

Bertie County Board of Commissioners



August 4, 2014

BERTIE COUNTY BOARD OF COMMISSIONERS

August 4, 2014

Meeting Agenda

This agenda is only a tentative schedule of matters the Commissioners may address at their meeting and all items found on it may be deleted, amended or deferred. The Commissioners may also, in their absolute discretion, consider matters not shown on this agenda.

8:30 – 9:45 Cooperative Extension facility tour and breakfast

(A)

***** APPOINTMENTS *****

10:00-10:05 Invocation and Pledge of Allegiance by Commissioner Trent

10:05-10:25 Public Hearing—to receive comments and citizen input regarding the County’s intent to seek funding through Title I of the Housing and Community Development Act for FY2014 CDBG grants to install water system improvements to the Bertie County Regional Water System

10:25-10:35 Black Rock Water Line Project – Charles Joyner

10:35-10:50 PSAP Back-Up Plan as required by recent legislation – Sheriff John Holley and JW Stalls (A-1)

10:50-11:05 Community Report – John Herring, Administrator, Bertie Correctional Institution

11:05-10:20 Economic Development – Steve Biggs and Mike Neal, EDC Chairman

11:20-11:35 Parks and Recreation Department - Donna Mizelle (A-2)

Board Appointments (B)

1. FYI – Planning Board (B-1)

Consent Agenda (C)

1. Approve minutes for Regular Session 7-21-14 (C-1)
2. Accept Register of Deeds Fees Report – July 2014 (C-2)

*****OTHER ITEMS*****

Discussion Agenda (D)

1. Designation of Voting Delegate for NCACC Annual Conference – August 14-17, 2014 (D-1)
2. Road Name Change Policy – latest draft (D-2)
3. EMS Capital Outlay Vehicle – 2 bids (D-3)
4. NCACC 2015-2016 Legislative Goals Process (D-4)

Commissioners’ Reports (E)

County Manager’s Reports (F)

County Attorney’s Reports (G)

Public Comments Continued

Closed Session

Pursuant to N.C.G.S. § 143-318.11(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

Recess

August 6th – 10:00am – Water Department Work Session – Commissioners Room

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-66
SENATE BILL 797

AN ACT TO AMEND THE DUTIES OF THE 911 BOARD RELATING TO PUBLIC SAFETY ANSWERING POINTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY, AND TO CLARIFY THE COLLECTION AUTHORITY OF THE DEPARTMENT OF REVENUE FOR THE 911 FEE ON PREPAID WIRELESS.

The General Assembly of North Carolina enacts:

SECTION 1.1. G.S. 62A-40 is amended by adding a new subdivision to read:

"(4a) Back-up PSAP. – The capability to operate as part of the 911 System and all other features of its associated primary PSAP. The term includes a back-up PSAP that receives 911 calls only when they are transferred from the primary PSAP or on an alternate routing basis when calls cannot be completed to the primary PSAP."

SECTION 1.2. G.S. 62A-42(a) reads as rewritten:

"(a) Duties. – The 911 Board has the following powers and duties:

(1) To develop the 911 State Plan. In developing and updating the plan, the 911 Board must monitor trends in voice communications service technology and in enhanced 911 service technology, investigate and incorporate GIS mapping and other resources into the plan, ensure individual PSAP plans incorporate a back-up PSAP, and formulate strategies for the efficient and effective delivery of enhanced 911 service.

...
(4) To establish policies and procedures to fund advisory services and training for PSAPs, to set operating standards for PSAPs, and back-up PSAPs and to provide funds in accordance with these policies, procedures, and standards.

...."

SECTION 1.3. G.S. 62A-46 reads as rewritten:

"§ 62A-46. Fund distribution to PSAPs.

(a) Monthly Distribution. – The 911 Board must make monthly distributions to primary PSAPs from the amount allocated to the 911 Fund for PSAPs. A PSAP is not eligible for a distribution under this section unless it complies with the requirements of this Article, provides enhanced 911 service-service, and received distributions from the 911 Board in the 2008-2009 fiscal year. The Board may reduce, suspend, or terminate distributions under this subsection if a PSAP does not comply with the requirements of this Article. The Board must comply with all of the following:

(1) Administration. – The Board must notify PSAPs of the estimated distributions no later than December 31 of each year. The Board must determine actual distributions no later than June 1 of each year. The Board must determine a method for establishing distributions that is equitable and sustainable and that ensures distributions for eligible operating costs and anticipated increases for all funded PSAPs. The Board must establish a formula to determine each PSAP's base amount. The formula must be determined and published to PSAPs in the first quarter of the fiscal year preceding the fiscal year in which the formula is used. The Board may not change the funding formula for the base amount more than once every year.

(2) Reports. – The Board must report to the Joint Legislative Commission on Governmental Operations and the Revenue Laws Study Committee within



45 days of a change in the funding formula. The report must contain a description of the differences in the old and new formulas and the projected distributions to each PSAP from the new formula.

- (3) Formula. – The funding formula established by the Board must consider all of the following:
- a. The population of the area served by a PSAP.
 - b. PSAP reports and budgets, disbursement histories, and historical costs.
 - c. PSAP operations, 911 technologies used by the PSAP, compliance with operating standards of the 911 Board, level of service a PSAP delivers dispatching fire, emergency medical services, law enforcement, and Emergency Medical Dispatch.
 - d. The tier designation of the county in which the PSAP is located as designated in G.S. 143B-437.08.
 - e. Any interlocal government funding agreement between a primary PSAP and a secondary PSAP, if the secondary PSAP was in existence as of June 1, 2010, receives funding under the agreement, and is within the service area of the primary PSAP.
 - f. Any other information the Board considers relevant.
- (4) Additional distributions. – In the first quarter of the Board's fiscal year, the Board must determine whether payments to PSAPs during the preceding fiscal year exceeded or were less than the eligible costs incurred by each PSAP during the fiscal year. If a PSAP receives less than its eligible costs in any fiscal year, the Board may increase a PSAP's distribution in the following fiscal year above the base amount as determined by the formula to meet the estimated eligible costs of the PSAP as determined by the Board. The Board may not distribute less than the base amount to each PSAP except as provided in subsection (b1) of this section. The Board must provide a procedure for a PSAP to request a reconsideration of its distribution or eligible expenses.

...
(c) Use of Funds. – A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles. Distributions received by a PSAP may be used only to pay for the following:

- (1) The lease, purchase, or maintenance of:
 - a. Emergency telephone equipment, including necessary computer hardware, software, and database provisioning.
 - b. Addressing.
 - c. Telecommunicator furniture.
 - d. Dispatch equipment located exclusively within a building where a PSAP or back-up PSAP is located, excluding the costs of base station transmitters, towers, microwave links, and antennae used to dispatch emergency call information from the PSAP-PSAP or back-up PSAP.
- (1a) The nonrecurring costs of establishing a 911 system.
- (2) Expenditures for in-State training of 911 personnel regarding the maintenance and operation of the 911 system. Allowable training expenses include the cost of transportation, lodging, instructors, certifications, improvement programs, quality assurance training, training associated with call taking, and emergency medical, fire, or law enforcement procedures, and training specific to managing a PSAP or supervising PSAP staff. Training outside the State is not an eligible expenditure unless the training is unavailable in the State or the PSAP documents that the training costs are less if received out-of-state. Training specific to the receipt of 911 calls is allowed only for intake and related call taking quality assurance and improvement. Instructor certification costs and course required prerequisites, including physicals, psychological exams, and drug testing, are not allowable expenditures.

- (3) Charges associated with the service supplier's 911 service and other service supplier recurring charges. The PSAP providing 911 service is responsible to the voice communications service provider for all 911 installation, service, equipment, operation, and maintenance charges owed to the voice communications service provider. A PSAP may contract with a voice communications service provider on terms agreed to by the PSAP and the provider.

...
(e) Compliance. – A PSAP, or the governing entity of a PSAP, must comply with all of the following in order to receive a distribution under this section:

- (1) A county or municipality that has one or more PSAPs must submit in writing to the 911 Board information that identifies the PSAPs in the manner required by the FCC Order.
- (2) A participating PSAP must annually submit to the 911 Board a copy of its governing agency's proposed or approved budget detailing the revenues and expenditures associated with the operation of the PSAP. The PSAP budget must identify revenues and expenditures for eligible expense reimbursements as provided in this Article and rules adopted by the 911 Board.
- (3) A PSAP must be included in its governing entity's annual audit required under the Local Government Budget and Fiscal Control Act. The Local Government Commission must provide a copy of each audit of a local government entity with a participating PSAP to the 911 Board.
- (4) A PSAP must comply with all requests by the 911 Board for financial information related to the operation of the PSAP.
- (4a) A PSAP must have a plan and means for 911 call-taking in the event 911 calls cannot be received and processed in the primary PSAP. The plan must identify the alternative capability of taking the redirected 911 calls. This subdivision does not require a PSAP to construct an alternative facility to serve as a back-up PSAP.
- (5) A primary PSAP must comply with the rules, policies, procedures, and operating standards for primary PSAPs adopted by the 911 Board.

...."
SECTION 1.4. Sections 1.1 through 1.4 of this act are effective when this act becomes law and apply to distributions made on or after July 1, 2016.

SECTION 2.1. G.S. 62A-54(c) reads as rewritten:

"(c) Administration. – Administration, auditing, requests for review, making returns, collection of tax debts, promulgation of rules and regulations by the Secretary of Revenue, additional taxes and liens, assessments, refunds, and penalty provisions of Article 9 of Chapter 105 of the General Statutes apply to the collection of the 911 service charge for prepaid wireless telecommunications service. An audit of the collection of the 911 service charge for prepaid wireless telecommunications service shall only be conducted in connection with an audit of the taxes imposed by Article 5 of Chapter 105 of the General Statutes. Underpayments shall be subject to the same interest rate as imposed for taxes under G.S. 105-241.21. Overpayments shall be subject to the same interest rate as imposed for taxes under G.S. 105-241.21(c)(2). Excessive and erroneous collections of the service charge will be subject to G.S. 105-164.11. The Department of Revenue shall establish procedures for a seller of prepaid wireless telecommunications service to document that a sale is not a retail transaction, and the procedures established shall substantially coincide with the procedures for documenting a sale for resale transaction under G.S. 105-164.28. The Secretary of Revenue may retain the costs of collection from the remittances received under subsection (b) of this section, not to exceed five hundred thousand dollars (\$500,000) a year of the total 911 service charges for prepaid wireless telecommunications service remitted to the Department. Within 45 days of the end of each month in which 911 service charges for prepaid wireless telecommunications service are remitted to the Department, the Secretary of Revenue shall transfer the total 911 service charges remitted to the Department less the costs of collection to the 911 Fund established under G.S. 62A-44."

SECTION 2.2. Section 8 of S.L. 2011-122, as amended by Section 52 of S.L. 2013-414, is repealed.

SECTION 2.3. Notwithstanding G.S. 62A-54(c), the Department may retain six hundred and forty thousand dollars (\$640,000) of the 911 fee service charges for prepaid wireless telecommunications service remitted to the Department in the 2014-2015 fiscal year.

