

City and County Clerks What They Do and How They Do It

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You see, municipal [and county] clerks are leaders, often unrecognized, unpraised, and underpaid. Please know that all you do has great value, helps determine the quality of local government in the present, affects the direction of the future, and keeps a record of the past.¹

The position of clerk is one of the oldest in local government, dating at least to biblical times. For example, the book of Acts in the Christian New Testament records that when a conflict arose between the people of Ephesus and the missionary Paul and his companions, the town clerk quieted the crowd and prevented a riot.²

The term “clerk” has long been associated with the written word. Indeed, an archaic definition of a clerk is a person who can read, or read and write, or a learned person, scholar, or person of letters. “Clerk” can also mean cleric or clergyman; during the Middle Ages, the clergy were among the few literate people in many European communities.

Those who can read and write can keep records for their fellow citizens; so it is that modern-day clerks are official record keepers for their cities and counties. Each city and county in North Carolina must have a clerk for its governing board,³ and the most important local government records maintained by the clerk, such as minutes of governing board meetings, must be kept permanently for the use of future generations.⁴

Some cities and counties also have deputy or assistant clerks. City councils are specifically authorized by statute to provide for such a deputy, who may perform any of the powers and duties of the clerk that the council specifies.⁵ Boards of county commissioners may create the position of deputy or assistant clerk to the board of commissioners, relying on their general authority to create offices and positions of county government.⁶

Local government clerks and their deputies have a variety of duties in addition to creating and maintaining records. This article discusses the diverse responsibilities

of clerks.⁷ It also offers information about the specific legal requirements that clerks must follow as custodians of municipal and county records.⁸

Appointment

The appointment procedures for municipal and county clerks are somewhat different. In each case, however, the clerk works directly with the local governing board.

The municipal clerk generally works directly for the city council, keeping the city’s records, giving notices of meetings, and performing various other functions as the council requires. In mayor-council cities, the clerk is almost always appointed by the council. In council-manager cities, situations vary. The charters of some of these cities provide for appointment by the council. The charters of other council-manager cities have been revised in recent years to specify appointment by the manager.

In the absence of a charter provision in a council-manager city, the manager will probably appoint the clerk, although the clerk will still perform duties for the council. Section 160A-148(1) of the North Carolina General Statutes (G.S.) specifies that the manager is to appoint and to suspend or remove, in accordance with any council-adopted general personnel rules, regulations, policies, or ordinances, all nonelected city officers and employees “whose appointment or removal is not otherwise provided for by law, except the city attorney.” G.S. 160A-171 states, “There shall be a city clerk,” but it does not specify how the clerk is to be appointed, so the provision for appointment by the manager probably applies. However, both G.S. 160A-171 and G.S. 160A-172, which deals with deputy clerks, state that these officials are to perform duties required (G.S. 160A-171) or specified (G.S. 160A-172) by the *council*.

The board of county commissioners must appoint or designate a clerk to the board, who serves as such at the board’s pleasure. The clerk performs any duties required by law or the board.⁹ Although any county officer or employee may be designated as clerk,¹⁰ most counties have created a separate position with these responsibilities.

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Record Keeping and Notice Giving

Minutes

One of the clerk's most important statutory duties is to prepare the minutes of governing board meetings and maintain them in a set of minute books.¹¹ The powers of a city or a county are exercised by the city council or the board of county commissioners, and the minutes of the governing board's meetings are the official record of what it does.

The minutes prepared by the clerk must be "full and accurate,"¹² for they are the legal evidence of what the governing board has said and done. The board "speaks" only through its minutes, and their contents may not be altered nor their meaning explained by other evidence.¹³

"Full and accurate" does not generally mean, however, that the clerk must make a verbatim transcript of a meeting's proceedings. Rather, the minutes must record the results of each vote taken by the governing board,¹⁴ and they should also show the existence of any condition that is required before a particular action may validly be taken.¹⁵ The clerk should record the full text of each motion, including the full text of all ordinances and resolutions passed by the board. This permanent, unchanging record of board actions can be extremely important in later years to supplement and back up information sources that are frequently revised, such as ordinance books and codes of ordinances.

