THE CITY OF ASHEVILLE

Staff Report

City Council Meeting: September 13, 2022

Subject: City Council Rules of Procedure Amendment regarding Remote Attendance.

Staff Resource(s): City Attorney Brad Branham

Action Requested: Adoption of a resolution amending the Asheville City Council Rules of Procedure to include a Remote Attendance Provision for the Council and its Council committees.

Background:

- In March of 2020 the Governor issued a State of Emergency (SOE) in response to the public health emergency posed by COVID-19; the SOE resulted in new legislation (Session law 2020-3) which provided authority for local public bodies to hold "remote" meetings during a State of Emergency declared by the Governor or State Legislature.
- In accordance with this new law, the City pivoted to hold all meetings remotely via Google Meets in which the Council Members participated virtually.
- On August 15, 2022, the SOE was lifted, and with it, the automatic authority to hold remote meetings pursuant to aforementioned session law.
- Despite the SOE being lifted, the City retains the rights to conduct remote meetings pursuant to NCGS 143-318.13, but has never codified this option in the City Council Rules of Procedure.
- The recommended changes to the Asheville City Council Rules of Procedure will provide a written policy for the conduct of remote meetings by members of the City Council during meetings of the governing board and its subcommittees in accordance with NC Open Meeting Laws.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- Governance Committee - September 13, 2022

Pro(s):

- Provides flexibility and a defined structure for Council Members to participate remotely in both Council and Council committee meetings.

Con(s):

- None

Fiscal Impact:

- None noted.

Suggested Motion:

- Move to adopt a resolution amending the Asheville City Council Rules of Procedure to include a Remote Attendance Provision for the Council and its Council committees.

Attachment(s)

- Resolution Amending the City Council Rules of Procedure

RESOLUTION NO. 22-_____

RESOLUTION AMENDING THE ASHEVILLE CITY COUNCIL RULES OF PROCEDURE

WHEREAS, in March of 2020 the Governor issued a State of Emergency (SOE) in response to the public health emergency posed by COVID-19; and

WHEREAS, the SOE resulted in new legislation (Session law 2020-3) which provided authority for local public bodies to hold "remote" meetings during a State of Emergency declared by the Governor or State Legislature; and

WHEREAS, in accordance with this new law, the City pivoted to hold all meetings remotely via Google Meets in which the Council Members participated virtually; and

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

WHEREAS, the City retains the rights to conduct electronic meetings pursuant to NCGS 143-318.13, but has never codified this option in the City Council Rules of Procedure; and

WHEREAS, amending the Asheville City Council Rules of Procedure to provide for electronic participation by Council Members will allow additional flexibility and create a written policy for the conduct of virtual participation during meetings of the governing board and its subcommittees in accordance with NC Open Meeting Laws;

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

The Asheville City Council Rules of Procedure be amended to include the following provisions regarding electronic participation by Council Members:

"36. ELECTRONIC OR VIRTUAL MEETING ATTENDANCE.

(a) Council Committees. Council members may attend Council Committee meetings by virtual or other electronic means. Members attending electronically shall be entitled to vote and fully participate in the business of the committee meeting, and shall be counted towards quorum and considered "present" pursuant to these rules and applicable laws. If the Council Committee meeting is to be conducted fully virtually, proper notice of such shall be provided to the public in accordance with NCGS § 143-318.13, and all other applicable laws.

(b) Council meetings. Council members may attend City Council meetings by telephone or other electronic means when circumstances would prevent them from attending in person. This provision shall apply to all regular, special, and emergency meetings. Members attending remotely shall be permitted to participate in Council discussion and debate, public hearings and public comment, and closed sessions. Members attending remotely shall not be counted towards quorum, nor shall they be permitted to cast a vote except as hereinafter provided. In an emergency, as defined by Art. I, Sec. 2.2(a) of the Ashville City Charter, the City Council may conduct any regular, special, or emergency meeting in a fully virtual format, and all members of Council shall be entitled to vote and fully participate in the business of the meeting,

and shall be counted towards quorum and considered “present” pursuant to these rules and applicable laws.”

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

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney