

Town of Rolesville Board of Commissioners
Second Amended & Restated Remote Participation Policy

Overview: The purpose of this policy (the “**Policy**”) is to establish procedures for Town Commissioners who are unable to physically attend a Board meeting to participate remotely. Remote participation may only be utilized for good cause. For the purpose of this policy, the term “**Member**” shall refer both to Town Commissioners and to the Mayor. For the purpose of this policy, the “**Presiding Officer**” is defined as the Mayor or such other person serving as presiding officer in the Mayor’s physical absence. “**Meeting**” shall mean any official meeting of the Board of Commissioners.

1. Remote Participation Generally.

- 1.1 “**Remote participation**” is defined as a Member’s power to engage in discussion and voting at a Meeting where the Member is not physically present.
- 1.2 Remote participation shall be enabled through a remote, simultaneous communication method that provides at minimum for the Board and remote participant(s) to hear one another in real-time. These methods would include teleconferencing and video conferencing technologies. Remote participation would not include email, web chat, or text messaging technologies (such methods collectively, “Electronic Means”).
- 1.3 Physical attendance by Members at Meetings is strongly encouraged. As such, remote participation is permitted only for good cause. The following justifications shall constitute “good cause”:
 - 1.3.1 Personal illness or disability of the Member.
 - 1.3.2 Care of the Member’s spouse, child, or parent who has a serious health condition.
 - 1.3.3 Military service obligations.
 - 1.3.4 Personal, employment, or Town-related travel of such distance as to make physical attendance impractical. Without a majority vote as provided by Subsection 1.3.6 below, remote participation on the basis of personal or employment-related shall be limited to twice per calendar year.
 - 1.3.5 Hazardous weather conditions or other condition constituting an “emergency” as that term is defined by the North Carolina Emergency Management Act.
 - 1.3.6 Such other reasons constituting “good cause” as may be shown and confirmed by a majority vote of the Members physically present at the Meeting.

2. Limitations of Remote Participation.

- 2.1 Except in an instance of an Electronic Meetings (as defined below), the following limitations shall apply to remote participation:
 - 2.1.1 The Presiding Officer must be physically present at the Meeting.
 - 2.1.2 A Member's remote participation shall not count toward satisfying quorum requirements.
 - 2.1.3 A Member participating remotely may not make any motions but may provide the second to a pending motion.
 - 2.1.4 A Member participating remotely may participate in discussion and deliberation on any agenda item except as stated below. Remote participation shall not be allowed during the following portions of a Meeting:
 - 2.1.4.1 Quasi-judicial or Evidentiary proceedings.
 - 2.1.4.2 Closed sessions, unless the closed session is held during an emergency meeting.
 - 2.1.5 The vote of a Member participating remotely shall not be effective as a deciding vote on any matter.

3. Procedures for Enabling & Administering Remote Participation.

- 3.1 Except in an instances of an Electronic Meeting (as defined below), the following procedures shall be used to enable and administer Remote Participation. Except as modified to account for remote participation, the Board's normal rules and procedures shall apply:
 - 3.1.1 Any Member desiring to use remote participation shall notify the Mayor, and either the Town Manager or Town Clerk at least twenty-four (24) hours in advance of the Board meeting.
 - 3.1.2 During the Call to Order, the Presiding Officer shall announce that a Member has requested to use remote participation and shall call upon the Member to identify himself or herself and state the grounds for remote participation. If the grounds stated by the Member require a vote of the present Members, that vote shall be taken up immediately and shall have priority over all other actions before the Board.
 - 3.1.3 A Member participating remotely must, at a minimum, be able to be fully heard by all other Members and other individuals in attendance at the Meeting. A Member participating remotely must also be able to hear all other Members.

- 3.1.4 A Member remotely participating shall notify the Presiding Officer if leaving the Meeting before it is adjourned or if rejoining the Meeting after a period of absence.
- 3.1.5 If due to technical difficulties, contact with the remotely participating Member is lost entirely or if contact becomes unclear, the Presiding Officer may end remote participation for that Member for the balance of the Meeting for the purpose of avoiding additional disruption to the Meeting. If remote participation is established but is then interrupted or ends, the remotely participating Member will be considered as excused from the Meeting.
- 3.1.6 When casting a vote, a Member participating remotely shall be called upon individually by the Presiding Officer after all physically present Members have voted to verbally cast his or her vote as “aye” or “nay” in such a manner as can be clearly heard by all Members.
- 3.1.7 No written ballots may be taken by the Board when a Member is participating remotely.
- 3.1.8 Members participating remotely shall have the right to receive all documents that were distributed to the Council prior to the start of the Meeting. However, it is the responsibility of the remotely participating Member to provide a means whereby the documents can be delivered to him or her in a timely manner during the Meeting, for example, by electronic mail.