SECTION 2.4. Sections 2.1 through 2.4 of this act become effective July 1, 2014. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 3rd day of July, 2014.

s/ Andrew C. Brock
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:00 p.m. this 9th day of July, 2014

JW Stalls

Subject: FW: back up psap

From: Dodd, David D
Sent: Wednesday, July 30, 2014 10:41 AM
To: JW Stalls
Subject: RE: back up psap

Hi Jennifer,

I'm doing well and hope you are too. Seems this is the really busy season for travel. I just got back from visiting my son on Cape Cod, where he is working this summer. I leave this Saturday for the national APCO conference in New Orleans, and the NC APCO-NENA show at Sea Trails is coming up in early September.

As to your question, 911 surcharge funds can be used to pay for the same equipment in a backup center that you pay for in your primary PSAP. Refer to the Approved Use of Funds list on the website for exactly what you can use surcharge monies for. When it comes to backup options, don't be afraid to think "outside the box." What is your vision for the best backup PSAP option in Bertie County? Are there surrounding counties that would be interested in sharing resources? I will be glad to assist by listening to and critiquing any thoughts you might have, but we first have to have a starting point. If you are doing a presentation to the Sheriff and/or Commissioners, the one thing I think you really need to stress is the timing. The Statute says you must have a plan in place by July 1, 2016. We are now operating in the FY 2014-2015 budget year. That means you only have one more fiscal year before the July 1, 2016 date. If there are local monies needed, and I'm guessing there will be, that will have to be budgeted in the FY 2015-2016 budget year. I don't know the timeline of your budget creation and deliberation process, but this will be something you have to address in the last quarter of this calendar year, or the first quarter of 2015.

Hope this helps. Let me know if you need anything else.

David

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Back-up PSAP Information

What type back-up facility are you interested in:

- single agency stand alone facility
- multi-agency stand alone facility
- utilizing another existing PSAP
- mobile solution
- hosted third party solution
- something else, explain

If your solution involves utilizing another existing PSAP or a multi-agency arrangement, do you have all signed Memorandums of Understanding (MOUs) and other applicable agreements?

How far apart will your primary and back-up PSAPs be from each other? While there is currently no defined distance requirement, a one mile minimum is a reasonable expectation.

How many positions/workstations are normally manned in your Primary PSAP? Do you and can you staff for more positions to handle peak workloads? How many additional positions are used during these peak workloads?

If you are entering into an agreement with another Primary PSAP or a Secondary PSAP, how many positions do they staff to handle their call volume, and do they staff extra positions for peak times? Does your backup plan have enough total seats to handle your peak call volume staffing, as well as that of the other agency?

Will the primary PSAP and the back-up PSAP equipment be connected or stand alone? If connected, how will CAD, Mapping, and Telephone equipment be connected between the primary and the backup PSAP? How will 911 trunks be rerouted to the backup PSAP?

If you choose a mobile solution, how will 911 ANI and ALI data be delivered to the mobile PSAP?

If you choose a stand-alone back up facility for your agency, how will 911 calls be answered and processed during the transition from the primary to the backup facility?

If using a hosted third party solution, how will connectivity be achieved at the backup location? If your answer is the Internet, how will you access the Internet from the backup location?

If your back-up solution involves another existing PSAP, are all CAD, Mapping, and Telephone systems interoperable? How will they be connected? Are employees cross-trained on all equipment?

What type back-up power system will be in place at the back-up PSAP? Will there be a generator and a USP? What will be the capacity of the generator and the UPS? How much fuel is stockpiled for the generator, and is it sufficient to cover your plan for uninterrupted operation of the backup facility?

Does your backup plan include a schedule/plan on how the backup center will be maintained and tested on regular intervals to ensure it will be fully operational when needed?

Does your backup facility/plan provide for the needs of employees? Is there a plan to address sufficient food, water, sleeping, and hygiene needs for the needed staff for the projected duration the backup facility will be used? This question will be determined by local operational policies and procedures, but it does need serious consideration and planning. While there is no hard and fast rule in place, it seems reasonable the backup facility should be self-supporting for a minimum of 72 hours.

The plan should include both the projected start up costs and the annual operating costs of the backup PSAP. Since funding of an approved backup PSAP is an allowable use of surcharge funds, and since future funding will be based on actual expenses, it is critical that 911 Board staff have an accurate cost projection for budgetary purposes.

Putting It All Together

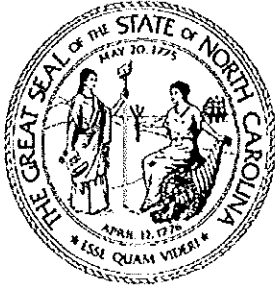
Once you are satisfied with your proposal, email it to the 911 Board Staff. The primary point of contact will be David Dodd; email address is david.dodd@nc.gov. You can include your plan in the body of your email, or you can create your backup plan in a WORD document, save it, and send it as an attachment with the email. This method may be easier if we determine modifications/changes would enhance your plan.

Please be thorough in explaining your plan. The more detail you provide, the easier it is to understand what you are trying to do. Your plan might include:

- An overview of your agency, including your service area and the agencies you provide dispatch service for.

- A description of normal operations, including staffing levels, approximate call volumes, and equipment used.

A detailed explanation of you backup plan, and how the backup can and will provide “mirror image” functionality of the primary facility. Provide enough detail that someone who has no knowledge of your operation can still understand how your plan is designed to work.



BY WAY OF EXAMPLE, BUT NOT LIMITATION, THE FOLLOWING COSTS ARE 911 FUND ELIGIBLE (as approved by the North Carolina 911 Board on 2/08/2008):

IF YOU HAVE QUESTIONS ABOUT EXPENDITURES NOT LISTED, PLEASE CONTACT THE 911 BOARD STAFF

ELIGIBLE 9-1-1 FEE EXPENDITURES

*Revised April 11, 2008
Revised September 26, 2008
Revised November 20, 2009
Revised September 24, 2010
Revised January 27, 2012
Revised August 24, 2012
Revised March 22, 2013*

*Revised May 9, 2008
Revised November 21, 2008
Revised September 10, 2010
Revised February 25, 2011
Revised February 24, 2012
Revised October 26, 2012
Revised January 24, 2014*

Phone Systems:

911 trunks and one administrative line per answering position in a primary PSAP

For the one administrative line per answering position in a primary PSAP, the features of caller identification (call ID), three way calling, call forwarding, multi-line hunt and the cost of long distance charges necessary for reestablishing contact with a 911 caller (January 24, 2014).

Telephones sets used to answer 911 calls, including CPE equipment, headsets, monitors, keyboards, mouse and servers used exclusively for telephone sets; when servers host both 911 eligible and ineligible applications, only the percentage of the cost of the server representing the 911 eligible use is allowable.

~~Call Detail Record Printer or Call Detail Recorder (CDR) which automatically captures incoming 911 telephone call data. This is not a CAD printer. (Moved to "Hardware" September 10, 2010)~~

TDD/TTY (Telecommunications Device for the Deaf/Telephone Typewriter)

Automatic Call Distributions Systems (ACD) whether facilities based or premise based

Interpretive Services (e.g. Language Line or Omni Lingual)

Service provider selective routing and ALI provisioning charges

Data connection for the sole purpose of collecting call information for analysis. If connection is shared with non eligible 911 devices, then only a percentage of the eligible 911 cost is eligible. (August 24, 2012)

Furniture:

Cabinets, tables, or desks that hold eligible 911 equipment; Telecommunicator Chairs (September 10, 2010)

Software:

Computer Aided Dispatch (CAD) system modules that are part of the call taking process only. Some CAD systems will include many additional modules that are not a part of the 911 process and are not eligible.

Geographic Information Systems (GIS) software that are used to create and display the base map showing street centerlines.

GIS layers developed specifically for 911 addressing functions (February 25,2011)

~~Photo Imagery used for maintaining mapping systems such as Ortho or Oblique images. Either imagery solution is acceptable but only one is permissible in a four year cycle. (deleted January 27, 2012)~~

Voice logging recorder software.

Management Information System (MIS) software for 911 phone systems (after November 20, 2009)

Time synchronization device software (after November 20, 2009)

Law enforcement, fire and medical call taking protocols including software & flip-cards

Quality assurance software used for the training program of law enforcement, fire and medical call taking protocols

ALI database software

Software licensing costs

Radio console software. Some Radio console software will include many additional modules that are not a part of the 911 process and are not eligible. (September 10, 2010)

Console Audio Box (CAB) software (September 10, 2010)

Paging software including licensing costs to interface or integrate with CAD (to send call from CAD to first responder pager or mobile phone), or a PSAP's licensing cost to establish a web based paging function in substitution for paging through CAD; but excluding costs for use of such software or functions by first responders. (September 10, 2010, October 26, 2012)

Computer Aided Dispatch (CAD) to Computer Aided Dispatch (CAD) interface software (sending CAD info to another PSAP for dispatch) (September 10, 2010)

Automated digital voice dispatching software (February 25, 2011)

Message switch software that allows for voiceless dispatch, status updates, and mobile to Computer Aided Dispatch (CAD) messaging. This will include CAD licensing costs for mobile computer terminals, smartphones and tablets. Some message switch software may include many additional modules, i.e. access to records management systems (RMS, Firehouse), access to local, state and national databases (warrants, DCI, NCIC), jail management systems (JMS), that are not a part of the 911 process and are not eligible.
(January 24, 2014)

Hardware:

Servers used exclusively for Telephone, CAD, voice logging recorder, GIS, paging, Console/Alias Database Management, Radio Console Network Switching, and Radio Console software systems, including monitor, keyboard, and mouse. (September 10, 2010)

When servers host both 911 eligible and ineligible applications, only the percentage of the cost of the server representing the 911 eligible use is allowable

Computer work stations used exclusively for Telephone, CAD, voice logging recorder, GIS and Radio console software systems, including monitor, keyboard, mouse, microphones, speakers, headset jacks, footswitches, and console audio box (CAB). (September 10, 2010)

When computer work stations host both 911 eligible and ineligible applications, only the percentage of the cost of the work station representing the 911 eligible use is allowable

Time synchronization devices (e.g. Spectracom Net Clock) (after November 20, 2009)

Uninterrupted Power Supply (UPS) for 911 only related equipment. If a UPS serves more than 911 equipment, then only a percentage of the total cost that serves 911 equipment is allowable

Emergency Power Generator that serves the 911 center. If a generator serves more than the 911 center, then only a percentage of the total cost that serves the 911 center is allowable.