The clerk must attend to other important details in preparing the minutes. The minutes should state that the meeting was legally convened and show that a quorum was present at all times during the meeting. They should note the late arrival and the early departure of members (including whether someone leaving was excused by the remaining members). They must also include a list of the members who voted each way on a particular question (the "ayes and noes") if any member so requests.¹⁶

The minutes should show as well that any other legally required conditions for taking action were met—for example, that a properly advertised public hearing on a proposed rezoning was held or that an ordinance received a sufficient number of votes to be adopted finally on first reading. As another example, if the board awards a formally bid contract, the minutes must include a list of the bids received.¹⁷

Minutes of Closed Sessions

The law permits public bodies to hold closed sessions for certain specified purposes.¹⁸ Like other minutes, the minutes of these sessions must be "full and accurate,"¹⁹ re-

ording any actions taken and the existence of the conditions needed to take particular actions. If the clerk does not attend the closed session, he or she should designate someone who does attend to record any actions that may be taken.

If a public body takes no action in a closed session,²⁰ the minutes need show only that the closed session took place. The clerk should record in the governing board's public minutes the motion to go into the closed session, including the information required by the open meetings law,²¹ and the fact that the board came out of the session. In such a case, the closed-session minutes need indicate only that "discussion" took place.²²

A city council or a board of county commissioners may seal the minutes of a closed session for as long as necessary to avoid frustrating the purpose of the session.²³ A recorded vote to seal the minutes is advisable. Many clerks maintain sealed closed-session minutes in a separate minutes book.

A Circumstance Requiring a Verbatim Transcript

As noted earlier, the clerk generally does not need to include in the minutes a verbatim transcript or even a summary of the discussion that took place at a governing board meeting. Indeed, including a detailed record of comments may well be counterproductive; the board may find itself spending an excessive amount of time at its next meeting discussing the details of this record.

A verbatim transcript of council proceedings may be required in one limited circumstance, however. When the governing board is sitting as a quasi-judicial body—for example, when it is considering issuance of a special-use permit under a zoning ordinance—it must act somewhat like a court, and the clerk must prepare a full transcript of the proceedings if one of the parties appearing before the board so requests.

Audio or Video Recordings

The law does not require the clerk to make an audio or video recording of city or county governing board meetings. (Persons attending the meeting may make their own recordings if they desire.) If the clerk or another local government official does make a tape, she or he may dispose of it after the minutes of that meeting are approved. Should the city or county attorney or the governing board wish the clerk to retain meeting tapes for a longer period, the board should establish a clear, uniform policy for the clerk's guidance. The city's or county's tape of a meeting is a public record available for public inspection and copying, just like the minutes.

Approval of the Minutes

The clerk generally sends draft copies of governing board minutes, except minutes of closed sessions, to the board members several days before the meeting at which the board will consider the minutes for approval. The circulated draft minutes are a public record that must also be made available for public inspection.

Governing board members should carefully review the minutes and bring their suggested changes and corrections to the meeting for consideration by the full board. Although the clerk prepares the draft minutes for the governing board, the board itself, acting as a body, must finally determine what the minutes will include. The minutes do not become the official record of the board's actions until it approves them.

A governing board may handle approval of closed-session minutes in one of several ways, depending on the situation and the preferences of the clerk and the board:

1. If the minutes show only that the board held a closed session and that discussion occurred (again, this is all that is required unless the board took an action in the closed session), the board may approve the minutes in an open session.
2. If the board took an action in the closed session, the minutes of that action will probably be fairly short. An easy way to handle their approval is to prepare them on the spot and have the board vote to approve them before the closed session ends.
3. The board might also approve the minutes in a later closed session. In this case, the motion to go into the closed session should state as one of the session's purposes, "to prevent the disclosure of information that is made privileged or confidential by G.S. 143-318.10(e)."²⁴
4. Finally, the board might approve in an open session the minutes of a closed session in which it took an action. However, this might pose a risk of disclosure of the minutes' contents, especially if a board member wants to amend them.

