

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10-CVS-019930

**BRIAN CECCARELLI, and LORI  
MILLETTE,**

**Plaintiffs,**

**v.**

**TOWN OF CARY,**

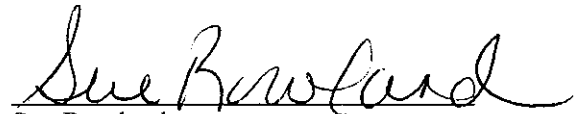
**Defendant.**

**AFFIDAVIT OF  
SUE ROWLAND**

1. I, Sue Rowland, Town Clerk of the Town of Cary, North Carolina ("Town") am currently over twenty-one and I am competent to testify to the following facts that are known to me.
2. I have been employed by the Town and have served the Town in my capacity as Town Clerk since December 1992. I am a past board of directors member of the NC Association of Municipal Clerks and the current vice-president of the NC Open Government Coalition.
3. It is part of my job responsibilities as Town Clerk to be familiar with Town documents, and to be the official custodian of all Town records, including the Town of Cary Charter. See N.C.G.S. § 160A-171.
4. It is also part of my job responsibilities as Town Clerk to be familiar with the laws that govern what constitutes a town charter such as the Town Charter for the Town of Cary ('Town Charter'), and to become familiar with local acts of the North Carolina General Assembly that enact, modify or amend the Town Charter. I receive training on this from The University of North Carolina at Chapel Hill School of Government.
5. As part of my responsibilities as Town Clerk, I am responsible to know the contents of the Town Charter. The Town Charter consists of the entire body of local acts that are currently in force and that are applicable to the Town of Cary. Session Law 2004-141, Section 4 and Section 5 is a local act that applies to the Town of Cary and that modified and became part of

the Town's official Town Charter when the Session Law became effective on July 1, 2004.  
A copy of S.L. 2004-141 is attached to my affidavit as Exhibit A.

6. I have been provided a copy of exhibit B that was attached to Plaintiff's original Complaint.
7. Exhibit B contains portions of a document prepared by my office that was an attempt to compile the local acts then in force and then applicable to the Town and combine them into a reference document for use by the Town and its citizens; however, the document contained in Exhibit B did not fully reflect S.L. 2004-141. Pursuant to state law, the official Town Charter in effect at a certain time consists of "the entire body of local acts currently in force applicable to a particular city, including articles of incorporation issued to a city by an administrative agency of the State, and any amendments thereto . . ." N.C.G.S. § 160A-1. A copy of N.C.G.S. § 160A-1 is attached to my affidavit as Exhibit B.
8. Because Exhibit B did not reflect S.L. 2004-141, it is not representative of the Town Charter, as 'charter' is defined by N.C.G.S. § 160A-1, that was in force at the time the original Complaint was filed on or about November 30, 2010.
9. Further this affiant says naught.

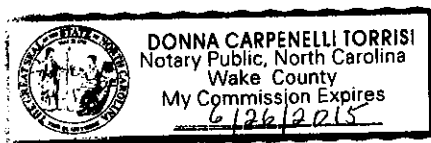
  
Sue Rowland


Wake County, North Carolina

Sworn to and subscribed before me this day by Sue Rowland.

Date: 12/6/12

(Seal)



  
Notary Public  
Donna Carpenelli Torrisi  
Notary Public Printed Name  
My Commission Expires: 6/26/2015

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon all counsel of Record by depositing a copy hereof, postage prepaid, in the United States Mail, addressed to the attorney for each said party as follows:

Paul Stam  
Caroline Nickel  
Stam & Danchi, PLLC  
PO Box 1600  
Apex, NC 27502  
*Attorneys for Plaintiffs.*

This \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Elizabeth A. Martineau