Eligible dispatch equipment must meet the requirements of SL 2010-158, as codified in GS 62A-46(c) (September 10, 2010)

Radio Network Switching Equipment used exclusively for PSAP's Radio Dispatch Consoles (i.e.: CEB, IMC, NSS) (September 10, 2010)

Fax Modem (for rip & run) (September 10, 2010)

Printers (CAD, CDR, Reports, etc) (September 10, 2010)

Radio Console Ethernet Switch (September 10, 2010)

Radio Console Access Router (September 10, 2010)

Back Up Storage Equipment for 911 Data Base Systems (September 10, 2010)

Mobile Message Switch (September 10, 2010)

Paging Interface with Computer Aided Dispatch (CAD) system (September 10, 2010)

Alpha / Numeric Pager Tone Generator (September 10, 2010)

Radio Console (portable or mobile radio configured for exclusive use at the dispatcher workstation for dispatcher operation to perform dispatch function when there is no traditional console installed at the workstation) (September 10, 2010) (February 25, 2011)

Handheld GPS devices that are used strictly for 911 addressing that meet or exceed the requirements of "Mapping Grade GPS Receiver" as defined in the Global Positioning System (GPS) Data Collection and Documentation Standards established by the North Carolina Geographic Information Coordinating Council (August 24, 2012)

Activity Monitor used to graphically display the location of incoming 911 calls for viewing by all telecommunicators within the communications center (March 22, 2013)

Training:

911 funding is allowed for individual class registration for maintenance and operation of the

911 system and specific 911 intake and related call taking training, managing of a PSAP and supervising PSAP staff. (September 24, 2010)

Allowable travel expenses shall not exceed the local government or State of North Carolina per diem rates

Out of state training will be considered permissible if the class is not offered in North Carolina six months prior to, or six months after the scheduled out of state class

Supporting functions (implemental functions):

The costs for maintenance, database provisioning, and addressing functions implemental to receiving and utilizing voice and data at the appropriate PSAP and the maintenance of dispatch equipment located exclusively within a building where a PSAP is located. Any PSAP must provide adequate documentation upon request indicating the appropriate statutory authority supporting the cost of providing those functions (September 10, 2010)

Hosted (Shared) Services:

PSAPs may desire to replace or substitute eligible equipment, computer hardware, software or similar eligible 911 expense items by contracting for hosting equipment or software. Hosting service expenses may be eligible for 911 Funding upon review and approval by the 911 Board, or by Staff if so delegated by the Board. (January 27, 2012)

NORTH CAROLINA BERTIE COUNTY

JOINT USE AGREEMENT FOR MULTIPLE SCHOOL FACILITIES

This Agreement for the joint use of multiple school facilities (hereinafter referred to as "Agreement") made and entered into this 7th day of June, 2010, by and between the **COUNTY OF BERTIE** (hereinafter referred to as "County") and the **BERTIE COUNTY BOARD OF EDUCATION** (hereinafter referred to as "Board").

WITNESSETH

THAT WHEREAS, County and Board own certain real property: 819 Governors Road, Windsor, North Carolina 27983; 503 East Main Street, Colerain, North Carolina 27924; 121 East Askewville Street, Windsor, North Carolina 27983; 609 Old Merry Hill Road, Merry Hill, North Carolina 27957; 202 North Academy Street, Colerain, North Carolina 27924; 104 Cooper Hill Road, Windsor, North Carolina 27983; 2515 NC 305, Aulander, North Carolina 27805; 3743 Governors Road, Lewiston, North Carolina 27849 which are the campuses for: Southwestern Middle School; C.G. White Elementary School; Askewville More-at-Four/Pre-K; J. P. Law Elementary School; Colerain Elementary School; Windsor Elementary School; Aulander Elementary School; West Bertie Elementary School;

WHEREAS, the Golden Leaf Foundation has awarded a grant of \$500,000 to Bertie County to be used to bring recreation to or near each community in the County, helping citizens overcome barriers to recreation participation and allowing the public greater access to programs, such as after-school, summer and weekend recreation and senior activities. In doing so, the funds will be use to create one full-time-staff position in the Bertie County Recreation Department, to purchase vans and provide maintenance for those vans for two years, to purchase youth and seniors program materials, to pay for part-time staff, to make gymnasium upgrades, athletic field upgrades at the eight public school facilities listed above, and to purchase playground and recreation equipment for locations in the communities, including but not limited to the eight public school facilities listed above; and

WHEREAS, the parties recognize that joint cooperation and action between the County and Board shall ensure that the best facilities and services are provided to the citizens of Bertie County using the Golden Leaf grant funds at the eight public school facilities listed above;

WHEREAS, County and Board are mutually interested in quality education and recreation programs and facilities for Bertie County students and citizens;

WHEREAS, County and Board are authorized to enter into agreements with each other to do any and all things necessary or convenient to aid and cooperate in the cultivation of the health and welfare of Bertie County residents by providing quality programs and facilities at the above referenced facilities; and

WHEREAS, County and Board desire to enter into an agreement for the use of the school facilities where the Golden Leaf funds will be spent;

WHEREAS, County and Board desire to jointly use the listed school facilities for the benefit of the school and community;

WHEREAS, County desires to assist the Board in the maintenance of the listed school facilities;

WHEREAS, Board has determined that the areas to be jointly used are not necessary at all times after normal school hours for public school purposes during the term of this Agreement;

WHEREAS, Board desires to permit County use of the listed school facilities, when such are not scheduled or being used by the Board;

WHEREAS, community use of school property and facilities is encouraged by the Community Schools Act North Carolina General Statute (N.C.G.S.) 115C-203 *et seq.*; and

WHEREAS, County and Board are authorized to enter into this Agreement pursuant to the provisions of N.C.G.S. 115C, Article 13; N.C.G.S. 115C-518; N.C.G.S. 115C-524(b); and N.C.G.S. 160A-274.

NOW, THEREFORE, pursuant to N.C.G.S. 115C, Article 13, N.C.G.S. 115C-524(b), and N.C.G.S. 160A-274 and in consideration of the above-stated desires of the parties and such other mutual promises and covenants as are hereinafter set forth, County and Board do hereby agree as follows:

1. **Property Description.** County and Board own certain real property that are school sites. Some of the sites are owned by the Board, and some are owned by the County due to financing agreements but are leased back to the Board and controlled by the Board for everyday use. The full

list of sites owned by the County or the Board are as follows: Southwestern Middle School (located at 819 Governors Road, Windsor, North Carolina 27983); C.G. White Elementary School (located at 503 East Main Street, Colerain, North Carolina 27924); Askewville More-at-Four/Pre-K (located at 121 East Askewville Street, Windsor, North Carolina 27983); J. P. Law Elementary School, exterior grounds only because the septic system is currently out of service (located at 609 Old Merry Hill Road, Merry Hill, North Carolina 27957); Colerain Elementary School (located at 202 North Academy Street, Colerain, North Carolina 27924); Windsor Elementary School (located at 104 Cooper Hill Road, Windsor, North Carolina 27983); Aulander Elementary School (located at 2515 NC 305, Aulander, North Carolina 27805); and West Bertie Elementary School (located at 3743 Governors Road, Lewiston, North Carolina 2784) (hereinafter referred to as "Board Property").

2. **Term.** The Agreement term shall be for a period of twelve (12) years from the date of execution of the Agreement. The Agreement shall automatically renew for an additional period of five (5) years unless either party gives written notice of a desire not to renew at least 90 days prior to the end of the initial term.

3. **Liability.** The County and Board agree that Board is authorizing the use of its property pursuant to this Agreement only to the extent permitted by N.C.G.S. 115C-524(b), and that the Board does not incur any liability to the County or any member of the public for permitting this use. No liability shall attach to the Board, individually or collectively, for any injury suffered by reason of any County use of Board Property pursuant to this Agreement. The County shall indemnify, protect, and hold harmless the Board, its agents, and employees from and against claims or damages, caused by the negligence or intentional wrongdoing of the County its agents, invitees, contractors, or employees.

4. **County Licensed Areas.** The County Licensed Areas for each school site are the gymnasium, two classrooms chosen by the principal and all exterior playgrounds and athletic fields, except for J. P. Law where only the exterior grounds will be used.

5. Improvements to Board Property by County and Board; Effect of QZAB Lease on Locations Owned By County and Leased to the Board. Based on its determination of each community's needs, the County will be making the following improvements and will be providing the following equipment and materials to some or all of the County Licensed Areas: playground and recreation equipment, gymnasium upgrades and athletic field upgrades. The County shall have discretion in determining which County Licensed Areas receive improvements. However, the County shall receive and consider recommendations from the Recreation Advisory Committee regarding the placement of the improvements. The school principal of each site where an improvement will be made must approve the location of the improvement within the County Licensed Area, such approval not unreasonably withheld. For improvements at J. P. Law, the Superintendent or his designee will give the approval. The parties acknowledge that not all County Licensed Areas will receive improvements, and the improvements that are provided may be different in each County Licensed Area. The County shall plan and coordinate such improvements with the Board to ensure that said such improvements are completed with minimal impact on the operations of Board Property. The County will be responsible for and shall repair at its sole expense any damage to driveways, parking areas or other Board Property incurred due to construction of the improvements.

The Board retains the right to make any improvements necessary for educational programming needs on Board Property. If the Board is going to make an improvement that will have an adverse impact on a County Licensed Area, the Board shall plan and coordinate any such improvement with the County to ensure that such improvement is completed with minimal impact on the operations of the County Licensed Areas. The Board will be responsible for and shall repair at its sole expense any damage to the County Licensed Area incurred due to its use during construction of the improvements.

This Use Agreement is subject to the terms and conditions of the Lease Agreement entered into between the County and the Board dated December 30, 2003 that enabled QZAB financing, and as such if there is any requirement under this Use Agreement that would violate the Lease Agreement or in any way cause the County to be in default of its obligations under the QZAB financing then the Lease Agreement and other QZAB financing documents shall be the governing documents.

6. **Ownership.** Ownership of all improvements made to or upon each school site shall run with the land. The transfer of ownership between the parties of any school site upon which an improvement is made or upon which there is a scheduled County useage shall not affect the rights and obligations of the parties to this Agreement as they relate to such improvement or useage.

7. **Appropriate Use.** The County agrees to regulate the use of Board Property consistent with the Board's understanding of how to best maintain the property and to prevent deterioration of the property. The County may only use Board Property so long as its use is consistent with the proper care and preservation of public school property.

8. **Joint Use and Scheduling of County Licensed Areas.** The County and the Board agree that the use of the County Licensed Areas shall be in accordance with the following conditions and provisions:

A. **Administrative Control.** The school principal of each school shall have administrative control of Property at all times, subject to the right of the County to use the County Licensed Areas during the County Use Hours noted below. For J. P. Law, the Superintendent or his designee will have administrative control.

B. **Normal School Hours.** Normal school hours are defined as daily student and teacher workdays from 7:30 a.m. to 3:30 p.m. From time to time, specific school activities, events, or games may extend beyond normal school hours and conflict with a County scheduled use, in which event the Board use will have priority and the Board will make reasonable accommodations to the County to minimize the scheduled use of the County Licensed area, including but not limited to the use of another area of the Board Property until the area of conflict is cleared.

C. **Non-School Hours.** Non-school hours are defined as the time after normal school hours, weekends, holidays, staff vacation days, and during school breaks including spring, summer and winter breaks.

D. **Use and Scheduling of County Licensed Areas.**

1. County and Board agree that the Board shall have first priority of use at all times on Board Property. The County shall have second priority of use of the County Licensed Areas during the County Use Hours set out in Section 8.D.3. below. However, if the Board determines that it must use a County Licensed Area during County Use Hours at a time when the County has an

event or activity scheduled, the Board must give the County reasonable notice of such conflicting use and shall endeavor to give at least 7 days notice if possible. Additionally, the Board agrees to minimize any interference with a scheduled County use during County Use Hours, and any accommodations, such as allowing the scheduled County use to occur at another location or time on Board Property, must be considered and implemented if it can be done without preventing the Board's use. The County's priority of use over third party use shall not prevent the Board from allowing a third party to use a County Licensed Area during County Use Hours when the County has nothing scheduled.

