
III. GENERAL POLICIES AND PROCEDURES.

The following guidelines concern Council members' attendance at professional meetings and policy regarding materials and services available to the Council. They ~~have been~~ are established to facilitate consistent municipal operations. ~~and are herein condensed for the convenience of the Council.~~

A. Professional Meetings.

The Mayor and Council are allocated a set amount of money, established when the budget is adopted, to be used for expenses incurred when attending professional meetings.

1. Attendance. Council members are free to choose which, if any, professional meetings they wish to attend.
2. Expenses. The following guidelines set forth Town policy regarding travel advance and reimbursement cost limits.
 - a. Registration Fee. The Town will pay all registration costs.
 - b. Transportation. For travel within a two hundred mile radius, the Town will pay round-trip train or bus fare, or ~~34.5 cents (effective January 1, 2001)~~ **the current mileage reimbursement rate** per Internal Revenue Service **guidelines per mile** for a private auto, providing the mileage cost does not exceed the cost of air travel. The Town will pay round-trip coach fare on the appropriate common carrier for locations two hundred miles away or more.
 - c. Lodging. The Town will pay the actual cost of lodging.
 - d. Meals. The Town will pay a per diem ~~maximum of \$32.20 for in-State and \$42.55 for out-of-State, based on:~~ **based on the Town's current travel policy for in-State and out-of-State travel. Please refer to Section 5.2d of the Town's Administrative Policies and Procedures Manual for specific details.**

	<u>In-State</u>	<u>Out-of-State</u>
Breakfast	\$6.00	\$7.00
Lunch	\$8.00	\$10.00
Dinner	\$14.00	\$20.00
Gratuities (15%)	\$4.20	\$5.55
	<hr/> \$32.20	<hr/> \$42.55

OR: The Town will pay for the actual cost of meals if receipts are submitted. In addition, the Town will pay the actual amount of all officially authorized conference meals which are not included in the original registration fee.

- e. Miscellaneous Expenses. Any miscellaneous expenses incidental to Town business must be explained and documented in detail to the Finance Director. One personal telephone call per day of three minutes or less is reimbursed.
- f. Improper Expenses. Expenditures of the following nature are not eligible for reimbursement:
- (1) Expenses for the Council members' families;
 - (2) Meal or other expenses incurred prior to or after the end of the conference (with the exception that meals while traveling to and from are permitted);
 - (3) Rental of an automobile where other means of transportation are less costly;
 - (4) The cost of alcoholic beverages or parties and entertainment; and
 - (5) Telephone calls or telegraph messages except for the purpose of undertaking necessary Town business (except as noted in (e) above).
3. Procedure for Making Reservations. A Council member may request the Manager's Office to make reservations. The Council members should complete the conference ~~reservation~~ **registration** form, the request for room reservations, and the request for an advance and

submit these forms to the Manager's Office. Request for travel advances require at least two weeks for processing. The Manager's Office will then submit the completed forms to the Finance ~~Officer~~ **Director** for certification of the availability of funds. The Finance Department will then write the required checks. The Manager's Office will make the necessary reservations and inform the Council member of reservations and payments made and ~~give him or her~~ **forward** the requested advance.

4. Reimbursement. If an advance is obtained, proof of expense incurred (receipts) must be submitted to the Finance Department (~~usually through the Manager's Office~~) after the trip, and unspent money must be returned. If a reimbursement is requested, receipts must be attached to the appropriate form (Manager's Office can provide this) at the time of submission. Requests for reimbursement will usually be honored within two weeks of official documentation of expenses.

B. Services and Materials Available to the Council.

1. Supplies. Office supplies, paper, folders, etc., are available for Council members upon request. The procedure for obtaining supplies is to request them through the ~~Manager's Office or Mayor's Assistant~~ **Town Clerk's Office** who will provide them immediately if the item is available, or requisition them. ~~through Purchasing. For items kept in stock, requests should be made by noon on Wednesday for Thursday afternoon delivery.~~
2. Duplication. Up to ~~five~~ **twenty** copies of a document may be obtained from the Manager's Office immediately upon request. For more than ~~five~~ **twenty** copies of a single document, the Council member should present the original to the Clerk's Office. The original document and copies will be returned to the Council member ~~when completed~~ **as quickly as possible, usually the same day.**
3. Typing. The ~~Manager's~~ **Town Clerk's Office** ~~or Mayor's Assistant~~ will aid in seeing that any Council-related material for Council members is handled efficiently and accurately. ~~The material may be referred to the Town Clerk, depending upon the volume of the request.~~ For most projects, please allow at least one day for completion. More lengthy requests will require additional time.

