



**CITY OF ST. LOUIS
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**LYDA KREWSON
MAYOR**

April 13, 2020

The Honorable Lewis Reed
President of the Board of Aldermen
Room 230, City Hall
St. Louis, MO. 63103

Re: Zoom Video Conferencing

Dear President Reed:

You have asked for my opinion as to whether your proposals to hold meetings of the Board of Aldermen through Zoom Video Conferencing during the pendency of the Health Commissioner's stay at home order and the pandemic is consistent with the City Charter and the Sunshine Law. I believe that it is.

As you state the Charter permits meetings of the Board to be held at a place other than City Hall in the event of emergency. Your proposal provides for the Clerk of the Board to administer the meeting from City Hall, and it is possible that this would satisfy the requirement that the meeting take place in City Hall. But even if it was regarded as taking place in cyberspace rather than in City Hall, it cannot be gainsaid that the pandemic is an emergency. Nor is there anything in the Sunshine Law that would stand in the way of your proposal. While section 610.015 RSMo requires that all public meetings be open to the public, section 610.020.1 RSMo expressly recognizes that a public governmental body may meet by computer link, though it requires that the notice of the meeting notify the public of how it might access the meeting. In other words, a meeting by computer link is a public meeting if the computer link may be accessed by the public. And this is what you propose. So I think that your proposal satisfies the requirements of the Charter and the Sunshine Law. However, I do think that there are several matters to be attended to with care.

First, as to the notice. You propose that the notice of the meeting will be posted on the City's website, as it should be. However, section 600.020.1 RSMo requires that the posting on the website be in addition to that at the principal office of the public body so I would post the notice on the door to City Hall as well. Further, in order to comply with the Americans with Disabilities Act and also section 610.020.2 RSMo, which requires every reasonable effort to grant special access to disabled persons, the notice should inform the disabled that if they need

any sort of auxiliary aid to access the meeting that they should notify the Board of their needs so that the Board could accommodate such a request should one be made. The most likely such request, in my judgment, would be one made by a deaf person for closed captioning.

Second, care should be taken with the minutes of the meeting. Section 610.020.4 RSMo provides that when it is necessary to hold a meeting at a place that is not reasonably accessible to the public that the nature of the good cause justifying the departure from normal requirements be stated in the minutes. I believe that it would be well for the Board to cite the pandemic and the Health Commissioner's orders in its minutes.

I believe that if you abide by these procedures you will have acted lawfully. You also ask if I have any recommendations on how this proposal might be improved. I do not, except for what I have already stated, but I do want you to know that Cindy Riordan and Donna Brooks-Sanders have given a lot of thought to the technology requirements of virtual meetings, and therefore you and Mr. Kennedy may wish to consult them. And one other thing. You mention that the City's Charter forbids expenditure of the federal funds that the City anticipates that it will receive in connection with the pandemic without an appropriation by the Board. Article XIII, Section 14-C (c) authorizes the Health Commissioner, following a proclamation of the Mayor that a malignant, infectious, or contagious disease is threatened or prevalent, to incur such expenses as he deems necessary to avoid, suppress, or mitigate that disease, notwithstanding anything in the Charter or ordinance to the contrary, until the Mayor declares that the need for the exercise of these powers has ended. It is possible that some or all of the anticipated federal funds would fall within this description. If so, it would not be necessary for the Board of Aldermen to appropriate such sums.

Very truly yours,



Julian L. Bush
City Counselor

JLB/dl