

# FW: Liaisons

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From: **Diane Miller** | manager@townoforiental.com

Thursday, Dec 7, 2023 at 11:59 AM

To: **Allison DeWeese** | allison@towndock.net

## **Diane H. Miller, MPA, ICMA-CM**

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From: **Sally Belangia** | sallybelangia@townoforiental.com

To: **Allen**

Thursday, Nov 30, 2023 at 3:18 PM

I wanted everyone to get this email before our next meeting.

Sent from my iPhone

From: **Scott Davis** |  
msd@dhwlegal.com

To: **Sally Belangia** |  
sallybelangia@townoforiental.com

Thursday, Nov 30, 2023 at  
12:03 AM

Morning Mayor -

Just wanted to follow up on our call this morning regarding the creation of "board liaisons." I've had a number of calls and questions about this issue, most specifically regarding a "finance liaison," and recognize that it can be confusing for everyone involved.

To the extent the Board of Commissioners wants to create a "finance liaison," I need some direction as to exactly what the finance liaison would do so that I can give the Board the best legal advice. I see "board liaisons" in local government from time to time. There are "board liaisons" to a Council of Government, for example. In that case, the "board liaison" is simply the Board's appointed member to the Council of Government. Their responsibility is to attend the Council of Government meetings, and report back to the Board of Commissioners each month. One can cite many examples of this type of "liaison" where the liaison is simply a Board member who is appointed to another board. This type of liaison doesn't present any legal issues as the governing board is simply making a legal appointment to another public body. The phrase "board liaison" is short-hand for "the Board's appointment

to the Council of Government."

At the other extreme, I see liaisons who are selected to attend public meetings of other public bodies. For example, a local government may appoint one of its members to serve as a "fisheries liaison." Their responsibility is to attend all local public meetings held by NC Fisheries, and report back to the governing board. The liaison has no legal authority whatsoever. Their position is just to help the governing board get more information and save the other elected officials from having to attend meetings. Since the liaison has no legal authority to do anything, it obviously doesn't present any legal issues.

When we think about giving a liaison any authority, we can find ourselves on thin ice. In many cases, a governing board has no legal authority to delegate its duty to an individual. In other cases, public employees have specific authorities established by statute that cannot be interfered with.

All of the foregoing is to say that when it comes to creating a "finance liaison," the answer will depend entirely on what the governing board is imaging for this liaison. Rather than spend time and money guessing at what the Board of Commissioners may or may not want to do, let's first find out what the Board would like to do. And if the Board is interested in creating a "finance liaison," I need the Board to define for me exactly what they'd like a finance liaison to do. Then I can reflect on the issue and try to help the Board find a path forward.

Hope that helps, and if you have any additional questions, please reach out.

## **Michael Scott Davis**

Managing Partner

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