## City Council – Action Request Form Date: December 9, 2024 To: Mayor, Mayor Pro Tempore, and Members of the City Council Angela I. Carmon, City Attorney and T. Camille French, Sr. Assistant City

## **Council Action Requested:**

Attorney

From:

Ordinance Amending Articles I, II, III, and IV of Chapter 2 Entitled "Administration"

**Strategic Focus Area:** Service Excellence

**Strategic Objective:** NA

**Strategic Plan Action Item: NA** 

**Key Work Item:** NA



## **Summary of Information:**

The attached ordinance, submitted for information purposes only, amends several sections of Articles I, II, III, and IV of Chapter 2 entitled "Administration" to:

- (1) include additional language in City Code Section 2-2 (c) regarding surplus personal property valued at less than \$30,000 to make sure staff are aware of the procedural steps necessary to declare personal property as surplus and document the same;
- (2) make it clear in City Code Section 2-33.1 that, based upon: (a) a recent North Carolina Court of Appeals case out of Anson County, and (b) the recommendation of the UNC School of Government ("SOG"), council members participating, remotely, in council meetings, will not be allowed to vote. The current Winston-Salem remote participation ordinance allows council members to participate and vote remotely during committee meetings and council meetings, provided there is a quorum physically present in the meeting room. While the Anson County case did not actually address voting, remotely, because it was determined that a quorum did not exist with only 2 of the 7-member

Committee Action:			
Committee	CD/H/GG 12/09/24	Action	Forwarded without recommendation
For		Against	
Remarks:		•	

governing board physically present in the meeting room, it was recommended by the SOG that governing bodies reevaluate, amongst other things, voting procedures after said case. That recommendation came with a word of caution as it relates to council members voting remotely. Since final action does not occur at the city council committee level, voting remotely at that level may continue; however, council members, with the proposed ordinance amendment, will not be allowed, out of an abundance of caution, to vote remotely at the city council level, irrespective of whether a majority of council members are physically present in the meeting room. In light of this change with respect to voting, remotely, at the city council level, remote participation in quasi-judicial proceedings, such a rezoning for the issuance of a special use permit for the placement of a cell tower or reduction of transmission tower setbacks, will not be allowed;

- (3) provide greater flexibility and broaden the examples listed in City Code Section 2-67 of excused absences for city appointees to boards, committees, and commissions to include professional, work-related, and family activities and to make it clear that such excused absences do not count against a member meeting the attendance requirements; and
- (4) afford city council the opportunity to extend the 180-day timeframe in City Code Section 2-313 for establishing a residence within the city limits to up to three years for the successful internal candidate for the position of city manager or city attorney.

These changes should enhance existing policies and procedures and the implementation of such.