2. For this Agreement, County use shall be defined as those programs that the County initiates or perpetuates. Third Party use is defined as non-Board and non-County use.

3. Available County Use Hours are as follows:

- a. After school hours on school days: 3:30 p.m. - 8:00 p.m.; and
- b. Weekends and non-school days: 8:00 a.m. - 9:00 p.m.

4. School principals shall be responsible for scheduling all school and third-party use of their school sites. For J. P. Law, the Superintendent or his designee will be responsible for scheduling use. The Bertie County Recreation Department will oversee the reservation usage requests for County use and shall schedule said use in coordination with the school principal for each school site, or with the Superintendent for usage at J. P. Law. The County may not allow another agency to manage or schedule its time periods.

5. If the County requests additional time periods for use of County Licensed Areas in excess of the time periods provided above, the County shall notify the Principal, or Superintendent in the case of J. P. Law, in writing and submit any required forms to Bertie County Schools. Appropriate fees for use outside of County Use Hours will be charged, per Board policy, for use of the facility.

6. The County shall regularly provide a usage schedule for each site to the school principal, or the Superintendent for usage at J. P. Law. The County

Recreation Director and the school principals for the schools where improvements are made or activities held shall meet at least yearly to inspect the improvements and to coordinate use and maintenance of the facilities.

7. Third Party individuals or agencies shall follow the Board's procedures and submit any required forms to Bertie County Schools. The Board will reserve time for Third Party use in consultation with the County. Fees will be charged, per Board policy, for the use of the facility by third parties.

E. Inclement Weather. The Board in its sole discretion will make decisions on when to close its school campuses due to inclement weather. The County agrees to comply with the Board's inclement weather determinations.

F. Fees/Charges. County and Board agree that, except as expressly stated in this Agreement, there shall be no additional fees or charges associated with each party's use of the County Licensed Areas.

G. Income from County Program. The County and Board agree that the income from County programs and events operated on County Licensed Areas that are subject to this Agreement shall go to the County. Income from concessions shall be controlled by paragraph 8.K. below.

H. Income from School Program. The County agrees that the income from Board programs and events, such as receipts from school ball games or fundraisers, shall go to the school. Income from concessions shall be controlled by paragraph 8.K. below.

I. Third Party Use. This Agreement does not preclude the Board from allowing other individuals or groups to use Board Property pursuant to Board policy and in a manner not inconsistent with the reserved or scheduled use under this Agreement.

J. Supervision and Security of County Licensed Areas.

1. The County shall provide adult supervision of participants, parents, staff, invitees, and visitors to ensure their safety and well-being during County activities, events, and programs.

2. County shall be responsible for providing sufficient and appropriate security for County activities, events, and programs.

K. Concession Operations.

1. The Board or its program agent has the right to operate, and retain the proceeds from concessions on Board Property for both school and non-school events.
2. If the Board or its program agent chooses not to operate a concession, then the County or its program agent may operate concessions on County Licensed Areas when those areas are used for County purposes pursuant to this Agreement.
3. Proceeds from concessions shall:
 - a. Go to the Board or its designee when the Board operates the concessions or when operated by the County or its program agent for Board purposes.
 - b. Go to the County or its program agent when the County operates the concessions for County purposes.
 - c. Be shared by the Board and County based upon a mutually agreed upon percentages when operated for a jointly planned event or when Board and County events are simultaneously scheduled.

9. Housekeeping, Maintenance and Repair.

A. **Housekeeping.** The County shall be responsible for cleanup of the County Licensed Areas after each use by the County so that the areas are returned to the condition in which they were found prior to County use. The Board shall be responsible for cleanup of the County Licensed Areas after its use of the areas in the same manner that it cleans the rest of the Board Property during and at the end of each school day.

B. **Maintenance and Repair.** The Board shall be responsible for routine maintenance and repair of all equipment and facility upgrades that are located on Board Property, including in the County Licensed Areas. The Board shall monitor the conditions of the County Licensed Areas to identify damage or vandalism and to identify safety or repair concerns. If the County becomes aware of an unsafe condition, it will make the Board aware of the same as soon as possible.

The Board shall schedule maintenance and repair during Normal School

Hours if at all possible. In the event that the maintenance or repair must occur during County Use Hours, then the Board will endeavor to notify the County Recreation Director prior to such maintenance or repair and will attempt to minimize the disruption of any County activity that is scheduled for that area during that time. When the Board presents its annual capital outlay budget to the County, the Board will also submit a summary of the costs it incurred for the prior year for the maintenance and repair of the improvements that were made by the County to County Licensed Areas, and the County will add to the school capital outlay a supplemental allocation for those costs incurred.

C. **Replacement.** In the event that one of the County improvements to a County Licensed Area cannot be reasonably repaired and must be removed, the Board will remove the improvement. The County may, in its discretion, replace the improvement but is not required to do so.

10. **Utilities.** Each year during the budget process, the Board may present evidence to the County of utility costs that are related solely to the County's use of utilities pursuant to this Agreement, and if such proof is reasonably documented then the County will reimburse the Board for these utility costs in a separate line item of the budget. In the event that the County creates an improvement that requires its own source of power, such as a lighted athletic field or tennis court, the Board may take whatever steps necessary to monitor the amount of utility usage of that particular improvement, whether through a separate meter or other means of monitoring such usage, and reasonably documented proof of such use by means of a utility bill or usage chart may be presented to the County for reimbursement with other County utility usage during the budget process. Except as noted above, the Board shall be responsible for all utility bills for County Licensed Areas.

11. **Insurance.**

A. The County shall maintain at all times during the term of this Agreement and during any and every extension thereof public liability insurance in the amount of \$1,000,000/\$2,000,000, or the minimum required by North Carolina State Law, covering personal injury for each accident or occurrence growing out of the County use or maintenance of the said County Licensed Areas and at least \$1,000,000 or the minimum required by North Carolina State Law to cover property damage growing out of each accident or occurrence. The Board shall be named as an additional insured on all insurance policies.

The County shall furnish the Board with evidence of such insurance and of its renewal as the premiums become due. The County shall provide the Board with thirty days prior written notice of any reduction in coverage or cancellation of such insurance. County agrees to obtain fire and hazard insurance in the amount equal to the replacement value of the insurable structure and areas.

B. The Board will maintain property damage insurance so that damage to the improvements to County Licensed Areas are adequately covered, and the Board shall insure replacement value of any personal property that is provided to the Board by the County under Paragraph 4 above.

12. **Care To Be Taken During Construction of Improvements.** The County acknowledges that construction and use pursuant to this Agreement will take place on a school site at which children, school employees, and members of the public are present. The County shall take reasonable care under the circumstances to protect and secure the construction areas to minimize the possibility of injury to students, staff and the public from construction activity and equipment and materials used in connection with the construction activity on the property subject to this Agreement. The County further agrees to keep the County Licensed Areas in a clean and safe condition at all times during construction and to ensure that any equipment, materials, or supplies brought onto the County Licensed Areas by the County are properly and safely stored when not in use.

13. **Open to Bertie County Residents.** The County agrees to provide program services within the space available to all residents of Bertie County.

14. **Nondiscrimination.** The County shall not discriminate against any employee or applicant for employment because of race, color, creed, sex, age, religion, or national origin. Neither the County or its employees shall discriminate against any person or organization on the basis of race, color, creed, sex, age, religion, or national origin by refusing to furnish such person or organization services for privileges offered to or enjoyed by residents of Bertie County nor shall the County or its employees publicize the facilities provided hereunder in any manner that would directly or inferentially reflect negatively on any person because of race, color, creed, sex, religion, or national origin.

15. **Nonperformance.** In the event either party should fail to keep, perform or abide by any term, condition or covenant of this Agreement for a period of thirty days after written notice of such failure by the non-breaching party, then in addition to any other remedies available at law or equity,

the non-breaching party shall have the right to remedy such nonperformance. In such event, the breaching party shall reimburse the non-breaching party for any expenses incurred by the non-breaching party in effecting such remedy. Such reimbursements shall be due and payable within thirty days after receipt by the breaching party of written notice specifying the amount due.

16. Default/Termination. In the event either party should fail to keep, perform or abide by the terms, conditions or covenants of this Agreement for a period of thirty days after written notice of such failure by the non-breaching party, then the non-breaching party may elect to terminate this Agreement upon an additional thirty days written notice. If the County is the breaching party and the Board should exercise this right of termination, then and in that event, the County shall relinquish interest in any of the improvements made to Board Property under this Agreement and no reimbursement shall be due the County. If the Board is the breaching party, the County shall be entitled to remove any of the improvements from Board Property at the expense of the Board and without payment to the Board.

17. Right to Alter Use; Act of God. If an act of God or any other cause beyond the reasonable control of the Board causes the Board to be unable to comply with this use agreement at any County Licensed Area for any period of time, such cause including but not limited to the implementation of state or federal law regarding school operation that prevents or alters the use of a County Licensed Area, the Board shall be entitled to alter the use of the County Licensed Area. However, the Board will take every reasonable effort to limit the disruption that the alteration causes and to allow the scheduled use to occur at another location on the premises or at another time. In the event that the alteration is permanent, the County is authorized to transfer the improvements that were in use for that location to any other location in the County.

If the County terminates this Agreement at any time during the term of this Agreement, then the County shall complete any improvements begun on Board Property and leave the Property in a condition that is safe and acceptable to the Board. In this event, the County shall relinquish any interest the County may have in the improvements that the County has made to Board Property under this Agreement, and no reimbursement shall be due the County.

18. Notices. All notices, requests, approvals, or consents required to be given hereunder shall be in writing and hand delivered or sent by certified mail, return receipt requested, postage prepaid, and addressed as follows:

Board: Superintendent's Office
Bertie County Schools
222 County Farm Road
Post Office Box 10
Windsor, NC 27983-0010

County: County Manager's Office
Bertie County
Post Office Box 530
Windsor, NC 27983

or to such other address as either party may specify in the manner hereinabove prescribed.

19. Severability.

In the event any term or provision of this Agreement shall be adjudged to be partially or completely invalid or unenforceable, then such term or provision shall be severed from this Agreement, and the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

20. Non-Assignment.

The County may not assign this Agreement. The County may use Board Property only as provided in this Agreement and the County shall not allow any other person, organization, or corporation to use Board Property without the express written permission of the Board.

21. Entire Agreement.

The County agrees that this document constitutes the entire agreement between the two parties and may only be modified by a written mutual agreement signed by the parties.

23. Agreement in Counterparts.

This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Bertie County Board of Education has caused this Agreement to be signed by its Chairman, attested by its Secretary, and sealed with its corporate seal, and Bertie County has caused this Agreement to be signed by its Chairman, attested to by the County Clerk, and sealed with its seal, by order of the respective governing boards duly given the day and year first written above.