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4. Periodicals. Each Council member receives the following magazines from subscriptions arranged by the Town through membership in government associations.
- a. National Cities Weekly, published by the National League of Cities.
 - b. Popular Government, published by the UNC Institute of Government.
 - c. The Mayor, published by the U.S. Conference of Mayors **(available in the Mayor's Office)**.
 - d. Southern City, published by the N.C. League of Municipalities.

Council members may request subscriptions to additional publications which will be paid for out of the Council's budget appropriation. All such additional subscriptions must be in the name of the Town Council and received at 306 North Columbia Street. They must be kept in the ~~Municipal Building~~ **Town Hall** except for brief lending periods. A single subscription to any such publication is considered sufficient for the entire Council and the Mayor.

5. Books. Council members may order books of interest to the Council through the ~~Manager's~~ **Town Clerk's** Office. The books will then become part of the municipal collection to be loaned for short time periods only.
6. Reference Materials. The following materials are distributed to the Council members when they assume office for use throughout their terms:
- a. Code of Ordinances of the Town of Chapel Hill **(located in Council members' offices)**.
 - b. Chapel Hill Town Council Procedures Manual.
 - e. ~~Open Meetings and Local Governments in North Carolina~~.

Council members are expected to return these items to the Town at the end of their terms for distribution to new members. **The Town Code of Ordinances should remain in Council members' offices.**

7. Town Hall.

a. Rooms. The Council Conference Room, the Council Chamber, and other rooms may be reserved for official meetings through the Town Clerk's Office.

b. Telephone. The telephones in the Council members' offices may be used for local calls and business-related distance calls.

8. Voice Mail. Voice mail is provided to Council members on their Town Hall business phones **if they choose.**

8. 9. Email. **Email is provided to Council members at their residences.**

9. 10. Computers and High-Speed Internet Access. **Computers and high-speed Internet access are provided to each Council member at their residences.**

C. Procedure for Evaluation of Town Manager and Town Attorney.

1. Purpose. The purpose of this procedure is to establish a regular annual process for evaluating the Town Manager and Town Attorney, for communicating the evaluation results, and for following up on the outcome of the evaluation.

2. Evaluation Goals. Goals of the annual evaluation are:

a. To ensure a regular review of the Manager's and Attorney's performance.

b. To provide an opportunity for constructive discussion of Council-Manager and Council-Attorney relationships.

c. To set priorities for the Manager's and Attorney's agenda during the coming year.

d. To establish the Manager's and Attorney's salary for the coming year, to be effective at the **first** October pay period.

3. Evaluation Schedule.

Evaluation will be conducted each year ~~in June~~ **no later than October.**

Steps in the process will be:

- (1) a. Completion of evaluation forms by individual Council members.
- (2) b. Data gathering by ~~the Mayor's Assistant~~ on comparable salaries. **The Human Resources Director will provide such assistance as the Mayor may need.**
- (3) c. Closed Session of Council to discuss evaluation results and to decide on matters for discussion with Manager and Attorney.
- (4) d. Closed Sessions of Council and Manager and Attorney to discuss evaluations, relationships, and priorities.
- (5) e. If desired, written response to Council by Manager and Attorney on evaluation matters and priorities.

4. Town Manager and Town Attorney Evaluation Form.

The Council will determine the guidelines for evaluating the Town Manager and Town Attorney.

E. ~~Council Adopted Policies and Procedures~~ **Naming Public Facilities.**

1. ~~Naming Public Facilities. The Council adopted the following policy to be used for the naming of all public facilities.~~

a. 1. Establishing a Standing Committee on Naming Facilities.

The Council will appoint a standing Naming Committee to make recommendations ~~to the Council~~ for naming **or dedicating** Town facilities, **and for placing any permanent markers or plaques on Town property.** The Committee will include two or more Council members.

b. 2. General Procedures for Receiving and Considering Proposals to Name or Rename Town Facilities.

The following process will apply to naming and renaming Town facilities such as buildings, parks, greenways, bikeways, public plaza areas, nature trails, etc. and to arterial and collector streets as defined in the street classifications in the Chapel Hill Design Manual.

Separate procedures as authorized in ~~Section III~~ below apply to naming and renaming of residential streets (excluding collector and arterial streets) as classified in the Town's Design Manual.

