

STATE OF NORTH CAROLINA
CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
Case No. 25-CVS-_____

CABARRUS CITIZENS FOR)
GOVERNMENT INTEGRITY,)
HOLLY EDWARDS, LEIGH BROWN,)
BILL BARBEE, SCOTT ELLIOTT,)
PARISH MOFFITT; KRISTEL)
SWAYZE, ANITA BROWN,)
JENNIFER DUNBAR, RAY HELMS,)
TOM DAOUST, TRAVIS NESBIT,)
DIANNA BINGLE, JAN AIRHEART)
GRAHAM, ROBERT WAYNE)
BUSHEY, and MARY STEWART)
TROUTMAN DESOUZA,)

Plaintiffs,)

v.)

CABARRUS COUNTY BOARD OF)
COMMISSIONERS and CABARRUS)
COUNTY,)

Defendants.)

VERIFIED COMPLAINT

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

**MOTION FOR ATTORNEYS' FEES
AND COSTS**

NOW COME Plaintiffs Cabarrus Citizens for Government Integrity, Holly Edwards, Leigh Brown, Bill Barbee, Scott Elliott, Parish Moffitt, Kristel Swayze, Anita Brown, Jennifer Dunbar, Ray Helms, Tom Daoust, Travis Nesbit, Dianna Bingle, Jan Airheart Graham, Robert Wayne Bushey, and Mary Stewart Troutman Desouza (collectively, "Plaintiffs"), by and through their undersigned counsel, and complaining of Defendants Cabarrus County (the "County") and the Cabarrus County Board of Commissioners (the "BOC"), allege and state as follows:

NATURE OF THE ACTION

1. Plaintiffs bring this action for redress from the BOC's unlawful, invalid, and void attempt to appoint a new BOC member at a specially called meeting on April 10, 2025.

2. At the April 10, 2025 special meeting, three BOC members acted in concert to

blatantly and knowingly violate state law and the BOC's own Rules of Procedure to ensure that a "predicted" vacancy on the BOC would not be filled by a political opponent.

3. As a result, the new Commissioner "appointed" by the BOC may take possession of County office without any lawful authority. Any acts taken by this new member while purportedly holding office "are absolutely void, and can be impeached at any time in any proceeding." *North Carolina State Conf. of Nat'l Association for the Advancement of Colored People v. Moore*, 2022-NCSC-99, ¶ 4, 382 N.C. 129, 133, 876 S.E.2d 513, 519 (citing *In re Wingler*, 231 N.C. 560, 564, 58 S.E.2d 372 (1950)).

4. The Court's intervention is of urgent necessity, as every act of County business by the BOC, as presently constituted, will be rendered null and void for so long as the new "appointee" may participate on the BOC.

PARTIES, JURISDICTION, AND VENUE

5. Plaintiff Cabarrus Citizens for Government Integrity is an unincorporated association consisting of citizens, residents, and taxpayers of Cabarrus County, which exists for the purpose of protecting the fairness, transparency, and integrity of the Cabarrus County government.

6. Pursuant to N.C.G.S. § 1-69.1, Plaintiff Cabarrus Citizens for Government Integrity has filed an assumed business name certificate under Article 14A of Chapter 66 of the North Carolina General Statutes.

7. Plaintiffs Holly Edwards, Leigh Brown, Bill Barbee, Scott Elliott, Parish Moffitt, Kristel Swayze, Anita Brown, Jennifer Dunbar, Ray Helms, Tom Daoust, Travis Nesbit, Dianna Bingle, Jan Airheart Graham, Robert Wayne Bushey, and Mary Stewart Troutman Desouza are citizens, residents, and taxpayers of Cabarrus County.

8. Defendant County is a political subdivision of the State of North Carolina and a body

politic and corporate entity with the capacity to sue and be sued as provided in N.C.G.S. § 153A-11.

9. Defendant BOC is the board of commissioners for Defendant County pursuant to N.C.G.S. § 153A-12.

10. This Court has jurisdiction over the parties to this action.

11. This Court has jurisdiction over this claim pursuant to, *inter alia*, N.C.G.S. § 1-253.

12. Plaintiffs have standing to bring this action for a declaratory judgment pursuant to N.C.G.S. § 1-253, *et seq.* and Rule 57 of the North Carolina Rules of Civil Procedure.

13. Cabarrus County Superior Court is the proper venue for this claim.

FACTUAL BACKGROUND

14. At least prior to the events set forth herein, the BOC has been comprised of five Commissioners—a Chair, Vice Chair, and three members. The Chair was Christopher Measmer. The Vice Chair was Laura Blackwell Lindsey. The other three members were Lynn Shue, Kenneth Wortman, and Larry Pittman.

15. On or about March 26, 2025, Republican Senator Paul Newton of Cabarrus County resigned from his position in the North Carolina Senate. Pursuant to N.C.G.S. § 163-11, Senator Newton’s vacancy was to be filled by recommendation of the Executive Committee of the Cabarrus County Republican Party.

16. On or about April 6, 2025, the Cabarrus County Republican Party Executive Committee selected Mr. Measmer as their recommendation to Governor Josh Stein to fill the vacancy left by Senator Newton’s resignation.

17. On April 7, 2025, Mr. Measmer informed the BOC that the Cabarrus County

Republican Party Executive Committee had recommended him to fill Senator Newton’s vacancy.¹

18. Mr. Measmer cannot simultaneously serve as both a County Commissioner and a member of the North Carolina Senate. *See* N.C. Const. art. VI, § 9 (“No person shall hold concurrently any two offices in this State that are filled by election of the people.”).

19. N.C.G.S. § 153A-27 provides that a vacancy on a County Board of Commissioners shall be filled by a vote of the *remaining members* of the Commission. *See* N.C.G.S. § 153A-27(a) (“If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy.”).

20. Commissioners Measmer, Lindsey, and Pittman, on the one hand, and Commissioners Shue and Wortman, on the other hand, have been on opposing sides of political issues. As such, there was a strong possibility that the remaining members of the BOC (Commissioners Lindsey, Pittman, Shue, and Wortman) would not agree on Measmer’s replacement, and pursuant to N.C.G.S. § 153A-27, the vacancy would be promptly filled by a person selected by the Cabarrus County Clerk of Superior Court.

21. In an attempt to avoid losing control of the appointment of Measmer’s replacement, Commissioners Measmer, Lindsey, and Pittman took matters into their own hands, acting in blatant disregard of state law.

22. On April 7, 2025, Mr. Measmer, acting as Board Chair, issued a Notice of Special Meeting of the Board Commissioners for April 10, 2025 at 8:15 a.m. The Notice was entitled “Filling of Anticipated Vacancy on the Board of Commissioners” (emphasis added) and recited that the primary purpose of the meeting would be “to consider filling the forthcoming vacancy created on the Board of Commissioners, which it is anticipated will be created upon the administration of

¹ <https://www.cabarruscounty.us/News/Commissioners-open-application-period-for-board-replacement>.

Chairman Measmer’s oath of office seating him in the North Carolina Senate.” (emphasis added). A true and accurate copy of the Notice of Special Meeting is attached hereto, and incorporated herein by reference, as Exhibit 1. A true and accurate copy of the special meeting agenda is attached hereto, and incorporated herein by reference, as Exhibit 2.

23. The scheduling of the special meeting for 8:15 a.m. was no coincidence. It is well-known that Commissioner Shue undergoes daily dialysis treatments that do not end in time for him to attend a meeting at 8:15 a.m. This very topic was the subject of discussion at prior BOC meetings.

24. Upon information and belief, Mr. Measmer knew that Commissioner Shue would not be able to attend an 8:15 a.m. meeting, and Mr. Measmer intentionally scheduled the special meeting at that time to ensure that Commissioner Shue could not participate in the purported vote on Mr. Measmer’s replacement.

25. When the time of the special meeting arrived, Commissioners Measmer, Lindsey and Pittman were in attendance. Commissioners Shue and Wortman were not present at the meeting.

26. Mr. Measmer presided over the special meeting as Board Chair even though he had already been appointed to the state senate. According to Measmer and the County Attorney, this was allowed because Measmer had not yet been *sworn in* as a state senator.

27. For their first order of business, Measmer, Lindsey, and Pittman adopted a motion to suspend Rule 37(c) of the Board’s Rules of Procedure. Rule 37(c) establishes the “Nomination and Voting Procedure to Fill a Vacancy on the Board.” *See* Ex. 2, pp 23-24. Among other things, Rule 37(c) references N.C.G.S. § 153A-27—the state law governing “Vacancies on the board of commissioners.”

28. Despite the attempt by Measmer, Lindsey, and Pittman to disregard the BOC's own rules, the BOC still has to comply with state law. N.C.G.S. § 153A-27(a) states in full:

If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of the chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the clerk shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported to him, fill the vacancy.

N.C.G.S. § 153A-27(a) (emphases added).

29. The plain language of N.C.G.S. § 153A-27 requires there to be an actual vacancy on the Board (i.e., the vacancy must “occur”), such that the “remaining members” appoint a person to fill the vacancy.

30. Instead of complying with state law, Mr. Measmer participated in the special meeting and voted on his own replacement. Because Mr. Measmer chaired the meeting and voted, by definition his seat was not “vacant.”

31. Nevertheless, Mr. Measmer opened the floor to receive nominations for candidates to fill his not-yet-vacant seat. *Cabarrus County BOC Special Meeting 04.10.2025*, YOUTUBE (April 10, 2025), <https://www.youtube.com/live/QHi4Q9LUxeY?si=qFqeNGOJN-RF2jNT> (6:03)

32. Commissioner Lindsey then nominated Lamarie Austin-Stripling to “replace the seat that we will be filling for your seat, sir.” *Id.* at 6:32.

33. Next, Mr. Measmer closed the floor to further nominations and Commissioner Lindsey made a motion to “appoint Lamarie Stripling by written ballot to fill the anticipated,

unexpired term vacancy on the Board of Commissioners created by Chairman Measmer pending oath of office to and seating in the North Carolina Senate.” Commissioner Pittman seconded the motion. *Id.* at 7:49.

34. Thereafter, a vote was taken by written ballot. Mr. Measmer declared that the motion to appoint Ms. Stripling had carried by a vote of 3-0, and the meeting was adjourned.

35. The vote to appoint Ms. Austin-Stripling was not only in disregard of state law; upon information and belief, Commissioners Measmer, Lindsey, and Pittman knew or reasonably should have known that it was in violation of the law, as this very issue was addressed by the BOC only two years before.

36. In early 2023, the BOC sought to have a local bill introduced in the state legislature which would allow a commissioner to vote on his or her replacement in the case of a planned vacancy, notwithstanding N.C.G.S. § 153A-27. A true and accurate copy of the draft of this proposed bill is attached hereto, and incorporated herein by reference, as Exhibit 3. The draft bill was entitled “AN ACT ALLOWING A MEMBER OF THE CABARRUS COUNTY BOARD OF COMMISSIONERS TO RESIGN ON A DATE CERTAIN AND PRIOR TO THAT DATE CERTAIN CAST A VOTE AS A MEMBER OF THE BOARD TO APPOINT A PERSON TO FILL THE VACANCY CREATED BY THE MEMBER’S RESIGNATION.”

37. Section 1 of the draft bill, which by its terms would only apply to Cabarrus County, provided that “Notwithstanding the provisions of G.S. 153A-27, a member of the board of commissioners may submit his or her resignation to become effective on a date certain and prior to that date certain vote as a member of the board to appoint a person to fill the vacancy created by his or her resignation.” *See* Ex. 3 (emphasis added).

38. On April 17, 2023, the BOC also approved an amendment to its Rules of Procedure

which, among other things, added the following language to Rule 37(c) which mirrored the language of the proposed local bill: “If an existing member resigns, but delays the effective date of the resignation, such member can vote on his/her replacement so long as the vote occurs before the effective date of the resignation.” A true and accurate copy of the Board’s April 17, 2023 meeting minutes are attached hereto, and incorporated herein by reference, as Exhibit 4. *See* Ex. 4, pp 5444 through 5446. The amendment to Rule 37(c) was approved by the Board in a 3-2 vote “subject to review and revision by the County Attorney.” *Id.* at p 5444. Upon information and belief, such “review and revision” included consideration of whether the Board’s rule amendment would be authorized by the proposed local bill.

39. The local bill as originally worded was never introduced in the legislature. Upon information and belief, attorneys in the General Assembly’s legislative analysis section doubted the constitutionality and practical implications of such a bill.

