

ORDINANCE NO. 2021-19

An Ordinance Relating to Remote Attendance at Meetings

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 2-2-23 of the Municipal Code of the City of Cedarburg is hereby created as follows:

SEC. 2-2-23 REMOTE ATTENDANCE AT MEETINGS

- (a) *Remote attendance permitted.* When a meeting is held in-person, the chair of the applicable body may allow one or more members of the body, or any City employee, Officer, consultant, contractor, or any other person to appear at the meeting, as defined in Wis. Stats. § 19.82, by telephone, video conference, or other remote method of participation.
- (b) *Virtual meeting.* Upon direction of the chair, a body may on a case-by-case basis conduct an entirely virtual meeting, in which no member of the body is present at City Hall, subject to the requirements of this section. Members of the body attending virtually shall have all powers of participation, including counting toward a quorum and having the opportunity to vote. If visual information is presented at the meeting, remote attendees must have the opportunity before or during the meeting to view what is presented or be prohibited from voting on the matter. The public shall be given access to the system implementing the virtual meeting platform. Information about access to the meeting shall be provided to citizens in a timely manner as part of the meeting agenda notice. Best efforts shall be used to ensure that members of the public lacking access to the virtual meeting platform are provided alternative reasonable methods to attend.
- (c) *Remote attendance by members.* Any member of a City governmental body attending a meeting remotely pursuant to the terms of this Ordinance shall be entitled to participate and vote to the fullest extent possible, and except as prohibited herein.
 - (1) *Exception.* No member shall participate or vote on any matter that requires the visual assessment of physical evidence or exhibits that have not been previously reviewed by the member. For meetings that include quasi-judicial action requiring due process, the chair must consult the City Attorney before authorizing a virtual meeting or remote attendance.
 - (2) *Quorum.* A member who appears remotely under this section shall count toward a quorum during said appearance.
 - (3) *Technical requirements and malfunctions.* Each person attending remotely is responsible for his or her audio and Internet connections; no action

shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting.

(4) *Forced disconnections.* The chair may cause or direct the disconnection or muting of a member's connection if it is causing undue interference with the meeting. The chair's decision to do so, which is subject to debatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes.

(5) *Proper equipment.* Appropriate equipment shall be used so that the attending public can readily observe or hear such person's participation in the meeting.

(d) *Notice.* The agenda for any meeting of a governmental body shall specifically and conspicuously provide information concerning all available methods of attendance.

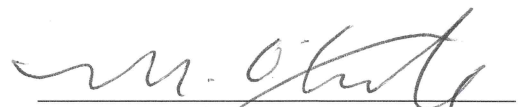
SECTION 2. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 13th day of September, 2021.

Attest:


Tracie Sette, City Clerk


Mike O'Keefe, Mayor

Approved as to form:


Michael Herbrand, City Attorney