CITY OF LANGLEY, WASHINGTON
ORDINANCE NO. ______

AN ORDINANCE of the City of Langley, Washington, Establishing, Rules for Remote Attendance of city council Meetings and Amending LMC Section 2.06.060.

WHEREAS, from time to time, or under certain defined conditions it is not possibly for a council member to attend a City Council meeting; and

WHEREAS, the City would benefit by a Council member’s participation in a Council meeting by means of remote communication in limited instances where the Council member is unable to attend the meeting; and

WHEREAS, the City Council, desires to establish a procedure for council members to, attend meetings remotely via speakerphone, Skype or other electronic or digital data communication device,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Langley Municipal Code Section 2.06.060 is amended as follows:

2.06.060 Meetings-Attendance.
A. RCW 35A.12.060 provides that a council member shall forfeit his/her office by failing to attend three consecutive regular meetings of the council without being excused by the council. Members of the council may be so excused by complying with this section. The member shall contact the presiding officer prior to the meeting and state the reason for his/her inability to attend the meeting. If a council member is unable to contact the presiding officer, the member shall contact the clerk/treasurer, who shall convey the message to the presiding officer. Following roll call, the presiding officer shall inform the council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the clerk/treasurer will make an appropriate notation in the minutes. If the motion is not passed, the clerk/treasurer will note in the minutes that the absence is unexcused. (Ord. 559, 1990)

B. Attendance via Speakerphone (AVS), Skype or other electronic or digital data communication device (collectively “AVS”).
   (1) From time to time, a Council member will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Council Member to attend a Council meeting via AVS are as follows:
(a) **The Rare Occasion.** Attendance via AVS should be the rare exception, not the rule. Attendance by AVS is limited to two times per year per Council member. Examples of situations where AVS would be appropriate include, but are not limited to:

i. An agenda item is time sensitive, and AVS is needed for a quorum;

ii. An agenda item is of very high importance to the Council member that cannot be physically present;

iii. It is important for all Council members to be involved in a decision, but one Council member is unable to be physically present.

iv. AVS should be limited to one agenda item, not the entire Council meeting.

Examples of situations where AVS would **not** be appropriate include, but are not limited to:

v. No AVS participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.

vi. No AVS participation in an executive session, unless the Council member can assure that he or she is in a secure location and able to maintain confidentiality.

vii. Attendance at Council meetings by AVS is limited to two Council members per meeting.

(b) **Attendance – Procedure**

i. The Council member attending via AVS (a) must be able to hear the discussion on the agenda item taking place in the Council chambers; and (b) must be able to be heard by all present in the Council chambers.

ii. Council members appearing via AVS shall comply with all rules and procedures as if they were physically present at the meeting.

iii. When the particular agenda item is ready to be discussed, the Mayor (or presiding officer, if the Mayor is not physically present) should state for the record:

   (a) Let the record reflect that Council member _____________ is attending via AVS for Agenda Item No. _____, relating to ________________________.

   (b) Council member __________________, can you hear me? [There must then be a clearly audible response in the affirmative.]

   (c) Let the record reflect that Council member _____________, who is attending via AVS, can be heard by all present in the Council chambers.

iv. Upon conclusion of the particular agenda item, the Mayor (or presiding officer, if the Mayor is not physically present) should state:

   (a) Council member _____________, discussion on Agenda Item No. _____ has concluded. Thank you for your attendance
via speakerphone. The telephone connection will now be terminated. [Connection should be terminated at this time.]
(b) Let the record reflect that Council member ____________’s attendance via speakerphone has been terminated. Next on the agenda is ____________.

C. Notification
If a Council member wishes to attend a Council meeting via AVS for an agenda item, whenever possible, the Council member should notify the Mayor, Clerk-Treasurer and Council of his or her intent at the Council meeting prior to the meeting for which they wish to attend via AVS.

If such notification is not possible, the Council member should notify the Mayor and Clerk-Treasurer of his or her wish to attend a Council meeting via AVS for an agenda item not later than the business day prior to the Council meeting for which he or she wishes to attend via AVS. With less notice, it may not be possible to make the necessary arrangements to allow attendance via AVS.

D. Cost. Charges, if any, for AVS participation are to be at the Council member’s own expense, unless waived by motion of the Council.

Section 2. Effective Date. This ordinance shall be in full force and effect five (5) days after publication and posting of an approved summary thereof, consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ____ day of ________________, 2011.

__________________________________________
PAUL O. SAMUELSON, Mayor

ATTEST:

__________________________________________
DEBBIE L. MAHLER, Clerk-Treasurer

APPROVED AS TO FORM:

__________________________________________
GRANT K. WEED, City Attorney

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