The governing board may correct minutes that it has already approved if it later finds that they are incorrect.²⁵ In such a case, the clerk should note the correction in the minutes of the meeting at which the correction is made, with an appropriate notation and cross-reference at the place in the minutes book where the provision being corrected appears.

Meetings of Other Public Bodies

The open meetings law requires that "full and accurate" minutes also be kept of the meetings of other "public bodies" that are part of municipal or county government. Included are all boards, committees, and other bodies of the city or the county that perform legislative, policy-making, quasi-judicial, administrative, or advisory functions. The governing board, generally with the clerk's help, should establish procedures to ensure that the minutes of all public bodies under its direction are properly recorded and maintained. The minutes of these various public bodies may be kept either in written form or, at the option of the public body, in the form of sound or video-and-sound recordings.²⁶

Ordinance Book

Among the other records of governing board actions maintained by the clerk is the ordinance book. The clerk must file each city or county ordinance in an appropriately indexed ordinance book, with the exception of certain kinds of ordinances discussed in the next paragraph. This book, separate from the minutes book, is maintained for public inspection in the clerk's office. If the city or the county has adopted and issued a code of ordinances, it must index its ordinances and keep them in an ordinance book only until it codifies them.

The law pertaining to counties provides that the ordinance book need not include transitory ordinances and certain technical regulations adopted in ordinances by reference, although the law does require a cross-reference to the minutes book (at least for transitory ordinances).²⁷ The same rules may apply to cities; the municipal statutes are not as clear as the county statutes on this matter.²⁸ If the governing board does adopt technical regulations in an ordinance by reference, the clerk must maintain an official copy of the adopted items in his or her office for public inspection.²⁹

Code of Ordinances

Every city with a population of 5,000 or more must adopt and issue a bound or loose-leaf code of its ordinances. Also, it must update the code at least annually unless there have been no changes. It may reproduce the code by any method that gives legible and permanent copies. Counties and smaller cities may adopt and issue such a code if they choose to do so.³⁰ A private code-publishing company or the local government's at-

torney may prepare the code in consultation with the clerk.

A city or a county may include separate sections in a code for general ordinances and for technical ordinances, or they may issue the latter as separate books or pamphlets. Examples of technical ordinances are those pertaining to building construction; installation of plumbing, electric wiring, or cooling and heating equipment; zoning; subdivision control; privilege license taxes; the use of public utilities, buildings, or facilities operated by the city or the county; and similar ordinances designated as technical by the governing board.

The governing board may omit from the code classes of ordinances that it designates as having limited interest or transitory value (for example, the annual budget ordinance), but the code should clearly describe the classes of ordinances that have been left out. The board may also provide that certain ordinances pertaining to zoning district boundaries and, for cities, traffic regulations, be maintained on official map books in the clerk's office or in some other local government office generally accessible to the public. City traffic ordinances and city ordinances establishing rates and fees may be codified by entry on official lists or schedules maintained in the clerk's office.

One reason that clerks maintain ordinance books and codes is to make the city's or county's laws readily accessible to its citizens. Accordingly ordinances may not be enforced or admitted into evidence in court unless they are properly filed and indexed or codified. The law presumes, however, that a city or a county has followed the proper procedure unless someone proves to the contrary.³¹

Other Records

The city clerk is the custodian of all city records,³² not just those previously described. This means that the clerk is in overall charge of municipal record-keeping, even if some records are maintained and used primarily in other city offices where the person in charge of the particular office is their immediate custodian.³³ Financial, personnel, and tax records, for example, may be kept in other city departments, but legally they are also the city clerk's responsibility.

The clerk to the board of county commissioners and the board itself are also generally the custodians of many county records besides minutes and ordinances. Board resolutions, contracts, governing board correspondence, signed oaths of office, copies of legal and other notices, and a variety of miscellaneous documents (for example, commissioners' travel records and applications from citizens to be appointed to various county boards) are all to be

maintained in the county clerk's office or under the clerk's guidance.

