

## Ordinance 0012-21 – Electronic Attendance at Meetings

An ordinance to amend Chapter 2, of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 2, Article XI, Electronic Attendance at Meetings, is created as follows:

### Section 2-670. – Policy

- (a) It is the policy of the city that the presence of the elected officials and members of all governmental bodies at public meetings is highly desirable. Being deliberative bodies, the common council, its committees, and other governmental bodies function best when members can engage with each other in person. The public's ability to view actions being taken by members of all governmental bodies and to make meaningful input into the decision-making process can be materially improved by direct access to members of all governmental bodies in the public forum provided by public meetings. Accordingly, the provisions for remote attendance at meetings set forth in this section are intended to provide for the public's good, not necessarily for the convenience or ease of the members of governmental bodies. As such, the privilege of attending meetings electronically should be used sparingly and in strict conformance with the provisions described herein.
- (b) All meetings of governmental bodies shall be convened in a meeting room of the city, or in such other convenient and appropriate location, that permits the public to attend open sessions physically or electronically. Members of all governmental bodies may attend any open or closed meeting of such governmental bodies via electronic attendance by telephone or video conferencing, provided that such attendance is in compliance with these rules and any applicable laws.
- (c) For purposes of this article, "meeting" shall mean as defined in the Wisconsin Open Meetings Law, Wisconsin Statutes section 19.82(2), as may be amended from time to time, and shall mean any gathering, whether in person or by video or audio conference, telephone call, electronic means such as, without limitation, electronic mail, electronic chat, and instant messaging, or other means of contemporaneous interactive communication that is for the purpose of conducting governmental business and involves a sufficient number of members of the body to determine the body's course of action on the business under consideration.
- (d) For the purposes of this article, "governmental body" shall mean the common council and any committee, commission, board, or authority of the city.

### Section 2-671. - Requirements.

Members of any governmental bodies may attend a meeting via electronic attendance if the member meets the following conditions:

- (a) The member shall notify the chair of the governmental body at least 48 hours before the meeting, unless impracticable. Such notice shall be in writing, if possible.
- (b) The member shall have the communications equipment necessary to attend the meeting electronically. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
- (c) Requests for remote attendance shall be granted due to personal or family illness, disability, or other emergency; qualifying events under state or federal family medical leave acts; public health emergency; out-of-town employment-related business matters or professional or academic sabbatical; out-of-town personal or family matters; military duty; or other similar reason as approved by the chair of the governmental body.

#### Section 2-672 - Rights and responsibilities of remote member.

- (a) A member of a governmental body who appears remotely shall appear by video conferencing, and remain visible on camera during the entire meeting, subject to available technology and connectivity. Remote appearance by audio only is permissible if appearance by video is impracticable.
- (b) A member of a governmental body who appears remotely pursuant to this article shall count toward a quorum during said appearance. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.
- (c) A member of a governmental body permitted to attend electronically shall have all the same rights and responsibilities as those members physically present, subject to all general meeting procedures and requirements. Any member attending electronically shall be heard, considered, and counted as to any vote taken.
- (d) While attending a closed session electronically, a member of a governmental body shall safeguard the confidential and privileged nature of the closed session, including, but not limited to, ensuring that the audio and video of the closed session may not be seen or heard by persons not included by the governmental body in the closed session.

#### Section 6-273. - Minutes.

Any member attending electronically shall be counted as present electronically for that meeting. The meeting minutes shall state whether each member is physically present or present by electronic means.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A.

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.