

## Remote Governing Board Meetings and Participation



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## Housekeeping Items for This Session

- Please talk during this session! Let's make this an active Q&A session where you can learn from each other.
- We are all working through this uncharted territory together so share anything you have found useful on the topic.
- Let's have some fun so share your horror stories!



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## What have you experienced?



- Good solutions?
- Bad solutions?
- Crazy moments?
- Questions that need answers?



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## What Have You Tried?

- Any lessons learned?
- Any tips to share?
- Questions that we can crowdsource to this group of brilliant minds?



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## My Governing Board Wants to Hold A Remote Public Meeting...



- Is it allowed?
- How can I make it happen from a legal standpoint?
- How can I make it happen from a technical standpoint (and maintain some level of control)?

## Is It Allowed?



### [Act to Provide Aid To North Carolinians In Response to the Coronavirus Disease 2019 \(COVID-19\) Crisis](#) (S.L. 2020-3, SB 704)

- Law allows remote public meetings only when there is a declaration of a state of emergency by the Governor or General Assembly under GS 166A-90.20.
- Also notes that any electronic meeting undertaken via remote participation between March 10, 2020 and May 4, 2020, is not deemed invalid due to the use of the use of electronic communication to conduct that meeting.

## Legal Definitions

- "Remote meeting" is defined as: *An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.*
- "Simultaneous communication" is defined as: *Any communication by conference telephone, conference video, or other electronic means.*



## A Few Key Details

- When meeting using simultaneous communication in an official meeting, the method must allow for
  - any member of the public body to hear what is said by the other members of the public body;
  - hear what is said by any individual addressing the public body;
  - be heard by the other members of the public body when speaking to the public body



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## How can we hold closed sessions during remote/virtual board meetings?

- Option 1: You hold the open meeting in Zoom/WebEx/Teams Live and then stop it for a set period of time for the closed session, with proper notification to the attendees about moving to closed session. Then, you start a separate meeting in your virtual environment of choice that is password protected just for the board members. Once the closed session ends, you reopen the original virtual meeting to continue the open session.
- Option 2: You can also do the same with a simple conference call line. Hold regular public meeting in Zoom/WebEx/Teams Live, then recess for closed session\*. All board members join via conference call for the duration of the closed session. After closed session ends, all members rejoin the virtual public meeting.
- Option 3: When Council moves into closed session, move all the participants (other than elected officials and required staff) into the waiting room for the duration of closed session. If there is anyone still in the waiting room when the Board emerge from closed session, they are readmitted.



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Do we have to provide a toll-free conference calling number for the public to use?

- No. GS 143-318.13 (a) allows a fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

Would it be acceptable to establish a phone line that a citizen would call in and be directed to a voicemail to record their public comment and then play those recordings during the Board meeting as a way of providing opportunity to comment?

- Yes. Recorded voicemails, emails, mailed letters, web form submissions, etc are all ways to gather public comment.

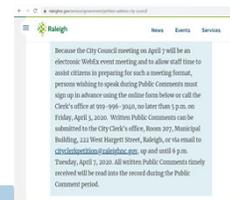


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Can we use a form with specific deadlines for registering citizens to speak during public comment periods?

- Yes. You can use methods to register speakers for public comment periods, as long as you are providing notice of that method.



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Is it legal for all board members and the public to participate remotely (as in no "physically present" quorum)?

- The AG's opinion states: "When public bodies are attempting to comply with statutes requiring a physical quorum, it is best that the physical quorum be met if at all possible. As of today, that would need to be no more than ten people in the meeting. Minutes should specifically record the person(s) that is not able to be physically present as not recusing himself or herself, but rather choosing to participate electronically. As discussed herein, if it is not possible for a quorum to be physically present, I believe it is reasonable for the governing body to meet electronically."



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