40. Instead, a different local bill was filed, and passed into law, which amended N.C.G.S. § 153A-27(a) only with respect to the deadlines pertaining to the clerk of superior court’s appointment of a commissioner. The bill did not include a provision allowing the BOC to prospectively fill an “anticipated” vacancy. A true and accurate copy of this bill, Session Law 2023-18, is attached hereto, and incorporated herein by reference, as Exhibit 5. Session Law 2023-18 otherwise reaffirms that only the “remaining members” of the BOC shall vote to fill a vacancy, after that vacancy actually occurs.

41. On December 18, 2023, having become fully informed that it lacked any lawful authority to fill vacancies before they actually occur, or to otherwise allow departing Commissioners to vote on their replacement, the BOC amended its Rules of Procedure again to delete the unlawful language that was previously added to Rule 37(c) at the April 17, 2023 meeting.

Measmer was a member of the BOC during these events and this is the same Rule 37(c) that the BOC voted to suspend during his April 10, 2025 special meeting.

42. The BOC's attempt to "appoint" Ms. Austin-Stripling to Mr. Measmer's "anticipated" vacancy at the April 10, 2025 meeting was null and void and without legal effect.

43. Upon information and belief, Ms. Austin-Stripling has not yet taken possession of the office of Commissioner, but will purport to do so at the Board's April 15, 2025 meeting.

FIRST CLAIM FOR RELIEF
(Declaratory Judgment)

44. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

45. In N.C.G.S. § 153A-27, the General Assembly has mandated the procedure which counties must follow when filling a vacancy on a board of commissioners.

46. N.C.G.S. § 153A-27 is clear and unambiguous: county commissioners may only vote to fill a vacancy on the board once that vacancy "occurs." No vacancy had yet occurred at the time of the April 10, 2025 special meeting; to the contrary, Measmer, whose "vacancy" was at issue, called and presided over the meeting. Further, even if a vacancy had occurred, only the "remaining members" were allowed to vote to fill the vacancy.

47. Defendants violated the clear and unambiguous limits on their authority plainly described in N.C.G.S. § 153A-27.

48. A genuine controversy exists between the parties in that Plaintiffs contend that Defendants' appointment of Ms. Austin-Stripling to "replace" Measmer on the BOC was unlawful, invalid, and void; whereas, upon information and belief, Defendants contends that the appointment of Ms. Austin-Stripling was lawful. Indeed, media outlets have labeled the actions of Measmer,

Lindsey, and Pittman at the April 10, 2025 meeting as “controversial.”²

49. The declaratory judgment requested by Plaintiffs will serve a useful purpose in clarifying and settling the legal relations at issue. It will also terminate and afford relief from the uncertainty, insecurity, and controversy giving rise to this proceeding.

50. For all the foregoing reasons, and additional reasons to be shown at trial, Plaintiffs are entitled to a declaratory judgment that (1) Defendants violated N.C.G.S. § 153A-27 in purporting to appoint Ms. Austin-Stripling to replace Mr. Measmer, (2) Ms. Austin-Stripling does not have any legal authority, real or apparent, to take possession of or hold the office of Commissioner, and (3) any action or vote taken by Ms. Austin-Stripling while she purports to hold the office of Commissioner is therefore invalid and void.

51. The County and the BOC are hereby put on notice that any future actions of the BOC in which Ms. Austin-Stripling participates will be subject to challenge.

MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION

52. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

53. Pursuant to Rule 65 of the North Carolina Rules of Civil Procedure, Plaintiffs move for a temporary restraining order and/or a preliminary injunction enjoining Ms. Austin-Stripling from taking possession of the office of Commissioner or voting on matters before the BOC.

54. While this is no personal attack against Ms. Austin-Stripling, Plaintiffs and other

² See, e.g., “Cabarrus County commissioners appoint new commissioner in controversial vote,” <https://www.wbtv.com/2025/04/10/cabarrus-county-commissioners-appoint-new-commissioner-controversial-vote/> (last visited April 14, 2025); “4-10-25: Political Leaders Stunned by Cabarrus Co. Commissioners,” <https://wbt.com/1329941/4-12-25-political-leaders-stunned-by-cabarrus-co-commissioners/> (last visited April 14, 2025).

residents and taxpayers in the County will suffer immediate and irreparable harm if Ms. Austin-Stripling is allowed to take possession of the office of Commissioner and thereby participate and vote on matters of County business. Ms. Austin-Stripling does not have lawful authority to serve on the BOC, and will occupy her office as an usurper. Any Board action that she takes part in may be rendered null and void. This constitutes an unjustifiable risk that the County and its citizens and taxpayers should not have to bear. Ms. Austin-Stripling's unlawful presence and participation on the Board will jeopardize County financing and bonds, as well as all contracts entered into by the County with third parties.

55. In short, Cabarrus County and its citizens are without a legitimate County government so long as Ms. Austin-Stripling purports to act as a County Commissioner without legal authority. This is a situation that must be remedied immediately.

56. As set forth above, Plaintiffs are likely to succeed on the merits of this action.

57. A temporary restraining order and/or preliminary injunction will preserve the status quo of the BOC without the "controversial" and invalid appointment of Ms. Austin-Stripling.

58. Plaintiffs request that the Court issue a temporary restraining order, preliminary injunction, and/or permanent injunction, as necessary, enjoining and restraining Defendants from allowing Ms. Austin-Stripling to take possession of the office of Commissioner and thereby participate in meetings of the BOC or vote on matters before the BOC.

MOTION FOR ATTORNEYS' FEES AND COSTS

59. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

60. N.C.G.S. § 6-21.7 provides, in pertinent part, that "[i]n any action in which a city or county is a party, upon a finding by the court that the city or county violated a statute or case law

setting forth unambiguous limits on its authority, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the city's or county's action." N.C.G.S. § 6-21.7 (emphasis added).

61. As set forth above, Defendants violated unambiguous limits on their authority in N.C.G.S. § 153A-27.

62. Plaintiffs are entitled to an award of attorneys' fees and costs pursuant to N.C.G.S. § 6-21.7.

WHEREFORE, Plaintiffs pray Judgment of the Court as follows:

1. That this verified complaint be taken as an affidavit or declaration for all purposes;
2. For a declaratory judgment pursuant to N.C.G.S. § 1-253, *et seq.* that (1) Defendants violated N.C.G.S. § 153A-27 in purporting to appoint Ms. Austin-Stripling to replace Mr. Measmer, (2) Ms. Austin-Stripling does not have any legal authority, real or apparent, to take possession of or hold the office of Commissioner, and (3) any action or vote taken by Ms. Austin-Stripling while she purports to hold the office of Commissioner is therefore invalid and void;
3. For the injunctive relief requested herein;
4. For attorneys' fees and costs; and
5. For such other relief as the Court may deem just and proper.

This, the 14th day of April, 2025.

**MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, LLC:**

/s/ James R. DeMay

James R. DeMay
N.C. Bar No. 36710
900 W. Morgan Street
Raleigh, NC 27603
Tel. (919) 600-5000
jdemay@milberg.com

SCARBROUGH & SCARBROUGH, PLLC:

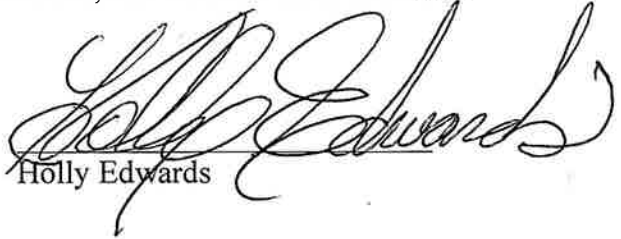
/s/ John F. Scarbrough

John F. Scarbrough
N.C. Bar No. 41569
141 Union Street South
Concord, NC 28025
Tel. (704) 782-3112
jfs@sandslegal.net

VERIFICATION

Holly Edwards, being duly sworn, deposes and says:

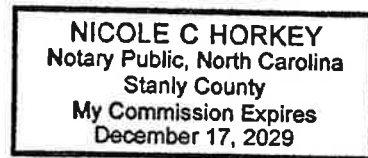
That she is a Plaintiff in this action; that she has read the foregoing Verified Complaint and knows the contents thereof; and that the same is true to her own knowledge, except as to matters stated upon information and belief, and as to those matters, she believes them to be true.


Holly Edwards

Sworn to and subscribed before me,
This, the 14th day of April, 2025.


Notary Public: Nicole C. Horkey

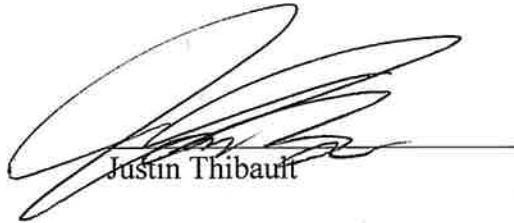
My commission expires: 12/17/2029



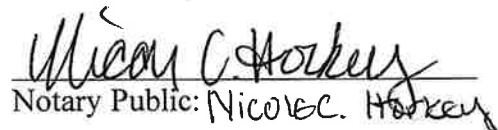
VERIFICATION

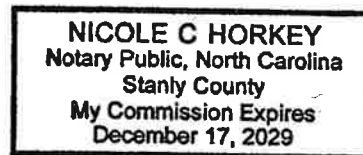
Justin Thibault, being duly sworn, deposes and says:

That he is the Chair and authorized agent of Cabarrus Citizens for Government Integrity;
that he has read the foregoing Verified Complaint and knows the contents thereof; and that the same
is true to his own knowledge, except as to matters stated upon information and belief, and as to
those matters, he believes them to be true.


Justin Thibault

Sworn to and subscribed before me,
This, the 14th day of April, 2025.


Notary Public: Nicole C. Horkey



My commission expires: 12/17/2029

Exhibit 1



**CABARRUS COUNTY
BOARD OF COMMISSIONERS**

**NOTICE OF SPECIAL MEETING
April 10, 2025-- 8:15 a.m.**

FILLING OF ANTICIPATED VACANCY ON THE BOARD OF COMMISSIONERS

Notice is hereby given that the Cabarrus County Board of Commissioners will hold a special meeting at 8:15 a.m. on Thursday, April 10, 2025, in the Board of Commissioners' Meeting Room located on the second floor of the Cabarrus County Governmental Center, 65 Church Street S, Concord, to consider filling the forthcoming vacancy created on the Board of Commissioners, which it is anticipated will be created upon the administration of Chairman Measmer's oath of office seating him in the North Carolina Senate. The Board will also consider any necessary procedural actions needed to consider and, if appropriate, take the above-described action in filling said vacancy.

Anyone interested in applying can do so by visiting cabarruscounty.us and clicking on the homepage tile or accessing the application directly at <https://forms.cabarruscounty.us/Forms/BOC-Vacancy>. Applicants can also come to the Government Center (65 Church St. S, Concord) to complete an in-person application on the second-floor in the clerk's office (Suite 235).

The Board of Commissioner's meeting will be broadcast live on Channel 22, <https://www.youtube.com/cabarruscounty> and <https://www.cabarruscounty.us/cabcotv>.

If reasonable accommodations are needed, please contact the ADA Coordinator at 704-920-2100 as soon as possible.

Christopher Measmer, Chairman
Board of Commissioners

Posted online April 8, 2025

Posted at the courthouse April 8, 2025

Exhibit 2



CABARRUS COUNTY

BOARD OF COMMISSIONERS Special Called Meeting

April 10, 2025

**Board Chambers
8:15 A.M.**

A. CALL TO ORDER

B. REVIEW RULES OF PROCEDURE

1. Rules of Procedure – Pg. 2

C. NOMINATIONS

1. Applicants – Pg. 27

D. FILL COMMISSIONER VACANCY

E. ADJOURN

In accordance with ADA regulations, anyone in need of an accommodation to participate in the meeting should notify the ADA coordinator at 704-920-2100 at least 48 hours prior to the meeting.



Rules of Procedure for the Cabarrus County Board of Commissioners

Revised/Effective: Dec 2023



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Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Board of Commissioners of Cabarrus County. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A quorum consists of a majority of the board's membership. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. Vacancies do not reduce the number of members necessary to establish a quorum. A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present is deemed present for quorum purposes. The board may compel an absent member to attend by ordering the sheriff to take the member into custody.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing have made it possible for members to communicate and deliberate simultaneously with each other from remote locations.

Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, NCGS § 143-318.9 *et seq.*, the board authorizes remote participation in official board meetings subject to the following procedures and requirements. Remote participation is not to be used solely for a member's convenience.



The intent of this rule is to establish the board's practice for remote participation by board members when there is no state of emergency existing (local or statewide). When a state of emergency exists, this policy is superseded by the provisions of NCGS § 166A-19.24 or other board policies, as the case may be. The board reserves the right to suspend, amend, or rescind this policy at any time by majority vote of the board.

