

Board of Commissioners

Gates County Government

115 Court Street | Gatesville, NC 27938 | 252.357.2411

GatesCountyNC.gov

December 17, 2025

The Honorable Dave Boliek
North Carolina Office of the State Auditor
20601 Mail Service Center
Raleigh, NC 27699
Attention: Katie Roddy

Mr. Boliek,

Please accept this correspondence as a formal request to examine fiscal management of the Gates County Board of Education and its compliance with the North Carolina School Budget and Fiscal Control Act and the North Carolina Open Meetings Law.

The unanimous decision by the Gates County Board of Commissioners to contact the Office of the State Auditor resulted following review of the Gates County School District's independent auditor's draft report dated October 13, 2025.

Two issues of note include:

- 1) At the close of the fiscal year ended June 30, 2025, the Gates County Schools General Fund reported a decrease in fund balance of \$553,288.
- 2) "We recommend that the Board take prompt action to preserve its fund balance reserves and balance its budget without the use of fund balance."

Unfortunately, history is repeating itself in Gates County.

In June 2023, the Gates County Board of Commissioners approved a request from the Board of Education providing a one-time nonrecurring appropriation of \$828,000 intended to be used for the replenishment of the fund balance reserves and based on the School District's commitment to take immediate corrective action and to maintain an adequate fund balance.

In October 2025, the independent auditors have indicated that the Gates County Schools, experienced a \$553,288 decrease in fund balance, resulting in funds available for appropriation of \$308,377 of which School Administration has allocated \$200,000 to balance the FY 2025-2026 budget resulting in a General Fund estimated at \$108,377 as of June 30 2025.

In the last thirty days the County has learned the Gates County School District's General Fund fund balance reserves are depleted and the Board of Education's daycare program has run a \$440,394 operating deficit over the past five years.

More succinctly, the concerns of the Gates County Board of Commissioners are two fold in that the Board of Education has abdicated its responsibility to take corrective action to maintain adequate fund balance; and it is our opinion that School Administrators are providing misleading information related to fiscal matters and orchestrating school board meeting arrangements which appear to undermine the NC Open Meetings law's intent to ensure the conduct of the people's business, deliberations and actions of public bodies be conducted openly.

We, the undersigned members of the Gates County Board of Commissioners, believe there are examples of decision making that are not legally conducted in open meetings; and that school administrative matters resulting in personnel engagements with significant fiscal impact are being shielded from public knowledge and access to public information, specifically requests from Gates County are inappropriately denied.

The Board of Commissioners has reviewed a contract for former assistant superintendent employee, for which there is no remuneration cited in the employment agreement; and requested salary information for the annual gross earnings paid (W2) to this individual for the most recent five years. The request was denied for legal reasons, e.g., NCGS 115C-320(a)(8) for which the County believes is not applicable.

The County has also requested a listing of all school Central Office positions with a comparison between FY 2024-2025 and FY 2025-2026 current salaries. The School Finance Officer responded with FY 2025-2026 information, and did not provide the FY 2024-2025 salaries, stating "there have been no salary increases to date from last year."

The Gates County Board of Commissioners believe there needs to be verification of the accuracy of this statement, and due to the lack of data requested, we are seeking a review by the Office of the State Auditor.

The Board of Commissioners is concerned that the Board of Education's decision to conduct an Open Meeting using remote "zoom meeting technology" is not compliant with State law when persons (including the Clerk to the Board for Gates County) were denied access to the electronic proceeding because School Administration did not recognize the phone number, a practice that was allegedly approved by the Board of Education's legal advisor.

Furthermore, if a public body were permitted to meet remotely, the public body shall comply with NCGS 143-318.13(a) -- If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location.

§ 166A-19.24. Remote meetings during certain declarations of emergency.

