

A RESOLUTION AMENDING THE CITY'S POLICY RESPECTING ELECTRONIC ATTENDANCE AT CITY COUNCIL MEETINGS

WHEREAS, the City Council determines that the greatest reasonable participation by Council Members at Council meetings is desirable, and

WHEREAS the Council wishes to balance ease of Board member access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance; and

WHEREAS the Council wishes to follow North Carolina General Statutes Chapter 143 Article 33C as amended from time to time and any applicable City ordinances as amended from time to time; and

WHEREAS the Council wishes to encourage City Council members to physically attend meetings whenever practicable; and

WHEREAS the Council recognizes that in states of emergency, 48 hours advance notice of remote participation by a Council member may not be practical and Council wishes to remove this requirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City Council does resolve as follows:

1. The City Does hereby amend as follows its policy for attendance of City Council meetings electronically:

1. Subject to the provisions of paragraph (14) below, electronic attendance at a City Council meeting shall not constitute any part of a quorum for any portion of such meeting.

2. Subject to the provisions of paragraph (14) below, either the Mayor or Mayor Pro Tem must be physically present at the place of the meeting.

~~3. A City Council member wishing to attend a meeting via electronic means shall notify the Mayor and the City Manager no later than 48 hours before the scheduled start of the City Council meeting.~~

4. A City Council member participating in a meeting electronically may do so by any method of communication that allows for simultaneous communication and is capable of being heard specifically by all other Council members attending the meeting (whether in person or electronically) and generally by the public attending the meeting, if any, and recorded by the Clerk.

5. A City Council member participating in a meeting electronically pursuant to this Policy is not required to do so in a setting that is open to the public.

6. The City Manager, is delegated to supervise and coordinate electronic participation by

City Council members pursuant to this Policy.

7. A City Council member participating via electronic means pursuant to this Policy is considered present at the City Council meeting and may vote at the City Council meeting on any matter except as otherwise provided herein.

8. A City Council member participating via electronic means may cast the deciding vote on any matter properly before the City Council except as otherwise provided herein.

9. Where at least one City Council member is participating via electronic means pursuant to this Policy, all votes of the City Council will be taken by roll call.

10. This Policy does not create a right for the public to observe and record any closed session of the City Council conducted pursuant to law.

11. Participation in the hearing, deliberation and decision of any quasi-judicial matter is not permitted under this policy. If a single agenda item contains both quasi-judicial and non-quasi-judicial components, participation in the hearing, deliberation and decision of any part of such agenda item is not permitted by this policy.

12. Participation in a closed session is discouraged but permitted by this policy. No vote by a person attending a closed session electronically is permitted in that closed session unless the measure being voted upon is passed regardless of the votes of any persons attending electronically. A person attending the closed session electronically may participate in a vote taken out of closed session without this restriction.

13. In order to be permitted to participate in a vote electronically the voter shall have attended (whether electronically or in person or both) the entire hearing and deliberation of the matter voted on.

14.

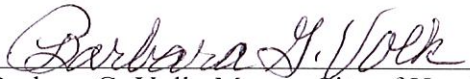
(a) In the event of a duly authorized governmental declaration of emergency of a jurisdiction including the City of Hendersonville, the requirements of paragraphs (1) and (2) above shall not apply. In such case the person presiding shall note at the meeting the particulars (issuer, date and general description) of the declaration(s) relied upon, and shall state why such declaration(s) applies to current conditions in the City of Hendersonville, but failure to do these things shall not affect the application of paragraphs (1) and (2).

(b) In the event that, for any reason, no physical location is established for any Council meeting, the city manager shall establish one or more locations where the public may electronically view, attend, and participate in such meeting, to the greatest extent practicable approximating viewing, attendance, and participation in a physical meeting. Notice of such location(s) and how one may attend shall be sent as part of any notice required by NCGS § 143-318.12 as amended from time to time.

II. This amendment shall take effect upon adoption of this resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of January 2021.

Attest:



Barbara G. Volk, Mayor, City of Hendersonville



Angela L. Reece, City Clerk

Approved as to form:



Angela S. Beeker, City Attorney