When there is a request to participate remotely, the requesting commissioner should submit the request to the chair, vice-chair, County manager, or clerk to the board as soon as the member is aware of the need, but to the extent possible, preferably within forty-eight (48) hours, but not less than twelve (12) hours before the official meeting so that proper arrangements might be put in place.

The clerk should be made aware as soon as possible. At the beginning of the meeting, the chair or vice-chair will announce that a named commissioner will be participating remotely. Minutes from the meeting shall reflect which commissioner(s) participated remotely. The remote participation rules shall be followed.

Participation by a board member by electronic means in any properly noticed meeting shall be as provided in this Rule 3. Participation shall be by video conference platform as determined by the clerk. Any method chosen must allow for the participating commissioner to be seen on camera by the other commissioners, members of the public in the meeting room and members of the public who may be participating in the meeting on the video conference platform. Such commissioner must also be able to hear what is said by other commissioners, hear what is said by individuals addressing the board, be heard by other members of the board when speaking and hear other members of the public participating in the meeting.

It is the responsibility of the participating commissioner to obtain and maintain technology and (proficiency with the use of said technology) to meet the above requirements.

Members participating remotely will be counted in the determination of a quorum and be eligible to participate in debate and vote as long as the remote connection is maintained throughout the debate. Their vote must be by voice. Members participating remotely will NOT be eligible to participate in closed session discussion. Members participating remotely will identify themselves during introductions and indicate they are participating remotely. Members participating remotely shall notify the chair if leaving the meeting before the meeting is officially adjourned, or when rejoining the meeting after a period of absence. Members continually connected



throughout the discussion, but failing to vote when called upon will be deemed voting in favor of the item on the floor. The official board minutes will reflect the member's remote participation.

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5 (Closed Sessions), all meetings of the board shall be open to the public, and any person may attend its meetings.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session. The board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

(b) Bases for Closed Session. A closed session is permissible under the following circumstances and no others:

- (1) To prevent the disclosure of information that is privileged or confidential under the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
- (2) To consult with the county attorney or another attorney employed or retained by the county in order to preserve the attorney–client privilege. If the board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must name the parties to the lawsuit.
- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the county or (b) the closure or realignment of a military installation. The board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.
- (4) To establish or instruct staff or agents concerning the county's position in negotiating the price or other material terms of an agreement to acquire real property by purchase, exchange, or lease.
- (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.



- (6) To consider the qualifications, competence, performance, character, fitness or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the board or other public body or is being considered to fill a seat on the board or other public body. Final action to appoint or employ a public officer or employee must take place in open session.
- (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
- (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.
- (10) On any other basis permitted by law.

(c) Closed Session Participants. Unless the board directs otherwise, the county manager, county attorney, and clerk to the board may attend closed sessions of the board. No other person may attend a closed session unless invited by the board.

(d) Motion to Return to Open Session. Upon completing its closed session business, the board shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

(a) Minutes Required for All Meetings. The board must keep full and accurate minutes of all its meetings, including closed sessions. To be “full and accurate,” minutes must record all actions taken by the board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of board members, though the board in its discretion may decide to incorporate such details into the minutes.

(b) General Accounts of Closed Sessions. In addition to minutes, the board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken, and the level of detail required for a general account.

(c) Sealing Closed Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the board or, if the board delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the board. The sealed



minutes and general account of any closed session may be withheld from public inspection, so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (b) of this rule, any radio or television station may broadcast any such part of a board meeting.

(b) Equipment Placement. The staff may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the county manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the county manager may require the pooling of the equipment and the personnel operating it.

Part IV. Organization of the Board

Rule 8. Organizational Meeting; Selection of Chair and Vice Chair

(a) Requirement to Hold Organizational Meeting. The board shall hold an organizational meeting each December to take the actions set out in this rule.

(b) Scheduling Organizational Meeting

- (1) *Even-numbered years.* The board shall hold an organizational meeting at its regular meeting place on the first Monday in December of each even-numbered year. [The organizational meeting shall be convened and concluded before the regular December meeting is convened.]
- (2) *Odd-numbered years.* The board shall hold an organizational meeting during its first regular meeting in December.

(c) Order of Business

- (1) *Even-numbered years*
 - As the first order of business at the organizational meeting, all persons elected or reelected to the board at the most recent county election must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution,



unless they did so earlier in the day. They must then take the General Oath prescribed by G.S. 11-11. Each member's constitutional oath must be filed with the clerk to the board. Although a newly elected or reelected member who has not yet been sworn and who is not present for the organizational meeting may be sworn in later, the member must take, subscribe, and file the constitutional oath and take the G.S. 11-11 oath before he or she begins performing any of the duties of the member's office.

- As the second order of business, the board shall elect a chair and vice chair from among its members using the procedure specified in Rule 38 (Appointments.)
- As the third order of business, the board shall approve the bonds of the register of deeds and induct any other newly elected county officials into office.

(2) *Odd-Numbered Years.* As the first order of business, the board will elect the chair and vice chair.

(d) Presiding Officer. The outgoing chair shall call the organizational meeting to order and preside until the board elects a new chair. If the organizational meeting takes place during an even-numbered year in which the outgoing chair has lost his or her seat on the board, the county manager shall fill the role of presiding officer until a new chair is elected. Once elected, the new chair shall preside.

Rule 9. Terms of the Chair and Vice Chair

The member selected as chair at the organizational meeting shall serve for the ensuing year unless removed by the board for cause. The vice chair shall serve at the board's pleasure.

Part V. Types of Meetings

Rule 10. Regular Meetings

(a) Regular Meeting Schedule. The board shall hold a regular meeting (Agenda Work Session) on the first Monday of each month, in the Multipurpose Room of the Government Center (65 Church Street Concord, NC) beginning at 4:00 p.m. The board will also hold a regular meeting on the third Monday of each month, in the board chambers of the Government Center (65 Church Street Concord, NC) to begin at 6:30 p.m., except if a regular meeting day is on a holiday on which county offices are closed. The board will then determine the next meeting date and have it published according to N.C.G.S. timeline. The board shall adopt a resolution establishing the meeting schedule each year consistent with this rule. For purposes of these rules, any meeting that appears on the board's duly adopted schedule is considered a regular



meeting. (In all other cases, a work session is a special meeting to which the provisions of Rule 11(Special Meetings) apply.)

(b) Notice of Regular Meeting Schedule. The board must ensure that a copy of its current regular meeting schedule is filed with the clerk to the board and posted on the county's website. At least 10 days before the first regular meeting held pursuant to the schedule, the board must cause the schedule to be published as required by law.

(c) Change to Regular Meeting Schedule. The board may adopt a resolution altering the time or place of a particular regular meeting or all regular meetings within a specified period. The board must ensure that the resolution is filed with the clerk to the board at least seven (7) calendar days before the first meeting held pursuant to the revised schedule. The board must also have the revised schedule posted on the county's website. Additionally, the board must cause notice of the temporary change to be posted at or near its regular meeting place and to be sent to everyone who has submitted a written request for notice of its special meetings.

Rule 11. Special Meetings

(a) Calling Special Meetings. The chair or a majority of members may call a special meeting of the board by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered.

(b) Notice to the Public. At least forty-eight hours before a special meeting, the board shall cause the written notice to be (1) posted on the board's principal bulletin board or, if the board has no such bulletin board, at the door of the board's usual meeting room and (2) delivered, emailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the clerk to the board. If the board's website is maintained by one or more county employees, the board must also have the notice posted there prior to the special meeting. Furthermore, the member or members who call a special meeting are responsible for ensuring that the notice is posted on the courthouse bulletin board at least forty-eight (48) hours before the meeting.

(c) Notice to Members. At least forty-eight (48) hours before a special meeting, the chair or the members who called the meeting shall have the written notice of the meeting delivered to the other members of the board or left at their usual dwelling places.

(d) Transacting Other Business. Only those items of business specified in the notice to members may be taken up at a special meeting.

Rule 12. Emergency Meetings

(a) Calling Emergency Meetings. The chair or a majority of the board's members may call an



emergency meeting to address generally unexpected circumstances that demand the board's immediate attention.

(b) Notice of Emergency Meetings. The member or members who call an emergency meeting must take reasonable action to inform the other members of the board and the public of the meeting. In addition, notice of the meeting must be given to each local newspaper, local wire service, local radio station, and local television station that has filed with the clerk to the board a written request to be notified of emergency meetings. To be valid, the request must include the newspaper's, wire services, or station's telephone number. Notice may be given by telephone, email, or the same method used to notify board members. Notice must be provided immediately after members have been notified and at the expense of the media organization notified. Transaction of Other Business Prohibited. Only business connected with the emergency may be discussed or otherwise considered at an emergency meeting.

Rule 13. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Rule 32 (Motion 3 - To Recess to a Certain Time and Place.) The motion must state the time (including the date if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the board's website is maintained by one or more county employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

Rule 14. Limited Authority to Meet Outside the County

The board must hold all its meetings within the county except for the following:

- a joint meeting of the board with another public body, if the joint meeting is held within the political subdivision represented by the other public body,
- a retreat, forum, or similar gathering held solely to provide board members with general information relating to the performance of their duties, so long as members do not vote or otherwise transact business during the event,
- a meeting between the board and the local legislative delegation during a session of the General Assembly, provided board members do not vote or otherwise transact public business during the meeting except with regard to matters pertaining directly to legislation proposed to or pending before the General Assembly; and
- a convention, association meeting, or similar gathering but only if board members confine



their deliberations to event-related issues that are not legally binding on the board or its constituents, such as convention resolutions and the elections of association officers.

Part VI. Agenda

Rule 15. Agenda

(a) Draft Agenda

- (1) *Preparation.* The [clerk to the board] shall prepare a draft agenda in advance of each meeting of the board. For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the clerk at least eight working days before the date of the meeting.
- (2) *Supplemental information/materials.* The agenda packet shall include the draft agenda, any proposed ordinances, or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda.
- (3) *Delivery to board members.* Except in the case of an emergency meeting, each member shall receive a paper or electronic copy of the draft agenda and agenda packet at least forty-eight (48) hours before the meeting.
- (4) *Public inspection.* The draft agenda and agenda packet will be available to the public when they are ready to be circulated.

(b) Adoption of the Agenda

- (1) *Adoption.* As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt the agenda for the meeting.
- (2) *Amending the agenda.* Both before and after the board adopts the agenda, it may add or subtract agenda items by majority vote of the members present and voting, except that:
 - the board may not add to the items stated in the notice of a special meeting unless the requirements in Rule 11(d - Transacting Other Business) are satisfied and
 - only business connected with the emergency may be discussed or otherwise considered at an emergency meeting.

(c) Consent Agenda. The board may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if they are judged to be noncontroversial and routine. Prior to the board's adoption of the meeting agenda, the request of any member to have an item moved from the consent agenda to unfinished business must be honored by the board. All items on the consent



agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

(d) Informal Discussion of Agenda Items. The board may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 16. Acting by Reference to Agenda or Other Document

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that people at the meeting can understand what is being deliberated or acted upon.

Rule 17. Agenda Items from Members of the Public

If a member of the public wishes to request that the board include an item on its regular meeting agenda, he or she must submit the request to the clerk to the board by the deadline specified in Rule 15(Agenda) (a – Draft Agenda) (1- Preparation). The board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 18. Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall include the following topics and any others the clerk feels necessary to complete board business:

- Approval or Correction of Minutes
- Approval of the Agenda,
- Recognitions and Presentations
- Informal Public Comments
- Old Business,
- Consent Agenda,
- New Business,
- Appointments,
- Reports,
- General Comment by Board Members
- Water & Sewer District of Cabarrus County



- Closed Session
- Adjourn

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business. Rule 19 (Role of the Presiding Officer).

Rule 19. The Chair

(a) Presiding Officer. The chair shall preside at meetings of the board.

(b) Voting by the Chair. The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.

(c) Recognition of Members. A member must be recognized by the chair or (or other presiding officer) in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 32 (Motion 1- To Appeal a Ruling of the Presiding Officer).

(d) Powers as Presiding Officer. As presiding officer, the chair is to enforce these rules and maintain order and decorum during board meetings. The chair may:

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes,
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground,
- (3) entertain and answer questions of parliamentary procedure,
- (4) call a brief recess at any time; and
- (5) adjourn in an emergency.
- (6) call a brief recess at any time; and
- (7) adjourn in an emergency.

(e) Appeals of Procedural Rulings. A member may appeal a decision made or answer given by the chair under subparagraph (d)(1), (2), or (3) in accordance with Rule 32 (Motion 1 - To Appeal a Ruling of the Presiding Officer).

