

1975 S.C. Op. Atty. Gen. 12 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3928, 1975 WL 22226

Office of the Attorney General

State of South Carolina

Opinion No. 3928

January 9, 1975

\*1 Mr. Frank Bryan  
City Attorney  
Messrs. Weinberg, Bryan, Warner & Brown  
Attorneys at Law  
109 North Main Street  
Sumter, South Carolina 29150

Dear Mr. Bryan:

I have received a letter dated November 27, 1974, from Mr. R. Powell Black, City Manager. A copy of this letter was forwarded to you.

The question presented by Mr. Black is whether the City Council can discuss in closed session and vote in closed session upon a proposed purchase price to be offered for the acquisition of property by the City.

It is my opinion that this type of negotiation is specifically recognized as a permitted executive session under the Freedom of Information Act. See Section 1-20.3(b)(2).

The vote upon the matter may likewise be conducted in executive session as it would, in all circumstances that I can envision, require a disclosure of the subject matter of the vote.

If the matter is incorporated in the Minutes of the City Council, this, in my opinion, may be similarly withheld from public disclosure under the provisions of Section 1-20.1, which provides that public records are not inclusive of records 'concerning which it is shown that the public interest is best served by not disclosing them to the public.' I am assuming that City Council would make such a determination in nearly all cases, but I recognize that the passage of time may make such negotiating efforts subject to public disclosure if the Council should determine that the public interest would not be adversely affected by disclosure.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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