



BOARD OF COMMISSIONERS
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CLERK TO THE BOARD
JENNIFER M. FARMER

April 24, 2024

Carrol D. Mitchem, Chairman
Lincoln Co. Board of Commissioners
via hand delivery

RE: Notice for Grounds of Removal from Chair and Opportunity for Hearing

Commissioner Mitchem:

This letter is to provide you with notice of the alleged grounds for your removal as Chair and to provide you with an opportunity for a hearing. Recently, all of your fellow Commissioners have been made aware of your actions towards the County Manager and the County Attorney, your relationship with the [REDACTED], and your improper conduct relating to conducting a closed session. More specifically, the following issues have been brought to the attention of your fellow commissioners:

1. Prior to the March 2024 primary election, you requested the County's [REDACTED], [REDACTED], assist you in preparing a campaign letter that was sent out to the voters of Lincoln County. [REDACTED] prepared this documentation during regular working hours, on county property, and on county owned equipment. Evidence of this letter and proof of [REDACTED] use of an AI chat-bot to draft this letter have been found on [REDACTED] work laptop. This is a violation of the County's Personnel Policy (§5.13) and North Carolina state law (§153A-99).

As an individual who has served on the Board for more than 20 years, you should be aware of the relevant state law and county policy relating to campaign activity. You requested and allowed [REDACTED] to perform this service for you related to your recent campaign shows a clear disregard of the laws of North Carolina and County policy.

2. At the April 15, 2024 meeting of the Board of Commissioners you requested Commissioner McCall amend the agenda to include a closed session regarding a personnel matter. At the end of the public meeting, and upon full board approval, the Board then moved into closed session. Upon going into the closed session room, you demanded that the Clerk to the Board, the County Attorney and the County Manager leave the room. Following the requirement that the Clerk leave the room, you took no effort to ask any other Commissioner to take minutes, and you did not personally take minutes of the closed session. It is your responsibility to make sure that proper protocol is followed. Pursuant to state law, when a



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Board meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired (§143-318.10). Fortunately, following the meeting, a Commissioner was able to provide the Clerk with sufficient information to comply with the law so there was a general account of that closed session.

Again, as an individual who has served on the Board for more than 20 years, you should be aware of requirements for minutes in open and closed session meetings of the Board. Further, your tactic of removing all of the Board's staff from closed sessions has happened on multiple occasions and is not supported by your fellow board members.

3. Lastly, your tactics of continued attacks and accusations towards the County Manager and County Attorney are unacceptable conduct for someone in your position.

First, your continued disrespect and baseless accusations against the County Attorney have continued for far too long. [REDACTED] has been an asset to this Board and this County since her hire. The accusations you have made against [REDACTED] regarding confidentiality and actions have been baseless and could be considered harassment and a hostile work environment.

Second, your recent actions towards the County Manager in his role are unwarranted and retaliatory in nature. On April 3, 2024, you showed up at the County Administration and demanded a meeting with [REDACTED] and two other employees. Then the County Attorney was also called into the room. At that time, the employee made no accusations even though she was asked multiple times by you to do so.

Today, following the special called meeting, you provided information to the media about the County Manager which is a violation of County policy and state law.

Given the sensitive nature of the violations you've committed, I want to give you the opportunity to voluntarily resign as Chair so that all of this information will not become part of a public hearing. Should you choose not to resign as Chair by submission of a letter of your intent to do so to the Clerk of the Board by 5:00 P.M. on Friday, April 26, 2024, then the majority of the Commissioners intend to call a special meeting to take a vote for your removal on May 1, 2024 at 4:00 P.M. for a hearing.

Respectfully,

A handwritten signature in dark ink, appearing to read "Bud Cesena", followed by a horizontal line.

Bud Cesena, Vice Chairman
and on behalf of the 3 remaining members of the
Lincoln Co. Board of Commissioners