



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

October 18, 2019

To: MPO and RPO contacts

From: Jamal Alavi, PE, CPM *Jamal Alavi*
Director, Transportation Planning Division

Subject: State Open Meetings and Open Records Laws

The Transportation Planning Division staff has recently consulted with the North Carolina State Attorney General's Office in order to clarify the responsibilities of our regional transportation planning organizations under the State Open Meetings and Open Records laws. The Attorney General's Office has advised us that the MPO and RPO boards both TAC and TCC are considered public bodies under North Carolina Statute 143-318.9 through 143-318.18 and therefore are subject to the requirements of these laws. Sub-committees who advise the TAC and TCC are also considered public bodies by statute.

Over the next several months, we encourage you to review all meetings and record keeping procedures to make sure that they comply with the General Statutes 143-318.9 through 143-318.18 and 132-1 through 132-11. Specifically, the following main points need to be addressed.

- **Quorum:** All official business, including voting, should be conducted within a meeting with a 51%, or simple majority, quorum based on members as listed in the Memorandum of Understanding and/or Bylaws. An alternate may be appointed to attend meetings should the member not be able to attend. Alternates should be identified by position in the bylaws and by name in the membership roster. Vacant seats as defined in the bylaws will not count against the quorum. Electronic meetings are allowed so long as public notice is given (as described below) and a location and means for listening to the meeting is provided.
- **Voting:** No secret ballot voting is allowed under North Carolina law. Email voting is not allowed, however written ballots are allowed provided that each ballot is signed by the voter and the meeting minutes show the vote of each voting

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member. Written ballots shall be available for public inspection immediately following the meeting at which the written vote took place until the minutes of the meeting are approved.

- Records: All records must be made available to the public for free or for a minimal fee that represents the actual cost of copying. Membership records, meeting minutes showing attendance and voting outcomes, documents, electronic files, GIS layers, recordings and any other documentation are subject to public inspection unless they meet criteria for exemption as described by the Public Records Statutes.

- Meeting Notice: A schedule of regular meetings, if established, should be kept with your clerk or secretary, if you have someone that fills that role, or otherwise with the clerk of the board of county commissioners in the county in which the meetings are held or with the Lead Planning Agency's clerk. If the schedule is changed, the changes should be given to the clerk at least one week (seven calendar days) prior to the first meeting held pursuant to the revised schedule. Notice for a meeting not listed on the schedule, other than an emergency meeting, should be posted on the bulletin board of the committee or at the door of the usual meeting room and mailed, emailed, or delivered to each media outlet and individual that has filed a written request for notice with the committee. Notices for non-scheduled meetings, other than emergency meetings, should be posted and mailed, emailed, or delivered 48 hours prior to the meeting. For an emergency meeting, the committee shall provide notice to each local newspaper, local wire service, local radio station, and local television station that has filed a request. Notice for emergency meetings shall be given by telephone, email, or the same method used to notify the members of the committee and shall be given immediately after notice has been given to those members.

The Division would like to thank the North Carolina Rural Planning Organizations and the Metropolitan Planning Organizations for continuing to work with us in making sure that business is conducted properly.