(1 a.) Requests to name Town facilities will be considered in the following ways:

(a 1) ~~Citizens may formally petition the Committee or the Council~~ Written or oral petition from citizens to the Committee or the Council in a regular business meeting to consider naming a facility or to consider a suggested name, or may make a suggestion by letter or informal contact.

(b 2) Written or oral petition from An advisory board or commission may make suggestions to the Committee or the Council.

(c 3) Written or oral petition from The Mayor or any Council member may make a suggestion.

(d 4) Written or oral request from A donor of a property or a gift who may request a specific name recognition as part of offering a gift to the Town.

(b.) All requests will be referred to the Naming Committee, which will make recommendations to the Council for a final decision.

(2 c.) The Naming Committee's will observe the following process for developing and submitting recommendations to the Council. The Committee will:

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- (a 1) ~~Requests for comments~~ **Seek ideas from appropriate Town boards and commissions and other interested parties community organizations or citizens before making preliminary recommendations.**
 - (b 2) ~~Inviting~~ **comments on preliminary recommendations. When the Committee develops preliminary recommendations for naming facilities, it will distribute news releases to the media, to relevant community organizations, and otherwise seek comments from citizens for at least one month. The Committee may publish paid notices of proposed facility names, and may or may not hold public forums.**
 - (c 3) ~~Committee's Submit~~ **recommendations to the Council. The Committee will submit recommendations for naming or renaming facilities to the Council for consideration at a regular business meeting. The Committee may also recommend deferring or not naming facilities.**

3. General Policies for the Naming Committee:

- a. The Committee will not, except in unusual circumstances, recommend names ~~that~~ **which** would duplicate or be similar to names of other facilities, including streets.
- b. The Committee's recommendations to the Council will include a summary of comments received from Town boards, community organizations, and citizens, as well as copies of written comments.
- c. **The Committee should give strong preference to naming a facility for persons who are deceased. Naming a facility for a living person will only be considered under extraordinary circumstances.**
- d. **The Committee can distinguish between naming a facility for someone and dedicating a facility or portion of a facility in someone's honor. A dedication means that the facility will bear a plaque or marker stating the dedication to the person; however, the facility will not be known by the name of the person.**

3. 4. Consideration by the Council.

In addition to receiving the Naming Committee's and Town boards' recommendations, the Council will ordinarily receive brief comments from citizens at regular Council meetings, and may establish time limits in accord with the Council's customs and procedures.

Written comments from citizens, community organizations and boards and commissions are invited.

The intent of this policy is that the Council would not call a public hearing to receive comments except in unusual circumstances in which a large number of citizens desire to address the Council.

After a decision by the Council to name or rename a facility, the Manager shall be responsible for implementation in accord with the Council's guidance.

e. 5. Policies for Naming and Renaming Residential Streets.

(1 a.) New streets. In new developments, residential streets shall be named under current procedures normally involving developers' submittal of names for approval by the Manager, or, if applicable, in accord with conditions of a development permit. Unless otherwise directed by the Council, the Manager is authorized to name entrance streets or drives to Town facilities, if appropriate, as part of the development process.

(2 b.) Existing streets. To rename an existing publicly maintained residential street, a group of citizens may request the Town Manager to approve its renaming. Names shall not duplicate or be similar to names of existing streets or facilities. The Manager is hereby authorized to establish administrative procedures to carry out this policy.

Any determination or decision by the Manager may be appealed to the Town Council by a resident or owner of property abutting a street proposed to be renamed.

Amended by Resolution (2003-09-22/R-9).

E. Council-Adopted Policies and Procedures

2- 1. Acceptance of Gifts. The Council adopted the following resolution on November 26, 1980:

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following policy on gifts and donations:

Section 1. The purpose of this policy is to establish a uniform policy for accepting gifts and donations made to the Town of Chapel Hill.

Section 2. Any gifts or donations solicited by or received by the various boards and commissions appointed by the Town Council are construed to be gifts or donations to the Town and therefore governed by this policy.

Section 3. The Council of the Town of Chapel Hill shall be informed through the agenda process of the following types of gifts and donations and shall make a determination in a regular ~~Council~~ **business** meeting of whether or not to accept the following types of gifts and donations:

- a. real estate
- b. personal property, ownership of which would require a significant expenditure of Town funds, and
- c. cash to be used for a specified program or purpose which is not included in a current operating plan for the Town.