The records custodian, whether the clerk or another official, has primary responsibility for ensuring that local government records are kept safely, are accessible for use by the public and city or county officials (except as restricted by law), and are disposed of in accordance with the appropriate schedule of records retention and disposition promulgated by the North Carolina Department of Cultural Resources, Division of Archives and History.³⁴ For general rules on this subject, see "Local Government Records: Maintenance and Access," pp. 25–27.

Notices

The clerk is usually responsible for giving notice of governing board meetings and for giving a variety of other public notices. (City clerks are required by statute to give notice of council meetings.) Clerks give notice of the regular meetings of all public bodies that are part of city or county government through regular meeting schedules, which the city or county clerk's office must by law keep on file.³⁵ The clerk often handles the posting and the distribution of special meeting notices as well, and frequently oversees the legal advertisements required for public hearings, bid solicitations, bond orders, and other matters.

Other Statutory Duties

Clerks have specific statutory responsibilities besides those related to record keeping and notice giving. For example, the clerk is one of the few local government officials who may administer oaths of office.³⁶ (The clerk should also take such an oath.)

City clerks are responsible as well for enforcing within the municipal limits the state's law regulating all going-out-of-business and distress sales.³⁷ This task can be very difficult. The clerk must deal with the false advertising claims of merchants who are not really going out of business, and he or she must ensure that unhappy failing merchants comply with what they may well regard as intrusive state requirements.

General Assistance to the Governing Board

Research and General Assistance

As well as the responsibilities previously outlined, clerks must perform other duties "that may be required by law or the [governing board]."³⁸ The board as a whole

Local Government Records: Maintenance and Access

City and county clerks and other local government records custodians maintain a wide variety of public records. Some of the preservation and access requirements for these records are set out in the main body of the public records law, North Carolina General Statutes (G.S.) Chapter 132.

G.S. 132-1 defines “public record” very broadly as “all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.” The last phrase includes “every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.”

The phrase “made or received pursuant to law or ordinance in connection with the transaction of public business” should also be given a broad interpretation. It appears to mean that public records include not only records that are required by law to be made or received but also records that are simply kept in a public office by public officials in carrying out lawful duties. Thus practically all documentary material in local government offices is covered by the public records law and its requirements for preservation of and access to records. These two topics are considered in turn.

Safekeeping, Retention, and Disposition

The public official in charge of an office having public records is ordinarily the custodian of those records (G.S. 132-2), although more specific rules may apply in certain cases. For example, as explained in the main article, the city clerk is the custodian of *all* city records, regardless of where they are housed or who their immediate custodian might be (G.S. 160A-171). The records custodian, whether the clerk or another public official, is responsible for following the general safekeeping requirements of G.S. 132-7: “Insofar as possible, custodians of public records shall keep them in fireproof safes, vaults, or rooms fitted with noncombustible materials and in such arrangement as to be easily accessible for convenient use. All public records

should be kept in the buildings in which they are ordinarily used.” The clerk or other custodian is responsible for supervising the use of records and ensuring that they are not lost or damaged.

These custodial responsibilities should be carried out under the direction and with the approval of the governing board, which is ultimately responsible for the city’s or county’s records. It is often helpful for the board to adopt standard procedures concerning matters such as the time and the manner of access to records and the procedures for copying them. As discussed later, such rules should be designed only to safeguard the records and to minimize the disruption of public offices. They should not unduly restrict public use and copying of records, except in specific instances when restrictions on access are allowed.

City or county records may be disposed of only in accordance with schedules for records retention and disposition, published separately for cities and for counties by the North Carolina Department of Cultural Resources, the state agency with overall responsibility for public records (see Additional Resources). The schedules set out the minimum amounts of time that various records must be kept. Records that must be retained permanently are kept in the city or the county or sent to the state archives in Raleigh. Other records may be destroyed with the governing board’s permission according to the timetables in the schedules, once the board has agreed with the Department of Cultural Resources that it will follow the appropriate schedules.

