

July 22, 2022

From:

Dean L. Wiley

(contact information withheld because "public forum")

To:

The people, elected officials, appointees and employees of The Town Of Kenly, NC; and, Johnston County Sheriff Steve Bizzell (via general email of the Office [email address removed])

Via:

email to listed addresses of elected officials from the Town's website
internet publication

RE: Emergency meeting related to resignation of 7 Town employees to be held today, July 22, 2022 at 7:00PM advertised as related to the "security" of the Town

People of Kenly:

I am starting this very late in the day so it is "very incomplete" at the time of this writing.

I "offered" (half-jokingly) to "take over" as a non/un-sworn (no BLET) "Administrator" of your police department* for much less money than the Town currently pays Chief Josh Gibson. I now, in all seriousness, would like to formalize that offer to you (through your elected officials and the Executive Office of the Town Manager) without any specific terms of compensation other than, "at most \$40,000 per year."

- * The titles/words "Police Chief" and "Police Department" are used throughout the Town's Codes/Ordinances. However, the "Department" and "job of Police Chief" are never declared or defined in those same Codes/Ordinances. "In law" they simply do not exist. The original Town Charter allows for a "Town Constable."

The immediate problem/need: someone to "coordinate and direct" local law enforcement within the Town. (see above) As of right now, in Town Law (ordinance/code/rules), the only one "empowered" to do that is Town Manager Justine Jones. (1)

The immediate-to-long-term problem/need: someone to "fix" the "systemic problems" that led to this issue in the first place. (see above paragraph and *) (2)

(1)

Someone – if not me, please get someone – needs to be immediately retained (even if on a "contract basis" that I can't see Justine Jones having a problem with because she spent so many years as a "consultant") to "coordinate" the "security/public safety/law enforcement" of the Town of Kenly. They will need to, concurrently:

- * Make arrangements with Sheriff Bizzell to see about "contracting" deputies to serve in a "sub-

station” or limited to the Town limits “patrol area” [capacity] to guarantee a “presence” and “short response time” for the residents and visitors to the Town. The Manager (Jones) and any “Administration of The Police Department” would have to “reimburse” or “compensate” the Sheriff’s Office (not the individual deputies) out of the budgeted funds for salaries/benefits to Town employed officers. This “coordinated/compensated” effort would solve both short term (1) needs and begin to address the long term problem(s) (2) of “human resources and management” issues within the Town because the Deputies would not be “subject” to the “self policing (and destructing)” closed loop of Town management. For example: if any Town employee of [sic, meant or] elected official made “hostile or stressful” work related “demands” upon the deputies, they would not have to “try to solve it internally.” They would take their complaint to “their real boss” – an elected, constitutionally empowered law enforcement officer – and it would be addressed at that level.

- Consider using “private security and/or investigators/detectives” as stop gap for “non-emergency functions” (see: Salemburg, home of the Justice Academy, has a “Town Security” department) and to provide a “patrol presence”
- Consider and coordinate with local Fire/Rescue squads or departments for “traffic control” in emergencies (private security “can” do “traffic control” but I often demand that they don’t because they don’t enjoy any form of “limited qualified immunity”)
- Obtain training from the out-going full-time officers and Chief. It is imperative that as much “knowledge” that can be transferred in the next 10 days or so, be transferred directly from “qualified and experienced source” to “new hires”.
- Consult with Sheriff Bizzell (would he provide “investigators”?), the local D.A., “human resources firms,” the NC Departments of Justice, Labor and others to conduct a full and complete investigation and “autopsy” of the current “event” in order that: a) any of the seven that “resigned” on Wednesday be “made whole or given closure” hopefully without involvement with the courts b) the Town could/would develop plans, policies (written SOPs, ordinances), and practices (what we “do” no matter what we “say”) that would never leave the Town facing this kind of “catastrophe” again; as well as (next)
- c) Develop a “Town Of Kenly Emergency Plan” for the obviously not so unforeseeable event of “we have no police.” It is – 2-1/2 years into the CoViD19 Pandemic – entirely “foreseeable” that the Town could be left again without “public services” because if the officers were “exposed” they would have to “isolate” for 10 to 14 (or 21 or more) days. Why is this not already in the “consideration of continuation of government” documents for the Town? (Don’t answer that, it is rhetorical.)
- Consult with the Town Attorney or contract attorneys to get the Town Of Kenly Ordinances up to date and complete. They are very “lacking”.
<https://codelibrary.amlegal.com/codes/kenly/latest/overview>
- Stop using “personal email addresses” for Town business (Council Members)

There is much more that must be done with “urgency” but my time is extremely limited.

As far as tonight’s “Emergency Meeting”. [:]

Mayor and Council Members beware and be warned: DO NOT “terminate/separate/un-appoint” Justine Jones because some of the “resignations” claim to be up for reconsideration if you do. She is entitled to “due process” (and best human resource practices) just as they were until they “tendered resignations.” You would “subject” the Town to great liability. She would be able to sue the Town, the individuals that “influenced/coerced” you, and “most importantly to every politician” sue YOU (yes personally) for her “unlawful termination” and associated “mental, emotional, economic, character (defamation) damages and stresses.”

If you (Mayor and Council Members) are part of and/or party to the “stressful” and (alleged without fact finding or “claim”) “hostile work environment” then you might use tonight’s meeting to announce your own resignation.

“If I...” were on the Town Council or the Mayor, I would use tonight’s meeting to “accept, affirm and confirm” the resignations without “caveat” or “condition.” I would “vote the will of the board” to be that the Executive of the Town (Manager Jones) prepare for replacement of these personnel; and, prepare Termination For Cause “letters/proceedings” against them in case they try “not to resign” between now and the “effective end dates” that they stated in their letters.

I am out of time (4:39PM) so must say no more.

My heart to you “friends and neighbors” of Kenly. I work there often and really like your little town.

/s/ Dean Wiley

Delivering to “scraped from the Town’s web-page”:

<https://townofkenly.com/government/town-council/council-members/>

Herbert Louis “Tooie” Hales II, Mayor - townofkenly@townofkenly.com

Mark Smith, Mayor Pro-Tem - [email address removed]

Lawanda Neal - [email address removed]

Keith Davis - [email address removed]

Bobby Peele - [email address removed]

Trinity Henderson (Expired 12/2021?) - [email address removed – domain ‘parked’]

Johnston County Sheriff’s Office – [email address removed]