

Article 33C.  
Meetings of Public Bodies.

**§ 143-318.9. Public policy.**

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

**§ 143-318.10. All official meetings of public bodies open to the public.**

(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8.)

**§ 143-318.11. Closed sessions.**

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

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- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

1 (b) Repealed by Session Laws 1991, c. 694, s. 4.

2 (c) Calling a Closed Session. – A public body may hold a closed session only upon a  
3 motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite  
4 one or more of the permissible purposes listed in subsection (a) of this section. A motion based  
5 on subdivision (a)(1) of this section shall also state the name or citation of the law that renders  
6 the information to be discussed privileged or confidential. A motion based on subdivision (a)(3)  
7 of this section shall identify the parties in each existing lawsuit concerning which the public  
8 body expects to receive advice during the closed session.

9 (d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1;  
10 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess.,  
11 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180,  
12 s. 2.)  
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14 **§ 143-318.12. Public notice of official meetings.**

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

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

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

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

- 34 (1) If a public body recesses a regular, special, or emergency meeting held  
35 pursuant to public notice given in compliance with this subsection, and the  
36 time and place at which the meeting is to be continued is announced in open  
37 session, no further notice shall be required.
- 38 (2) For any other meeting, except an emergency meeting, the public body shall  
39 cause written notice of the meeting stating its purpose (i) to be posted on the  
40 principal bulletin board of the public body or, if the public body has no such  
41 bulletin board, at the door of its usual meeting room, and (ii) to be mailed,  
42 e-mailed, or delivered to each newspaper, wire service, radio station, and  
43 television station that has filed a written request for notice with the clerk or  
44 secretary of the public body or with some other person designated by the  
45 public body. The public body shall also cause notice to be mailed, e-mailed,  
46 or delivered to any person, in addition to the representatives of the media  
47 listed above, who has filed a written request with the clerk, secretary, or  
48 other person designated by the public body. This notice shall be posted and  
49 mailed, e-mailed, or delivered at least 48 hours before the time of the  
50 meeting. The notice required to be posted on the principal bulletin board or  
51 at the door of its usual meeting room shall be posted on the door of the

1 building or on the building in an area accessible to the public if the building  
2 containing the principal bulletin board or usual meeting room is closed to the  
3 public continuously for 48 hours before the time of the meeting. The public  
4 body may require each newspaper, wire service, radio station, and television  
5 station submitting a written request for notice to renew the request annually.  
6 The public body shall charge a fee to persons other than the media, who  
7 request notice, of ten dollars (\$10.00) per calendar year, and may require  
8 them to renew their requests quarterly. No fee shall be charged for notices  
9 sent by e-mail.

10 (3) For an emergency meeting, the public body shall cause notice of the meeting  
11 to be given to each local newspaper, local wire service, local radio station,  
12 and local television station that has filed a written request, which includes  
13 the newspaper's, wire service's, or station's telephone number, for emergency  
14 notice with the clerk or secretary of the public body or with some other  
15 person designated by the public body. This notice shall be given either by  
16 e-mail, by telephone, or by the same method used to notify the members of  
17 the public body and shall be given immediately after notice has been given  
18 to those members. This notice shall be given at the expense of the party  
19 notified. Only business connected with the emergency may be considered at  
20 a meeting to which notice is given pursuant to this paragraph.

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

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

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

27 (f) For purposes of this section, an "emergency meeting" is one called because of  
28 generally unexpected circumstances that require immediate consideration by the public body.  
29 (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1.)  
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31 **§ 143-318.13. Electronic meetings; written ballots; acting by reference.**

32 (a) Electronic Meetings. – If a public body holds an official meeting by use of  
33 conference telephone or other electronic means, it shall provide a location and means whereby  
34 members of the public may listen to the meeting and the notice of the meeting required by this  
35 Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged  
36 each such listener to defray in part the cost of providing the necessary location and equipment.

