

ADMINISTRATIVE MEMORANDUM

SUBJECT Revised Guidelines for Implementation of Open Meetings Law NUMBER 363

DATE August 9, 1996

Administrative Memorandum No. 351, issued November 8, 1994, transmitted a copy of the Open Meetings Law, as revised by the 1993 Session of the General Assembly, along with an analysis prepared by the legal staff of the Office of General Administration to assist in interpreting and implementing the revised law. That information is reproduced as Section XII B of the Administrative Manual. Section B of the analysis dealt with questions about what authorities, boards, commissions, committees, councils or other multi-person bodies are deemed to be "public bodies" subject to the requirements of the Open Meetings Law. This memorandum constitutes notice that Section B of the analysis is to be replaced by the following. As a result, it will be necessary for you and your colleagues to make changes in your accustomed practices concerning public notice of and access to the meetings of various institutional agencies:

B. A Public Body (G.S. 143-318.10(b)).

A public body is (1) any authority, board, commission, council or other body, (2) composed of two or more elected or appointed members, (3) that is established by the state, one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina or other political subdivisions or public corporations of the state, and (4) that exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, public body includes the governing board of a "public hospital" as defined by G.S. 159-39 and the governing board of any nonprofit corporation (or its parent or subsidiary corporation) to which a hospital has been sold or conveyed pursuant to G.S. 131E-8.

A public body does not include (1) a meeting solely among the professional staff of a public body, or (2) the medical staff of a public hospital. G.S. 143-318(c).

The statutorily created governing boards of the University, and the committees of such boards, are "public bodies" subject to the requirements of the Open

Meetings Law. In addition, "public body" shall be deemed to include an authority, board, commission, committee, council or other multi-person body of the University that satisfies all of the following criteria:

(1) It is established by or at the direction of:

- (a) the Board of Governors;*
- (b) the President;*
- (c) a Vice President;*
- (d) a Board of Trustees;*
- (e) a Chancellor;*
- (f) a Vice Chancellor; or*
- (g) any combination of the foregoing.*

(2) The membership does not consist exclusively of administrative officers of the University.

(3) Its designated function or subject-matter jurisdiction is either University-wide or Constituent Institution-wide.

(4) It is expressly authorized or directed

- (a) to legislate, make policy, adjudicate or take administrative action*
or
- (b) to make findings concerning or to recommend legislative, policy-making, quasi-judicial or administrative action.*

We will analyze our experience under these guidelines during the next six months and will determine whether changes should be considered.



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