Rule 20. Presiding Officer in the Chair's Absence

The vice chair shall preside over meetings of the board in the chair's absence. If both the chair and vice chair are absent, the members present may choose a temporary chair from among themselves. The vice chair or other member presiding in place of the chair has the powers listed in Rule 19(d - Powers as Presiding Officer). Service as presiding officer does not relieve



the vice chair or other member of the duty to vote on all questions except as excused from voting pursuant to Rule 29 (Duty to Vote).

Rule 21. When the Presiding Officer Is Active in Debate

If the chair becomes active in debate on a particular proposal, he or she may have the vice chair preside during the board's consideration of the matter. If the vice chair is absent or is also actively debating the matter, the chair may designate another member to preside until the matter is concluded. Similarly, if while presiding, the vice chair or temporary chair wishes to join in debating a topic, he or she may designate another member to preside for the duration of the board's consideration of the matter.

Part VII. Motions and Voting

Rule 22. Action by the Board

Except as otherwise provided in these rules, the board shall act by motion. Any member may make a motion.

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.



Rule 27. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting as provided by this rule.

(b) Grounds for Excusal. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to board members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 153A-340(g) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e) (2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker). Any further questions about whether a basis for excusal exists should be directed to the county attorney.

(c) Procedure for Excusal

- (1) *At the member's request.* Upon being recognized at a duly called meeting of the board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
- (2) *On the board's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining members present may by motion and vote excuse the member from voting if the member is prohibited from voting under paragraph (b).

(d) Consequence of Non-Excused Failure to Vote. If a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided:

- (1) the member is physically present in the meeting room or
- (2) the member has physically withdrawn from the meeting room without being excused by



majority vote of the remaining members present.

Rule 29. Voting by Written Ballot

(a) Secret Ballots Prohibited. The board may not vote by secret ballot.

(b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the office of the clerk to the board immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 32 (Motion 14 – To Reconsider).

Rule 31. Procedural Motions

(a) Certain Motions Allowed. The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that:

- any procedural motion other than an appeal under Motion 1 (To Appeal a Ruling of the Presiding Officer) is subject to amendment as provided in Motion 12 (To Amend), and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9 (To End Debate [Call the Previous Question]).

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest priority motion must be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of



parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. The board must be out of closed session before adjourning any meeting.

Motion 3. To Recess to a Certain Time and Place. This motion may be used to call a recessed meeting as permitted under Rule 13 (Recessed Meetings). The motion must state the time (including the date if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least a quorum of the board. The board may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 13 (To Revive Consideration) within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take



up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6 (To Suspend the Rules).

Motion 11. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6 (To Suspend the Rules). If the committee fails to report on the motion within 60 days of the referral date, the board must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

- (a) **Germaneness.** A motion to amend must concern the same subject matter as the motion it seeks to alter.
- (b) **Limit on Number of Motions to Amend.** When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.
- (c) **Amendments to Ordinances.** Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8 (To Defer Consideration), provided it does so within 100 days of its vote to defer consideration.

Motion 14. To Reconsider. The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3 – To Recess to a Certain Time and Place). The motion is not in order if it interrupts the board’s deliberation on a pending matter.

Motion 15. To Rescind. The board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for [Six] Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive affirmative votes equal to at least a quorum of the board. If this motion is adopted, the ban on reintroduction remains in effect for [six] months or until the board’s next



organizational meeting in an even-numbered year, whichever occurs first.

Part VIII. Ordinances and Contracts

Rule 32. Introduction of Ordinances

For purposes of these rules, the “date of introduction” for a proposed ordinance is the first date on which the board actually considers the proposed ordinance.

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Form of Proposed Ordinances. The board may not adopt a proposed ordinance unless it has been reduced to writing and distributed to members before the vote is taken.

(b) Adoption of Ordinances Not Subject to Public Hearing Requirements.

- (1) *Approval on date of introduction.* To be adopted at the meeting where first introduced, an ordinance or any action having the effect of an ordinance must receive the affirmative votes of all members of the board. If the measure receives a majority of votes cast on the date of introduction but not the unanimous support of all members, the board must take it up again at its next regular meeting.
- (2) *Approval after date of introduction.* At its first regular meeting following the date of introduction or at any meeting thereafter within 100 days of the date of introduction, the board may adopt the proposed ordinance or action having the effect of an ordinance by a majority of votes cast, a quorum being present.

(c) Adoption of Ordinances Subject to Public Hearing Requirements.

- (1) *The budget ordinance or budget amendments.* Rule 35 (Adoption of the Budget Ordinance) governs the approval of the budget ordinance and amendments.
- (2) *Other ordinances.* Following a required public hearing on a proposed ordinance, the board may adopt the measure by a majority of votes cast, a quorum being present, regardless of whether the vote occurs on the date of introduction.

(d) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 34. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance.

Notwithstanding any provision in general law or any local act,



- (1) the board may adopt or amend the budget ordinance at a regular or special meeting of the board by a majority of those members present and voting, a quorum being present,
- (2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board; and
- (3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative or referendum.

(b) Notice Requirements for Budget Meetings. During the period beginning with the submission of the budget to the board and ending with the adoption of the budget ordinance, the board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law or these rules concerning the call of special meetings applies during that period, so long as

- (1) each member of the board has actual notice of each special meeting called for the purpose of considering the budget and
- (2) no business other than consideration of the budget is taken up.

(c) No Authority for Closed Sessions. This rule shall not be construed to authorize the board to hold closed sessions on any basis other than the grounds set out in Rule 5 (Closed Session).

Part IX. Public Hearings and Comment Periods

Rule 35. Public Hearings

(a) Calling Public Hearings. In addition to holding public hearings required by law, the board may hold any public hearings it deems advisable. The board may schedule hearings or delegate that responsibility to county staff members, as appropriate, except when state law directs the board itself to call the hearing. If the board delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) Public Hearing Locations. The board may hold public hearings anywhere within the county.

(c) Notice of Public Hearings. Any public hearing at which a quorum of the board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 10 through 13 (Types of Meetings), apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with the notice required by the open meetings law.



(d) Rules for Public Hearings. The board may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the meeting room to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(e) Continuing Public Hearings. The board may continue any public hearing without further advertisement to a certain time and place, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the board is not present for a properly scheduled public hearing, the hearing must be continued until the board's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the chair shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the chair shall declare the hearing closed, and the board shall resume the regular order of business.

(g) Public Hearings by Less Than a Majority of Board Members. Nothing in this rule prevents the board from appointing a member or members to hold a public hearing on the board's behalf, except when state law requires that the board itself conduct the hearing.

Rule 36. Public Comment Periods

(a) Frequency of Public Comment Periods. The board must provide at least one opportunity for public comment each month at a regular meeting.

(b) Rules for Public Comment Periods. The board may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,



- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the meeting room (so long as arrangements are made for those excluded from the meeting room to listen to the public comment period), and
- provide for the maintenance of order and decorum in the conduct of the public comment period.

(c) Content-Based Restrictions Generally Prohibited. The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

Part X. Appointments and Appointed Bodies

Rule 37. Appointments

(a) Appointments in Open Session. The board must consider and make any appointment to another body or, in the event of a vacancy on the board, to its own membership in open session.

(b) Nomination and Voting Procedure for Appointed Bodies. The board shall use the following procedure to appoint individuals to bodies over which it has the power of appointment. The chair shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chair shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(c) Nomination and Voting Procedure to Fill a Vacancy on the Board. The board shall use the following procedure to fill a vacancy on the board, except as superseded by the provisions of NCGS § 153A-27. If the member being replaced was elected as the nominee of a political party, then his or her replacement must belong to the same party.

Upon receipt of notification that the board has a vacancy to fill, the clerk shall make reasonable efforts to notify the public of the vacancy to be filled. The notification will include the following:

1. Posting to the County website notice of the vacancy and instructions for submitting applications.
2. Press release to the newspaper of general circulation and all media outlets included on the County's sunshine list.
3. Such other reasonable notification designed to notify the public that the board is considering the filling of a vacancy (e.g., social media posts).



4. Email to the local political organization that the departing commissioner was a member of. The executive committee of the local party shall be given instructions on providing candidate recommendations to the board for consideration.

All notifications shall advise the public of the vacancy to be filled by the board and shall invite members of the public to submit applications. They shall also advise the public of the meeting date when the board shall consider the applications and proceed to fill the vacancy. Applications shall be made available at the County's website and in the clerk's office. To be considered, the application must be received by the clerk's office no later than 5:00 p.m. on the Friday preceding the meeting where the vacancy will be considered by the board.

The chair shall open the floor to nominations, whereupon each board member may nominate one possible appointee. Upon the closing of nominations, each board member - by written ballot - will vote for the candidates on a scale of 1 to X (with "X" being the total number of nominees and highest number of points).

Each board member must write down a number of 1 through X for each candidate without using the same number twice. Consistent with the general voting policy, each board member must vote for each candidate using this process unless excused by the board due to a conflict of interest disclosed before written ballots are distributed and voting begins.

Voting will be written ballot. There will be only one vote. Once voting has concluded, each ballot will be checked for compliance and legibility. A board member will be given the chance to correct illegible handwriting. Only compliant ballots will be counted. All ballots shall be announced public.

The candidate with the highest number of points (based on the number of compliant ballots) shall be the appointee and sworn-in as soon as possible.

In the event of a tie, the tie shall be broken in favor of the candidate who received the most top scores. If a tie still results, the tiebreaker will be who received the most second highest score. This tie-break process will continue in similar fashion until a winner can be declared.

(d) Multiple Appointments. If the board is making more than one appointment to a body, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same position during a single balloting.

(e) Vote by Written Ballot. The board may vote on proposed appointments by written ballot in accordance with Rule 30 (Voting by Written Ballot).



Rule 38. Committees and Boards

(a) Establishment and Appointment. The board may establish temporary and standing committees, boards, and other bodies to help carry on the work of county government. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business.

(c) Procedural Rules. The board may prescribe the procedures by which the county's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Part XI. Miscellaneous

Rule 39. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with any relevant statutes and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members.

Rule 40. Reference to Robert's Rules of Order Newly Revised

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the chair shall make a ruling on the issue subject to appeal to the board under Rule 32 (Motion 1 – To Appeal a Ruling of the Presiding Officer).

Rule 41. One Hour Rule

Any member's proposals or inquiries, including items to be added to a meeting agenda, shall not involve, or receive more than one (1) hour of staff time, unless the entire board is made aware of the proposal or inquiry. The purpose of this rule is to facilitate transparency and communication and focus staff time on priorities of the entire board. Such proposals or inquiries shall be transmitted through the County manager to the appropriate staff member or department.

2025 Commissioner Vacancy Applicants

#	Name	Comments
1	David Conrad	
2	Ryan Dayvault	
3	Alexis Hughes	
4	James Bailey	
5	Lamarie Austin-Stripling	
6	Dylan Ennis	
7	Amy Betts	
8	Phillip Morris	
9	Ronald “Ronnie” Long	
10	Clayton Moorman	
11	Victor Romano	
12	Stephen Morris	
13	Daniel Sanchez Martinez	
14	Michael Retort	
15	Michael Gheesling	
16	Holly Edwards	
17	Brent Plott	
18	Roy Parrish	
19	Leigh Brown	
20	Eugene Lane	
21	Joe Hartsell	
22	Gary Freeman II	
23	Adam Miller	
24	Taylor Blackman	
25	Thomas Alley	
26	Toni Wheeler Jenschke	
27	Michael Holt	
28	Stacy Berry	
29	Bonita Pickett	
30	Earl Helms	
31	Chris Harmon	
32	Denise Adcock	
33	Jeeter Anderson	
34	Kristel Swayze	
35	Robert Stevenson	
36	Chris Gordon	
37	Douglas Summer	
38	Stewart Wilkins	
39	Mary Beth Ward-Bowman	

Exhibit 3

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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BILL DRAFT 2023-LM-81 [v.3]

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
03/14/2023 03:31:03 PM**

Short Title: Cabarrus County Commissioners.

(Local)

Sponsors: Representative K. Baker.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING A MEMBER OF THE CABARRUS COUNTY BOARD OF
3 COMMISSIONERS TO RESIGN ON A DATE CERTAIN AND PRIOR TO THAT DATE
4 CERTAIN CAST A VOTE AS A MEMBER OF THE BOARD TO APPOINT A PERSON
5 TO FILL THE VACANCY CREATED BY THE MEMBER'S RESIGNATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Notwithstanding the provisions of G.S. 153A-27, a member of the
8 board of commissioners may submit his or her resignation to become effective on a date certain
9 and prior to that date certain vote as a member of the board to appoint a person to fill the vacancy
10 created by his or her resignation.

11 **SECTION 2.** This act applies only to Cabarrus County.

12 **SECTION 3.** This act is effective when it becomes law.



