

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
~~May 19, 2023~~
May 23, 2023

Subject: Update -Bryant Morehead committee conducts secret CMAR Interviews, closed to the public.

This is a continuation of a pretty much one-way email dialog with **Bryant Morehead** and the secret CMAR Interviews, closed to the public.

Subject: Re: Request for Public Information - meeting times for Detention Center Committee
Date: Sun, 21 May 2023 11:29:34 -0400
From: Monroe Miller
To: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Amy L. Stevens <Amy.Stevens@haywoodcountync.gov>
CC: Frank Queen <Frank.Queen@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Joey Webb <joey.webb@haywoodcountync.gov>, Jennifer Best <jennifer.best@haywoodcountync.gov>, Tommy Long <Tommy.Long@haywoodcountync.gov>, Terry Ramey <terry.ramey@haywoodcountync.gov>, Brandon Rogers <brandon.rogers@haywoodcountync.gov>

Mr. Morehead,

You have not provided the NCGS § which says that someone in the county can set up a review committee to weed potential bidders for a volatile project and it not be open to the public.

Please review the following from Frayda Bluestein from the UNC School of Government - <https://canons.sog.unc.edu/2014/03/quick-reference-guide-for-closed-session-meetings/>

[Quick-Reference Guide for Closed Sessions](#)

[Published: 03/13/14](#)

[Author Name: Frayda Bluestein](#)

The North Carolina open meetings law requires most official meetings of public bodies to be open to the public. The law also lists nine permitted purposes for meeting in closed session. It sets rules for announcing and conducting closed sessions, and cases have interpreted these provisions, providing additional guidance. This blog post outlines the general requirements for closed sessions, as well as special rules that apply to particular types of closed sessions. It also debunks three common misperceptions about closed sessions.

General Requirements:

- [Comply with notice requirements for the meeting, even if the entire meeting will consist of a closed session.](#)
- [Begin the meeting in open session.](#)
- [Adopt a motion to go into closed session.](#)
- [State in the motion the authorized purpose\(s\) for the closed session. There is no legal requirement to include the statutory citation.](#)
- [In two special cases, include additional information in the motion. \(See bolded information in the list below.\)](#)

- Return to open session after completing the closed session.
- Create minutes and general accounts of closed session. See blog post [here](#).
- Determine whether minutes and general accounts may be withheld to avoid frustrating the purpose of the closed session. See blog post [here](#).

Requirements for Specific Types of Closed Sessions as Listed in G.S. 143-318.11(a):

- To protect confidential or privileged information – (a)(1)
Motion must state the name or citation of the law that renders the information confidential or privileged.
Attendance is limited to people who legally have access to the confidential or privileged information.
- To consult with an attorney to protect the attorney-client privilege – (a)(3)
For discussion of existing litigation, motion must identify the parties in the lawsuit.
The attorney must participate in the meeting for the purpose of providing legal consultation with the public body.
Allows the public body to instruct the attorney about pending matters, including approving a settlement.
Settlements approved in closed session must be reported to the public body in open session within a reasonable time after the settlement is concluded.
Attendance is limited to people who are within the attorney-client privilege.
- Discussing the location or expansion of industries or other businesses in the area served by the public body – (a)(4)
Approval of specific economic development incentives, contracts, or expenditures must be taken in open session.
There are no legal limitations on who may attend.
- Establishing or instructing staff or agents on the public body’s negotiating position for acquisition of real property or employment contracts – (a)(5).
Does not apply to the sale of property by the public body.
Does not allow discussion of which property to acquire.
Requires the public body, upon request, to disclose before it enters the closed session (1) the property’s current owner, (2) the property’s location, and (3) the purposes for which the public body intends use the property. See *Boney Publishers, Inc. v. Burlington City Council*, 151 N.C. App. 651 (2002).
Allows members of the public body to agree on a final position as an instruction to the staff member or agent.
There are no legal limitations on who may attend.
- The personnel exception – (a)(6)
Does not apply to general policy issues. Discussion must be about one or more individual employees.
Does not apply to independent contractors, except possibly the unit’s contracted attorney. See blog post [here](#).
Does not apply to discussions about members of the public body itself, including applicants for appointment to the public body.
Does not apply to discussions about members of any other public bodies, including applicants for appointment to those public bodies.
Final action to appoint or discharge an employee must be made in open session.
If the discussion involves confidential information or records (which it often does), attendance is limited to those who have legal access the confidential information. Otherwise, there is no legal limitation on who may attend.

