

OPEN MEETINGS LAW SERIES:
Meeting Mechanics



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UNC SCHOOL OF GOVERNMENT OPEN MEETINGS LAW


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About the Series

- Overview ([On-Demand Purchase](#))
 - Definitions, scope, and basic requirements.
- Meeting Mechanics (May 20, 2014)
 - Managing the process: Notice, cancelation, recessing, minutes, agendas, hearings, public comments, and more.
- Closed Sessions (June 4, 2014 | [Registration](#))
 - Analysis of closed session authority, general accounts, voting in and talking about closed sessions, who can attend.

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About this Webinar


- Meeting Mechanics
 - Recap of basic requirements
 - Notice requirements
 - Special and emergency meetings
 - Canceling and rescheduling meetings
 - Agendas
 - Minutes
 - Posting Materials
 - Managing meetings (crowds, comments, calling in, closed sessions)


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POLL: What Do You Know About Meeting Mechanics?


The open meetings law requires notice of meetings to be published in the newspaper.


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The notice requirement for a public hearing must be complied with in addition to the notice of the meeting at which the hearing will take place.

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POLL: What Do You Know About Meeting Mechanics?

A local government that receives a request for copies of the agenda and all the attachments may refer the requester to the links to these documents that are available on line instead of providing copies.

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POLL: What Do You Know About Meeting Mechanics?

A video or tape recording of a meeting may be destroyed once the minutes of the meeting are approved.

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Open Meetings: Recap



Official meetings of public bodies must be noticed and open to the public unless the subject falls within an exception allowing a closed session meeting.



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Open Meetings Recap

- A committee of a public body is itself a separate public body
- Advisory committees entirely composed of private citizens are public bodies
- Email interactions among a majority may constitute a meeting
- Some gatherings are prohibited because notice and access cannot be provided

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Notice Requirements



- Provide notice and opportunity to attend
 - Regular meetings: notice filed, posted, on website
 - Special meetings: 48 hour notice to “sunshine list”; posted on website
 - Emergency meetings: notice to news media who have requested it, in same manner as given to members of the public body
 - Recessed meetings: post on website

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What Do You Know About Meeting Mechanics?



The open meetings law requires notice of meetings to be published in the newspaper.

False. Other types of notice must be published, but meeting notice is posted on websites and provided directly to those who request it.

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Types of Notice



- Notice of Public Meetings
 - Governing board
 - Quasi-judicial boards
 - Advisory boards
- Notice of Public Hearings
- Notice of Pending Actions
 - Notice of property disposal by private sale
 - Notice of “piggybacking” purchase

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What Do You Know About Meeting Mechanics?



The notice requirement for a public hearing must be complied with in addition to the notice of the meeting at which the hearing will take place.

True. Even if the public hearing is the only thing that occurs at the meeting, notices for both the hearing and the meeting must be provided.

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Mechanics of Providing Notice

- Posting notices on Websites
 - Town of Cary
 - Wake County
 - Town of Rural Hall


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Caution! Notice defines the scope of the meeting

- Special meetings
 - Must state the purpose of the meeting
 - Probable violation of the law to take up matters not covered by the notice, even if all members are present and consent
- Emergency meetings
 - Must be a matter that cannot wait for 48-hour special meeting notice

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Individual Notice to Board Members



Must comply with additional notice requirements for governing board members in 153A-40 and 160A-71.

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Canceling and Rescheduling Meetings



Statutes do not address cancelation and rescheduling of meetings

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Canceling and Rescheduling

- Reschedule as a regular meeting: Requires filing and posting a new schedule of meetings; must wait 7 days before first meeting on the new schedule occurs.
- Reschedule as special or emergency meeting
NOTE: Scope of meeting is limited.
- Notice of cancellation posted as a courtesy
- Notation in minute book to indicate no meeting was held.

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Agendas: Legal Status

- Statute only has one mention of agendas: G.S. 143-318.13(c):
Public bodies may take action by reference to an agenda only if it is available at the meeting.
- The public body ultimately controls what is taken up in the meeting
- Legally restricted in special or emergency meetings

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Process for developing agendas



Agenda committee: a public body under the open meetings law unless it is staff only

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What Do You Know About Meeting Mechanics?

A local government that receives a request for copies of the agenda and all the attachments may refer the requester to the links to these documents that are available on line instead of providing copies.

False. A person has a right to a copy of public records in hard copy under the public records law.



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Draft Agendas



Draft agendas are public records



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Minutes and General Accounts

- Required for every official meeting, including committees and advisory boards.
- Minutes:
 - document legal requirements for valid meeting (quorum present)
 - Record of actions taken
 - Need not contain summary of discussion
- General Accounts:
 - Summary of meeting; a person who did not attend can have a reasonable understanding of what transpired



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The Art and Philosophy of Preparing Minutes

- How much detail?
- When to include specific statements by specific individuals?
- Who decides what goes in and what doesn't? Answer: The board of the public body, by majority vote, if it comes to that.
- Video or recording may be used to prepare or may serve as minutes. Note issues with permanent retention requirements as minutes.



