

Bertie County Board of Commissioners



October 5, 2015
2:30pm

Chairman	Ronald "Ron" Wesson	District 1
	Stewart White	District II
Vice Chairman	Tammy A. Lee	District III
	John Trent	District IV
	Ernestine (Byrd) Bazemore	District V

BERTIE COUNTY BOARD OF COMMISSIONERS

October 5, 2015
Meeting Agenda
Windsor

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.

2:30 Closed Session - N.C.G.S. § 143-318.11(a)(4) – Economic Development

4:00-4:05 Call to Order and Welcome by Chairman Wesson (Commissioners Room, Windsor)

4:05-4:10 Invocation and Pledge of Allegiance by Vice Chairman Lee

4:10-4:25 Public Comments *(3 minute limit per person)*

(A)

***** APPOINTMENTS *****

4:25-4:35 Emergency Services Director, Mitch Cooper – present post-storm evaluation

4:35-4:45 Board of Elections Update – review of proposed 2016 primary election dates and revised filing period, plus reminder of pending municipal elections by Carol Woodard, Chair, Board of Elections

4:45-4:55 Agency program update by Teresa Cole, Director of the Albemarle Regional Library System

4:55-5:05 Agency program update by Bobby Williams, Site Manager of the Hope Foundation

Board Appointments (B)

1. Latest Board vacancy advertisement in Bertie-Ledger Advance
2. Jury Commission
3. Planning Board

Consent Agenda (C)

1. Accept Register of Deeds Fees Report – September 2015
2. Approve minutes for Work Session 9-21-15
3. Approve minutes for Regular Session 9-21-15
4. Approve minutes for Joint Meeting 9-24-15
5. Accept ROAP agreement documents – Council on Aging

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

Discussion Agenda (D)

1. Sheriff’s Department
 - a. Part-time pay proposal to establish hourly rate of \$15.00
 - b. Relocation update
2. Cooperative Extension staffing continuity recommendation and salary funding formula for pro-rated annual across the board increases and longevity pay
3. Recreation Department – handicap accessible playground project update – Donna Mizelle
4. Discuss proposed date for Employee Appreciation Luncheon – Thursday, December 3, 2015
5. Discuss and consider approval of revised Travel Reimbursement Policy

Commissioners’ Reports (E)

County Manager’s Reports (F)

County Attorney’s Reports (G)

Public Comments Continued

(3 minute limit per person)

Closed Session

Pursuant to N.C.G.S. § 143-318.11(a)(3) to go into closed session to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body.

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 approves 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.

Pursuant to N.C.G.S. § 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Pursuant to N.C.G.S. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of employment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Adjourn



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: --- 2:30pm

DEPARTMENT: N/A

SUBJECT: Closed Session - N.C.G.S. § 143-318.11(a)(4) – Economic Development

COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

It is requested that the Board go into 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 approves 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.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: N/A

Bertie County

Board of Commissioners



October 5, 2015

4:00pm

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BERTIE COUNTY BOARD OF COMMISSIONERS

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Adjourn



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: A-1

DEPARTMENT: Emergency Services

SUBJECT: Emergency Services Director, Mitch Cooper – present post-storm evaluation

COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

FYI; no action needed.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: N/A



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: A-2

DEPARTMENT: Elections

SUBJECT: Board of Elections Update – review of proposed 2016 primary election dates and revised filing period, plus reminder of pending municipal elections by Carol Woodard, Chair, Board of Elections

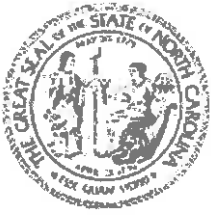
COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):
FYI; no action needed. This is a State mandate.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: N/A



HOUSE BILL 373: Elections

2015-2016 General Assembly

Committee:		Date:	September 23, 2015
Introduced by:	Reps. Riddell, Whitmire, Brockman, Iler	Prepared by:	R. Erika Churchill, Kara McCraw, and Kelly Tornow
Analysis of:	Conference Report		Committee Counsel

SUMMARY: *The conference report for House Bill 373 establishes procedures for the conduct of the 2016 primaries, including the presidential preference primary, and allows for the creation of an affiliated party committee under the campaign finance regulations.*

CURRENT LAW & BILL ANALYSIS:

Section 1 – Presidential Preference Primary: Article 18A of Chapter 163 establishes the Presidential Preference Primary Act. The presidential primary is held in presidential election years on the Tuesday after the first Monday in May, unless South Carolina holds its presidential primary before the 15th day of March. In that case, the North Carolina presidential preference primary is held on the Tuesday after the first South Carolina presidential preference primary of that year.

