

7. The June 29, 1977 meeting in question was held to discuss newspaper editorials and columns published on June 29, 1977, criticizing the respondent board's performance in the conduct of one of its investigations.

8. Such meeting and discussion could have been held at a later time in order to satisfy the time requirements under §1-21, G.S. for the posting of notice of special meeting.

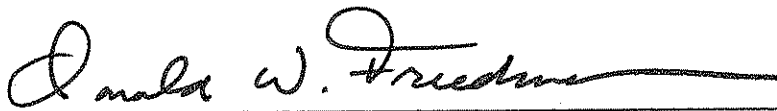
9. It is therefore found that the purpose of the meeting in question was not of such an emergency nature, within the meaning of §1-21, G.S., as to justify the respondent board's failure to provide the public with the notice prescribed under the Freedom of Information Act.

10. Although the board of ethics utilized an incorrect procedure in meeting on June 29, 1977, the Commission finds such error was not intended as a way to secrete public business.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:


1. Henceforth, the respondent board shall give notice of its special meetings to the clerk of the respondent town no later than twenty-four hours prior to the time of such meeting, in accordance with §1-21, G.S.

2. It is noted that the record of the hearing herein reflects that a vote to go into executive session was taken by the board members present at the meeting here in issue, and the minutes which refer to such meeting do not record that such a vote was taken. The respondent board is further advised that §1-21, G.S. requires that the votes of each member of any public agency upon an issue before such agency is required to be reduced to writing and recorded in the minutes of the meeting at which taken.


Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on August 10, 1977.


Charlene G. Arnold, as Clerk of
the Freedom of Information Commission