



City of North Port

City Commission Policy – Hybrid Meetings

Policy No. 2021-10

Adopted by Resolution No. 2021-R-51

Adoption Date: November 9, 2021

I. STATEMENT OF POLICY

- A. This policy establishes procedures and requirements for a City Commissioner or an advisory board, committee, or task force member to attend a public board meeting via communications media technology from a location other than where the meeting is convened.
- B. This policy does not apply to:
 - 1. Any meeting or portion thereof that is exempt from public meetings;¹
 - 2. Any portion of a public meeting that the Florida Statutes authorize to be held in private;² or
 - 3. Any workshop, meeting, or public hearing occurring outside of City Hall.

II. DEFINITIONS

- A. Attend: Utilizing communications media technology system to participate and vote in a meeting.
- B. CMT: Communications media technology, including the use of one or more of the following: electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.
- C. Hybrid meeting: A meeting where one or more voting members participate in proceedings via communications media technology from a location other than where the meeting is convened.
- D. Medical condition: An illness, injury, disability, or other health-related condition that prohibits a member's physical presence at a properly noticed meeting.
- E. Meeting: The properly noticed public meeting of a public body pursuant to Florida Statutes Section 286.011, at which a quorum is physically present in the room where the meeting is convened.
- F. Member: A City Commissioner, or a voting member appointed by the City Commission to an advisory board, committee, or task force.

III. PREREQUISITES

¹ See § 286.0113, Fla. Stat. (general exemptions from public meetings); see also § 447.205(10), Fla. Stat. (exempting certain discussions related to collective bargaining).

² See § 286.011(8), Fla. Stat. (authorizing private attorney-client sessions in certain circumstances).

A. Quorum Required. A hybrid meeting may occur only when a member quorum is physically present in the room where a meeting is convened. The physical quorum must remain present throughout the meeting.³ If at any time a physical quorum is no longer present in the room where the meeting is convened, the meeting must adjourn or recess until a physical quorum is reestablished.

B. Extraordinary Circumstances Required.

1. A member may participate in a hybrid meeting only when extraordinary circumstances prevent the member from being physically present at a meeting, but do not prevent the member from using CMT. The intent of this policy is to allow the use of CMT due to extraordinary circumstances, and not as a member's regular practice for attending meetings.
2. Extraordinary circumstances include only the following:
 - a. Serving and/or deployed on active military duty;
 - b. Experiencing a medical condition, illness, or disability, or related travel;
 - c. Caring for a family member suffering or recovering from a medical condition or illness;
 - d. Attending an event on behalf of the City in the member's official capacity;
 - e. Attending a significant family obligation (e.g., a family wedding or funeral); or
 - f. Residing in an area affected by a state of emergency or disaster declared pursuant to federal, state, or local law that would risk the personal health, safety, or well-being of the member if required to attend the meeting in person.

C. Request for CMT Attendance.

1. Generally. A member requesting to use CMT to attend a hybrid meeting must notify the City Clerk at least seven business days before the date of the meeting. The member requesting the hybrid meeting is under no obligation to disclose any specific medical condition information or to provide any documentation or verification, but must disclose the extraordinary circumstance relied upon in requesting CMT attendance. A member requesting to attend a meeting via CMT is solely responsible for ensuring before the meeting is convened that they possess the technology required to attend the meeting via CMT.
2. City Commissioners Making a Late Request. A City Commissioner experiencing an unexpected, extraordinary circumstance beyond the time period required to notify the City Clerk as provided above, must notify the City Clerk as soon as possible prior to but no later than 24 hours prior to the start of the meeting. The City Clerk must notify the City Commission at the commencement of the meeting that a Commissioner has requested to attend the meeting via CMT. The City Commission shall then determine by majority vote of the City Commissioners in their good judgment, whether it will authorize the use of CMT for a hybrid meeting.

³ See Op. Att'y Gen. Fla. 02-82 (2002); Op. Att'y Gen. Fla. 98-28 (1998); Op. Att'y Gen. Fla. 92-44 (1992); see also Op. Att'y Gen. Fla. 03-41 (2003).