Section 1 of the conference report moves the date of the presidential preference primary to March 15, 2016. Requirements for the process and conduct of the election, including eligibility and qualification of voters, nominating process, voting process, and delegation process, remain as provided in Article 18A, with the following changes:

- The State Board of Elections (SBE) must receive lists of presidential candidates from the chair of each political party for nomination by December 16, 2015. The SBE must meet on January 5, 2016, to nominate candidates.
- Nominating petitions must be received by the SBE by January 4, 2016.
- The candidate receiving the highest number of votes in the presidential preference primary of each party will be nominated. Each political party must require the delegate positions appointed by that party to support the candidate certified as receiving the highest number of votes until one convention nominating ballot has been taken at the 2016 national party convention, unless that candidate has withdrawn from the race and has ceased to actively seek election to the office of President of the United States in more than one State at the time the first convention nominating ballot is taken at the 2016 national party convention.
- The State chair of each political party must notify the national committee no later than December 10, 2015, of the provisions contained in the conference report for HB 373.

Section 2 – General Primary Date: Article 1 of Chapter 163 provides for the time of primaries and elections. The general primary date is the Tuesday after the first Monday in May before each general election held in November.

Section 2 of the conference report moves the date of the primary election to March 15, 2016. Requirements for the process and conduct of the election remains the same, with the following changes:

O. Walker Reagan
Director



Research Division
(919) 733-2578

House Bill 373

Page 2

- Reduces the time that a candidate must be affiliated with a political party before filing as a candidate in a party primary for that party from 90 days to 75 days.
- Moves the filing period from noon on the second Monday in February through noon on the last business day in February to noon on Tuesday, December 1, 2015, through noon on Monday, December 21, 2015.
- Requires a candidate's statement of economic interest to be filed with the State Ethics Commission by February 1, 2016.
- Requires that the first quarter campaign finance reports are due Monday, March 7, 2016, and include the period through February 29, 2016 and that the report for the second quarter also covers March 2016.
- Sets the date of to May 24, 2016 (May 3, 2016, for office of U.S. Senate or U.S. House of Representatives). This conforms with existing law, which provides that any potential second primary is to be held 7 weeks after the first primary (10 weeks for office of U.S. Senate or U.S. House of Representatives).
- Provides that any special election authorized by statute or local act that is set for May 2016 must be placed on the ballot on March 15, 2016, unless the unit of government calling the special election affirmatively changes the date for the special election to another date in accordance with current law.

Section 2 also allows the SBE to issue temporary orders in order to accommodate the scheduling of the 2016 primary date to March 15, 2016. The temporary orders would only be effective for the 2016 primary elections, would expire 10 days after the final certification of all 2016 primary elections, and would not be rules subject to the provisions of the Administrative Procedure Act.

Section 3 – Affiliated Party Committees: Section 3 allows the leader of each political party caucus of the House of Representatives and Senate to establish a separate, affiliated party committee to support the election of candidates of that leader's political party. Each affiliated party committee must adopt bylaws, conduct campaigns for candidates who are members of the leader's political party or manage daily operations of the affiliated party committee, establish a bank account, and raise and expend funds at the authorization of the leader of the affiliated party committee. The "leader" means the currently elected President Pro Tempore of the Senate, the currently elected Speaker of the House of Representatives, or the currently elected minority leader of either house, until another person is designated by a political party caucus of members of either house to succeed one of those positions, at which time the newly designated person becomes the leader of that committee.

An affiliated party committee would be treated like a political party for purposes of the campaign finance laws. Under current law, the contribution limitation of \$5,100 per election per individual does not apply to a political party, and political parties may accept contributions from registered lobbyists. For limited purposes, if the funds are segregated, a political party may accept contributions from corporations, which other political committees may not do. By definition, a political action committee excludes a political party.