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Exhibit 4

The Board of Commissioners for the County of Cabarrus met in regular session in the Commissioners' Meeting Room at the Cabarrus County Governmental Center in Concord, North Carolina at 6:30 p.m. on Monday, April 17, 2023.

Public access to the meeting could also be obtained through the following means:

live broadcast at 6:30 p.m. on Channel 22
<https://www.youtube.com/cabarruscounty>
<https://www.cabarruscounty.us/cabcotv>

Present - Chairman: Stephen M. Morris
 Vice Chairman: Lynn W. Shue
 Commissioners: Christopher A. Measmer
 Barbara C. Strang
 Kenneth M. Wortman

Also present were Mike Downs, County Manager; Richard M. Koch, County Attorney; Rodney Harris, Deputy County Manager; Kyle Bilafer, Assistant County Manager; Kelly Sifford, Assistant County Manager; and Lauren Linker, Clerk to the Board.

Chairman Morris called the meeting to order at 6:33 p.m.

Chairman Morris led the Pledge of Allegiance.

A moment of silence was observed.

Chairman Morris recognized Youth Commission member Owen Lutz from Hickory Ridge High School in attendance.

(A) APPROVAL OR CORRECTION OF MINUTES

(A-1) Approval or Correction of Meeting Minutes

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Measmer and unanimously carried, the Board approved the minutes of February 25, 2023 (Board Retreat), March 6, 2023 (Work Session), and March 20, 2023 (Regular Meeting) as presented.

(B) APPROVAL OF THE AGENDA

Chairman Morris reviewed the following changes to the agenda.

Additions:

New Business

G-5 Planning and Development - Amendment to North Carolina Weatherization Assistance Program Contract

Closed Session

K-1 Closed Session - Pending Litigation

Supplemental Information:

New Business

G-1 Economic Development Investment - Coleman Industrial Gases, LLC (Project Parade) - Public Hearing 6:30 p.m.

- Project Overview
- Grant Analysis

G-2 Economic Development Investment - STERIS Instrument Management Services, Inc. (Project Precision) - Public Hearing 6:30 p.m.

- Project Overview
- Grant Analysis
- Grant Analysis

Commissioner Measmer requested Consent Agenda Item F-6, BOC - Rules of Procedure be moved to New Business as G-6 for discussion.

UPON MOTION of Commissioner Wortman, seconded by Vice Chairman Shue and unanimously carried, the Board approved the agenda as amended.

(C) RECOGNITIONS AND PRESENTATIONS

(C-1) Active Living and Parks - Older Americans Month 2023 Proclamation

Londa Strong, Active Living and Parks Director, announced May has been established as Older American's Month for many years. She stated there are special activities and events going on during the month.

Myra Baumgardner, Active Living and Parks Commission Chair, read the proclamation aloud. After the reading, she shared dates and a list of activities.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Strang and unanimously carried, the Board adopted the proclamation.

Chairman Morris provided additional comments regarding the Senior Games.

Proclamation No. 2023-07

Older Americans Month 2023
A PROCLAMATION

Whereas, Cabarrus County includes a growing number of older Americans who contribute their time, wisdom, and experience to our community; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

Whereas, Cabarrus County Senior Centers Advisory Council recognizes the need to create a community that offers the services and supports older adults may need to make choices about how they age; and

Whereas, Cabarrus County Senior Centers Advisory Council can work to build an even better community for our older residents by:

- Not limiting our thinking about aging,
- Exploring and combating stereotypes,
- Emphasizing the many positive aspects of aging,
- Inspiring older adults to push past traditional boundaries, and
- Embracing our community's diversity.

Now, therefore, the Cabarrus County Board of Commissioners do hereby proclaim May 2023 to be Older Americans Month. We urge every resident to celebrate our older citizens, help to create an inclusive society, and accept the challenge of flexible thinking around aging.

Adopted this 17th day of April 2023

/s/ Stephen M. Morris
Stephen M. Morris, Chairman
Board of Commissioners

(C-2) Cooperative Extension - National Volunteer Week Proclamation

Tracy LeCompte, Cooperative Extension Director, introduced Jessica Cline, Extension Agent, who commented on volunteerism through Cooperative Extension.

Several volunteers, Youth Commission members and Ms. LeCompte read the proclamation aloud.

UPON MOTION of Commissioner Strang, seconded by Vice Chairman Shue and unanimously carried, the Board adopted the proclamation.

Proclamation No. 2023-08

NATIONAL VOLUNTEER WEEK PROCLAMATION

WHEREAS, Cabarrus County has a strong history of improving lives, strengthening communities, and making our state a better place through volunteerism; and

WHEREAS, during National Volunteer Week, we celebrate the impact of volunteer service and come together to tackle community needs and foster a culture of civic engagement; and

WHEREAS, Cooperative Extension volunteers have dedicated countless hours as Master Gardener Volunteers, Extension Community Association Volunteers, or

4-H volunteers to bring life enhancing opportunities to the individuals of Cabarrus County helping them to thrive in their local communities; and

WHEREAS, National Volunteer Week was enacted in 1974 by President Richard Nixon to celebrate the spirit of volunteerism, urging all Americans to seek opportunities to provide service to their community; and

WHEREAS, Cabarrus County residents are encouraged to learn about local volunteer opportunities, by reaching out to your County Extension Office or other county or local organizations; and

WHEREAS, National Volunteer Week should serve as a catalyst for residents to serve our county today; to commit to volunteer by signing up now through Cooperative Extension, in a local school, government department, non-profit or other option in your community, to promote volunteerism in our families and communities through an invitation to serve together; and to be "all in" for Cabarrus County when it is needed most;

NOW, THEREFORE, the Cabarrus County Board of Commissioners, do hereby proclaim April 16- 22, 2023, as "NATIONAL VOLUNTEER WEEK", in Cabarrus County, and commend its observance to all citizens.

ADOPTED this 17th day of April, 2023.

/s/ Stephen M. Morris
Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

(C-3) EMS - Cabarrus County Emergency Services Week

Jimmy Lentz, Emergency Medical Services (EMS) Director, read the proclamation aloud.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board adopted the proclamation.

Proclamation No. 2023-09

CABARRUS COUNTY
North Carolina
P R O C L A M A T I O N

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical service providers by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED that we, the Cabarrus County Board of Commissioners, in recognition of this event do hereby proclaim the week of May 21 - 27, 2023, as

CABARRUS COUNTY EMERGENCY MEDICAL SERVICES WEEK

Adopted this 17th day of April, 2023.

/s/ Stephen M. Morris

Stephen M. Morris, Chairman
Board of Commissioners

(C-4) Human Resources - Recognition of Chief Deputy James Bailey on His Retirement from Cabarrus County Sheriff's Office

Sheriff Van Shaw recognized Chief Deputy James Bailey on his retirement after 28 years of service to Cabarrus County.

Vice Chairman Shue presented Chief Bailey with a service award in appreciation of his service and dedication to the citizens of Cabarrus County.

Chief Bailey graciously accepted the award and expressed appreciation.

(C-5) Proclamation - National Library Week

Melanie Holles, Library Director, invited everyone to stop by the library to celebrate during National Library Week. She then read the proclamation aloud.

UPON MOTION of Commissioner Measmer, seconded by Vice Chairman Shue and unanimously carried, the Board adopted the proclamation.

Proclamation No. 2023-10

National Library Week
2023 Proclamation

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week; and

NOW, THEREFORE, be it resolved that we, Cabarrus County Board of Commissioners, proclaim National Library Week, April 23-29, 2023. During this week, we encourage all residents to visit their library to explore the wealth of resources available.

ADOPTED this 17th day of April, 2023.

/s/ Stephen M. Morris
Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

(D) INFORMAL COMMENTS

Chairman Morris opened the meeting for Informal Public Comments at 6:57 p.m. He stated each speaker would be limited to three minutes. He also reviewed the Public Participation Policy.

Roland Jordan, resident of 134 Lore Street in Concord, commented on a proclamation, Barber-Scotia College, and community matters.

Jean Chandler, resident of 4977 Hilton Lake Road in Kannapolis, commented on House Bill 453 and policies and procedures.

Jim Quick, resident of 126 Spencer Avenue in Concord, commented on policies and procedures.

Melanie Freeman, resident of 8776 Lower Rocky River Road in Concord, commented on rules and policies.

David Hampton, resident of 2000 S Main Street in Kannapolis, commented on the 2022 elections, tax incentives and tax cuts.

Larry Pittman, resident of 250 Roberta Road in Concord, commented on elected officials voting policies and board rules.

Rich Wise, resident of 3403 Brickwood Circle in Midland and a Midland Town Councilman, commented on policies and procedures and North Carolina statutes.

Jerry Anderson, resident of 133 Kennedy Avenue in Kannapolis, commented on free speech and Department of Social Services matters.

Jeeter Anderson, resident of 133 Kennedy Avenue in Kannapolis, commented on a Department of Social Services matter.

Ray Helms, resident of 9607 Robinson Church Road in Harrisburg, commented on the work of the county and staff.

There was no one else to address the Board, therefore Chairman Morris closed that portion of the meeting.

(E) OLD BUSINESS

None.

(F) CONSENT

Commissioner Measmer **MOVED** to approve the Consent Agenda, noting that Item F-6 was moved to New Business for discussion. Commissioner Wortman seconded the motion.

Following discussion, the **MOTION** unanimously carried.

(F-1) Active Living and Parks - Matching Incentive Grant Application Requested Changes

The Active Living and Parks Matching Incentive Grant Program provides seed money for civic, community and school groups to construct, improve or acquire recreational and park facilities in Cabarrus County. The grant will fund up to 50% of a project. In an effort to make the application process easier and more relevant, several changes are being requested.

A. Grant Priority Rating

Level 2 - Moderate Priority

Added: "and expendable maintenance equipment is eligible with certain restrictions. Examples include, but are not limited to tractors, ATV's, Mowers, etc."

The change from Lowest Priority to Moderate Priority is to accommodate the Volunteer Athletic Associations as we move closer to having all School Park sites operated and maintained by the Volunteer groups and/or municipalities.

Application and Awards Procedures

A. Changed deadline to second Friday in September

B. Changed ALP Commission Meeting date for presentations to September.

Changed a second cycle of applications to "may be considered."

Date changes were made to accommodate the school schedule better than previous dates.

The Park Commission reviewed and unanimously voted to recommend these changes to the BOC for approval.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the change in Priority Level Rating

requests and the submission and presentation dates to the Matching Incentive Grant Application Manual.

(F-2) Appointments - Human Services Advisory Board

Dr. Natalie Atwell's term on the Human Services Advisory Board ends May 31, 2023. Dr. Atwell filled an unexpired term through May 31, 2023 and is eligible and recommended to be reappointed for another term. A letter in this regard was included in the agenda.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board reappointed Dr. Natalie Atwell to the Human Services Advisory Board for a three-year term ending May 31, 2026.

(F-3) Appointments and Removals - Active Living and Parks Commission

Both Active Living and Parks Commission members Charles Grimsley and Sara Newell have resigned from their positions on this Commission. It is requested to remove their names from the roster.

At the March 16, 2023 meeting, the Active Living and Parks Commission voted to recommend and appoint Emily Baldwin (Concord) and Millicent Malit (Kannapolis) to the Commission.

Appointments are still needed for the Midland and Northwest Planning Areas.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board removed Charles Grimsley and Sara Newell from the Active Living and Parks Commission roster and thanked them for their service.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board appointed Emily Baldwin to the Active Living and Parks Commission as a Concord representative to complete an unexpired term ending January 31, 2025.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board appointed Millicent Malit to the Active Living and Parks Commission as a Kannapolis representative for a three-year term ending April 30, 2026.

(F-4) Appointments and Removals - Cabarrus-Rowan Metropolitan Planning Organization Technical Coordinating (TAC) Committee

Each year the Board of Commissioners appoint a commission member to serve on the TAC as the regular member along with an alternate member. Commissioner Strang currently serves as the representative for Cabarrus County and Commissioner Measmer serves as the alternate.

Due to his schedule, Commissioner Measmer has requested to be removed from the Committee. It is requested to appoint Commissioner Shue to be appointed to serve out the rest of the year as the alternate representative.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board removed Commissioner Measmer from the Cabarrus-Rowan Metropolitan Planning Organization Technical Coordinating (TAC) Committee and appointed Commissioner Shue as the alternate member to the TAC to complete the term ending December 31, 2023.

(F-5) BOC - Resolution in Support of House Bill 98

A resolution in support of House Bill 98 has been submitted by Commissioner Wortman.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board adopted the resolution.