By agreeing to the schedules, local governments receive blanket permission to dispose of their records at the specified times, rather than having to seek the department’s permission whenever they want to throw anything away. The department sometimes approves variations from the schedules at the request of a particular city or county.

The clerk should record in the minutes a governing board’s vote to permit the destruction of specific records in accordance with the schedules and should keep a permanent list of the records destroyed in the minutes or elsewhere. Preservation and destruction are the only legal options available for public records. They may not be given to private individuals, local historical societies, or other groups that request them.

On request, the Department of Cultural Resources’ Division of Archives and History will microfilm the city and county records that must be kept permanently—most

notably, the minutes of governing board meetings—at no charge. The division stores a security copy of the microfilm so that it can replace the local records if they are ever damaged or destroyed. Many city and county clerks regularly send copies of governing board minutes to Raleigh for this security microfilming.

Access for Inspection and Copying

Most of the records of cities and counties, whether maintained in the clerk's office or elsewhere, must be made available for public inspection. However, some records are exempt from inspection because of a specific statute. Examples of statutory exemptions are those for most municipal and county personnel records (G.S. 160A-168 and 153A-98, respectively), those for certain attorney-client records (G.S. 132-1.1), those for certain law enforcement records (G.S. 132-1.4), and those for specified records concerning industrial development (G.S. 132-6 and -9).

Unless a record is exempt from disclosure, it must be made available for inspection and examination "at reasonable times and under reasonable supervision by any person" [G.S. 132-6(a)], not just by local residents or those with a special interest in the record. The use that a person plans to make of city or county records is irrelevant to his or her right of inspection [G.S. 132-6(b)], with two exceptions: (1) a person obtaining geographic information systems records may be required to agree in writing not to resell or otherwise use them for trade or commercial purposes (G.S. 132-10), and (2) specified lists of recipients of public assistance may not be used for commercial or political purposes [G.S. 108A-80(b) and (c)].

Making public records available for inspection is an important legal duty of custodians of records. Generally no fee should be charged for the right of inspection.

Adequate space for inspection should be provided, and inspection should generally be allowed during most hours for which the office is open. The originals of the public records must usually be made available.¹

The right of access is a right to make reasonable requests to inspect the particular records maintained by the clerk or another records custodian. The person requesting the records may not require creation or compilation of a record that does not exist [G.S. 132-6.2(e)]. Thus the custodian is not required to sort or tabulate individual paper or computer files to place them in an order more usable by the person requesting them. Nor is he or she required to make a transcript of a tape recording just because the person requesting the tape would like to have its information in written form. If the custodian voluntarily elects to create or compile a record as a service to a person requesting

it, she or he may negotiate a reasonable charge for doing so [G.S. 132-6.2(e)].

Clerks and other records custodians are required to make copies of records when requested, as well as to make the records available for inspection. Copies must generally be furnished "as promptly as possible" [G.S. 132-6(a)].² If the records requested contain confidential as well as public information, the custodian must separate the two [G.S. 132-6(c)]. The person requesting copies may elect to obtain them in any medium (for example, computer disk or paper copy) in which the local government is capable of providing them [G.S. 132-6.2(a)].

Fees for copies of public records usually may not exceed the actual cost to the city or the county of making the copy. In general, personnel and other costs that the unit would have incurred had the copying request not been made may not be recovered [G.S. 132-6.2(b)], although there are exceptions for certain requests that involve extra work.³ Fee schedules should be uniform and established in advance.

As noted earlier, reasonable regulations to protect the records and to minimize disruption of public offices are permissible as long as the rights of access, inspection, and copying are not unduly limited. For example, local governments need not respond to requests for copies of records outside their usual business hours [G.S. 132-6.2(d)]. Like fee schedules, such regulations should be established in advance by the local governing board, or in appropriate cases by the clerk or another records custodian, perhaps pursuant to policies established by the board. Persons desiring access to the local government's records should be informed of the rules. Ad hoc rule making should be avoided to prevent arbitrary and unreasonable limitations on the rights of access, inspection, and copying.

