

3 Minute Public Comment,
April 2, 2018

Chairman Kirkpatrick and Commissioner Sorrells. I am here to give you an update on the Publix dirt. Publix has moved out almost all the dirt from their new building site. There has not been a single dump truck load dumped at the David Francis Dirt Spreading Project. Why don't you ask David Francis Why. See if we are still on the hook to pay MAB \$25,000 to truck the dirt and Avcon \$167,000 to spread the dirt, since they both have valid PO's.

My second topic is your new Public Records Request Policy. Since you approved Chip Killian's new and improved Public Records Request Policy, I have already had one Custodian of Public Records, Judy Hickman, indicate to me, "In order to comply with Haywood County's Public Records request policy, the request must be made in writing and presented to the Haywood County Manager."

What?

Don Yelton filed a lawsuit in 1999 in Buncombe County against the then County Manager, Wanda Greene, who is no longer County Manager and under FBI investigation, against Wanda Greene being a "Gatekeeper", and won.

Case 99CVS3497, made the following finding of fact:

1. This case involves a dispute over the defendant's implementation of a Multiple Information Request Policy which as of July 9, 1999 was enforce against the Plaintiffs so as to require them to make written request to the Buncombe County Manager in order to obtain public Records of the County.

The court ruled:

1. That Defendants "Multiple Information Requests" policy as applied to these Plaintiffs, to the extent that it requires Plaintiffs to submit requests for access to public information through the County Manager, is hereby declared null and void.

Don Yelton got wind of Judy Hickman's e-mail to me and wrote -

"Folks unless the laws have changed, it was ruled that the County Manager Wanda Green could not be the gate keeper of information and only the keeper of the records could give the information. This COUNTY MANAGER ATTEMPTED TO SET UP A 30 DAY ALL REQUESTS COME TO HER. I am sure you have seen the case and I understand that the reply has been made that it does not apply in Haywood County. Have you removed yourself from the state as this was a superior court case?"

Chairman Kirkpatrick and Commissioner Sorrell's, change your Public Records Request Policy so that it is in comportment with North Carolina General Statute § 132. Are you inviting another lawsuit? You know me, I'll make it happen.

I appreciate your allowing time for me to express my concerns. Thank you.