(b) Requirements. – The public body shall comply with all of the following with respect to remote meetings conducted under this section: (1) **The public body shall give proper notice** under G.S. 143-318.12 and under any other requirement for notice applicable to the public body. The notice **shall also specify the means by which the public can access the remote meeting** as that remote meeting occurs. (2) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations: a. When the roll is taken or the remote meeting is commenced. b. Prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order. c. Prior to voting. (3) All documents to be considered during the remote meeting shall be provided to each member of the public body. (4) **The method of simultaneous communication shall allow for any member of the public body to do all of the following:** a. **Hear** what is said by the other members of the public body. b. **Hear** what is said by any individual addressing the public body. c. **To be heard** by the other members of the public body when speaking to the public body. (5) **All votes shall be roll call;** no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting. (6) The public body shall comply with G.S. 143-318.13(c). (7) **The minutes of the remote meeting** shall reflect that the meeting was conducted by use of simultaneous communication, which members were participating by simultaneous communication, and when such members joined or left the remote meeting. (8) All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record. (9) The remote meeting shall be simultaneously streamed live online so that simultaneous live audio, and video, if any, of such meeting is available to the public. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting. (b1) If a public body has provided notice of an official meeting and one or more of the members of the public body desire to participate remotely after the issuance of the notice, the public body may amend the notice of the meeting to include the means whereby the public can access the remote meeting as that remote meeting occurs. Such amended notice of remote meeting shall comply with all of the following: (1) **Be issued no less than six hours prior** to the official meeting. G.S. 166A-19.24 Page 2 (2) **Be distributed** in accordance with G.S. 143-318.12(b)(2) and (b)(3), as applicable. (3) **Be posted** in accordance with G.S. 143-318.12(e).

More importantly, on July 11, 2022 Governor Cooper’s office published a press release indicating that the statewide **state of emergency** will end on August 15, 2022. At that point NCGS 166A-19.24 which provided explicit authority for remote meetings expired.

As summarized in a publication by the late Frayda Bluestein, former faculty member of the UNC School of Government, “taking all of this into consideration, it seems to me that after the State of Emergency law expires, city and county governing boards will have no clear authority to participate in remote meetings at all.”

The County has been advised in written correspondence from School Board Chair, Ms. Sallie J. Ryan that on November 26, 2025, in open session of a meeting of the Board of Education, a motion was made and unanimously approved to respectfully decline the County's proposal to assist with the daycare program funding and to close the program, and the last day of operation being December 31, 2025.

It is the County's understanding that this meeting was conducted in Elizabeth City, NC in the office of the Board of Education's attorney, for which there was no public notice available.

County Manager Scott Sauer made several attempts via email on November 26th beginning at **5:37 a.m.** to contact Superintendent Dr. Barry Williams, with copies to each school board member, school board clerk and school board finance director with **no response**.

In Mr. Sauer's second email at **6:55 a.m.** reads,

"Dr. Williams, Please confirm whether or not the Board of Education is meeting today November 26th in attorney John Leidy's office in Elizabeth City.

If so, please send a copy of the public notice with the time of the meeting. It is the County's position that none of the current issues related to the consolidation study, daycare operations and the resolution adopted by the Board on November 19th are open session items, and should not be discussed in a closed session. Scott"

Again, emails to all Board of Education members and School Administrators, **no response**.

The Gates County Board of Commissioners believes the governance, program oversight, fiscal administration under the current Board of Education is undermining the effectiveness of our public schools and eroding the confidence of our taxpayers.

We have also raised concerns that **State lottery funded projects have commenced without appropriate authorization nor approval by the NC Department of Public Instruction**. The resulting delays of transfer of lottery funds by the State to the County, causing significant delays in payment to contractors evidenced by email communication from DPI stating, *"with regard to the Needs Based funding requests for Buckland Elementary School and T.S. Cooper Elementary School, design documents for these projects are still under review. We are awaiting responses from Designers to DPI School Planning's review comments. As such, no further construction of these projects can be made until design review has been completed and Certificates of Review issued."*

Multiple emails to the Superintendent regarding the issues above were ignored.

The Gates County Board of Commissioners experienced a change in the relationship with the Board of Education in recent months.

Following the approval of a joint memorandum of agreement to provide the one-time non-recurring appropriation of \$828,000, then Board of Education Chairman Mr. Ray Felton, in correspondence dated June 9, 2023, offered the following observation, noting “An integral part of the conversations held during the joint meeting of both Boards was the commitment to continue the newly established pattern of working together on a regular basis, possibly quarterly, to plan, inform and collaborate on budgetary needs.”