Section 4. The Council of the Town of Chapel Hill hereby delegates to the Town Manager the authority to accept other gifts and donations, such as:

- a. unrestricted cash,
- b. cash to be used for a specified program or purpose which is included in a current operating plan for the Town, and
- c. personal property that does not require a significant expenditure of Town funds.

Established by Resolution (80-R-219) on ~~Excerpt from Council minutes of November 26, 1980.~~

3. 2. Authorization for Manager to Enter into Contracts.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to prepare, approve, and enter into the following contracts:

Contracts for construction, alteration, renovation or other physical improvements for which Council has accepted formal bids and awarded the contract to a particular company.

Change orders and amendments to construction contracts which do not cumulatively exceed the bid originally approved by the Council by more than 10% of the original contract amount, or \$50,000, whichever is less, and provided that there is an appropriation sufficient for the contract amendment.

Construction contracts for which formal bids are not required under State law.

Contracts for purchase of equipment or supplies for which the Council has accepted bids and awarded the contract to a particular company.

Service contracts for which funds are included in the budget.

Performance contracts with non-profit agencies and other governmental units in accord with the budgetary authorization of Council and any specific directives and requirements expressed by Council.

Agreements that the Town will provide a service in return for a reimbursement, grant, or other consideration, provided that the service is consistent with any relevant policy direction by Council and with approved program objectives and that the cost can be accommodated within appropriations.

Rental by the Town of building space, land or equipment, provided that sufficient funds are appropriated.

Excerpt from Council minutes of March 8, 1982 and as amended November 9, 1992.

4. 3. Authorization for Manager to Enter into Encroachment Agreements.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to prepare, approve, and enter into encroachment agreements, and licenses in a form satisfactory to the Town Attorney, regarding Town and N.C. DOT rights-of-way for the construction and/or installation of utilities and appurtenant items, grading, paving, curb and gutter, sidewalk, drainage pipes, ditches, signs, structures, landscaping, planters, rock walls and other similar improvements or modifications within the rights-of-way when such encroachments will not adversely affect public passage or other public purposes within such rights-of-way, and consistent with such additional or supplemental policy guidance as Council may from time to time provide by resolution.

Established by Resolution (85-E-13) on ~~Excerpt from Council minutes of January 14, 1985.~~

4. Authorization for Purchasing Agent to Dispose of Personal Property Valued at Less than Five Thousand Dollars (\$5,000).

A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE FOR DISPOSAL OF PERSONAL PROPERTY VALUED AT LESS THAN FIVE THOUSAND DOLLARS (\$5,000) FOR ANY ONE ITEM OR GROUP OF ITEMS (2000-01-10/R-11)

WHEREAS, N. C. General Statute 160A-266c was amended effective July 1, 1997, authorizing Town Councils to adopt regulations prescribing procedures for disposal of personal property valued at less than five thousand dollars (\$5,000);

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

- (1) The Purchasing Agent is authorized to declare surplus any items of personal property reported in writing as surplus by a department head and which value is estimated to be less than five thousand dollars (\$5,000);**

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- (2) **The Purchasing Agent is authorized to dispose of surplus personal property valued at less than five thousand dollars (\$5,000);**
 - (3) **The Purchasing Agent is authorized to sell items of fair market value under \$5,000 and to convey title of said property on behalf of the Town; and**
 - (4) **The statute has revised the procedure that the Purchasing Agent no longer has to report the sale to Council. The Purchasing Agent is to keep a record of items sold, including description, to whom items are sold, and amount received for each item.**

BE IT FURTHER RESOLVED that the purpose of this resolution is to facilitate the sale of such property and secure for the Town a fair market value.

Established by Resolution (2000-01-10/R-11).

4. 5. Use of Public Streets.

