

**SOIL AND WATER CONSERVATION COMMISSION**  
**Public Hearing: Inquiry Committee Referral**  
**Minutes**

**N.C. State Fairgrounds**  
**Gov. James G. Martin Building**  
**Trinity Road – Gate 9**  
**Raleigh, NC 27607**  
**July 23<sup>rd</sup>, 2024**

NC Department of Agriculture & Consumer Services  
Division of Soil & Water Conservation

<b>Commission Members</b>	<b>Guests</b>	<b>Guests Participating Remotely</b>
John Langdon, Chair	Shelby Kaplan	Anne Coan
Billy Kilpatrick	Jennifer Roach	Heather Reichert
James Lamb	Lisa Fine	Paula Day
Brian Parker	Michael Shepherd	Levi Preston
George Teague	Elise McLaughlin	Adam Lockey
Barbara Bleiweis	Chris Love	Jonathan Wallin
Patrick Baker	Ken Parks	Charlie Sanders
<b>Commission Counsel</b>	Allie Dinwiddie	Nancy McCormick
Phillip Reynolds	Brandy Myers	Gary Cox
<b>Guests</b>	Lorien Deaton	Billy Ivey
David Williams	Dianne Farrer	
Julie Henshaw	Ralston James	
Matt Safford	Rachel Smith	
Kristina Fischer	Rob Baldwin	
Rick McSwain	Helen Wiklund	
Josh Vetter	John Beck	
Bryan Evans		
Tom Hill		

Chairman Langdon called the hearing to order at 7:06 p.m.

Counsel Phillip Reynolds stated the matter before the Commission this evening was referred by their Inquiry Committee. The Commission most frequently oversees policy and rulemaking activities, which are quasi-legislative or quasi-executive duties. The matter before the Commission at this hearing requires discharge of quasi-judicial duties. Counsel Reynolds stated that in discharging quasi-judicial duties, members of this Commission have a special obligation to make decisions based solely on the record before them this evening and not on any information outside of the record. Counsel Reynolds stated Commissioners should limit their consideration accordingly and enter discussion and decision

making this evening with no legally impermissible bias or outcome pre-determination. Commissioners must hear the information to be presented and must have their minds open to debate. Only after hearing all the information and having debated the matter thoroughly, may the Commission then proceed to a vote. If any member has already reached a decision, that member must recuse themselves from this matter. If any member has any additional or special information outside of the record in front of the Commission today, that member must recuse themselves from this matter. After delivering this guidance, Counsel Reynolds asked Commissioners if they have any conflicts or inabilities that would keep them from fulfilling, without bias, the quasi-judicial duties required of them during this hearing. No conflicts or inabilities were stated by Commissioners.

Counsel Reynolds directed Commissioners to review the background materials on this matter included in their packets. The packet goes through the circumstances that have brought the issue today before the Commission and provides clarity and details on the Commission's Rules. The Commission's Inquiry Committee met in May 2024 and referred two Supervisors from Carteret and Washington Districts to the Commission for a public hearing. Prior to the hearing one of the Supervisors from Washington resigned from the District board. The hearing this evening is held to receive comments on neglect of duty with regards to non-attendance at local board meetings for Supervisor Adam Locky with Carteret District. Grounds for removal of District Supervisors are set forth in G.S. 139-7; any Supervisor may be removed by the Commission upon notice and hearing for neglect of duty. Under 02 NCAC 59A .0301 (a), evidence of neglect of duty shall include, but is not limited to, the failure to attend three consecutive regularly scheduled District meetings, except when prevented by illness. Evidence of neglect of duty also includes the failure of sitting Supervisors to meet training requirements set forth in 02 NCAC 59A Section .0200. The Commission's Inquiry Committee, established under 02 NCAC 591 .0302, determines if sufficient cause exists for the Commission to hold a hearing on Supervisor neglect of duty.

Counsel Reynolds stated the packet includes a response from Mr. Locky to the Inquiry Committee. The information in front of Commissioners also provides an update on Mr. Locky's attendance record at Carteret board meetings until June of this year. Ms. Kristina Fischer will provide the Commission a brief report covering these materials. Mr. Adam Locky is on the phone and will also have a chance to provide information to the Commission.

