



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Legislation Text

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### **Adopt a Revised Meeting Schedule to Hold Meetings in a Virtual Environment through December 31, 2020 or Until the Orange County Stay At Home Order is Lifted.**

#### **Staff:**

Maurice Jones, Town Manager  
Ann Anderson, Town Attorney  
Sabrina Oliver, Town Clerk/Director

#### **Department:**

Town Manager's Office  
Town Attorney's Office  
Communications and Public Affairs

**Overview:** The Council values transparency in government and will include robust and inclusive public participation in virtual meetings. The Resolution extends Resolutions (2020-04-22/R-7), (2020-05-20/R-7), and (2020-09-09/R-13), which described the virtual meeting environment and included information about public participation in a virtual environment during the COVID-19 pandemic.

#### ☆ **Recommendation(s):**

That the Council adopt a revised meeting schedule to hold meetings in a virtual environment through December 31, 2020 or until the Orange County Stay at Home Order is lifted.

#### **Key Issue:**

Orange County has issued subsequent Declarations extending the local State of Emergency through December 31, 2020 for Orange County residents.

The Governor signed Session Law 2020-3 into law to enact G.S. 166A-19.24, which provides authority and procedures for remote meetings by simultaneous communication during declarations of emergency by the Governor or General Assembly, including authorization and procedures for holding quasi-judicial evidentiary hearings, subject to certain limitations.

The Council will conduct the remote meetings using the ZOOM platform with the Webinar add-on. This allows the Council to create an environment similar to the Council Chamber. The panelists are the Council members, staff, and presenters that normally would be seen at the dais, staff tables, and public podium. The attendees are the audience participants. At the appointed time, an attendee would be promoted to the panelist discussion, make their comment, and be returned to the attendee mode by the meeting host.

The overall intent of these efforts is to continue to protect the public health, safety, and welfare while continuing to carry out the responsibilities of the Town.

#### **Attachments:**

- Resolution
- Resolution (2020-04-22/R-7) as adopted

**A RESOLUTION ADOPTING A REVISED MEETING SCHEDULE TO HOLD MEETINGS IN A VIRTUAL ENVIRONMENT THROUGH DECEMBER 31, 2020 OR UNTIL THE ORANGE COUNTY STAY AT HOME ORDER IS LIFTED (2020-10-28/R-13)**

WHEREAS, the Council values transparency in government and will include robust and inclusive public participation in virtual meetings; 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/) <<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-coronavirus-emergency/) <<https://canons.sog.unc.edu/can-we-really-ban-in-person-attendance-at-board-meetings-during-the-coronavirus-emergency/>>
  - [Failures to Vote by Board Members Participating Remotely](https://canons.sog.unc.edu/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/remote-participation-in-quasi-judicial-evidentiary-hearings/) <<https://canons.sog.unc.edu/remote-participation-in-quasi-judicial-evidentiary-hearings/>>
  - (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/) <<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 novel 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 is in effect beginning at 6 p.m. Friday, March 27, until 5 p.m. Thursday, April 30. Orange County has issued subsequent Declarations extending the local State of Emergency through December 31, 2020; 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, on May 4, 2020, the Governor signed Session Law 2020-3 into law to enact G.S. 166A-19.24, which provides authority and procedures for remote meetings by simultaneous communication during declarations of emergency by the Governor or General Assembly, including authorization and procedures for holding quasi-judicial evidentiary hearings, subject to certain limitations; and

WHEREAS, Governor Cooper issued subsequent Declarations through October 23, 2020; and

WHEREAS, the Council adopted a calendar of meetings through December 2020 via Resolution (2020-06-24/R-6) which extended the virtual meeting provisions through the September 9 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts a revised meeting schedule to hold meetings in a virtual environment through December 31, 2020 or until the Orange County Stay at Home Order is lifted, whichever occurs first.

October 2020

- 28-W- Regular meeting format (virtual meeting location)

November 2020

- 11-W-Regular Meeting format (virtual meeting location)
- 18-W-Regular Meeting format (virtual meeting location)

December 2020

- 2-W-Work Session format (virtual meeting location)
- 9-W-Regular Meeting format (virtual meeting location)

BE IT FURTHER RESOLVED that the Council will conduct the remote meetings as described in Resolution (2020-04-22/R-7).

BE IT FURTHER RESOLVED that the Council anticipates resuming its regular meetings when conditions allow.

This the 28th day of October, 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 approves a revised meeting schedule to hold meetings in a virtual environment through December 31, 2020 or until the Orange County Stay at Home Order is lifted.