

City Council – Action Request Form

Date: May 18, 2020

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Angela I. Carmon, City Attorney

Council Action Requested:

Ordinance Amending Chapter 2 Entitled “Administration” Regarding Remote Participation

Strategic Focus Area: Service Excellence

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Summary of Information:

The attached ordinance amendment revises the remote participation ordinance adopted by City Council on April 6, 2020 to incorporate the provisions in Senate Bill 704, in particular Section 4.31.(a) amending G.S. 166A-19.24, enacted on May 4, 2020 regarding remote meetings. While it was easier to replace the old ordinance with the new ordinance, the changes are relatively minor. The new ordinance contains the statutory definitions of remote meetings and remote participation, both of which are now defined in G.S. 166A-19.24. Said statute specifically requires local government conducting remote meetings:

- To allow for the receipt of written comments on the subject of a public hearing from the time of publication of the notice until 24 hours after the hearing.
- To notify and obtain the written consent of all parties having standing in a quasi-judicial proceeding.
- To simultaneously stream online said remote meetings so that simultaneous live audio,

Committee Action:

Committee

Action

For

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Remarks:

and video, if any, is available to the public. If the remote meeting is a conference call, public access is achieved by providing an opportunity to dial in or stream the audio live and listen to the meeting.

The statute clearly allows a council member participating remotely to be counted for purposes of establishing a quorum, but only during the period while simultaneous communications is maintained for that member. Additionally, the statute makes it clear that if a council member participating remotely terminates or loses communication before the vote, said council member will not be treated as being present for purposes of a quorum and cannot vote.