

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 844
Judiciary Committee Substitute Adopted 4/28/97
Third Edition Engrossed 5/1/97
House Committee Substitute Favorable 6/12/97

Short Title: Strengthen Open Government.

(Public)

Sponsors:

Referred to:

April 15, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE
3 ACCOUNTS OF CLOSED MEETINGS AND TO CLARIFY WHAT ACTIONS ON
4 ECONOMIC DEVELOPMENT INCENTIVES MAY BE TAKEN IN CLOSED
5 SESSIONS.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 143-318.10(e) reads as rewritten:
8 "(e) Every public body shall keep full and accurate minutes of all official meetings,
9 including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in
10 written form or, at the option of the public body, may be in the form of sound or video
11 and sound recordings. When a public body meets in closed session, it shall keep a general
12 account of the closed session so that a person not in attendance would have a reasonable
13 understanding of what transpired. Such accounts may be a written narrative, or video or
14 audio recordings. Such minutes and accounts shall be public records within the meaning
15 of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an
16 account of a closed session conducted in compliance with G.S. 143-318.11 may be

1 withheld from public inspection so long as public inspection would frustrate the purpose
2 of a closed session."

3 Section 2. G.S. 143-318.11(a) reads as rewritten:

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

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

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

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

28 (4) To discuss matters relating to the location or expansion of industries or
29 other businesses in the area served by the public ~~body~~-body, including
30 agreement on a tentative list of economic development incentives that
31 may be offered by the public body in negotiations. The action
32 approving the signing of an economic development contract or
33 commitment, or the action authorizing the payment of economic
34 development expenditures, shall be taken in an open session.

35 (5) To establish, or to instruct the public body's staff or negotiating agents
36 concerning the position to be taken by or on behalf of the public body in
37 negotiating (i) the price and other material terms of a contract or
38 proposed contract for the acquisition of real property by purchase,
39 option, exchange, or lease; or (ii) the amount of compensation and other
40 material terms of an employment contract or proposed employment
41 contract.

42 (6) To consider the qualifications, competence, performance, character,
43 fitness, conditions of appointment, or conditions of initial employment

1 of an individual public officer or employee or prospective public officer
2 or employee; or to hear or investigate a complaint, charge, or grievance
3 by or against an individual public officer or employee. General
4 personnel policy issues may not be considered in a closed session. A
5 public body may not consider the qualifications, competence,
6 performance, character, fitness, appointment, or removal of a member of
7 the public body or another body and may not consider or fill a vacancy
8 among its own membership except in an open meeting. Final action
9 making an appointment or discharge or removal by a public body
10 having final authority for the appointment or discharge or removal shall
11 be taken in an open meeting.
12 (7) To plan, conduct, or hear reports concerning investigations of alleged
13 criminal misconduct."
14 Section 3. This act becomes effective October 1, 1997.