

The Charlotte Observer

James gets board to record closed meetings

After James began recording closed-session meetings on his own, the board decided a record is needed.

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- Mecklenburg County Commissioner Bill James holds a digital recorder pen that he used to record county commissioners' closed-session meetings. He prompted the board to record the meetings.

OBSERVER FILE PHOTO BY DAVID T. FOSTER

- **Charlotte Mayor Pat McCrory** said he's in favor of recording closed City Council sessions.
- **City Attorney Mac McCarley** believes it would inhibit frank conversation.
- **Charlotte-Mecklenburg Schools Superintendent Peter Gorman** says he's not opposed to the idea.

After prodding from a commissioner with a spy pen, the Mecklenburg County commissioners recently voted to begin recording closed meetings.

Commissioner Bill James sought the change, saying the government should keep a full and accurate account of what happens away from public view. To make his point, he secretly recorded the meetings with an audio recorder disguised as a pen.

But two other local government bodies – the Charlotte City Council and Charlotte-Mecklenburg school board – generally do not make audio recordings of meetings that are closed to the public.

Charlotte Mayor Pat McCrory said he's in favor of recording the meetings and thinks the county's policy change was a good idea. He said he probably would raise the matter for council consideration.

"I'm open to initiating a very similar process," he said. "I do think there needs to be an exact record of what happens in executive session."

Charlotte-Mecklenburg Schools Superintendent Peter Gorman said the school board records hearings dealing with personnel and student disciplinary appeals, but not general closed sessions.

He said he did not know of another school board that recorded closed sessions, but he was not opposed to the idea.

"There could be some value in audiotaping it and releasing it later when the information is no longer privileged," he said.

State law allows, but does not require, public boards to have certain conversations in private, including discussions about personnel matters or pending real estate deals.

The law requires the board to keep a "general account" of the meetings – enough information to give someone a "reasonable understanding of what transpired." That record doesn't have to be immediately released to the public, and some local governments have been criticized for putting too little information in the accounts.

Proponents of audio recordings say they could provide the public with a better understanding of the debate that happens around controversial decisions. The recordings could be released after they would no longer jeopardize the government's

position in a matter, such as a land purchase or an economic development incentive.

Charlotte City Clerk Stephanie Kelly said she transcribes the council's open meetings, but keeps less-detailed records of the closed sessions. When the council meets in private, she said, she keeps track of attendance and generally what is discussed. "It's not a transcription," she said.

Mac McCarley, Charlotte's city attorney, said he believes the city can comply with state law without recording meetings. He said he believes having an audio recorder present would inhibit frank conversation among council members.

"Council needs to have the opportunity for candid discussion and questions," he said. "I don't see a value to the city to record (closed meetings)."

Councilman Warren Cooksey said the council does a good job sticking to the legal parameters around closed session discussions. He said he doesn't think there's an urgent need for policy change.

"The mayor does a fantastic job of keeping us on the subject of the closed session, and we don't stray," he said. "If there were a push on council to do it, I wouldn't oppose it. But I don't feel compelled to lead the charge."

Staff writer Eric Frazier contributed.