

## Resolution: 2023-07

### Opting Into Electronic Meeting Participation

WHEREAS, during the 2022 Regular Session of the Alabama Legislature, Act 2022-421 was enacted and codified in § 36-25A-5.2, Code of Alabama 1975, to authorize a county commission to allow a member who is physically absent due to illness to participate electronically in a meeting of the county commission, provided that a quorum of members are physically present at the meeting location; and

WHEREAS, the Cullman County Commission believes it is in the public's interest to allow members of the County Commission who are ill to participate electronically in meetings when a quorum is physically present as authorized by this new law; and

WHEREAS, the new law requires a county commission to adopt an Electronic Meetings Policy at least 45 days before the first meeting at which the electronic means of communication is used; and

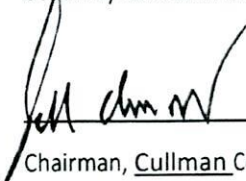
WHEREAS, the new law requires the Electronic Meetings Policy to detail the communications equipment and procedures to be used, how the public may access the meeting, and how voting will be conducted; and

WHEREAS, based upon the foregoing, the Cullman County Commission has developed an Electronic Meetings Policy, which is attached to this resolution;

THEREFORE BE IT RESOLVED BY THE CULLMAN COUNTY COMMISSION that it does hereby authorize members who are absent due to illness to participate electronically in meetings of the County Commission pursuant to Act 2022-421 and the attached Electronic Meetings Policy.

BE IT FURTHER RESOLVED that copies of this resolution and the attached Electronic Meetings Policy be posted in a conspicuous location in the courthouse, published on the County Commission's website, and forwarded to all local news media who have on file with the County Commission a written request for notification of the schedule of regular meetings of the County Commission.

IN WITNESS WHEREOF, the Cullman County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 20th day of December, 2022.

  
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Chairman, Cullman County Commission

# Electronic Meetings Policy

## I. Scope of Rules.

- A. Pursuant to Ala. Code § 36-25A-5.2, the following Electronic Meetings Policy was duly adopted by the Cullman County Commission on the 20th day of December 2022, and shall govern the conduct of the meetings of the County Commission beginning no sooner than 45 days after adoption.
- B. This Electronic Meetings Policy may be amended by affirmative vote of a majority of the members of the Commission. However, such changes to the Electronic Meetings Policy shall not take effect for at least 45 days after the vote making such changes.
- C. This Electronic Meetings Policy shall be read in conjunction with the County Commission's other policies pertaining to the Alabama Open Meetings Act, Ala. Code § 36-25A-5.

## II. Communications Equipment and Procedures.

- A. **Communications Equipment.** "Communications equipment" means any tools, devices, hardware, software, or other things necessary to facilitate communication among meeting participants who are in different physical locations and that allows all participants to hear one another at the same time. To allow a member who is ill to participate electronically in a meeting, the County Commission will use:
  - A conference phone with a dial-in number, microphone(s), a set of speakers, and any other necessary teleconferencing communications equipment. The member who is ill will receive the dial-in number in advance to facilitate his or her participation in the meeting. At the physical meeting location, there will be (1) a microphone that allows members who are physically present at the meeting location to speak to the member who is participating electronically, and (2) a set of speakers that allows those who are physically present at the meeting location to hear the member who is participating electronically.
  - A computer or laptop utilizing video-conferencing software, microphone(s), a webcam, a set of speakers, and any other necessary video-conferencing equipment. The member who is ill will receive a dial-in number or web link in advance of the meeting to facilitate his or her participation in the meeting. To the extent possible, the webcam will be situated in the physical meeting location in such a way that the physically present members may be seen by the member who is participating remotely. A microphone will be set up to allow members who are physically present to speak to the member who is participating electronically.
- B. **Member Unable to Be Physically Present Due to Illness.** If a member of the County Commission is unable to be physically present at a meeting of the County Commission due to illness, and he or she wishes to participate electronically in the meeting, then the member shall provide written notice to the Chairman and the County Administrator at least four hours before the meeting. If the member who is unable to be physically present at the meeting is the Chairman, then the Chairman shall provide written notice to the County Administrator at least four hours before the meeting. An email is sufficient for written notice under this Electronic Meetings Policy.
- C. **Quorum Required.** A member who is unable to be physically present due to illness may only participate electronically in a meeting if a quorum of the County Commission is physically present at the meeting location.

- D. **Testing the Communications Equipment.** Immediately before the commencement of a meeting at which a member participates through electronic means, the communications equipment shall be tested to verify: (1) All participants will be able to hear one another at the same time, and (2) Interested members of the public who are present at the physical meeting location will be able to hear those who are participating electronically in the meeting.
- E. **Participation by Electronic Means.** Consistent with Ala. Code § 36-25A-5.2, participation by electronic means shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum.
- F. **Roll Call Voting.** Any vote taken at a meeting utilizing the communications equipment described in this Electronic Meetings Policy shall be taken as a roll call vote that allows each member to vote individually in a manner audible to all persons participating or present.
- G. **Recordkeeping.** Documentation of the member's request to participate electronically due to illness shall be kept by the County Commission for recordkeeping purposes. Additionally, the following information shall be noted in the meeting minutes for a meeting in which there is participation by electronic means:
  - i. The communications equipment was tested immediately before the meeting for sufficient compliance with these requirements: (1) All participants will be able to hear one another at the same time, and (2) Interested members of the public who are present at the physical meeting location will be able to hear those who are participating electronically in the meeting.
  - ii. The names of the members who were physically present at the meeting location.
  - iii. Whether a quorum of members was physically present at the meeting location.
  - iv. The names of the member or members who participated electronically in the meeting due to illness and that the member or members who participated electronically were absent due to illness.
- H. **Expense Reimbursement.** A member participating electronically in a meeting may not claim any form of reimbursement for expenses related to that meeting, including mileage.

### III. Public Access.

- A. **Meetings Open to the Public.** All regular meetings of the County Commission shall be open to the public as required by the Alabama Open Meetings Act.
- B. **Accessibility.** All regular meetings of the County Commission will be conducted in a building that is open to the public. At this physical location of the meeting, all members of the public shall be able to hear all persons who are participating electronically in the meeting.