Resolution No. 2023-07

RESOLUTION IN SUPPORT OF HOUSE BILL 98

WHEREAS, the North Carolina House of Representative is now considering the enactment of House Bill 98, "An Act Prohibiting State Agencies, Local Governments, and Political Subdivisions of the State from Discriminating Against Persons Based on Their Refusal to Provide Proof of a COVID-19 Vaccination or to

Submit to a COVID-19 Vaccination and Prohibiting Public Schools, State and Local Public Health Agencies, State and Local Public Health Officials, and Local Governments from Requiring Any Person to Provide Proof of or to Submit to a COVID-19 Vaccination"; and

WHEREAS, there are various reason why North Carolinians choose not to be vaccinated; including, but not limited to, established medical conditions, lack of long-term medical data regarding the vaccine's impact, previous infection and recovery, preference for therapeutics, potential adverse effects, religious beliefs, intolerance to vaccine ingredients, and previous anaphylactic or other reactions; and

WHEREAS, the rights of individuals to make their own health decisions, and to choose which medicines to put into their bodies, is a critical and fundamental liberty right in this country; and

WHEREAS, no adult individual should be forced to take a vaccine that they do not wish to take, especially when that decision could detrimentally affect his or her health, ability to find or retain a job or to support his or her family; and

WHEREAS, many North Carolinians have lost their jobs, their ability to attend school, their in-person access to public places and other freedoms due to their choices to not receive the COVID-19 vaccine; and

WHEREAS, the Cabarrus County Board of Commissioners believes House Bill 98 to be in the best interests of the residents of Cabarrus County in order to protect the individual liberties which the State of North Carolina and the United States Constitution's guarantee to them;

NOW, THEREFORE, BE IT RESOLVED by the Cabarrus County Board of Commissioners that the Board supports House Bill 98/Senate Bill 121, and urges the North Carolina House of Representatives, the North Carolina Senate and the Governor of North Carolina to enact this law.

Adopted this 17th day of April, 2023.

CABARRUS COUNTY BOARD OF COMMISSIONERS

/s/ Stephen M. Morris
Stephen M. Morris, Chairman

ATTEST:

/s/ Lauren Linker
Lauren Linker
Clerk to the Board

(F-6) BOC - Rules of Procedure

Note: This item was moved to New Business for discussion. See Item G-6.

(F-7) County Manager - Accept Transfer of R. Brown McAllister Elementary School

The Board of Education currently owns R. Brown McAllister Elementary School. Due to the construction of the replacement school, the County has issued debt for the facility necessitating the need for the County to own the property.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted transfer of R. Brown McAllister Elementary School from the Cabarrus County Board of Education to Cabarrus County.

(F-8) County Manager - Authorization for One-Time Purchases

Every March, the County receives a hold-harmless payment from the State if Medicaid claims are less than the revenue generated from the local sales and use tax previously exchanged for the State to assume responsibility for the non-administrative costs of Medicaid. The March 2023 payment exceeded budget by \$6.1 million. The County Manager recommends allocating just under \$2.8 million for one-time purchases to address needs for Emergency Medical Services, Information Technology Services, and the Sheriff's Office, among others. The recommended purchases are:

<u>Department</u>	<u>Description</u>	<u>Amount</u>
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Active Living & Parks	Master Plan	200,000
Emergency Medical Services	Tactical Helmets	20,000
Information Technology Services	Enterprise Physical Security	150,000
Information Technology Services	ERP System	2,000,000
Sheriff's Office	Bomb Equipment	26,000
Sheriff's Office	Breaching Tool	10,000
Sheriff's Office	Camera	40,000
Sheriff's Office	Chairs	14,000
Sheriff's Office	Cubicles/Building Renovations	142,000
Sheriff's Office	Night Vision Optics	65,000
Sheriff's Office	Throw/Pole Extension Camera	6,000
Sheriff's Office	Training Manikin	35,000
Sheriff's Office	Transport Van	70,000
TOTAL		2,778,000

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the recommended purchases and the associated budget amendment.

Date:4/17/2023

Amount:2,778,000.00

Dept. Head:Rodney Harris

Department:CMO

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

To budget one time expenditures with funds received over budget for Medicaid hold harmless.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	1910-6445	MEDICAID HOLD HARMLESS	3,500,000	2,778,000	-	6,278,000
001	9	8140-9605	Consultants	75,000	200,000	-	275,000
001	9	2730-9330	Tools & Minor Equipment	36,588	20,000	-	56,588
001	9	1810-9570	Service Contracts	-	2,150,000		2,150,000
001	9	2110-9860	Equipment & Furniture	59,529	338,000		397,529
380	9	2110-9863	Motor Vehicles	2,869,360	70,000		2,939,360

(F-9) DHS - Budget Revision for Adult Protective Services Essential Fund

The North Carolina Division of Aging and Adult Services (DAAS) has allocated additional funding for the Adult Protective Services (APS) Essential Services Fund. This funding allows county departments of social services to provide essential services for adults for whom the need for protective services has been substantiated. These funds will assist adults to age in place, eliminating unnecessary institutionalization and promote opportunities to return to a community-based setting when possible. These essential services include the provision of medical care for physical and mental health, assistance in personal hygiene, assistance with obtaining appropriate food, clothing, seeking and providing heated and ventilated shelter, providing for protection from health and safety hazards, and protection from abuse, neglect, and exploitation.

Cabarrus County Department of Human Service's allocation for this fund is \$3,943.00. There is no county match required.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board adopted the budget amendment.

Date:4/17/2023

Amount:3,943.90

Dept. Head:Karen Calhoun

Department:DHS

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

The Aging Dept was awarded additional nonrecurring allocations to the APS Essential Services Fund in the amount of \$3,943.90. The second allocation will cover services from January 2023 through June 2023. The APS Essential Services Fund must be used to provide and arrange for essential needs on behalf of an individual receiving Protective services for Adults Planning and Mobilizing Services such as medical care, personal hygiene assistance, food and clothing assistance, heated and ventilated shelter, and protection from abuse, neglect, and exploitation. This fund is 100% federally funded. No county share required.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	5660-946101-ARP	Emergency Assistance	-	3,943.90		3,943.90
001	6	5660-6384-ARP	Cares Act Relief Payment	-	3,943.90		3,943.90

(F-10) DHS - Transportation 5310 Elderly and Handicapped Grant

The goal of the FTA Section 5310 program is to improve mobility for older adults and people with disabilities.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the 5310 Elderly and Handicapped Grant from the City of Concord.

(F-11) DHS - Transportation MPO Agreement

The North Carolina Integrated Mobility Division (IMD) along with the Federal Transit Administration (FTA) requires all Public Transportation Departments have a written agreement with their MPO (Metropolitan Planning Organization).

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the agreement between Cabarrus County and Centralina Regional Council and moved to allow the Chairman to sign the agreement after review and revision by the county attorney.

(F-12) Early Childhood Education – Grant

Through the Preschool Development Grant Funding, the North Carolina Division of Child Development and Early Education (DCDEE) is sponsoring, with The Hunt Institute, to develop, implement, and evaluate a training and technical assistance strategy designed to support diverse county-level cross-sector human services leadership teams in developing or enhancing scalable and sustainable local strategic plans informed by early childhood data.

- Funds may be used for:
- a. Stakeholder engagement strategies
 - i. Focus group facilitation or participation
 - ii. Survey creation and/or completion
 - b. County team meetings
 - c. Data collection strategies including fees for data collection or sources, analysis, interpretation, or cleaning
 - d. Communications or messaging including development of communication plans or messaging strategies
 - e. Graphic design or other services to finalize strategic plans
 - f. Other approved activities included in the application

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted the grant, authorized the County Manager to sign the MOU, and adopted the associated budget amendment.

Date: April 17, 2023

Amount: 3,000.00

Dept. Head: Carla Brown (Prepared by James Howden)

Department: Fund 001 - General Fund

Internal Transfer Within Department

Transfer Between Departments/Funds

X Supplemental Request

This budget amendment is to budget for the receipt and expenditure of the Grant funds related to the Early Childhood Education and Hunt Institute's Local Data Informed Strategic Planning Preschool Development Grant program for \$3,000.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	1210-681001	Grant - Hunt Institute	-	3,000.00	-	3,000.00
001	9	1210-9320-HUNT	Printing and Binding - Hunt Institute	-	3,000.00	-	3,000.00

(F-13) Emergency Management - NC Tier II Competitive Grant Award and Budget Amendment

North Carolina Tier II grants provide Local Emergency Planning Committees (LEPC's) with funding to expand the scope of their hazardous materials emergency preparedness programs through response planning, training and related exercises to include fixed facility planning. The grant award is in the amount of \$1,000.00 and does not require a match. Funding will provide lunch and learn training opportunities for our LEPC.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted the grant award and adopted the associated budget amendment.

Date:4/17/2023

Amount:1,000.00

Dept. Head:Jason Burnett

Department:Emergency Management

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

Budget Amendment to record the Tier II Grant Program

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	2710-9636-TIER2	Tier II Grant Expense	-	1,000.00		1,000.00
001	6	2710-6339-TIER2	Tier II Grant Revenue	-	1,000.00		1,000.00

(F-14) Finance - Budget Amendment to Increase Dental Insurance Expenditures

This budget amendment is to increase the budget for expenditures in the Health - Dental Insurance Fund based on anticipated higher than average dental claims for the remainder of fiscal year 2023. This budget amendment appropriates fund balance. Total fund balance as of June 30, 2022 for this department (Dental) in the Internal Service Fund was \$202,759.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the budget amendment.

Date:April 17, 2023

Amount:100,000.00

Dept. Head:James Howden (Prepared by Suzanne Burgess)

Department:Fund 610 - Dental Insurance - ISF

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

This budget amendment is to increase the budget for expenditures in the Health - Dental Insurance Fund based on anticipated higher than average dental claims for the remainder of fiscal year 2023. This budget amendment appropriates fund balance. Total fund balance as of June 30, 2022 for this department (Dental) in the Internal Service Fund was \$202,759.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
610	9	1918-9645	DENTAL CLAIMS	435,000.00	100,000.00	-	535,000.00
610	6	1918-6901	FUND BALANCE APPROPRIATED	47,000.00	100,000.00	-	147,000.00

(F-15) Finance - Budget Amendment for Additional Tax Turnover to the Fire Districts

This Budget Amendment is to increase the Fire Districts' current year property tax collections as well as increase related districts' turnovers. Per the Fire Tax Districts budget ordinance, Section V. (7), upon notification of funding increases of revenues, the Manager may adjust budgets to match.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the budget amendment.

Date:4/17/2023

Amount:426,500.00

Dept. Head:Jim Howden (Prepared by Katrina Myers Arnold)

Department:Finance

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

To increase Fire Districts' current year property tax collections as well as increase related districts' turnovers. Per the Fire Tax Districts budget ordinance, Section V. (7), upon notification of funding increases of revenues, the Manager may adjust budgets to match.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
430	6	2710-6011	Property Tax Current Year Coll	6,497,950.00	426,500.00		6,924,450.00
430	9	2710-975601	Com Rural	52,056.00	2,000.00		54,056.00
430	9	2710-9773	River Fire	224,911.00	25,000.00		249,911.00
430	9	2710-9774	Mt Mitchell	106,824.00	4,500.00		111,324.00
430	9	2710-9775	Gold H VFD	48,856.00	10,000.00		58,856.00
430	9	2710-9776	Mt Pleasant	594,278.00	65,000.00		659,278.00
430	9	2710-9777	Kann Rural	226,884.00	20,000.00		246,884.00
430	9	2710-9778	Georgetown	285,328.00	30,000.00		315,328.00
430	9	2710-9779	Flowers St	278,497.00	50,000.00		328,497.00
430	9	2710-9780	Odeff	866,080.00	35,000.00		901,080.00
430	9	2710-9781	Richf VFD	11,230.00	5,000.00		16,230.00

430	9	2710-9783	Jackson Pk	239,683.00	20,000.00		259,683.00
430	9	2710-9784	Cold Water	325,676.00	20,000.00		345,676.00
430	9	2710-9785	Allen	553,419.00	35,000.00		588,419.00
430	9	2710-9786	Midland	1,169,259.00	50,000.00		1,219,259.00
430	9	2710-9788	Northeast	199,952.00	20,000.00		219,952.00
430	9	2710-9798	Harris VFD	1,315,017.00	35,000.00		1,350,017.00

(F-16) Human Resources - Compensation Study

At the work session, Compensation Consultant Becky Drozdz shared results from FY23 project that covered all County departments except Public Safety and Human Resources. HR requested an adjustment to the Personnel Ordinance to modify the 4-year review cycle and recommended a processing date for FY24 COLA if approved through the budget process.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the outlined recommendations.

