



CITY OF OWENS CROSS ROADS ORDINANCE NO. 22-028

AN ORDINANCE ADOPTING AN ELECTRONIC MEETING POLICY FOR CITY COUNCIL MEETINGS

BE IT ORDAINED by the City Council (the “Council”) of the City of Owens Cross Roads, Alabama (the “City”) as follows:

Policy for Electronic Participation by Council Members

- (a) *Purpose and applicability.* It is the policy of the City of Owens Cross Roads that individual members of the City Council may participate in Council meetings by electronic means as permitted by Act No. 2022-421 (2022 Regular Session of the Alabama Legislature). The purpose of the policy is to comply with the requirements of §36-25A-5.1 and §36-25A-5.2 of the *Code of Alabama* and to allow for and govern participation by one or more Council members in Council meetings by electronic communication means. All proceedings pursuant to this policy shall be performed in accordance with Alabama Code §§36-25A-5.1 and 36-25A-5.2 as those statutes may hereafter be amended. This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters to be considered or voted on at the meeting.
- (b) *Quorum required.* The City Council may consider a request for participation by electronic communication means only if a quorum of the City Council is physically present at the central or physical meeting location, and there is an arrangement for the voice of the remote participant to be heard by all persons at the central or physical meeting location.
- (c) *Permissible reasons for electronic participation.* Participation by a Council member in a meeting by electronic communication means shall only be allowed if the Council member is unable to be physically present due to an illness. For purposes of this section, “illness” means sickness, disease or other physical condition that causes a Council member to face significant difficulties attending a Council meeting in person.
- (d) *Approval.* Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Alabama Open Meetings Act. If a Council member’s participation from a remote location is challenged, then the City Council shall vote whether to allow such participation. If the City Council votes to disapprove the Council member’s participation because such participation would violate this policy, such approval shall be recorded in the Council’s minutes with specific reasons cited for the disapproval.
- (e) *Approval process.* No Council member may participate in a meeting by electronic communication means unless the Council member requests, and the Council approves, the participation in accordance with this policy.

CITY OF OWENS CROSS ROADS ORDINANCE NO. 22-028

- (1) A Council member may request to participate in a Council meeting by electronic communication means if the Council member notifies the Mayor and the City Clerk on or before the day of the meeting that the Council member is unable to attend due to illness.
 - (2) The Council member must also notify the City Clerk of the remote location from which the Council member would participate by electronic communication means.
 - (3) At the meeting, the City Clerk shall announce the information received from the absent Council member. If the Council member's request is in all respects compliant with this policy, then any quorum of the Council members physically assembled at the central or physical meeting location shall make a motion to approve or disapprove the absent Council member's request.
 - (4) Upon adoption of a motion to approve the Council member's participation by electronic communication means, the Council member shall be allowed to fully participate in the meeting by electronic communication means.
 - (5) If the Council member's participation by electronic communication means is approved, the City Clerk shall record in the meeting minutes: (i) the motion; (ii) the vote thereon; (iii) the specific nature of the illness or medical condition; and (iv) the remote location from which the Council member participates in the meeting.
 - (6) If the Council member's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the City Clerk shall record in the meeting minutes: (i) the motion; (ii) the vote thereon; (iii) the specific nature of the illness or medical condition; (iv) the remote location from which the Council member would participate in the meeting; and (v) the specific aspect of this policy that would be violated by the Council member's proposed participation by electronic communication means, as summarized by a quorum of the Council members physically present.
- (f) *Location.* The location where the quorum is present and each remote location from which a Council member participates must have two-way audio with each other's location during the entire meeting. Each participant's voice must be clearly audible to each other participant and, during the open portion of the meeting, to members of the public in attendance at the location where the quorum is present. The audio signals perceptible by members of the public at the location where the quorum of the members are present must be of sufficient quality so that members of the public can hear the voice of each participant in the open portion of the meeting.
- (g) *Requirements of electronic system.* Any electronic communications system utilized must allow all of the participating members—whether they are physically in the central location or in remote location(s) to simultaneously communicate with one another and the public to simultaneously hear the matters discussed. The City Clerk shall arrange for the acquisition and installation of all appropriate equipment, communications systems and software as shall be necessary to comply with the provisions of this section. Acceptable means of electronic communications include telephone (speaker phone) or by video or audio teleconferencing means, such as Zoom or similar platform approved by the City, which is clear, uninterrupted and allows two-way communication for the participating Council members.


CITY OF OWENS CROSS ROADS ORDINANCE NO. 22-028

- (h) *Notice of Meeting.* If a Council member is participating in a meeting of the City Council by electronic communication means as authorized by this section, the City Council shall ensure that means of access to the electronic communication is published in the same manner as the notice of the meeting is published pursuant to Chapter 25A of Title 36 of the *Code of Alabama*.
- (i) *Limited participation by public.* The City Council is not required to allow the public to participate by electronic communication means to any extent beyond being able to hear the meeting.
- (j) *Voting.* Any vote taken at a meeting utilizing the equipment contemplated in this section shall be taken as a roll call vote that allows each participant to vote individually in a manner audible to all persons participating or present at the physical location where the quorum is present.
- (k) *Interruption of electronic communication.* If the electronic communication means fail or are in any way interrupted during a meeting otherwise in compliance with this section, that failure shall not be grounds to challenge any action taken during the meeting.
- (l) *Implementation of policy.* At least forty-five (45) days shall lapse between the adoption of this policy and the first meeting that the City Council uses electronic means of communication as authorized by this section.
- (m) *No reimbursement of expenses.* A Council member participating in a meeting by electronic communication means as provided by this section may not claim any form of fee or reimbursement of expenses relating to that meeting, including mileage.

Section 2. **Repealer Clause.** All former ordinances or parts thereof conflicting or inconsistent with this ordinance are repealed.

Section 3. **Effective Date.** This ordinance shall become effective upon its adoption, approval and publication as required by law.

ADOPTED AND APPROVED THIS 27 DAY OF SEPTEMBER, 2022.



Tony K. Craig, Mayor



ATTEST: Christie D. Eason, City Clerk

City of Owens Cross Roads, Alabama, certificate of publication.

This is to certify that Ordinance No. 22-028, City of Owens Cross Roads, Alabama, was published by posting on the City website, and on FIVE (5) bulletin boards within the City.



OWENS CROSS ROADS CITY COUNCIL
ORDINANCE NO. 22-028
ADOPTION OF ELECTRONIC MEETING