37 (b) Written Ballots. – Except as provided in this subsection or by joint resolution of the  
38 General Assembly, a public body may not vote by secret or written ballot. If a public body  
39 decides to vote by written ballot, each member of the body so voting shall sign his or her ballot;  
40 and the minutes of the public body shall show the vote of each member voting. The ballots  
41 shall be available for public inspection in the office of the clerk or secretary to the public body  
42 immediately following the meeting at which the vote took place and until the minutes of that  
43 meeting are approved, at which time the ballots may be destroyed.

44 (c) Acting by Reference. – The members of a public body shall not deliberate, vote, or  
45 otherwise take action upon any matter by reference to a letter, number or other designation, or  
46 other secret device or method, with the intention of making it impossible for persons attending  
47 a meeting of the public body to understand what is being deliberated, voted, or acted upon.  
48 However, this subsection does not prohibit a public body from deliberating, voting, or  
49 otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded  
50 to enable the public to understand what is being deliberated, voted, or acted upon, are available  
51 for public inspection at the meeting. (1979, c. 655, s. 1.)

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2 **§ 143-318.14. Broadcasting or recording meetings.**

3 (a) Except as herein below provided, any radio or television station is entitled to  
4 broadcast all or any part of a meeting required to be open. Any person may photograph, film,  
5 tape-record, or otherwise reproduce any part of a meeting required to be open.

6 (b) A public body may regulate the placement and use of equipment necessary for  
7 broadcasting, photographing, filming, or recording a meeting, so as to prevent undue  
8 interference with the meeting. However, the public body must allow such equipment to be  
9 placed within the meeting room in such a way as to permit its intended use, and the ordinary  
10 use of such equipment shall not be declared to constitute undue interference; provided,  
11 however, that if the public body, in good faith, should determine that the size of the meeting  
12 room is such that all the members of the public body, members of the public present, and the  
13 equipment and personnel necessary for broadcasting, photographing, filming, and  
14 tape-recording the meeting cannot be accommodated in the meeting room without unduly  
15 interfering with the meeting and an adequate alternative meeting room is not readily available,  
16 then the public body, acting in good faith and consistent with the purposes of this Article, may  
17 require the pooling of such equipment and the personnel operating it; and provided further, if  
18 the news media, in order to facilitate news coverage, request an alternate site for the meeting,  
19 and the public body grants the request, then the news media making such request shall pay any  
20 costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)  
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22 **§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

23 (a) Except as provided in subsection (e) below, all official meetings of commissions,  
24 committees, and standing subcommittees of the General Assembly (including, without  
25 limitation, joint committees and study committees), shall be held in open session. For the  
26 purpose of this section, the following also shall be considered to be "commissions, committees,  
27 and standing subcommittees of the General Assembly":

- 28 (1) The Legislative Research Commission;
- 29 (2) The Legislative Services Commission;
- 30 (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and  
31 applicable to the budget for the 2007-2009 biennium and each subsequent  
32 biennium thereafter.
- 33 (4) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- 34 (5) The Joint Legislative Commission on Governmental Operations;
- 35 (6) The Joint Legislative Commission [Committee] on Local Government;
- 36 (7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
- 37 (8) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- 38 (9) The Environmental Review Commission;
- 39 (10) The Joint Legislative Transportation Oversight Committee;
- 40 (11) The Joint Legislative Education Oversight Committee;
- 41 (12) Repealed by Session Laws 2011-266, s. 1.28(b), effective July 1, 2011 and  
42 Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- 43 (13) The Commission on Children with Special Needs;
- 44 (14) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- 45 (15) The Agriculture and Forestry Awareness Study Commission; and
- 46 (16) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- 47 (17) The standing Committees on Pensions and Retirement.

48 (b) Reasonable public notice of all meetings of commissions, committees, and standing  
49 subcommittees of the General Assembly shall be given. For purposes of this subsection,  
50 "reasonable public notice" includes, but is not limited to:

- 51 (1) Notice given openly at a session of the Senate or of the House; or

1 (2) Notice mailed or sent by electronic mail to those who have requested notice,  
2 and to the Legislative Services Office, which shall post the notice on the  
3 General Assembly web site.

