

4. Recent meetings of the Board have generated significantly greater public attention and desire to attend than the Board normally experiences.

5. In anticipation of an extraordinarily large crowd for the March 23, 2010 meeting of the Board and the COW, the Board initiated measures to handle the crowd.

6. The measures involved the issuance of tickets to the Board meeting and limiting the public's attendance to those who had tickets, excluding the public from the room in which the COW met, and the provision of overflow space in which those who could not enter the meeting room could observe the meetings on live electronic audiovisual feeds.

7. Some of the plaintiffs were prevented or deterred from attending one or both of the meetings as a result of the measures.

8. The ticketing procedures changed over the course of issuance without notice to the public.

9. One early ticketing requirement required the holder of a ticket to remain on the premises for several hours prior to the meeting.

10. One of the plaintiffs was denied accommodation for a disability at meetings on March 2.

11. The Board, through arrangements with local media outlets, provides live audiovisual transmission of its meetings through a cable television station and, since December, 2009, the internet via the website of another local television station.

12. Meetings of the COW are also simultaneously broadcast on the internet through the same arrangement.

13. The live audiovisual broadcasts within the Board offices for the overflow crowd have not always been reliable.

14. Subsequent to the meetings of March 23, 2010, the Board has made efforts to improve the technical quality of the simultaneous broadcast to the overflow rooms.

15. The Board makes provisions for public comment from members of the public who are present at Board offices but who cannot secure a seat in the meeting room.

16. The Board normally makes available for public comment more time than is required by the law of North Carolina.

17. The Board has refused requests to move the meetings to larger venues.

18. The press has full access to Board and COW meetings.

Based upon the foregoing, the Court makes the following CONCLUSIONS OF LAW.

1. The Court has authority and jurisdiction over the parties and the subject matter of this action.

2. The Board and the COW are public bodies.

3. The Board is required by North Carolina General Statute §143-318.9 *et. seq.* (the Open Meetings Law) to take reasonable measures to provide for public access to its meetings.

4. The provision for simultaneous broadcast of its meetings on television and over the internet are reasonable measures.

5. The provision of overflow rooms to accommodate members of the public who cannot find seats in the meeting rooms and for live audiovisual broadcast of its meetings into the overflow rooms are reasonable measures.

6. The maintenance of safety and security for members of the public, members of the Board, staff and the press is reasonable.

7. The Board is not required by any provision of North Carolina law to change the venue of its meetings if reasonable measures can be taken to accommodate the members of the public who wish to attend.

8. A ticketing procedure is not necessarily unreasonable with adequate public notice.

9. A ticketing procedure requiring a ticket holder to remain on the premises for hours preceding a meeting is unreasonable.

10. Complete exclusion of members of the public from meetings of the COW prior to the meetings is unreasonable.

11. Failing to make accommodations for members of the public who are disabled is unreasonable.

12. The Court cannot conclude on this record that the Board engages in continuous violations of the Open Meetings Law or that past violations, if any, will reoccur.

13. The Court cannot conclude on this record that any alleged violation of the Open Meetings Law affected the substance of any action of the Board.

14. The Court cannot conclude on this record that any alleged violation of the Open Meetings Law prevented or impaired public knowledge or understanding of the people's business.

15. The Court cannot conclude on this record that any alleged violation was committed in bad faith for the purpose of evading or subverting the public policy embodied in the Open Meetings Law.

16. The Board makes reasonable efforts to conduct its business in the open and in view of the public.

17. Meetings of the Board and the COW are open to the public as contemplated by the Open Meetings Law.

18. The Board is taking reasonable action to implement measures to address alleged past violations of the Open Meetings Law.

19. The Board is implementing reasonable measures to accommodate larger than normal crowds.


20. The Board has implemented reasonable measures to accommodate whatever crowd attends the May 18 meeting.

20. There are no grounds in law to invalidate any action of the Board.

NOW, THEREFORE, the Court orders as follows:

1. The plaintiffs' motion for a preliminary injunction is denied.
2. The plaintiffs' motion for a permanent injunction is denied.
3. The plaintiffs' motion for a declaratory judgment is denied.
4. The plaintiffs' complaint for relief under the Open Meetings Law is dismissed.

IT IS SO ORDERED this the 14th day of May, 2010



William R. Pittman
Superior Court Judge