EFFECTIVE DATE: Sections 1 and 2 of this act are effective when this act becomes law and apply only to the 2016 primary cycle. The remainder of this act is effective when it becomes law and applies to contributions and expenditures made on or after that date.



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: A-3

DEPARTMENT: N/A

SUBJECT: Agency program update by Teresa Cole, Director of the Albemarle Regional Library System

COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):
FYI; no action needed.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: This is a part of the Board's recent initiative to secure programmatic updates from the various agencies, boards, and committees who currently receive Bertie County resident appointments, or who receive funding from the County.



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: A-4

DEPARTMENT: N/A

SUBJECT: Agency program update by Bobby Williams, Site Manager of the Hope Plantation

COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):
FYI; no action needed.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

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Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: B-1

DEPARTMENT: N/A

SUBJECT: Latest Board vacancy advertisement in Bertie-Ledger Advance

COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF NEEDED ACTION(S):

FYI; no action needed.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: No

ITEM HISTORY: N/A

The Bertie County Board of Commissioners is accepting applications for the following openings on boards/commissions/committees. Copies of the application to serve and appointment policy can be picked up at the **County Manager's Office, 106 Dundee Street, Windsor, NC 27983** and are also available on the web at www.co.bertie.nc.gov.

Immediate Openings

Applications due by April 30, 2015

Board/Commission/Committee	Positions Available	Position Requirement
Planning Board	3	At-Large, Roxobel/Woodville, and Merry Hill/Whites
Workforce Development	1	Private Sector
Nursing Home/Adult Care CAC	2	N/A
Joint Community Advisory Board		
Child Fatality Prevention/Community	1	N/A
Child Protection Team		
CADA of NC, Inc.	1	N/A
Albemarle Regional Library Board	1	Must serve on the Sallie Harrell Jenkins Library Board
Lawrence Memorial Library Board	1	N/A
Northeast Tourism Development	1	N/A
Jury Commission	1	N/A

Upcoming Appointments by Month

November 2015

Applications due by October 26, 2015

Board/Commission/Committee	Positions Available	Position Requirement
BM Regional Jail	2	N/A

December 2015

Applications due by November 23, 2015

Board/Commission/Committee	Positions Available	Position Requirement
CADA of NC, Inc.	1	N/A
Economic Development Board	3	N/A

March 2016

Applications due by February 22, 2015

Board/Commission/Committee	Positions Available	Position Requirement
Nursing Home/Adult Care CAC	1	N/A
Joint Community Advisory Board		



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: B-2

DEPARTMENT: N/A

SUBJECT: Jury Commission

COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF NEEDED ACTION(S):

FYI; no action needed.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: No

ITEM HISTORY: N/A



State of North Carolina
General Court of Justice

CLERK OF SUPERIOR COURT

BERTIE COUNTY

PO BOX 370

WINDSOR, NC 27983

(252) 794-6800

VASTI F. JAMES, CLERK

EX OFFICIO JUDGE OF PROBATE

CY A. GRANT

RESIDENT JUDGE

September 29, 2015

Mr. Scott Sauer
Bertie County Manager
PO Box 530
Windsor NC 27983

Re: Jury Commission

Dear Mr. Sauer,

It is time to again appoint members of the Bertie County Jury Commission. North Carolina General Statute 9-1 calls for one member to be appointed by the County Commissioners. Mr. Herman Davidson has been the appointee of the Bertie County Commissioners for a number of years. I have spoken with Mr. Davidson and he does not wish to be reappointed.

Please bring this matter to the Commissioners' attention as soon as possible and have them appoint a new Commissioner to fill Mr. Davidson's position, as I would like to begin the preparing of the jury list as soon as possible.

Thank you for your attention to this matter.

