemed necessary.

2. The provisions of this section shall apply to all meetings that are conducted by videoconference.
3. This section shall govern participation in a public meeting by videoconference. If a person participates in a meeting by telephone, these rules will be followed to the greatest extent possible.
4. City staff is directed to incorporate directions regarding how to participate in public meetings by videoconference within the various hearing notices, mailings, agendas, site signage and other means that are distributed to the public for public meetings and public hearings.
5. City staff shall communicate the requirements of this section, as deemed necessary, to educate applicants and members of the public who participate in a meeting by videoconference.

D. Public hearing oath during sworn public hearings.

1. For each public hearing, when called upon by the chair of the body, the swearing-in oath shall be delivered as normal to the participants in the videoconference meeting. Video screens shall be turned on, when possible, so the participants can see the person being sworn in.
2. Prior to administering the swearing-in oath, the chair should inform the participants that anyone who needs to be sworn in should have their audio and video turned on, for the limited purpose of swearing to the oath. After this step is complete, all persons who have been sworn in should turn off audio and video and wait to speak to the body as outlined below.
3. The chair of each body will inquire, as necessary, of person speaking in a sworn public hearing whether they were sworn in, and if not then they will receive the public hearing oath.

E. Applicant participation and testimony.

1. The applicant in a public hearing will be given an access code and a password to participate on the selected videoconference platform.
2. The applicant may circulate the access code and password only to consultants and team members who might speak in the meeting. The access code and password will apply only to the designated meeting and should be treated as confidential information.
3. At the swearing-in oath, all applicant team members who might speak should have audio and video turned on to swear to the oath.

BILL NO. 21-117

4. When the applicant's team members are not speaking, audio and video should be turned off.
5. During the question and answer period of a public hearing, when an applicant team member wants to speak, the person should turn on their video and wait to be called upon by the chair of the body. When finished, the person should turn off their audio and video again. Keeping everyone muted unless speaking will minimize background noise and distractions during the course of the discussion.
6. When an applicant's item is finished on the agenda, all of the applicant's team members should leave the videoconference platform. Such persons can continue watching the meeting as a member of the public through LSTV or other publicly available means.
7. The overall goal is to conduct each public hearing as close to the normal in-person process as possible, within the constraints of the videoconference setting.

F. Public testimony.

1. Public participation through the videoconference platform in a public hearing is solely for the purpose of providing testimony in the public hearing. General attendance by the public at a public meeting, when not providing testimony in a public hearing, must be by one of the methods stated on the agenda of the meeting and the other written material that is distributed for the public meeting. These methods will typically include watching on LSTV or on the television channel designated by a cable service provider. The several City departments will coordinate to provide information to the public and potential speakers at public hearings about the procedural rules in this section.
2. A member of the public who wants to speak at a public hearing by videoconference must inform the City Clerk by 5:00 pm on the day before the meeting date.
3. A member of public who makes a timely request to speak at a public hearing by videoconference will receive an access code and password to participate in the videoconference platform as a speaker. The access code and password will apply only to the designated meeting and should be treated as confidential information. The City Clerk's office and City staff shall coordinate to administer this provision.
4. The speaker must use their actual name on the videoconference platform, and cannot participate anonymously. Anyone who attempts to participate anonymously will be dismissed from the videoconference platform by the host.
5. The member of the public that participates in the public hearing must have audio and video turned on to swear to the oath when the swearing-in oath is given for the public hearing.
6. When a member of the public is not speaking, audio and video must be turned off. If a participant fails to follow this rule, the chair may direct that the person be removed from the videoconference platform.

BILL NO. 21-117

7. When a member of the public is called by the chair of the body to speak, the person should turn on their audio and video and address the body. If a member of the public fails to respond when it is their turn to speak, the chair may direct that that person shall be removed from the videoconference platform by the host.
8. If the speaker has any questions, those questions should be stated during their comments but an answer will only be provided after the speaker has finished all comments. The chair of the body will call upon the appropriate person to answer any questions raised by the speaker.
9. When the agenda item is finished, the member of the public should leave the videoconference platform. Such persons can continue watching the meeting as a member of the public through LSTV broadcast or other publicly available means. Besides City staff and the body itself, the videoconference platform is limited to applicants and public speakers only during their specific agenda item.

SECTION 2. City officers and agents of the City are each hereby authorized and directed to take such action and execute such other documents as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the attached Rules.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.
PASSED by the City Council for the City of Lee's Summit, Missouri, this _____ day of June, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of June, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

