

*Office of the Governor
State of North Carolina*

*Roy Cooper
Governor*



*20301 Mail Service Center
Raleigh, N.C. 27699-0301*

October 16, 2017

The Honorable Phil Berger
President Pro Tempore
N.C. Senate
16 W. Jones Street, Room 2007
Raleigh, NC 27601-2808

The Honorable Tim Moore
Speaker of the House
N.C. House of Representatives
16 W. Jones Street, Room 2304
Raleigh, NC 27601-1096

Dear Sen. Berger and Speaker Moore:

I write to express my concern at the General Assembly's continuing inaction on important appointments that, under current statutes, require confirmation by one or both houses of the legislature. With the understanding that you will be in session this week, I request that you give these people their due and confirm them.

Among the appointments that the General Assembly has failed to act on are the following nominees to boards and commissions:

- **North Carolina Utilities Commission:** Daniel G. Clodfelter, Charlotte A. Mitchell, and ToNola D. Brown-Bland were all nominated on May 1, 2017, and to date only Commissioner Clodfelter has been confirmed.
- **Teachers' and State Employees' Retirement System Board of Trustees:**
 - Oliver A. Holley, Margaret C. Reader, Cecil Vernon Gammon, Joshua J. Smith, and David L. German were nominated on May 31, 2017, and to date only Ms. Reader and Mr. Smith have been confirmed.

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- o Linda H. Gunter, Jeffrey S. Winstead, and Lieutenant Colonel John H. Ebbighausen were nominated on June 27, 2017, and to date only Mr. Winstead has been confirmed.
- **State Board of Education:** Reginald Kenan, Sandra Byrd, and John B. Buxton were all nominated on April 28, 2017, and to date none have been confirmed.

The fact that the General Assembly has acted on its own appointments while failing to act on the Governor's is disrespectful to the people of North Carolina and inexcusable. The Utilities Commission, the Retirement System Board of Trustees, and the State Board of Education are three of the most important executive agencies in our State. My nominations to these boards were timely and the individuals nominated have the experience, expertise, and judgment to serve with distinction. There is no reason for legislative inaction.

Since I made these appointments, the General Assembly has been in session three different times, adjourning each session without any action on these appointees. Now, the General Assembly will be back in session beginning Monday, October 16, 2017. I request you take up these nominees for an up-or-down vote this week. By the time the General Assembly reconvenes in January 2018, the Utilities Commission will have taken up important, substantive work, including issues relating to upcoming rate cases filed by electric utilities and other evidentiary hearings. The Retirement System Board of Trustees will have dealt with substantive matters relating to the State Budget. The State Board of Education will have continued its vital work overseeing our State's public education system.

The General Assembly's dilatory treatment of these appointments is unacceptable. First, it is an obvious effort by the General Assembly to undermine my administration's ability to ensure faithful execution of the laws. These nominees are core executive branch officials who I have nominated because they share my policy views and priorities.

Second, it is simply not how people should be treated, particularly by a body charged with representing the people of North Carolina. Each of the nominees is a successful professional and is entitled to a measure of respect beyond that which they have been shown. The delay in considering my appointees to the North Carolina's Utilities Commission is particularly troublesome because service on the Commission is a full-time job. The General Assembly's failure to act has left at least one of my appointees in limbo, uncertain how to make professional plans.

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In short, this is not the way to treat these important agencies that decide challenging issues on behalf of the people of North Carolina, and it is not the way to treat the appointees who have committed themselves to public service. Indeed, the General Assembly's failure to act reinforces the notion that statutes authorizing advice and consent without specific constitutional authority are unlawful and unenforceable. In an effort to avoid yet another legal confrontation, I ask that the General Assembly set aside partisanship and confirm these appointees. They are all eminently qualified, and they deserve prompt consideration and confirmation by the legislature.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy Cooper". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Roy Cooper

CC: Members of the North Carolina House of Representatives
Members of the North Carolina Senate