(F-17) Sheriff's Office - Acceptance of NHTSA (National Highway Traffic Safety Administration) Grant

Currently, the state crime lab requires a one year + lead time to produce results for alcohol/drug blood testing. This grant would allow for the Cabarrus County Sheriff's Office, working in conjunction with the Cabarrus County District Attorney's Office, to utilize NMS (National Medical Services) labs to expedite laboratory analysis of blood down to a two-week lead time. The State has worked with NMS labs previously and approves of their scientific standards and professionalism.

Use of NMS labs would help to reduce the backlog of blood analysis cases in the most critical of DWI cases.

There is no County match required of this grant.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted the grant award and adopted the associated budget amendment.

Date:4/17/2023

Amount:26,500.00

Dept. Head:Sheriff Van W. Shaw

Department:2110-Sheriff

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

Purpose: The National Highway Traffic Safety Administration (NHTSA) has granted \$26,500 to the Cabarrus County Sheriff's Office to be used for activities related to the use of NMS Labs to expedite the analysis of drug-impaired driving cases and assist in the expert testimony of cases analyzed at their facility to remove backlog and maintain necessary turnaround time of results for Judiciary purposes. Budget Amendment to establish budget for the Revenue & Expenditures.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
1	6	2110-622301-NHTSA	US Dept of Transportation - NHTSA		26,500.00		26,500.00
1	9	2110-9445-NHTSA	Purchased Services - NHTSA		26,500.00		26,500.00

(F-18) Sheriff's Office - Award of Service Weapon to Chief Deputy James Bailey Upon His Retirement

Chief Deputy James N. Bailey will retire from the Cabarrus County Sheriff's Office on May 1st, 2023. Pursuant to N.C. General Statute 20-187.2, it is requested that Chief Deputy Bailey's service weapon (Sig-Sauer P320C, Serial Number 58K094207) be designated surplus property and awarded to Chief Deputy Bailey for a price of \$1.00 upon his retirement.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board declared Sig Sauer P320 Serial # 58K094207 surplus property and authorized disposition in accordance with the County's policy.

(F-19) Tax Administration - Refund and Release Reports - March 2023

The Release Report contains taxpayers' names, bill numbers, valuations, tax amounts, along with the justifications for releasing the valuation/tax amounts for outstanding levies in accordance with N.C.G.S. 105-381. The Refund Report is a summary sheet which lists data from each refund request form, along with the justification for the refunds to the taxpayers in accordance with N.C.G.S. 105-381.

Note: Due to the transition of motor vehicles onto the new North Carolina Vehicle Tax System (NCVTS), motor vehicle-related refunds and releases will begin to be displayed on the new report generated by NCVTS.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the March 2023 Refund and Release Reports as submitted, including the NCVTS Refund Report, and granted authority to the Tax Collector to process the refunds and releases. The report is hereby incorporated into the minutes by reference and is on file with the Clerk to the Board.

(G) NEW BUSINESS

(G-1) Economic Development Investment - Coleman Industrial Gases, LLC (Project Parade) – Public Hearing 6:30 p.m.

Samantha Grass, Cabarrus Economic Development Corporation (EDC), Recruitment Project Manager, presented a request for an economic development investment for Coleman Industrial Gases, LLC, (Project Parade) pursuant to North Carolina General Statute 158.7.1. The project proposes to locate at the Midland Logistics Park at 375 NC Hwy 24-27 in Midland with a projected investment of approximately \$22,275,900 in real and personal property. The project plans to create 25 jobs with average wages above our current county average wage. The projected investment in real and personal property in the first three years is estimated to be approximately \$63,000,000. Items that do not qualify as program assets eligible for the grant include land lease, rail cars, tractors and tankers, and delivery vehicles. A three-year 85 percent grant on the real and personal property was requested. The estimated grant amount is \$347,953 with a net revenue to the county of \$63,000. Ms. Grass announced several representatives from Coleman Industrial Gases, LLC were present and available to answer any questions.

Cabarrus County Economic Development Grant Analysis

	Year 1	Year 2	Year 3
Total Assessed Value (Real)	\$1,350,000	\$1,350,000	\$1,350,000
Total Assessed Value (Personal)	\$18,833,310	\$17,159,238	\$15,275,907
	\$20,925,900.00	\$17,159,238	\$15,275,907
County taxes at .74	\$149,356	\$136,968	\$123,032
Grant @ 85 %	\$126,953	\$116,423	\$104,577
Net Taxes to County	\$22,403	\$20,545	\$18,455
		Taxes	\$ 409,357
		Grant	\$ 347,953
		Net Taxes to County	\$ 61,403

A discussion ensued. During discussion, Ms. Grass and Page Castrodale, EDC Executive Director, responded to questions from the Board.

Chairman Morris opened the public hearing at 7:40 p.m. The public hearing notice was posted on the County’s website (www.cabarruscounty.us) on April 6, 2023, in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

Cabarrus County resident Larry Pittman expressed opposition to the proposed economic development investment.

Mike Coleman, owner of Coleman Industrial Gases, LLC, provided comments regarding the business operations and growth plans.

Cabarrus County resident Ray Helms expressed support for the proposed economic development investment.

There being no one else present to address the Board; Chairman Morris closed the public hearing.

Vice Chairman Shue MOVED to approve an economic development agreement (3 years, 85 percent) between Coleman Industrial Gases, LLC and Cabarrus County, and to authorize the County Manager to execute the Agreement on behalf of the Board, subject to review or revision by the County Attorney. Commissioner Wortman seconded the motion.

Following discussion, the **MOTION** carried with Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting for and Commissioners Strang and Measmer voting against.

(G-2) Economic Development Investment - STERIS Instrument Management Services, Inc. (Project Precision) - Public Hearing 6:30 p.m.

Samantha Grass, Cabarrus Economic Development Corporation (EDC), Recruitment Project Manager, presented a request to consider revising the economic development investment awarded to STERIS in 2021 pursuant to NC General Statute 158.7.1. The project proposes to locate a surgical instrument processing business at Oakmont Business Park, 8501 Westmoreland Drive NW (Cabarrus County GIS address: 7885 Poplar Tent Road), Concord 28027 with a projected estimated investment between \$19,950,000 - \$29,670,000 in real and personal property. They also plan to create 115 jobs with average wages above our current County average wage. A three-year grant equivalent to 85 percent of the ad valorem taxes on the increase in real and personal property tax values is requested. The estimated net revenue to the county during the grant period would be 61,000 - \$96,500.

Cabarrus County Economic Development Grant Analysis

		Year 1	Year 2	Year 3
Total Assessed Value (Real)		\$14,500,000	\$14,500,000	\$14,500,000
Total Assessed Value (Personal)		\$4,095,000	\$3,731,000	\$4,131,500
	\$4,550,000.00	\$4,095,000	\$3,731,000	\$3,321,500
	\$900,000.00			\$810,000
County taxes at .74		\$137,603	\$134,909	\$137,873
Grant @ 85 %		\$116,963	\$114,673	\$117,192
Net Taxes to County		\$20,640	\$20,236	\$20,681
			Taxes	\$ 410,386
			Grant	\$ 348,828
			Net Taxes to County	\$ 61,558

Cabarrus County Economic Development Grant Analysis

		Year 1	Year 2	Year 3
Total Assessed Value (Real)		\$25,900,000	\$25,900,000	\$25,900,000
Total Assessed Value (Personal)		\$3,393,000	\$3,091,400	\$2,752,100
	\$3,770,000.00	\$3,393,000	\$3,091,400	\$2,752,100
County taxes at .74		\$216,768	\$214,536	\$212,026
Grant @ 85 %		\$184,253	\$182,356	\$180,222
Net Taxes to County		\$32,515	\$32,180	\$31,804
			Taxes	\$ 643,330
			Grant	\$ 546,831
			Net Taxes to County	\$ 96,500

A discussion ensued. During discussion, Ms. Grass responded to questions from the Board.

Chairman Morris opened the public hearing at 7:53 p.m. The public hearing notice was posted on the County’s website (www.cabarruscounty.us) on April 6, 2023, in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

Cabarrus County resident Larry Pittman expressed opposition for the proposed economic development investment.

Cabarrus County resident Ray Helms expressed support for the proposed economic development investment.

Cabarrus County resident Tammy Pittman expressed opposition for the proposed economic development investment.

There was no one else present to address the Board; therefore, Chairman Morris closed the public hearing.

Commissioner Wortman **MOVED** to approve an economic development agreement (3 years, 85 percent) between STERIS Instrument Management Services, Inc. and Cabarrus County, and to authorize the County Manager to execute the Agreement on behalf of the Board, subject to review or revision by the County Attorney. Chairman Morris seconded the motion.

Following discussion, the **MOTION** carried with Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting for and Commissioners Strang and Measmer voting against.

**(G-3) Sheriff's Office - Dedication of Bridge in Memory of Lt. Robert J. Eury
- Public Hearing 6:30 p.m.**

Chairman Morris reported on May 5, 1972, Lieutenant Robert J. Eury was killed while responding to a domestic disturbance in Midland, NC. He left behind his wife, Myra Eury, daughter, Anne Eury Griggs and son, Robert Eury Jr. It is requested that the Cabarrus County Board of Commissioners approve this resolution requesting the naming of NC Hwy 24/27 bridge over the Rocky River both east and west (Bridge #'s 341 and 22) in honor and memory of Lieutenant Robert J. Eury and appropriated signage be placed at the site. He advised a public hearing is required. Chairman Morris then read the resolution aloud.

Chairman Morris opened the public hearing at 8:15 p.m. The public hearing notice was posted on the County's website (www.cabarruscounty.us) on April 6, 2023, in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

There was no one present to address the Board; therefore, Chairman Morris closed the public hearing.

Vice Chairman Shue **MOVED** to adopt the resolution. Commissioner Measmer seconded the motion.

As an update, Commissioner Strang stated this is the final piece the Sheriff's Department and North Carolina Department of Transportation needs to move forward with the application process. She advised there is a letter of commitment from both the Town of Midland and Sheriff's Department to fund the signage.

The **MOTION** unanimously carried.

Resolution No. 2023-08

RESOLUTION REQUESTING NAMING OF BRIDGE FOR LIEUTENANT ROBERT J. EURY

WHEREAS, Lieutenant Robert J. Eury Sr. served the Cabarrus County Sheriff's Office for 17 years with diligence and honor; and,

WHEREAS, Lieutenant Robert J. Eury Sr. was killed in the line of duty on May 5th, 1972, in an ambush while responding to a domestic situation in what is now the Town of Midland within Cabarrus County.

WHEREAS, Lieutenant Robert J. Eury Sr. was 49 years old at the time of his death and that this was the 3RD line of duty death for the Cabarrus County Sheriff's Office.

WHEREAS, Lieutenant Robert J. Eury Sr. was survived by his wife Myra Eury, daughter Anne Eury Griggs and son Robert Eury Jr all of whom remained in the Town of Midland.

WHEREAS, the actions and career of Lieutenant Robert J. Eury Sr. serve as a worthy example for all citizens of Cabarrus County, and a fitting memorial to his memory has been requested and is well-deserved and long overdue.

NOW THEREFORE BE IT RESOLVED, by the Cabarrus County Board of Commissioners that it hereby requests that the North Carolina Board of Transportation name the HWY 24/27 Bridge over the Rocky River in Midland, (Bridge #s 341 & 22), in the honor and memory of Lieutenant Robert J. Eury Sr. and that appropriate signage be placed at the site.

ADOPTED this 17th day of April 2023.

/s/ Stephen M. Morris
Stephen M. Morris, Chairman

Attest:

/s/ Lauren Linker
Lauren Linker, Clerk to the Board

(G-4) EMS - Operational Update

Justin Brines, Emergency Medical Services (EMS), Deputy Chief, presented a PowerPoint presentation regarding EMS response and standby models that included the following information.

- All units in quarters with call volume
- EMS call volume by response zone
- Cabarrus EMS Response Guidelines
 - Countywide response time - 8 minutes or less
 - Chute time (dispatch to wheels rolling) - 60 seconds or less
 - System data in regard to response time, fractal response time, unit placement, unit hour utilization and stand by policies will be monitored as part of the quality management program in order to promote the efficient and timely delivery of service
 - First responder organizations provide coverage to all areas of Cabarrus County and serve to promote rapid delivery of basic life support skills
- Cabarrus EMS Stand-by Guidelines
 - Automatic vehicle locator (AVL) dispatch is utilized by Cabarrus County EMS
 - Stand-by guidelines are used to move available EMS units around the county to ensure unit proximity to call location is as close as possible
- Unit rotations
- Year in review
 - 20% call volume increase over last 2 years
 - 8 minutes average response time
 - 72% collection rate, stable year over year
 - 1982 community paramedic calls
 - 46% cardiac arrest survival to discharge (USTEIN)
 - \$8.5 million projected revenue for FY23
- Staffing trends
 - 5% full time vacancies (FTEs)
 - 2% part time vacancies (1 position)
 - 3 employees in RCCC paramedic academy

A discussion ensued. During discussion, Mr. Brines responded to questions from the Board.