BERTIE COUNTY BOARD OF EDUCATION

ATTEST

By: Emma H. Johnson (SEAL)
Chair

By: [Signature] (SEAL)
Clerk

(Affix Corporate Seal)

**BERTIE COUNTY BOARD OF
COUNTY COMMISSIONERS**

ATTEST

By: Norman McChesney (SEAL)
Chair

By: [Signature] (SEAL)
Clerk

(Affix Corporate Seal)

NORTH CAROLINA

BERTIE COUNTY

The undersigned, a Notary Public of the County and State aforesaid, hereby certified that Emma H. Johnson personally appeared before me this day, and being duly sworn by me, acknowledged that he is Superintendent/Secretary of the Bertie County Board of Education, and that by authority duly given and as the act of the Board the forgoing instrument was signed by its chairman, sealed with its corporate seal and attested by him as its Superintendent/Secretary.

Witness my hand and notary seal this 7 day of 20~~0~~10.

My Commission expires: 2-15-2012
Carolyn A. Boyer
Notary Public

The undersigned, a Notary Public of the County and State aforesaid hereby certified that MISTY DEANES personally appeared before me this day, and being duly sworn by me/acknowledged that he/she is the Clerk of the Bertie County Board of Commissioners, and that by authority duly given and as the act of the Board, the forgoing instrument was signed by its Chair, sealed with its corporate seal and attested by him/her as its Clerk.

Witness my hand and notary seal this 2 day of 20~~0~~10.

My Commission expires: 04-14-2015
Misty J. Clark
Notary Public

/JBH/10County/UseAgreementFinalVersion

Planning Board

Immediate Vacancies: 2

Position Vacancy:

Board	Term	Name	Began	End
Planning Board	3 years	*David Earley (District II – Merry Hill/Whites)	10/3/2014	6/30/2015
Planning Board	3 years	James Morris (AT LARGE)	6/20/2011	6/30/2014

Special requirements: N/A

Notes: *Resigned. Recommendations needed to fill 2 vacancies.

Attendance of Current Members: N/A

Applications Received:

As of 7/2/2014, no new applications have been received.

Current Members (unexpired):

1. Carl Bond
2. Rodney Mumma
3. Nayland Collier
4. Carl Cooper
5. Gregory Hughes

Windsor, North Carolina
July 21, 2014
Regular Meeting

The Bertie County Board of Commissioners met for its regularly scheduled meeting at 7:00PM in the Wellness Center Conference Room at the Lewiston Perdue Plant located at 3539 Governors Road in Lewiston-Woodville, NC. The following members were present or absent:

Present: J. Wallace Perry, Chairman
Charles L. Smith, Vice-Chairman
John Trent
Ronald "Ron" Wesson

Absent: Rick Harrell

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah S. Tinkham
County Attorney Lloyd Smith
Network Administrator Joe Wilkes
Emergency Services Director Mitch Cooper
EMS Division Chief Matt Leicester
Tax Administrator Jodie Rhea
Economic Development Steve Biggs

Media members present included Gene Motley of the Roanoke-Chowan News Herald.

Chairman Perry opened the meeting and thanked all of those present for their attendance, and thanked the Town of Lewiston for hosting this Community Meeting.

INVOCATION/PLEDGE OF ALLEGIANCE

Vice Chairman Smith led the Invocation and Pledge of Allegiance.

The Board thanked Jeff Stalls, Plant Manager, for making the location available, as well as all County staff for attending the meeting.

PUBLIC COMMENTS

Monica Lassiter of Lewiston thanked the Board for visiting the Lewiston-Woodville area.

Norman Cherry of Lewiston thanked the Board for its dedication to the Bertie County Board of Education, and for providing the school system with additional funding while still keeping the County tax rate the same as the previous fiscal year.

Courtney Lassiter of Lewiston inquired about the potential establishment of a Boys and Girls Club in the West Bertie area so that area children could have a safe place to be after school.

Commissioner Wesson responded by stating that the Boys and Girls Club of America is a great organization, but that it is very expensive to fund, and would require partnerships with the closest existing chapter which was located in Edenton, NC.

Mr. Wesson stated that the licensing alone for a chapter of the Boys and Girls Club in Bertie would cost approximately \$75,000. He also stated that he would not discourage the idea, but felt that the County could achieve something similar which would be more cost effective.

Commissioner Trent interjected by stating that a “community based recreation” initiative is currently in the works, and that it could be something that each township could implement in their communities.

Velma Baldwin of Lewiston stated that she wasn’t sure if the County was responsible for this, but that she was grateful that inmates had been assigned to clean parts of her neighborhood, as well as surrounding areas.

Norman Cherry re-approached the Board regarding the John Bond School, and how it is currently being maintained by the Men’s Ministry at his church. Mr. Cherry suggested that this site could be used to provide recreational activities to area children as mentioned previously by Commissioners Trent and Wesson.

Annie Wilson, Bertie County Register of Deeds, approached the Board regarding a flyer that is currently being circulated in the County. The flyer claims that citizens may send a payment of \$83 to a particular company, and that this company will then send the citizen their deeds, and other documents. Ms. Wilson informed all of those present that those same documents can be retrieved for a smaller fee at her office, and can also be ordered online at no charge. She encouraged the public, and all Board members, to be sure to pass this message along to other communities.

APPOINTMENTS

Mid-East Commission (MEC) request to host a meeting in Bertie County – presentation by MEC Executive Director Timothy Baynes

Timothy Baynes, Executive Director of the MEC, approached the Board with an opportunity for the County to co-host a meeting with MEC that would be held in Bertie County this fall.

Mr. Baynes stated that this meeting would be for citizens and elected officials to voice their concerns and requests, and would allow Mid-East Commission to remind elected officials of the services that they can provide. He stated that he would like this meeting to become an annual one.

Mr. Baynes also informed the Board that MEC would front any costs related to this meeting, and that any location fees would be paid by MEC, and that a dinner will also be provided at the meeting.

Mr. Baynes requested that if the County were to move forward, that he would just need cooperation from County staff in regards to contacting the County's elected officials, suggestions on locations, as well as options on a local meal vendor. County staff would also provide assistance with the logistics of the meeting including registration, programs, and other duties.

County Manager Sauer asked if the Board had any recommendations for locations at this time.

The Board concurred that the Cashie Convention Center would be the best option.

Commissioner Wesson stated that it was important for all of the County's elected officials to know and understand the services that can be provided by the MEC, and that this would be a good opportunity to provide information that is relevant to each community.

Mr. Baynes agreed, and asked the Board if they would be willing to move forward with the planning of this event.

The Board concurred, and Chairman Perry recommended that Mr. Baynes be in contact with County Manager Sauer to arrange the event further.

Black Rock Water Line Project Update – Charles Joyner

This item was deferred as Mr. Joyner was not able to attend tonight's meeting.

BOARD APPOINTMENTS

Bertie County Farm Service Agency (FSA) Office - nomination recommendations

The Board was informed of a vacancy on the the Bertie County Farm Service Agency Committee, and that recommendations were needed to fill an open spot in LAA-2 (Colerain, Whites, Merry Hill).

Chairman Perry opened the floor to recommendations and nominations, and when there were no recommendations, the Chairman provided the name of James "Jim" B. Morris of the desired district.

The Board had no objections.

Commissioner Trent made a **MOTION** to appoint James "Jim" B. Morris to the Bertie County Farm Service Agency Committee. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

CONSENT AGENDA

Approve minutes for Regular Session 7-7-14

Commissioner Wesson made a **MOTION** to approve the minutes for Regular Sessions 7-7-14. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Tax Department Error Ledger – June 2014

County Manager Sauer recommended this item for approval.

Commissioner Trent and Vice Chairman Smith made a **MOTION** to accept the Tax Department Error Ledger for June 2014 as recommended by the County Manager. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Tax Settlement Report for FY 2013-2014

The Board received a detailed Tax Settlement Report for FY2013-2014 as required by NC General Statute 105-373.

Commissioner Wesson made a **MOTION** to approve the report. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

2013-2014 Insolvent Tax Resolution

After some discussion, Commissioner Trent made a **MOTION** to declare no one as insolvent, and that all taxes that have not been collected under FY2013-2014 are considered “delinquent.” Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Charge of Tax Administrator for the collection of FY2014-2015 Tax Levy

After some discussion, Commissioner Wesson made a **MOTION** to charge the Tax Administrator for the collection of FY2014-2015 Tax Levy. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

FYI – CDBG Monthly Performance Status Reports

County Manager Sauer presented this item as FYI only as required by the CDBG regulations.

No action was needed on this item.

DISCUSSION AGENDA

e-Recording Memorandum of Understanding for the Register of Deeds Office

Bertie County Register of Deeds, Annie Wilson, was present to introduce the Board to a new initiative for the Register of Deeds Office.

Ms. Wilson stated that this new system called INTTEK is currently in use in other counties in the State, and that it would allow the Register of Deeds Office to begin recording documents electronically.

Ms. Wilson assured the Board that the Register of Deeds Office would begin using this product only for Certificates of Satisfaction at first, and then a gradual shift will take place towards other documents such as deeds, and other documents. She also assured the Board that the County would not face any liability in regards to fees incurred with the use of the system.

Ms. Wilson requested that the Board sign a Memorandum of Understanding that would allow the initiative to move forward.

Commissioner Trent made a **MOTION** to accept the Memorandum of Understanding with INTTEK which would allow the Register of Deeds Office to move forward with the electronic recording initiative. Both Vice Chairman Smith and Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Review amendment verbally approved at last Board meeting re: Road Name Change Policy

County Manager Sauer reminded the Board of a verbally approved change in policy of the current protocol in place for road name changes in the County.

The Board verbally agreed upon changing the policy in a previous meeting, but County Manager Sauer requested clarity of the Board's specific needs for the new policy.

County Manager Sauer recommended that the statements regarding deadlines of applications be omitted, and that the application for a change in road name could be submitted at any time.

Mr. Sauer also suggested that all road name changes could be considered as soon as they are received versus only at the second monthly Commissioners meeting.

The current Road Name Change Policy also required approval from the nearest area Fire Department, and the Board reached a consensus that this would still be the case for the new policy.

County Manager Sauer stated that the Board would receive a draft of the new policy at the next Board of Commissioners meeting.

EMS Update and Non-Emergency Transport start-up for August 1st

Emergency Medical Services Division Chief Matt Leicester updated the Board regarding current call times, chute time averages, and other data regarding 9-11 services.

Commissioner Trent inquired about a recent incident involving an ambulance vehicle becoming stuck on a private road due to excessive pot holes.

Emergency Services Director, Mitch Cooper, informed the Board that the incident did take place on Farm Road (located off of Woodard Road in Windsor), and that another ambulance vehicle was called to assist in the incident, and that no patients suffered due to the unforeseen circumstances.

Mr. Leicester also informed that Board of the current hiring progression for the non-emergency transport program, and that 8 out 10 employees needed for these have been hired.

Mr. Leicester stated that he was still confident that the County would be ready to begin non-emergency transport operations as of August 1st, and that the non-emergency ambulance vehicles are currently being stocked with all needed medical supplies, as well as with other needed equipment.

Employees will also be trained in the coming weeks on the new computer system that will be used for billing of non-emergency transport services.

