

DST POLICIES AND PROCEDURES

DST Reference:	SLG-POL-1001-SLG
Title:	Policy on Participation by the General Public in LGC Meetings
Chapter:	Local Government Commission Administration
Current Effective Date:	August 26, 2019
Original Effective Date:	March 5, 2013

Applies to: N.C. Department of State Treasurer – State & Local Government Finance Division – Local Government Commission

Keywords: Open Meetings, Public Participation, Local Government Commission, Public Hearings

Background

The staff of the State and Local Government Finance Division (SLGFD) provides staff support to the Local Government Commission (LGC or Commission). The LGC is a public body subject to North Carolina's Open Meetings Law (G.S. Chapter 143, Article 33C). However, its meetings are not public hearings unless so designated by the LGC pursuant to G.S. Chapter 159. Nonetheless, the LGC has in the past allowed and continues to desire to allow participation in its meetings by members of the general public in certain circumstances.

Purpose and Authority

The purpose of this policy is to establish a method by which interested members of the general public may provide input on LGC agenda items. The LGC adopted a resolution on the topic at its March 5, 2013 meeting, which it revised and approved at its meeting on April 5, 2016. The revised resolution provides as follows:

1. Members of the general public may provide public input on any item of concern related to any agenda item before the Commission, including providing spoken comments during a Commission meeting, so long as such spoken comments are made in person.
2. Members of the general public desiring to make spoken comments at a Commission meeting on any item of concern related to any agenda item before the Commission shall give prior notice to, and receive permission from the Commission's Secretary.
3. The Commission's Secretary, in consultation with the Chair of the Commission, may establish time limits and other procedures by which members of the general public may make spoken comments at Commission meetings, including, but not limited to requesting any group to appoint a spokesperson and to refrain from being repetitive of any comments made by other groups.
4. Members of the general public may provide written comments (including emailed comments) on any agenda item before the Commission prior to the meeting at which the matter will be considered. Likewise, applicants and others making presentations to the Commission may provide written materials for consideration by the Commission. Written comments, including emailed comments, as well as other written materials should be provided to the Secretary of the Local Government Commission no later than seven (7) business days before the meeting at which the subject item will be considered so that the information can be included in the agenda packets sent to the Commission members. Comments and other written materials received after this deadline will be considered at

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the discretion of the Commission’s Chair on the advice of the Commission’s Secretary. Comments and other written materials provided in a timely manner (and those accepted at the discretion of the Commission’s Chair) shall be distributed to all members of the Commission and to the governing body of the unit of local government which is the subject of such comments or written materials.

5. Members of the general public who have received permission to speak at an LGC meeting may provide those same comments in writing at the meeting.
6. No member of the general public may participate in or provide comments during a Commission meeting via telephone or conference call.

Policy

This policy establishes a method by which interested members of the general public may provide in person comments on LGC meeting agenda items, at the discretion of the Commission. It also establishes a framework for the submission of written materials to the LGC, both by members of the general public and by applicants and others making presentations before the LGC.

Definitions

DST – Department of State Treasurer

SLGFD – State and Local Government Finance Division LGC

or Commission – Local Government Commission

Member of the General Public – an individual not working for or representing a unit of local government

G.S. – North Carolina General Statute

Roles and Responsibilities

The policy is administered by the Director of the SLGFD as Secretary to the LGC, with the assistance of additional DST and SLGFD staff including but not limited to the Director of the Debt Management Section and the Assistant General Counsel for the State and Local Government Finance Division.

Implementation

This is an external policy. It was approved by resolution of the LGC at its meeting on March 5, 2013, and became effective immediately. It was amended during LGC meeting discussions on October 6, 2015, February 2, 2016 and April 5, 2016, approved as last amended on April 5, 2016, and became effective immediately.

References

- A Resolution to Establish Procedures for Public Participation in Local Government Commission Meetings Adopted on March 5, 2013, first amendment drafted October 6, 2015, revised February 2, 2016 and April 5, 2016, approved as last amended on April 5, 2016 and effective immediately.
- G.S. Chapter 143, Article 33C
- G.S. Chapter 159

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Revision/Review History

Version	Date Approved	Description of Changes
1.0	March 5, 2013	Original policy
2.0	December 16, 2016	Revised to include time limits for submitting written comments and other materials to the LGC for consideration at a meeting, to add a definition of “member of the general public” and to clarify the policy’s title.
3.0	April 26, 2018	Expanded time period for submitting public comments on agenda items from 6 to 7 business days before a meeting, other minor edits
3.1	August 26, 2019	Minor wording and formatting changes; added text of LGC resolution as appendix to policy

Appendix

Appendix A – A Resolution to Establish Procedures for Public Participation in Local Government Commission Meetings Adopted on March 5, 2013, first amendment drafted October 6, 2015, revised February 2, 2016 and April 5, 2016, approved as last amended on April 5, 2016 and effective immediately.

For questions or clarification on any of the information contained in this policy, please contact the policy owner or designated contact point: [State and Local Government Finance Division Executive Assistant Alisia Smith at alisia.smith@nctreasurer.com](#). For general questions about department-wide policies and procedures, contact the [DST Policy Coordinator](#).

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Appendix A

Resolution #1

A Resolution to Establish Procedures for Public Participation in Local Government Commission Meetings

WHEREAS, the Local Government Commission ("Commission") is a governmental entity of the State of North Carolina housed within the Department of State Treasurer, and is subject to the open meetings law of North Carolina; and

WHEREAS, the Commission's meetings are public meetings but are not public hearings unless so designated by the Commission pursuant to GS Chapter 159; and

WHEREAS, although North Carolina's open meetings law does not require or provide for public participation in public meetings, the Commission has in the past and continues to desire to provide for public participation in its meetings in certain circumstances;

NOW THEREFORE, BE IT RESOLVED by the Commission as follows:

1. Members of the general public may provide public input on any item of concern related to any agenda item before the Commission, including providing spoken comments during a Commission meeting, so long as such spoken comments are made in person.
2. Members of the public desiring to make spoken comments at a Commission meeting on any item of concern related to any agenda item before the Commission shall give prior notice to, and receive permission from, the Commission's Secretary.
3. The Commission's Secretary, in consultation with the Chair of the Commission, may establish time limits and other procedures by which members of the public may make spoken comments at Commission meetings, including, but not limited to, requesting groups to appoint a spokesperson and to refrain from being repetitive of comments made by other groups.
4. Members of the public may provide written comments (including emailed comments) on any agenda item before the Commission prior to a Commission meeting. Likewise, applicants and others making presentations to the Commission may provide written materials for consideration by the Commission. Written comments, including emailed comments, as well as other written materials should be provided to the Secretary of the Local Government Commission no later than six (6) business days before the meeting at which the subject item will be considered so that the comments can be included in the agenda packets sent to the Commission members. Comments and other written

Original Resolution Approved March 3, 2013
Amendment Drafted October 6, 2015; Revised February 2, 2016

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materials received after this deadline will be considered only in the discretion of the Commission's chair. Comments and other written materials provided in a timely manner (and those that are accepted in the discretion of the Commission's chair), shall be distributed to all members of the Commission and to the governing body of the unit of local government which is the subject of such comments or written materials.

5. Members of the public who have received permission to speak at a Commission meeting may provide those same comments in writing at the meeting.
6. No member of the general public may participate in or provide comments during a Commission meeting by telephone or conference call.
7. This resolution shall take effect immediately upon its passage.

Original Resolution Approved March 3, 2013
Amendment Drafted October 6, 2015; Revised February 2, 2016

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