**North Carolina Open Meetings Law**

*selected statutes*

**Summary**

1. It is the public policy of North Carolina that the hearings, deliberations, and actions of [public] bodies be conducted openly. G.S  § 143-318.9
2. Each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting. G.S  § 143-318.10
3. A social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article. G.S  § 143-318.10
4. Every public body shall keep full and accurate minutes of all official meetings. G.S  § 143-318.10
5. Closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. G.S  § 143-318.11
6. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. G.S  § 143-318.11
7. A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. G.S  § 143-318.11
8. A public body may not vote by secret or written ballot. G.S  § 143-318.13
9. The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. G.S  § 143-318.13

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**§ 143-318.9. Public policy**

 Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, **it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly**.

**§ 143-318.10. All official meetings of public bodies open to the public**

 (a) Except as provided in *G.S. 143-318.11*, *143-318.14A*, *143-318.15*, and *143-318.18*, **each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.**

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(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, **a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article**.

(e) **Every public body shall keep full and accurate minutes of all official meetings**, including any closed sessions held pursuant to *G.S. 143-318.11*. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, *G.S. 132-1* et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with *G.S. 143-318.11* may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.

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**§ 143-318.11. Closed sessions**

 (a) Permitted Purposes. -- It is the policy of this State that **closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section**. A public body may hold a closed session and exclude the public only when a closed session is required:

 (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

 (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

 (3) **To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.** General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

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 (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

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(c) Calling a Closed Session. -- A public body may hold a closed session **only upon a motion duly made and adopted at an open meeting**. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on sub

**8.**division (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2.

**§ 143-318.12. Public notice of official meetings**

 (a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

 (1) For public bodies that are part of State government, with the Secretary of State;

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If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

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(d) If a public body has a Web site and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the Web site.

(e) If a public body has a Web site that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of that meeting.

(f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body.

**§ 143-318.13. Electronic meetings; written ballots; acting by reference**

 (a) Electronic Meetings. -- If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars ($ 25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) Written Ballots. -- Except as provided in this subsection or by joint resolution of the General Assembly, **a public body may not vote by secret or written ballot**. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

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(c) Acting by Reference. -- **The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon**. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting.

**§ 143-318.14. Broadcasting or recording meetings**

 (a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

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**§ 143-318.17. Disruptions of official meetings**

 A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.