

9. The respondent board contends however that it may vote to go into executive session for purpose of preserving the confidentiality of oral communications privileged by the attorney-client relationship.

10. It was admitted that no confidential communications privileged by the attorney-client relationship were made in the executive session discussion here in issue.

11. Such a matter, unrelated as it is to public records described in subsection (b) of section 1-19, is not one of the purposes defined under §1-18a(e) describing proper purposes for which the public may be excluded.

12. Further, a public agency is not permitted to exclude the public from its discussions on the contingency that something may arise in the course of a discussion that is otherwise a proper purpose under §1-18a(e), G.S. for conducting a meeting in executive session.

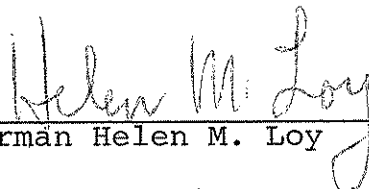
13. It is therefore found that the complainants were wrongfully denied their right to attend the respondent board's discussion relating to the aforesaid legal report at an open meeting as required by §1-21, G.S.

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

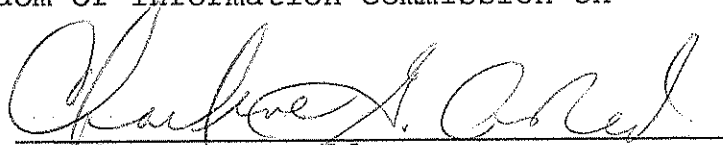
1. Henceforth, the respondent board shall vote to hold an executive session, as defined in subsection (e) of section 1-18a, for only those purposes defined in said section.

2. Henceforth, the respondent board shall not exclude the public from its discussions on the contingency that something may arise in the course of a discussion that falls within the meaning of the purposes defined under §1-18a(e), G.S.

3. The respondent board is advised that only when matters relating to purposes defined under §1-18a(e), G.S. actually arise does it become proper for a public agency to vote to hold an executive session. Concomitantly, once the discussion, in an executive session called for a proper purpose, leaves the pale of that purpose, §1-21, G.S. requires that the executive session be adjourned and the meeting be once again opened to the public.


Chairman Helen M. Loy

Approved by order of the Freedom of Information Commission on
December 28, 1977.


Charlene G. Arnold
Clerk of the Commission