



## RESOLUTION AUTHORIZING HOLDING OF ELECTRONIC MEETINGS

**WHEREAS**, during times of emergency, the Town of Atlantic Beach must perform essential functions through public meetings of the Town Council, Planning Board, Board of Adjustment and other bodies responsible for such functions; and

**WHEREAS**, it may become prudent for the Council, Planning Board, and Board of Adjustment to either cancel its in-person public meetings or decide to conduct such meetings by electronic means during a time of crisis such as, but not limited to, a public health emergency created by a rapidly spreading and dangerous illness; and

**WHEREAS**, it is deemed advisable in such instances for the Town Council, Planning Board, Board of Adjustment, or other town bodies (singularly "Town Body" and collectively "Town Bodies") to hold regular, special, or emergency meetings via telephone, internet, or satellite enabled audio and video conferencing, or to utilize any other technology that enables remote participants to be clearly audible and/or visible to one another, provided the proper statutory requirements for public notice, public access and public participation are followed to the full extent reasonably possible under the circumstances;

**NOW, THEREFORE**, in order to promote and provide for full participation of all the members of the Town Bodies, while ensuring access and transparency for the public during any time of declared emergencies, it is resolved by the Town Council of the Town of Atlantic Beach that, in the case of a public health emergency or some other crises where it is determined by the Town Council, the State of North Carolina, or the federal government that it is not safe to hold in-person public meetings or other assemblies of a Town Body, the Town Council authorizes the Town Manager to arrange for conduct of such Town meetings via telephone, Skype, Zoom, Facebook, Microsoft Meetings or other electronic means so long as provision is made for:

- a) The Town Clerk to be able to confirm and record attendance of those members participating by electronic means and to assure a quorum is electronically present before the meeting is called to order.
- b) Public access to an audio, and if reasonably possible, a video stream of the meetings from a specific location.
- c) Public participation by audio, video, chat or other means and the provision of necessary instructions as to how the public may attend/participate in the notice of such electronic meetings.
- d) Provision of notice of electronic meetings and copies of agendas through posting on the Town's website and direct electronic communications with those that specifically request such information.
- e) A method for recording the individual vote of each member of the Town Body participating (electronically present) at the meeting. There shall also be a provision for excusing a member that is not present or leaves (including disconnection) an electronic meeting.
- f) The Town Attorney and counsel for any represented persons or entities to have a method to participate in any meeting where such presence is mandated, requested, or prudent under the circumstances.

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- g) Noticed closed sessions to be held by secure, limited and restricted access by the Town Body members conducting such meetings authorized by law. The Town Body may, by majority vote, grant access and participation in electronic closed sessions by parties it deems necessary for the subject matter of the closed meeting. Each participant in an electronic closed session must certify that they are participating in such meetings within an environment excluding any unauthorized parties.

Any Town Body that has been meeting by electronic means shall begin in-person meetings as soon as reasonably safe and possible to do so. The agenda for the first such in-person meeting of the Town Body shall include a motion for ratification of all actions taken by that Town Body during prior electronic meetings.

The Town Council authorizes members of Town Bodies that meet electronically as above provided, including the members of Town Council, to vote and otherwise transact business with the same authority and validity as if they were doing so in an in-person meeting they were attending.

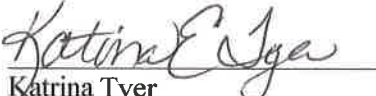
No electronic quasi-judicial hearings are authorized until such time as the Town Council and Town Attorney shall determine that all required due process safeguards are protected for the interested parties, including, but not limited to audio and visual means for taking and observing sworn testimony, ability to publically present oral testimony and visual evidence, ability for cross examinations of witnesses by parties with standing, and an accurate recording of the proceedings. All legally interested parties must agree in writing to the use of and to be bound by any electronic quasi-judicial hearing prior to its implementation.

**RESOLVED**, this, the 23<sup>rd</sup> day of March, 2020.



  
A. B. Cooper, III  
Mayor

ATTEST:

  
Katrina Tyer  
Town Clerk