

REQUESTED COMMISSION ACTION:

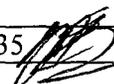
Consent                      Ordinance                       Resolution                      Consideration/  
 Discussion                      Presentation

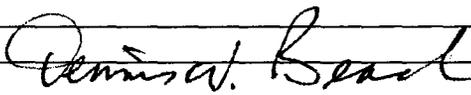
**SHORT TITLE                      A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
 POMPAÑO BEACH, FLORIDA, ESTABLISHING AND APPROVING A  
 PROCEDURE FOR PARTICIPATION IN CITY COMMISSION  
 MEETINGS BY ELECTRONIC MEDIA TECHNOLOGY; PROVIDING  
 AN EFFECTIVE DATE.**

**Summary of Purpose and Why:**

A policy to set standards for remote participation at City Commission meetings by City Commissioners that are unable to be present.

- (1) Origin of request for this action: City Attorney
- (2) Primary staff contact: Mark E. Berman, City Attorney Ext. 4614
- (3) Expiration of contract, if applicable: \_\_\_\_\_
- (4) Fiscal impact and source of funding: \_\_\_\_\_

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
City Attorney	3/16/16		See City Attorney's Comm. #2016-635 

City Manager 

**ACTION TAKEN BY COMMISSION:**

Ordinance	Resolution	Consideration	Workshop
1 <sup>st</sup> Reading	1 <sup>st</sup> Reading	Results:	Results:
2 <sup>nd</sup> Reading			



**City Attorney's Communication #2016-635**

March 16, 2016

**TO:** Dennis W. Beach, City Manager  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolution – Policy for Remote Participation in City Commission Meetings

Attached please find the following captioned Resolution addressing the above-referenced matter:

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING  
AND APPROVING A PROCEDURE FOR PARTICIPATION  
IN CITY COMMISSION MEETINGS BY ELECTRONIC  
MEDIA TECHNOLOGY; PROVIDING AN EFFECTIVE  
DATE.**

Please place this matter on the March 22, 2016 City Commission Agenda. I have attached a Commission Agenda Cover Sheet for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.

  
MARK E. BERMAN

MEB/jrm  
l:cor/manager/2016-635

Attachments

**CITY OF POMPANO BEACH  
Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING AND APPROVING A PROCEDURE FOR PARTICIPATION IN CITY COMMISSION MEETINGS BY ELECTRONIC MEDIA TECHNOLOGY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 286.011, Florida Statutes, provides that all meetings of any municipal board or commission at which official acts are to be taken are declared to be public meetings open to the public at all times; and

**WHEREAS**, the Florida Attorney General (AGO) has previously opined that the use of electronic media technology by an absent commissioner or board member is permissible and not in violation of Section 286.011, Florida Statutes, including, but not limited to, AGO 2003-41; 2002-82; 98-28; and 94-55; and

**WHEREAS**, on occasion, due to physical disability such as medical treatment or other similar extraordinary circumstance, the Mayor or City Commissioner may be unable to attend a City Commission meeting in person, but still wish to participate in said meeting through telephonic or other electronic means, and therefore a policy for said participation should be adopted by the City Commission; now, therefore,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** The City Commission adopts the following policy for Commissioners who are unable to physically be present at a City Commission meeting, but wish to participate in said meeting through telephonic or other similar electronic means:

A. The cause for the absence is physical disability such as medical treatment or other similar extraordinary circumstance as determined by the City Commission;

B. There is otherwise a quorum physically present at the meeting;

C. For participation in any quasi-judicial matters the member participating remotely shall have received all materials submitted prior to the meeting and has the ability to review any maps, diagrams, photos or other similar evidence submitted at the quasi-judicial hearing from their remote location, prior to voting on the matter;

D. That the telephonic or other equipment utilized to permit participation by the absent member shall, at a minimum, be adequate to permit that member to be heard by all occupants in the Commission Chamber or other room during the subject meeting, and have any and all comments audibly heard by any devices recording and transmitting the meeting. In addition, the telephonic or other equipment utilized shall permit the absent member to hear all commentary at the meeting;

E. That a member who will be absent shall give advance notice, if possible, to the City Clerk's Office before the meeting to adequately prepare for remote participation; and

F. The City Commission may in the future expand the terms and conditions for approval of said procedure by resolution.

**SECTION 2.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
3/16/16  
l:reso/2016-163