Counsel Reynolds asked Commissioners if any additional clarity is needed on the information that they will be reviewing and hearing this evening or what the Commission's Rules require. Commissioner Lamb asked if he can still participate in discussion and vote on this issue if he serves on the Commission's Inquiry Committee. Counsel Reynolds answered affirmatively. Chairman Langdon, Vice Chairman Lamb, and Commissioner Teague all serve on the Inquiry Committee and may participate in discussion and vote on the issue before the Commission this evening. The Inquiry Committee met, found a neglect of duty had occurred, and referred the matter to the full Commission for further proceedings.

Counsel Reynolds clarified the Commission's Rules require Commissioners to take into consideration any issues related to health, financial hardship, or other situations that are beyond the Supervisor's control. These factors do not have to persuade any Commission member one way or another, but the information must be considered. This evening the Commission will need to decide if there was a neglect of duty and if so, the remedy. The remedy can be removal from office but does not have to be.

Chairman Langdon thanked Counsel Reynolds for explaining the task at hand. Chairman Langdon commented that he understands Mr. Locky's situation, but it is a fact that District board meeting non-

attendance is an issue that must be considered and addressed by the Commission. Strong, effective leadership is required to maintain order. Chairman Langdon expressed the Commission wants to work with Mr. Lockey and is anxious to hear his position and perspective on the issue at hand, but will first allow Ms. Fischer to offer her report before opening up the floor to Mr. Lockey for comment.

Ms. Fischer referred Commissioners to their packets. Under 02 NCAC 59A .0301 (c), District boards are required to notify the Commission in writing of any board member who fails to attend three consecutive regularly scheduled board meetings except when prevented by illness. The notification must include an explanation for nonattendance and the actions the board has taken to address the nonattendance. The first item in the packet is the report from Carteret District. Mr. Lockey attended 2 of 8 meetings between December 2022 and November 2023, five consecutive board meetings were missed beginning in February 2023. The explanation provided was staffing difficulties at the farming operation where Mr. Lockey works. Commission packets also include correspondence sent to Mr. Lockey explaining this matter was referred to the Commission's Inquiry Committee and Mr. Lockey's response to the Inquiry Committee. The last piece of information is the letter that invited Mr. Lockey to attend this hearing. Ms. Fischer shared additional information from Carteret District on Mr. Lockey's attendance record from January to June 2024. Chairman Langdon asked if there were any comments or questions for Ms. Fischer. No comments or questions were posed.

Chairman Langdon asked if there were any comments or questions for Counsel Reynolds. No comments or questions were posed.

Chairman Langdon addressed Mr. Adam Lockey, participating by phone, and thanked him for attending this evening's hearing. Chairman Langdon invited Mr. Adam Lockey to come off mute and indicated the Commission would now receive his comments.

Mr. Adam Lockey shared the biggest problem he has is the distance between where he works and Carteret District's meetings, which is a 60-mile trip. Once Mr. Lockey was aware of the nonattendance issue, he approached his supervisor, Mr. Temple. Mr. Temple is supportive of Mr. Lockey's involvement on the Carteret board and as such is now willing to let him leave work earlier on meeting days so he has enough time to travel to Carteret's meetings.

Chairman Langdon asked Mr. Lockey what time of day Carteret District meetings are generally scheduled. Mr. Lockey shared the board meets at 6:30pm on the last Wednesday of the month. Chairman Langdon asked if Carteret District adjusting their meeting time would better accommodate Mr. Lockey's schedule. Mr. Lockey stated that a 7pm board meeting time could possibly better accommodate his schedule, but the 6:30pm meeting time has not been an issue for him since he spoke with his supervisor and was able to get permission to leave work early on meeting days. Chairman Langdon asked if that arrangement is working for Mr. Lockey and his supervisor and if continued adherence to the current arrangement is anticipated to become an issue. Mr. Lockey answered affirmatively that the new arrangement was working and negated that the new arrangement would become an issue if continued. Chairman Langdon asked Mr. Lockey when he came to this new arrangement with his supervisor. Mr. Lockey answered in fall 2023. Chairman Langdon asked if anything else could be done to improve Mr. Lockey's situation such that he would be able to more easily attend Carteret board meetings. Mr. Lockey shared that no, the additional time for travel that his supervisor's flexibility has provided is sufficient. Chairman Langdon asked Mr. Lockey why he wants to be a Supervisor. Mr. Lockey shared his interest is based in his love of farming, agriculture, and a general

