

Pinellas County Board of County Commissioners
Policy: Virtual Attendance at Board Meetings

Background

Under Florida law, all local government Sunshine bodies must have a physical, in-person quorum to take any official action. As long as a physical quorum is otherwise present, it is legally acceptable for individual members of Sunshine boards to attend and vote virtually, at the discretion of the board. The Pinellas County Board of County Commissioners (BCC) has made the legislative determination that in-person attendance at public board meetings has intrinsic value, and virtual attendance by commissioners at any BCC meeting (including business meetings and workshops) should be limited to **rare, extraordinary circumstances** as approved by the BCC on a case-by-case basis. This policy establishes the parameters under which Pinellas County Commissioners can attend BCC meetings and workshops virtually.

Virtual Attendance Policy

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

Any meeting of the BCC at which any official action may be taken must have a physical, in-person quorum to proceed, unless the in-person requirement for constituting a quorum is expressly authorized by statute or lawfully suspended during a state of emergency. While an in-person quorum is not legally required for workshops, the BCC has elected to apply the quorum requirement to BCC workshops as a means of reinforcing its policy position that in-person attendance is of intrinsic value to the public meeting process.

Prior to or at the beginning of the meeting at which a commissioner wishes to attend virtually, the BCC must by a majority vote authorize the commissioner to attend—and for business meetings, vote—virtually. The vote authorizing virtual attendance/voting should include findings that:

- a. A physical in-person quorum of the BCC is present;
- b. The commissioner attending virtually is incapacitated due to illness or injury or is hindered by *extraordinary circumstances* from attending in person;
- c. The commissioner attending virtually is able to concentrate and give full attention to the business of the BCC;
- d. It is in the best interest of the BCC to authorize virtual attendance;
- e. The meeting location, technology, and staff support are sufficient to support effective virtual attendance;
- f. The commissioner attending virtually has appropriate conditions and technology to participate and be seen and heard by the rest of the board;
- g. All Sunshine law requirements are met.

Board decisions on virtual attendance:

Requests to attend a meeting virtually should be raised to staff and the Chair in advance if possible. When voting to authorize virtual attendance at a BCC meeting, the BCC 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 potential impact of virtual attendance on the ability of the BCC to hold meaningful discussions or otherwise perform its duties;
- The number of commissioners seeking to attend a particular meeting virtually;
- Any case-specific circumstances that bear on the matter.

This policy applies to BCC meetings and workshops; it is not binding on citizen advisory boards, which should consult their assigned County Attorney (or other legal counsel, as applicable) with any questions about virtual attendance at meetings.

This policy is not intended to address whether a commissioner attending virtually can count *toward a quorum*; questions about virtual attendance for purposes of a quorum must be reviewed on a case-by-case basis with the County Attorney.

The BCC may waive this policy, to the extent authorized by law, at its discretion.

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