

TITLE 1: GOVERNMENT
DIVISION 9: MISCELLANEOUS PROVISIONS

§ 9912. Executive Sessions.

(a) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(1) To consider the selection of a site, or the acquisition of real estate or office or building space by lease or purchase, when public knowledge regarding such consideration would cause a likelihood of increased price.

(2) To consider the minimum price at which real estate or office or building space will be offered for lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, a final action leasing public property shall be taken in a meeting open to the public.

(3) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaints or charges.

(4) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, discussion by a governing body of salaries, wages, and other conditions of employment, to be generally applied within the agency, shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging an employee, that action shall be taken in a meeting open to the public.

(5) To evaluate the qualifications of a candidate for appointment to office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public.

(6) To consult with the governing body's legal counsel.

(7) To consider a matter which may infringe on a person's right to privacy as guaranteed by the Commonwealth Constitution and as further defined in 1 CMC § 9903, including but not limited to confidential medical or financial information.

(b) Before convening in executive session, the presiding officer shall publicly announce the purpose of excluding the public from the meeting place and the time when the executive session will be concluded.

(c) A governing body may hold an executive meeting closed to the public upon affirmative vote, taken at an open meeting, of two-thirds of the members present. A meeting closed to the public for executive deliberations shall be limited to the matters exempted by this section. The vote of each member on the question of holding a meeting closed to the public shall be recorded and entered into the minutes of the meeting.

(d) No chance meeting or electronic communication shall be used to circumvent the spirit or requirement of this section to make a decision or deliberate toward a decision upon a matter over which the board has supervisory control, jurisdiction, or advisory power.

Source: PL 8-41, § 13.