The law establishes special rules for electronic data-processing records. These include requirements for indexing computer databases [G.S. 132-6.1(b)] and for purchasing data-processing systems that do not impair or impede the accessibility of public records [G.S. 132-6.1(a)], and provisions governing the way in which copies of computer databases are to be supplied [G.S. 132-6.2(c)].

Any person who is denied access to public records for purposes of inspection and examination, or who is denied copies of public records, may seek a court order compelling disclosure or copying [G.S. 132-9(a)]. If the records have been withheld without substantial justification, the city or the county may in some cases be required to pay the person's attorneys' fees [G.S. 132-9(c)]. On the other hand, an attorney's fee may be assessed against the person bringing the action if the court determines that the legal action was frivolous or was brought in bad faith [G.S. 132-9(d)].

Additional Resources

Lawrence, David M. *Interpreting North Carolina's Public Records Law*. Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1987 (2d ed. forthcoming 1997).

North Carolina Department of Cultural Resources, Division of Archives and History. *Municipal Records Retention and Disposition Schedule*. Raleigh, N.C.: the Division, June 1984.

North Carolina Department of Cultural Resources, Division of Archives and History. *Records Disposition Schedule*. Raleigh, N.C.: the Division, July 1982, May 1991. This series of schedules, which also deals with records retention, applies to various county departments.

Notes

1. Inspection or copying of records that, because of age or condition, could be damaged during inspection or copying may be subjected to reasonable restrictions intended to preserve the records. G.S. 132-6(f).

2. In the case of computer databases, the law provides that (1) persons may be required to make or submit requests for copies in writing and (2) the records custodian is to respond to all such requests "as promptly as possible." If the request is granted, the copies are to be provided "as soon as reasonably possible." G.S. 132-6.2(c). It is unclear whether the latter phrase means something different from "as promptly as possible."

3. See G.S. 132-6.2(b) and -6(c). The latter statute establishes a timetable for cities and counties to assume the cost of separating confidential from nonconfidential information.

or individual board members frequently call on the clerk to find answers to questions. They may ask the clerk to learn how others have solved a particular problem, to find sample ordinances for the unit's attorney, or to search the minutes for information about the actions of a previous board. Individual members also look to the clerk for help in arranging official appointments and making official travel plans.

Acting as a researcher and an information provider is both a rewarding and a difficult part of the clerk's responsibilities. Governing board members can help the clerk serve them more effectively by remembering the limits of the clerk's role. For example, a professional clerk generally does research and provides information for the benefit of the entire board. A board member's seeking assistance from the clerk to win a squabble with another board member is inappropriate. Also, although clerks expect to make travel arrangements and perform other official tasks for individual board members, the members should expect to share the clerk's time and energy.

Agendas and Preparations for Meetings

One of the most important services that the clerk provides to the governing board is assistance with preparations for meetings. The clerk is often involved in preparing the tentative agenda for board meetings and in compiling background information for the board's agenda packet. He or she may also arrange for taping of meetings and may set up other audiovisual equipment and the meeting room.

Clear procedures for handling these matters can serve both the board members and the clerk. The governing board should establish and enforce a realistic schedule for placing items on the agenda that allows adequate time to compile and duplicate background materials, and it should clearly state any preferences concerning the order of items on the agenda. It should support the clerk in complying with public and press requests for information about upcoming meetings and for access to tapes and other records of prior meetings. (See "Local Government Records: Maintenance and Access," pp. 25-27.)

Information Source

The clerk is sometimes described as "the hub of the wheel" in local government because of the central role that she or he plays in the governmental communication network.³⁹ Clerks provide information daily to governing board members, local government employees, citizens,

and the press. Two North Carolina clerks made the following comments about their position:

Your description of a clerk as the hub of the wheel is much the way I think of my position here. The clerk is the hub and serves as one of the major sources of information on board actions. I communicate daily with the commissioners, the county manager, and the county attorney. I interact frequently with the planning director, other department heads, other government employees, and the press. The clerk also serves as a link between citizens and government. One of my primary functions is to provide information.

