

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS75079-LB-254A (03/13)

Short Title: Municipal Sunshine Act.

(Public)

Sponsors: Senator Vaughan.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING CITIES AND COUNTIES TO GIVE INTERNET NOTICE OF
3 MEETINGS AND POST THEIR MINUTES ON THE INTERNET.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 33C of Chapter 143 of the General Statutes is amended by
6 adding new sections to read:

7 "§ 143-318.12A. Certain notices on the Internet.

8 (a) Every city council and county board of commissioners (hereinafter "council or
9 board") shall designate by resolution an Internet Web site for making available to the public
10 certain information regarding their meetings, except that the designation shall be required only
11 if they can confirm that a public, nonprofit, or private sector Internet publisher is available that
12 meets all of the following criteria:

13 (1) The publisher, without charge to the council or board, shall receive from the
14 council or board the information that the council or board provides in a
15 reasonable and appropriate manner specified by the publisher.

16 (2) The publisher, without charge to the council or board shall provide
17 unrestricted and charge-free access to the information to all members of
18 the Internet online public, whether or not the members identify
19 themselves.

20 (b) The council or board shall promptly provide notice of the designated Internet
21 Web site and publisher by doing both of the following:

22 (1) Providing to the Secretary of State a certified copy of the resolution of
23 designation.

24 (2) Prominently posting at the public meeting room a notice informing the
25 public of the Internet Web site and its kinds of content.

26 (c) If a council or board, after diligent exploration, finds that no Internet Web site is
27 available which meets the criteria set forth in subsection (a) of this section, it shall
28 promptly provide notice of the problem by doing both of the following:

29 (1) Providing to the Secretary of State a certified copy of a resolution citing
30 the findings and problem.

31 (2) Prominently posting at the public meeting room a copy of the resolution.

32 (d) If a council or board subsequently receives credible notification of an available
33 Internet Web site which meets the criteria set forth in subsection (a) of this section, the
34 council or board shall diligently explore the availability of the Web site, shall take



1 appropriate action, and shall provide a report to the Secretary of State, to the party who
2 provided the notification, and to the public at an open meeting.

3 (e) In the alternative to the requirements of subsections (a) through (c) of this
4 section, a council or board which has its own Web site may designate that Web site as the
5 site for notice under this section.

6 (f) A council or board shall at a minimum make the following information on the
7 Internet Web site provided by this section:

8 (1) Its annual schedule of regular meetings and all other notice of meetings.

9 (2) Agendas of meetings.

10 (3) Minutes of meetings, including the minutes of the closed session of any
11 meeting to the extent that those minutes have been made available to the
12 public. All minutes shall remain posted on the Web site for a period of at
13 least one year from the date of posting.

14 (g) As used in this section, "city council and county board of commissioners" includes
15 any committee or subcommittee of the council or board but does not include any separate board
16 or commissions of the city or county.

17 **§ 143-318.12B. Minutes of closed sessions.**

18 (a) At least quarterly, a city council or county board of commissioners (hereinafter
19 "council or board") which has held a closed session during the previous three years where
20 the minutes have not yet been made public shall conduct a review of the minutes of the
21 closed portion of any meeting. The review shall determine whether any part of any minutes
22 which have been withheld from public access can now be made accessible to the public. If
23 the council or board determines that any part of previously withheld minutes can now be
24 disclosed to the public, it shall make that part thereof accessible to the public.

25 (b) When a council or board holds a closed session, it shall require as part of the
26 review under this section that an inventory and status report be prepared, maintained, and
27 made public on all minutes, tape recordings, or other records of the closed session. The
28 review shall conform to any standards adopted by the Secretary of State. The Secretary of
29 State shall have access to the minutes, tapes, and records at any stage for the sole purpose
30 of monitoring compliance with this Article.

31 (c) Upon completion of a review under this section, the council or board shall adopt a
32 resolution indicating that it has conducted the review and that all information from closed
33 meetings which can be made available to the public, as of the date of the review, has been made
34 available. The resolution shall also state, as precisely as possible, the time when and the
35 circumstances under which the withheld portion of any minutes can be disclosed to the public.

36 (d) This section does not authorize withholding any information required to be made
37 public by this Article or G.S. 132-1.

38 (e) As used in this section, "city council and county board of commissioners" includes
39 any committee or subcommittee of the council or board but does not include any separate board
40 or commissions of the city or county."

41 **SECTION 2.** This act is effective when it becomes law.