

Unsealed by Board of Commissioners 03/28/2011.

**SEALED MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**January 24, 2011 – CLOSED SESSION**

Per NCGS 143-318.11 (a) (6) to consider the conditions of initial employment, closed session was entered into at 8:50 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed, and Phillips, County Manager Artie Wilson, County Attorney Curtis Potter, and Clerk to the Board Trisha Hogan. Also present were Board of Elections members Jack Hudson, Ladene Newton, and David Morrow and Board of Elections Director Judy Mathews.

Commissioners discussed with the Board of Elections members the initial conditions of employment for a new Elections Director to replace Judy Mathews who is retiring in April. At the previous meeting, Commissioners were supportive of hiring the best person in order to maintain the best possible election process in Transylvania County, but expressed concern that they did not have the exact amount of the financial impact for the rest of the fiscal year. The Board of Elections plans to hire a new director in late February which means the two directors salaries will be overlapping. They also plan to offer a salary in the midpoint range of the salary grade. Therefore, Commissioners requested additional information with the intent of making the decision at this meeting.

The Manager provided and reported on the following information per the Commissioners' previous request:

1. Exact amount of overlapping costs to include salary offer for the new Director and benefits
2. Salaries of Directors in comparable counties (brief discussion)
3. Whether or not any County Department Heads were hired at the midpoint range of their salary grade (3 hired: 1 hired below midpoint; 2 hired at above the midpoint but since the new pay classification scale was implemented, these 2 are now below the midpoint)

He also noted that the new director will be able to transfer sick time if accrued through employment with State or local government, but not vacation time. The new director will also accrue vacation according to the time of State or local government service; but that does not count towards the 457 investment plan or longevity. Membership in the State or local government is also transferable.

Since the previous meeting, the Board of Elections determined it can cover the overlapping salaries in the current budget; however the Board will need to approve the salary offer in the midpoint range of the salary grade.

Mr. Hudson briefly discussed the Board of Elections' decisions for its choice for a new director including the applicant's qualifications. He also explained their search process and noted the number of applications received.

Per County Attorney Curtis Potter, NCGS 163-35 (c) states that the compensation paid to directors of elections in all counties maintaining full time registration shall be in the form of a salary in the amount recommended by the county board of elections and approved by the county board of commissioners and shall be commensurate with the salary paid to directors in counties similarly situated and similar in population and number of registered voters. Therefore

Commissioners discussed the salaries of comparable and surrounding counties. Mr. Potter said the Board of Commissioners must exercise a certain amount of discretion in terms of defining what commensurate really means and that duty applies to both boards, not just the Board of Commissioners.

After further discussion, **Commissioner Chapman moved to accept the recommendation from the Board of Elections regarding the salary for the new hire. The motion was seconded by Commissioner Hogsed.** It was noted that the Board of Elections has already negotiated a salary with the candidate pending approval by the Board of Commissioners. The recommendation is within the salary range. **The motion was passed unanimously.**

**Commissioner Chapman moved to leave closed session, seconded by Commissioner Chapman and unanimously carried.**

---

Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

---

Trisha M. Hogan  
Clerk to the Board