

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**SENATE BILL 221**

Short Title: Durham - Board of Adjustment Virtual Meetings. (Local)

Sponsors: Senators Woodard and Murdock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 11, 2021

A BILL TO BE ENTITLED  
AN ACT TO ALLOW FOR CONTINUANCES FOR CERTAIN DURHAM COUNTY BOARD  
OF ADJUSTMENT PROCEEDINGS WHERE ONE OR MORE PARTIES TO THE  
PROCEEDING DO NOT CONSENT TO A VIRTUAL MEETING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 166A-19.24 reads as rewritten:

**"§ 166A-19.24. Remote meetings during certain declarations of emergency.**

(a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a declaration of emergency under G.S. 166A-19.20, any public body within the emergency area may conduct remote meetings in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency.

(b) Requirements. – The public body shall comply with all of the following with respect to remote meetings conducted under this section:

- (1) The public body shall give proper notice under G.S. 143-318.12 and under any other requirement for notice applicable to the public body. The notice shall also specify the means by which the public can access the remote meeting as that remote meeting occurs.
- (2) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations:
  - a. When the roll is taken or the remote meeting is commenced.
  - b. Prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order.
  - c. Prior to voting.
- (3) All documents to be considered during the remote meeting shall be provided to each member of the public body.
- (4) The method of simultaneous communication shall allow for any member of the public body to do all of the following:
  - a. Hear what is said by the other members of the public body.
  - b. Hear what is said by any individual addressing the public body.
  - c. To be heard by the other members of the public body when speaking to the public body.
- (5) All votes shall be roll call; no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting.
- (6) The public body shall comply with G.S. 143-318.13(c).



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1 (7) The minutes of the remote meeting shall reflect that the meeting was  
2 conducted by use of simultaneous communication, which members were  
3 participating by simultaneous communication, and when such members  
4 joined or left the remote meeting.

5 (8) All chats, instant messages, texts, or other written communications between  
6 members of the public body regarding the transaction of the public business  
7 during the remote meeting are deemed a public record.

8 (9) The remote meeting shall be simultaneously streamed live online so that  
9 simultaneous live audio, and video, if any, of such meeting is available to the  
10 public. If the remote meeting is conducted by conference call, the public body  
11 may comply with this subdivision by providing the public with an opportunity  
12 to dial in or stream the audio live and listen to the remote meeting.

13 (c) Quorum. – A member of the public body participating by simultaneous  
14 communication under this section shall be counted as present for quorum purposes only during  
15 the period while simultaneous communication is maintained for that member. The provisions of  
16 G.S. 153A-44 and G.S. 160A-75 shall apply to all votes of each member of a county or municipal  
17 governing board taken during a remote meeting.

18 (d) Voting by Members of the Public Body. – Votes of each member of a public body  
19 made during a remote meeting under this section shall be counted as if the member were  
20 physically present only during the period while simultaneous communication is maintained for  
21 that member.

22 (e) Public Hearings. – A public body may conduct any public hearing required or  
23 authorized by law during a remote meeting, and take action thereon, provided the public body  
24 allows for written comments on the subject of the public hearing to be submitted between  
25 publication of any required notice and 24 hours after the public hearing.

26 (f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as  
27 a remote meeting only when all of the following apply:

28 (1) The right of an individual to a hearing and decision occur during the  
29 emergency.

30 (2) All persons subject to the quasi-judicial proceeding who have standing to  
31 participate in the quasi-judicial hearing have been given notice of the  
32 quasi-judicial hearing and consent to the remote meeting.

33 (3) All due process rights of the parties affected are protected.

34 (f1) Board of Adjustment Continuance Procedures. – If one or more persons subject to a  
35 quasi-judicial proceeding by the county Board of Adjustment who have standing to participate  
36 in the quasi-judicial hearing do not consent to the remote meeting authorized under subsection  
37 (f) of this section, then the hearing shall be continued indefinitely until such time that the full  
38 Board of Adjustment is able to meet in person or 30 days, whichever is sooner.

39 (g) Closed Sessions. – The public body may conduct a closed session as authorized in  
40 G.S. 143-318.11. While in closed session, the public body is not required to provide access to the  
41 remote meeting to the public.

42 (h) Not Exclusive. – This section applies only during emergency declarations and does  
43 not supersede any authority for electronic meetings under Article 33C of Chapter 143 of the  
44 General Statutes.

45 (i) For purposes of this section, the following definitions apply:

46 (1) Official meeting. – As defined in G.S. 143-318.10(d).

47 (2) Public body. – As defined in G.S. 143-318.10(b) and (c).

48 (3) Remote meeting. – An official meeting, or any part thereof, with between one  
49 and all of the members of the public body participating by simultaneous  
50 communication.

- 1                   (4) Simultaneous communication. – Any communication by conference  
2                   telephone, conference video, or other electronic means."  
3                   **SECTION 2.(a)** This act applies to Durham County only.  
4                   **SECTION 2.(b)** This act is effective when it becomes law and applies to proceedings  
5 initiated on or after that date.