

Thursday, October 1, 2009

The Graham County Board of Elections met for a Continued meeting on Thursday, October 1, 2009 at 8:30 am at the Board of Elections office at 18 Court Street, Robbinsville, NC. Present were Chairman Cody, Secretary Colvard, Director Farley, County Manager Lynn Cody, Mack Tallant and Steve Krake with McKinney & Tallant Law Firm

1. Chairman Cody called the meeting to order and read the agenda. Secretary Colvard made a motion to amend the agenda to add item #5. Agenda reads as follows. 1. Approve agenda, 2. Public Comment, 3. Continue discussion of staffing Issues and the relationship between Board of Election and the Graham County Board of Commissioners, 4. Carpet and 5. Resolution on the Griggs Challenge. Chairman Cody seconded the motion. Vote was unanimous.
2. No public comment.
3. Board spoke with County Manager Lynn Cody about the Board of Elections requesting that Mack Tallant with McKinney & Tallant look into the relationship of the Board of Elections and the Board of Commissioners. The Board of Elections would like to have something in place, such as a Memorandum of Understanding with the Board of Commissioners with an understanding of each board's duties and rights. Chairman Cody asks that County Manager Cody relay this to the Board of Commissioners. Mr. Cody stays that for future references "he thinks that would be a great way to go".
4. Chairman Cody goes on to say that from everything he has researched and read, technically Ms. Joelene Weeks was never subject to the where the commissioners decided where she was to work and that Ms. Joelene Weeks was an employee of this dept. and as the two boards go forward it should be understood that when someone is hired in the Board of Elections that person stays with the Board of Elections, not subject to county hours or pay. The Commissioners are the budgeting authority only, but as far as what Chairman Cody has read does not supervise any election employee.
5. Chairman Cody has asked McKinney & Tallant to research whether the Board of Commissioners have any say as to whether the Board of Elections have Part Time Help or Full Time help. Chairman Cody explains to County Manager Cody that you can't move employee's at will just because you need one. An example of that being;
6. If you needed help in the Tax Office, you probably wouldn't call the DSS and say you needed Edith Jones moved up here because you would recognize she belongs to DSS, correct? County Manager Cody nods and agrees with that assessment.
7. Chairman Cody feels that we have the same type of isolation in our office as

the Offices of the DSS, Health Dept, and the Sheriff's Dept., State mandated, unfunded by the state board. And of which it is more important that this board be separated than any other board in the county. Chairman Cody feels that if County Manager Cody reads the letters from Attorney General he will arrive at the same conclusion, and would like to know his thoughts or understandings are on the matter.

8. County Manager Cody agrees that the Board of Commissioners does have the right to set the budget for each dept, but feels the Board of Commissioners also has the right to adjust the budget throughout the year as it sees fit. Chairman Cody agrees adjustments are fine as long as it allows the Board of Elections to do their job. County Manager Cody feels that due to the fact of the economic times the county has to take different measures to adjust that, as you know in a business be able to adjust the cash flow that you actually have a coming and going. Sometimes that can restrict what you can and can't do. That is something the board will have the attorneys research.
9. Chairman Cody says that in the end this office has to funded to be able to serve the people of Graham County just like any other office, and that the board did agree to let the county use Ms. Weeks in slower times, but the way the county handled her removal was wrong and an inappropriate option. County Manager Cody says he can't comment on that, but that his hands were Tied and that he was only carrying out the boards wishes.
10. Chairman Cody feels it is important going forward that everybody know what they can or can't do. The budget that the Board of Elections submitted has not changed, and the budget amendment has some inaccuracies contained in it. The Budget amendment shows no revenues and the Board of Elections does Receive revenues from both municipals. County Manager Cody states that's just technology?
11. Secretary Colvard says that the Board of Elections has worked hard at keeping the budget figures down, and that is why they changed employee's to Comp Time in lieu of Overtime. But with the removal of Ms. Weeks the board will now have to spend additional monies to train someone to adequately run the the office. Chairman Cody hopes that this is not a result of what has transpired between Mr. Odom and himself through the paper. Chairman Cody feels that he knows where the law will fall and it he feels that neither County Manager Cody nor the Board of Commissioners by trying to strangle us with the budget, wants to find out if we can combine precincts and change where people went to vote. He feels that would be highly unacceptable in the community. It's a drastic step but may be necessary with the current budget constraints. He wants to move forward. But we will do what is necessary to make it work. Chairman Cody will be in touch with Commissioner Chairman Snyder.
12. Secretary Colvard discusses the issue of the carpet with County Manager

Cody and the effect it is having on the Director's health. Director Farley tells County Manager Cody the effect it has on her breathing. She keeps a sinus headache twenty minutes after walking in the door until she leaves and is home. She has had prior surgery and is going to need future surgery. Board and Director Farley believe this is a direct result of the carpet being so old. Secretary Colvard suggests that Alicia Parham with the Health Dept. be called and asked to check for mold and mildew. In the next room there are holes in the wall that you can stick a screw driver through because the wood is rotted through, and there is water leaking in-between the walls. Chairman Cody asks if in the County Manager's office if the carpet was removed and wood flooring put down. County Manager Cody says yes, that is correct. Chairman Cody says that for health reasons the board would like to have the same thing done here.

13. Chairman Cody states GS 163-129 authorizes the Board of Elections to acquire by lease or otherwise, structures for registration and voting. The board realizes that it is a savings to the county to have the Board of Elections in its current location but we probably need to address that issue of the problems it's causing Director Farley. Is that something the board can take care of or does the county have people to take care of it?
14. County Manager Cody says he will have to check and see and that there will have to be a Cost Factor done on it to see what the cost will be.
15. The board thanks Mr. Cody for coming over and discussing things with them. Mr. Cody said that he will try and do what he is allowed to do.
16. Board reviews the Resolution of Regarding Voter Challenge Concerning David James Boulay. Secretary Colvard makes a motion to accept the resolution. Chairman Cody seconds. Vote was unanimous.
17. Board discusses hours and mandated training issues that is required of the Director and of training that is required of an appointed Deputy Director with attorneys.
18. Secretary Colvard made a motion to adjourn. Chairman Cody seconded. Vote was unanimous

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Dirk Cody, Chairman

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Juanita Colvard, Secretary