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 Chapter 2.06.

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 Chapter 2.06 is amended to add new Section 2.06.065 of
the City Municipal Code to read as follows:

2.06.065 Meetings - Attendance from remote location.

A. Purpose - The Council, recognizing the benefits of fullest practicable attendance and participation
by its members, by the Mayor, by City Staff, by the City Attorney and by others, allows for
attendance from remote location(s) through use of electronic means including but not limited to
such two-way communication methods as speakerphone, Skype, or other media that provide full
audio or audio & visual capability. In certain circumstances including emergencies it may be
necessary for one or more members of the Council to attend from remote location(s) in order to
have a quorum.

1. For purposes of voting by a member (or members) of the Council, such attendance from
remote location(s) shall be considered the equal of being physically present in the Council
Chamber. If the Mayor attends by remote means, he/she may participate in discussions, but
the Mayor Pro Tempore if physically present in the Chamber shall be the presiding officer to
best facilitate an orderly and efficient process.

2. In the case of Executive Sessions, the Council may permit participation from remote
location(s) by the above alternative means only when the Council on a case-by-case basis
considers such participation to be necessary and the Council is confident in the security of
such remote communications.

3. Attendance from remote location(s) is intended to be an alternative and relatively
infrequently-used method for participation by members of the Council.

B. Protocol and Procedures: In all meetings involving remote attendance, the Presiding Officer shall
inform all present in the Council Chamber of the intent to initiate a remote communication.

1. The Presiding Officer shall confirm and announce to all that all present in the Chamber and
in the remote location(s) can clearly hear all other parties and (as appropriate) clearly see
visual content as will be presented. The Clerk shall record such confirmation.
2. With such confirmation, members of the Council - whether they are in the Chamber or at remote location(s) - constituting a majority may approve the use of remote communication for the entirety of the meeting or for a specified portion thereof.

3. If the Council by a majority approves use of remote communication for only a specified portion of any meeting, the Presiding Officer shall announce same and, at the end of the specified section shall clearly announce to all the close of the remote communication and shall order that the connection be stopped. The attendance of the remote party shall be at an end. The Clerk shall record the beginning and ending times of each such remote communication.

4. In the event that the remote communication link is broken or significantly degraded such that it no longer meets the full requirements of this section, the Presiding Officer shall confirm the loss of service and announce the close of the remote attendance. The attendance of the remote party shall be at an end. The Clerk shall record the time of such closure.

C. Requirements of the System(s): Any such communications systems utilized shall reliably permit all persons attending – whether they are physically in the Council chamber or in remote location(s) – to be clearly heard by all others and to clearly hear all audio content of the meeting; and where applicable by the Council’s determination, be clearly seen by all others and clearly see all visual content that is determined by the Council to be crucial to the understanding of matters discussed. Systems used in the course of Executive Sessions shall be reasonably secure from unauthorized access.

D. Maintenance of Public Record: Audio and video recordings of proceedings under this section shall be maintained for the public record as required by law.

E. System Initiation, Training and Maintenance: In a reasonable time, the Council shall make available appropriate funds and the Mayor shall arrange for the acquisition and installation of all appropriate equipment, communication systems and software as shall be necessary to fulfill this section. The Mayor shall also ensure the maintenance of such systems. The Mayor shall also provide appropriate training to the Council and to all staff who may participate in such meetings in accordance with this section. Systems, equipment and training for the purpose of this section shall from time-to-time be upgraded at the suggestion of the Mayor and at direction of the Council as technologies advance and City budgets allow."

Section 2. Section 2.06.120 of Chapter 2.06 Rules and is amended to read as follows:

2.06.120 Officers—Presiding officer.

A. All regular and special meetings of the city council shall be presided over by the mayor, or in his/her absence, by the mayor pro tempore. If neither the mayor nor the mayor pro tempore are present at a meeting, the presiding officer for that meeting shall be elected by a majority of the vote of those council members present, provided there is a quorum.

B. All council meetings shall be presided over by the mayor, or in his/her absence, by the mayor pro tempore.

B. C. In the absence of the clerk/treasurer, a deputy clerk/treasurer or other qualified person appointed by the clerk/treasurer, mayor or council may perform the duties of the clerk/treasurer at such meeting.

C. D. The appointment of a council member as mayor pro tempore or clerk/treasurer pro tempore shall not in any way abridge his/her right to vote on matters coming before the council at such meeting.

D. E. The function of the presiding officer is to facilitate the orderly flow of council business in accordance with the council procedures set forth in this chapter. The presiding officer shall preserve strict order and decorum at all meetings of the council. The presiding officer shall state all questions coming before the council, provide opportunity for discussion from the floor
following topic discussion completion by council, and announce the decision of the council on all subjects. Procedural decisions made by the presiding officer on items not set forth in this chapter may be overruled by a majority of the council present.

E. Duties of the Presiding Officer. It shall be the duty of the presiding officer of the council meeting to:
1. Call the meeting to order;
2. Keep the meeting to its order of business;
3. State each motion and require a second to that motion before permitting discussion;
4. Handle each discussion in an orderly way:
   a. Give each council member who wishes an opportunity to speak,
   b. Permit audience participation at appropriate times,
   c. Keep all speakers to the rules and to the questions,
   d. Give pro and con speakers alternating opportunities to speak;
   e. Put motions to a vote and announce the outcome;
   f. Suggest but not make motions for adjournment;
   g. Appoint committees when authorized to do so.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days from the date of publication.

PASSED by the City Council and APPROVED by the Mayor on this _____ day of __________ 2012.

MAYOR

__________________________
Larry Kwarsick, Mayor

ATTEST

__________________________
Debbie L. Mahler, Clerk-Treasurer

APPROVED AS TO FORM

__________________________
Michael Kenyon, City Attorney

Published:_____________________

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