



**Appointing of County Attorney
&
County Clerk**

For County Attorney – John T. Kilby

For County Clerk – Melissa (Missy) L. Seivers

Rule 4. Organizational Meeting

- (a) **Even-numbered Years.** The board shall hold an organizational meeting at its regular meeting place on the first Monday in December of each even-numbered year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the board of county commissioners and other elected county officials and organization of the board for the ensuing year. [The organizational meeting shall be convened and concluded before the regular December meeting is convened.] The county manager shall call the meeting to order and shall preside until a chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the board shall take and subscribe the oath of office as the first order of business. As the second order, the board shall elect a chair and vice-chair from among its members.
- (b) **As the third and fourth orders of business, the board may appoint a clerk and an attorney.**

Comment: The sentence in brackets should be included if the board normally holds a regular meeting on the first Monday of the month.

- (b) **Odd-numbered Years.** At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The second order of business shall be election of the chair and vice-chair for the ensuing year. The third and fourth orders of business may be appointment of the clerk and county attorney.

Comment: This rule incorporates the requirements of G.S. 153A-26 concerning the times for organizational meetings and the qualifications of new members and the requirements of G.S. 153A-39 concerning the election of the chair and the vice-chair.

G.S. 153A-26 provides that the oath of office is that prescribed by Article VI, Section 7, of the North Carolina Constitution (see also G.S. 11-6 and G.S. 11-7) and may be administered by any person authorized by law to administer oaths. The written statement of the oath shall be signed by each new member and filed with the clerk of court. The statute also provides that a new member who cannot be present at the organizational meeting may take and subscribe the oath later.

Who presides at the organizational meeting until the new chair is elected is a question that is often resolved by local custom. In many counties the clerk to the board or county manager presides, while in others the old chair presides until the new chair is elected.