4 G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing  
5 subcommittees of the General Assembly.

6 (c) A commission, committee, or standing subcommittee of the General Assembly may  
7 take final action only in an open meeting.

8 (d) A violation of this section by members of the General Assembly shall be punishable  
9 as prescribed by the rules of the House or the Senate.

10 (e) The following sections shall apply to meetings of commissions, committees, and  
11 standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11,  
12 G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-318.17. (1991, c.  
13 694, s. 7; 1991 (Reg. Sess., 1992), c. 785, s. 4; c. 1030, s. 42; 1993, c. 321, s. 169.2(f);  
14 1997-443, s. 12.30; 2003-374, s. 1; 2006-203, s. 93; 2011-266, s. 1.28(b); 2011-291, s. 2.50.)  
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16 **§ 143-318.15:** Repealed by Session Laws 2006-203, s. 94, effective July 1, 2007, and  
17 applicable to the budget for the 2007-2009 biennium and each subsequent biennium  
18 thereafter.  
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20 **§ 143-318.16. Injunctive relief against violations of Article.**

21 (a) The General Court of Justice has jurisdiction to enter mandatory or prohibitory  
22 injunctions to enjoin (i) threatened violations of this Article, (ii) the recurrence of past  
23 violations of this Article, or (iii) continuing violations of this Article. Any person may bring an  
24 action in the appropriate division of the General Court of Justice seeking such an injunction;  
25 and the plaintiff need not allege or prove special damage different from that suffered by the  
26 public at large. It is not a defense to such an action that there is an adequate remedy at law.

27 (b) Any injunction entered pursuant to this section shall describe the acts enjoined with  
28 reference to the violations of this Article that have been proved in the action.

29 (c) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 932, s. 3, effective October 1,  
30 1986. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 3.)  
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32 **§ 143-318.16A. Additional remedies for violations of Article.**

33 (a) Any person may institute a suit in the superior court requesting the entry of a  
34 judgment declaring that any action of a public body was taken, considered, discussed, or  
35 deliberated in violation of this Article. Upon such a finding, the court may declare any such  
36 action null and void. Any person may seek such a declaratory judgment, and the plaintiff need  
37 not allege or prove special damage different from that suffered by the public at large. The  
38 public body whose action the suit seeks to set aside shall be made a party. The court may order  
39 other persons be made parties if they have or claim any right, title, or interest that would be  
40 directly affected by a declaratory judgment voiding the action that the suit seeks to set aside.

41 (b) A suit seeking declaratory relief under this section must be commenced within 45  
42 days following the initial disclosure of the action that the suit seeks to have declared null and  
43 void; provided, however, that any suit for declaratory judgment brought pursuant to this section  
44 that seeks to set aside a bond order or bond referendum shall be commenced within the  
45 limitation periods prescribed by G.S. 159-59 and G.S. 159-62. If the challenged action is  
46 recorded in the minutes of the public body, its initial disclosure shall be deemed to have  
47 occurred on the date the minutes are first available for public inspection. If the challenged  
48 action is not recorded in the minutes of the public body, the date of its initial disclosure shall be  
49 determined by the court based on a finding as to when the plaintiff knew or should have known  
50 that the challenged action had been taken.

1 (c) In making the determination whether to declare the challenged action null and void,  
2 the court shall consider the following and any other relevant factors:

- 3 (1) The extent to which the violation affected the substance of the challenged  
4 action;
- 5 (2) The extent to which the violation thwarted or impaired access to meetings or  
6 proceedings that the public had a right to attend;
- 7 (3) The extent to which the violation prevented or impaired public knowledge or  
8 understanding of the people's business;
- 9 (4) Whether the violation was an isolated occurrence, or was a part of a  
10 continuing pattern of violations of this Article by the public body;
- 11 (5) The extent to which persons relied upon the validity of the challenged  
12 action, and the effect on such persons of declaring the challenged action  
13 void;
- 14 (6) Whether the violation was committed in bad faith for the purpose of evading  
15 or subverting the public policy embodied in this Article.

