

**BOARD MEETING MINUTES**  
**September 8, 2021 – 11:00 AM**  
**Called Meeting**

The Rockingham County Board of Elections met Wednesday, September 8, 2021 at 11:00 am in the Board of Elections Board Room.

Board Members Present: Ophelia Wright, Chair; Tom Schoolfield, Secretary; Nelson Cole, Member; Thurman Hampton, Member; and Sarah Totten, Member.

Staff Members Present: Paula Seamster, Director

**ITEM #1 – MEETING CALLED TO ORDER**

The Board meeting was called to order at 11:00 a.m. by Chair Wright.

**ITEM #2 – APPROVAL OF AGENDA**

**Member Totten moved, seconded by Member Cole to approve the agenda as submitted. The motion carried unanimously.**

**ITEM #3 – ATTORNEY FOR BOARD OF ELECTIONS**

Chair Wright turned the meeting over to the 2 Member Committee: Member Hampton and Secretary Schoolfield.

Member Hampton stated that he and Secretary Schoolfield met on August 19<sup>th</sup> and reviewed the 3 applications. At this meeting Member Hampton presented the committee with a questionnaire and the Board was given a copy of the questionnaire. Member Hampton stated that this questionnaire was designed to examine each candidate carefully and consistently.

He stated that the committee met again on September 1, 2021 and reviewed the responses to the questionnaire. The committee considered the following criteria:

1. Licensed to practice in North Carolina; Prior experience in their legal practice with general legal experience, exposure to Elections Laws (State & Federal),
2. Experience with holding quasi-legal hearings issues,
3. Handling of public information requests,
4. Handling personnel questions/issues,
5. Handling general legal issues,
6. Compared the Avvo ratings of the candidates.

After a review of the candidates the committee decided to recommend the law firm of Kennon Craver, PLLC and for this law firm to designate Attorney Brian Ferrell to be the attorney for the Rockingham County Board of Elections.

Member Hampton added that Brian Ferrell currently serves as the attorney for the Caswell County Board of Commissioners and the Board of Elections and has also done legal work for the Town of Chapel Hill. Member Hampton stated that approximately 1/3 of this law firm is with local governments and quasi-legal decision making organizations. Mr. Ferrell has experience handling public information requests and the law firm has 12 lawyers and 14 support personnel and is willing to bill for services on an hourly basis. Member Hampton stated that the hourly

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billing rate is \$275 and \$50.00 hourly for legal assistant and travel at half the normal rate which is about \$137 an hour.

Member Hampton stated that the committee's recommendation is for the Rockingham County Board of Elections to contract with the firm of Kennon Craver, PLLC and that the firm designate Brian Ferrell as the attorney. He stated that the Board would be looking at a one year appointment and would be reviewed after that year.

Secretary Schoolfield stated that having an attorney would be good but having support in the office would be better. He added that Brian Ferrell can perform the job remotely and asked the Director to explain. The Director stated that she had contacted Katelyn Love with the State Board of Elections and she said it was fine for Mr. Ferrell to participate in the meeting remotely.

Member Cole recommended when the Board calls the attorney that the questions would be already prepared to minimize the cost.

Member Hampton stated that the next step for the Board would be to authorize the Director to move forward to hire Brian Ferrell on a contractual basis.

Chair Wright asked how the Board would be able to keep up with who would be seeking advice from the attorney.

Secretary Schoolfield recommended that Member Hampton be the point of contact or Member Hampton clearing the issue and the Director as the contact person. Member Hampton agreed that he would be the contact person and then the Director would submit the information to the attorney.

**Member Cole moved, seconded by Member Totten that the Rockingham County Board of Elections retain on a contractual basis the law firm of Kennon Craver, PLLC and that the law firm designates Brian Ferrell as the Board's attorney. The motion carried unanimously.**

Member Hampton suggested that the contract should include that either party can terminate the contract with notice to the other party and that services would be provided on an as needed basis. The firm will cease work when its total billing reaches 90% of the allotted budget for attorney services and the engagement would be for one calendar years beginning on the date the employment agreement is signed.

**Member Cole moved, seconded by Member Totten to amend the contract to include the items listed in Amendment #1 as presented by Member Hampton. The motion carried unanimously.**

Secretary Schoolfield recommended that the committee remain in place to create a contract.

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**ITEM #4 - ADJOURNMENT**

At 11:31 a.m. **Member Cole moved, seconded by Member Hampton to adjourn. The motion carried unanimously.**

Respectfully submitted.

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Paula P. Seamster, Director

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Ophelia Wright, Chair