

## Pinellas County Board of County Commissioners

### Policy: Virtual Attendance at Public Meetings

#### Background & Purpose

Under Florida law, all local government Sunshine bodies, including citizen advisory boards, must have a physical, in-person quorum to take any official action<sup>1</sup>. As long as a physical quorum is otherwise present, individual members of Sunshine boards can, at the discretion of the board, attend and vote virtually. This policy applies to the BCC and all citizen and advisory boards created by the BCC, and establishes the parameters under which members of a Pinellas County board can attend public meetings virtually.

“Virtual attendance” for purposes of this policy, unless expressly noted otherwise, means attendance by a board member through video conferencing technology, or similar real-time electronic communication that permits both audio *and* visual interaction between the board and the virtual attendee.

#### Virtual Attendance Policy

*For BCC workshops and advisory board meetings where **no** official action will be taken:*

If a board member wishes to attend a WORKSHOP meeting virtually, the board member must notify the chair in advance. **There is no requirement to obtain advance approval or a vote of the board to attend virtually, as virtual attendance at a workshop does not implicate quorum or Sunshine requirements. No extraordinary circumstances are required for virtual attendance at a workshop.**

*For BCC and advisory board meetings where official action will be taken:*

**ALL MEETINGS OF THE BCC OR AN ADVISORY BOARD AT WHICH ANY OFFICIAL ACTION OR VOTE WILL BE TAKEN MUST HAVE A PHYSICAL, IN-PERSON QUORUM.**

1. Prior to or at the beginning of the meeting at which the member wishes to attend virtually, the Board must authorize the board member to attend and vote virtually, by a majority vote. The vote should include findings that:
  - a. A physical in-person quorum of the board is present;
  - b. The board member attending virtually is incapacitated due to illness or injury or is hindered by *extraordinary circumstances* from attending in person but is otherwise able to concentrate and give full attention to the business of the board\*;
  - c. It is in the best interest of the board to authorize virtual attendance;
  - d. The meeting location, technology, and staff support are sufficient to support effective virtual attendance;
  - e. The member attending virtually has appropriate technology to participate and be seen and heard by the rest of the board;
  - f. All Sunshine law requirements are met.

*\*Note: The BCC has made the legislative determination that in-person attendance at public board meetings has intrinsic value, and virtual attendance at meetings where official business will occur should be limited to rare, “extraordinary circumstances” as approved by a board on a case-by-case basis.*

#### Board decisions on virtual attendance:

Requests to attend a meeting virtually should be raised in advance. When voting to authorize virtual attendance at a meeting where official action will be taken, a board should consider the following non-exclusive factors:

- Whether a physical quorum is otherwise present. **IF NOT, virtual attendance should not be allowed, and no other factors need to be considered.**
- The nature and subject of the meeting;
- The goals and duties of the board;
- The potential impact of virtual attendance on the ability of the board to hold meaningful discussions or otherwise perform its duties;
- The number of individuals seeking to attend a particular meeting virtually;
- The number of times a particular board member has attended meetings virtually in the past; and
- Any case-specific circumstances that bear on the matter.

Nothing in this policy is intended to limit the BCC from waiving the standards noted above to the extent authorized by law, at its discretion.

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<sup>1</sup> The Florida Attorney General has opined that a board member attending virtually could count toward a quorum in certain extraordinary circumstances. This policy is not intended to address such circumstances; questions about virtual attendance for purposes of a quorum must be reviewed on a case-by-base basis with the County Attorney.