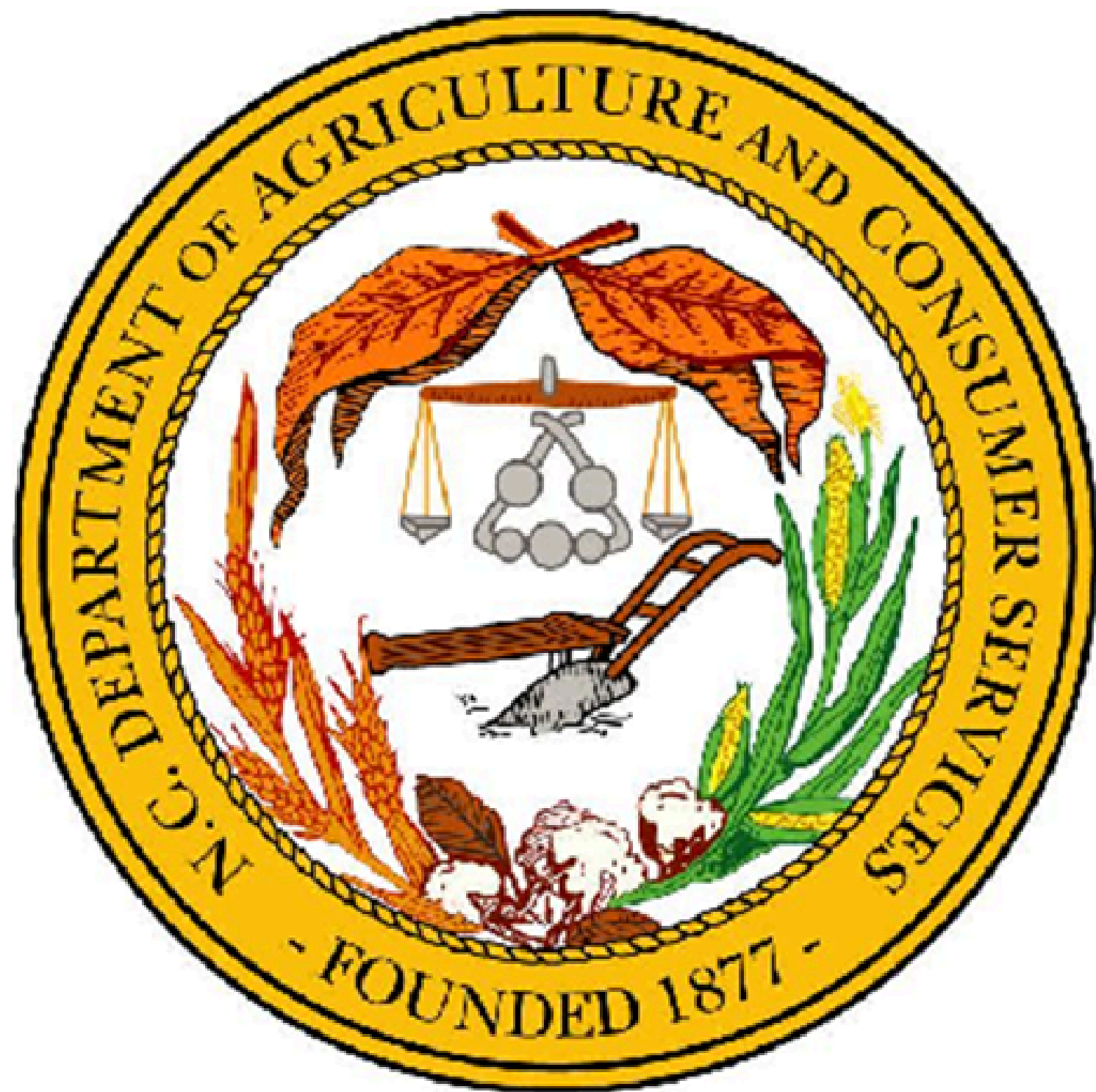




SUNSHINE LAWS & SOIL & WATER DISTRICTS

**PUBLIC ACCESS TO THE
BUSINESS OF GOVERNMENT**

Transparency **PUBLIC RECORDS LAW**

Document Retention

OPEN MEETINGS LAW

District Confidentiality



NORTH CAROLINA PUBLIC RECORDS ACT

Foundation of Public Records Law

Defines written materials & other records created or received by state & local government as property of North Carolinians