And with the start of 2025, the Gates County Board of Commissioners attempted to advance this same leadership and collaboration with the Board of Education.

This collaboration was most evident with the County’s support for the universal nutrition funding in the amount of \$130,000 to provide free breakfast and lunch for all students as requested by the Board of Education. This collaboration has led to the joint effort to develop ongoing financial sustainability to address food insecurity, and the upcoming voter referendum for the local option quarter cent sales tax, on the ballot for March 2026.

At a joint meeting on March 4, 2025, staff reports indicated the continued twenty-year trending decline in ADM (average daily membership) and the continued loss of students in the Gates County School District. Both boards shared concerns about increasing operating costs, budget cuts on the state level, and the inefficiencies of maintaining five school campuses with many vacant classrooms, especially at the elementary level. Superintendent Dr. Williams announced he would be meeting with a school facility consultant the following day, March 5th regarding a consolidation study.

The consolidation study was presented on November 5th and to say it was disappointing would be an understatement, especially given the \$50,000 cost and lack of strategies as suggested by the Board of Commissioners. Following the consultant’s report the County officials were excused from the meeting room, as the Board of Education had other business matters to attend to that afternoon.

The Board of Commissioners learned later through social media that the Board of Education held a zoom meeting on November 3, 2025 consider closing the daycare center operated by the school system for decades. The Board of Commissioners also learned through social media and emails from concerned parents that the Board of Education voted to close the daycare program during its “Closed Session” on November 5th following the consolidation study report.

It was not until a joint meeting of the two boards on November 10th, 2025, that the official announcement was made public for the first time, that the daycare program was being shut down. It was during this meeting that the Board of Commissioners learned of the **daycare program operating deficit (\$444,394 over 5 fiscal years)** and the fact that the daycare program had two co-directors, as opposed to the FY 2025-2026 budget which identified a single daycare program director. During these discussions, the Board of Commissioners learned that the census for the daycare program had dropped from 42 to 19 children, and for the most recent twelve months, the daycare schedule was modified

from 6:30 a.m. to 6:00 p.m. reduced to 7:30 a.m. to 5:00 p.m. causing obvious hardship and consternation for working parents and families.

The County has seen no evidence that the school system has made progress toward rectifying the issues discussed in 2023, which is now exacerbated by the Child Care Fund five-year deficit situation. And there appears to be no recognition by the independent auditor of the multi-year transfer of school funds to support the day care program, a total of \$444,394 and contributing to the decline of the school general fund. As noted at the Board meeting on November 10th the financial statements for the Gates County Board of Education describe the school system's Child Care Fund as an account for the ***afterschool care program at the elementary schools within the school system.***

In the financial statements for the fiscal year ended June 30, 2021, the Child Care Fund is described more accurately as "used to account for the ***child care program*** within the school system and is reported as an ***enterprise fund,***" only at Gatesville Elementary school.

It is troubling to the County, that even the program description for the Board of Education's child care fund is inaccurately described in the official financial statements prepared by its auditors, and even more concerning that the five-year trend of deficit operations which directly impacting the General Fund is not discussed.

Net Cash used by daycare operating activities

FY26 \$ (32,426) year-to-date operating deficit, July 1, thru October 2025 which is offset by a "loan" of \$25,000 presumably from the Gates County School General Fund.

FY25 \$ (93,935)

FY24 \$ (84,652)

FY23 \$ (97,536)

FY22 \$ (135,906)

FY21 \$ (32,365)

\$ (444,394) or average annual deficit of \$(88,879) per year since 2021, per five (5) most recent school audits.

The Gates County Board of Commissioners takes its responsibility as public stewards very seriously with regard to public schools as required by State law.

NCGS 115-426(b) The uniform budget format shall be organized so as to facilitate accomplishment of the following objectives: (i) to enable the board of education and the board of county commissioners to make the local educational and local fiscal policies embodied therein; (ii) to control and facilitate the fiscal management of the local school administrative unit during

the fiscal year; and (iii) to facilitate the gathering of accurate and reliable fiscal data on the operation of the public school system throughout the State.


