

The Graham County Board of Elections met for a Special Meeting on Friday, October 23, 2009 at the Board of Elections office at 18 Court Street, Robbinsville, NC. Present were Chairman Cody, Secretary Colvard, Director Susie Farley, Member Billy Ditmore and Steve Krake with McKinney and Tallant Law Firm.

1. Chairman Cody called the meeting to order and read the agenda. Secretary Colvard made a motion to approve agenda. Agenda reads as follows. 1. Approve agenda, 2. Public comment, 3. Discuss the relationship between Board of Election and the Graham County Board of Commissioners. Secretary Colvard made a motion to accept agenda. Member Ditmore seconds motion. Vote was unanimous.
2. No public comment.
3. Board reviews a draft resolution of a Memorandum of Understanding that Mr. Krake had prepared. Mr. Krake goes over draft which shows each statute in each section that it pertains to. Chairman Cody ask Director Farley to relate the events that transpired the day Director Farley and the second employee went to the Finance Office to have her paper work completed.
4. Director Farley relates to the board the events that transpired between her and Finance Officer Rebecca Garland and County Manager Lynn Cody when Director took the second employee to Finance Office to complete paperwork on Wednesday, October 21<sup>st</sup>.. Director Farley came back to her office and called. Chairman Cody, who at that time called for a Special Meeting October 23, 2009 and to invite County Manager Lynn Cody to attend,. County Manager Lynn Cody stated that he did not want to meet with the Board of Elections and that if the Board of Elections wanted to discuss it further than they could talk to the County Commissioners. Director Farley did place copy of the meeting with agenda in the boxes of all the county commissioners. Chairman Cody wants it on the record that he did notify Commissioner Chairman Snyder. Secretary Colvard states she did notify Commissioner Smith.
5. Secretary Colvard states she was contacted by County Manager Lynn Cody on October 20, 2009 at 2:46, and she went over her notes from that conversation with the board.
6. Mr. Steve Krake went over several Statutes with the Board of Elections concerning the relationship between the Board of Elections and the Board of Commissioners. Chairman Cody stated that for the Board as a whole he thought that it was important to have this exercise. While stating he wished that one or two Commissioners would have come the meeting.
7. Mr. Krake discussed with the Board of Elections strengths and weakness of their case.
8. Board of Elections discussed with Mr. Krake the two part time employees hired and what may be the thoughts and how the Board of Commissioners may assume the Board of Elections reasoning for hiring the two part time employees.
9. Chairman Cody asked for comments of the Memorandum of Understanding at this time.
10. Secretary Colvard motioned for recess and Chairman Cody second the motion.

11. Board of Elections resumed meeting. Chairman Cody asked Secretary Colvard to give her Comments on the personnel policy. Secretary Colvard stated that they would utilize the old Graham County Policy until there is one adopted by this board.
12. Chairman Cody asked for objection of change of the Statute reference section 5 on third line. No objections were given.
13. Chairman Cody called for any other changes. Changes were to strike section 7.
14. Chairman Cody called for any other changes. None were made.
15. Chairman Cody called for motion to approve this memorandum with the three changes that have been marked. Secretary Colvard made a motion that the Board of Elections adopts this Memorandum of Understanding with changes noted. Member Ditmore seconds. Vote was unanimous.
16. Board discussed issues of how second employee was going to be paid.
17. Director Farley stated that she had received an email from Rebecca Garland on October, 21, 2009 saying fiscal decisions will become the rule as opposed to the exception; with political motivations taking a backseat. Board members stated they had seen this email.
18. Chairman Cody asked Mr. Krake if second employee was not paid what was the action to be taken. Mr. Krake stated that the Board could be a plaintiff and in addition to just a defendant. Mr. Krake also instructed the Board of Elections about the Majority Resolution, State Board and Board of Elections own attorney.
19. Board of Commissioners will be provided with list of Statutes.
20. Chairman Cody suggested that by Friday October, 30 2009 that the Board of Elections meets with the Board of Commissioners. Secretary Colvard stated that the Board of Commissioners wanted the Board of Elections to meet with them on Monday October, 26 at the emergency meeting. Board of Elections decided to have Mack Tallant with McKinney & Tallant Law Firm contact County Attorney David Sawyer.
21. Chairman Cody motioned to adjourn. Secretary Colvard seconded. Vote was unanimous.

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Dirk Cody, Chairman

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Juanita Colvard, Secretary

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Billy Ditmore, Member