



Charlotte City Council
Budget and Effectiveness Committee
Meeting Summary
Thursday, June 3, 2020

**COMMITTEE AGENDA
TOPICS**

- Agenda Overview
- I. Virtual Meeting Options
- II. Redistricting Considerations

COMMITTEE INFORMATION

Committee Members Present: Ed Driggs (Chair), Julie Eiselt (Vice Chair), Dimple Ajmera, Malcolm Graham, Renee Johnson.

Additional Council Member(s) Present: Braxton Winston

Staff Resources: Ryan Bergman, Budget Director
Kelly Flannery, Chief Financial Officer

Meeting Duration: 11:00 a.m. – 12:30 p.m.

ATTACHMENTS

- 1. Agenda
- 2. Virtual Meetings Presentations
- 3. Redistricting Legal Options Presentations

DISCUSSION HIGHLIGHTS

Virtual Meeting Options

The Committee discussed how to best develop the policy for resuming in-person meetings. Committee Member, Renee Johnson began by asking Public Health Director, Gibbie Harris what if any restrictions will be allowed when public meetings are resumed. Harris stated that the executive order through the Governor has changed significantly, removing the majority of restrictions from the state of emergency (SOE) order; masking is no longer mandated, and, in most cases, capacity is no longer limited. Until June 11, masks are still required in certain environments such as health care settings, public transportation, correctional facilities and facilities that primarily serve children. The CDC, DHHS and our Department strongly recommend those not fully vaccinated should continue wearing masks and social distancing. All of this is on the honor system. Harris recommended that people get fully vaccinated or wear a mask and continue social distancing.

Johnson then inquired how we support having public meetings now and if social distancing could be requested during meetings. Harris said the Governor and other elected officials are balancing the needs of the community, and using data driven information to come to the current determinations on mandates. Vice Chair, Julie Eiselt asked if there is any State level effort to provide initiatives to vaccinate. Harris stated that Mecklenburg County is in a pilot program (four counties are participating) to provide 25 dollar cash cards for residents 18 years and older for their first vaccine or those who drive someone in for vaccine in certain areas. There is a push by the government to get 70 percent of adults vaccinated by July 4. In response to Committee member, Dimple Ajmera's questions pertaining to vaccinated people carrying the virus and if those nursing or pregnant could tolerate the vaccine, Harris said yes, a small percent of vaccinated people have been found to carry the COVID-19 virus, but have not become as ill or required hospitalization and that expectant or nursing women have tolerated the vaccine well. Harris recommended that anyone with questions regarding this and/or compromised immune system should wear masks and continue social distancing.

Deputy City Attorney, Lina James presented a high level overview of virtual meetings since much of the topic has been covered in previous meetings. She distinguished between electronic and remote meetings and discussed remote participation. The city had an electronic meeting statute prior to the pandemic which provides broad authority for a public body to meet remotely. It requires that the city must provide notice, location and access for public to listen to official meetings of public bodies. The Council adopted new remote meetings law. Due to the SOE order, Council had the ability to meet remotely including for purposes of voting and a quorum and that continues to be in place as long as there is a statewide declaration of emergency. Rule 28 applies to telephonic and electronic meeting attendance and the County does not have an equivalent to this rule or a written charter. Chair, Ed Driggs asked if the County needed to vote to allow a member to participate virtually. James said it's an informal procedure. Telephonic and electronic attendance at meetings are limited to:

- Committee Meetings (due to illness or injury and may vote)
- Council Meetings:
 - Emergency meetings, or
 - Regular or Special meetings where:
 - o Quorum necessary;
 - o Due to weather, civil unrest, emergency, etc.; and
 - o Meeting needs to continue to avoid re-notice or to take action for matters that cannot be delayed.

James said the question is, once the SOE is lifted will the Council revert back to our broad statutory requirement for electronic meetings and Council's rules for procedures for when electronic meetings are allowed. The area of concern is how it will impact quorums and voting and particularly the effect on closed sessions. Telephonic and electronic Committee attendance rules requires at least 48 hours notice by staff if someone cannot participate due to illness or injury.

To recap, Driggs said Council did not have a provision for spontaneous participation in virtual meetings prior to COVID. This was provided by the SOE so, as it stands, we would revert to our rules of procedure as described, which provides for virtual meetings in the enumerated circumstances. Driggs asked if the Committee wanted to recommend any modifications of the policy for full Council's consideration. Ajmera asked if Baker had received state-level guidance. Baker said absent new legislation, he recommended limitation of virtual meetings until the end of the SOE to avoid the meeting being subject to challenge. To be clear, he noted that that does not mean Council's action would be subject to challenge or determined to be in violation, it is just uncertain. Baker does not anticipate the SOE to go

away within the next few weeks.,

Vote: Eiselt made a motion to modify the October 2020 council adopted virtual meeting provision with a sunset provision that ends virtual meetings once the state of emergency is lifted and then return to the previous policy. Council Member, Malcolm Graham seconded the motion and it passed 4:1.

Vote: Ajmera made a motion to refer the review of Rule 28b to full Council for feedback on what changes are necessary.

Johnson made a substitute motion: Recommendation to full Council Review conditions in Rule 28 to broaden its provisions related to virtual participation in Council meetings and consider other procedures. Ajmera seconded the motion and it passed 3:2

Vote: Graham made a motion that if Council meets in person than the public who are addressing Council should participate in person. The vote carried 3:2

Due to time constraints, the Committee decided to meet again to address redistricting.

Meeting adjourned at 12:27 p.m.

Next Meeting: The next meeting is TBD.