

Unsealed by the Board of Commissioners on 8/24/2009.

**SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION – July 13, 2009**

Closed Session #2

Attorney-Client Privilege

Pursuant to NCGS 143-318.11 (a) (3), to consult with an attorney to protect attorney-client privilege, closed session was entered into at 9:45 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Attorney Curtis Potter, County Manager Artie Wilson, and Clerk to the Board Trisha McLeod.

Commissioners consulted with County Attorney Curtis Potter about whether they had violated the Open Meetings Act by approving by consensus a resolution and sending it to representatives in Washington, D.C. before a proper vote of the Board in an open meeting and without public input. Commissioners instructed Mr. Potter to review the information and timeline of events leading up to sending the resolution to determine if there was a violation of the law and furthermore to determine what the repercussions are for violations.

Since the resolution was officially approved in the open session of this meeting, Chairman Chappell instructed staff to resend the resolution along with a cover letter stating that the resolution was officially approved on this date and approved by a vote of 3 to 2.

Commissioner Hawkins asked Mr. Potter to conduct his research as soon as possible so Commissioners would have time to generate a response to the press and the public that would make the deadline for Thursday's edition of the *Transylvania Times*. The press release would indicate that the County attorney and staff are reviewing the open meetings law and internal bylaws to assure this does not occur in the future.

Chairman Chappell moved to leave Closed Session, seconded by Commissioner Bullock and unanimously carried.

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board

07/13/2009