

**CITY COUNCIL AND BOARD/COMMISSION MEETINGS UNDER THE COVID-19
EMERGENCY**

March 24, 2020

BACKGROUND:

With the COVID-19 pandemic upon us, it brings into question if, or how, we intend to conduct future City Council and Boards/Commission meetings through this emergency. While a check of other cities revealed that most of the larger cities in Iowa have closed all of their buildings and a majority of their services to the public, there is no indication at this point that they plan on cancelling their City Council or Board/Commission meetings.

POLICY DIRECTION NEEDED FROM THE CITY COUNCIL:

The following question need to be address by the City Council in order for the staff to proceed with organizing future meetings:

- Do you want to cancel any, or all, Board or Commission meetings until future notice?
If so, which ones?
- Do you want to cancel City Council meetings until future notice?
- If City Council/Commission meetings are continued, do you want to make sure that any item that might be of interest to a large number of people should not be included on a Council/Commission agenda until further notice.
- If City Council/Commission meetings are continued, do you want to prohibit the public's physical access, and as an alternative, allow for telephone call-ins or emails for the public to provide input at legally required hearings or other agenda items?
- If remote public input is desired, should it be for only legally required public hearings or for all agenda items (not on consent)?
- If City Council meetings are continued, do you want to cancel the Public Forum section of the agenda?
- Other issues?

PUBLIC INPUT:

Public Input is solicited at City Council and certain Boards/Commissions for two reasons:

- 1) **The local/state/federal laws required a formal public hearing before Council action is taken.** For example: to award construction bids, dispose of city property, rezoning a property, variances/special use permits issued by Zoning Board of Adjustment, and adopting CDBG Action Plan.
- 2) **Before the City Council takes action on an agenda item or a Commission makes a recommendation, the public is allowed to provide comments at the meeting to influence the governing boards final action.** This type of public input is not required by law.

ACCESS TO THE PUBLIC REQUIRED BY STATE LAW:

Since the outbreak of COVID-19, local government officials have questioned how we can limit large groups at Council meeting as recommended by the COVID-19 meeting guidelines, and still be in compliance with the state law. In response to this inquiry, the Governor recently released the following order,

Electronic Meetings and Hearings

“Pursuant to Iowa Code § 29C.6(6), and at the request of the Iowa League of Cities on behalf of numerous local governmental bodies, I temporarily suspend the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, to the extent that the statutes could be interpreted to prevent a governmental body from holding the meeting by electronic means, provided that the governmental body properly notices the meeting or hearing and includes a telephone conference number or website address that permits the public to participate in the meeting or hearing. I also temporarily suspend those statutes to the extent they could be interpreted to prevent a governmental body from limiting the number of people present at an in-person location of the meeting, provided that the governmental body provides a means for the public to participate by telephone or electronically as provided in this section.”

STAFF COMMENTS:

The City Attorney has advised that the Governor’s order lacks a clear statement that we can limit public comment at a hearing in advance in writing. He has advised us to provide some way for the public to comment during the public hearing.

While staff has explored various options for providing remote public input (eg. Zoom, Teams, etc.), we have planned a simple experiment for the March 24th meeting using telephone call-ins and emails beginning at 6:00 p.m. to accomplish our goal of citizen input in lieu of allowing the public to attend in person.

