

Guidance from Kristina Wilson, UNC School of Government:

We know we can have remote meetings during a Governor- or General Assembly-declared state of emergency under G.S. 166A-19.24.

However, outside of a state of emergency, the law doesn't tell us for sure one way or another. In other words, there's no statute saying we **can't** have remote meetings, but there's also nothing specifically saying that we *can*. The problem with remote meetings for city governing boards is quorum. It's not clear that remote participants can count toward quorum. The city quorum and voting statutes (G.S. 160A-74 and G.S. 160A-75) seem to require **physical** presence, but they're not terribly clear one way or another. Some folks argue that [G.S. 143-318.13](#) authorizes remote meetings to occur outside of a state of emergency, but that statute still does not address whether remote participants can count toward quorum. This issue is explained in much more depth in [this blog](#). It's also not clear that Section 143-318.13 (enacted in 1979) applies to the type of remote meeting we're dealing with nowadays – Zoom, videoconference, etc.

So, what do we do with this uncertainty? It's a judgment call that hopefully should be made by your town attorney. In my personal opinion, there are a couple of ways to do it:

1. You could rely on G.S. 143-318.13 as authority and follow the notice procedures outlined in that statute without enacting any additional procedures or policies about remote meetings. The risk there is that G.S. 143-318.13 still doesn't address the quorum issue, and we're not sure that 143-318.13 can be used for modern remote meetings.
2. Your board could enact rules of procedure providing that remote participants can count toward quorum and permitting remote meetings to occur. The risk there is that towns don't actually have the authority to count remote participants toward quorum due to G.S. 160A-74 and 160A-75 which seem to require physical presence.

Hope this helps.

Best,

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