



Open Meetings and COVID-19 Frequently Asked Questions

Does the North Carolina “Stay at Home” order mean that government meetings are now closed to the public?

All official meetings of public bodies must comply with open meetings laws. Open meetings laws apply any time a majority of the members of a public body meeting to deliberate or transact public business, even if that meeting is virtual (NCGS § 143-318.10). During the “Stay at Home” order, this means the public body must notify the public about upcoming meetings and make accommodations for the public to attend and participate in meetings by electronic means.

Is a public body allowed to meet virtually?

Yes, but all virtual meetings must be open to the public. North Carolina law requires public bodies to inform the public of the means by which they can listen to or view the meeting and participate (NCGS § 143-318.13). Just as they are required to under normal conditions, public bodies must give notice to the public of all virtual meetings with clear instructions about how the public can attend and participate in the meeting.

What notice is required for a virtual meeting?

In accordance with NCGS §143-318.12, public bodies should keep a schedule of all regular meetings on file and publish the schedule conspicuously on their website along with information required to attend electronically (e.g. login or dial-in information). For any non-regularly scheduled meeting, the public body should post the information to their website at least 48 hours before the meeting. If the body maintains an e-mail distribution list for information about meetings, it should e-mail the information to subscribers no later than 48 hours before the meeting. If the body does not maintain an e-mail distribution list, it should consider implementing one to enhance public awareness of meetings.

Is a public body allowed to eliminate the normal public comment period because of the “Stay at Home” order?

No. Public bodies must provide a period for public comment at least once per month at a regular meeting, even if that meeting is held virtually (*See, e.g.* NCGS 115C-51, requiring local school boards to provide a monthly public comment period). Public bodies have discretion over how best to facilitate public comment and maintain decorum.

Can a public body hold an entire meeting in closed session?

No. Public bodies must begin all meetings in open session and may go into closed session only after a proper motion to go into closed session is made and approved by the body. The motion must cite the reason for closed session. Once the closed session is finished, the public body must come out of closed session to discuss other business or adjourn the meeting.

Can a public body meet in closed session to discuss matters related to COVID?

Unlikely. General discussions of the public body’s response to COVID-19 probably do not fall under a recognized exception to North Carolina open meetings laws. North Carolina law allows public bodies to meet in closed session for [any reason listed in NCGS § 143-318.11](#). Some common reasons a public body might meet in closed session include receiving advice from attorneys or discussing confidential personnel matters.



Open Meetings and COVID-19 Best Practices

Transcripts and Minutes. One of the best ways to keep the public informed of public business is to establish comprehensive record-keeping procedures for meetings. For virtual meetings, public bodies should make every effort to create full transcripts of meetings and make the transcripts and complete meeting minutes available to the public as soon as practicable. These documents should be made available upon request and in a central, conspicuous section of the public body's website in plain text and PDF format.

Technology and Troubleshooting. Technology used to hold a public meeting should be equipped to handle a significant number of attendees and Web traffic. If using a Web-based teleconference program, the public body should make sure that the program does not limit the number of participants. All interested persons should be able to attend and participate.

Internet and Phone Access. A public body should not assume that all citizens have reliable broadband Internet access. A public body should implement solutions for conference call access in addition to whatever teleconference or livestream service it provides to make sure all citizens can attend and participate.

Disability Accommodations. People with disabilities may experience additional challenges when trying to attend public meetings by electronic means. Public bodies should make transcripts and recordings accessible to people with hearing or vision impairments. Public bodies can contact [Disability Rights of North Carolina](#) for guidance on providing full access to people with disabilities.

Adapting Open Meetings to New Technologies. Technologies can sometimes obstruct or change the typical flow of open meetings. For example, in physical meetings, it is obvious to those in attendance when a public body reconvenes after a closed session. Public bodies should establish procedures to inform the public periodically that a closed session is ongoing and when the public body expects to resume an open session. Public bodies should consider imposing time limits on closed sessions so that the public clearly understands when the open session will resume.

Public Comment. Maintaining public comment period is essential to robust public participation. Public bodies should implement procedures to facilitate virtual public comment periods. For example, a public body may: 1) designate a clerk to read public comments into the record; 2) solicit public comments, compile the comments and distribute them to all meeting attendees electronically; 3) ask attendees to submit public comments via audio or video file and make the files available to the public. Regardless of the method of virtual public comment, public bodies may not censor public comments or discriminate on the basis of viewpoint. A public body may set non-discriminatory rules of decorum and ensure that public comment is germane to the public body's purpose.