Common misperceptions about closed sessions.

- Misperception: It is illegal for anyone to disclose information from any closed session. Correction: There is no statutory prohibition on disclosing information, but some information is confidential under other

laws. See blog post [here](#).

- Misperception: It is illegal for a public body to vote or take final action in closed session. Correction: Some types of votes and final action are allowed based on the language of particular closed session purposes.
- Misperception: Only the public body and select employees members may attend closed sessions. Correction: The board is generally free to invite anyone it deems appropriate to participate in a closed session except in those cases noted above, when the legal purpose for the closed session restricts who may attend.

You have convened a meeting of a committee formed exclusively of county employees, and intend to exclude the public. There is nothing in closed meeting statutes that shield you from conducting a secret meeting that I can determine.

Additionally, from "COUNTY AND MUNICIPAL GOVERNMENT IN NORTH CAROLINA, Article 8, Open Meetings and Public Records, by David M. Lawrence, UNC School of Government, 2007, -

There are two statutory remedies for correcting violations of the open meeting law -

- An Injunction
- Invalidation of any action taken or considered a violation of the law, a trial judge does have the option of entering such an order.

Again,

Who created this committee?

Who are the members of this committee?

What is the date, time and location of this committee meeting?

Monroe A. Miller, Jr.

Previously...

See: [Bryant Morehead committee conducts secret CMAR Interviews, closed to the public. 5/19/2023...](#)

<https://www.haywoodtp.net/pubII/230520SecretCMAR-Interviews.pdf>

A secret committee has been formed to pre-screen contractors who have responded to Haywood County's RFQ- CMAR for the Haywood County Detention Center Addition and Renovation, Moseley being the architect, and this committee meeting will **not** be open to the public.

The RFQ-CMAR has been obtained through a Request for Public Information (#23-20) and is posted on www.haywoodtp.net

[RFQ - Construction Manager At Risk \(CMAR\) for Haywood County Detention Center Addition and Renovation. 5/19/2023...](#)

<https://www.haywoodtp.net/pubII/230519HaywoodCountyRFQ-CMAR-ForDetentionCenterExpansion.pdf>

Bid opening has always been public (at least the one's I know about), but there will be a weeding out process of several contractors which will not be public. What's going on here?

The following is a lively email dialog with **Bryant Morehead** about this secret activity. This starts off with a simple Request for Public Information to Amy Stevens, Clerk.

Subject: Request for Public Information - meeting times for Detention Center Committee

Date: Thu, 18 May 2023 08:12:45 -0400

From: Monroe Miller

To: Amy Stevens <Amy.Stevens@haywoodcountync.gov>

CC: Bryant Morehead <bryant.morehead@haywoodcountync.gov>, Frank Queen
<Frank.Queen@haywoodcountync.gov>

Ms. Stevens,

It has come to my attention that a committee has been formed to study CMAR (Construction Manager At Risk) for the proposed detention center. I am presuming that this committee meeting is public, and the public is invited. Please provide the date, time and location for this meeting.

Thank you,

Monroe A. Miller, Jr.

Subject: RE: Request for Public Information - meeting times for Detention Center Committee
Date: Thu, 18 May 2023 15:44:43 +0000
From: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>
To: Monroe Miller, Amy L. Stevens <Amy.Stevens@haywoodcountync.gov>
CC: Frank Queen <Frank.Queen@haywoodcountync.gov>

Monroe,

The full BOC is blind copied on this email.

You are correct in that a committee has been set up to interview some of the firms who responded to our CMAR RFQ. This initial interview is not public but the final selection will be made by the full BOC at a regularly scheduled meeting. As with all of our meetings we hope it is well attended and public comment is appreciated.

Have a nice day,
Bryant

Subject: Re: Request for Public Information - meeting times for Detention Center Committee
Date: Thu, 18 May 2023 15:49:29 -0400
From: Monroe Miller
To: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Amy L. Stevens <Amy.Stevens@haywoodcountync.gov>
CC: Frank Queen <Frank.Queen@haywoodcountync.gov>, Jennifer Best <jennifer.best@haywoodcountync.gov>, Tommy Long <Tommy.Long@haywoodcountync.gov>, Terry Ramey <terry.ramey@haywoodcountync.gov>, Brandon Rogers <brandon.rogers@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Joey Webb CGCIO <joey.webb@haywoodcountync.gov>

Mr. Morehead,

Please provide the NCGS § which says that someone in the county can set up a review committee to weed potential bidders for a volatile project and it not be open to the public.

