SUBJECT: Remote Public Meeting Access Policy

APPROVED BY: Becky Franks
Chair, Board of Health

DATE EFFECTIVE: April 7, 2019

PURPOSE:

Emergencies have been declared on the nationwide, statewide, and county level due to the Novel Coronavirus pandemic. On March 24, 2020, Montana Governor Steve Bullock issued a directive authorizing local governments to modify the means by which they conduct business and “encouraged local governments to find ways to provide for the right of public participation consistent with social distancing practices, including virtual participation where legal and practicable.” Thereafter, on March 26, 2020, Governor Bullock issued a directive requiring individuals to stay at home to the greatest extent possible and prohibiting all public and private gatherings of individuals, regardless of size, outside of a home, if a distance of at least six feet cannot be maintained.

On March 26, 2020, the Gallatin City-County Board of Health (Board) adopted Emergency Local Health (EHR) 2020-001, as amended, to likewise prohibit non-essential and recreational gatherings of individuals outside of a home or place of residence if a distance of six feet or greater between individuals cannot be maintained.

Article II, Sections 8 and 9 of the Montana Constitution guarantee Montana citizens the right to observe the deliberations of public bodies and to participate in decisions that are of significant public interest. These rights are codified at Title 2, Chapter 3, Parts 1 and 2, Montana Code Annotated. On March 27, 2020, Montana Attorney General Tim Fox issued a letter of advice with certain “Guidelines for Conducting Local Public Meetings During COVID-19 Emergency.” The March 27th letter recognizes that neither the Right to Know nor the Right to Participate, nor the statutory codifications thereof, require the actual physical presence of the public during a local government’s deliberations. Rather, the “manner by which notice, participation, and observation are provided to the public must be reasonable.”

To comply with Governor Bullock’s directive and EHR-2020-001, while providing the public the rights to observe and participate, the Board desires to make remote access to its meetings reasonably available to the public during the COVID-19 emergency. The Board also desires to establish the methods by which the public may reasonably participate by remote means in the Board’s final decisions of significant public interest.
POLICY:

1. Whenever feasible, remote access utilizing video or telephonic conferencing shall be provided to the public for all Board meetings during the COVID-19 state of emergency.

2. As part of the notice published for Board meetings, Gallatin City-County Health Department (GCCHD) staff shall include the information necessary for the public to access and participate in the meeting using video or telephonic conferencing, how documents to be discussed during the meeting can be viewed by the public in advance of and during the meeting, and how the public can submit written comment in advance of the meeting.

3. A GCCHD staff member shall operate and moderate the remote meetings using a video or telephonic conferencing platform.

4. Individuals attending the meetings via video or telephonic conferencing shall indicate that they want to comment on a particular item at the time requested by the Board Chair. Individuals will be allowed to comment in the order in which they request to provide comment. Once called to provide comment, the individual giving comment shall state their name and address on the record.

5. No more than ten members of the public may attend each Board meeting in person. Staff shall manage the meeting in a manner that complies with federal, state, and local requirements for social distancing and shall maintain appropriate social distancing of meeting attendees.

6. If members of the public seek to attend a Board meeting in person, and more than ten individuals are in attendance in-person at the meeting, conference rooms or other areas at the meeting location will be made available for members of the public to attend the meeting remotely. Members of the public must maintain at least six foot distancing in the meeting room and in any remote-participation area. For those individuals wishing to provide comment in-person, GCCHD staff will bring the individuals to the meeting room in small groups, so as to keep the number of individuals in the meeting room to no more than ten individuals.

7. At the discretion of the Board Chair, all public comment will be limited to five minutes per individual.

8. Members of the public are encouraged to provide written comment to the Board in advance of each meeting. The Board will not accept anonymous written comments.

9. The Board will accept written comments from the date that the meeting notice is published until 4:00 p.m. on the day before the meeting. The written comments can be submitted in hardcopy form or by email to the following addresses:

   Gallatin City-County Health Department
   215 W. Mendenhall
   Bozeman, Montana 59715
   BOHPublicComment@gallatin.mt.gov
10. Individuals submitting written comment should be respectful of others and follow normal meeting decorum, recognizing that comments will be viewable online and should not include any vulgar or offensive language.

11. GCCHD staff will provide all written comment received by the 4:00 p.m. deadline to Board members in advance of the meeting and will make the comments available for public viewing online.