

**HIGH POINT CITY COUNCIL
RULES OF PROCEDURE FOR ELECTRONIC MEETINGS
DURING A STATE OF EMERGENCY**

The City Council of the City of High Point, North Carolina (“Council”), recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, such as the High Point City Council, may take place by electronic means. In fact, §143-318.10(d) of the North Carolina General Statutes states that an official meeting, “means 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 purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.” These Rules of Procedure for Electronic Meetings (“Electronic Rules”) are a guide for how Council will conduct meetings featuring electronic participation.

1. Meetings to Which Electronic Rules Apply

These Electronic Rules shall apply to meetings of the Council, Council committees, and public bodies existing under the authority of the City of High Point, with the exclusion of any quasi-judicial bodies. Electronic Meetings may be held for any regular, special, or emergency meeting of the Council, subject to the conditions governing the use of Electronic Meetings (defined below). The Electronic Rules are supplemental to the High Point City Council Rules of Procedure approved by the Council for its meetings, and any other rules of procedure adopted by a Council committee or relevant public body. If the Electronic Rules are silent, the regular Rules of Procedure shall be followed.

2. Conditions Necessary for Electronic Meetings

Electronic Meetings will only be permitted when any of the following entities declare that a state of emergency or a disaster exists in an area including the City of High Point, Guilford County, North Carolina, the State of North Carolina, or the federal government of the United States of America, and such has been declared under legal methods permitted by the High Point Code of Ordinances, Chapter 166A of the North Carolina General Statutes, and/or other appropriate legal authorities. The state of emergency declaration or disaster declaration must be related to a distinct event that reasonable persons can agree directly affects the City of High Point. If no state of emergency or disaster exists, then the Electronic Rules may not be used.

3. Definition of an Electronic Meeting

An Electronic Meeting is any meeting where one or more members of the Council 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 Council to hold a meeting without all members being physically present in the same room at the same time (“Electronic Meeting”).

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 Council Member(s) and/or staff are able to attend for purposes of the meeting in person shall gather) or, in the event the emergency situation makes physical presence unobtainable, the identification of a URL or other electronic location; and
- b. The location of where a member of the public, member of the media, or others, may listen or otherwise participate in the Electronic Meeting in accordance with § 143-318.13 of the North Carolina General Statutes.

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 Council, 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 the City of High Point's bulletin board, website and social media accounts, if possible.

5. Quorum for Electronic Meeting

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

6. Process of Opening Electronic Meeting

Immediately prior to opening the meeting, the Mayor, Mayor Pro Tem, or other presiding officer shall communicate with the Council member(s) who is (are) participating electronically and ensure that he or 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 Mayor, Mayor Pro Tem, or presiding official shall state which Council members are participating electronically.

7. Voting and Discussion for Electronic Meeting

Council members present for the meeting through electronic means are eligible to vote for all items considered by the Council during the meeting. However, Council members present for the meeting

through electronic means will not be permitted to vote on any quasi-judicial matters coming before the Council. Also, a member voting must indicate verbally with a “yes,” “no,” “yea,” “nay,” “or “abstain” (when that is permitted) such that the City Clerk or her designee may record the vote. Prior to taking a vote on any issue, the Mayor, Mayor Pro Tem, or other presiding officer shall inquire of the Council members participating electronically if he or she has been able to adequately monitor the discussion, including comments from the staff and/or public, if any, and shall allow those Council 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 Mayor or the presiding officer in order to be recognized for discussion. A Council 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 Council. If a Council member attending through electronic means becomes disconnected from the meeting, the Council member will not be counted as an affirmative or negative vote.

8. Minutes of Electronic Meeting

The minutes of the meeting shall designate the name of each Council member who participated electronically, the nature of the electronic communication, and the duration of the Council member’s participation.

9. Public Attendance for Electronic Meeting

The Council may limit or prohibit public attendance in-person due to health and safety concerns during the state of emergency or disaster. If public in-person attendance is limited or prohibited, the Council shall provide reasonable alternative means for access to the Electronic Meeting, including but not limited to teleconference or internet broadcast. If a public comment period is scheduled for that Council meeting, the Council will provide reasonable alternative means for members of the public to provide comment, including but not limited to telephone message or email message submission.

10. Closed Sessions

These rules of procedure shall apply to any closed session meeting of the Council which is conducted as an Electronic Meeting. A Council member participating through telephonic communication or a telecommunications application must take precautions to assure that any and all information being shared remains confidential.

Adopted by the High Point City Council
This 6th day of April, 2020

Lisa B. Vierling, City Clerk