(c) The uniform budget format shall require the following funds:

- (1) The State Public School Fund.
- (2) The local current expense fund.
- (3) The capital outlay fund.

NCGS 115-429 (d) Nothing in this Article shall be construed to place a duty on the board of commissioners to fund a deficit incurred by a local school administrative unit through failure of the unit to comply with the provisions of this Article or rules and regulations issued pursuant hereto, or to provide moneys lost through misapplication of moneys by a bonded officer, employee or agent of the local school administrative unit when the amount of the fidelity bond required by the board of education was manifestly insufficient.

Based on the information outlined in this communication and with more detailed data for your review, the Gates County Board of Commissioners respectfully requests oversight, examination and review of the fiscal management of the Gates County Board of Education, School Administration and all aspects of statutory compliance related therein.


Sincerely,


Emily Truman, Chair


Nathan Berryman, Vice-Chair


Brian Rountree, Commissioner


Dave Forsythe, Commissioner


Jonathan Craddock, Commissioner



ANDERSON SMITH & WIKE PLLC

Certified Public Accountants

October 13, 2025

DRAFT

Gates County Board of Education
Gatesville, North Carolina

In planning and performing our audit of the financial statements of the Gates County Board of Education for the year ended June 30, 2025, we considered the Board's internal control structure to determine our auditing procedures for the purpose of expressing an opinion on the financial statements and not to provide assurance on the internal control structure.

During our audit, however, we became aware of matters that are an opportunity for strengthening internal controls and operating efficiency. This memorandum summarizes our comments and suggestions regarding these items. We reported on the Board's internal control structure in our report dated October 13, 2025 on the financial statements of the Gates County Board of Education. This letter does not affect that report.

General Fund and Other Specific Revenue Fund - Fund Balances

During the fiscal year ended June 30, 2025, the district's General Fund reported a decrease in fund balance totaling \$553,288, leaving the district with \$308,377 of fund balance available for appropriation at June 30, 2025. Management is preliminarily planning to appropriate \$200,000 of this amount to balance the fiscal year 2025-2026 General Fund budget.

In addition, the district's Other Specific Revenue Fund reported a decrease in fund balance totaling \$185,458 for the fiscal year ended June 30, 2025, leaving the fund with a negative fund balance of \$40,469 at June 30, 2025. Fund balance in the Other Specific Revenue Fund should be increased in the current fiscal year to eliminate the negative balance. State law requires that this be done with a budget for fiscal year 2025-2026 that reflects budgeted revenues in excess of budgeted expenditures of at least \$40,469.

We recommend that the Board take prompt action to preserve its fund balance reserves and balance its budgets without the use of fund balance. Adequate fund balance reserves should be maintained to enable the district to meet cash flow needs and also for potential unforeseen or emergency needs that may arise.

The aforementioned comments are intended to be constructive suggestions for improvement in the effectiveness of internal accounting controls and financial records. We will review the status of these comments during our next audit engagement. We have already discussed the comments with various management personnel, and we will be pleased to discuss the matters in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations.

Anderson Smith & Wike PLLC

Anderson Smith & Wike PLLC
Rockingham, North Carolina



**RESOLUTION TO CONSIDER SUPPLEMENTAL/EMERGENCY FUNDING TO EXTEND
DAYCARE OPERATIONS AT THE REQUEST OF THE BOARD OF EDUCATION**

WHEREAS, at November 10th, 2025, joint meeting with the Board of Education, the Board of Commissioners learned that a decision was made for December 31, 2025, closure of the New Beginnings Daycare Program due to financial ongoing fiscal deficits and operational decisions impacting the loss of enrollment; and

WHEREAS, the Board of Commissioners has received significant communication from impacted parents expressing concern about the closure and lack of adequate notice; and

WHEREAS, the Board of Commissioners fully understands and respects the value of high-quality childcare services to support working parents, our local workforce, and family stability; and

WHEREAS, the year-to-date financials for the Board of Education's Child Care Fund reporting all transactions since July 1, reflect a \$25,000 loan from the Gates County Schools General Fund or other source to the Child Care Fund in October 2025 to offset monthly operating deficits; and

