

Board of County Commissioners
W. Randy Burton – Chair
Brad George
Brent Springer
Jerry Groves



County Manager
Michael Silverman
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Andre Hogan

**Resolution Vacating all Positions of the Pender EMS and Fire Board of Directors,
Appointing Replacement Board Members, Directing an Independent Audit,
and Directing the County to Assume Control over Pender EMS and Fire**

Whereas, Pender EMS and Fire is a private nonprofit corporation organized for the purpose of providing EMS and Fire services in Pender County; and

Whereas, the vast majority of Pender EMS and Fire revenue comes from the taxpayers of Pender County, including over \$20 million in taxpayer funding in Fiscal Year 2024; and

Whereas, the Pender County Board of Commissioners has an obligation to ensure EMS and Fire services are being provided in an efficient and effective manner to the residents of Pender County; and

Whereas, an ongoing contractual dispute between Union Rescue Squad and Pender EMS and Fire remains unresolved; and

Whereas, the Pender County Board of Commissioners desires to bring an expeditious end to that dispute; and

Whereas, the Pender County Board of Commissioners desires to bring all EMS and Fire services under the county government's direct supervision; and

Whereas, the county manager has met with resistance from the Pender EMS and Fire Board of Directors in obtaining the information necessary to plan for the county's assumption of EMS and Fire services; and

Whereas, time is of the essence in executing an orderly transition between Pender County and Pender EMS and Fire; and

Whereas, the Pender County Board of Commissioners has authority to appoint members of the Pender EMS and Fire Board of Directors; and

Whereas, at common law "in the absence of all constitutional or statutory provision for the removal of ... public officers, the power of removal is incident to the power of appointment, and is discretionary and may be exercised without notice or hearing." *Kinsland v. Mackey*, 217 N.C. 508 (1940), 4 McQuillin Mun. Corp. § 12:310 (3d ed.), 91 A.L.R. 1097.; and

Whereas, the Pender County Board of Commissioners has lost trust and confidence in the current Pender EMS and Fire Board of Directors' ability to act in the best interests of the residents of Pender County,

BE IT THEREFORE RESOLVED by the Board of Commissioners of Pender County, North Carolina, as follows:

1. That all seats over which the Pender County Board of Commissioners exercises appointment power on the Board of Directors of Pender EMS and Fire shall immediately be declared vacant.
2. That Commissioners Burton, Groves, and Springer shall be appointed as the interim Pender County appointees of the Board of Directors of Pender EMS and Fire, to serve until the county can advertise, recruit, and present additional board member candidates to the Board of Commissioners.
3. That all meetings of the Pender EMS and Fire Board of Directors shall be properly noticed public meetings while Commissioners Burton, Groves, and Springer serve as appointees to the Pender EMS and Fire Board of Directors.
4. That the county manager is hereby directed to oversee an independent audit of Pender EMS and Fire's financial statements for the most recent fiscal year.
5. That the county manager is hereby directed to prepare and present to the Board of Commissioners – no later than June 1, 2025 – a plan for the county to assume complete control of Pender EMS and Fire (including all its assets) and to assume responsibility for providing EMS and Fire services countywide no later than December 31, 2025.

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Commissioners of Pender County, North Carolina; that this meeting was properly called and held on March 10, 2025; that a quorum was present and acting throughout this meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this 10 day of March, 2025.



Randy Burton, Chair
Pender County Board of Commissioners



ATTEST
Lexi Stanfield, Clerk to the Board