



It's in your hands ~ "Build a Stronger Community – Shop Locally"

AGENDA

WORK SESSION

MAYOR and COMMON COUNCIL

of the TOWN OF CAMP VERDE

COUNCIL CHAMBERS - 473 S. Main Street, # 106

WEDNESDAY, SEPTEMBER 12, 2012

5:00 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion, consideration, and possible direction to staff relative to amending Procedures and Operations Guide, Council Policies, Rules, and Procedures section to permit remote conferencing. Staff Resource: Debbie Barber**
5. **Discussion and possible direction to staff regarding the Town of Camp Verde Financial Operation Guide and proposed revisions.**
6. **Discussion and possible direction regarding The Town of Camp Verde Capital Improvements Plan and update.**
7. **An open discussion regarding concurrent sessions attended at the League of Arizona Cities and Towns Conference. Discussion may include, but not limited to sustainability: Solar and Green Building Codes, Water and Wastewater Treatment, Smart Growth, and Economic Development.**
8. **Adjournment**

Posted by:

Virginia Jones

Date/Time:

9-5-2012

4:30 p.m.

Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

Agenda Item Submission Form – Section I

Meeting Date: September 12, 2012

- Consent Agenda Decision Agenda Executive Session Requested
 Presentation Only Action/Presentation

Requesting Department: Clerk

Staff Resource/Contact Person: Debbie

Agenda Title (be exact): Discussion, consideration, and possible direction to staff relative to amending Procedures and Operations Guide, Council Polices, Rules, and Procedures section to permit remote conferencing.

List Attached Documents: 7-24 from the AZ Agency Handbook

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Reviews Completed by:

Department Head: Debbie Barber

Town Attorney Comments:

Finance Department N/A

Fiscal Impact: None

Budget Code: N/A

Amount Remaining: _____

Comments:

Background Information: Teleconferencing in Council meetings is becoming more frequent than it has in the past. Recently the Clerk's Office received an e-mail explaining the requirements that need to be in place to avoid potential violations of Open Meeting Laws. Based on the AG's recommendation as outlined below, staff recommends that Council consider placing written guidelines into the Council Polices, Rules, and Procedures section of the POG. Note that item 3 below requires that procedures should be developed for clearly identifying the participating members. The Mayor does this now; however, there are no formal procedures that have been approved or adopted with regard to this issue.

The Arizona Agency Handbook prepared by the Attorney General's Office, section 7.10.2 addresses Remote Conferencing. It specifically states that if one or more members of a public body are unable to be present in person at a public meeting, they may participate by telephone or video or internet conference if the practice is not prohibited by statutes applicable to meetings of the public body. The Handbook references several AG opinions and advises that this practice presents several practical and legal problems and should be used ONLY where there are no reasonable alternatives to presence at the meeting. [emphasis added]

To avoid violations of the Open Meeting Law, the public body must comply with the following guidelines:

1. The notice and the agenda should state that one or more members of the public body will participate by telephonic, video or internet communications. In the appropriate notice, insert after the first sentence:

"Members of the [insert name of public body] will attend either in person or by telephone, video or internet conferencing."

2. The public meeting place where the public body normally meets should have facilities that permit the public to observe and hear all telephone, video or online communications.
3. The public body should develop procedures for clearly identifying all members participating by telephonic, video or internet communications.
4. The minutes of the meeting should identify the members participating by telephonic or video communications and describe the procedures followed to provide the public access to all communications during the meeting.

The Town has informally allowed the practice on an as-needed basis. Some of the issues that have occurred as a result of this practice are:

1. Initially, staff identified the absent Council member on the agenda. This created problems when the Council member was able to attend the meeting and/or another one was not. Council instructed staff to take the names off of the agenda.
2. On occasions, it has been difficult to hear or see the Council member due to faulty equipment and/or poor signals. Staff was instructed to disconnect the Council member without the Council member being able to hear that instruction.
3. There is no method for a Council member to call back into the meeting if he or she is somehow terminated.
4. Council members have trouble hearing the member on the phone. If Council members cannot hear, the public probably has the same problems.
5. Internet signals have been poor, spotty, and there is a delay in speech making it difficult to understand the remote Council members.

Note: These problems are not necessarily the result of the Town's equipment, but rather are dependent upon weather conditions, satellites, radio frequencies, and other interferences like internet connections.

Council must develop written procedures that address remote conferencing to ensure compliance with Open Meeting Laws and the spirit of these laws. Here are some questions that you might consider asking yourselves as you move toward developing a policy. If there is an equipment failure or for some reason, the audience cannot hear the Council member, does Council wish to stop the meeting until the matter is remedied or continue the meeting acknowledging that the Council member is no longer in attendance? Since the AG advises that this practice should be used only where there are no reasonable alternatives to being present, does Council wish to allow remote attendance on a limited basis for specific items in which a member has a particular interest? Or, does the Council wish to allow it for any reason? Should a member be permitted to attend all meetings remotely if they desire? Will you allow remote attendance when there is not a cost-free telephone number or other cost-free method for the member to attend? How do you wish to notice it on the agenda itself? How do you ensure that members are identified and heard during the meeting? How many members are going to be allowed at one time, noting we have the capacity for 2 outgoing lines? How do you ensure equity - will it be on a first-come, first-serve basis? Will this apply to all meetings, including executive sessions and work sessions?

Answering these and other questions that Council might have will allow staff to prepare a draft policy to bring back for your consideration and approval.

Recommended Action (Motion): Direct staff to prepare a policy for consideration based on the discussion.

Instructions to the Clerk:

(ADA), 42 U.S.C. §§ 12101 - 12213 (Supp. 1992). See Section 15.22; see also § 7.6.3.2 (notice requirements relating to reasonable accommodations).

7.10.2 Remote Conferencing. If one or more members of a public body are unable to be present in person at a public meeting, they may nevertheless participate by telephone or video or internet conference if the practice is approved by the public body and is not prohibited by statutes applicable to meetings of the public body. Ariz. Att'y Gen. Ops. 108-008, 191-033, 183-135. This practice presents several practical and legal problems and should be used only where there are no reasonable alternatives to presence at the meeting.

A public body must comply with the following guidelines to avoid violations of the Open Meeting Law.

1. The notice and the agenda should state that one or more members of the public body will participate by telephonic, video or internet communications. In the appropriate notice, insert the following after the first sentence: "Members of the [name of public body] will attend either in person or by telephone, video or internet conferencing."
2. The public meeting place where the public body normally meets should have facilities that permit the public to observe and hear all telephone, video or online communications.
3. The public body should develop procedures for clearly identifying all members participating by telephonic, video or internet communications.
4. The minutes of the meeting should identify the members participating by telephonic or video communications and describe the procedures followed to provide the public access to all communications during the meeting.

7.10.3 Record of the Proceedings. A public body of a city or town with a population of more than 2,500 people must post on its website either a recording of the meeting or a statement of the legal actions taken during the meeting. A.R.S. § 38-431.01(E)(1). This statement must be posted within three working days of the meeting and must remain accessible on the website for at least one year thereafter. *Id.*, (J). Subcommittees and advisory committees have ten working days after the meeting to post the recording or statement. *Id.*, (E)(3).

"All or any part of a public meeting . . . may be recorded by any person in attendance by means of a tape recorder or camera or other means of sonic reproduction." A.R.S. § 38-431.01(F). A public body may prohibit or restrict such recordings only if they actively interfere with the conduct of the meeting. *Id.*