WHEREAS, the streets and thoroughfares within the corporate limits of the Town of Chapel Hill are designed to accommodate the safe movement of vehicular traffic; and

WHEREAS, the use of streets, and thoroughfares for purposes other than vehicular traffic can cause conflicts and hazards and potential injury to motorists, other citizens and property along streets; and

WHEREAS, the Town has enjoyed a long - cherished tradition of the right of citizens to exercise their rights of free speech and assembly; and

WHEREAS, for many years, two areas along the Franklin Street right-of-way have been permanently designated as locations where citizens can peacefully protest, demonstrate, hold vigils, solicit donations and support for various causes, policies, laws, and actions; and

WHEREAS, Chapter 21, Section 7.1 of the Town Code of Ordinances regulates the closing of public streets; and

WHEREAS, the Council of the Town of Chapel Hill has authorized by ordinance, street closings for major community events, i.e., street fairs, parades, etc. during times of low traffic volume and said street closings are authorized with conditions specifically addressing the orderly flow of vehicular traffic using alternative routes, proper barricading and separation of vehicles from pedestrians, and prior notification and plans for the orderly provision of police, fire, rescue and public transportation services; and

WHEREAS, Chapter 11, Article IX, Section 91 - 95 provides for Temporary Outdoor Activities in or Near Parking Lots or Public Streets and the intent of this article is to protect the health, safety and welfare of drivers, pedestrians and other persons participating in or in the vicinity of outdoor activities in or near parking lots or public streets; and

WHEREAS, permits may be issued for outdoor activities such as carnivals, fairs, demonstrations, exhibitions, etc., only upon compliance with standards and conditions to protect the safety of citizens and to properly separate vehicles from pedestrians; and

WHEREAS, current practice allows the Chief of Police to temporarily restrict the flow of traffic for a period not to exceed 30 minutes for parades, processions, bicycle or foot races, provided pedestrians, and/or bicyclists are adequately protected from conflict with motorized vehicles and such activities are during periods of low traffic flow and under most circumstances can be limited to sidewalks or one travel lane of multi-lane streets, therefore impeding the flow of traffic only at street crossings, which are protected by officers and street monitors; and

WHEREAS, unapproved and spontaneous or unplanned events or demonstrations in the public streets of the Town jeopardize the health, safety and welfare of motorists, other persons and property along streets;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, believing that the primary purpose of Town streets and thoroughfares is to provide for the safe and orderly flow of vehicular traffic, does not condone the use of public streets for unauthorized spontaneous uses such as parties, demonstrations and other unplanned events.

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill believes spontaneous mass pedestrian use of streets has the potential of seriously jeopardizing the health, safety and welfare of citizens and property.

BE IT FURTHER RESOLVED that the Council strongly encourages and pledges its support to the leadership of groups and organizations, including the University of North Carolina in planning events so as not to conflict with the safe and orderly movement of traffic and to hold events in locations that are appropriate for outdoor events and do not jeopardize, but take all reasonable and prudent precautions to protect the citizens' health, safety and welfare.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill, that the Council supports the Mayor, Manager and Chief of Police in carrying out the powers vested in them by law to protect the health, safety and welfare of the citizens of Chapel Hill, protect property and in preserving order in the community.

Established by Resolution (87-3-9/R-22) on ~~Excerpt from Council minutes of March 9, 1987.~~

NOTE: Please refer to the Administrative Policies and Procedures Manual for the following:

General Meeting Room Policy, Section 5.6c

***Designation of a Public Forum for Displays in Town Hall,
Section 5.6d***

Use of the Court Room in the Post Office, Section 5.6e

5. 6. Selection of Architectural and Engineering Professional Services.

a. Public Policy.

To select the best suited firm or individual to provide professional architectural and engineering services to the Town based upon the demonstrated competence and qualification of the firms and individual to provide the type of services required.

b. Objectives.

(1) To select firms or individuals which are best suited to provide professional architectural and engineering services to the Town on a contractual or performance agreement basis, in consideration of:

- (a) Quality and timeliness of past work for the Town and other clients, as indicated by references or other research.
- (b) Amount of experience in performing work relevant to that sought by the Town.
- (c) Resources available to perform work and meet Town requirements, including:
 - i. ability to meet the desired schedule.
 - ii. staffing and equipment.
 - iii. training, knowledge and skills.
 - iv. availability and commitment of key persons.
- (d) Proposed terms and conditions of service including:
 - i. responsiveness to the Town's request for proposals.
 - ii. contractual obligations to other clients.

