

Wilmington Urban Area Metropolitan Planning Organization Closed Session Policy

It is the policy of the Wilmington Urban Area Metropolitan Planning Organization (“WMPO”) that closed sessions shall be held only when required to permit the WMPO to act in the public interest as permitted by N.C.G.S. § 143-318.11. The WMPO Board hereby adopts the following Closed Session Policy:

A. The Board may hold a closed session and exclude the public only when a closed session is required for the purposes set forth in N.C.G.S. § 143-318.11(a), as follows:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
 - (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
 - (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
 - (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
 - (10) To view a recording released pursuant to G.S. 132-1.4A.
- B. The Board may go into closed session only upon a motion duly made and adopted at an open meeting by a majority vote of the Board Members voting in-person or participating remotely. The motion must state one or more of the permissible purposes for holding a closed session listed in N.C.G.S. § 143-318.11(a).
- C. Pursuant to the *WMPO Board Member Remote Participation Policy and Procedure*, Board Members may participate in a closed session remotely provided the Board Member provides assurance to the Board that no other person is able to hear, see, or otherwise participate in the closed session from the remote location.
- D. If the purpose of the closed session is to prevent the disclosure of information that is privileged or confidential under State or Federal law, or not considered a public record within the meaning of Chapter 132 of the North Carolina General Statutes, the motion to go into closed session must also state the name or citation of the law that renders the information to be discussed privileged or confidential.
- E. If the purpose of the closed session is to consult with the WMPO's attorney pursuant to N.C.G.S. § 143-318.11(a)(3), the motion to go into closed session must identify the parties in each existing lawsuit concerning which the Board expects to receive advice during the closed

session.

- F. The Executive Director, the Clerk to the Board and the WMPO's attorney shall attend the closed session unless otherwise directed by the Board. Any closed session held pursuant to N.C.G.S. § 143-318.11(a)(3) must include an attorney employed or retained by the WMPO. The Board may allow staff or agents of the WMPO to attend the closed session if necessary or appropriate to the matter at hand. No other person shall attend the closed session unless specifically invited by a majority vote of the Board.
- G. In the absence of the Clerk, the Board Chair shall designate one of the Board Members or another person authorized to attend the closed session to prepare minutes and the general account of the closed session.
- H. Upon completing its closed session business, the Board shall end the closed session by adopting a duly made motion to return to open session.
- I. This Policy is in addition to all other applicable Federal and State laws, regulations and requirements. In the event that this Policy conflicts or is inconsistent with any applicable Federal or State law, regulation or requirement, the Federal and/or State law, regulation or requirement shall control.
- J. This Policy supplements the Board's other adopted rules and policies and shall also apply to any Committees of the Board.
- K. This policy may be revised or amended as determined appropriate by the Board.

Adopted this ____ day of August, 2023.