4. Electronic Meetings.

- 4.1 An “**Electronic Meeting**” is defined as any official meeting of the Town conducted exclusively via Electronic Means thus necessitating a power of remote participation for all Members.

5. Authorization for Electronic Meetings.

- 5.1 Solely in instances where an emergency has been declared for all or a portion of the Town’s jurisdiction pursuant to the North Carolina Emergency Management Act, an Electronic Meeting may be called by the Mayor, Mayor Pro-Tempore, or any two (2) Members of the Board upon determination that a physical Meeting of the Board is impractical or unsafe due to conditions arising from the declared emergency.

6. Limitations on Remote Participation during Electronic Meetings.

- 6.1 The Section 2 limitations on remote participation of Members are inapplicable to the conduct of Electronic Meetings.

7. Procedures for Enabling & Administering Electronic Meetings.

- 7.1 Except as modified below, the procedures for enabling and administering remote participation during Electronics Meetings shall be the same as described in Section 3.
- 7.1.1 The Town shall ensure that all Members have reasonable access to (i) the Electronic Means allowing for remote participation and (ii) the timely receipt of documents.
- 7.1.2 The Town shall provide a means whereby members of the public may listen to or watch the Meeting. The required notice for any Electronic Meeting (the “**Notice**”) shall specify the means for public listening or watching. Except in instances where quarantine or other public health emergency precludes such practice, the Town shall also provide and specify in the Notice a location where members of the public may listen to or watch the Electronic Meeting.
- 7.1.3 Following the Call to Order of an Electronic Meeting, the Town Clerk shall confirm a quorum has been established by taking the roll of all Members, asking each Member to verbally acknowledge his or her presence.
- 7.1.4 Any Member making a motion or a second shall first verbally identify him or herself
- 7.1.5 To confirm the accuracy of a vote, the Presiding Officer shall have authority to call a roll. Upon request of the Presiding Officer, the Town Clerk shall call upon each Member individually to verbally cast his or her vote as “aye” or “nay” in such a manner as can be clearly heard by all Members. The order of the call shall be alphabetical by Members’ names.
- 7.1.6 In the event an Electronic Meeting is a regular meeting requiring a period for public comment pursuant to N.C. Gen. Stat. § 160A-81.1, the required public notice of the Electronic Meeting shall provide the method for the submittal of public comment. During the public comment period, the Town Clerk or Presiding Officer shall read aloud all comments so received, identifying each received message by name and address of its author.
- 7.1.7 In the event a legislative public hearing is to be heard during an Electronic Meeting, the Notice shall provide the method for applicant and public voice and/or video participation.
- 7.1.8 No quasi-judicial or evidentiary hearings shall be conducted during an Electronic Meeting. This limitation shall not apply to non-evidentiary elements of a quasi-judicial or evidentiary proceeding, including the

calendaring of hearings and the adoption of orders following the closing of a previously conducted hearing.

- 7.1.9 Recognizing the inherent challenges in presiding over an Electronic Meeting, the Members are encouraged to be first recognized by the Presiding Officer or Town Clerk prior to engaging in discussion and deliberation on any agenda item.

8. Other Town Bodies.

- 8.1 The other official boards, committees and bodies of the Town subject to Article 33C of the Chapter 143 of the North Carolina General Statutes (each a “**Body**”) are authorized to adopt remote participation policies consistent with the scope and spirit of this Policy as a component to their rules and procedures. All such policies shall be subject to review and approval by the Town Attorney.
- 8.2 Until such time that a particular Body has adopted its own remote participation policy, this Policy, as adjusted necessarily to account for such Body’s membership and legal mandate, shall govern its remote participation practices

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This Policy supersedes that Remote Participation Policy dated April 21, 2020.

This Policy is effective upon its adoption.

Adopted this, the 6th day of December 2022.