The Board was also informed that Non-Emergency Transport Coordinator, Kim Campbell, was currently reaching out to various facilities in the area to inform them of the County's new initiative, and to secure non-emergency transport contracts.

Mr. Leicester stated that the non-emergency transport division would have a total of 3 non-emergency ambulance vehicles: 2 would be in use during the day, and 1 will be in use at night. The ambulance vehicles would be in service 24/7.

Commissioner Trent assured the Board, and all of those present, that these ambulance vehicles are in addition to the current fleet of emergency transport vehicles, and that no emergency related vehicles or equipment has been re-assigned to non-emergency transports. Emergency transport services, and non-emergency transport services, also fall into two different divisions, and therefore require different licensing.

The Board also assured the public that these non-emergency transport vehicles could be used for emergencies, if needed, but that the same could not be said for the emergency vehicles being used for non-emergency transport services.

Mr. Cooper also informed the Board that with the new billing company, Colleton, the County would be made aware of what they are currently billing out for payment. Mr. Cooper also stated that after the non-emergency operations have begun that Colleton could also come before the Board to update the County on the current status of revenues.

After some discussion, the Board inquired about the process of review for each service that is billed out.

Mr. Leicester stated that the new system would not allow any personnel to submit billing claims unless the claim was entered correctly. In the event that a claim comes back and delays the revenue process, the staff would be able to review the claim's rejection code, and adjust as needed in order for it to be resubmitted for payment.

Commissioner Trent emphasized the importance of having monthly profit and loss statements for the Board to review after the first 45 days of operation for the new Transport Service.

COMMISSIONER'S REPORTS

Commissioner Wesson announced that Claire Bell had just passed away the night before this missing. He informed all of those present that Mrs. Bell has been ill, and that she had been a very involved in local politics.

Mr. Wesson also thanked the Board for allowing him to represent the County at the 2014 Annual NaCo Conference, and informed them of next year's location as Charlotte, NC.

Commissioner Wesson also announced that he would be in attendance at the 107th Annual NCACC Annual Conference in Asheville, NC from August 14-17th.

Commissioner Trent informed all of those present of current and recent stability projects that have been taking place around the County including the renovation of both the DRC Building, and the Old Elections Building (new Cooperative Extension Office), as well as the current roof replacement of the Council on Aging building. He also mentioned the next phase of RAMJACK work to address the Clerk of Court's office.

Mr. Trent encouraged all citizens to stop by and witness these latest improvements.

COUNTY MANAGER'S REPORTS

County Manager Sauer reported on the status of the Water Department's CDBG grant application to the State Water Infrastructure Authority that was prepared by Green Engineering and submitted in May.

He reported that 63 applications were submitted and ranked based on a state rating system for consideration of the \$16.4 million in available funding. The County's application was ranked

eleventh (11th) out of 63 applications, and as the funds were allocated, there was only enough grant money for the top 9 projects.

Mr. Sauer shared that he had been at a Mid-East Commission meeting last week, and that Mayor Vaughan of Lewiston was also in attendance.

During the meeting Ms. Julie Cubeta, the CDBG infrastructure grant supervisor presented an overview of the grant process, emphasizing how applications could be improved for additional scoring in the next cycle.

Specifically, Mr. Sauer reported that based on Ms. Cubeta's recommendation, Bertie County should proceed with an asset management plan for inclusion in the next grant application which is due September 2, 2014.

Mr. Sauer indicated that under this engagement, Green Engineering would be working to provide an inventory of each section of pipe in the entire water system. The asset management plan is becoming a more and more important part of grant funding applications. The asset management plan will provide an additional four points in the rating process.

Mr. Sauer also informed the Board that the County would need to conduct two public hearings as part of the application process which could be held on August 4th and 18th which are both regular meetings of the Board.

Mr. Sauer asked for permission to advertise the public hearing, and it was the consensus of the Board to take steps necessary to submit the grant application for the next cycle.

Mr. Sauer also reminded the Board that a Water Department Work Session has been scheduled for August 6th, and that Ricky Spivey is making progress on seeking capital equipment through NCDOT's surplus sale to acquire a dump truck, trailer, and backhoe.

COUNTY ATTORNEY'S REPORT

The County Attorney had no remarks.

PUBLIC COMMENTS CONTINUED

John Davis of Merry Hill suggested that the Board contact the NCACC about finding additional ways for the County to collect delinquent taxes.

Norman Cherry of Lewiston asked Emergency Services Director, Mitch Cooper, about an occurrence that has been widely noticed in the Mount Olive area regarding an ambulance being parked at Mount Olive Church.

Mr. Cooper responded by stating that the County stages ambulance vehicles strategically so that when an ambulance is dispatched to one area, other ambulance vehicles will “stage” themselves into other locations in order to bridge any gaps in area coverage. Mr. Cooper assured all those present that this practice allows for emergency crews to respond more quickly and efficiently.

Lewiston Mayor Vaughan informed the Board that during her experience of securing a location for the Commissioners within the Town of Lewiston, she had contacted Bertie County Superintendent Elaine White about a potential location. Mayor Vaughan reported that Superintendent White had offered the West Bertie Elementary School as a possible location for the meeting if no other alternative was secured in time for tonight’s community meeting.

A citizen thanked the Board for coming to the area, and encouraged them to consider funding the Northeast Human Development Center if there is any funding left available.

Commissioner Trent also made one last report regarding a boat ramp that will be installed in the Lewiston-Woodville area. He stated that the digging of this boat ramp would begin as early November 2014 on Weeping Mary Road in Lewiston.

ADJOURN

Chairman Perry adjourned the meeting at 8:30pm.

graph



Bertie County Register of Deeds

Annie F. Wilson
Register of Deeds

P.O. Box 340
Windsor, NC 27983
252-794-5309
www.bertie-live.inttek.net

NORTH CAROLINA
BERTIE COUNTY

TO: THE BOARD OF COUNTY COMMISSIONERS:

Agreeable to and in compliance with Chapter 590 of the Public Local Laws of North Carolina, Sessions 1913, I beg leave to submit the following statement of all fees, commissions, etc. of any kind collected by me as Register of Deeds for the month of JULY 2014 and for an itemized statement thereof, I respectfully refer you to the following books in my office.

AMOUNT SUBJECT TO GS 161-50.2

10-0030-4344-01	REAL ESTATE REGISTRATION-----	\$3,979.20
10-0030-4344-03	VITAL STATISTICS-----	\$1,021.00
10-0050-4839-02	MISCELLANEOUS(NOTARY OATHS/PHOTO COPIES, ETC)-----	\$347.45
10-0030-4344-04	NO. MARRIAGE LICENSE----- <u>8</u> @\$60.00-----	\$480.00
		<u>\$5,827.65</u>
10-0018-4240-01	N. C. STATE EXCISE STAMP TAX-----	\$5,356.00
10-0030-4344-10	STATE TREASURER FEE----- <u>144</u> @\$6.20-----	\$892.80
		<u>\$12,076.45</u>
10-0000-1251-00	A/R IN/OUT(REFUND)-----	<u>\$9.00</u>
		<u>\$12,085.45</u>

Annie F. Wilson
REGISTER OF DEEDS - BERTIE COUNTY
By Shamedia K. Williams, Asst.

FOR INFORMATIONAL PURPOSES

D/T /MORTGAGES-----	<u>23</u> @\$6.20=	<u>\$142.60</u>
ADDITIONAL PAGES-----	<u>14</u> @\$0.40=	<u>\$5.60</u>
DEEDS & OTHER INSTRUMENTS-----	<u>136</u> @\$1.94=	<u>\$263.84</u>



NCACC DISTRICT 2
Beaufort, Bertie, Hertford, Martin and Pitt Counties

Representational History

1986-1988	Joseph Spruill, Bertie
1988-1990	Frank Bonner, Beaufort
1990-1992	Claude Odom, Hertford
1992-1994	Dan Bowen, Martin
1994-1996	Kenneth Dews, Pitt
1996-1998	J. Jasper Bazemore, Bertie
1998 – 2000	Frank Bonner, Beaufort
2002-2004	C. Mort Hurst, Martin
2004-2006	Jimmy Garris, Pitt
2006-2008	Lewis C. Hoggard, III, Bertie
2008-2010	Jerry Langley, Beaufort
2010-2012	William Mitchell, Hertford
2012-2014	Ronnie Smith, Martin



Date: July 28, 2014

To: Board of Commissioners, Chair, County Manager and Clerk to the Board

Re: 2014 NCACC District Director Caucuses

The Association's even-numbered Districts will caucus at the 2014 NCACC Annual Conference to select who will represent those districts on the Association's Board of Directors. The caucuses will be held in Windsor A&B at the Renaissance Asheville Hotel on Friday, August 15, at 5:00 p.m.

Beaufort, Bertie, Hertford, Martin and Pitt counties are in District 2. You currently are represented by Ronnie Smith of Martin County on the Association's Board of Directors, who will preside at the Caucus. Martin County's voting delegate or other representative should attend to represent your county. There will be a nominating and election process, and a quorum of representatives from the counties within each district must be present to validate the selection of the caucus. A simple majority vote must also be achieved. The chosen commissioners will each serve a two-year term to conclude at NCACC's annual conference in August 2016. District Directors will be sworn in at the Fall Board of Directors Meeting.

We are attaching a copy of the representational history for your district. Whether your district complies with a rotation agreement is an issue each district decides and enforces for itself.

If you have any questions regarding the District Caucuses or the conference, please contact Todd McGee (919-715-7336 or todd.mcgee@ncacc.org).

This year's conference promises to be a memorable and rewarding experience. I hope to see you there!

David F. Thompson
Executive Director
NC Association of County Commissioners
(919) 715-2893; fax (919) 719-1175
david.thompson@ncacc.org

DFT/sws

Attachment: Representational History 2

Bertie County

Petition

Road Name Change

DRAFT

Procedure for Road Name Changes

1. Applicant must acquire road name petition from the Emergency Management Office.
2. Petitions must be returned to the Emergency Management Office.
 - a. A public hearing will be held upon receipt of the application.
3. Petitions should carry the names of at least eighty percent (80%) of the land owners on the road.
 - a. Property owners are defined as those persons owning parcel/s which touch or have their only access to the road as mapped by the Bertie County Tax Department, Mapping Division. (Property owners whose access to the public road is via a named private lane are not property owners as defined herein.)
 - b. Property owners may be limited to one (1) signature when more than one owner is involved.
 - c. When more than one parcel appears on a road owned by the same person's, one signature will be allowed.
4. The County will present to the fire department/s. The department shall recommend approval or disapproval; reason/s for such action must be stated.
5. The cost incurred in changing road name shall be paid by the property owners affected by the change. A responsible party must be identified at the time of petitioning. The cost shall be one hundred dollars (\$100.00) plus eighteen dollars (\$18.00) per sign required.

ROAD NAME PETITION

Number _____

Filed _____

Bertie County Emergency Management
PO Box 530
Windsor, NC 27983
(252) 794-5300

It is the goal of Bertie County to name it's roads, lane, and avenues for the purpose of addressing residential and commercial property. This is done to aid emergency response personnel (fire, Law Enforcement) in locating these parcels with the least amount of time delay. Name requested should represent that which it has been known by the people and emergency service responders of the area.

