



# Keeping out of Trouble Scenarios With Answers

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Part One:

How to stay out of trouble with the board.

Problem 1. Chair directs clerk not to release draft minutes.

- Legal Issues:
  - Draft minutes are public records. Must be provided if requested.
  - Also, such a rule would have to be approved by the board.

Part One:

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Problem 2. Conversation about filling a vacancy in closed session.

- Legal issues:
  - Discussion about filling the vacancy is not allowed in closed session.
  - Law requires a general account of what transpired.

Part One:

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Problem 3. Board member wants employee emails.

- Legal Issues:
  - It's not clear if these are public records. If they are not related to public business they are not public records.
  - If these records are public records, the member has access just as any member of the public would. If they are personnel records, the individual member does not have a right to see them.



Part two:

How to help the board stay out of trouble.

Problem 1. Manager polls the board for approval of a contract.

- Legal issues:
  - If a matter has to be approved by the board, it must be done by vote of a majority, in a validly noticed official meeting.
  - If the board has the authority to delegate that authority to the manager, it's fine for her to poll them just to make sure they are in agreement with her decision.



Part two:

How to help the board stay out of trouble.

Problem 2. Board member not voting because of perceived conflict.

- Legal Issues:
  - Members have a duty to vote unless there is a basis for excusal. There was no basis for excusing the member in this case. There is no authority for a member to recuse him/herself.

Part two:

How to help the board stay out of trouble.

Problem 3. Board members attending town council commissioners meeting.

- Legal issue:
  - Technically, this meets the definition of an official meeting. Notice should be given even though it's not really a meeting in the usual way. Nonetheless, since it is an open meeting, members of the public can attend so it makes sense to provide notice that a majority will be there transacting public business, even if they're just listening.



Part three:

How to stay out of trouble with the law.

Problem 1. Offer of attorney's beach house.

- Legal issue:
  - The attorney is a contractor with the county, and the invitation is a gift that is something of value. You are an employee who might have a role in administering and participating in the making of the contract.



Part three:  
How to stay out of trouble with the law.



Problem 2. Please oh please can I keep the Pickleball set?

- Legal issue:
  - Yes! Typically the vendors donate the prizes to the organization and the organization raffles them out randomly. So there is no gift given by the vendor directly to the individual, thus no violation.

Part three:

How to stay out of trouble with the law.

Problem 3. Disclosure of non-public information.

- Legal issue:
  - If this information is truly not public, this would violate the “insider trading” provision in GS 14-234.1.

“How you do you look in orange?”



**CLERKS ROCK!**