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Draft Minutes

I strongly agree that space research is a waste of money. Why do we have to waste money on studying the universe when we can use that money to help humans and study the earth? Also NASA has failed numerous times, so how can we trust them again with the funded money?

Space research is a waste of money because it's better used to help humans than wasting it on space research. Take a look around the world, (Does every country have food, water, shelter and money?) NO! Instead of wasting it, we can use research we can give it to the poor and make them richer. Also the money is needed to help with global warming. Scientists still have to find ways to draw the levels of CO2 and how can they do that with (almost) all the money being wasted on space research. The money can also be spent on cancer research. Let's face it, there is an epidemic of diseases out there that have no cure such as AIDS, lymphoma, leukemia, MS, HIV, diabetes and autism.

Secondly, space research is a waste of money because there are many things still needed on to be discovered on Earth. The entire area is completely unexplored because we have no machines that can go down there without exploding by the intense pressure. It's said that we have discovered more of outer space than something we have on our own planet. Also some of asteroids still unexplored and even the depths of the Amazon rainforest. This money should be spent on this rather than waste research because some parts of the earth is still unexplored.

Lastly, NASA has failed many times before. On December the 31st NASA lost contact with a 2.85 billion dollar probe (Mars Global Surveyor) before the landing, and a few days later the probe failed. The 125 million more dollars were spent on their Mars rovers. They wasted all that money and they did not succeed. So how can we trust them again?

Comment (AM 15) I agree that space research is a waste of money. Why do we have to waste money on studying the universe when we can use that money to help humans and study the earth? Also NASA has failed numerous times, so how can we trust them again with the funded money?

Comment (AM 20) I agree that space research is a waste of money because it's better used to help humans than wasting it on space research. Take a look around the world, (Does every country have food, water, shelter and money?) NO! Instead of wasting it, we can use research we can give it to the poor and make them richer. Also the money is needed to help with global warming. Scientists still have to find ways to draw the levels of CO2 and how can they do that with (almost) all the money being wasted on space research. The money can also be spent on cancer research. Let's face it, there is an epidemic of diseases out there that have no cure such as AIDS, lymphoma, leukemia, MS, HIV, diabetes and autism.

Comment (AM 16) I agree that space research is a waste of money because there are many things still needed on to be discovered on Earth. The entire area is completely unexplored because we have no machines that can go down there without exploding by the intense pressure. It's said that we have discovered more of outer space than something we have on our own planet. Also some of asteroids still unexplored and even the depths of the Amazon rainforest. This money should be spent on this rather than waste research because some parts of the earth is still unexplored.

Comment (AM 17) I agree that space research is a waste of money because there are many things still needed on to be discovered on Earth. The entire area is completely unexplored because we have no machines that can go down there without exploding by the intense pressure. It's said that we have discovered more of outer space than something we have on our own planet. Also some of asteroids still unexplored and even the depths of the Amazon rainforest. This money should be spent on this rather than waste research because some parts of the earth is still unexplored.

Draft minutes are public records, even before they are approved by the board.



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What Do You Know About Meeting Mechanics?

A video or tape recording of a meeting may be destroyed once the minutes of the meeting are approved.

True. The records retention laws allow recordings of meetings to be destroyed once official minutes are approved.



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Who prepares minutes?

- Clerk to the board.
- For advisory committees or closed sessions when clerk is not present, board may designate a member or some other person to prepare minutes.



Approving Closed Session Minutes and General Accounts

- Options:
 - Approve at the meeting
 - Approve a future closed session
 - Approve by in an open meeting (by reference if content is confidential)
- Review periodically to determine if they may be released
- Statutes do not set time frame for approval or release



The Public's Right of Access

- Attend the meeting
- May record or video tape
- No right to speak except at monthly public comment period



Meeting Location

- Must be of reasonable size and must be accessible, but there is no legal obligation to accommodate everyone if there is a larger than expected crowd.
- Problems:
 - Restaurants, Small meeting rooms, private homes, gated communities, site visits, road trips
- Note limitation on county governing board meetings outside of the county


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Conducting the Meeting

- Overflow crowds
- Comment periods: mandatory and optional
 - Signing up to speak
 - Limits on speakers: must be viewpoint neutral
- Local policies
 - Items on the agenda
 - Direct comments to board/chair
 - No obligation to respond


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Public Comment



Image Source: <http://tinyurl.com/ghc2qfb>


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Remote Participation In Meetings

- Open Meetings Law: requires notice and access to electronic meeting, but does not authorize them for any specific public body.
- County and city governing board have specific quorum requirements.
- Legal issue: Must a board member be physically present to count toward quorum?
- Board can authorize for appointed boards



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Policy issues about calling in

- How often permitted and for what reasons?
- How many at one time?
- May remote participants vote?
- Remote member entering and leaving the meeting?
- Need for adequate technology.
- Experience positive or negative for the board members and public?

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QUESTIONS?


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Next Webinar: Closed Sessions


- Closed Sessions (June 4, 2014 | [Registration](#))
 - analysis of closed session authority, status of minutes and general accounts under the public records law, who can be in closed sessions and more...

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Contact Information and Evaluations




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Please complete our evaluation:
https://unc.az1.qualtrics.com/SE/?SID=SV_7ah1HjXPmLHo5W5

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