

Continued Meeting – February 23, 2026

The Graham County Board of Commissioners met Monday, February 23, 2026, at 11:00 a.m. in the Graham County Community Building located at 196 Knight Street Robbinsville, NC for a continued meeting. Board present Meggan Smith, Lynn Cody, Connie Orr and Natasha Williams. Board absent Jacob Nelms. Also, present Manager Brady Cody, Attorney JK Coward and Clerk Kim Crisp.

1. Chair Smith called the meeting to order.
2. Chair Smith asks Commissioner Cody to give an Invocation.
3. Chair Smith asks for a motion to go into closed session under G.S. 143.318.11(A)(1)(3)(6) for privileged or confidential information, attorney client privilege and personnel. Commissioner Williams made the motion to go into closed session as stated. Commissioner Orr seconded this motion. Vote unanimous.
4. Chair Smith asks for a motion to go back into open session. Commissioner Williams made the motion to go back into open session. Commissioner Orr seconded this motion. Vote unanimous.
5. Chair Smith stated that on the 29th day of January, Superior Court Judge Tessa Sellers entered an order suspending our sheriff from his office and declaring the office vacant. She also ordered the vacancy to be filled as by law provided, pending the hearing and final determination of the Petition filed by the District Attorney Ashley Welch. There are two General Statutes which are important to discuss today, the first dictates how court must proceed with the suspension hearing and the second is how the board of commissioners must proceed while the office of the sheriff is vacant. The first is in Chapter 128 “Offices and Public Officers”. Judge Sellers quoted 128-19 “Suspension pending hearing; how vacancy filled” in her Order. Later Judge Sellers requested that judge outside the district hear the case, and Williams T. Setzer was commissioned. He is from Gastonia. This process is well on its way. A private pre-trial conference was held with the lawyers and Judge Setzer by teleconference on February 13th; the purpose of the meeting was to agree on how the case would move forward. Our county manager and our attorney were present, the board did not attend. Pre-trial motions were heard on February 20th in our courthouse; two members of the board were present. The final hearing is scheduled for the 25th of March before Judge Setzer here in Graham County. The second is, General Statutes in Chapter 162 “Sheriff”, this chapter lays out the procedure, as by law provided, that our board must follow. We met with Chief Deputy Travis Brooks on January 30th and informed him that under 162-5, “Vacancy filled; duties performed by coroner or chief deputy”, that it was his responsibility to execute the duties of the Sheriff until we appoint a new one. As set forth in 162-5, Deputy Brooks responsibility lasts “until the first meeting of the board of county commissioners next succeeding such vacancy, when the board of county commissioners shall appoint a sheriff to supply the vacancy for the residue of the term.” The first meeting of the board after the suspension of the sheriff was the regular meeting of February 17th, that meeting was not adjourned; it was recessed and continued until February 20th and that meeting was continued to today. This is still the first meeting of the board since the office of the sheriff of Graham County was declared vacant by Judge Sellers. It is now the duty under 162-5.1(a) “Vacancy filled in certain counties; duties performed by coroner or chief deputy; to “appoint a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected.” Our first action will be to adopt a resolution to declare the office of the sheriff vacant. Our second action will be to select a new sheriff to fill the vacancy. This selection will be subject to the requirements that whoever is selected must meet all applicable statutory requirements to qualify for the office of the sheriff, including providing a Disclosure Statement prepared by the North Carolina Sheriffs’ Education and Training Standards Commission. Only after the person satisfies all applicable requirements will that person be formally appointed by this Board to the Office of the Sheriff.
6. Chair Smith asks Manager Cody to read the Resolution declaring a vacancy in the Office of the Sheriff. Manager Cody read the resolution, and a copy is available from the Clerk to the Board of Commissioners office. Commissioner Orr made the motion to adopt the resolution as stated. Commissioner Cody seconded this motion. Vote unanimous.
7. Chair Smith asks for a nomination for the selection of Sheriff, who will meet all requirements as previously stated. Commissioner Williams made the motion to select Russell Moody for the Office of Sheriff. Commissioner Williams stated that he was the peoples choice at the last election on the republican ticket and is the best choice to serve in this role. Commissioner Orr seconded this motion. Vote unanimous.

8. Chair Smith asks Mr. Moody if he would like to speak. Mr. Moody stated that he was very thankful for the opportunity and he would put the Lord first in his official capacity and he will always strive to do what He directs. The board thanked Mr. Moody for his willingness to step into the role of Sheriff for Graham County.
9. Chair Smith asks for a motion to continue this meeting until Tuesday, February 24, 2026, at 4:29 a.m. in the Graham County Community Building located at 196 Knight Street Robbinsville. Commissioner Williams made the motion to continue as stated. Commissioner Cody seconded this motion. Vote unanimous.

Meggan Smith, Chair, Graham County Commissioner

Lynn Cody, Vice-Chairman, Graham County Commissioner

Jacob Nelms, Member, Graham County Commissioner

Connie Orr, Member, Graham County Commissioner

Natasha Williams, Member, Graham County Commissioner

ATTEST:

Kim Crisp, Clerk to the Board