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## Coates' Canons Blog: Rescheduling a Recessed Meeting

By David Lawrence

Article: <https://canons.sog.unc.edu/rescheduling-a-recessed-meeting/>

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UPDATE August 2013: For more on this topic, click [here](#).

It's getting late and the board members are tired, so, rather than trying to complete its regular meeting agenda the board votes to recess the meeting until 7:00 p.m. a week later. A couple of days before the meeting is to resume, however, it becomes clear that several members are not going to be able to attend the recessed portion of the meeting. The board would like to reschedule the recessed meeting. Is there any way it can do so?

One possibility is to have the mayor or board chair, or whoever else is authorized by statute or the board's bylaws to do so, call a special meeting for a time that is thought acceptable to the other members of the board. The notice of the special meeting could set out the agenda items remaining from the regular meeting from which the recess was taken. The principal disadvantage of this method is that, in the example, the original meeting was a regular meeting and therefore, because a recessed meeting is legally a continuation of the meeting recessed from, the recessed meeting would have retained the agenda flexibility associated with a regular meeting. Because the called meeting is not a continuation of the regular meeting but rather a special meeting, the board would not have the same flexibility about departing from the established agenda.

A second possibility, at least for some boards, would be for a couple of board members to appear at the recessed meeting and then move and vote to recess again, to a new time acceptable to the full board. For both city councils and county commissions, if a board member leaves a meeting without being excused, he or she is still counted as present for quorum purposes. Because the recessed meeting is a continuation of the earlier meeting, not appearing is the equivalent of leaving the meeting. A motion to recess requires a majority of those present and voting, as long as a quorum is present. In this scenario, a quorum would be legally present, and a 2-0 vote of those physically present would be sufficient to recess. (If the board didn't require seconds to motions, this could all be done by one person.) The advantage of this course is that when the board finally did get back together, it would still be in a continuation of its regular meeting, with the agenda flexibility associated with such a meeting.

There is a bit of a risk to the second method, though, at least for city councils. That's because G.S. 160A-75 provides that members who have withdrawn without being excused are not only counted as present for quorum purposes but also are counted as voting "aye" on any matters taken up after they withdraw (or fail to reappear). (There is not a comparable provision applicable to county commissioners in G.S. Chapter 153A.) Using that provision, a couple of council members could not only vote to recess the meeting, they could also pass any number of other measures, voting the votes of their colleagues who failed to show up for the recessed session. Depending on the internal dynamics of the particular council, its absent members might not want to encourage that possibility. Of course, there's no statutory way to cancel a recessed meeting, so that danger is probably always present.

David Lawrence is retired from the faculty of the School of Government. For questions about the subject of this blog post, please refer to our [list of faculty expertise](#) to identify the appropriate faculty member to contact.

## Links

- [canons.sog.unc.edu/?p=6117](https://canons.sog.unc.edu/?p=6117)
- [www.sog.unc.edu/node/1553](https://www.sog.unc.edu/node/1553)