

North Carolina Open Meetings Law Training

There are various legal requirements that affect elected and appointed local governing boards—county-elected, city-elected, and other appointed boards that carry out important functions on the local government level.

Overview

The NC Open Meetings Law gives the general public a right to attend official meetings of public bodies, except in those cases where the law permits closed sessions. This law represents a strong policy in favor of transparency in local government decision-making.

Public Bodies

The NC Open Meetings Law applies to all public bodies, including local elected and appointed boards, councils, and commissions and to subcommittees of these bodies. The term “public body” refers to any elected or appointed board, commission, committee, council, authority, or body in a state or local government that 1) has at least two members and 2) exercises or is authorized to exercise these powers: legislative, policy-making, quasi-judicial, administrative, or advisory. Examples of public bodies include elected governing boards (Board of County Commissioners), boards created by statutes (**Board of Health**, Board of Social Services), boards created by the action of governing boards (Planning Board, Zoning Board of Adjustment, Parks and Recreation Commission, Human Resource Commission), and other local level governing boards (Board of Education, Community College Board of Trustees, Hospital Board).

Key Components

The details of this law can be reviewed in the accompanying document, *Open Meetings and Other Legal Requirements for Local Government Boards*.

Public Hearing and Public Comment

The NC Open Meetings Law allows for the public to attend meetings but does not provide a right to be heard. The public has opportunities for public comment through hearings and public comment periods. Some hearings require public comment while others are held on the board’s own initiative to give interested citizens an opportunity to make their views known to the board on various issues. The laws that require public hearings does not specify the manner in which they must be conducted; rather the laws just require that they be held. GS 153A-52 and -52.1 allow boards to adopt reasonable rules governing the conduct of public hearings and public comment periods. The Jackson County Board of Health as adopted the following rule, as stated in the Board of Health Operating Procedures:

“Members of the public may address the Board during a public comment period held at the beginning of each regularly scheduled meeting. The Public Comment Period will provide three (3) minutes per speaker, up to five (5) speakers per meeting for a total of 15 minutes.”

This statement is listed on every meeting agenda.

For More Information

http://www.ncga.state.nc.us/enactedlegislation/statutes/html/byarticle/chapter_143/article_33c.html