

ORDINANCE NO. 782**ORDINANCE TO CREATE SECTION 2-100 AND SECTION 2-191(d) OF THE CITY OF DELAFIELD MUNICIPAL CODE, REGARDING THE CONDUCT OF VIRTUAL MEETINGS OF, AND REMOTE ATTENDANCE AT, MEETINGS OF THE COMMON COUNCIL AND CITY BOARDS, COMMISSIONS, AND COMMITTEES**

The Common Council of the City of Delafield, Waukesha County, Wisconsin does ordain as follows:

SECTION 1: Section 2-100 of the Municipal Code of the City of Delafield is hereby created to read as follows:

Sec. 2-100. - Conduct of Virtual Meetings of and Remote Attendance at Meetings of Boards, Commissions, and Committees.

(a) *Virtual Meetings and Remote Attendance.* In exceptional circumstances as determined by the chair of the applicable City Board, Commission, or Committee, meetings may on a case-by-case basis be held on a virtual basis or otherwise with remote attendance as described in this section. Virtual meetings and remote attendance are only authorized when the chair determines that health, safety, welfare, family or work circumstances warrant a virtual meeting or remote attendance. Virtual meetings and remote attendance are not authorized solely for convenience, or due to vacation, travel, or seasonal relocation of one or more members of the body. 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. Virtual meetings and remote attendance are subject to the following:

- (1) *Remote Attendance.* When a meeting is held in-person, the chair of the applicable body, may allow one or more members of the body to attend the meeting by telephone or other electronic means, subject to the requirements of this section. A member of the body seeking to attend remotely shall notify the City Clerk of the request at least forty-eight (48) hours in advance of the State of Wisconsin Open Meetings Law deadline to publicly notice the meeting. The City Clerk shall immediately notify the chair. The chair shall decide whether to grant the request at least twenty-four (24) hours in advance of the State of Wisconsin Open Meetings Law deadline to publicly notice the meeting. The chair's determination shall be final. Members of the body attending remotely shall have all powers of participation, including counting toward a quorum and having the opportunity to vote. Such attendance is only permitted if systems allow the remote member to hear the proceedings and be heard in the meeting room. If visual information is presented at the meeting, the information shall be

distributed or systems must allow remote attendees to view what is presented. The city does not warrant remote attendance system performance. If circumstances leading to one or more members of the body seeking to attend remotely are widely shared by others in the general public, the chair should consider providing a similar remote attendance option for the general public. Such option must be provided to citizens in a timely manner as part of the meeting agenda notice.

- (2) *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.
- (3) *Open Meetings Law Limitations.* In no event shall a virtual meeting be convened, or remote attendance be permitted where a violation of the Wisconsin Open Meetings Law would result.

SECTION 2: Section 2-191(d) of the Municipal Code of the City of Delafield is hereby created to read as follows:

(d) Conduct of Virtual Meetings of and Remote Attendance at Meetings of the City Council.

- (1) *Virtual Meetings and Remote Attendance.* In exceptional circumstances as determined by the Mayor, City Council meetings may on a case-by-case basis be held on a virtual basis or otherwise with remote attendance as described in this section. Virtual meetings and remote attendance are only authorized when the Mayor determines that health, safety, welfare, family or work circumstances warrant a virtual meeting or remote attendance. Virtual meetings and remote attendance are not authorized solely for convenience, or due to vacation, travel, or seasonal relocation of one or more members of the City Council. For meetings that include quasi-judicial action requiring due process, the Mayor must consult the City Attorney before authorizing a virtual meeting or remote attendance. Virtual meetings and remote attendance are subject to the following:

- a. *Remote Attendance.* When a City Council meeting is held in-person, the Mayor may allow one or more members of the City Council to attend the meeting by telephone or other electronic means, subject to the requirements of this section. A member of the City Council seeking to attend remotely shall notify the City Clerk of the request at least forty-eight (48) hours in advance of the State of Wisconsin Open Meetings Law deadline to publicly notice the meeting. The City Clerk shall immediately notify the Mayor. The Mayor shall decide whether to grant the request at least twenty-four (24) hours in advance of the State of Wisconsin Open Meetings Law deadline to publicly notice the meeting. The Mayor's determination shall be final. Members of the City Council attending remotely shall have all powers of participation, including counting toward a quorum and having the opportunity to vote. Such attendance is only permitted if systems allow the remote member to hear the proceedings and be heard in the meeting room. If visual information is presented at the meeting, the information shall be distributed or systems must allow remote attendees to view what is presented. The city does not warrant remote attendance system performance. If circumstances leading to one or more City Council members seeking to attend remotely are widely shared by others in the general public, the Mayor should consider providing a similar remote attendance option for the general public. Such option must be provided to citizens in a timely manner as part of the meeting agenda notice.
- b. *Virtual Meeting.* Upon direction of the Mayor, the City Council may on a case-by-case basis conduct an entirely virtual meeting, in which no member of the City Council is present at City Hall, subject to the requirements of this section. City Council members 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. *Open Meetings Law Limitations.* In no event shall a virtual meeting be convened, or remote attendance be permitted where a violation of the Wisconsin Open Meetings Law would result.

SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 4: Severability. If any portion of this Ordinance is invalid or unconstitutional, or the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION 5: Effective Date. This Ordinance shall become effective upon passage and publication or posting as required by law.

Passed and adopted this 4th day of October 2021.

CITY OF DELAFIELD

By: _____
Kent Attwell, Mayor

Attest: _____
Molly Schneider, City Clerk

Date Adopted: October 4, 2021
Date Published: October 7, 2021
Effective Date: October 8, 2021

