



MEMORANDUM

TO: Board of County Commissioners
FROM: Willie A. Best, ^{WAB} County Manager
DATE: August 24, 2005
SUBJECT: Mobile Telephone Use at BOC Meetings



At the Board of County Commissioners August 18, 2005 meeting, the matter of participating during the meeting via simultaneous conference telephone was discussed. The Deputy Clerk to the Board has researched the issue. The County Attorney has also reviewed and contributed to this response. It appears that participating via phone has occurred since at least 2000.

During a Board of Commissioners meeting of January 4, 2003, the issue of phone use during a meeting was discussed. It was pointed out that a request to use a speaker phone usually initiates with the Clerk, County Manager and/or Chairman.

The law (G.S. 143-318.10(d)) defines an "official meeting" to include "simultaneous communication by conference telephone". G.S. 143-318.13(a) requires that the public be able to listen to a public meeting involving conference telephones. Therefore, a member apparently has this right. Wake County allows County Commissioner participation via phone. Durham County has not had Commissioners participate via phone during meetings. Mecklenburg County has had Commissioners participate in meetings via phone. In the counties where phone use has occurred, Commissioners are counted as present and votes are allowed, the same as in Guilford.

Please let me know if you have any questions or require additional information.

WAB:kwm

cc: Jonathan V. Maxwell, County Attorney
W. David McNeill, Jr., Deputy County Manager
Effie Varitimidis, Clerk to Board
Crystal Maurer, Deputy Clerk to Board