



1. Agenda Outline

Documents:

[2022 11 01 BOC SPECIAL MEETING AGENDA OUTLINE.PDF](#)

2. Agenda Full Version

Documents:

[2022 11 01 BOC SPECIAL MEETING AGENDA FULL VERSION.PDF](#)

In accordance with ADA regulations, persons in need of an accommodation to participate in the meeting should notify the County Manager's office at 828-764-9350 at least forty-eight (48) hours prior to the meeting.



**Burke County  
Board of Commissioners  
Special Meeting  
Comm. Meeting Room  
110 N. Green St., Morg.  
YouTube: [BurkeCountyNC](#)  
Tuesday, November 1, 2022  
4:00 p.m.**

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- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. ITEMS FOR DECISION**
  1. BOC - Appointment of Major Robert Banks Hinceman, Jr. as Sheriff of Burke County - Presented by Scott Mulwee, Chairman
  2. BOC - Oaths of Office for Sheriff Robert Banks Hinceman, Jr. - Presented by Resident Superior Court Judge Dan Kuehnert
- 4. ADJOURN**

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**Burke County, North Carolina**  
**Agenda Abstract**  
**Meeting Date: November 1, 2022**



**Items for Decision**

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**Subject Title: BOC - Appointment of Major Robert Banks Hinceman, Jr. as Sheriff of Burke County**

**Presented By: Scott Mulwee**

**Summary of Information:** After having been appointed to the Office of Sheriff of Burke County on June 1, 2011, Sheriff Steve Whisenant has now formally announced and submitted necessary documentation to the Burke County Human Resources Department for his retirement as Sheriff of Burke County. His last day of work is October 31, 2022. Sheriff Whisenant's current term of office was due to expire after the November 8, 2022, general election.

Pursuant to North Carolina General Statute §162-5 if a vacancy occurs in the office of sheriff, the board of commissioners shall 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.

Additionally, the board of commissioners shall not make any appointment under this section without first being presented with a valid disclosure statement of no felony convictions or expungements, issued within 90 days prior to the appointment, prepared by the North Carolina Sheriff's Education and Training Standards Commission pursuant to Article 3 of Chapter 17E of the General Statutes with respect to the individual being appointed.

**Budgetary Effect:** N.A.

**County Manager's Recommendation:** N.A.

**Suggested Motion:** After having submitted the proper documentation as prescribed by the North Carolina General Statutes, the Burke County Board of Commissioners pursuant to North Carolina General Statute § 162-5 now appoints Major Robert Banks Hinceman, Jr. as Sheriff of Burke County.

**Further, approve a public official bond for Robert Banks Hinceman, Jr., Sheriff of Burke County, in the amount of \$25,000.**

**All in favor signify by the uplifted right hand.**

**Burke County, North Carolina**  
**Agenda Abstract**  
**Meeting Date: November 1, 2022**



**Items for Decision**

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**Subject Title:** BOC - Oaths of Office for Sheriff Robert Banks Hinceman, Jr.

**Presented By:** Judge Kuehnert

**Summary of Information:** The Honorable Daniel A. Kuehnert, Resident Superior Court Judge, will administer the oaths of office to Sheriff Hinceman.

After the oaths of office have been administered, Sheriff Hinceman will be given an opportunity to address the Board, if desired.

**Budgetary Effect:** None.

**County Manager's Recommendation:** N.A.

**Suggested Motion:** N.A.

**BURKE COUNTY SHERIFF  
OATH OF OFFICE**

I, Robert Banks Hinceman, Jr., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Sheriff of Burke County, so help me God.

I, Robert Banks Hinceman, Jr., do solemnly and sincerely swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, Robert Banks Hinceman, Jr., do solemnly swear (or affirm) that I will execute the office of sheriff of Burke County to the best of my knowledge and ability, agreeably to law; and that I will not take, accept or receive, directly or indirectly, any fee, gift, bribe, gratuity or reward whatsoever, for returning any man to serve as a juror or for making any false return on any process to me directed; so help me, God.

\_\_\_\_\_  
Robert Banks Hinceman, Jr.

Subscribed and sworn to me, this the 1<sup>st</sup> day of November 2022.

\_\_\_\_\_  
Daniel A. Kuehnert  
Resident Superior Court Judge

Attachment: 2022 Hinceman Sheriff Oath (3888 : BOC - Oaths of Office for Sheriff Hinceman)