- Who created this committee?
- Who are the members of this committee?
- What is the date, time and location of this committee meeting?

I spoke to Sheriff Wilke at the county commission meeting Monday, and he confirmed he was a member of this committee.

You know, you have just gone through three (3) seismic events -

1. The fiasco involving an email involving four county commissioners against Terry Ramey, printed in the smn tabloid by Cory Vaillancourt.

[Appearance of Impropriety - Cory Vaillancourt - Kevin "Adjudication" Ensley - Jennifer Best - Tommy Long - Brandon Rogers. These county commissioners were conducting county business \(piling on the Honorable Terry Ramey, who is an elected county official\), making county decisions amongst and between each other, and without a public notice. At the minimum, this is a flagrant Appearance of Impropriety. 3/3/2023...](#)

2. The fiasco of an overbid of \$3 Million on the new detention center.

[New Detention Center - Anatomy of a Train Wreck, starring David Francis, Kris Boyd, Bryant Morehead and Frank Queen, now consolidated in Interesting Stuff Archives. 3/19/2023...](#)

3. The fiasco of Joey Webb / Frank Queen forking over confidential information from Terry Ramey's private cell phone to Cory Vaillancourt, which was printed in the smn tabloid.

[UPDATE! Email Dialog with Joey Webb, CGCIO. Request for Public Information - Ramey Cell Phone data sent to Cory Vaillancourt. 5/16/2023...](#)

I don't believe you can take too many more of these.

Do you see how this looks?

A bunch of county employees is getting together to interview/interrogate prospective construction managers about building the new detention center, which was way overbid in the first place, and by only one bidder. Now you are going to have Kris Boyd and the same bunch who created the previous train wreck do it all over again?

It gives the Appearance of Impropriety. Whose to say that Kris Boyd will throw out a bunch of viable construction managers and cherry picked two that he liked? You need to let sunshine in on this meeting. The public needs to attend. I want to attend, and I plan on attending.

I am this close to posting this all over my website.

By the way, my initial request for this public information went to Amy Stevens and copied you. Why didn't this go through Joey Webb's NextRequest fiasco?

Monroe A. Miller, Jr.

Subject: Re: Request for Public Information - meeting times for Detention Center Committee

Date: Thu, 18 May 2023 20:32:41 -0400

From: Monroe Miller

To: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Amy L. Stevens <Amy.Stevens@haywoodcountync.gov>

CC: Frank Queen <Frank.Queen@haywoodcountync.gov>, Jennifer Best <jennifer.best@haywoodcountync.gov>, Tommy Long <Tommy.Long@haywoodcountync.gov>, Terry Ramey <terry.ramey@haywoodcountync.gov>, Brandon Rogers <brandon.rogers@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Joey Webb CGCIO <joey.webb@haywoodcountync.gov>

Mr. Morehead,

You mentioned you put out a CMAR RFQ. Please provide a copy of the CMAR RFQ, because nothing shows up on the county website reflecting anything to do with a CMAR RFQ.

Monroe A. Miller, Jr.

Subject: RE: Request for Public Information - meeting times for Detention Center Committee
Date: Fri, 19 May 2023 12:30:11 +0000
From: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>
To: Monroe Miller, Amy L. Stevens <Amy.Stevens@haywoodcountync.gov>
CC: Frank Queen <Frank.Queen@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Joey Webb <joey.webb@haywoodcountync.gov>

