

**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
November 30, 2009**

Present: Mark Brown, Dena Barnes, Bob Williams, Alicia Flowers, Becky Strickland, John Wray, William (Bill) Hill, Town Attorney, and Valarie Halvorsen, Town Clerk.

****NOTE:** In open session, Flowers made a motion to recess to closed session as provided under **NCGS 143-318.11** at 4:05 pm. There was no discussion. The motion was seconded by Wray and passed unanimously.

Hill discussed a FOIA request made by the NorthWest Observer that is similar to one made in 2007 by a citizen. It was decided in 2007 not to release the records. By consensus, council agreed that the current request would not be honored without a court order.

Hill discussed Strickland's October 13, 2009 motion to investigate that the recent unsealing of Closed Session minutes. He noted he cannot investigate a conclusion or assumption, and interviewing those other than employees would have to be done publicly. Hill was directed to interview current employees and examine any necessary records or paperwork with a maximum time spent of 7 billable hours. He will report back to council during a future Closed Session and a decision will be made then whether to go any further. Strickland asked that an affidavit from Gail Dunham be incorporated into the minutes. The affidavit is hereby incorporated into these minutes on the following page.

By consensus, Council reconvened to Open Meeting at 4:40 pm.



Mark Brown, Mayor



Valarie Halvorsen, Town Clerk

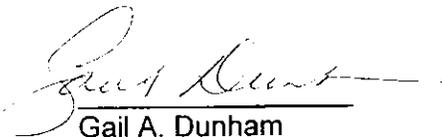
Sworn Affidavit

I, Gail A. Dunham, being a duly qualified resident and voter of Summerfield, North Carolina, do hereby swear and affirm that on Wednesday night, October 21, 2009, after the "Northwest Observer Candidate Forum," at the Summerfield Community Center, that I personally spoke with then Summerfield Council candidate, and former Town of Summerfield Clerk, Dianne Laughlin, now Councilwoman-elect, during which conversation she related the following to me:

That she (Dianne Laughlin – former Summerfield Town Clerk and Custodian of Records), Town Administrator (then Town Manager) Michael Brandt, and (then) Town Attorney Bill Trevorrow decided to NOT disclose the close session minutes requested under the Public Records Act in March, 2005, "**because it was not in the best interest of the town**" to disclose the Closed Minutes.

Affiant further swears and affirms that I called Dianne Laughlin on the telephone a few days later, and at that time she told me there was nothing in the minutes that could impact an election.

Further, affiants swears and affirms that Dianne Laughlin said during same telephone conversation to me that she "**kept her own notes to cover herself in case there was a problem in the future.**"

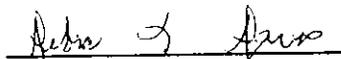


Gail A. Dunham
Affiant

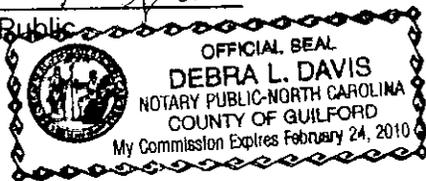
Sworn to and subscribed to before me

This 24th day of November, 2009

Guilford County, North Carolina


Notary Public

Seal:



My Commission expires: 2/24/2010