



## Bassett Creek Watershed Management Commission

### MEMO

To: BCWMC Commissioners and Alternate Commissioners  
From: Administrator Jester  
Date: February 6, 2024

#### **RE: Discussion on Hybrid Commission Meetings**

At the meeting in October 2023, the Commission directed me to work with Golden Valley staff to arrange for hybrid Commission meetings because the Golden Valley Council Conference Room was updated with audio and visual equipment to accommodate hybrid meetings. The January Commission meeting included a hybrid option for limited attendees and it seemed to work well. The Commission should determine the purpose of offering hybrid meetings and potential parameters for their use.

There are different reasons for hosting hybrid meetings:

1. Staff, Contractors, TAC Members: Allow staff, contractors, and TAC members to participate in the meeting remotely, including giving presentations from an offsite location. This would save expenses because contractors would not have to travel to a meeting or attend parts of the meeting not pertaining to their subject matter. Further, it would allow staff or others who may be ill or caring for family members to "attend" all or part of the meeting. Finally, it would save time for TAC members who may wish to multitask and listen to the meeting in a more passive sense.
2. Commissioners:
  - a. Allow commissioners to attend the meeting remotely without participating. For example, commissioners who are out of town or must stay home could listen to the meeting to stay apprised of Commission business but would not be able to participate in the discussion.
  - b. Allow commissioners to participate in the meeting remotely. This option creates several legal and logistical hurdles in order to comply with the open meeting law and it may not be worthwhile since every city has an appointed alternate. If commissioners were to participate remotely, they would be required to be in an open and publicly accessible location so that members of the public can access the offsite meeting. The official meeting notice (including the online calendar and distributed meeting notices) must include the address of the offsite public location and be posted at least three days in advance of the meeting. The offsite commissioner must always have video turned on so that everyone in the regular meeting location can both see and hear all commission discussions. If there are connectivity issues or video is not working, the commissioner would not be able to participate in the meeting in any fashion. Finally, if a participating commissioner is located offsite, all votes would need to be taken by roll call voice vote. Although use of hybrid meetings for commissioner participation is legally permissible when adhering to the various requirements, Commission Attorney

Anderson and I believe that it would create various legal and logistical issues and decrease meeting efficiency.

3. Members of the Public: Allow the public to participate in the meeting remotely. (By law, if offsite commissioners plan to participate in a meeting (2b above), then if practical, the public must also be given the opportunity to monitor that meeting remotely.) Even if no commissioners are participating remotely, there may be a desire for the Commission to allow for remote attendance/participation from the public. The Commission could use its current format of allowing for public comments on non-agenda items at the beginning of the meeting. And, developers or other project proposers with items on the consent or business agenda could attend remotely just for their specific item. Allowing public participation does have its own risks and challenges as it may invite offsite participants to say and show inappropriate content, which unfortunately is becoming a somewhat common occurrence during public meetings. This has happened recently with some cities and even one watershed district. If remote public participation is desired, the Commission should work with Commission Attorney Anderson to develop some lawful parameters and tools to encourage appropriate participation on issues that are relevant to the watershed, which will require some further discussion due to First Amendment jurisprudence.

Another thing to consider: if hybrid meetings are conducted for any of the above purposes, the meeting could be recorded and posted online for those who might wish to listen another time. The Ramsey Washington Metro Watershed District hosts hybrid meetings for reasons presented in #1, #2a, and #3 above. They also record the meetings and include a video timestamp in the meeting minutes for each agenda item to aid in viewing/listening to particular items.