

AS AMENDED ON AUGUST 10, 2020
ORDINANCE NO. 2612

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND TITLE 1 GENERAL PROVISIONS OF THE SALISBURY MUNICIPAL CODE TO ADD A NEW CHAPTER TO ESTABLISH PROCEDURES FOR ELECTRONIC PARTICIPATION.

WHEREAS, the ongoing application, administration and enforcement of Title 1, General Provisions of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and amendments that will keep Title 1 current; and

WHEREAS, the recent pandemic has increased the need for electronic participation in meetings for the City Council and the various boards of the City; and

WHEREAS, the Mayor and City Council desire to establish procedures for electronic participation in meetings to be held by the City.

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapter 1.20 – Electronic Participation be added to the City of Salisbury Municipal Code as follows:

Chapter 1.20 – Electronic Participation.

1.20.010 Teleconference or other electronic participation in meetings.

- A. This section governs the telephonic and or other electronic participation of the Mayor, City staff, the public and members of the Council or other Board at all meetings of the City Council and other Boards of the City, **unless prohibited by State Law.**
- B. The preferred procedure for City Council and other Board meetings is that the Council and other Board members should be physically present at the designated time and location within the City for the meeting. However, physical presence is hereby waived and the Mayor, City staff, the public, and any member(s) of the Council or a Board may participate in a meeting by teleconference or other approved electronic means, subject to the procedures and limitations provided in this section.
- C. A person participating by teleconference shall, while on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.
- D. If the President of the Council or Board Chair participates by teleconference, the President or Chair may vote, but a member acting in the President's or Chair's absence, who is physically present at the meeting, shall preside over and perform all other functions of the President at the meeting. In the event all Council members or Board members are participating by teleconference, the President or Chair shall preside over the meeting by teleconference.

E. “Teleconference” is defined as any approved means utilized for remote participation in a meeting which enables the individual, for the duration of the meeting, to clearly hear all Council or Board members and other participants, the City Clerk or Board Secretary, and public testimony, and to be clearly heard by all participants and the public in attendance.

F. “Board” is defined as any City Board or Commission.

1.20.020 Teleconference procedures.

A. Any person who does not wish to be physically present for a regularly scheduled meeting shall notify the City Clerk or Board Secretary at least one day prior to the scheduled time for the meeting of his or her request to participate in the meeting by teleconference.

B. The City Clerk or Board Secretary shall notify the Council or other Board of the person’s request to participate by teleconference.

C. At the commencement of the meeting, an approved telephonic or other electronic connection will be established with the person or persons intending to participate by teleconference. After an electronic connection is established, the President or other Board Chair shall establish that the connection of each individual is sufficient to meet the requirements of this section. If unable to establish a sufficient connection, the person seeking to participate by teleconference will not be permitted to participate and shall be considered absent from the meeting. All members of the Council or other Board shall be permitted to make such inquiries and to call for a vote on the question of the quality of any teleconference connection. Only the Council members or Board members physically present may vote on the quality of a teleconference connection unless all members of the Council or Board are not physically present. In that case, the City Clerk or Board Secretary, with the advice of the City Solicitor, shall determine whether the teleconference connection is sufficiently clear to satisfy the requirements of this section. If a person participates in the meeting by teleconference without a ruling from the Council, the Board, or the City Clerk or Board Secretary on the clarity of the teleconference connection, the person’s participation shall be deemed to be approved and all actions taken by the Council or the Board with the participation of all such persons are valid. If telephonic participation is interrupted due to poor connectivity that hinders the active participation of any individual, any Council or Board member may request a brief recess to allow the person to attempt to reestablish a connection. If the person cannot reestablish a clear connection after a recess, the President or other Board Chair shall call for a vote on whether to terminate the unclear teleconference participation. Prior to the vote, the Council or other Board members may make such inquiries as necessary to make a decision. If a majority of the Council or Board votes to terminate a person’s teleconference participation, the record will indicate such and the person participating by teleconference shall not be called upon to comment further or to vote. The Council’s or Board’s determination is final and not subject to appeal.

- D. Subsections (A) and (B) of this section do not apply to special meetings or emergency meetings of the City Council or other Board. A member or person who requests to participate in a special or emergency meeting of the City Council or other Board must notify the City Clerk or Board Secretary before the time scheduled for the start of the meeting. The Clerk or Board Secretary will notify the Council no later than the commencement of the meeting. After a connection is established with the person or persons requesting to participate by teleconference, a ruling shall be made on the person's participation in the meeting as provided in subsection (C) of this section.
- E. The means used for a teleconference meeting of the City Council or other Board must enable each person appearing by teleconference to clearly hear the Council or Board members, other participants, and public testimony at the meeting as well as to be clearly heard by all Council or Board members and members of the public in attendance.
- F. The City Clerk or Secretary of any Board shall note in the journal of the proceedings all members and participants appearing by teleconference.
- G. To the extent practicable, materials to be considered by the Council or Board shall be made available to Council and Board members attending by teleconference.

EXPLANATION:

* *ITALICIZED AND UNDERLINED PRINT INDICATE MATERIAL ADDED TO EXISTING LAW.*

Deleted material from the existing Code is indicated by bold double bracketed [[]] language.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 10th day of August, 2020 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 24th day of August, 2020.

ATTEST:

Kimberly R. Nichols
Kimberly R. Nichols, City Clerk

John R. Heath
John R. Heath, City Council
President

Approved by me, this 3 day of September, 2020.

Julia Glanz
Julia Glanz, City Administrator, for and with the authority of
Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: City Council

From: Julia Glanz, City Administrator

Subject: Enabling Electronic Participation in City Council and other Boards and Commissions

Date: July 30, 2020

The COVID-19 pandemic has required the City Council and other boards and commissions to meet electronically through Zoom, teleconference, and other modes to safely continue the work of the people. This ordinance would enable the future use of electronic technology to participate in these meetings.

Throughout the pandemic we have seen an increase in the number of community members that are participating in City Council meetings due to the access of technology. Post COVID-19, we would like to continue that public participation in person and online for City Council and our boards and commissions. This legislation would also enable staff, guests and Council members to participate electronically for any reason necessary, such as being ill, out of town, lacking of transportation or childcare, and having a challenging work schedule. While the preferred method of participation is in person, it is important to make sure all public meetings are accessible to our community, staff and Council members.

Please let me know if you have any questions.