



CHARLOTTE

Council Budget and Effectiveness Committee

June 3, 2021

11:00 –12:30 p.m.

The public can view the meeting on the [Government Channel](#), the [City's Facebook page](#) or on the [City's YouTube page](#)

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

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

AGENDA

Agenda Overview

Staff Resource: *Ryan Bergman, Strategy and Budget Director*

I. Virtual Meeting Options

Staff Resource: *Patrick Baker, City Attorney*

- Review legal framework of open meetings and considerations for virtual/electronic meetings post emergency declarations

Action Requested: Review legal framework, current city protocol, and determine if any updates to Council Rules and Procedures are needed

II. Redistricting Considerations **Item Deferred Due to Time**

Staff Resource: *Patrick Baker, City Attorney*

- Overview of the legal framework and considerations for the city's options and feasible next steps for redistricting

Action Requested: Review legal framework and options to determine next steps for redistricting

Next Meeting: TBD

Distribution:	Mayor/City Council	Marcus Jones, City Manager	Executive Team
	City Attorney	City Clerk	

Virtual Meetings

BUDGET & EFFECTIVENESS COUNCIL COMMITTEE MEETING

JUNE 3, 2021

Current Law

- ▶ **Electronic meetings authorized before COVID-19** (G.S. 143-318.13)
 - Must provide *notice, location and access for public to listen* to official meetings of public bodies
- ▶ **In 2020, General Assembly adopted new “remote meetings” law** (G.S. 166A-19.24)
 - Only applicable during statewide declarations of emergency (not local declarations);
 - Made no changes to Open Meetings law;
 - Specifically revised **voting, quorum** and **closed session** statutes to allow for remote meetings.
- ▶ **Council’s Rules of Procedure - Rule 28** (G.S. 160A-71(c))
 - **Telephonic and electronic attendance at meetings** limited to:
 - Committee Meetings (due to illness or injury and may vote)
 - Council Meetings:
 - Emergency meetings, or
 - Regular or Special meetings where:
 - Quorum necessary;
 - Due to weather, civil unrest, emergency, etc.; and
 - Meeting needs to continue to avoid re-notice or to take action for matters that cannot be delayed.

Potential Legal Issues

➤ **If Council revise its Rules to allow for electronic/virtual/remote meetings without limitation, possible concerns include:**

- **Quorum challenges*** – best practice is to be “physically present” although current Rules allow electronic attendance when quorum necessary (but along with other factors); and,
- **Voting challenges*** – best practice to be “physically present”; consider revising Rules to also allow “deciding vote” to be cast during remote attendance, although this remains an area subject to legal challenge.
- **Also, consider revising Council’s Rules on:**
 - Duty to Vote (Rule 16)
 - Closed Sessions (Rule 18), and
 - Quorum (Rules 19 and 20)
 - Consider Establishing (Minimum) Remote Attendance Policy

*Quorum and Voting statutes (G.S. 160A-74 and -75, respectively), were amended under remote meetings law – so long as participant maintains simultaneous communication. When not in a state of emergency, existing laws for both may pose potential concerns.

Rule 28 - Potential Revisions

Telephonic and electronic attendance at meetings

- **(a) Committee meetings.** Council members may attend committee meetings by telephone or other electronic means when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance to allow for arrangements to be made. Members attending electronically are entitled to vote and fully participate in the business of the committee meeting.
- **(b) Council meetings.** Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:
- (i) necessary to achieve a quorum;
 - (ii) attendance is precluded due to weather, civil unrest, emergency, etc.; and
 - (iii) the meeting needs to be continued (e.g., need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that cannot be delayed.

Public access – virtual vs. in person

► Points to consider:

- Law requires public to have access *to listen* to official meetings.
- During statewide state of emergency (SOE), likely must provide virtual access even if Council meets in person, building open to public, and public allowed to attend in person.
- *During SOE*, “remote meetings” law only applies to official meetings of public bodies, not to public’s right to virtual access;
- Public has right to participate in meetings (at public hearings and at monthly public comment period, GS 160A-80 & -80.1), however...
- *After SOE ends*, City must still provide means of public access which could be limited to in-person attendance, but... if Council attends remotely...

Questions?