



## Legislation Details (With Text)

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**File created:** 4/24/2020      **In control:** Town Council

**On agenda:** 5/20/2020      **Final action:** 5/20/2020

**Title:** Extend Advisory Board Member Terms Ending in June 2020 and Defer Spring Appointments to the Fall.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. April 22 Council Questions with Staff Response, 2. Council Questions with Staff Response, 3. A RESOLUTION TO EXTEND ADVISORY BOARD MEMBER TERMS ENDING IN JUNE 2020 AND DEFER SPRING APPOINTMENTS TO THE FALL (2020-05-20/R-5)

Date	Ver.	Action By	Action	Result
5/20/2020	1	Town Council	adopted	Pass

### Extend Advisory Board Member Terms Ending in June 2020 and Defer Spring Appointments to the Fall.

**Staff:**

Sabrina Oliver, Town Clerk/Director  
Amy Harvey, Deputy Town Clerk

**Department:**

Communications and Public Affairs

**Overview:** On March 13, 2020, the Town of Chapel Hill proclaimed a State of Emergency in response to COVID-19 and later joined Orange County’s Stay at Home Declaration through June 30. This interrupts the multi-month process for appointing members to advisory boards which normally occurs between February and June.

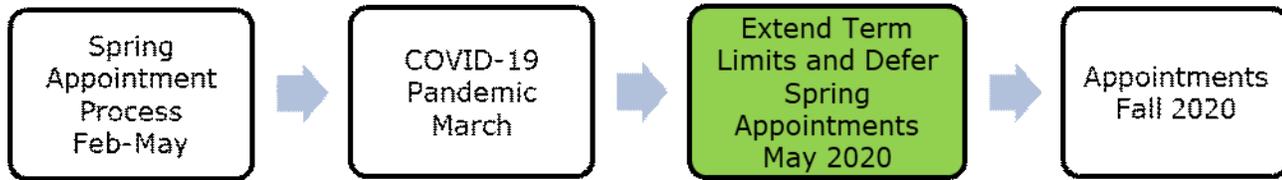
☆ **Recommendation(s):**

That the Council extend the advisory board member terms ending in June 2020 and defer spring appointments to the fall.

**Key Issues:**

- Extend the terms for existing advisory board members from June 30, 2020 to November 30, 2020 to prevent a one-third board reduction in July
- Move the appointment process to the fall.
- Clarify that when a member is reappointed in the fall, the period between June 30 and November 30 is included as a part of their next full term
- Clarify that mid-term vacancies can continue to be filled as the Council and advisory boards adapt to electronic meetings

**Where is this item in its process?**



**Attachments:**

- Resolution
- April 22 Council Questions with Staff Response

**A RESOLUTION TO EXTEND ADVISORY BOARD MEMBER TERMS ENDING IN JUNE 2020 AND DEFER SPRING APPOINTMENTS TO THE FALL (2020-05-20/R-5)**

WHEREAS, the Advisory Board Membership Policy describes a multi-month process for making yearly appointments in the spring for terms ending on June 30 of the given year; and

WHEREAS, on March 13, 2020, the Town of Chapel Hill proclaimed a State of Emergency in response to COVID-19; and

WHEREAS, on March 26, 2020, the NC Department of Justice provided an advisory opinion stating that “electronic meetings are allowed under N.C.G.S. §143.318.13, and the requirements of notice, access and minutes can be met through electronic means. Due to the unprecedented circumstances we are all faced with, and the fact that local governing bodies conducting meetings remotely is not expressly prohibited by statute, I conclude that local governments can carry out necessary meetings electronically and remain in compliance with Open Meetings Laws.”; and

WHEREAS, the School of Government transmitted the above advisory opinion and added that “the letter doesn’t specifically address the impact of electronic participation on statutory quorum/voting requirements, public hearings, public comment periods, or quasi-judicial hearings.” Some blog posts on those topics include the following:

- [Meetings and Public Hearings Under the Coronavirus State of Emergency](https://canons.sog.unc.edu/meetings-and-public-hearings-under-the-coronavirus-state-of-emergency/)
- [Can We Really Ban In-Person Attendance at Board Meetings During the Coronavirus Emergency?](https://canons.sog.unc.edu/can-we-really-ban-in-person-attendance-at-board-meetings-during-the-emergency/)
- [Failures to Vote by Board Members Participating Remotely](https://canons.sog.unc.edu/failures-to-vote-by-board-members-participating-remotely/)
- [Remote Participation in Quasi-Judicial Evidentiary Hearings](https://canons.sog.unc.edu/author/lovelady/)
- (April 9) [Electronic Meetings During the COVID-19 Emergency: Recommended Practices](https://canons.sog.unc.edu/electronic-meetings-during-the-covid-19-emergency-recommended-practices/)

; and

WHEREAS, in an effort to significantly reduce the spread of the coronavirus, the Town of Chapel Hill, along

with the towns of Carrboro and Hillsborough, have joined Orange County's Stay at Home Declaration. Orange County Order adopted by reference to be effective within the Town Limits. The Declaration will be in effect beginning at 6 p.m. Friday, March 27, until 5 p.m. Thursday, April 30; and

WHEREAS, effective March 30, Governor Roy Cooper ordered people in the state of North Carolina to stay at home for thirty days, until April 29, 2020. In April, the Governor issued further orders to tighten the social distancing requirements to address the spread of COVID-19; and

WHEREAS, on April 1, 2020, the Council modified and reinstated a policy to address the remote participation for the Town's advisory boards and commissions. These meetings shall provide an opportunity for public to participate and comment during the meetings by remote methods, including email, telephone, and other methods, to the extent practical; and

WHEREAS, the Governor extended the stay at home orders through May 8, then began a phased recovery process; and

WHEREAS, Orange County extended the stay at home orders through June 30; and

WHEREAS, without action by the Council, the boards face a one-third reduction on June 30; and

WHEREAS, the Council finds that it is unlikely that the Council will consider and make appointments to terms which are expiring this spring.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council extends the term expirations for existing advisory board members from June 30, 2020 to November 30, 2020.

BE IT FURTHER RESOLVED that the Council ask the Town Manager to provide the advisory boards a revised timeline and process in the fall.

BE IT FURTHER RESOLVED that when a member is reappointed in the fall, the period between June 30 and November 30 is included as a part of their next full term.

BE IT FURTHER RESOLVED that mid-term vacancies can continue to be filled as the Council and advisory boards adapt to the logistics to meet electronically.

BE IT FURTHER RESOLVED that applications currently on file will be held through June 30, 2021. Then the Clerk will revert to holding applications for one fiscal year.

This the 20<sup>th</sup> day of May, 2020.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council extends the term limits for advisory board member's terms ending in June 2020 and defers spring appointments to the fall.