



## Town of Chapel Hill

September 21, 2005

Mr. David M. Lawrence  
UNC School of Government  
Knapp-Sanders Bldg. 059/CB#3330  
Chapel Hill, North Carolina 27599-3330

Dear David:

As I mentioned in our brief discussion recently, I am interested in obtaining your opinion of a proposal put forward by the Chair of the Town's Technology Committee. Please see the attached proposal.

The Committee is seeking to make the best possible use of communications technology and, at the same time, to fully comply with the letter and spirit of the law regarding open meetings. The essence of their proposal is that they would conduct a continuous electronic meeting through an e-mail listserv, open on a read-only basis to anyone wishing to subscribe. In addition, the chair of the Committee or a designee would maintain a web log for posting of comments and viewing archival materials.

The proposal is a departure from the present manner of conducting meetings and raises concerns, particularly about the ability of citizens to attend and listen to the proceedings of a public body.

I am especially interested in how you would view the Committee's proposal in light of the issues raised in the following questions in the 2002 edition of your writings about the Open Meetings law: 18, 20, 31, 35, 36, 44, 45, 46, 55, 151, and 155. Does the reference to electronic meetings in 143-318.13 constitute the authority for such meetings? Does the term "other electronic means" extend to computer screen dialogues where it is not possible to "listen to the meeting."? What about citizens having vision impairments that would prevent them from reading the text on the screen; is there an American with Disabilities Act issue?

For council-appointed advisory boards, would the Council need to authorize any electronic meetings? I wonder, also, whether the legality of using such a process might depend upon whether a committee was simply providing advice to the Council or acting as a decision-making body? Finally, could the Council use such a process to conduct meetings? If so, would there be limitations?

We hold your opinion in high regard and look forward to receiving your advice. I would be glad to discuss any of these issues at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Cal Horton".

W. Calvin Horton  
Town Manager