

MOVING ENTITLEMENTS FORWARD DURING THE PANDEMIC

Amanda Bambrick and Molly Stuart



NCGS SESSION LAW 2020-3: AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS

Applies during a declaration of emergency



Covers:

Notice

Attendance and Quorum

Voting

SCOPE

- “Remote Meetings”: An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.
- Applies only a declaration or state of emergency by the General Assembly or the Governor
- Local declarations do not trigger these rules.

NOTICE

- Must meet all standard notice requirements, but no physical location need be specified.
- A public means of accessing the meeting must be specified and may be online using simultaneous communication or by conference call. No video is required.
- ALL electronic communications between members of a public body during the meeting are public records. Includes: texts, instant messages.

ATTENDANCE AND QUORUM

- If a member of a public body is not visible during the remote meeting, he or she must identify him/herself:
 - When roll is taken or meeting commenced
 - Prior to participating, making motions, debating
 - Prior to voting
- A member is counted as present for quorum purposes only while simultaneous communication is maintained.

VOTING

- ALL votes must be by roll call.
- For a public hearing, the public must be able to submit comments for 24 hours after the meeting.

QUASI-JUDICIAL HEARINGS

- Remote meetings are authorized.
- Three nebulous standards:
 - The right of an individual to a hearing and decision occurs during the emergency.
 - Every person with standing to participate has been given notice and consents to the remote hearing.
 - All due process rights of the parties affected are protected.

RALEIGH NEIGHBORHOOD MEETINGS

- Held by private parties
- Mailing includes more detailed information
- Additional electronic documentation to staff
 - Photographs of mailing envelopes
 - Attestation of mailing
- Must use videoconferencing system that permits participation by phone
- Must allow additional meeting time (2 hours)