

Ordinance #2022-10

2022 Ordinance Book, Page 65

ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED
“ADMINISTRATION” REGARDING REMOTE PARTICIPATION IN MEETINGS

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

Section 1. Sec. 2-33.1. Remote participation in meetings. is hereby amended as follows:

Remote participation or simultaneous communication shall mean participation in a meeting by conference telephone, conference video, or other electronic means. Remote meeting shall mean an official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.

- (1) *Council member requirements for participating remotely.* The Winston-Salem City Council and committees thereof may have a remote meeting, and members of the Winston-Salem City Council may participate remotely in council committee meetings and council meetings, subject to the following rules and procedures:
 - a. Remote participation may be used in limited circumstances only. A council member may participate in a meeting remotely provided one of the following situations exists:
 1. Personal illness or disability that does not impact the member's ability to participate remotely;
 2. Family or other personal emergency;
 3. ~~Other emergencies that justify remote participation, such as a declaration of a national, state or local emergency covering the city.~~ Other scheduling conflicts that make in-person attendance impracticable; or
 4. Other emergencies that justify remote participation, such as a declaration of a national, state or local emergency covering the city.
 - b. A council member wishing to participate remotely in a meeting must notify the mayor and city clerk of the need to participate remotely at least 24 hours in advance of the meeting, unless advance notice is impracticable.
- (2) *Remote participation meeting requirements.* Meeting requirements for a council member to participate in a committee or council meeting remotely, include:
 - a. For remote participation in meetings during a declared national, state, or local emergency covering the city, all of the provisions of G.S. 166A-19.24 shall govern and control, including, but not limited to, the provision relating to the receipt of written comments for public hearings. Additionally, 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, then 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 only during the time period while simultaneous communication is maintained for that member. The remote

meetings must be simultaneously streamed online so that simultaneous live audio, 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.

- b. For remote participation in meetings as a result of any other reason, the following provisions shall apply:
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.
 2. Remote participation will be permitted in all open sessions with the exception of quasi-judicial proceedings, unless all persons who have standing to participate in the quasi-judicial hearing have been given notice of the quasi-judicial hearing and consent to the remote meeting. 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. This only applies to council committee meetings and not to a meeting of the city council or any other public body.
 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, if a council member has been identified as present for the vote, but does not vote, the council member will be recorded as having voted yes. If a council member is present, but does not identify himself or herself, and attempts to vote without such identification having been made, then the vote of said council member shall not be counted. If a council member has terminated communication before the vote or if a council member has lost communication, said council member will no longer be treated as present and

will not be allowed to vote. A council member who does not vote during a quasi-judicial proceeding will be treated as not having voted.

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.
- (3) *City-designated public bodies.* The provisions governing remote participation in city council meetings and council committee meetings, set forth in subsections (1) and (2) 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 subsections (1) and (2) herein, shall apply to the chair of a city-designated public body. Any and all references to council member, set forth in subsections (1) and ~~(4)~~ (2) herein, shall apply to all members of the city-designated public body. Any and all references to the city clerk, set forth in subsections (1) and (2) herein, shall apply to the secretary of the city-designated public body.
- (4) *Additional authority for city-designated or sponsored public bodies.* Notwithstanding section (2) b.1. herein, all city-designated public bodies, including, but not limited to, authorities, boards, commissions, committees, or councils, or any of their committees or subcommittees are hereby authorized to meet remotely, as a body, upon a majority vote of the membership at a separate meeting in-person; provided, the public is afforded access to the meeting in the same manner as that previously afforded under G.S. 166A-19.24, and all notice procedures set forth in G.S. 143-318.12 are adhered to; provided, no hearings, including, but not limited to case reviews before the Citizen Police Review Board, hearings before the Forsyth County Historic Resources Commission, and the City-County Planning Board, and quasi-judicial proceedings before the Winston-Salem Zoning Board of Adjustment, shall be conducted remotely under this provision, unless all persons who have standing to participate in the hearing have been given notice of the hearing and consent to the remote meeting. The prohibition on remote hearings set forth herein shall not apply to the Transportation Advisory Committee or Winston-Salem Transit Authority.

Winston-Salem City Council
Approved
June 21, 2022

Section 2. This ordinance shall become effective upon adoption.