

*Durham Committee on the Affairs of Black People*

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May 4, 2020  
Attorney General Josh Stein  
North Carolina Department of Justice  
114 West Edenton Street  
Raleigh, NC

Omar Beasley, Chairman  
Durham Committee on the Affairs of Black People  
PO Box 52171  
Durham, NC 27717

Re: Durham County Racial Bias Allegations, Possible Open Meeting Law & Personnel Violations

Dear Attorney General Stein:

On the evening of February 27, 2020, more than 150 Durham residents attended the regularly scheduled Durham County Board of Commissioners meeting to request an independent investigation into the accusations of racial bias made by Durham County Manager, Wendell Davis against Commissioner Heidi Carter. The actions of the community during the aforementioned February board meeting were in direct response to the severe allegations of racial bias made by highly regarded County Manager Wendell Davis. Through use of the public comments, residents clearly articulated their concerns regarding the allegations and requested an independent investigation to fully investigate the claims made by County Manager Davis.

The events which occurred in the Commissioner Chambers on February 27, 2020 were disheartening for many citizens to say the very least. Rather than genuinely hearing the concerns presented by the community regarding the inequitable treatment of county employees and offering a plausible solution to the grievances which were expressed, the concerns of the constituents were cavalierly disregarded by the Chair of the Durham County Board of Commissioners, Wendy Jacobs. Also during the meeting, Commissioner Jacobs made several comments which were racially and culturally insensitive. Specifically, after returning from their closed session meeting concerning a possible investigation, Commissioner Jacobs stated, "I think there are a lot of victims on both sides", "I acknowledge the County Manager had his feelings hurt", and "I don't believe Commissioner Carter meant to make any racist statement." These comments demonstrated to concerned residents that Commissioner Jacobs lacked the impartiality needed to proceed with conducting a fair investigation.

As a result of the commentary offered by the Board Chair Jacobs and the failure to maintain professional decorum on the action claims by the County Manager, we as a community have wholeheartedly lost faith in this Board of Commissioners to conduct a fair, just, and impartial investigation into the allegations against Commissioner Carter. This feeling has permeated throughout the community because Commissioner Carter has continued to participate in the dialogue related to her investigation which is a clear violation of the Durham County Board of Commissioners Ethics Policy.

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At the April 27th meeting, Chairwoman Wendy Jacobs publicly announced that they will be opening an investigation into whether or not County Manager Wendell Davis acted inappropriately in regards to his letter getting out to the public. This was not in line with any concerns raised by the community or any concerns mentioned in any of the prior public meetings involving the issue. Commissioner Howerton was unaware of any such investigation prior to this meeting, indicating there may have been meetings that occurred of which all board members were not notified or included. She therefore expressed concerns these discussions or meetings may have been a violation of **§ 143-318.10. Article 33C, Open Meeting Laws**. This has further elevated community concerns regarding the lack of transparency and integrity in this investigation and the conduct of some board members. This public announcement by Chairwoman Jacobs of an investigation of the County Manager, a Durham County Employee, is also a violation of **§ 153A-98. Privacy of employee personnel records**.

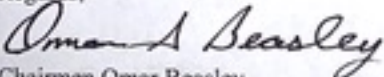
On April 27, 2020, the community witnessed, during the Board of County Commissioner virtual session, Commissioner Brenda Howerton's attempt to communicate the community's concerns with respect to the delays into Commissioner Carter's investigation because of the county's malware attack and COVID-19. During Commissioner Howerton's inquiries in this matter, she was verbally attacked with name calling by Chairwoman Jacobs in what appears to be an attempt to delay and keep the community in the dark on progress or lack thereof on the investigation.

We request that the recipients of this letter help with the following:

1. Serve as an independent oversight agency or act within your legal authority to ensure a fair and just investigation;
2. Verify the legality of events which occurred at the February & April meetings which serves as the premise of this investigations;
3. Substantiate if personnel laws were broken by announcing investigation matters during the April 27, 2020 open session virtual meeting; **§ 153A-98. Privacy of employee personnel records**.
4. Investigation of the conduct of the Commissioners as it pertains to professional conduct, open meeting & personnel law violations **§ 143-318.10. Article 33C, Open Meeting Laws**.
5. Investigate the possible violations by board members of the Durham County Board of Commissioners **Ethics Policy**.

Thank you for your assistance in this matter. We are committed to ensuring that Durham County residents can trust in elected officials and public employees. We will rely on your expertise to ensure a fair process and that we are holding elected officials accountable.

Regards,

  
Chairman Omar Beasley

CC: Durham County Board of County Commissioners  
North Carolina Association of County Commissioners  
University of North Carolina at Chapel Hill School of Government  
International City/County Managers Association