

RESOLUTION NO. _____, SERIES 2021

A RESOLUTION TO AMEND THE RULES OF THE LOUISVILLE METRO COUNCIL TO PERMIT VIRTUAL PARTICIPATION BY VIDEO TELECONFERENCE IN METRO COUNCIL AND COMMITTEE MEETINGS (AS AMENDED).

SPONSORED BY: COUNCIL MEMBERS WINKLER, GREEN, SHANKLIN, DORSEY, FOWLER, AND PURVIS

WHEREAS, Council members occasionally have family, work, or other obligations that may prevent them from attending committee and/or Council meetings in person; and

WHEREAS, technology has improved to the extent that participating virtually has become a suitable alternative in those situations; and

WHEREAS, video teleconferencing would allow for maximum participation in Council and committee meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO COUNCIL”) AS FOLLOWS:

SECTION I: Rule 5.06(a) is hereby amended as follows:

a) In order for a Member’s vote to be counted, he/she must be physically present at the site of the meeting, unless he/she is participating virtually by video teleconference pursuant to Rule 5A., and the vote must be recorded by the Clerk., and ~~o~~ Once voting has concluded with respect to an item, any further voting on such item may not occur without an approved motion to reconsider pursuant to Robert’s Rules of Order;

SECTION II: Section 5A of the Rules is hereby established to read as follows:

Rule 5A. Virtual Meeting Participation by Video Teleconference

5A.01 Virtual Participation Authorized

Virtual participation in committee meetings or in Council meetings may only occur by video teleconference, and only in accordance with the provisions of this Rule. For purposes of this rule, participation means to engage in debate and/or to vote on a measure.

5A.02 Timely Written Notification of Virtual Attendance Required to initiate a Video Teleconference Meeting

(a) All meetings shall be held fully in person unless a member of the body that is scheduled to meet provides timely written notification of his/her intent to attend virtually. Only committee members may initiate a virtual meeting of that committee; any member of Council may initiate a virtual meeting of Council.

(b) The member must notify the Clerk in writing of their intent to participate virtually in a meeting via email, and that email must be received by the Clerk no later than 12 noon on the business day last preceding the date of the meeting. No notification received after 12 noon on the business day last preceding the date of the meeting shall be effective; if notification is untimely, the meeting shall proceed fully in person and any member must be physically present in person to participate.

(c) If the Clerk receives a timely notice of intent to participate virtually in a committee meeting, the Clerk shall forward the request to all members of the committee. If the Clerk receives a timely notice of virtual participation for a Council meeting, the Clerk shall forward the request to all members of Council. The Clerk shall promptly re-notice the meeting as a video teleconference meeting as required by the Kentucky Open Meetings Act.

(d) In order for a presenter to appear virtually at a committee meeting, whether the meeting occurs in person or by video teleconference, the committee chair must

provide the Clerk with timely written notice via email and that email must be received by the Clerk no later than 12 noon on the business day last preceding the date of the meeting. No notification received after 12 noon on the business day last preceding the date of the meeting shall be effective; if notification is untimely, the presenter may only appear in person at the meeting.

5A.03. Conduct of Meeting Re-Noticed as a Video Teleconference

(a) If a meeting is re-noticed as a meeting by video teleconference any member may participate virtually in that meeting.

(b) Only those members of a committee or Council who are present in person or who are participating virtually in a meeting that has been noticed by the Clerk as a video teleconference may count toward the quorum requirement for that meeting.

(c) Any council member participating by video teleconference in any committee meeting or Council meeting must keep his/her camera on for the entire duration of the meeting.

(d) Council members may not participate by video teleconference in any committee meeting or Council meeting while operating a motor vehicle.

5A.04 Protocols for Technological Interruptions During a Video Teleconference

The following protocols shall be observed for technological interruptions with the signal or feed during a video teleconference:

a. For committee meetings:

(i) If there is a disruption in the video feed for any committee member who is attending virtually, the meeting will be suspended for 5 minutes while a reasonable attempt is made to fix the issue. While the meeting is suspended, all discussion of public

business will cease, and no action will be taken. If, after 5 minutes, the issue with that committee member's feed continues, the meeting shall resume, and the meeting shall continue as long as a quorum of members are still present. If the committee member's feed is restored after the meeting has resumed, he or she may rejoin the meeting and participate fully in the remainder of the proceedings.

(ii) The chair shall have the discretion whether to suspend the proceedings as described in subsection (a)(i) if there is a disruption in the video feed for any non-committee member.

(iii) If circumstances require that the public can participate only by virtual means in a meeting, then if there is any technical difficulty that affects the public's ability to see the meeting as a whole, the meeting shall be suspended while a reasonable attempt is made to fix the issue. While the meeting is suspended, all discussion of public business will cease, and no action will be taken. If, after 10 minutes, the issue cannot be resolved, the meeting will stand adjourned. Any unfinished or pending business at that time will be addressed at the next meeting of the Committee.

b. For Council meetings:

(i) (i) If there is a disruption in the video feed for any Council member who is attending virtually, the meeting will be suspended for 10 minutes while a reasonable attempt is made to fix the issue. While the meeting is suspended, all discussion of public business will cease, and no action will be taken. If, after 10 minutes, the issue with that Council member's feed continues, the meeting shall resume, and the meeting shall continue as long as a quorum of members are still present. If the Council

member's feed is restored after the meeting has resumed, he or she may rejoin the meeting and participate fully in the remainder of the proceedings.

(ii) The President shall have the discretion whether to suspend the proceedings as described in subsection (b)(i) if there is a disruption in the video feed for any non-Council member.

(iii) If circumstances require that the public can participate only by virtual means in a meeting, then if there is any technical difficulty that affects the public's ability to see the meeting as a whole, the meeting shall be suspended while a reasonable attempt is made to fix the issue. While the meeting is suspended, all discussion of public business will cease, and no action will be taken. If, after 20 minutes, the issue cannot be resolved, the meeting will stand adjourned. Any unfinished or pending business at that time will be addressed at the next meeting of the Council.

SECTION III: This Resolution shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael O'Connell
Jefferson County Attorney

BY: _____
R-074-21 virtual participation rule amendment 7-27-21 (hh)