

City of Black Diamond

Protocols for Remote Legislative Public Hearings

These protocols seek to provide general guidance for conducting public hearings in the City of Black Diamond using remote or virtual meeting technology when it is not possible to conduct hearings in person due to, for example, a viral pandemic or other emergency. These protocols apply to all hearings conducted by the Black Diamond City Council and Planning Commission

I. General Policies

A. The City of Black Diamond shall conduct remote legislative hearings using the Zoom video meeting software platform.

B. In addition to the Zoom video connection, a toll-free telephone call-in line will also be provided as an alternative for any members of the public who wish to listen to the hearing and/or provide testimony when called upon.

C. The Zoom video link and telephone call-in number will be listed on the required public meeting agenda and may alternatively be obtained by contacting the City Clerk's Department at least 36 hours before the start of the hearing.

D. To the degree possible, all public hearings conducted using remote meeting technology should be treated the same as in-person hearings in accordance with the Black Diamond City Council Rules of Procedure (and Public Participation requirements under state and local regulations). This includes the expectation that all participants must log in to be able to participate in the hearing and will conduct themselves with the same courtesy and respectful decorum as would be expected for an in-person hearing.

E. If at any time the Chair determines that the technology supporting the remote hearing is not performing adequately, the Chair may, in the Chair's sole discretion, but after consulting with the Councilmembers or Commissioners, either (i) temporarily suspend or continue the hearing to allow time to fix the technical issue; (ii) make arrangements for submission of additional materials or testimony in writing at a later date; (iii) continue the hearing to a future time and date certain; or (iv) make any other arrangements the Council or Commission determines are necessary and appropriate.

F. All matters not addressed in these Protocols for Remote Legislative Public Hearings shall be decided by the Chair in a manner that adheres as closely as is practical under the

circumstances to the Black Diamond City Council Rules of Procedure (and Public Participation requirements under state and local regulations).

II. Technical Procedures

A. A Zoom meeting ID, password, and remote access link should be created for every Council and Planning Commission meeting. The Zoom meeting shall be recorded to preserve the record to the same extent as a recording of an in-person public hearing.

B. Each meeting will have a designated meeting operator who is well-trained in running the Zoom video meeting software and who is responsible for establishing the meeting ID, password, and remote access link. It is the meeting operator's duty to initiate and monitor the meeting to ensure it is properly recorded.

D. The meeting operator (at the direction of the Chair) shall control who is and is not allowed to use the "share screen" function and sets the presentation mode (e.g., "Gallery view" or "Speaker view").

E. To the extent possible, unique screen names for all known participants shall be assigned in advance. To assist with preparing a clear record, naming conventions for screen names shall be as follows:

- Public: FirstLastName/Public
- Councilmembers: FirstLastName
- Commissioners: FirstLastName

III. Public Communication

A. The City Clerk's office is responsible for preparing and publishing in the City's official paper of record a public notice of the time, date, and subject matter. The same notice will be posted to the City's website along with remote legislative hearing protocols.

B. Notice of the remote public hearing shall be provided as required in the Black Diamond Municipal Code for in-person legislative public hearings. The public notice shall identify an email address and a staff member at the City for members of the public to contact regarding questions or to request to be placed on the list for offering public testimony.

IV. Public Testimony

A. Members of the public wishing to testify orally during a legislative public hearing shall notify the City's designated contact person of their desire to give testimony at least 4

hours before the start of the hearing and shall indicate whether they will be participating via the Zoom video link or by telephone. Persons wishing to testify shall provide their name and an email address if available.

B. Members of the public wishing to submit testimony in writing shall submit their written comments (whether in electronic or paper form) to the City's designated contact person or email address no later than 24 hours before the start of the hearing, unless a different time frame is addressed in the notice. The designated person's contact information shall be provided in the public hearing notice. A member of the public who testifies orally at the public hearing may submit a written copy of their oral statement to the City for inclusion in the record without having to provide a copy of the written statement 24 hours in advance. However, written materials that supplement the oral testimony with additional substantive content need to be submitted to the City's designated contact person at least 24 hours in advance.

C. At the beginning of a legislative public hearing, the meeting operator shall provide the Chair with a list of the members of the public who have signed up to provide live testimony, indicating whether each participant will be participating by video link or telephone. A participant who changes his or her mode of participation before the start of public testimony (e.g., telephone instead of video) will still be permitted to offer testimony.

D. When it is time for public testimony during a legislative public hearing, participants shall be recognized to speak in the order in which they signed up. A public participant who is not present and ready to speak when called on will be placed at the end of the queue, to be called on when all other participants have completed their public testimony.

E. The Chair shall control the time allotted for remote public testimony in the same manner as for in-person public hearings.

VII. Guidance for Participation by Public

A. The remote hearing is a recorded proceeding. To get a clear recording for the record, it is important that only one person speak at a time, and that participants speak clearly.

B. Participants who are not actively presenting testimony should mute their own microphones.

C. Participants should make every effort to isolate themselves from background noises in the home or office environment from which they are broadcasting.

E. The meeting host may mute any participant who is not able to follow these protocols and/or introduces unacceptable levels of intrusive noise or speech.

F. It is recommended that Public participants in a remote hearing ready their computer, or ready their telephone if dialing by telephone, at least 10 minutes before the scheduled hearing time to ensure timely participation.

VIII. Attendance

All members of the public who wish to participate must do so remotely by Zoom video link or telephone.

IX. Technical Limitations and Difficulties

A. Anyone who lacks the ability to participate in the remote hearing because of technical limitations should call or email the designated staff member by 5:00 p.m. the day before the hearing to arrange for drop-off submission of written testimony for inclusion in the record. The project applicant and/or a member of City staff may elect to respond to any such comments in writing prior to the start of the hearing. If a written response is given, it will be included along with the original comment in the record of the hearing.

B. Anyone who experiences technical difficulties during the public hearing (whether participating by Zoom video link or by telephone) that affect his/her ability to participate in the hearing should immediately email the designated staff member listed in the public hearing notice and include a phone number where the person may be reached. If the technical difficulties cannot be promptly resolved, the Chair will be informed of the problem and arrangements will be discussed and determined with the City Council or Planning Commission regarding how best to extend the public testimony period to accommodate participation by the affected person.