

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE DRH70023-ST-4 (01/29)

Short Title: Notice of Special/Emergency Meetings. (Public)

Sponsors: Representative Cleveland.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE NOTICE OF SPECIAL AND EMERGENCY MEETINGS
UNDER THE OPEN MEETINGS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-318.12 reads as rewritten:

"§ 143-318.12. Public notice of official meetings.

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

- (1) For public bodies that are part of State government, with the Secretary of State;
- (2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;
- (3) For the governing board and each other public body that is part of a city government, with the city clerk;
- (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

- (1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.
- (2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be ~~mailed~~ mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station, ~~which that~~ which that has filed a written request for notice with the clerk or secretary of the public body or with some other person



1 designated by the public body. The public body shall also cause notice to be
2 ~~mailed~~ ~~mailed~~, e-mailed, or delivered to any person, in addition to the
3 representatives of the media listed above, who has filed a written request
4 with the clerk, secretary, or other person designated by the public body. This
5 notice shall be posted and ~~mailed~~ ~~mailed~~, e-mailed, or delivered at least 48
6 hours before the time of the meeting. The notice required to be posted on the
7 principal bulletin board or at the door of its usual meeting room shall be
8 posted on the door or in an area accessible to the public on the building if the
9 building containing the principal bulletin board or usual meeting room is
10 closed to the public during that 48 hours before the time of the meeting. The
11 public body may require each newspaper, wire service, radio station, and
12 television station submitting a written request for notice to renew the request
13 annually. The public body shall charge a fee to persons other than the media,
14 who request notice, of ten dollars (\$10.00) per calendar year, and may
15 require them to renew their requests quarterly. No fee shall be charged for
16 notices sent by e-mail.

17 (3) For an emergency meeting, the public body shall cause notice of the meeting
18 to be given to each local newspaper, local wire service, local radio station,
19 and local television station that has filed a written request, which includes
20 the newspaper's, wire service's, or station's telephone number, for emergency
21 notice with the clerk or secretary of the public body or with some other
22 person designated by the public body. This notice shall be given either by
23 e-mail, by telephone ~~telephone~~, or by the same method used to notify the
24 members of the public body and shall be given immediately after notice has
25 been given to those members. This notice shall be given at the expense of
26 the party notified. ~~An "emergency meeting" is one called because of~~
27 ~~generally unexpected circumstances that require immediate consideration by~~
28 ~~the public body.~~ Only business connected with the emergency may be
29 considered at a meeting to which notice is given pursuant to this paragraph.

30 (c) Repealed by Session Laws 1991, c. 694, s. 6.

31 (d) If a public body has a Web site and has established a schedule of regular meetings,
32 the public body shall post the schedule of regular meetings to the Web site.

33 (e) If a public body has a Web site that a member of the public body or one or more of
34 its employees maintains, the public shall post notice of any meeting held under subdivisions
35 (b)(1) and (b)(2) of this section prior to the scheduled time of that meeting.

36 (f) For purposes of this section, an "emergency meeting" is one called because of
37 generally unexpected circumstances that require immediate consideration by the public body. "

38 **SECTION 2.** This act is effective for open meetings noticed on or after July 1,
39 2009.