

RESOLUTION OF THE CITY OF DIAMONDHEAD ESTABLISHING PROTOCOLS FOR OPEN PUBLIC MEETINGS HELD IN THE PHYSICAL ABSENCE OF A CITY COUNCIL MEMBER

WHEREAS, the City of Diamondhead holds regular Official City Council during the month and holds other open public meetings defined as; Work Shops, Recessed Council Meetings and Special Called Council Meetings from time to time during the month to take up city business on a multitude of topics and issues, and

WHEREAS, all City of Diamondhead City Council Meetings are required to follow the Open Meetings Act of the State of Mississippi, 25-41-1 et.al. Mississippi code of 1972, Annotated, and

WHEREAS, from time to time members of the City Council may be unavailable to attend an Official meeting of the City Council body due to distance from the meeting location, illness or a number of other reasons the Council member may be unable to be present at the meeting's physical location, and

WHEREAS, Mississippi Statue 25-41-5 Mississippi code of 1972, Annotated, Provides the following;

(1) All official meetings of any public body, unless otherwise provided in this chapter or in the Constitutions of the United States of America or the State of Mississippi, are declared to be public meetings and shall be open to the public at all times unless declared an executive session as provided in Section 25-41-7.

(2) A public body may conduct any meeting through teleconference or video means. A quorum of a public body as prescribed by law may be at different locations for the purpose of conducting a meeting through teleconference or video means provided participation is available to the general public at one or more public locations specified in the public meeting notice.

(3)(a) Notice of any meetings held pursuant to subsection (2) of this section shall be provided at least five (5) days in advance of the date scheduled for the meeting. The notice shall include the date, time, place and purpose for the meeting and shall identify all locations for the meeting available to the general public. All persons attending the meeting at any of the public meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location. Any interruption in the teleconference or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

(b) Five-day notice shall not be required for teleconference or video meetings continued to address an emergency as provided in subsection (5) of this section or to conclude the agenda of a teleconference or video meeting of the public body for which the proper notice has been

given, when the date, time, place and purpose of the continued meeting are set during the meeting prior to adjournment.

(4) An agenda and materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to all locations where public access will be provided shall be made available to the public at the time of the meeting. Minutes of all meetings held by teleconference or video means shall be recorded as required by Section 25-41-11. Votes taken during any meeting conducted through teleconference or video means shall be recorded by name in roll-call fashion and included in the minutes. In addition, the public body shall make an audio recording of the meeting, if a teleconference medium is used, or an audio/visual recording, if the meeting is held by video means. The recording shall be preserved by the public body for a period of three (3) years following the date of the meeting and shall be available to the public.

(5) A public body may meet by teleconference or video means as often as needed if an emergency exists and the public body is unable to meet in regular session. Public bodies conducting emergency meetings through teleconference or video means shall comply with the provisions of subsection (4) of this section requiring minutes, recordation and preservation of the audio or audio/visual recording of the meeting. The nature of the emergency shall be stated in the minutes., and

WHEREAS, missing media advertising deadlines caused by unpredictable events may be unavoidable for the preparation of advance notices on such occasions as MS Code Section 25-41-7 (3)(a) requires. The City of Diamondhead's City Council by its passage of this Resolution spread upon the Minutes, does hereby establish public notice of future meetings of the City Council, wherein Minutes are officially recorded, this Resolution serves as advanced notice of Council meetings by telephonic, teleconference or by video means the public is hereby noticed of same, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Diamondhead, Mississippi,

1. The City of Diamondhead establishes protocols to shall follow and abide by 25-41-5 et.al Mississippi Code of 1972 Annotated.
2. The City of Diamondhead shall not change, alter or divert from the Sections outlined in by 25-41-5 et.al Mississippi Code of 1972 Annotated, unless amended by the State of Mississippi.
3. The City of Diamondhead by passage of this Resolution establishes future public notices of Council meetings by telephonic, teleconference or by video means as allowable by MS Code Section 25-41-7 (3)(a).

	AYE	NAY
Councilmember Ackerman	<u>✓</u>	<u> </u>
Councilmember Holcomb	<u>✓</u>	<u> </u>
Councilmember Knobloch	<u>absent</u>	<u> </u>
Councilmember Rech	<u>✓</u>	<u> </u>
Councilmember Roberson	<u>absent</u>	<u> </u>
Mayor Ingraham	<u>✓</u>	<u> </u>

APPROVED 
MAYOR

ATTEST: 
CITY CLERK

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED BY THE CITY OF DIAMONDHEAD, MISSISSIPPI, ON THE 16th DAY OF July, 2012.