desire to serve his community. Mr. Lockey shared he feels that the role of a Soil and Water Supervisor should be filled by someone with agriculture knowledge of soil and water and believes the farming background he brings is of value to the position and Carteret board. Chairman Langdon asked Mr. Lockey if he thinks that this issue has been resolved going forward. Mr. Lockey answered affirmatively and indicated he signed up for re-election. Chairman Langdon stated it appears Mr. Lockey has worked through this issue with his employer. Chairman Langdon encouraged Mr. Lockey to stay in contact and be honest in communication with the Carteret board to request adjustments to meeting times as needed in the future. Chairman Langdon asked other Commissioners if they had any comments or questions for Mr. Lockey. Commissioner Lamb asked Mr. Lockey if the Carteret board had considered changing the location of meetings to be more centrally located to better accommodate the distance Mr. Lockey must travel to attend. Mr. Lockey shared that Carteret District used to have meetings in Morehead, but four older members on the board are from Cape Carteret so it is easier on them to hold meetings in Cape Carteret. Commissioner Brian Parker asked where the Carteret District office is located. Mr. Lockey shared it is situated in Morehead City. Commissioner Patrick Baker stated he has heard tonight that Mr. Lockey has worked with his employer, they have reached an arrangement that seems to be working, and his recent attendance record is showing that this situation has worked itself out. Chairman Langdon thanked Mr. Lockey for his time, willingness and patience for working through this with his employer, Carteret District, and the Commission and asked Counsel Reynolds for guidance on next steps.

Counsel Reynolds stated that Chairman Langdon may entertain motions that acknowledge and resolve the issue, bearing in mind that this situation can be considered again if there are future lapses in Mr. Lockey's Supervisor duties. Mr. Lockey has already met training requirements and is already required by Rule to continue attending meetings. The Commission may decide if these circumstances as presented tonight warrant removal or if the matter can be closed without further action at this time. Chairman Langdon indicated from what he has heard and reviewed tonight that he does not believe it would be prudent to the Commission, Association, Carteret District, or Mr. Lockey to move forward with termination at this time.

Chairman Langdon asked for a motion. Commissioner Baker moved for the Commission to consider this issue solved and to take no further action at this time. Commissioner George Teague seconded the motion. Chairman Langdon asked for any discussion. Commissioner Barbara Bleiweis stated she understands the tenor of the situation discussed this evening, but asked Mr. Lockey as to what assurance does he or the Commission have that his employer will not reconsider the current arrangement. Commissioner Bleiweis believes every intention of good faith has been shared this evening, but Mr. Lockey has important commitments to his employer which have previously superseded the importance of his attendance and participation at Carteret board meetings. Commissioner Bleiweis expressed a concern that there may be circumstances that arise again such that Mr. Lockey will have an attendance issue based on reasons outside of his control. Commissioner Bleiweis asked fellow Commissioners and Counsel to explain what bringing the matter to closure now means if the issue comes up again in the future. Chairman Langdon stated that Commissioner Bleiweis' comments not only apply to Mr. Lockey but to all supervisors. Counsel Reynolds stated that the Commission in resolving this matter now, would in effect be resolving this singular issue instance. Resolution of this matter now would not provide carte blanche approval to future situations of neglect of duty and attending meetings is an ongoing Supervisor obligation. The case that has been considered tonight and its associated outcome can be brought before the Commission again as evidence, if nonattendance issues arise once more for Mr. Lockey. Chairman Langdon asked Mr. Lockey if he had any final comments before a vote was called.

Mr. Lockey shared that his supervisor, Mr. Temple, previously was not fully aware of his involvement with the Carteret board. Mr. Temple is now fully up to speed and supportive, in part because his son served with Carteret District before passing away.

Chairman Langdon called for a vote. The motion passed unanimously. Chairman Langdon thanked Mr. Lockey for participating this evening, expressed his sympathy for Mr. Lockey's situation that resulted in this convening, stated his appreciation for Mr. Lockey's desire to serve on the Carteret District board and encouraged Mr. Lockey to attend the annual meeting in January and connect with himself and other Commissioners in person at that time. Mr. Lockey thanked Chairman Langdon and the Commission.

**Adjournment:** Hearing adjourned at 7:37 p.m.