

MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, 10:00 A.M. ON 8 JANUARY 2013 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC [File: BOE8Jan2013]

Present: Chairman Sharon L. Kanter, Secretary Oscar E. Herring, and board member Kimberly B. Allison

Chairman Kanter called the meeting to order at 10:10 a.m. The board discussed the LCBOE Expenditure Statement for the period ending 1/31/2013 [fiscal year 2012-2013]. Specifics of discussion were :

Line item: 10-4170-1730 – Salaries/Wages – County and the unencumbered balance of (22,801.41). The County Manager had informed the Chairman that this expenditure is valid, but unfunded in the BOE's current budget. This overrun will have to be addressed by petition to County Commission for additional funding. An additional concern was expressed regarding the County Manager not having been notified in accordance with County personnel policy of the anticipated overtime.

Line item: 10-4170-1212 – Salaries/Wages Overtime and an unencumbered balance of (5,424.39). This expenditure is of concern because there was no official request for this overtime.

Line item: 10-41701-1260 – Salaries Wages – Part Time with an unencumbered balance of 600.00. It appears that the Elections Director should have used these monies to cover a portion of the expenditures for line item 10-4170-1730 – Salaries/Wages County.

Chairman Kanter shared with board members that 37 poll workers have been paid for their overtime. Chairman Kanter informed the board members that the Elections Director is scheduled to appear before the Board of County Commissioners on 22 January 2013 and present a Resolution which will request that the County Commissioners appropriate monies to cover the 2012 budget overages for the LCBOE. The LCBOE shall hold a special meeting to review the details of what the Elections Director shall include in the Resolution.

On several occasions, prior to and during the One-Stop voting, the Elections Director was requested by the Board to provide a work schedule of the poll workers to ensure there was no overtime. The Elections Director did not provide the requested schedule.

The board discussed in detail the violations of the County Personnel Policy and the federal laws as they pertain to the delays in the submission of the I-9 forms and the delays in the submission of the worker's compensation claims.

The board requested that the Chairman contact the Elections Director and direct her to prepare a schedule for the employees to take their compensatory time off. This is a concern of the board because several employees have mentioned possible retirement for the upcoming year.

Of concern to the board is the several months of board minutes that have been written and posted on the website, but they have not been printed for the board members to sign and place in the official minute book. The board members asked the Chairman to contact the Elections Director and to request that she print these minutes so they can be officially entered in the minute book.

At 10:31 a.m. and on a motion by Oscar E. Herring, a second by Kimberly B. Allison, and unanimous approval to go into closed session in accordance with sub-paragraph (6) of N.C.G.S. 143-318.11 to discuss a personnel issue.

N.C.G.S. 143-318.11: A public body may hold a closed session and exclude the public only when a closed session is required.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body may not consider or fill a vacancy among its own membership except in an opening meeting. Final action making an appointment or discharge or removal shall be by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

The Chairman placed a call to Gary Bartlett, Executive Director of the NCSBOE. He was in a meeting and no dialogue was exchanged between the Chairman and Mr. Bartlett. No action was taken in closed session.

The Board entered into open session at 11:00 a.m. and the meeting was adjourned at 11:03 a.m. on a motion by Oscar E. Herring and a second by Kimberly B. Allison.

Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

These minutes were electronically approved by the Board on 9 January 2013.