

Kings County is governed by a seven-member Board of Commissioners, though one seat is currently vacant. It also has a mayor who may vote only in the case of a tie. At one of its regular meetings the Board is considering whether to adopt a proposed noise ordinance. The mayor and four board members are in attendance. Answer the below questions.

### QUORUM

1. Is a quorum of the Board present? Explain.
2. Does the quorum calculation change if the mayor has the right to vote on all questions before the Board?
3. Is a quorum present if a board member leaves the meeting to go to the bathroom without first being excused?
4. In a remote meeting, a board member is counted present for quorum purposes even if simultaneous communication is lost. True/False

### VOTING

1. During a regular meeting, a board member decides not to take a position on the proposed noise ordinance and declines to vote. Should this member's vote be recorded as an affirmative vote? Explain.
2. Does the answer change to the above question (#1) change if the vote on the ordinance occurs during a remote meeting and the board member remained silent?
3. Board member Peters has objected to board member King's involvement in deciding whether to adopt a noise ordinance because, according to Peters, King is biased because he uses his property as a short-term rental and does not want strict noise laws. Must King avoid discussing and voting on the noise ordinance due to bias?
4. Assume the noise ordinance was first introduced to the Board at this regular meeting. Has the ordinance been approved if the vote is 3 to 1 in favor of the ordinance? Why or why not?

**§ 166A-19.24. Remote meetings during certain declarations of emergency.**

(a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a declaration of emergency under G.S. 166A-19.20, any public body within the emergency area may conduct remote meetings in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency.

(b) Requirements. – The public body shall comply with all of the following with respect to remote meetings conducted under this section:

- (1) The public body shall give proper notice under G.S. 143-318.12 and under any other requirement for notice applicable to the public body. The notice shall also specify the means by which the public can access the remote meeting as that remote meeting occurs.
- (2) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations:
  - a. When the roll is taken or the remote meeting is commenced.
  - b. Prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order.
  - c. Prior to voting.
- (3) All documents to be considered during the remote meeting shall be provided to each member of the public body.
- (4) The method of simultaneous communication shall allow for any member of the public body to do all of the following:
  - a. Hear what is said by the other members of the public body.
  - b. Hear what is said by any individual addressing the public body.
  - c. To be heard by the other members of the public body when speaking to the public body.
- (5) All votes shall be roll call; no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting.
- (6) The public body shall comply with G.S. 143-318.13(c).
- (7) The minutes of the remote meeting shall reflect that the meeting was conducted by use of simultaneous communication, which members were participating by simultaneous communication, and when such members joined or left the remote meeting.
- (8) All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record.
- (9) The remote meeting shall be simultaneously streamed live online so that simultaneous live audio, and video, if any, of such meeting is available to the public. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

(c) Quorum. – A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. The provisions of G.S. 153A-44 and G.S. 160A-75 shall apply to all votes of each member of a county or municipal governing board taken during a remote meeting.

(d) Voting by Members of the Public Body. – Votes of each member of a public body made during a remote meeting under this section shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member.

(e) Public Hearings. – A public body may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the public body allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing.

(f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as a remote meeting only when all of the following apply:

(1) The right of an individual to a hearing and decision occur during the emergency.

(2) All persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice of the judicial hearing and consent to the remote meeting.