

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** July 20, 2011

**SUBJECT:** Electronic Recording of Public Meetings and Appeals

**PRESENTER:** Sarah Zambon

**ATTACHMENT(S):** Yes  
1. Draft Ordinance Language

**SUMMARY OF REQUEST:**

Attached is proposed language that will allow county departments to keep electronic recordings of public meetings and hearings instead of creating minutes or verbatim transcripts of these proceedings. In the departments that already have recording capabilities, electronic recordings are easier to store, access and do not require the significant staff time required to make the verbatim records.

The proposed language takes precautions in order to protect the rights of appellants and is substantially based on various passages of the North Carolina Rules of Appellate Procedure. Electronic record shall be kept in the manner established by the North Carolina Department of Cultural Resources who establishes retention schedules for all public documents.

This language will be added to Chapter 6 "Boards and Committees" of the Henderson County Code as Section 25.

County staff will present further information on this matter and will be available to address any questions or concerns this Board may have.

**BOARD ACTION REQUESTED:**

If the Board is so inclined, they are requested to approve the ordinance language as presented to be inserted into the Henderson County Code as §6-25.

**SUGGESTED MOTION:**

*I move the approval of the ordinance language to be inserted into the Henderson County Code as §6-25.*

§6-21 through 6-24 are reserved for future use

§6-25 Record of Proceedings

- A. Electronic recordings. Henderson County will keep minutes of all meetings, and in cases in which a record on appeal could be required by a Court of record, a transcript, or an electronic recording in such a way that will be adequate to record fully the proceedings of each meeting, hearing or other proceeding.
  1. Public record. Any electronic recordings are available to the public in any and all manners in which the County is capable of providing them, at a cost set by the County's fee schedule, as amended from time to time.
  2. Electronic record retention. Records shall be kept in accordance with North Carolina Public Records law and the records retention schedule established by the North Carolina Department of Cultural Resources.
  3. Meeting Summary. In instances where electronic recordings are utilized as the official minutes, boards and committees may elect to create meeting summaries including the attendance, matters discussed with any actions taken, identification of documents presented, and any votes taken. When votes are not unanimous, the meeting summary should indicate the votes of each member of the board or committee.
- B. Record on Appeal. Henderson County shall make the electronic recordings available to any appellant in order to prepare a verbatim transcript of the proceeding being appealed.
  1. The appellant must make provision for the creation of a verbatim transcript from the electronic recording.
  2. The appellant's transcriptionist may have 45 days to prepare the transcript from the electronic recording and provide copies to the Clerk of Court and the respective parties. In certain circumstances, the time for preparation may be extended upon agreement of the parties and with the permission of the Court.
  3. The appellant shall bear the initial cost of transcription, subject to being taxed by the Court as a cost of any appeal.
  4. No part of this Ordinance is intended to conflict with North Carolina General Statutes or North Carolina Rules of Appellate Procedure. In any instance of conflict, the General Statutes and Rules of Appellate Procedure shall be followed.