THE CITY OF ASHEVILLE

Staff Report

City Council Meeting: September 13, 2022

Subject: Remote Meeting Policy for Advisory Boards and Commissions appointed by City Council.

Staff Resource(s): Sarah Gross, Deputy City Clerk; City Attorney Brad Branham

Action Requested: Adoption of resolution amending the Rules of Procedure for Boards & Commissions to include a Remote Meeting Policy for advisory boards and commissions appointed by City Council.

Background:

- In March of 2020 the Governor issued a State of Emergency (SOE) on the public health emergency posed by COVID-19; the SOE provided explicit authority to hold remote meetings.
- The City pivoted to hold all meetings remotely via Google Meets and meetings were accessible by live streaming to the City's YouTube channel and Public Engagement Hub, Public Input.
- In the past year, some of the City's official public bodies, including the City Council and all quasi-judicial boards have transitioned back to in-person meetings; however, a majority of advisory board meetings have remained remote per city advertisement.
- On August 15, 2022, the SOE was lifted, and with it, the automatic authority to hold remote meetings.
- The recommended Remote Meetings Policy gives advisory boards and commissions that are appointed by the City Council *the option* to continue holding fully remote meetings, provided the Board commits to the "venue" for the duration of the year, unless otherwise noticed in accordance with this policy and NC Open Meeting Laws.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- Boards and Commissions Council Committee - August 23, 2022 - Discussion; September 13, 2022

Pro(s):

- Provides flexibility for public bodies to hold in-person or remote public meetings.

Con(s):

- In person meetings will not be livestreamed.
- There will be inconsistency with how public meetings are held among boards and commissions; and therefore, how public comment is received.

Fiscal Impact:

- None noted.

Suggested Motion:

- Move to adopt a resolution amending the Rules of Procedure for Boards & Commissions to include a Remote Meeting Policy for advisory boards and commissions appointed by City Council.

Attachment(s)

- Resolution Amending the Boards & Commissions Rules

RESOLUTION NO. 22-_____

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S RULES ON BOARDS AND COMMISSIONS

WHEREAS, in March of 2020 the Governor issued a State of Emergency (SOE) on the public health emergency posed by COVID-19; the SOE provided explicit authority to hold remote meetings; and

WHEREAS, the City pivoted to hold all meetings remotely via Google Meets and meetings were accessible by live streaming to the City's YouTube channel and Public Engagement Hub, Public Input; and

WHEREAS, in the past year, some of the City's official public bodies, including the City Council and all quasi- judicial boards have transitioned back to in-person meetings; however, a majority of advisory board meetings have remained remote per city advertisement; and

WHEREAS, on August 15, 2022, the SOE was lifted, and with it, the automatic authority to hold remote meetings; and

WHEREAS, the recommended Remote Meetings Policy gives advisory boards and commissions that are appointed by the City Council *the option* to continue holding fully remote meetings, provided the Board commits to the "venue" for the duration of the year, unless otherwise noticed in accordance with this policy and NC Open Meeting Law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Rules on Boards and Commissions be amended to include the following Remote Meeting Policy:

> "This policy shall apply only to City of Asheville Advisory Boards, Commissions, and Committees (hereafter referred to as "Advisory Boards") for which members are appointed by City Council. Boards that are quasi-judicial in nature or are regional boards not managed by the City shall not be included. This policy provides authority and process for these boards to meet remotely.

> "Except in accordance with this policy, all Advisory Boards shall meet fully in person. A board may shift to a remote format if a super majority of the Advisory Board members vote to hold fully remote meetings. A super-majority shall be ⅔ of the total membership excluding open seats. The vote to hold fully remote meetings shall be reported to the City Clerk's Office to be Noticed and incorporated into the Regular Meeting Schedule(s).

> "Pursuant to N.C. Gen. Stat. secs. 143-318.13 and/or 143.318.10, boards may choose to hold fully remote meetings rather than fully in-person meetings providing that all regularly scheduled meetings shall be held remotely until such time as the City Council or City staff authorize the board to reconsider its meeting format. Should there be a need for a special meeting, at least **seven days** advance notice is required in order to schedule the resources required for remote meetings. The seven days advance notice is for the scheduling of resources only. For special meetings, the North Carolina Open Meetings Law requires utilization the following methods of notice: (1) public notice given at least 48 hours before the meeting and must state the time, place, and purpose of the meeting; (2) posting the notice on the principal bulletin board, or at the door of the body's usual meeting room; and (3) mailing, emailing or delivering the notice to each person who has submitted a written request for notice; and (4) posting the notice on the City's website for that particular board/commission.

> "All official meetings of public bodies must be publicly noticed. Notice must provide a location and means whereby members of the public may listen to the meeting and methods of public

comment. Unless specifically noted otherwise, all virtual meetings will be hosted virtually by all members and participants and streamed simultaneously on YouTube and the City's public engagement hub.

"Virtual Meetings will be conducted via Google Meet. The presence of a quorum shall be established by audible roll call at the beginning of the meeting. Thereafter, the continued presence of a quorum shall be determined by the online list of participating members. All votes will be conducted via roll-call. The chair's announcement of the voting result shall include the number of members voting on each side of the question.

"If a Board that is scheduled to hold regularly scheduled meetings in-person finds a special need to hold a remote meeting for any reason, at least **seven days** advance notice is required in order to schedule the resources required for remote meetings."

Read, approved and adopted this 13th day of September, 2022.

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City Clerk Mayor

Approved as to form:

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City Attorney