

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 882

Short Title: Open Meetings.

(Public)

Sponsors: Representatives Miller; Bowman, Pope, Smith, and Warner.

Referred to: Judiciary II.

April 18, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ENHANCE AND PROMOTE ACCURACY IN THE RECORDS OF
2 THE PROCEEDINGS OF PUBLIC BODIES AND TO IMPROVE PUBLIC
3 UNDERSTANDING OF GOVERNMENT.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-318.10 is amended by adding a new subsection to read:

7 "(e) Every public body shall cause comprehensive minutes to be kept of all
8 official meetings, including any executive sessions held pursuant to G.S. 143-318.11.
9 Such minutes may be in written form or, at the option of the public body, may be in the
10 form of sound or video recordings. Such minutes shall be public records within the
11 meaning of G.S. 132-6; provided, however, that minutes of an executive session may be
12 withheld from public inspection so long as public inspection would frustrate the purpose
13 for which the executive session was called."

14 Sec. 2. G.S. 143-318.11(a)(5) reads as rewritten:

15 "(5) To consult with an ~~attorney~~, attorney employed or retained to represent
16 the public body, to the extent that confidentiality is required in order
17 ~~for the attorney to exercise his ethical duties as a lawyer. to preserve the~~
18 attorney-client privilege between the attorney and the public body."

19 Sec. 3. G.S. 143-318.11(c) reads as rewritten:

20 "(c) Calling an Executive Session. – A public body may hold an executive session
21 only upon a motion made and adopted at an open meeting. The motion shall state the
22 ~~general purpose~~ general purpose of the executive session and with sufficient specificity as to permit
23 persons hearing or reading the motion to understand the nature of the matters and things

1 to be discussed in the executive session. The motion must be approved by the vote of a
2 majority of those present and voting."

3 Sec. 4. G.S. 143-318.11(d) is repealed.

4 Sec. 5. G.S. 143-318.12(b)(1) reads as rewritten:

5 "(1) ~~If a meeting is an adjourned or recessed session of a regular meeting or~~
6 ~~of some other meeting, notice of which has been given pursuant to this~~
7 ~~subsection, and public body recesses a regular, special, or emergency~~
8 ~~meeting held pursuant to public notice given in compliance with this~~
9 ~~subsection, and the time and place of the adjourned or recessed session~~
10 ~~has been set during the regular or other meeting, at which the meeting~~
11 ~~is to be continued is announced in open session, no further notice is~~
12 ~~necessary. shall be required."~~

13 Sec. 6. G.S. 143-318.16B reads as rewritten:

14 **"§ 143-318.16B. Attorney's fees awarded to prevailing party.**

15 In any action brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court
16 ~~shall may~~ make written findings specifying the prevailing party or parties, and ~~shall may,~~
17 in its discretion, award the prevailing party or parties a reasonable attorney's fee, to be
18 taxed against the losing party or parties as part of the costs. If in any action brought
19 pursuant to G.S. 143-318.16 or G.S. 143-318.16A the court determines that a public
20 body, or any member or employee thereof, has willfully violated this Article, the court
21 shall make written findings with respect to such willful violation and shall award the
22 plaintiffs a reasonable attorney's fee. The attorney's fee may be taxed against the public
23 body or against the individuals responsible for the willful violation, or may be
24 apportioned among them."

25 Sec. 7. This act becomes effective September 1, 1991.