

The Alamance News



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Tom Boney, Jr., Publisher • Established February 9, 1875

November 21, 2024

Ms. Kathy Page
Chairman
Alamance County Republican Party
2643 Ramada Road
Burlington, North Carolina 27215

Dear Kathy:

Thank you for talking with me yesterday about your announced plans to hold a meeting of the executive committee of the Alamance County Republican Party on Saturday morning, November 23, 2024.

I want to take this opportunity to formalize the objections I expressed – and hopefully provide some additional context – in the hopes that you will abandon your announced intention to limit attendance “to Alamance County GOP Executive Committee members and candidates for the vacancy.”

As I explained, it is my view that the public and the Alamance County Republican Party would be far better served to have an open meeting at which interested party members and the general public could attend to hear and view the proceedings and the decision surrounding the selection of a new county commissioner.

As you know, under North Carolina law affecting Alamance and 41 other counties [N.C.G.S. § 153A27.1. *Vacancies on board of commissioners in certain counties.*], the selection of a replacement by the party’s executive committee by majority vote is tantamount to that nominee’s selection for a seat on the board of commissioners inasmuch as the remaining board members are obligated by the state law referenced above to appoint him or her to the post – in this case in order to fill the seat of a Republican commissioner (Craig Turner) who has vacated his post, effective at the close of business yesterday.

While you cited a few recent closed-door executive committee decisions regarding what I consider to be housekeeping, or internal, procedures, I think I mentioned to you that there’s a track record of openness, stretching back at least 10 years and involving three previous appointments, also made by the Republican Party’s executive committee. I see no reason to jettison that admirable pattern of transparency, particularly when I fail to see what anyone gains by the secrecy you have proposed.

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Let's review some of the actions of previous Republican chairmen and executive committees over the past decade.

The current board chairman, John Paisley, Jr., for instance, was initially chosen for a stint on the board of commissioners by an open process of the Republican executive committee in 2014 to fill the balance of a partial term on the board of commissioners caused by the resignation of former Republican county commissioner Tom Manning.

The process of the party's selection was open, and one of our reporters was present to cover the proceedings, and to hear and report on the discussion and comments of the contenders for appointment.

Again in 2016, the executive committee met in an open meeting (attended by others, including this newspaper's reporter) and made two recommendations – one for a short-term appointment (by Roger Parker) for the remaining seven months of then-county commissioner Dan Ingle's term on the board, as well as by voting to designate Amy Scott Galey as the party's replacement for Mr. Ingle on the fall ballot.

Similarly, three years ago, in 2021, the executive committee met openly, this time by the online Zoom platform (in the midst of the Coronavirus pandemic), readily available to the public and this newspaper's reporter, to choose a replacement for county commissioner Amy Scott Galey, then chairman of the board, who had been elected to the state senate the preceding November.

The procedure you have recommended this year is at significant variance with these openness precedents. And we very much question, why? What about this year's proceedings is so different or unique that it should give rise to such proposed secrecy?

While I think your proposed methodology is poor public policy, we believe – and the more strongly after consultation with our attorneys – that it also sets out on a process that potentially involves dragging the four members of the county commissioners, all Republicans, into a serious violation of the state's Open Meetings Law [See N.C.G.S. § 143-318.9, et. seq.]

The presence of potentially four remaining members of the board, thus a quorum, being present for the purpose of conducting official county business – i.e., by your own description, the purpose of filling “the vacancy left on [the Alamance County Board of Commissioners] by the resignation of Commissioner [Craig] Turner” – is troubling, indeed.

I realize you don't have occasion to worry much with the implementation of the state's Open Meetings Law. But in the case at hand, it is very much a relevant factor in your upcoming proposed secret proceedings. The Open Meetings Law defines an “official meeting” of a public body as “a meeting, assembly, or gathering together *at any time or place* or the simultaneous communication by conference telephone or other

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electronic means *of a majority of the members of a public body* for the purpose of conducting hearings, *participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.* [Emphasis added] [See N.C.G.S. § 143-318.10(d).]

Those purposes of an official meeting, as defined in state law, are *precisely* the stated purpose of the upcoming meeting of the Republican executive committee.

This is neither a “social meeting or other informal meeting” of the commissioners, which is one possible exception to the requirements of the North Carolina Open Meetings Law. Although even in those cases, members may not engage in such gatherings if they are “called or held to evade the spirit and purposes” of the Open Meetings Law. [See N.C.G.S. § 143-318.10(d).]

It should also be noted that another provision of the Open Meetings Law makes even more plain that the commissioners’ participation in the selection of a new member of the same public body must take place only in an open meeting. [See N.C.G.S. 143-318.11(6).]

I am also aware that there has been discussion about whether two current commissioners should avoid attendance at Saturday’s meeting, with the hope that by doing so, the “quorum” of having a majority of commissioner present would not be triggered.

We still believe this would be a poor public policy decision, but it may – and we stress only *may* – in fact, avoid triggering the definition of being an “official meeting” – although it still raises the question of whether the two commissioners who do attend in such circumstances would be participating in a manner that “evades the spirit and purposes” of the Open Meetings Law.

My concern about the four commissioners potentially attending has been heightened by the short memo, dated November 20, 2024, written by one of the party’s attorneys in Raleigh, Kyle Offerman, that you provided to us last night.

Mr. Offerman, apparently believes that all four of the current Republican county commissioners may attend a closed-door meeting of the Republican executive committee without limitation or consequence. He describes this as a “private meeting.” And he doesn’t think the participation of the remaining four members of the board of commissioners at an executive committee meeting falls under the definition of an “official meeting.”

We believe he is mistaken in both regards, and with potentially serious consequences, if, in fact, the four Republican county commissioners attend.

The Open Meetings Law provides that in the event a violation of the Open Meetings Law is successfully challenged in court, a judge may order that the action(s)

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taken during such an illegal meeting may be declared *null and void*. [Emphasis added]
[See N.C.G.S. § 143-318.16A, *Additional remedies for violations of Article.*]

Thus there is the very real possibility that whoever receives the nomination from the Alamance County Republican executive committee on Saturday might not, in fact, even be allowed to serve.

I think you need to consider the equally real possibility that the party's executive committee may lose its ability to suggest a nominee, *at all*, since the state law governing replacements for Alamance County commissioners requires that such action take place within 30 days of (yesterday's) vacancy. [See N.C.G.S. § 153A 27.1. *Vacancies on board of commissioners in certain counties.*]

The inevitable lag in scheduling court consideration of any potential challenge to the legality of the commissioners' participation in the upcoming meeting on November 23 – even more so during the upcoming holidays – could complicate matters significantly.

At any rate, for all of these reasons, we urge you to reconsider your proposal for restricted access to Saturday's executive committee and to allow, instead, the attendance by interested Republican Party members, the general public, and the press, specifically, one or more reporter or representative of this newspaper.

Failure to do so could have dire consequences, which I'm not sure you've fully contemplated.

As I have stressed to you by phone yesterday, we have no particular interest in *who* the Republican executive committee elects to be the new commissioner. We just must insist that the process be open and in compliance with state law, as it has been in the past.

With kindest regards, I am

Sincerely,

A handwritten signature in black ink that reads "Tom Boney, Jr." in a cursive, flowing script.

Tom Boney, Jr.

Publisher

Enclosure: Letter to Alamance County commissioner chairman John Paisley, Jr.

cc: Alamance County commissioner chairman John Paisley, Jr.
Alamance County commissioner vice chairman Steve Carter
Alamance County commissioner Bill Lashley
Alamance County commissioner Pamela Tyler Thompson