

Sarah Kimrey

To: Sarah Kimrey
Subject: RE: Remote participation policy

From: Robert Hornik <Hornik@broughlawfirm.com>
Sent: Thursday, February 1, 2024 2:57 PM
To: Kevin Hornik <khornik@broughlawfirm.com>; Sarah Kimrey <Sarah.Kimrey@hillsboroughnc.gov>
Cc: Jen Della Valle <Jen.DellaValle@hillsboroughnc.gov>; Marshall Grayson <marshall.grayson@hillsboroughnc.gov>
Subject: RE: Remote participation policy

I think that's a safe path to take, too...



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From: Kevin Hornik <khornik@broughlawfirm.com>
Sent: Thursday, February 1, 2024 2:25 PM
To: Sarah Kimrey <Sarah.Kimrey@hillsboroughnc.gov>; Robert Hornik <Hornik@broughlawfirm.com>
Cc: Jen Della Valle <Jen.DellaValle@hillsboroughnc.gov>; Marshall Grayson <marshall.grayson@hillsboroughnc.gov>
Subject: RE: Remote participation policy

Sarah,

I think that's a reasonable recommendation and it's consistent with the SOG's recommendations. This is a legal gray area, and there may be a reasonable basis to argue that Commissioners who attend remotely can be counted toward a quorum and can vote. But I would not recommend that the Town volunteer to be the legal test subject for that theory.

Please feel free to let me know if you have any other questions!

Thanks for your time,



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From: Sarah Kimrey <Sarah.Kimrey@hillsboroughnc.gov>
Sent: Thursday, February 01, 2024 10:04 AM
To: Kevin Hornik <khornik@broughlawfirm.com>; Robert Hornik <Hornik@broughlawfirm.com>
Cc: Jen Della Valle <Jen.DellaValle@hillsboroughnc.gov>; Marshall Grayson <marshall.grayson@hillsboroughnc.gov>
Subject: Remote participation policy

Hi Kevin and/or Bob,

I'm reaching out for your advice on drafting a remote participation policy for the Board of Commissioners meetings. In my research I have come to the following conclusions:

- Per G.S. 166A-19.24 remote meetings are allowed only under Governor or General Assembly declared SOE.
- The city quorum and voting statutes (G.S. 160A-74 and G.S. 160A-75) seem to require **physical presence**, but they're not clear one way or another.
- It is not clear if G.S. 143-318.13 can be used for modern remote meetings.

Therefore, my recommendation is to allow remote participation for discussion/debate only; remote participants would not count towards a quorum or be allowed to vote on any matter. Please advise if you agree with this recommendation or provide additional guidance/recommendation.

FYI – We are expecting one absence and one member participating remotely for the Feb. 26 work session. In the absence of a local policy, I don't believe we can allow the remote participant to count towards quorum or vote at this meeting.

Thanks,
Sarah



Sarah Kimrey

Town Clerk | Human Resources Technician

[Town of Hillsborough](#)

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