16 (d) A declaratory judgment pursuant to this section may be entered as an alternative to,  
17 or in combination with, an injunction entered pursuant to G.S. 143-318.16.

18 (e) The validity of any enacted law or joint resolution or passed simple resolution of  
19 either house of the General Assembly is not affected by this Article. (1985 (Reg. Sess., 1986),  
20 c. 932, s. 1; 1991, c. 694, s. 8.)

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22 **§ 143-318.16B. Assessments and awards of attorneys' fees.**

23 When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court may  
24 make written findings specifying the prevailing party or parties, and may award the prevailing  
25 party or parties a reasonable attorney's fee, to be taxed against the losing party or parties as part  
26 of the costs. The court may order that all or any portion of any fee as assessed be paid  
27 personally by any individual member or members of the public body found by the court to have  
28 knowingly or intentionally committed the violation; provided, that no order against any  
29 individual member shall issue in any case where the public body or that individual member  
30 seeks the advice of an attorney, and such advice is followed. (1985 (Reg. Sess., 1986), c. 932, s.  
31 2; 1993 (Reg. Sess., 1994), c. 570, s. 3.)

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33 **§ 143-318.16C. Accelerated hearing; priority.**

34 Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down for  
35 immediate hearing, and subsequent proceedings in such actions shall be accorded priority by  
36 the trial and appellate courts. (1993 (Reg. Sess., 1994), c. 570, s. 4.)

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38 **§ 143-318.16D. Local acts.**

39 Any reference in any city charter or local act to an "executive session" is amended to read  
40 "closed session". (1993 (Reg. Sess., 1994), c. 570, s. 4.)

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42 **§ 143-318.17. Disruptions of official meetings.**

43 A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon  
44 being directed to leave the meeting by the presiding officer, willfully refuses to leave the  
45 meeting is guilty of a Class 2 misdemeanor. (1979, c. 655, s. 1; 1993, c. 539, s. 1028; 1994, Ex.  
46 Sess., c. 24, s. 14(c).)

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48 **§ 143-318.18. Exceptions.**

49 This Article does not apply to:

- 50 (1) Grand and petit juries.

- 1 (2) Any public body that is specifically authorized or directed by law to meet in  
2 executive or confidential session, to the extent of the authorization or  
3 direction.
- 4 (3) The Judicial Standards Commission.
- 5 (3a) The North Carolina Innocence Inquiry Commission.
- 6 (4) Repealed by Session Laws 1991, c. 694, s. 9.
- 7 (4a) The Legislative Ethics Committee.
- 8 (4b) A conference committee of the General Assembly.
- 9 (4c) A caucus by members of the General Assembly; however, no member of the  
10 General Assembly shall participate in a caucus which is called for the  
11 purpose of evading or subverting this Article.
- 12 (5) Law enforcement agencies.
- 13 (6) A public body authorized to investigate, examine, or determine the character  
14 and other qualifications of applicants for professional or occupational  
15 licenses or certificates or to take disciplinary actions against persons holding  
16 such licenses or certificates, (i) while preparing, approving, administering, or  
17 grading examinations or (ii) while meeting with respect to an individual  
18 applicant for or holder of such a license or certificate. This exception does  
19 not amend, repeal, or supersede any other statute that requires a public  
20 hearing or other practice and procedure in a proceeding before such a public  
21 body.
- 22 (7) Any public body subject to the State Budget Act, Chapter 143C of the  
23 General Statutes and exercising quasi-judicial functions, during a meeting or  
24 session held solely for the purpose of making a decision in an adjudicatory  
25 action or proceeding.
- 26 (8) The boards of trustees of endowment funds authorized by G.S. 116-36 or  
27 G.S. 116-238.
- 28 (9) Repealed by Session Laws 1991, c. 694, s. 9.
- 29 (10) The Board of Awards.
- 30 (11) The General Court of Justice. (1979, c. 655, s. 1; 1985, c. 757, s. 206(e);  
31 1991, c. 694, s. 9; 2006-184, s. 6; 2006-203, s. 95; 2010-171, s. 5.)