—A clerk to a board of county commissioners⁴⁰

Basically my office is an information office. I am in the center of things because as clerk I am usually more accessible than the mayor, council members, and other city officials. I have immediate access to information because I am on the front line in the city council meetings. I communicate daily with the mayor, the city manager, and various department heads, depending on what is going on. My office has quite a bit of contact with the newspapers, and we get anywhere from fifteen to twenty calls a day from the general public.

—A clerk in a medium-size city⁴¹

Dealing with such a wide variety of information requests requires tact, judgment, empathy, organizational skills, energy, and a good sense of humor. Although the clerk works *for the governing board*, he or she truly provides *public* service, from helping the press understand the meaning of a complicated motion, to assisting a citizen in finding the correct person to help with a complaint, to keeping department heads advised of board actions and keeping board members informed of administration proposals. As local government becomes larger and more complicated, the clerk's role as a professional, dispassionate provider of information to citizens, government officials, and the media becomes more and more important.

Combination of the Clerk's Position with Other Jobs

Many municipal and county clerks perform still other tasks. City clerks are often tax collectors or finance officers for their local governments. Some also serve as purchasing agents, personnel directors, or managers. County clerks are occasionally assistant managers or assistants to the manager. Some may combine the duties of clerk with those of manager, finance officer, or another county official.⁴² In North Carolina's smallest cities, the clerk may be the only administrative official and have to function in every role, from substitute operator of the waste treatment plant to zoning administrator.

Wearing many hats can be both stressful and invigorating for a clerk. Giving clerks appropriate authority

can help them perform well the varied duties of their office or combine their position effectively with other roles. Adequate financial rewards are also important. Historically and currently, the salary for the clerk's position often has not been commensurate with the broad responsibilities involved.

Professionalism and Continuing Education

Municipal and county clerks have two of the most active professional associations of public officials in North Carolina. The North Carolina Association of Municipal Clerks and the North Carolina Association of County Clerks to the Boards of County Commissioners are dedicated to improving the professional competency of clerks through regular regional and statewide educational opportunities and through a nationally recognized certification program. To quote from a brochure published by the county organization, such professional associations provide clerks with "opportunities to exchange ideas and techniques relating to their jobs," making them "better able to create and improve efficiency in their individual offices."⁴³ Both associations operate mentor programs to provide guidance for new clerks, and the municipal association gives clerks a chance to work with other municipal officials through permanent representation on the Board of Directors of the North Carolina League of Municipalities. Both organizations also publish reference guides to assist clerks in their day-to-day work, and both have home pages on the World Wide Web, where clerks can exchange ideas and information.⁴⁴

Notes

1. Corinne Webb Geer, CMC, a former clerk and a past president of the North Carolina Association of Municipal Clerks, letter to the municipal clerks of North Carolina, Dec. 1995.

2. Acts 19: 23–41.

3. See N.C. Gen. Stat. (hereinafter G.S.) §§ 160A-171 and 153A-111, respectively.

4. North Carolina Department of Cultural Resources, Division of Archives and History, *Municipal Records Retention and Disposition Schedule* (Raleigh, N.C.: the Division, June 1984); and North Carolina Department of Cultural Resources, Division of Archives and History, *Records Disposition Schedule* (Raleigh, N.C.: the Division, May 1991) (applicable to county administrative, financial, legal, and personnel offices).

5. G.S. 160A-172.

6. G.S. 153A-76.

7. The article is based on "The City Clerk and City Records," in *Municipal Government in North Carolina*, 2d ed., ed. David M. Lawrence and Warren Jake Wicker (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1996), 105–18; and "The Clerk to the Board and County Records," in materials published for the School for

County Commissioners, 1994 (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1994), 3-33 to 3-38; both by A. Fleming Bell, II.