3. Lack of Quorum Due to CMT. If a quorum will not be established due to the number of members requesting to use CMT, the City Clerk may contact members to withdraw their request so that a physical quorum can be established. The City Clerk shall prioritize requests in the same order the extraordinary circumstances appear above.
- D. Verification of CMT Attendance. Upon receiving a request for CMT attendance, the City Clerk must verify all of the following before notifying the requesting member that their CMT attendance request will be accommodated:
 1. The meeting location is capable of supporting the use of CMT;
 2. A physical member quorum will be present at the meeting location; and
 3. The requesting member is capable of attending the meeting via CMT.
- E. Hybrid Meeting Agenda. After verifying that a hybrid meeting will be held, the City Clerk must ensure that the meeting agenda reflects the use of CMT for a hybrid meeting.

IV. HYBRID MEETING REQUIREMENTS

- A. Announcement on the Record. If any part of a meeting is conducted as a hybrid meeting, the following must occur on the record and must be recorded in the meeting minutes:
 1. Statement by the Chair. Prior to announcing the members present, the meeting chair must announce the convening of a hybrid meeting using CMT, and the reason(s) for the engagement of a hybrid meeting. For example, the chair should make the following announcement:

“This meeting has been properly noticed and will be conducted as a hybrid meeting requiring the use of communications media technology. A physical quorum of voting members is present in this room. A hybrid meeting allows voting members to attend and participate without being physically present in the room where this quorum is convened.”
 2. Statement by the Member. While announcing the members present, the member attending the hybrid meeting via CMT must announce that they are attending via CMT, and state the extraordinary circumstance authorizing attendance via CMT. For example, the member should make the following announcement:

“As authorized by City Commission Policy No. 2021-10, I am attending this hybrid meeting via communications media technology because I am [state the applicable reason from the list below]:

 - a. *Serving and/or deployed on active military duty; OR*
 - b. *Experiencing a medical condition, illness, or disability, or related travel; OR*

- c. *Caring for a family member suffering or recovering from a medical condition or illness; OR*
- d. *Attending an event on behalf of the City in the member's official capacity; OR*
- e. *Attending a significant family obligation (e.g., a family wedding or funeral); OR*
- f. *Residing in an area affected by a state of emergency or disaster declared pursuant to federal, state, or local law that would risk the personal health, safety, or well-being of the member if required to attend the meeting in person."*

B. Conduct of Member Generally. Advancements in technology allow members the ability to view, hear, communicate, and interact with each other during meetings using CMT. At all times a hybrid meeting is convened, the use of CMT shall be contingent on the following:

1. The CMT used must be sufficient to allow anyone physically present at the meeting location to be able to participate in the meeting as though CMT was not being used. All members should be able to hear, see, interact, and participate in discussions with the member attending via CMT, and the member attending via CMT should be able to hear, see, interact, and participate in discussions with anyone speaking on the record;
2. In order to ensure that all speakers are properly heard, seen, and recorded on the record, a speaker must be recognized by the chair prior to speaking, and no more than one person shall speak at the same time;
3. The use of CMT must not create an unreasonable disruption to a meeting;
4. The member attending via CMT must be able to facilitate and maintain their use of CMT throughout the meeting;
5. The member attending via CMT must be at a private location or room that allows the member to provide complete focus and attention to the meeting; and
6. All votes must be by roll call.

C. Conduct of Members Attending Via CMT. At all times a hybrid meeting is convened:

1. The member attending via CMT must be able to use the audio and video function of the CMT to interact, engage, and communicate with all other members in attendance;
2. During quasi-judicial items, the member attending via CMT must remain visible on camera during the entire agenda item;
3. To help minimize disruptions, members attending via CMT must mute themselves when they are not speaking; and

4. Members attending via CMT and appearing via video are responsible for turning their camera on/off.

D. Connectivity.

1. Member Acknowledgement. By requesting the use of CMT, a member acknowledges that the Information Technology Division's first priority is fully supporting the meeting, and there is no guarantee or assurance that City staff will be able to offer an individual member appearing via CMT any technical support or assistance to troubleshoot issues occurring during a meeting.
2. Technical Issues. If technical issues arise prohibiting the requirements of this policy from being performed, the meeting chair may take a recess until the technical issues are corrected, or may continue the meeting without the member(s) attending via CMT. At all times during the meeting, a physical in person quorum must remain.