Sincerely,

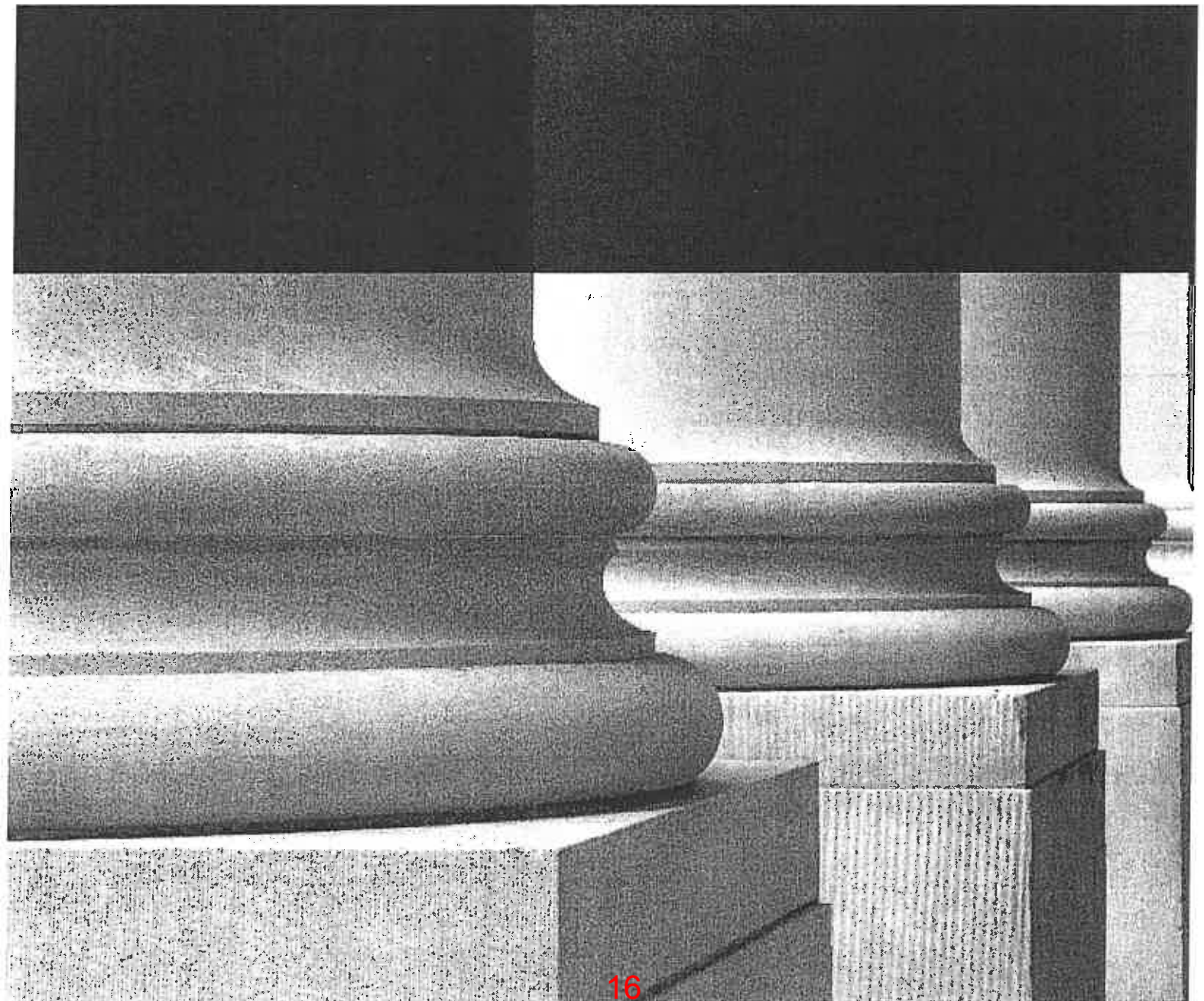
Vasti F. James
Bertie County Clerk of Superior Court



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

**A Manual for North Carolina Jury Commissioners and
Clerks of Superior Court
Fifth Edition**

August 2013
Court Services Division



Chapter 1 Introduction and History

Introduction

This document describes the legal obligations of a county jury commission in fulfilling its duty to prepare a master jury list for the county. Hyperlinks to the statutes that relate to this duty, the majority of which are found in Chapter 9 of the North Carolina General Statutes (G.S.), are located in Appendix A. The statutes referenced in Appendix A or cited in the text of this manual are those in effect on August 15, 2013. Appendix B summarizes the duties that the statutes impose on local officials who play a role in the jury administration process. Each commissioner should carefully study the relevant portions of G.S. Chapter 9. This manual is intended *only* as a supplement to that material; it is not meant to be a replacement for the statutes.

