

## Potential Options:

Outright ban on remote participation – Bethlehem

Amend Rules to spell out some regulations.

Keep as is – remote participation is allowed - but spell it out in your rules.

Allow participation but no talking or voting since you don't know where the person is or who is around the person.

Per many of the codes governing those municipalities, you could say a quorum of the council/commission must be physically present to conduct official business. Once the quorum is met, however, any additional members may participate remotely.

Limit number of remote participation sessions – say 2 per calendar year. Announce the reason for remote participation ahead of time, make it public at the meeting prior to and the meeting at which the remote participation takes place.

### **FROM FAQ on Pa State Sunshine Site:**

Can officials participate by phone or video conference:

Yes. Agency members may participate in meetings by telephone or video conference. In addition, members participating in this manner count for purposes of determining whether a quorum is present. See *Babac v. Penn. Milk Marketing Bd.*, 613 A.2d 551 (Pa. 1992). ("[A] quorum of members can consist of members not physically present at the meeting but who nonetheless participate in the meeting and ... such quorum can take official action, provided that, the absent members are able to hear the comments of and speak to all those present at the meeting and all those present at the meeting are able to hear the comments of and speak to such absent members contemporaneously[.]")

The above does not apply to boroughs and First Class Townships. Per the codes governing those municipalities, a quorum of the council/commission must be physically present to conduct official business. Once the quorum is met, however, any additional members may participate remotely.

Relevant Codes:

First Class Township Code: 53 P.S. §§ 55702(b)-(b.1).

Borough Code: 8 Pa. C.S. §§ 1001(b)-(c).

Agencies are also permitted to limit comment to residents and taxpayers of the area served by the agency.

### **Bethlehem**

After Covid, they removed the Go To Meetings. No longer setup as a Go To Meeting. They can tune in but cannot vote. Not in the Council Rules.

### **Easton**

Has not allowed remote since Covid. Participate via call in Zoom/Telephone- they haven't had a scenario to determine if they can vote since the Covid lockdown.

### **Lancaster**

Rules of the Third-Class City Code. They can attend, but they can't be counted in the quorum. They can remotely listen to the discussion and vote on the items.

### **Erie**

During Covid, they allowed remote. Recently, a member had Covid and they were allowed to participate via Zoom. It's allowed only in an emergency. They can vote if they stay on the call for the entire meeting. It is not part of the Council Rules. They received advice from their Solicitor.

### **Reading**

Previous to Covid, Council can participate via phone. They have to be present for the public comments. They have to have a quorum in the room. They can vote, need to be present in the beginning

## **§ 5-208. Rules of procedure.**

**[Amended 4-9-2001 by Ord. No. 7-2001; 3-8-2010 by Ord. No. 7-2010; 7-26-2021 by Ord. No. 55-2021]**

A. The standard reference of Council shall be Robert's Rules unless not specifically provided for by the Rules of Procedure herein.

(1) Quorum. A quorum of Council shall be four members present for the conduct of business. Council members participating by telecommunications device shall be counted to constitute a quorum.

(a) The telecommunication device used permits the member or members of Council not physically present at the meeting to:

(i) Speak to and hear the comments and votes, if any, of the members of Council who are physically present, as well as other members of Council who may not be physically present and are also using a telecommunication device to participate in the meeting; and

(ii) Speak to and hear the comments of the public who are present at the meeting.

(b) The telecommunication device used permits the members of Council and the members of the public who are present at the meeting or participating remotely to speak to and hear the comments and the vote, if any, of the member or members of Council who are not present at the meeting.

(c) Physical absence of a Council member. Council members can choose to participate remotely for four regular business meetings per year. The Council President can authorize additional

remote participation at regular business meetings by telecommunication device for one or more of the following

reasons:

- (i) Illness or disability of the member of Council;
- (ii) Care for the ill or child in the member's immediate family;
- (iii) Emergency or inclement weather;
- (iv) Family or business travel; and
- (v) Schedule conflicts.

(d) There is no limit on Council's ability to participate remotely in committee meetings, Committee of the Whole (COW) meetings, and other sessions that are held.

(e) Nothing in this subsection shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.