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- iii. meeting regulatory requirements, e.g., in connection with grant-funded projects.
 - iv. when applicable, providing performance guarantees, co-insurance and/or indemnification protections to the Town.
 - v. willingness of the firm to provide the desired services at a fair and reasonable fee. In accord with State law, fees shall be negotiated after selection of a firm or individual based on competence and qualifications.
 - vi. any requirement for assistance by Town staff, use of Town office space or equipment, etc.
 - vii. any other factors which the Town determines are relevant in considering a specific proposal or group of proposals.
- (2) To enhance professional service opportunities for people who are members of minority groups or who are women, and for firms which are primarily owned by women and/or members of minority groups; to make selections without regard to race, color, sex, age, religion, national origin, marital status or non-job-related handicapped status.
 - (3) To enhance opportunities for private businesses to provide services on terms which are in the best interest of the Town.
 - (4) To comply with applicable national and State laws and regulations.
- c. Scope.
- This policy shall apply to selection of architectural and engineering services.
- d. Procedures.
- (1) The Town shall request written proposals for architectural and engineering services when the expected cost of such

services would exceed \$30,000, and the Town may use the following procedures for contracts of lesser amounts.

For services expected to cost more than \$30,000, the Manager shall:

- (a) Maintain files listing individuals, firms and associations which have requested in writing to receive notices of Requests for Proposals (RFPs). The Town may require the use of forms for this purpose.
 - (b) Send RFPs or notices of RFPs to any individuals, firms or associations which have filed written requests with the Town for such notices. The Town shall not be required to mail lengthy RFP documents, but may send RFP notices so that an interested party may pick up an RFP in a Town office. The Town may require RFPs to be returned and may require reasonable reimbursement for copying lengthy RFP documents.
 - (c) Cause RFPs to be announced and publicized at least in the Triangle area (Wake, Durham and Orange Counties) by such means as the Manager deems reasonable in cost and effectiveness; such methods may include publishing legal notices or advertising and issuing news releases, in addition to mailings to parties which have requested notice.
 - (d) Send RFPs or notices of RFPs to minority and female business organizations.
 - (e) Subject to applicable laws and regulations, the Town Manager or the Council, as applicable, shall award and enter into contracts on the basis of considerations generally described in Section II, Objectives.
- (2) The Town Manager is authorized to enter into contracts on behalf of the Town pursuant to resolution 82-R-40 of March 8, 1982. (See D.3. above.)
 - (3) Notwithstanding the above, the Town Council may direct the submittal to the Council of proposed agreements and/or

resolutions requesting proposals, awarding contracts, etc.; and may prescribe advertising and proposal evaluation procedures for specific agreements.

- (4) This policy shall be subject to and superseded by applicable laws, regulations and contracts.*
- (5) The term Town Manager shall include the Manager's designee.
- (6) The Town Manager may issue administrative regulations and procedures to implement this policy.

**See also Chapter 5, Article VII of the Code of Ordinances, enacted May 12, 1997.*

7. **Student Government Liaison to the Town Council.**

WHEREAS, the Town Council received a petition requesting University of North Carolina at Chapel Hill student representation on the Town Council; and

WHEREAS, the Town Council encourages knowledge of and participation in Town affairs by students; and

WHEREAS, the Town Council recognizes that University of North Carolina students are a major part of the population of the Town, and is interested in students' views on all Town-related issues affecting students;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill recognizes a University of North Carolina Student Liaison to the Town Council who shall be the Student Body President or his or her designee.

BE IT FURTHER RESOLVED that said Liaison shall receive the published agenda packet for the Town Council meetings and shall have a place reserved for him or her in the Meeting Room; and, who, further, shall be recognized as the formal line of communication between the Town Council and the UNC Student Government.

BE IT FURTHER RESOLVED that a copy of this resolution shall be placed in and be a part of Section III(D)* of the adopted Town Council Procedures Manual.

Established by Resolution (88-2-8/R-1).

***NOTE:** Section III(D) has been renumbered to Section III(E).

IV. OPEN MEETINGS LAW OF NORTH CAROLINA.

The following are excerpts from Open Meetings and Local Governments in North Carolina: Some Questions and Answers (Fourth Fifth Edition 1994 2002), by David M. Lawrence of the Institute of Government at the University of North Carolina at Chapel Hill.