WHEREAS, a review of financial audits for the most recent five (5) fiscal years, FY21 through FY25 reflect annual operating deficits for the Board of Education's Child Care Fund with a combined total of \$444,394; and

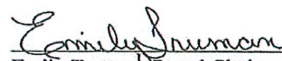
WHEREAS, according to North Carolina's School Budget and Fiscal Control Act, NCGS 115-429 (d) nothing in this article shall be construed to place a duty on the board of commissioners to fund a deficit incurred by a local school administrative unit through failure of the unit to comply with the provisions of this Article or rules and regulations issued pursuant hereto; or to provide moneys lost through misapplication of moneys by a bonded officer, employee or agent of the local school administrative unit when the amount of the fidelity bond required by the board of education was manifestly insufficient.

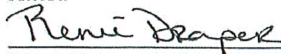
THEREFORE, BE IT RESOLVED, that no funds approved with any budget amendment providing supplemental/emergency funding to extend daycare operations for the Gates County Board of Education shall be used to retire the \$25,000 loan or future loan to the Child Care Fund; and understood with the condition for the release of any County funds, as mutually agreed, that the Board of Education will take immediate cost cutting measures with staff reductions, including two part-time positions and one co-director position.

BE IT FURTHER RESOLVED, funding approved with any budget amendment providing supplemental/emergency funding to extend daycare operations for the Gates County Board of Education shall be distributed in monthly allocations to begin in January 2026, whereby Gates County and the Gates County School District will each contribute fifty percent (50%) of the cost to cover the monthly operating deficit, not to exceed \$50,000 of County funds. Monthly allocations will be distributed upon the County's receipt of the Board of Education's latest cashflow report, staffing levels, and number of students; and

THE GATES COUNTY BOARD OF COMMISSIONERS HEREBY, state for the official record, its concern and disappointment in the fiscal administration by the Gates County Board of Education resulting in the School General Fund's fund balance \$108,377 for the Gates County School District on July 1, 2025, as reported by the draft audit report dated October 13, 2025.

Adopted this 19th day of November 2025.


Emily Truman, Board Chair

Attest:

Renee Draper, Clerk to the Board



DR. PHILLIP BARRY WILLIAMS
SUPERINTENDENT

Public Schools of Gates County

Office of the Superintendent
205 Main Street • P.O. Box 125
GATESVILLE, NORTH CAROLINA 27938
(252) 357-1113

BOARD MEMBERS
Sallie J. Ryan
Chair
Vice-Chair
vacant
Leslie S. Byrum
Rev. Ronnie Riddick
Terri Riddick

December 1, 2025

Mrs. Emily Turman, Chair-Gates County Commissioners
Scott Sauer, County Manager

Dear Mrs. Truman & Mr. Sauer,

On Monday, November 10, 2025, the Gates County Commissioners voted on a resolution to approve funding of \$50,000 to the Gates County Board of Education for the New Beginnings Daycare. The county commissioners stated they would approve the funding at their next meeting. *When?* Consequently, the Gates County Board of Education passed a motion to accept the \$50,000 to keep the New Beginnings Daycare open to a date of February 26, 2026 with the hours of 6:30 am to 6:00 pm, Monday through Friday. The funding would allow the board of education to sustain the daycare within the county while seeking private funding or ownership.

However, at the November 19, 2025 meeting of the Gates County Commissioners, a motion was made and approved, not to provide the board of education with \$50,000 to continue the daycare operation, but to provide \$50,000 with a required match of \$50,000 by the board of education for the continued operation of the daycare. While the board of education is appreciative of the offer of additional funding, the funding approved by the county commissioners is very different from what was stated at the November 10th collaborative meeting. *special/emergency?*

Public Notice - location? On November 26, 2025, in open session of a meeting of the Gates County Board of Education, a motion was made and unanimously approved to respectfully decline the new offer of funding with the required match. This decision was based on our finance director's recommendation of not being able to sustain the daycare with more school district funding.

As a school district, we cannot continue to fund a program that is not at minimum breaking even and cannot continue to contribute more school district funds to the daycare. Therefore, the New Beginnings Daycare will close with the last day of operation being Wednesday, December 31, 2025. The board of education will continue to search for private funding or companies/individuals are interested in taking over the daycare.

