
Coates' Canons Blog: Canceling Meetings and Hearings Because of Inclement Weather

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The storm is coming and there's a town council meeting scheduled for tonight. Not only that, the town is scheduled to have a public hearing on an economic development project as part of that meeting. What are the procedures for canceling and rescheduling these events?

There are no specific procedures for canceling meetings in the statutes. In a blog post here I describe the legal requirements for rescheduling meetings, as well as some suggestions for optional steps that can be taken to provide notice of a cancellation. In a nutshell, the unit of government must provide notice of a rescheduled meeting according to the requirements in the open meetings law, depending upon the type of meeting (regular, special, or emergency). For meetings of the city or county governing boards, notice to the members must also be provided as required under G.S. 160A-71 and 153A-40.

What about the public hearing? Statutorily mandated public hearings often have specific notice requirements, and these are in addition to the notice of the meeting under the open meetings law. For example, a public hearing on an economic development project must be advertised at least 10 days before the hearing. G.S. 158-7.1(c). If the unit cancels the meeting at which the hearing was to take place, the rescheduled meeting would have to be scheduled on a date that allows for a new 10 day notice. It appears, however, that there is no need (and perhaps no authority) for rescheduling the public hearing. State law provides that, "If a public hearing is set for a given date and a quorum of the board is not then present, the board *shall* continue the hearing without further advertisement until its next regular meeting." G.S. 153A-52; G.S. 160A-81. So without further advertisement, the board may, and perhaps must cancel and continue the hearing until the next regular meeting. As with other cancellations, it may be desirable to provide notice of the cancellation, but there is no legal requirement to do so.

What if the board wants to schedule the public hearing for a date within the 10-day hearing notice requirement, but sooner than the next regular meeting? It's not clear that this is an option. Note that the public hearing statute requires the hearing to be continued to the next regular meeting. Perhaps if the hearing is canceled ahead of time, then the default statutory provision does not kick in, and the hearing can be rescheduled, with a new notice of the meeting and publication of notice of the new hearing date.

Finally, if at least enough board members to constitute a quorum can attend the meeting, the meeting can be recessed to another date and time. In this case, the unit need only provide notice of the new date and time on its website, if it maintains one, and no further notice of the meeting or the public hearing is required.

Links

- canons.sog.unc.edu/?p=6117
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=160A-71
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=153A-40
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=158-7.1
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=153A-52
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=160A-81