

The Alamance News



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

November 21, 2024

The Honorable John Paisley, Jr.
Chairman
Alamance County Board of Commissioners
122 West Elm Street
Graham, North Carolina 27253

Dear John:

Inasmuch as you serve as chairman of the Alamance County Board of Commissioners, I write to you out of deep concern that you and other commissioners may be about to violate the North Carolina Open Meetings Law [N.C.G.S. § 143-318.9, et. seq.] by your potential attendance together at a meeting scheduled for Saturday, November 23, 2024.

As I understand it, Alamance County Republican Party chairman Kathy Page has called for a meeting of the executive committee of the Alamance County Republican Party on Saturday morning, November 23, 2024.

You and the three other members of the board of commissioners, as Republican Party candidates and elected Republican officials, are, as I understand it, by virtue of your positions, included and defined as members of the executive committee of the county party.

Chairman Page had included in her notice for the meeting that attendance would be “limited to Alamance County GOP Executive Committee members and candidates for the vacancy.”

As I have explained to chairman Page, both over the phone yesterday, in a letter (attached), as well as in an editorial in this week’s edition, we firmly believe 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

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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.

As you undoubtedly remember, this is the manner in which the most recent three vacancies on the same board have been filled.

As I recall, Mr. Chairman, you, yourself, were 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 your selection was open, and one of our reporters was present to cover the proceedings, hear and report on the discussion and comments of the contenders for appointment.

Again in 2016, the board 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 party 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 being recommended by chairman Page is at significant variance with these openness precedents.

What about this year's proceedings is so different or unique that it should give rise to such proposed secrecy?

While I think her 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 you and other current commissioners in attendance likely violating the state's Open Meetings Law [See N.C.G.S. § 143-318.9, et. seq.]

The presence of potentially four remaining members of your board, thus a quorum, being present for the purpose of conducting official county business – i.e., by chairman Page's 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.

As you know, 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

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simultaneous communication by conference telephone or other 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 your board members, 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 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, as provided to us last night by Ms. Page.

Mr. Offerman, apparently believes that all four of you may attend without 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 of you 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) taken during such an illegal meeting may be declared null and void. [See N.C.G.S. § 143-318.16A, *Additional remedies for violations of Article.*]

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

As I've tried to stress to Ms. Page, there is also the very 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 and other county commissioners – and other Republicans and executive committee members, for that matter – to urge Ms. Page to change the announced parameters of the scheduled meeting to allow the attendance by interested Republican Party members, the general public, and the press, specifically, one or more reporter or representative of this newspaper.

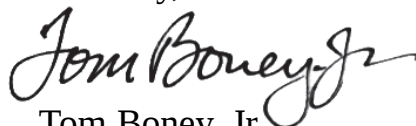
If she fails to do so voluntarily, we hope you and other executive committee members will vote to override her position, and insist on opening the scheduled meeting.

Failure to do so could have dire consequences.

As I have stressed to Ms. Page, and let me stress to you and other commissioners and potential commissioners as well, 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 cursive script that reads "Tom Boney, Jr.".

Tom Boney, Jr.
Publisher

Enclosure: Letter to Alamance County Party chairman Kathy Page

cc: Alamance County commissioner vice chairman Steve Carter
Alamance County commissioner Bill Lashley
Alamance County commissioner Pamela Tyler Thompson
Alamance County Republican Party chairman Kathy Page