

Town of Erie
Virtual Participation and Virtual Meeting Policy
May 23, 2023 DRAFT

I. Purpose.

The purpose of this Policy is to specify the conditions under which meetings of the Board of Trustees and other Town boards, committees and commissions may be held without the physical presence of the members, Town staff or the public at a designated meeting location (a "Virtual Meeting"). Additionally, this Policy specifies the conditions under which members of the Board of Trustees and other Town boards, committees, and commissions, and the public, may participate in in-person meetings ("In-Person Meeting") without being physically present at the location of the in-person meeting ("Virtual Participation"). Due to technology constraints, in-person meetings with Virtual Participation ("Hybrid Meeting") can only be held in the Board Room and not in the Community Room.

II. Procedure.

A. Conditions. Virtual Participation and Virtual Meetings are authorized only if all the following conditions are met:

1. The board or commission members can hear one another and can hear or read all discussion and testimony in a manner that provides effective participation.
2. Members of the public can hear and see all discussion, testimony, and votes.
3. Members of the public can participate to the greatest extent possible.
4. For quasi-judicial matters, Virtual Participation and Virtual Meetings may only be used with the prior written consent of the applicant, in which the applicant waives any legal challenge to the hearing being conducted in such a manner.
5. All votes are taken by roll call or electronic voting.
6. Minutes of the meeting are taken in the same manner as other meetings and all other rules of in-person meetings are followed.
7. Hybrid Meetings must adhere to the additional procedures below.

B. Hybrid Meetings.

1. Statutory Boards (Board of Trustees, Planning Commission, Urban Renewal Authority, Board of Adjustment). Statutory Boards may hold Hybrid Meetings in the Town Hall Board Room.
- i. To enable the Town Clerk to prepare an accurate meeting notice, Board and Commission members must indicate to the Town Clerk whether they plan to attend in-person no later than the Wednesday the week prior to the scheduled meeting.

- ii. Hybrid Meetings will only be held if at least a quorum plan to attend in-person. Hybrid Meetings require significant staff logistical support to administer the meeting effectively, and it is not an appropriate use of staff time to accommodate this service when less than a quorum will be present in person.
 - iii. If the Town Clerk does not hear from Board or Commission members about their preferences by the Wednesday before a meeting week, the default is to have an In-Person Meeting.
2. All Other Advisory Boards
- i. Advisory board members decide whether they prefer Virtual Meetings OR In-Person Meetings. The advisory board chair must indicate the meeting format on the meeting agenda, which should be provided to the Town Clerk at least one week prior to the meeting to ensure meetings are noticed and set up correctly. Once decided, the meeting format will remain consistent unless the advisory board chair notifies the Town Clerk of a change with adequate time for the Town Clerk to accommodate the change.
- 3. In-Person advisory board meetings will take place in the Community Room at Town Hall and must be noticed and recorded.
 - 4. Hybrid Meetings cannot be conducted in the Community Room due to equipment constraints and because additional staff time is not available to cover any additional meetings in the Board Room.
- C. Determination and Notice. The decision to hold a Virtual Meeting shall be made by the Mayor (or the Chair of the commission, advisory board or committee) if the Mayor or Chair determines that a situation exists where a Virtual Meeting would be in the best interest of the public health, safety and welfare. Notice of Virtual Meetings shall be provided in the same manner as In-Person meetings and shall indicate the time of the meeting, the fact it will be a Virtual Meeting, and how the public may observe and participate in the Virtual Meeting.
- D. Virtual Participation. Virtual Participation shall be allowed at all meetings for members of the public. Virtual Participation in In-Person meetings by members of the Board of Trustees, advisory boards, commissions, and committees shall be permitted only if a member is out of Town or for health reasons. Should a board, commission, or committee member require Virtual Participation, they must provide at least 24-hour advance notice to the Town Clerk. The total number of board, commission or committee members participating virtually in an in-person meeting shall not exceed two (2) members per meeting. Any member attending virtually shall keep their camera on during the meeting.
- E. Emergencies. In the case of emergency, the Mayor may suspend any or all of this Policy.

III. Applicability.

Upon implementation, this Policy will apply to regular and special meetings and study sessions of the Board of Trustees, and to all meetings of other Town boards, commissions and committees.

IV. Reasonable Accommodation.

The Town shall provide reasonable accommodations and shall waive or modify provisions of this Policy as necessary to provide individuals with disabilities full and equal access to all meetings.