1. Q - What kinds of groups are subject to the open meetings law?
A - The law extends to any "public body."

2. Q - Is "public body" defined?
A - **Yes, and the definition is very broad. In general, a public body is any authority, board, commission, committee, council, or other body of state or local government that meets both of two conditions. First, it must have at least two members. And second, it must be authorized to exercise at least one of the following five functions: legislative, policy-making, quasi-judicial, administrative, or advisory. It is hard to imagine a formal group that is not authorized to exercise at least one of the listed functions.**

- 2.3. Q - What about committees of public bodies, such as the finance committee of a city council?
A - They are ~~probably~~ also public bodies, ~~although there is some ambiguity about them;~~ **the statute specifically extends to "committees."**

3. ~~Q~~ - What is the ambiguity?
A - ~~Before the open meetings law was amended in 1994, the law specifically stated that committees of public bodies were also, themselves, public bodies. That specific language was deleted by the 1994 amendments, and one way to interpret that action is to conclude that this kind of committee is no longer a separate public body. It is also possible, however, that the General Assembly decided that the specific language was no longer necessary, because the basic definition is now broad enough to include such committees directly. (It did not include them directly before the 1994 changes.) Given the~~

~~breadth of the definition, the better reading seems to be that they are included, but there remains some doubt.~~

4. Q - What is the status of a joint board or committee established by two local governments?
- A - It is a public body. The statute includes in the definition of public body boards and commissions of "one or more" local governments.
5. Q - If a group of public officials meet together informally, do they constitute a public body? For example, what if all the mayors in a particular county got together for lunch to talk about common problems?
- A - The kind of "group" involved in the example is probably not a public body. There needs to be some minimal amount of structure to a group before it meets the statutory conditions. In addition, it's not clear that such a discussion group is exercising even one of the five required functions listed in Question 2.
6. Q - Are all meetings of public bodies subject to the open-meetings law?
- A - No. Only "official meetings" are subject to the statute.
7. Q - Well, what's an "official meeting"?
- A - An official meeting occurs whenever a majority of the members of a group meet - in person or by some electronic means, such as conference telephone call - in order to do any of the following:
- conduct a hearing,
 - deliberate
 - take action, or
 - otherwise transact public business.
8. Q - Holding a hearing and taking action are both fairly clear. But what does it mean to "deliberate"?
- A - In one court's words, "to 'deliberate' is to examine, weigh and reflect upon the reasons for or against" a possible decision. "Deliberations thus connote not only collective discussion, but the collective acquisition and exchange of facts preliminary to the ultimate decision."

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9. Q - What about a briefing, when the board is simply receiving information and not discussing it?
- A - ~~That too. Again, the board is collectively acquiring the information on the basis of which it will act, which is part of the deliberative process. This amounts to deliberating, too. Again, the board is collectively acquiring the information on the basis of which it will act, which is part of the deliberative process.~~
10. Q - Are there exceptions to the basic requirement that all meetings be open?
- A - Yes, several. The exceptions fall into two ~~groups~~ **categories**. ~~The first, includes several~~ subjects that may be discussed in a closed session; - **that is, a session** from which the public is excluded. ~~The second, type of exception~~ removes several ~~types~~ **kinds** of groups ~~are excepted~~ from the statute altogether; **these groups** ~~and~~ need never meet in public **nor give public notice of their meetings**.
11. Q - What are the subject-matter exceptions?
- A - There are nine, eight of which are likely to be used by local governments. The eight are as follows:
- Confidential information
 - Consultations with an attorney
 - **Business location or expansion**
 - ~~- Claims or litigation~~
 - ~~- Industrial location or expansion~~
 - Real property acquisition
 - Employment contracts
 - Certain personnel matters
 - Investigations
 - **School violence response plans**
12. Q - Are there special procedures for going into closed session?
- A - Yes. The statute provides that a closed session may be held only on a motion adopted in open session by a majority of those present and voting. The motion must state the purpose set out in the statute that permits the closed session, such as "to consider matters relating to

the location or expansion of industry." In addition, two of the purposes require a more detailed motion. First, if the purpose is to discuss some matter that is confidential by law, the motion must cite the law that makes the matter confidential. For example, if an area authority meets to consider matters relating to a specific patient, the motion to go into closed session would have to cite G.S. 122C-52, the statute that makes patient information confidential. Second, if the purpose is to discuss pending litigation, the motion must identify the parties to the litigation.

13. Q - Can action be taken in a closed session, or is the session restricted to discussion only?

A - For some of the subjects for which closed sessions are permitted, the law clearly permits action to be taken in closed session. For others, it clearly requires that action be taken in open session. Thus it will be necessary to look at each authorization to hold a closed session in order to determine whether action may be taken with regard to that subject in the closed session.

14. Q - If action cannot be taken in a closed session, may a board reach a tentative consensus in such a session and then take formal action in open session?

A - ~~Probably Yes. The North Carolina law does not directly address that question, but the courts of other states that have looked at the matter have permitted reaching such a consensus.~~ **Supreme Court has construed the law to permit such a procedure.**