The General Statues of the State of North Carolina, GS 153A-240, authorizes the Bertie County Board of Commissioners to name or rename any public road within the County and not within a city. This will be done at any given time that an application has been received and reviewed.

It is the goal of Bertie County to prevent and eliminate road name duplication, or names that are similar to existing road names.

We, the undersigned, present this petition and request that action be taken administratively or a public hearing be called by the Bertie County Board of Commissioners to consider the following matter indicated by a check mark (✓) and described below.

() Assignment of a name to an unnamed road.

() Changing the name of a road.

LOCATION OF ROAD

Described location in relation to major highways or state roads:

FIRE DISTRICT/S

If in more than one fire district, list all of them:

CITIES AND TOWNS WITHIN FIVE MILES OF ROAD

Please include all cities and towns and indicate why county (if outside of Bertie):

----- **COUNTY USE ONLY** -----

Number of property owners along the road _____.

Number of property owners in support of the petition _____.

Number of non-property owners in support of the petition _____.

Percentage of property owners signing the petition _____%.

Administrative Action:

Board Action:

ROAD NUMBERS

(SR & four digits) SR _____

(Highway Number) N.C. # _____ U.S.# _____

No number ()

PRESENT NAME OF ROAD

Name or names by which the road is known (if the road has no name, write "no name"):

RESPONSIBLE PERSON

Name of person to pay for change, including map changes and signs:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Estimated cost: _____

FIRE DEPARTMENT(S)

Fire Department Name: _____

Check One: _____ Approved _____ Not Approved

If not approved, give reason/s below:

Signature: Chief _____

Secretary _____

Fire Department Name: _____

Check One: _____ Approved _____ Not Approved

If not approved, give reason/s below:

Signature: Chief _____

Secretary _____

==>

Dealer: F21635

2015 F-SERIES SD

Page: 1 of 1

Order No: 0100 Priority: J3 Ord FIN: QQ824 Order Type: 5B Price Level: 515

Ord PEP: 600A Cust/Flt Name: BERTIE EMS PO Number:

RETAIL

RETAIL

W2B F250 4X4 CREW/C \$37440

JOB #1 BUILD

156" WHEELBASE

10000# GVWR PKG

Z1 OXFORD WHITE

SPARE TIRE/WHL3 NC

1 CLTH 40/20/40 315

525 CRUISE CONTROL 235

S STEEL

12.5K TRLR HTCH NC

600A PREF EQUIP PKG

TELE TT MIR-PWR

.XL TRIM

JACK

.TRAILER TOW PKG

SP DLR ACCT ADJ

572 .AIR CONDITIONER NC

SP FLT ACCT CR

.AM/FM STER/CLK

FUEL CHARGE

996 .6.2L EFI V8 ENG NC

B4A NET INV FLT OPT NC

44P 6-SPD AUTOMATIC NC

DEST AND DELIV 1195

TBK .LT245 BSW AS 17

TOTAL BASE AND OPTIONS 40680

X3E 3.73 ELOCKING 390

TOTAL 40680

90L PWR EQUIP GROUP 1105

THIS IS NOT AN INVOICE

F1=Help

F2=Return to Order

F3/F12=Veh Ord Menu

F4=Submit

F5=Add to Library

S099 - PRESS F4 TO SUBMIT

QC06614

\$ 26,600 plus Any state and government fees

↳ Ricky Clough

Capital Ford, Inc. Government Sales

6/25/14

Bertie County Emergency Services

Matt Leicester

2015 Ford F250 4x4 Crew Cab Short Bed
Oxford white exterior
Steel gray cloth 40/console/40 front seat
Vinyl floor covering (carpet not available on XL trim)
Trailer tow package
Air conditioner
AM/FM stereo/clock
6.2L V8 gasoline engine
6-speed automatic transmission
LT245 BSW AS tires
3.73 regular axle
Power windows/locks/mirrors
10,000 # GVWR
Spare tire/wheel
Cruise control
12.5K trailer hitch
Jack

\$26,100.00 (long bed add \$300.00)

Tom Lowe
Capital Ford, Inc.
Government Sales Manager



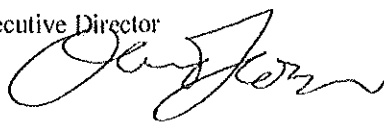
N O R T H C A R O L I N A
A S S O C I A T I O N O F C O U N T Y C O M M I S S I O N E R S

TO: Commissioners, County Managers, Clerks and Affiliate Organization Presidents

FROM: David F. Thompson, Executive Director

DATE: July 1, 2014

RE: NCACC Legislative Goals Process



It is time to begin the NCACC legislative goals development process for the 2015-16 biennium and we are inviting all counties to submit their legislative proposals to the Association. The NCACC goal setting process is open, inclusive and deliberative and is designed to give all 100 counties a voice in developing the Association's legislative agenda.

Before each biennial session of the General Assembly counties submit their proposals to the Association and then commissioners from all across the state review, debate and ultimately approve a comprehensive goals package. When working on legislation that may impact counties, policy makers appreciate that all 100 counties have had an opportunity to be involved in our process. A significant value of the Association is being able to speak with one voice representing all 100 counties. This process allows us to have that impact.

Discussion by your Board of potential goals and receipt of your proposals is critical to the success of our process. Attached is a form for submittal of 2015-16 legislative goals proposals.

When submitting your goals, please keep in mind the following:

- Complete the accompanying goal proposal form.
- Goals may be submitted in any of the following formats: a resolution approved by the Board of Commissioners, a letter from the Chairman of the Board on behalf of the entire board, or by letter from an affiliate organization.
- Proposed goals received on or before September 19 will be referred to the appropriate steering committee for review and consideration.

Included in this package is the 2014 NCACC Legislative Goals Handbook. This handbook includes information about rules, procedures and guidelines for the legislative goals adoption process. Please note the following schedule for your planning purposes:

Legislative goals development timeline

- Sept. 19, 2014 Goals submission deadline
- Sept. - Oct. Steering committees review goals
- November Legislative Goals Committee meets
- December Board of Directors reviews and finalizes recommendations
- January 15-16, 2015 Legislative Goals Conference, membership approval of goals

If you have any questions, please do not hesitate to contact me or Johanna Reese, NCACC Director of Government Relations.

100 Counties



One State

2015-16 biennium

LEGISLATIVE GOALS PROPOSAL FORM

All proposals due to NCACC by Sept. 19, 2014

Mail to: NCACC, Attn. Johanna Reese, 215 N. Dawson St., Raleigh, NC 27603;

E-mail form and documentation to: ncacc@ncacc.org

Fax to: (919) 733-1065

You may attach additional documentation that supports or explains the goal in further detail. Each form must be accompanied by at least one of the following:

- An adopted resolution by the Board of Commissioners;
- A letter from the Board Chairman on behalf of the Board;
- A letter from the president of an affiliate organization;

Date:

Name of county:

Name and title of person submitting goal:

Phone:

E-mail:

Goal title:

Goal description (what is the problem being addressed?):

County staff contact if other than submitter:

Legislative Goals Timeline

Sept. 19: Deadline for submission of proposals

September/October – Steering Committees review goals

November: Legislative Goals Committee review steering committee recommendations

December: Board of Directors finalizes package to be presented to full membership.

Jan. 14-15, 2015: Membership adopts goals at Legislative Goals Conference in Moore County.

Select Steering Committee(s)

You may choose more than one

Agriculture

Environment

General Government

Health & Human Services

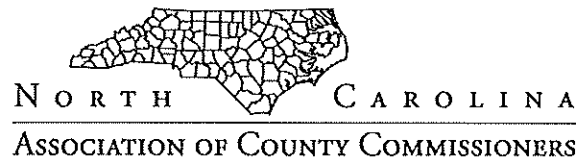
Justice & Public Safety

Public Education

Tax & Finance

You may also submit goals online – please visit

<http://www.ncacc.org/submitgoal>



LEGISLATIVE GOALS HANDBOOK

FALL 2014

THIRD EDITION

THE NCACC LEGISLATIVE GOALS PROCESS

Mission Statement

The Association's Legislative Goals process is thoughtful, deliberative, inclusive and fair. The investment of time and energy, and value of full discourse, strengthens our Association as we navigate the legislative currents. The process is designed to create an informed grassroots organization and to build a cohesiveness of purpose within the organization that, in turn, grants a degree of credibility to the Association that is unique. All counties and all county officials are invited and encouraged to participate in the Legislative Goals process.

CONTENTS

This handbook is intended to offer the reader an overview and guidance about the rules and processes used to develop the legislative agenda of the North Carolina Association of County Commissioners. Information is presented in a format that tracks the chronological course of action for the goals adoption process.

Page 6	Background & 2015- 2016 Timeline
Page 7	Stage 1 - Seeking Goal Proposals
Page 8	Stage 2 - Steering Committee Review
Page 10	Stage 3 - Legislative Goals Committee
Page 11	Stage 4 - Board of Directors Consideration
Page 12	Stage 5 - Legislative Goals Conference
Page 14	Guidance Outside of Legislative Goals Process

Background and 2015-16 Timeline

Every two years, in the months preceding a long session of the General Assembly, the North Carolina Association of County Commissioners engages in a process to determine the legislative goals it should seek in the best interest of the counties. The process is thorough, deliberative, and time intensive. It is designed to allow for input from as many county commissioners and other county officials as possible. By maximizing participation from so many of the organization's members, it is possible to reach agreement on goals that are important to all members of this diverse organization.

The NCACC goals-setting process begins in July of each even-numbered year and consists of five stages. These stages are described in detail in this handbook.

Below is the recommended timeline for the 2015-16 legislative goals process:

Legislative Goals Process Timeline	
When	What
July - September	Submission of county goal proposals
September - October	Steering committees review goals
November 18,19, 20	Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors
December	Board of Directors finalizes package to be presented to full membership
January 15-16, 2015	Membership adopts goals at Legislative Goals Conference

Stage 1 - Seeking Proposed Goals (July - September)

The Association's goals-setting process begins with an effort to elicit proposals that members think should be part of the county legislative "package" for the upcoming legislative biennium. Through CountyLines, e-mail communications and other means, the Association solicits proposals from county boards of commissioners. Suggested goals can be submitted via adopted resolutions from full boards, from the Board Chairmen via letter on behalf of the full boards, and from affiliate and related county organizations (which are groups of county officials/staff organized by function) via a letter from those organizations' presidents.

Presently, the following organizations are included as Affiliate and Related organizations:

Affiliates

- Association of North Carolina Boards of Health
- Human Resources Directors' Association of North Carolina Counties
- N.C. Association of Assessing Officers
- N.C. Association of County Boards of Social Services
- N.C. Association of County Attorneys
- N.C. Association of County Clerks to the Board
- N.C. Association of County Directors of Social Services
- N.C. Association of County Finance Officers
- N.C. Association of Emergency Medical Services Administrators (NCAEMSA)
- N.C. Association of Local Health Directors
- N.C. Association of Registers of Deeds
- N.C. Tax Collectors' Association

Related Organizations

- NCACC Board of Trustees
- Joint Regional Forum
- N.C. City/County Managers Association
- N.C. Association of County Department of Social Services Attorneys

The Association intentionally casts a wide net to encourage inclusiveness and full membership participation. Discussion and action on proposed goals by full boards of commissioners is requested because this interaction contributes to the deliberative process and builds consensus.