8. Additional information about city and county clerks may be found in an earlier *Popular Government* article, "The Hub of the Wheel," by Carolyn Lloyd (Spring 1990), 36-43, which is based on interviews with several clerks.

9. G.S. 153A-111.

10. G.S. 153A-111.

11. See G.S. 160A-171 (requiring the city clerk to "keep a journal of the proceedings of the council"); G.S. 160A-72 (requiring that "full and accurate minutes of the council proceedings" be kept); G.S. 153A-42 (requiring the clerk to a board of commissioners "to keep full and accurate minutes of the proceedings of the board of commissioners"); and G.S. 143-318.10(e) (part of the open meetings law, requiring public bodies to keep full and accurate minutes of their official meetings but allowing the sealing of minutes of closed sessions in certain instances).

12. G.S. 160A-72, 153A-42, and 143-318.10(e).

13. See *Norfolk S. R.R. v. Reid*, 187 N.C. 320, 326, 121 S.E. 534, 537 (1924) (minutes of county commissioners).

14. See, e.g., G.S. 160A-72.

15. For a discussion of the meaning of "full and accurate minutes," see *Maready v. City of Winston-Salem*, 342 N.C. 708, 732-34, 467 S.E.2d 615, 630-31 (1996).

16. G.S. 160A-72 and 153A-42.

17. G.S. 143-129(b).

18. G.S. 143-318.11(a).

19. G.S. 143-318.10(e).

20. The law allows boards to take only a few types of action in a closed session. One must examine the specific statutory provision authorizing the particular closed session to determine whether an action is allowed. See G.S. 143-318.11(a). Closed sessions and permitted actions are discussed in detail in David M. Lawrence, *Open Meetings and Local Governments in North Carolina: Some Questions and Answers*, 4th ed. (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1994), 17-27.

21. G.S. 143-318.11(c).

22. *Maready v. City of Winston-Salem*, 342 N.C. 708, 732-34, 467 S.E.2d 615, 630-31 (1996).

23. G.S. 143-318.10(e).

24. Under G.S. 143-318.11(a)(1), a closed session may be held to prevent the disclosure of information that is privileged or confidential pursuant to North Carolina law. However, G.S. 143-318.11(c) requires that a motion to close a meeting based on this provision state the name or cite the location of the law that renders the information to be discussed privileged or confidential. In the case of closed-session minutes, this statute is G.S. 143-318.10(e), which allows them to be withheld from public inspection as long as public inspection would frustrate the purpose of the closed session.

25. *Norfolk S. R.R. v. Reid*, 187 N.C. 320, 326-27, 121 S.E. 534, 537-38 (1924).

26. G.S. 143-318.10(e).

27. See G.S. 153A-47 and -48.

28. See G.S. 160A-76(b) and -78.

29. G.S. 160A-76(b) and 153A-47.

30. The rules governing ordinance books and codes are found in G.S. 160A-76 through -78 (cities) and G.S. 153A-46 through -49 (counties).

31. G.S. 160A-79(d) and 153A-50.

32. G.S. 160A-171.

33. See G.S. 132-2, which provides that the person in charge of an office having public records is the custodian of those records.

34. See publications cited in note 4.

35. G.S. 143-318.12(a).

36. G.S. 11-7.1(a)(7).

37. G.S. 66-77(a).

38. G.S. 160A-171 and 153A-111.

39. Lloyd, "The Hub," 36-43.

40. Lloyd, "The Hub," 38.

41. Lloyd, "The Hub," 38.

42. A. Fleming Bell, II, "Facts about North Carolina's Clerks," *Popular Government* 55 (Spring 1990): 43. This article includes information about the percentages of clerks performing various other duties.

43. North Carolina Association of County Clerks to the Boards of County Commissioners, Brochure for 1994 Clerks' Conference, Winston-Salem, N.C., March 24-26, 1994.

44. The home pages can be reached through Clerk-Net at <http://ncinfo.iog.unc.edu/clerks/>.