Sincerely,

Sallie J. Ryan

Mrs. Sallie J. Ryan, Chair
Gates County Board of Education



Dave Forsythe for NC Senate

October 30 · 🌐

...

Monday, November 3, 2025 @ 10am via Zoom the School board will suddenly "consider" day care services. Not sure why its in the morning and via Zoom.

So the rumor mill has it that the school board is suddenly considering closing down the day care services offered at Gatesville Elementary. WOW! Won't close buildings down for years but will stop daycare, something that has helped so many for years? Maybe only having a single day care director for the last year or so would have been more cost effective! How many work in Day care vice Central Office staffing numbers???

Scott Sauer

From: Scott Sauer
Sent: Wednesday, November 26, 2025 5:37 AM
To: Renee Draper; Sallie Ryan; Terri Riddick; Leslie Byrum; Ronnie Riddick; Commissioners; Pitt Godwin
Cc: Steve Harrell; Barry Williams; LaWanda Daughtery; William Roberson; Warren Perry
Subject: Follow up -- GC BOCC | Supplemental Funding for Daycare Operations

Dr. Williams,

The Gates County Board of Commissioners has its next regular meeting on December 1, 2025, at 6:00 p.m. and it will be helpful to fully understand the Board of Education's focus and steps being taken to address the daycare operations as we approach the new year.

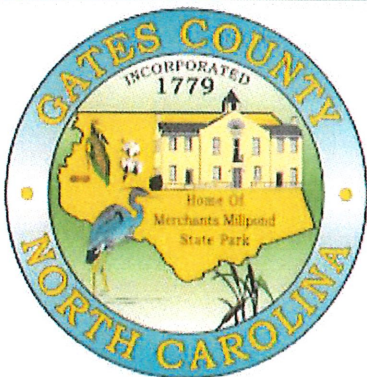
I would like to provide an update to the Commissioners during the county manager report section of the agenda.

Please let me know if there is a convenient time to meet or to talk by telephone prior to the Board's meeting Monday night. It imperative that we share information publicly for those families impacted in the coming months.

Also, when is the Board of Education scheduled to meet again? The website for the Gates County Schools is now under construction and difficult to navigate in its present state.

Best regards,

Scott



Scott Sauer
Gates County Manager
Office Direct: 252-357-3138
Mobile: 910-985-1283
Email: ssauer@gatescountync.gov
Website: <https://gatescountync.gov>

From: Renee Draper <rdraper@gatescountync.gov>
Sent: Thursday, November 20, 2025 9:57 AM

NORTH CAROLINA
GATES COUNTY

ASSISTANT SUPERINTENDENT CONTRACT

THIS AGREEMENT, made and entered into effective the 7th day of May, 2018, by and between the Gates County Board of Education ("the Board") and Tommy Boone ("the Assistant Superintendent").

RECITALS

(1) The Board has offered the Assistant Superintendent employment pursuant to the provisions of Article 18 of Chapter 115C of the General Statutes of North Carolina and the Assistant Superintendent has accepted that offer of employment.

(2) This written agreement is intended to memorialize the terms and conditions of the Assistant Superintendent's employment as agreed to by the parties.

AGREEMENT

THEREFORE, the Board and the Assistant Superintendent, for the consideration herein specified COVENANT and AGREE as follows:

1. Term. The Board, in consideration of the promises of the Assistant Superintendent herein contained, hereby employs the Assistant Superintendent as an Assistant Superintendent pursuant to the provisions of N.C. Gen. Stat. 115C-278 for a term commencing July 1, 2018, and ending June 30, 2020. The Board reserves the right to reassign the Assistant Superintendent to any administrative position commensurate with the responsibilities, terms, and conditions of this contract.

2. Professional Licensure and Responsibilities of Assistant Superintendent:

A. Licensure. The Assistant Superintendent shall furnish throughout the term of his employment hereunder a valid and appropriate license to act as Assistant Superintendent as prescribed by the laws of this State and by the regulations of the State Board.

B. Powers and Duties. The Assistant Superintendent shall have the powers and duties prescribed by G.S. 115C-278 or otherwise by law, as well as such additional and supplementary powers and duties as the Board may prescribe from time to time.

