

Legislation Text

File #: 15-15918, Version: 1

Update Virtual Meeting Provisions

Action:

Approve the Budget and Effectiveness Council Committee's recommendations to amend the Rules of Procedure for the Charlotte City Council by updating:

- A. Rule 28 (a) (Telephonic and electronic attendance at meetings) (Committee meetings) to amend the notice requirement for electronic attendance at Council Committee meetings from 48 hours in advance to "two hours in advance";**
- B. Rule 28 (a) to amend the language for electronic attendance by deleting "when they are unable, by reason of illness or injury, to attend in person" and adding "provided that at least three members of the committee shall be present in person";**
- C. Rule 28 (b) (Council meetings) to amend reasons for electronic attendance to add "or a Council member is unable to attend due to a Council member's medical condition, illness or family emergency";**
- D. Rule 28 (b) to amend by adding "Council members attending electronically are entitled to vote and fully participate in the business of the Council meeting"; and**
- E. Rule 5 (g) (Addressing Council) to amend by adding a subsection that "When Council is meeting in person, any member of the public who plans to address Council during the meeting shall also be present in person at the Council meeting."**

Committee Chair:

Ed Driggs, Budget and Effectiveness

Staff Resource(s):

Patrick Baker, City Attorney's Office
Lina James, City Attorney's Office

Explanation

- The Rules of Procedure for the Charlotte City Council (Rules of Procedure) was most recently revised on April 8, 2019. Under the current rules:
 - Rule 28 allows for telephonic and electronic attendance at Committee meetings and Council meetings under certain conditions. This rule was added by Council on May 24, 2010 and modified on April 11, 2016.
 - Rule 5 describes the process for members of the public to address Council.
- In October 2020, Mayor Lyles referred consideration of virtual meetings and attendance under the Rules of Procedure to the Budget and Effectiveness Council Committee after Council began meeting under the remote meeting laws.
- On May 14, 2021, the Governor's Executive Order 215 lifted several pandemic-related restrictions to reflect new public health recommendations for in person gatherings; however, the statewide declaration of emergency, which authorizes remote meetings, remains in place.
- Telephonic and electronic attendance is authorized for public bodies under the North Carolina Open

Meetings law apart from statewide emergency declarations.

- Amendments to the Rules of Procedure must be voted on by City Council.

Committee Discussion

- The Budget and Effectiveness Council Committee (Committee) met on December 1, 2020, January 26, June 3 and 17, 2021, to discuss virtual meetings and the Rules of Procedure.

Action A, B, C, and D

- On June 17, 2021, the Committee voted to recommend the following changes to Rule 28:
Unanimously to amend section (a) which required committee members to provide 48-hour notice of electronic attendance for committee meetings to 2 hours' notice.
Three to two to amend section (a) to require at least three committee members attend meetings in person. [YEAS: Council members Driggs, Eiselt, and Graham (left meeting early and counted as an affirmative vote) NAYS: Council members Ajmera and Johnson]
Unanimously to amend by adding subsection (iv) to section (b) and by adding a provision at the end. Proposed new changes are underlined:
 - **Rule 28. Telephonic and electronic attendance at meetings**
(a). Committee meetings. Council members may attend committee meetings by telephone or other electronic means provided that at least three members of the committee shall be present in person. Members who plan to attend by electronic means shall notify city staff at least two 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; or,
 - (iv) a Council member is unable to attend due to a Council member's medical condition, illness or family emergency.Council members attending electronically are entitled to vote and fully participate in the business of the Council meeting.

Action E

- On June 3, 2021, the Committee voted to recommend the following changes to Rule 5:
Three to two to amend by adding a provision to require in person attendance to address Council when Council meets in person.
(YEAS: Council members Driggs, Graham, and Eiselt. NAYS: Council members Ajmera and Johnson). Proposed new section (g) is underlined:
 - **Rule 5. Addressing Council**
(g). When Council is meeting in person, any member of the public who plans to address Council during the meeting shall also be present in person at the Council meeting.

Attachment(s)

Rules of Procedure of the Charlotte City Council - Redline