(G-5) Planning and Development - Budget Amendment to North Carolina Weatherization Assistance Program Contract

Susie Morris, Planning and Development Director, reported the North Carolina Department of Environmental Quality (NCDEQ) requested staff perform a mid-year review of the community development weatherization assistance program contract currently in place. The primary request was to review the number of units to determine feasibility for completing the units and if allotted funds would be spent by the end of the fiscal year. Cabarrus County requested a 1 unit decrease for the DOE Weatherization Assistance Program and to reduce the budget by the associated administrative costs for that unit. NCDEQ will redistribute the funds being returned to other North Carolina agencies. Since this is a contract amendment, a budget amendment is required to reduce the program budget for the DOE Weatherization Assistance Program.

A discussion ensued. During discussion, Ms. Morris responded to questions from the Board.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Strang and unanimously carried, the Board adopted the budget amendment.

Date:4/17/2023

Amount:6,892.00

Dept. Head:Susie Morris

Department:Planning & Development Director

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

The purpose of this amendment is to decrease the DOE Weatherization Assistance Program administrative funds that cannot be expended this fiscal year. The North Carolina Weatherization Assistance Program will re-distribute the funds to other NC agencies

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	3250-6227	Weatherization Program Grant	93,785.00		6,892.00	86,893.00
001	9	3250-9493	Operations	69,876.00		6,892.00	62,984.00

(F-6) BOC - Rules of Procedure

Chairman Morris reviewed the Rules of Procedures updates that were discussed at the Board Retreat.

The Board of Commissioners engaged in a lengthy discussion. During discussion, Richard Koch, County Attorney, responded to questions from the Board.

A video of a section of the Boards' Retreat where the rules of procedure was discussed was viewed.

Commissioner Measmer **MOVED** to not adopt the proposed changes to the Rules of Procedure. Commissioner Strang seconded the motion.

The **MOTION** failed, with Commissioners Measmer and Strang voting for and Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting against.

Vice Chairman Shue **MOVED** to adopt the changes to the Rules of Procedure as amended. Commissioner Wortman seconded the motion.

Following discussion, Vice Chairman Shue amended the **MOTION** to approve the Rules of Procedure as amended with the exception to remove the phone part out from being able to attend meetings remotely; and subject to review and revision by the County Attorney. Commissioner Wortman amended his second to the motion.

The **MOTION** carried with Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting for and Commissioners Strang and Measmer voting against.

Rules of Procedure for
the Cabarrus County Board
of Commissioners

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Board of Commissioners of Cabarrus County. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A quorum consists of a majority of the board's membership. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. Vacancies do not reduce the number of members necessary to establish a quorum. A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present is deemed present for quorum purposes. The board may compel an absent member to attend by ordering the sheriff to take the member into custody.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

~~A member may remotely participate in Board Meetings so long as they can be clearly heard by all present at the meeting and can clearly hear the discussion being had by the present quorum. The remote participant may vote on any item so long as they are fully informed prior to the vote.~~

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing have made it possible for members to communicate and deliberate simultaneously with each other from remote locations.

Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, NCGS § 143-318.9 et seq., the board authorizes remote participation in official board

meetings subject to the following procedures and requirements. Remote participation is not to be used solely for a member's convenience.

The intent of this rule is to establish the board's practice for remote participation by board members when there is no state of emergency existing (local or statewide). When a state of emergency exists, this policy is superseded by the provisions of NCGS § 166A-19.24 or other board policies, as the case may be. The board reserves the right to suspend, amend, or rescind this policy at any time by majority vote of the board.

When there is a request to participate remotely, the requesting commissioner should submit the request to the chair, vice-chair, County manager, or clerk to the board as soon as the member is aware of the need, but to the extent possible, preferably within forty-eight (48) hours, but not less than twelve (12) hours before the official meeting so that proper arrangements might be put in place.

The clerk should be made aware as soon as possible. At the beginning of the meeting, the chair or vice-chair will announce that a named commissioner will be participating remotely. Minutes from the meeting shall reflect which commissioner(s) participated remotely. The remote participation rules shall be followed.

Participation by a board member by electronic means in any properly noticed meeting. Participation shall be by ~~telephone~~ or video conference as determined by the clerk. Any method chosen must allow for the participating commissioner to hear what is said by other commissioners, hear what is said by individuals addressing the board; and be heard by other members of the board when speaking.

It is the responsibility of the participating commissioner to obtain and maintain technology proficiency with use of said technology) to meet the above requirements.

Members participating remotely will be counted in the determination of a quorum, and be eligible to participate in debate and vote as long as the remote connection is maintained throughout the debate. Their vote must be by voice. Members participating remotely will NOT be eligible to participate in closed session discussion. Members participating remotely will identify themselves during introductions and indicate they are participating remotely. Members participating remotely shall notify the chair if leaving the meeting before the meeting is officially adjourned, or when rejoining the meeting after a period of absence. Members continually connected throughout the discussion, but failing to vote when called upon will be deemed voting in favor of the item on the floor. The official board minutes will reflect the member's remote participation.

- Provide for the designation of spokespersons for groups supporting or opposing the same positions,
- Provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the meeting room (so long as arrangements are made for those excluded from the meeting room to listen to the public comment period), and
- Provide for the maintenance of order and decorum in the conduct of the public comment period.

(C) Content-Based Restrictions Generally Prohibited. The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

Part X. Appointments and Appointed Bodies

Rule 37. Appointments

- (a) Appointments in Open Session. The board must consider and make any appointment to another body or, in the event of a vacancy on the board, to its own membership in open session.
- (b) Nomination and Voting Procedure for Appointed Bodies. The board shall use the following procedure to appoint individuals to bodies over which it has the power of appointment. The chair shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chair shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

- (c) Nomination and Voting Procedure to Fill a Vacancy on the Board. The procedure described in paragraph (b) shall be used to fill a vacancy on the board, except as superseded by the provisions of NCGS § 153A-27. ~~If the county is divided into electoral districts, the person selected to fill the vacancy must reside in the same electoral district as the member being replaced.~~ If the member being re-placed was elected as the nominee of a political party, then his or her replacement must belong to the same party. If an existing member resigns, but delays the effective date of the resignation, such member can vote on his/her replacement so long as the vote occurs before the effective date of the resignation.
- (d) Multiple Appointments. If the board is making more than one appointment to a body, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same position during a single balloting.
- (e) Vote by Written Ballot. The board may vote on proposed appointments by written ballot in accordance with Rule 30 (Voting by Written Ballot).

Rule 38. Committees and Boards

- (a) Establishment and Appointment. The board may establish temporary and standing committees, boards, and other bodies to help carry on the work of county government. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.
- (b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business.
- (c) Procedural Rules. The board may prescribe the procedures by which the county's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Part XI. Miscellaneous

Rule 39. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with any relevant statutes and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members.

Rule 40. Reference to Robert's Rules of Order Newly Revised

The board shall refer to Robert's Rules of Order Newly Revised for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted Robert's, the chair shall make a ruling on the issue subject to appeal to the board under Rule 32 (Motion 1 - To Appeal a Ruling of the Presiding Officer).

Rule 41. One Hour Rule

Any member's proposals or inquiries, including items to be added to a meeting agenda, shall not involve or receive more than one (1) hour of staff time, unless the entire board is made aware of the proposal or inquiry. The purpose of this rule is to facilitate transparency and communication and focus staff time on priorities of the entire board. Such proposals or inquiries shall be transmitted through the County manager to the appropriate staff member or department.

(H) REPORTS

(H-1) BOC - Receive Updates from Commission Members Who Serve as Liaisons to Municipalities or on Various Boards/Committees

Commissioner Wortman announced from active living and parks, Vietnam Veterans Park is having 56 ash trees removed due to an emerald ash bore insect infestation. The Senior Games will be held on April 27th at 6:30. Cheerleader Showcase and Silver Art Follies will be held at the Laureate Center in Kannapolis, tickets are \$5 at the door. The Trails and Tails will be at Rob Wallace Park on May 4th at 10 a.m.

Vice chairman Shue announced the Water and Sewer Authority of Cabarrus County project is moving forward and is on track.

(H-2) Board of Commissioners - Request for Applications for County Boards/Committees

Applications are being accepted for the following County Boards/Committees:

- Active Living and Parks Commission - 3 Expired Terms
- Adult Care Home Community Advisory Committee - 13 Vacant Positions
- Board of Equalization and Review - 2 Terms Expiring Soon
- Centralina Workforce Development Board - 2 Terms Expiring Soon
- Concord Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Harrisburg Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Home and Community Care Block Grant Committee - 1 Vacant Position
- Jury Commission - 1 Term Expiring Soon
- Juvenile Crime Prevention Council - 4 Terms Expiring Soon
- Mental Health Advisory Board - 1 Vacant Position
- Nursing Home Community Advisory Committee - 11 Vacant Positions
- Planning and Zoning Commission - 1 Vacant Position
- Region F Aging Advisory Committee - 1 Term Expiring Soon and 2 Vacant Positions
- Senior Centers Advisory Council - 2 Expired Terms
- Tourism Authority - 4 Terms Expiring Soon
- Transportation Advisory Board - 6 Vacant Positions, 1 Expired Term and 3 Terms Expiring Soon
- Water and Sewer Authority of Cabarrus County - 1 Term Expiring Soon
- Youth Commission - 2 Terms Expiring Soon and 4 Vacant Positions

Chairman Morris urged citizens to consider participating on a Board or Committee.

(H-3) Budget - Monthly Budget Amendment Report

The Board received the monthly budget amendment report for informational purposes. No action was required of the Board.

(H-4) Budget - Monthly Financial Update

The Board received the monthly financial update report for informational purposes. No action was required of the Board.

(H-5) County Manager - Monthly Building Activity Reports

The Board received the Cabarrus County Construction Standards Dodge Report for March 2023 and the Cabarrus County Commercial Building Plan Review Summary for March 2023 for informational purposes. No action was required of the Board.

(H-6) County Manager - Monthly New Development Report

The Board received the monthly new development report for informational purposes. No action was required of the Board.

(H-7) Economic Development Corporation - March 2023 Monthly Summary Report

The Board received the Cabarrus Economic Development Corporation (EDC) monthly report for the month of March 2023 for informational purposes. No action was required of the Board.

(I) GENERAL COMMENTS BY BOARD MEMBERS

Chairman Morris commented on a correction to an earlier comment on the Eli Lilly incentive agreement.

Chairman Morris also commented on North Carolina House Bill 454, stating it is an administrative correction to the City of Concord ABC profit distribution. The Bill matches language to do what the ABC Board has been doing since its inception with no impact on county revenue.

Commissioner Measmer thanked the audience and television viewers for their patience and participation in tonight's meeting.

(J) WATER AND SEWER DISTRICT OF CABARRUS COUNTY

None.

(K) CLOSED SESSION

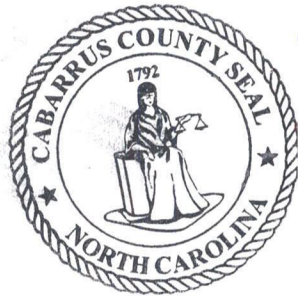
(K-1) Closed Session – Pending Litigation

UPON MOTION of Commissioner Strang, seconded by Commissioner Wortman and unanimously carried, the Board moved to go into closed session to discuss matters related to pending litigation as authorized by NCGS 143-318.11(a)(3).

UPON MOTION of Commissioner Wortman, seconded by Commissioner Strang and unanimously carried, the Board moved to come out of closed session.

(L) ADJOURN

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the meeting adjourned at 10:21 p.m.




Lauren Linker, Clerk to the Board

Exhibit 5

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-18
HOUSE BILL 453**

**AN ACT REGARDING THE FILLING OF VACANCIES ON THE BOARD OF
COMMISSIONERS OF CABARRUS COUNTY.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-27(a) reads as rewritten:

"(a) If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within ~~60-20~~ calendar days after the day the vacancy occurs, the clerk shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 calendar days after the day the vacancy is reported to him, fill the vacancy."

SECTION 2. This act applies only to Cabarrus County.

SECTION 3. This act is effective when it becomes law and applies to vacancies existing on or after that date.

In the General Assembly read three times and ratified this the 24th day of May, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Destin Hall
Presiding Officer of the House of Representatives