Grants public access to government records

NORTH CAROLINA GENERAL STATUTE 139-8.2

District confidentiality requirements



PUBLIC RECORDS

Materials

Paper & Electronic Documents

Papers

Letters

Books

Maps

Photos

Processing Records

Artifacts

Emails

Maps

Films

Sound Recordings

Tapes

Electronic data

Text Messages

*Other documentary material (regardless of physical form or characteristics, including **DRAFTS**)



PUBLIC RECORD EXAMPLES

Protected Information

Conservation plans
Federal program
contract information
Job sheets
NRCS documents
Federal forms

Farm, tract, field & federal
contract numbers
Geospatial information
Resource data
Designs
Acreage amounts
Information concerning
agricultural operation, farming or
conservation practices

Guidance for Districts

Implement Public Records Policy

Train staff for consistent implementation

Clarify or revise request if too broad

Be courteous but don't commit to providing information until it's clear the district can release it

Share request with county attorney



PUBLIC RECORDS

*Document Retention
For how long?*

Records Retention & Disposition Schedule

Adopt at open meeting schedules for managing files for:

Local Government Agencies

Soil & Water Conservation Districts

Cost Share Programs &

Designs Includes plans, contracts, contract revisions, correspondence, lifetime cap accounting information, reports & working reports

Retain designs of ponds & other structures in office permanently

Maintain lifetime caps records in office until superseded or obsolete

Destroy in office all other records 10 years after the maintenance agreement



OPEN MEETINGS LAW

NORTH CAROLINA GENERAL STATUTE 143 ARTICLE 33C

District boards being “public bodies” are open to the public

If quorum is together to discuss district business, it’s an official meeting

Meeting locations must be accessible to public & appropriate for open meetings

Minutes are required for official meetings, including closed sessions

CLOSED SESSIONS

Allowed when open sessions harm public interest or individual’s privacy

10 purposes but most common: PERSONNEL MATTERS & CONFIDENTIAL INFORMATION



How to go into Closed Session

A motion must be made & seconded from an Open Meeting – every motion shall cite one or more of the permissible purposes; for confidential information, the motion shall state the name or citation that makes the information confidential

Persons other than board members may be asked by the board to assist by attending the closed session

Chairman: “We have a motion and a second to go into closed session pursuant to General Statute 143-318.11(a)(1) to prevent disclosure of information that is privileged or confidential. The information to be reviewed is protected by Section 1619 of the 2008 Farm Bill & Statute 139-8.2. All those in favor say “aye”. Motion carries.”

“This board will now go into closed session. We would like for our district technician and NRCS partner to please remain seated and assist us with this issue.”



BE DILIGENT IN PROTECTING CONFIDENTIAL INFORMATION

**Confidential information appropriate for CLOSED SESSION
(agricultural information, farming or conservation practices):**

CONSERVATION PLAN

FEDERAL PROGRAM CONTRACT INFORMATION

JOB SHEETS

DOCUMENTS SIGNED BY OR UNDER NRCS AUTHORITY

CORRESPONDENCE ON FEDERAL LETTERHEAD

FEDERAL FORMS

INFORMATION GENERATED ON OR HOUSED IN FEDERAL
SYSTEM

FARM, TRACT, FIELD & FEDERAL

CONTRACT NUMBERS

GEOSPATIAL INFORMATION

RESOURCE DATA

DESIGNS

ASSISTANCE NOTES

ACREAGE AMOUNTS

CONFIDENTIAL

CLOSED SESSIONS

Things to remember

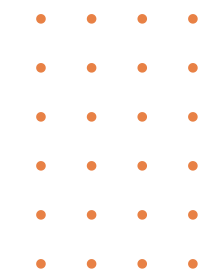


Motion must be made & seconded to leave closed session & return to the public meeting (board may not adjourn meeting from closed session)

Minutes of closed session must be kept & may be a “general account” of discussion; the general account may be merged in the open meeting minutes if appropriate

It is okay to “seal” closed session minutes if it would frustrate the purpose of the closed session; minutes must be released when need to keep information confidential passes

Use Division's minutes & agenda templates



MEETING NOTICES

Transparency

Regular Meetings

Meeting schedule must be kept on file with the district clerk

Regular schedule “shall” be posted on district website; if district employee maintains the meeting website, any meeting must be posted

Regular meetings must be noticed at least **7 calendar days** in advance – notice must show date, time & location

Special Meetings

Special meetings must be noticed at least **48 hours** in advance – notice must show purpose, date, time & location

Emergency Meetings

Called in unexpected circumstances that require immediate consideration - notice must show purpose, date, time & location



Questions?

**See paper & electronic handouts for
links & more detailed information**