Counties are provided a form on which to submit proposed goals. This streamlines the internal processing of proposals. Forms can be requested by contacting the Association office or can be accessed on the NCACC website at www.ncacc.org. A sample form is included in the Appendix of this handbook. Goals may also be submitted via the NCACC website.

Stage 2 - Steering Committee Review (September – October)

The Steering Committee Review is the first step in our legislative goals development process. The Association has seven Steering Committees, organized by subject matter. These are permanent, standing committees. Membership on the Steering Committees is open to any county official – elected, appointed or administrative; chairs are appointed by the Association President following each annual conference. The Steering Committees are:

- Agriculture
- Environment
- General Government
- Health and Human Services
- Justice and Public Safety
- Public Education
- Taxation and Finance

Proposed goals are sorted according to subject matter by NCACC staff and referred to the appropriate Steering Committees for review. A goal may be assigned to a “lead” steering committee that will take action on the goal, but the same goal may also be assigned to a secondary steering committee for the purpose of receiving “comments only.” The intent of this process is to allow for the issues raised in a proposed goal that may bridge two or more subject matter areas, to receive greater review and opportunity for committee input. The comments will be sent to the Legislative Goals Committee for their review. Steering Committees may hear from county officials who submit goal proposals and also may review staff research and analysis. The participation of county staff on Steering Committees provides professional expertise that can be critically important when Steering Committees deliberate. Though staff expertise is critical, particularly at this early stage, as the goals-setting process moves forward elected county commissioners will ultimately decide the legislative goals package.

During the goal-setting process the steering committee members are asked to make specific recommendations and take action on each submitted goal. Committee actions include, but are not limited to:

- Favorable – A goal is approved to send to the Legislative Goals Committee for further discussion and consideration.
- Amend – The committee may revise or amend a proposal.
- Unfavorable – The committee declines to send the goal forward.
- Forward Without Prejudice – The Committee has no opinion on the proposal, but wants the Legislative Goals Committee to consider it.
- Needs Further Study – The Committee has insufficient information to make an informed decision and requests that the sponsors either do further research or bring back answers to particular questions at a later date.

In addition to considering proposed goals submitted by counties and partner organizations, the Steering Committees review goals from the previous legislative session to determine whether they are still relevant and should be continued. The committees are also

empowered to develop their own suggested goals when needed. Each committee submits its proposed goals to the Legislative Goals Committee.

Guiding Principles Review

The Steering Committees also review the Association's subject area guiding principles. The guiding principles are general declarations of ongoing positions that give guidance on broad policy objectives, such as "no mandates without funding." These statements also guide the staff in dealing with unanticipated issues that arise in the legislative context or that affect the counties in other ways, as with proposed administrative rules and regulations or state agency policies.

Because the Steering Committees are ongoing and have broad member participation, they are a critical first step in the Legislative Goals development process. The committees meet quarterly and are available to review legislation during the legislative session; they are used to guide unanticipated legislative action and to recommend any actions that might be advisable to the NCACC Board of Directors for formal consideration and action. This issue is described in greater detail in a later section included in this handbook.

Stage 3 - Legislative Goals Committee (November)

The Legislative Goals Committee is a non-standing committee. The committee membership is traditionally no more than 35 members. It is newly appointed every two years and meets as needed. Members are selected to assure balance with respect to political affiliation, county population, race, gender and other demographic characteristics. Two co-chairs, a Republican and a Democrat, are appointed by the NCACC President to lead the Legislative Goals Committee.

The members of the Legislative Goals Committee include:

- Legislative Goals Committee Chairs
- Steering Committee Chairs
- The NCACC Board of Trustees Chair or their designee
- An elected commissioner from each of the Association's 18 districts
- Other members as appointed by the President.

The Legislative Goals Committee reviews the recommendations of the Steering Committees. Steering Committee chairs present their committees' recommendations and relay the committee discussion regarding each proposal. The county officials who want to advocate for their proposals are allowed to make presentations to the Legislative Goals Committee. The committee may also review research and analysis related to the proposals provided by NCACC staff.

The Legislative Goals Committee may and is encouraged to narrow the list of proposals; it also reconciles conflicts or duplication between steering committee recommendations, and prioritizes its recommendations. The Goals Committee may rank goals in a priority order and may also select a limited number of priority goals to assist in focusing the Association's legislative efforts. The proposals and guiding principles are then submitted to the Board of Directors for consideration.

Core Values Statement Review

The Goals committee is also charged with reviewing the Association's core value statement. This statement provides fundamental policy guidance with regard to the Association's advocacy efforts. The Goals committee may review, evaluate and make suggested changes to periodically update these core values to recognize changing advocacy environments. The Committee shall include the core values statement along with its recommendations to the Board of Directors for inclusion in the goals package to be presented to the full membership.

Stage 4 - Board of Directors (December)

As the Association's goal-setting process moves forward, the elected county commissioners become more involved in the decision-making process. The Board of Directors is almost exclusively elected commissioners, with the one exception of a non-voting county manager.

At its December meeting, the Board reviews the recommendations of the Legislative Goals Committee. As at earlier stages of the process, the Board may hear presentations, review research and analysis, add, delete or amend proposals, the core values and guiding principles statement.

The Board gives final approval to a package of goals proposals, Association core values, and guiding principles that are to be voted on by the full membership at the Legislative Goals Conference in January. By taking this action in December, the individual county boards of commissioners have time and opportunity for a full review prior to the conference.

Stage 5 - Legislative Goals Conference (Jan. 15-16, 2015)

The final stage of the Association's Legislative Goals process is the Legislative Goals Conference, to which all Association members are invited. Historically, more than 85 counties are represented, exemplifying an outstanding degree of interest and participation. The conference is spread over a day and a half, assuring time for thorough discussion, deliberation and debate. In recognition of the need to involve newly elected commissioners in the process, the Board appoints a Screening Committee to receive any new proposals that have not been through the development process by this stage. This process is discussed in greater detail below.

The goals conference is conducted according to rules designed to encourage participation, to provide a balance between inclusiveness and respect for the process and efforts of the committees and the Board up to this point. In the past, the conference started with a pre-lunch nonvoting discussion of the proposed goals. This allows commissioners not previously involved in the deliberations, particularly newly elected commissioners, to familiarize themselves with the issues. Goals Committee Chairs, Steering Committee Chairs, and NCACC staff review the proposed goals and answer questions raised by attendees.

A luncheon is held for attendees and a guest speaker (usually an elected state leader) will address the membership regarding the current state of the legislative climate.

After the lunch program, the conference officially is convened by the Association President. It is recommended that the voting process be reviewed with voting delegates in advance of official voting.

Goals Voting Process and Procedures

- Prior to the conference:
 - The NCACC staff shall coordinate with the President, the Goals Chairs and the Parliamentarian to review the voting process and procedures.
 - Every member county appoints a voting delegate. A letter requesting notification of the county's voting delegate shall be sent from the Association to each county.
- At the conference:
 - There shall be a process by which voting delegates register to obtain appropriate voting credentials.
 - Every county in attendance has one vote. The voting delegate can be any county official, including non-elected officials, and a county may choose an alternate. No proxies are allowed.
 - Goals are presented en bloc by each steering committee subject category. Goals Committee Chairs present the goals to the membership. The Association President or presiding officer is responsible for action.
 - All motions shall be ruled upon by the Association President or presiding officer.

- The President of the North Carolina Association of County Commissioners shall appoint a parliamentarian for the conference.
- Upon motion of any voting delegate, any individual goal proposal can be set aside for detailed discussion.
- Majority votes are required to approve or alter the proposed goals.
- Pursuant to Article VIII, Section Three of the NCACC Constitution the latest edition of Robert's Rules of Order shall be the parliamentary authority on questions not covered by the Constitution or by this handbook.

Screening Committee Process

The Association adopted a Screening Committee process to allow for consideration of new goals or proposals previously presented but not approved. The Screening Committee is composed of the Legislative Goals Committee chairs and the seven Steering Committee chairs. The Screening Committee meets at the end of the first day of the conference to review and hear presentations on submitted proposals.

Rules for the Screening Committee process are as follows:

- Any new or previous goal proposal must be submitted by 1 p.m. on the first day of the conference.
- Goals approved and recommended by the Screening Committee are brought to the floor for consideration by the voting delegates on the second day of the conference. A majority vote of the delegates is required for approval.
- Any proposal not approved by the Screening Committee can only be brought to the floor for consideration upon a vote of two-thirds of the number of voting delegates present at 2 p.m. on the first day of the conference. (NOTE: This requirement recognizes that by the end of the second day, voting delegates may leave, and it protects the members from having their goals process circumvented by what could be a relatively small number of delegates.)
- The Screening Committee has the authority to request a Steering Committee to give further study to newly proposed ideas. Any Steering Committee recommendations that derive from this kind of study can be presented to the Board of Directors for consideration at a later date.

Conclusion

All goals and policies approved at the Legislative Goals Conference are included in the official NCACC Legislative Goals package. The official document containing the Association's core values, legislative goals and guiding principles shall be mailed to all 100 counties and presented to each member of the North Carolina General Assembly, to the Governor, and to other executive branch leaders.

Guidance Outside of Legislative Goals Process

Throughout the legislative biennium, new issues will arise that were not anticipated or considered during the organization's legislative goals process. The Association Steering Committees have the authority and responsibility to study new issues, to research and analyze the effect or implications of proposed legislation, and to make recommendations to the Board of Directors. Any such action is communicated on a regular basis to the Association members through the web-site, through CountyLines, and through other means as needed.

Upon recommendation of the Legislative Goals Committee Chairs, the committee may meet between the legislative long and short sessions, to review goal progress and make suggestions to the Board of Directors related to goal priorities, especially given an ever-changing legislative environment.



2015-16 biennium

LEGISLATIVE GOALS PROPOSAL FORM

All proposals due to NCACC by Sept. 19, 2014

Mail to: NCACC, Attn. Johanna Reese, 215 N. Dawson St., Raleigh, NC 27603;

E-mail form and documentation to: ncacc@ncacc.org

Fax to: (919) 733-1065

You may attach additional documentation that supports or explains the goal in further detail. Each form must be accompanied by at least one of the following:

- An adopted resolution by the Board of Commissioners;
- A letter from the Board Chairman on behalf of the Board;
- A letter from the president of an affiliate organization;

Date:	Name of county:
Name and title of person submitting goal:	

Phone: _____	
E-mail: _____	
Goal title: _____	
Goal description (what is the problem being addressed?):	

SAMPLE	

County staff contact if other than submitter:	

Legislative Goals Timeline

Sept. 19: Deadline for submission of proposals

September/October – Steering Committees review goals

November: Legislative Goals Committee review steering committee recommendations

December: Board of Directors finalizes package to be presented to full membership.

Jan. 14-15, 2015: Membership adopts goals at Legislative Goals Conference in Moore County.

Select Steering Committee(s)

You may choose more than one

- Agriculture
- Environment
- General Government
- Health & Human Services
- Justice & Public Safety
- Public Education
- Tax & Finance