C. Standards. Throughout the term of this contract, the Assistant Superintendent shall perform the duties of his office, as provided in this contract, in accordance with the standards for Assistant Superintendents and other administrators established pursuant to Articles 18, 19 and 19A of the General Statutes of North Carolina, the Standards Board for Public School Administration and the Board.

D. Compensation. The annual salary of the Assistant Superintendent shall be as provided by the State Salary Schedule, adopted by the State Board of Education (the State Board). The specific salary amount will depend on the Assistant Superintendent's actual assignment. In addition to the salary paid the Assistant Superintendent from State Funds, the

Board may pay a supplement to the Assistant Superintendent's state salary from local funds based upon the Board's supplement schedule. Such supplement may vary depending upon the Assistant Superintendent's actual assignment. No change (whether an increase or decrease) in Assistant Superintendent's salary or supplement resulting from changes in the Assistant Superintendent's assignment as a principal, assistant principal or to another Assistant Superintendent's position shall be deemed a promotion or a demotion, nor shall it give rise to any hearing rights. The aggregate annual salary paid the Assistant Superintendent from State and local funds shall be paid in equal monthly installments with the rules of the Board governing payment of other professional employees of the school administrative unit. The Board may withhold salary of the Assistant Superintendent if the Assistant Superintendent delays or refuses to render such reports as are required by law, but when the reports are delivered in accordance with law, the withheld salary shall be paid forthwith.

3. Vacation and Other Benefits.

A. The Assistant Superintendent shall receive annual vacation and leave time as prescribed by G.S. 115C-285. Annual leave and sick leave shall be taken in accordance with Board policy and State Board regulations.

B. The Assistant Superintendent shall receive the same insurance coverages, terminal pay, and other personal benefits accorded to other professional employees of the school administrative unit as provided by law.

4. Outside Employment. Duties and responsibilities of the Assistant Superintendent require full-time employment and frequently require that the Assistant Superintendent attend to his duties during the evenings, weekends, and holidays. The Assistant Superintendent shall not accept any outside employment that in any manner interferes with the performance of his duties and responsibilities under this contract and in no event without the advance approval in writing of the Board.

5. Termination.

A. The Assistant Superintendent shall not be dismissed or demoted during the term of this contract except for misconduct of such a nature as to indicate that she is unfit to continue in her position, incompetence, neglect of duty, failure or refusal to carry out validly assigned duties, failure to maintain her licensure in a current status, engaging in conduct that violates Board policy, or other good and just cause in accordance with N.C. Gen.Stat. 115C-274 and/or 115C-278.

B. The Board in its discretion may elect not to re-employ the Assistant Superintendent at the end of this contract.

6. Amendment. This agreement shall not be amended except by agreement in writing, approved by official action of the Board and accepted in writing by Chairman of the Board and the Assistant Superintendent. Provided, however, that references to provisions of statutes,

regulations, and Board policy shall be deemed to refer to amendments to those provisions which may be passed or imposed during the term of this agreement.

7. Savings Clause. If, during the term of this contract, it is found that a specific clause of the contract is illegal under Federal or State law, the remainder of the contract not effected by such a ruling shall remain in force.

8. Law. This employment agreement is made and shall be governed by, construed, and enforced in accordance with the laws of the State of North Carolina.

9. Entire Agreement. The parties hereto agree that this instrument contains the entire agreement between them as of this date; that it has not been induced by any representation, promises, or undertakings by the Board not expressed herein; and that there are no collateral agreements, stipulations, promises, or understandings whatsoever by the respective parties in any way affecting the subject matter of this contract which are not expressly contained in this instrument.

IN TESTIMONY WHEREOF, the Gates Board of Education has approved this agreement and caused this instrument to be executed in its name by its Superintendent of Schools, all by order and resolution of the Board and Tammy Boone has accepted this agreement and has hereunto set his hand and seal, effective the day and year first above written.

GATES COUNTY BOARD OF EDUCATION

Tammy R. Boone 5/7/2018
ASSISTANT SUPERINTENDENT DATE

BY: [Signature]
CHAIR DATE

BY: [Signature] 5/7/18
SUPERINTENDENT DATE