

**MINUTES
TRANSYLVANIA COUNTY
OATH OF OFFICE CEREMONY
&
ORGANIZATIONAL MEETING OF THE BOARD OF COMMISSIONERS
December 5, 2016**

An oath of office ceremony for newly elected officials was held on Monday, December 5, 2016 at 8:30 a.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC. There were approximately 25 in attendance, including media representation from *The Transylvania Times*.

WELCOME

County Manager Jaime Laughter welcomed everyone to the ceremony. She introduced the Honorable Judge Peter B. Knight who presided over the oath of office ceremony. The oaths of office were administered as listed below:

OATH OF OFFICE – REGISTER OF DEEDS, ASSISTANT REGISTER OF DEEDS, and DEPUTIES

The Honorable Judge Peter B. Knight administered the oath of office to Register of Deeds Cindy Ownbey, Assistant Register of Deeds Beth Landreth, and Deputy Registers of Deeds Beverly McJunkin, D’Ree Powell and Karin Smith.

OATH OF OFFICE – SOIL AND WATER CONSERVATION DISTRICT BOARD SUPERVISOR

The Honorable Judge Peter B. Knight administered the oath of office to Soil and Water Conservation District Board Supervisor Scott Galloway.

OATH OF OFFICE – COUNTY COMMISSIONERS

The Honorable Judge Peter B. Knight administered the oath of office to County Commissioners Jason Chappell and Mike Hawkins. Page Lemel was out of town and unable to attend. She will be sworn in at a later date.

This concluded the Oath of Office ceremony. There was a 10 minutes recess prior to the Organizational Meeting of the Board of Commissioners convening.

ORGANIZATIONAL MEETING – TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

Following the oath of office ceremony, Trisha Hogan, Clerk to the Board, convened the Board of Commissioners for the purposes of holding their organizational meeting per North Carolina General Statute. Present for the meeting were County Commissioners Jason Chappell, Larry Chapman, Mike Hawkins and Kelvin Phillips. County Commissioner Page Lemel was out of town and unable to attend, but she participated remotely via Skype. Also present were County Manager Jaime Laughter, County Attorney Tony Dalton and Clerk to the Board Trisha Hogan.

Nomination and Election of Chairman

The Clerk called for nominations for Chairman.

Commissioner Hawkins nominated and moved to elect Commissioner Chapman to serve as Chairman. The motion was seconded by Commissioner Phillips. There were no other nominations. Commissioner Chapman was elected Chairman by a unanimous vote of 4-0.

Nomination and Election of Vice-Chairman

The Clerk turned the meeting over to Chairman Chapman, who called for nominations for Vice-Chairman.

Commissioner Phillips nominated and moved to elect Commissioner Hawkins to serve as Vice-Chairman. The motion was seconded by Commissioner Chappell.

Commissioner Hawkins nominated and moved to elect Commissioner Lemel to serve as Vice-Chairman. The motion was seconded by Chairman Chapman.

Commissioner Hawkins stated that while he is flattered by the nomination to serve as Vice-Chairman, he has served as Chairman for six years and is prepared to allow others to serve in leadership roles on the Board. He believes that the Chairman and Vice-Chairman positions are a team and he knows that Chairman Chapman and Commissioner Lemel will work together in this capacity; therefore he asked Commissioners to support Commissioner Lemel for Vice-Chairman. Chairman Chapman stated that Commissioner Lemel works hard and is dedicated to this community. He supported her nomination and asked Commissioners to elect her as Vice-Chairman.

Chairman Chapman called for a vote on both motions.

The motion to elect Commissioner Hawkins as Vice-Chairman failed by a vote of 2 to 2. Voting aye were Commissioners Chappell and Phillips. Voting nay were Chairman Chapman and Commissioner Hawkins.

The motion to elect Commissioner Lemel as Vice-Chairman failed by a vote of 2 to 2. Voting aye were Chairman Chapman and Commissioner Hawkins. Voting no were Commissioners Chappell and Phillips.

North Carolina General Statute is not clear with regards to allowing or disallowing remote participation and remote voting by elected officials. It is clear, however, that the Board of Commissioners must elect a chairman and vice-chairman on the first Monday in December of even-numbered years. Being that the vote to elect a vice-chairman was deadlocked, Chairman Chapman ruled that Commissioner Lemel be allowed to vote remotely and that the video recording be saved on file as record of this action in addition to the minutes.

Chairman Chapman nominated and moved to elect Commissioner Lemel as Vice-Chairman. The motion was seconded by Commissioner Hawkins. The motion passed by a vote of 3 to 2, with Commissioners Chappell and Phillips voting against.

Commissioner Hawkins emphasized that North Carolina General Statute is clear that the Board must elect a chairman and vice-chairman today; however, there is concern about the Board not following its own Rules of Procedure by allowing remote participation and voting and there does not appear to be support for suspension of the rules. In order to potentially resolve this issue today and alleviate concerns about the rules, he said he would be willing to accept the vice-chairmanship with the intention of resigning the position at the next Board meeting when a full Board is present. He does not feel a Commissioner should be forced to serve in any leadership role if they do not desire to and he believes Commissioner Lemel is the logical choice to serve in this capacity.

Chairman Chapman moved to rescind the vote to elect Commissioner Lemel as Vice-Chairman, seconded by Commissioner Chappell and unanimously approved (4-0).

Chairman Chapman nominated and moved to elect Commissioner Hawkins as Vice-Chairman. The motion was seconded by Commissioner Chappell. Chairman Chapman expressed that he felt the Board was doing a disservice to the citizens by not electing Commissioner Lemel as Vice-Chairman. Commissioner Chappell stated that rules not yet vetted and discussed by Commissioners should not be imposed upon Commissioners. **The motion passed unanimously (4-0).**

Inspection and Approval of Officials Bonds

The official bonds for the County Manager, Finance Officer, Register of Deeds, Sheriff and Tax Administrator have been inspected and are in order.

Commissioner Chappell moved to approve the official bonds for the County Manager, Finance Officer, Register of Deeds, Sheriff and Tax Administrator, seconded by Commissioner Phillips and unanimously approved.

Adjournment

There being no further business to come before the Board, **Commissioner Chappell moved to adjourn the meeting. The motion was seconded by Commissioner Hawkins.** Prior to adjournment, Commissioners commented on the business that occurred today. Commissioner Phillips reminded Commissioners that remote participation has been allowed by the Board once and at that time it was made clear that the Commissioner would not be allowed to vote. He stated that the actions today by some Commissioners were against precedent and he was disappointed in the process that got us here today. Commissioner Hawkins stated that while he understands that remote participation and voting is not part of the Board's Rules of Procedure, it is not against the law because the law is gray in this area. Staff obtained legal advice via the County Attorney and UNC School of Government because the Board had an obligation to comply with North Carolina General Statute with regards to electing a chairman and vice-chairman today. Commissioner Hawkins also felt that the election of Commissioner Lemel as Vice-Chairman reflects the will of the Board and that was not done here today. **The meeting was adjourned at 9:10 a.m.**

Larry Chapman, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board