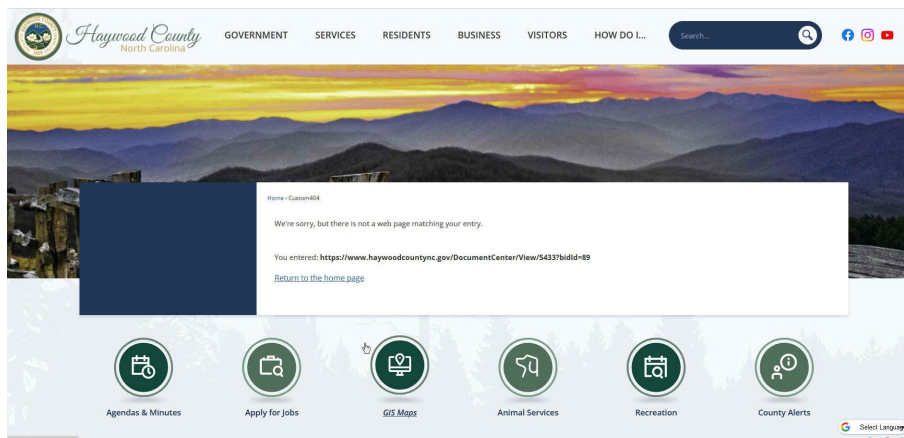
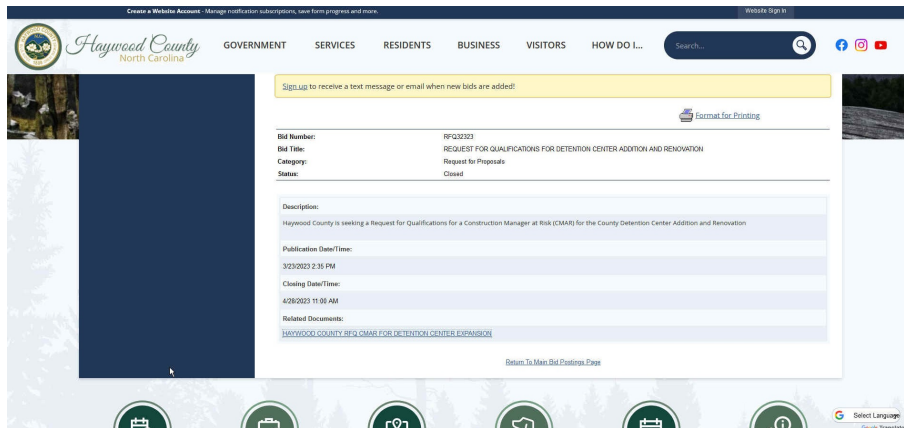
The full BOC is blind copied on this email.

It's on the website at the following location: <https://www.haywoodcountync.gov/bids.aspx?bidID=89>

Subject: Re: Request for Public Information - meeting times for Detention Center Committee
Date: Fri, 19 May 2023 08:40:56 -0400
From: Monroe Miller
To: Bryant Morehead <Bryant.Morehead@haywoodcountync.gov>, Amy L. Stevens <Amy.Stevens@haywoodcountync.gov>
CC: Frank Queen <Frank.Queen@haywoodcountync.gov>, Kris Boyd <Kris.Boyd@haywoodcountync.gov>, Joey Webb <joey.webb@haywoodcountync.gov>, Jennifer Best <jennifer.best@haywoodcountync.gov>, Tommy Long <Tommy.Long@haywoodcountync.gov>, Terry Ramey <terry.ramey@haywoodcountync.gov>, Brandon Rogers <brandon.rogers@haywoodcountync.gov>

Mr. Morehead,

The link you provided is dead. See screenshots.



Monroe A. Miller, Jr.

At this point, **Bryant Morehead** decided to use the “nextrequest” program installed by **Joey Webb** to provide me with the RFQ.

[Editor’s Note: Since I have been making Requests for Public Information, my requests are numbered #23-18, #23-19, #23-20. The first one has never been responded to, which is my request to **Joey Webb, CGCIO**, for the file that he sent to **Cory Vaillancourt**.]

Notice that **Bryant Morehead** responded to my simple request of providing a link to the RFQ-CMAR request, but did not respond to my request -

“Please provide the NCGS § which says that someone in the county can set up a review committee to weed potential bidders for a volatile project and it not be open to the public.

- Who created this committee?
- Who are the members of this committee?
- What is the date, time and location of this committee meeting?”

If these people would do it right the first time and stop being so [expletive deleted] secretive, I would go away, but No! I don’t think these people will ever learn.

You know, way back when **Bill Upton** [D] was a county commissioner, and his term was up, he made the memorable comment, “It will be a long time before a democrat is ever elected county commissioner again”.

By God, the guy was right.

Let’s review the party affiliations of the characters in this fiasco-

- **Joey Wayne Webb, Jr.** [D]
- **Frank Graham Queen** [D]
- **Bryant Evans Morehead** [Una]
- **Kris Robert Boyd** [D]
- **Kevin Lawrence Ensley** [RINO]
- **David Bruce Francis** [D]

Our current board of county commissioners is scattered -

- **Terry Ramey** [R]
- **Jennifer Best** [BS] (Back Stabber)
- **Brandon Rogers** [BS]
- **Tommy Long** [M] (Manikin)
- **Kevin Ensley** [RINO] (Republican In Name Only)

A wise person once said, no wonder we are screwed, this whole county is still being run by democrats!

Monroe A. Miller, Jr.
Haywood County Taxpayer