



## Legislation Text

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File #: 2016-229, Version: 1

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### **TITLE**

### **RESOLUTION ESTABLISHING POLICY FOR APPROVAL AND OPENING OF CLOSED SESSION MINUTES**

### **SPONSOR**

Robin Keller

### **BACKGROUND**

Traditionally Guilford County made no formal action to seal closed session minutes, creating inconsistencies in timely review and opening of minutes that fell under the purview of N.C.G.S. 143-318.11. At the request of the Clerk and the County Attorney, the Board considered this practice and elected to amend their Rules of Procedures to automatically seal closed session minutes at the conclusion of each closed session meeting. The Board directed staff to review best practices of other governmental agencies as to the management, review and unsealing of closed session records. The Clerk's office, in consultation with the County Attorney's office, has reviewed practices of other jurisdictions and is recommending a policy which would allow for more timely review and approval of closed session minutes by the Board, while retaining confidentiality and authorizing staff to open minutes when deemed appropriate. The goal of the below policy is to allow Board members an opportunity to review completed sealed minutes more timely, while ensuring minutes remain confidential until it is determined that public inspection would not frustrate the purpose of the closed session.

### **RESOLUTION**

#### **Resolution To Establish Policy for Approval and Opening Of Closed Session Minutes and General Accounts**

WHEREAS, the North Carolina Open Meetings Statute, G.S. 143-318.11 allows public bodies to meet in Closed Session for certain purposes; and

WHEREAS, the Statute requires full and accurate minutes and “a general account of Closed Session so that a person not in attendance would have a reasonable understanding of what

transpired,” for all Closed Session meetings, and requires these documents to be made public once it is determined that public inspection would no longer frustrate the purpose of a Closed Session.

NOW, THEREFORE, BE IT RESOLVED, that the Guilford County Board of Commissioners does hereby establish the following policy for approval and opening of Closed Session minutes and general accounts:

- The Board shall approve the Closed Session minutes and general account in Closed Session “to prevent the disclosure of information that is made privileged or confidential by G.S. §143-318.10 (e).” Upon approval of Closed Session minutes and general account, said minutes and general account are deemed to be sealed until otherwise opened pursuant to the terms of this Resolution.
- The Board delegates to the County Attorney and the Clerk to the Board the responsibility to periodically review the Closed Session minutes and general accounts and to open the Closed Session minutes and general accounts for which the purpose of the Closed Session would no longer be frustrated by keeping them closed.
- The Board authorizes the County Attorney to sign and date the action to open any Closed Session minutes or general account; and to sign and date the action upon determination that any Closed Session minutes or general accounts should remain permanently sealed.
- The Board authorizes the Clerk to insert the opened Closed Session minutes and general accounts into a separate “Opened Closed Session Minutes and General Accounts Book.” The Closed Session minutes and general accounts that the County Attorney determines should remain permanently sealed shall be kept in a separate “Sealed Closed Session Minutes and General Accounts Book.”

Adopted this the 4th day of August, 2016.

### **REQUESTED ACTION**

Approve resolution establishing policy for the approval and opening of Closed Session Minutes and General Accounts.