

Henderson County
North Carolina

Before the Board of Commissioners

RESOLUTION ADOPTING SPECIAL RULES OF PROCEDURE
FOR ELECTRONIC MEETINGS

BOARD OF COMMISSIONERS ENACTMENT 2020-32

A. The Board of Commissioners of Henderson County recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, including the Henderson County Board of Commissioners, may take place by electronic means.

B. Under N.C. Gen. Stat. §143-318.10(d), an official meeting

means . . . a meeting, assembly, or gathering together at any time or place *or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body . . .*

for the normal purposes of an official meeting transacting public business.

NOW, THEREFORE, the Board of Commissioners hereby resolves to adopt these Rules of Procedure for Electronic Meetings are a guide for how the Board will, when necessary, conduct meetings featuring electronic participation.

1. Meetings to Which These Rules Apply

These Rules of Procedure for Electronic Meetings ("*Electronic Rules*") shall apply only to meetings of the *Board* of Commissioners of Henderson County (the "*Board*"). These *Electronic Rules* do not apply, without the express consent of the *Board*, to any other public bodies existing under the authority of Henderson County. The *Electronic Rules* are intended to supplement the Rules of Procedure approved by the *Board* for its meetings. Electronic Meetings can take place for any regular, special, or emergency meeting of the *Board*, subject to the conditions governing the use of Electronic Meetings.

2. Conditions Necessary for Electronic Meetings

Electronic meetings will only be permitted either:

- A. When a state of emergency or a disaster has been declared or proclaimed and exists in an area including Henderson County: the federal government of the United States of America; the Government of the State of North Carolina through the Governor of the State of North Carolina or other method permitted by Chapter 166A of the North Carolina General Statutes; Henderson County, North Carolina, through the County Manager or other methods permitted by Article II of Chapter 76 of the Henderson County Code. The state of emergency declaration or disaster declaration must be related

to a distinct event that reasonable persons can agree directly affects Henderson County. If no state of emergency or disaster exists, then these Supplemental Rules do not apply.

- B. When adopted at a specific meeting, for the duration of that meeting only, by a majority of the *Board*, where a quorum of the *Board* is attending in person.

3. Definition of an *Electronic Meeting*

An *Electronic Meeting* is any meeting where one or more members of the *Board* participates through telephonic communication, or a telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allows the members of the *Board* to hold a meeting without all members being physically present in the same room.

4. Notice of *Electronic Meeting*

If an *Electronic Meeting* is necessary, a public notice of the *Electronic Meeting* shall be sent as part of any notice required by North Carolina General Statutes §143-318.12. The public notice, in addition to the information required by North Carolina General Statutes §143-318.12, shall provide:

- a. The location of the physical meeting (which is where any members of the *Board* and Henderson County staff able to attend the meeting in person shall gather); and
- b. The location of where a member of the public, member of the media, or others, may watch or listen to the *Electronic Meeting* in accordance with §143-318.13 of the North Carolina General Statutes.
- c. Whether or not the *Board* will receive public input at the *Electronic Meeting*, and whether or not the public input, if any, will be taken live.

The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the *Electronic Meeting* is being used for any part of a regular meeting that is on the meeting schedule adopted by the *Board*, then the information required above shall be provided in a separate notice to be provided in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Any notice provided may also be posted on Henderson County's bulletin *Board*, website and social media accounts, if possible.

5. Quorum

Members of the *Board* present in person or electronically, shall be included in the calculation for determining if a quorum exists of the *Board*. If a member of the *Board* who participates electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum of the *Board* present either in person or electronically. Any member of the *Board* withdrawing from the meeting shall no longer be included for purposes of the quorum calculation.

6. Process of Opening Meeting

Immediately prior to opening the meeting, the Chairman of the *Board*, the Vice Chairman, or other presiding officer shall communicate with the members of the *Board* who is (are) participating electronically and ensure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the presiding official shall state which members of the *Board* are participating electronically, and shall state whether live public input will be allowed at the meeting, and under what circumstances.

7. Voting and Discussion

Members of the *Board* present for the meeting through electronic means are eligible to vote for all items considered by the *Board* during the meeting. Also, a member voting must indicate verbally with a “yes,” “no,” “yea,” “nay,” such that the Clerk to the *Board* may record the vote after polling the members of the *Board*. Prior to taking a vote on any issue, the presiding officer shall inquire of the members of the *Board* participating electronically if such members have been able to adequately monitor the discussion, including comments from the public, if any, and shall allow those members to make any comments he or she desires, if they chose to not avail himself or herself of the opportunity to discuss the matter before the vote. However, it is the responsibility of the member to gain the attention of the presiding officer in order to be recognized for discussion. A member attending through electronic means that withdraws from the meeting without being excused from further attendance shall not be considered an affirmative vote on items before the *Board*. If a member of the *Board* attending through electronic means becomes disconnected from the meeting, the member will not be counted as an affirmative or negative vote.

8. Minutes

The minutes of the meeting shall designate the name of each member of the *Board* who participated electronically, the nature of the electronic communication, and the duration of the member’s participation if different from the entire meeting of the *Board*.

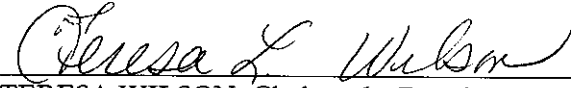
9. Public Participation

Live public participation at meetings of the *Board* may take place in the *Board’s* meeting room, or in other facilities by electronic means, or not at all, depending on the circumstances. Written public opinion may be addressed to the *Board* by U.S. Mail, or be email addressed to input@hendersoncountync.gov, and will, subject to the time restrictions for public input applicable to the specific meeting, be read to the *Board* at the meeting. Postal mail input must specify the meeting of the *Board* to which it is addressed, and must be received by the end of the business day prior to that meeting. Electronic mail must have a subject line of “[DATE] public input”, where “[DATE]” is the date of the meeting. All written input must be signed. Postal mail must be addressed to the following address:

Public Input
c/o Clerk to the Board of Commissioners
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

Enacted by the Henderson County Board of Commissioners March 31, 2020.

Attest:


TERESA WILSON, Clerk to the Board