

The Honorable Board of County Commissioners met in their said office in a special called session, Saturday, September 20, 1969, at 2:00 P.M.

MEMBERS OF THE BOARD PRESENT:

H. J. Watts, Chairman

T. E. Burns

W. O. Johnson

J. Roland Gore

Edward W. Williamson

R. C. Soles, Jr., Acting Clerk

The following business was transacted:

The meeting was called to order by Chairman Watts who announced that all members of the Board were present, that the County Attorney, R. C. Soles, Jr. was present and that Mrs. Betty S. Williamson, Clerk to the Board was absent. Mr. W. O. Johnson then moved that R. C. Soles, Jr., the County Attorney, be appointed to act as Clerk for the Board for this special meeting and to record the minutes of the meeting. This motion was seconded by Commissioner Burns and unanimously adopted. The Chairman then announced that the purpose of this special meeting was to discuss the personnel problem in the Sheriffs Department arising out of the recent discharge of two deputy sheriffs by Sheriff Ben Duke. The County Attorney was asked to advise the Board of County Commissioners as to the law pertaining to who was responsible for designating the number of deputies and the compensation to be paid by them. The County Attorney then advised the Board even in view of recent changes in the law he felt that the statement on page 1206 of the publication of the Institute of Government at the University of North Carolina entitled "County Government in North Carolina", generally stated the present law, and he read the following to the Board from the manual: "Deputy Sheriffs. One of the oldest powers of a sheriff--yet unwritten in statutory form--is that of appointing deputies to assist him in the performance of his duties. Of course, there are limitations imposed upon this power by the Board of County Commissioners respecting the number of deputies a sheriff may appoint and the compensation paid to them. As a matter of fact, in North Carolina today the hiring and paying of deputy sheriffs are matters handled by the Board of County Commissioners rather than by the Sheriff himself." The County Attorney also pointed out that each Board of County Commissioners is authorized and empowered to fix (1. the number of salaried employees in the office of the Sheriff, the Register of Deeds, and all other county offices and department; 2. Salaries, allowances, and other compensation paid to all county officers and employees whether elected or appointed; 3. All fees and commissions charged by any County Officer or employee for the performance of any service or duty permitted or required by law.) It was also pointed out that there were certain limitations on the authority of the Board of County Commissioners in this respect including the requirement that the Sheriff is entitled to at least one deputy to be reasonably compensated by the Board of

County Commissioners.

Following an explanation of the law by the County Attorney, the Board entered into a general discussion and then the following motions were made:

Motion made by Commissioner Gore, seconded by Commissioner Johnson, and unanimously adopted by the Board as follows: that the Sheriff of Columbus County be directed to reinstate Horace Long as Deputy Sheriff at his original salary and to discharge Mr. Taft Turbevålle who has been designated as a Deputy Sheriff in place of Deputy Long.

The following motion was made by Commissioner Williamson, seconded by Commissioner Johnson, and unanimously adopted that Sheriff Duke be directed to discharge Herman Price as Courtroom Deputy and to hire Dewey Bowen as the Courtroom Deputy at the salary heretofore approved by this Board for the Courtroom Deputy.

The following motion made by Commissioner Burns, seconded by Commissioner Williamson, and unanimously adopted that the Chairman of the Board of County Commissioners Mr. Watts, be directed to immediately inform Sheriff Duke of the action of the Board of Commissioners and to urge him to take immediate action to carry out the wishes of the Board. The Chairman is further instructed to invite the Sheriff to appear before this Board during this special meeting to discuss the matters under consideration.

Whereupon Chairman Watts telephoned Sheriff Duke and invited him to come to meet with the Board of County Commissioners. The Sheriff stated he would come and he arrived at the Board meeting approximately thirty minutes later. After Sheriff Duke arrived, the County Attorney, at the request of the Board of Commissioners, informed Sheriff Duke as to the basic law regarding the matters under consideration and particularly the fact that the Board of Commissioners had the authority and responsibility for saying how many deputies would be authorized and what salary they would receive. Chairman Watts then informed the Sheriff of the three motions setout above and advised the Sheriff that all the motions had been unanimously adopted and that he was requested to immediately follow the directives of the Board of Commissioners. Sheriff Duke then announced to the Board that he would like to submit his resignation at that time and to vacate the office of the Sheriff of Columbus County. The Chairman asked if there was a motion to accept the Sheriffs resignation and the County Attorney advised the Chairman that he thought that it would be more proper if the Sheriffs resignation were submitted in writing. Whereupon the Board delayed further action on the matter of the Sheriffs resignation, and the Sheriff repeated his intention to resign and left the office of the Board of Commissioners.

There being no further business to come before the Board of Commissioners the motion was made by Commissioner Williamson, seconded by Commissioner Johnson, and unanimously adopted that the meeting adjourn.

APPROVED:



 H. J. Watts, Chairman

 R. C. Soles, Jr., Acting Clerk