

**POLICY OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS
AUTHORIZING REMOTE PARTICIPATION IN MEETINGS
WHEN NO STATE OF EMERGENCY EXIST**

During the pandemic the North Carolina Emergency Management Act, N.C.G.S. 166A-19.24, as amended, authorized board members to participate remotely in official meetings, but only during a statewide state of emergency and provided that board members who were participating remotely may be counted toward the establishment of a quorum and may vote as long as their connection to the meeting was in effect during the meeting. Although the Open Meetings Law recognized electronic meetings as official meetings before the state of emergency went into effect, there was no clear statutory authority for board members to participate in official meetings remotely for quorum or voting purposes. The voting and quorum statutes make reference to members having to be “present” or “physically present,” which suggests remote participation was not authorized prior to the amendment of the Emergency Management Act. Further, the fact that the state of emergency law specifically authorized board members to participate remotely, count toward a quorum, and vote only during a statewide state of emergency suggests no such authority existed prior to the amendment. Taking all of this into consideration, it remains unclear after the state of emergency law is lifted, what authority an individual board member will have to participate remotely in official meetings without a Board policy offering guidance.

The Board acknowledges that attendance at board meetings is essential for its members to perform their official duties. The Board strongly encourages its members to be physically present for all board meetings. The Board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing have made it possible for members to communicate and deliberate simultaneously with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in official board meetings subject to the following procedures and requirements. Remote participation is not to be used solely for a member’s convenience.

The intent of this policy is to establish the Board’s practice for remote participation by board members when there is no state of emergency existing (local or statewide). When a state of emergency exists, this policy is superseded by the provisions of N.C.G.S. 166A-19.24 or other board policies, as the case may be. The Board reserves the right to suspend, amend, or rescind this policy at any time by majority vote of the Board.

When there is a request to participate remotely, the requesting Commissioner should submit the request to the Chair, Vice-Chair, Manager, or Clerk as soon as the member is aware of the need, but to the extent possible, preferably within forty-eight (48) hours, but not less than twelve (12) hours before the official meeting so that proper arrangements might be put in place.

The Clerk should be made aware as soon as possible. At the beginning of the meeting, the Chair or Vice-Chair will announce that a named Commissioner will be participating remotely. Minutes from the meeting shall reflect which Commissioner(s) participated remotely. The remote participation rules shall be followed.

Remote participation: Participation by a board member by electronic means in any properly noticed meeting.

- Participation shall be by telephone or video conference as determined by the Clerk. Any method chosen must allow for the participating Commissioner to:
 - ✓ Hear what is said by other Commissioners,
 - ✓ Hear what is said by individuals addressing the Board, and
 - ✓ Be heard by other members of the Board when speaking.
- It is the responsibility of the participating Commissioner to obtain and maintain technology (proficiency with use of said technology) to meet the above requirements;
- Members participating remotely will NOT be counted in the determination of a quorum, but WILL be eligible to participate in debate and vote as long as the remote connection is maintained throughout the debate. Their vote must be by voice;
- Members participating remotely will NOT be eligible to participate in closed session discussion;
- Members participating remotely will identify themselves during introductions and indicate they are participating remotely;
- Members participating remotely shall notify the Chair if leaving the meeting before the meeting is officially adjourned, or when rejoining the meeting after a period of absence;
- Members continually connected throughout the discussion, but failing to vote when called upon will be deemed voting in favor of the item on the floor;
- The official board minutes will reflect the member's remote participation.

Adopted this 7th day of February 2023