

Ordinance 2020-4

ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED
“ADMINISTRATION” TO ALLOW REMOTE PARTICIPATION

BE IT ORDAINED, by the Mayor and Winston-Salem City Council as follows:

Section 1. Section 2-33.1 is hereby created to read as follows:

“2-33.1 Remote Participation in meetings.

(a) *Council member requirements for participating remotely.* Members of the Winston-Salem city council may participate remotely in council committee meetings and council meetings subject to the following rules and procedures:

1. Remote participation may be used in limited circumstances only. A council member may participate in a meeting remotely provided one or more of the following situations exists:

- (i) Personal illness or disability that does not impact the member’s ability to participate remotely;
- (ii) Family or other personal emergency; or
- (iii) Other emergencies that justify remote participation, such as a declaration of a national, state or local emergency.

2. A council member wishing to participate remotely in a meeting must notify the mayor and city secretary of the need to participate remotely at least 24 hours in advance of the meeting, unless advance notice is impracticable.

(b) *Remote participation meeting requirements.* Meeting requirements for a council member to participate in a committee or council meeting remotely, include:

1. A quorum of the council committee or city council must be physically present in the meeting room. For purposes of determining a quorum under this section, the members participating remotely shall not be counted. However, this provision may be waived, if the Mayor, after consulting with a majority of city council, determines that, due to a declared state of emergency, it is not feasible for a majority of city council to be physically present. In that case, a majority of council does not have to be physically present and council members participating remotely will be counted for purposes of determining a quorum.

2. Remote participation will be permitted in all open sessions with the exception of quasi-judicial proceedings unless the petitioner or applicant consents, in writing, to the quasi-judicial proceeding being conducted via remote participation during a

- national, state or local emergency. Otherwise, remote participation will not be allowed for quasi-judicial proceedings.
3. Remote participation will be permitted for closed sessions.
 4. At the start of the council committee or council meeting, and prior to participating in any deliberations, the chair of the council committee or the mayor shall announce that a council member is participating remotely. The council member shall identify himself or herself and state the reason he/she is participating remotely.
 5. If a council member needs to abstain from voting on an item in council committee, he/she needs to clearly state so.
 6. If a council member needs to be excused from voting on an item before city council, the council member must ask to be excused from voting and city council must vote to excuse said member from voting. Otherwise, a member who is participating remotely and who has withdrawn from the meeting will be treated as voting in the affirmative.
 7. A council member participating remotely shall provide a voice vote, which can be heard and recorded if participating by phone or, if participating by video, a voice and hand vote. No vote shall be taken via email. No written ballots may be submitted.
 8. A council member participating remotely shall be provided with access to all documents to be considered during the council committee meeting or council meeting.
 9. A council member participating remotely shall participate via simultaneous and/or electronic communications and must be fully heard and, if possible, seen by other members of the committee or council and any other individual in attendance at the official meeting. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology, that enables the remote participant and all persons present at the meeting location to be clearly audible to one another, is necessary. If clear audio is not available, the council committee chair or mayor may elect to disallow or discontinue remote participation for that member.
- (c) *City-designated public bodies.* The provisions governing remote participation in city council meetings and council committee meetings, set forth in sections (a) and (b) herein, shall apply to all city-designated public bodies, including, but not limited to, authorities, boards, commissions, committees, or councils, or any of their committees or subcommittees under their authority. Any and all references to the mayor, set forth in sections (a) and (b) herein, shall apply to the chair of a city-designated public body. Any and all references to council member, set forth in sections (a) and (b) herein, shall apply to all members of the city-designated public body. Any and all references to the city

secretary, set forth in sections (a) and (b) herein, shall apply to the secretary of the city-designated public body.”

Section 2. This ordinance shall become effective upon adoption and shall apply to the meeting conducted on April 6, 2020.