

## Legislation Text

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File #: 15-15914, Version: 1

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### Virtual Meeting Provisions

**Action:**

**Adopt the following Budget and Effectiveness Council Committee's recommendations:**

- A. Regarding City Council's October 12, 2020, action to continue indefinitely Council's options for virtual participation in official meetings by amending it to end upon the termination of the statewide declaration of emergency.**
- B. Update the current Rule 28 in the Rules and Procedure for the Charlotte City Council to broaden the circumstances for Council members to participate virtually.**
- C. Update the current Rule 5 in the Rules and Procedure for the Charlotte City Council to add a provision to specify that when City Council is meeting in person that any members of the public who plan to address Council during the meeting also be present in person.**

**Committee Chair:**

Ed Driggs, Budget and Effectiveness

**Staff Resource(s):**

Patrick Baker, City Attorney

**Explanation**

- Effective March 10, 2020, Governor Roy Cooper issued an executive order declaring a statewide state of emergency in response to the COVID-19 pandemic.
- Following the issuance of the executive order and due to public safety concerns and the risks to public health that would arise from in-person City Council meetings, the city moved to a remote meetings format, as authorized by law.
- North Carolina law previously authorized public bodies to hold official meetings by electronic means, and as a result of the pandemic, the legislature authorized remote meetings for public bodies during statewide declarations of emergencies.
- On October 12, 2020, City Council voted seven to four to continue indefinitely the option for virtual participation by Council for all official meetings. (YEAS: Council members Winston, Watlington, Newton, Mitchell, Johnson, Ajmera, and Eiselt. NAYS: Council members Graham, Egleston, Driggs, and Bokhari.)
  - Following the approval of the motion, Mayor Lyles referred further consideration of virtual meetings to the Budget and Effectiveness Council Committee.
- Effective May 14, 2021, under the Governor's Executive Order 215, North Carolina lifted several restrictions to reflect new public health recommendations, however the statewide state of emergency, which authorizes remote meetings, remains in place.
- The current Rule 28 included in the Rules and Procedure for the Charlotte City Council states:
  - Telephonic and electronic attendance at meetings.
    - (a) Committee meetings. Council members may attend committee meetings by telephone or other electronic means when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance to allow for arrangements to be made. Members

attending electronically are entitled to vote and fully participate in the business of the committee meeting.

- (b) Council meetings. Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:
- i. necessary to achieve a quorum;
  - ii. attendance is precluded due to weather, civil unrest, emergency, etc.; and
  - iii. the meeting needs to be continued (e.g., need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that cannot be delayed.

### **Committee Discussion**

- The Budget and Effectiveness Council Committee met on December 1, 2020, and January 26 and June 3, 2021, to discuss virtual meeting provisions.
- On June 3, 2021, the Committee voted:
  - Four to one to recommend to full Council that it amend City Council’s October 12, 2020, action to continue indefinitely Council’s options for virtual participation in official meetings to end upon the termination of the statewide declaration of emergency. (YEAS: Council members Ajmera, Driggs, Graham, and Eiselt. NAYS: Council member Johnson)
  - Three to two to recommend to full Council to review conditions in Rule 28 to broaden its provisions related to virtual participation in Council meetings and consider other procedures. (YEAS: Council members Ajmera, Johnson and Eiselt. NAYS: Council members Driggs, Graham)
  - Three to two to recommend to full Council to require that if the Council meets in person members of the public who will address the Council at the meeting should also participate in person. (YEAS: Council members Driggs, Graham, and Eiselt. NAYS: Council members Ajmera and Johnson)

### **Attachment(s)**

Rules and Procedure for the Charlotte City Council