

RESOLUTION NO. 2020-13

**A RESOLUTION OF THE TOWN OF NACHES, WASHINGTON,
ADOPTING A POLICY FOR THE PATRICIPATION OF TOWN COUNCIL MEMBERS
BY MEANS OF AUDIO OR AUDIO/VIDEO CONFERENCING EQUIPMENT AT TOWN
COUNCIL MEETINGS**

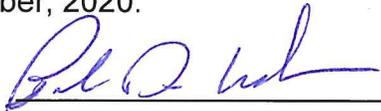
WHEREAS, the Town Council of the Town of Naches wishes to adopt a policy pursuant to which Members of the Town Council shall be permitted to participate in Town Council meetings via audio or audio/video conferencing equipment when exigent circumstances preclude their attendance in person; and

WHEREAS, Members of the Council have reviewed and considered a Draft Policy for such purposes provided by legal counsel for the Town, which the Town Council has discussed, and revised as they have collectively deemed appropriate, and which is appended hereto in its final form;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NACHES AS FOLLOWS:

1. That the policy appended hereto as Exhibit "A" shall be, and is adopted, by the Town of Naches to allow for the participation of Members of the Town Council at Town Council meetings by means of audio or audio/video conferencing equipment when their presence at such meetings is otherwise precluded by exigent circumstances.

**PASSED BY THE TOWN COUNCIL OF THE TOWN OF NACHES,
WASHINGTON** this 14th day of September, 2020.



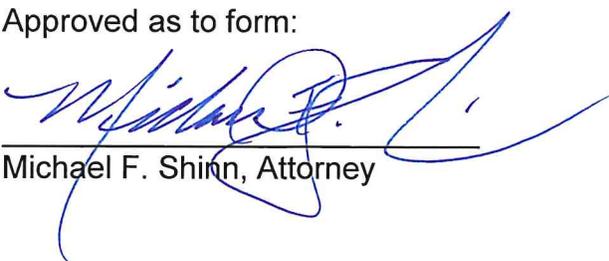
Paul D. Williams, Mayor

Attest:



Elvira Birrueta, Clerk/Treasurer

Approved as to form:



Michael F. Shinn, Attorney

**DRAFT POLICY FOR THE TOWN OF NACHES
REGARDING COUNCIL MEMBERS' PARTICIPATING IN TOWN COUNCIL
MEETINGS VIA AUDIO OR AUDIO/VIDEO CONFERENCING EQUIPMENT**

It is the policy of the Town of Naches to strongly encourage members of the Town Council to attend, in person, all Town Council meetings. It is the opinion of the Town Council, Mayor, Town Administrator and legal counsel that attendance, in person, best exemplifies the undistracted interest of members of the Council in the affairs of the Town, better promotes the free flow and expression of ideas and concerns and enhances the Council's stature and respect in the community.

However, the Council, Mayor, Town Administrator and legal counsel also recognize that there will be circumstances which reasonably preclude a Council member from attending who could nevertheless participate via audio or audio/video conferencing equipment. This Policy Statement is intended to prescribe the conditions and manner in which such Council participation may occur.

First, not later than 10:00am of the day scheduled for a meeting of the Council, the Council person desiring to participate remotely via audio or audio/video conferencing equipment must contact the Naches Town Administrator or Town Clerk. Although permitting participation via audio or audio/video conferencing shall be allowed at the discretion of the Town Administrator and/or Mayor (in the absence of the Town Administrator), the Council wishes to express its opinion that discretion should be generally exercised to allow such participation in cases of personal or family medical emergencies, natural disasters, military, law enforcement, fire, medical or emergency response calls to duty, pandemics where a Council member reasonably believes he or she is at risk of spreading or contracting illness, and other case-by-case situations where unexpected and serious demands are placed upon the Council member's time precluding his or her attendance. These and any other relevant factors are to be weighed in the reasonable judgment of the Town Administrator (or Mayor) in determining whether to make attendance by the Council person in question, reasonably excused and participation via audio or audio/video conferencing equipment allowed. The Council person making such request shall be given the benefit of the doubt unless previous requests have been factually determined to have been based upon misinformation to the Town. Further, more than three (3) consecutive requests, for any reason, will require audio or audio/video conference participation to be approved by a majority of the other Council members at the Meeting.

It is pointed out that legal treatise writers have opined that:

In order to constitute a quorum the requisite number of members must be actually present at the meeting and the requisite number cannot be made up by telephoning absent members and obtaining their vote over the telephone.

CJS Municipal Corporations, Section 231.a. (1999). Nevertheless, the Naches Municipal Code merely states that a majority of the members of the Council shall constitute a quorum, it does not state that those members must be physically present to constitute a quorum and, given the policy protocols expressed herein, the position of the Council is that allowing participation via audio or audio/video conferencing shall enable the audio or audio/video conferencing Council person to count towards the number of Council people necessary to constitute a quorum.

It shall be incumbent upon Town Staff that upon approving a Council person's request to participate remotely via conferencing equipment, that the Town arrange for that conferencing to take place, that audio or audio/video conferencing equipment be set up by Staff in time for the Meeting, that any instructions for the use thereof be timely communicated to the requesting Council person and that the equipment allow for the conferencing Council person to hear, and be heard, by all of those in attendance in order to promote participation and involvement to the greatest extent possible. Further, any Council person participating via audio or audio/video conference equipment shall be expected to have reviewed all matters on the agenda before the Council and to be prepared to discuss them just as though he or she were physically present.