History

Impartial juries are the foundation of the American system of justice because they are composed of ordinary citizens who are selected randomly to help resolve legal disputes. In North Carolina, jury trials may be held in civil district and superior court, criminal superior courts and some special proceedings. It is the responsibility of a three person panel in each county, known as a jury commission, to prepare the list of county residents who are eligible to serve as jurors in the North Carolina trial courts. Therefore, the work of a county jury commission is vital to ensure the public's trust in the impartiality of the North Carolina jury lists.

When a person is summoned for jury service, one of their first questions is often, "How did I get selected?" Prior to 1983, there were no standardized sources from which names were drawn for inclusion in the master jury list. Some counties relied solely on property tax lists. In the past, this resulted in the inclusion of only citizens that owned property, which were generally the more wealthy citizens. Some counties used the "key man" system by which community leaders would provide the court with the names of local residents whom they believed would be reliable jurors. Such lists seldom constituted a "jury of one's peers." When only these sources were used, jurors were rarely from racial minorities or less prominent socio-economic classes, and they tended to be all males. In fact, only in 1975 did the United States Supreme Court mandate the nationwide inclusion of women on state jury lists.

In 1983, the North Carolina General Assembly enacted major changes to the jury statutes, including the requirement that the names of jurors be randomly drawn from two source lists: those registered to vote in the county and county residents who are licensed to drive motor vehicles by the Division of Motor Vehicles (DMV). It is the task of the jury commission, as an independent body, to compile the master jury list, which the courts use to summon eligible citizens for jury service. When this master list is compiled under the strict guidance and oversight of the jury commissioners, the courts are assured of a pool of qualified citizens who are representative of the local community, in the broadest sense and without the systematic exclusion of any class of citizens.

Chapter 2 Jury Commissioners

The vast majority of counties utilize computers in the processing and maintenance of jury lists. Computer automation has greatly increased the ease of list preparation and reduced the time required for assuring a fair, representative list. However, computerized assistance has not decreased the importance of jury commissioners. The jury commissioners' role as the independent, unbiased authorizers of the master list of jurors continues to be vital to the North Carolina Court System.

Composition and Appointment

In each county, there is a jury commission that is made up of a panel of three citizens who serve as jury commissioners, which are appointed positions. The senior resident superior court judge, elected clerk of superior court, and board of county commissioners each appoint one member to serve on the jury commission. The appointee must be a qualified voter in the county where they will serve. The commissioners serve a two year term although they may be re-appointed to an unlimited number of terms.¹ It is the ultimate decision of the official that appointed the commissioner to re-appoint that jury commissioner once his or her term expires.

Orders appointing each commissioner must be completed and filed with the clerk of superior court with other jury documentation discussed in Chapter 6. A vacancy in the jury commission shall be filled in the same manner as the original appointment, for the unexpired term. Unless there are exceptional circumstances, each member of the commission should attend all commission meetings. The North Carolina Supreme Court once approved the actions taken by the two surviving members of a commission after the death of the third member when there was not time to have a replacement appointed.²

Convening the Jury Commission

Typically, the clerk of superior court will set the date for the first meeting of the jury commission once all three commissioners are appointed. As a practical matter, most jury commissions do not convene until late summer or early fall since they will not have received the information required for them to begin their work until that time. However, the clerk may want to convene the jury commission sooner if one or more of the jury commissioners are new appointees in order to orient them to the process or if the clerk deems appropriate.³

Each commissioner must be administered an oath as required by G.S. 9-1, G.S. 11-7, and G.S. 11-11. (See Appendix C for the verbiage of oaths). The administration of the oath is usually done at the first meeting of the commissioners and typically administered by the elected clerk of superior court. These oaths should be filed with the clerk of superior court as a Registration filing.⁴ The commission should then elect a chairperson. A chairperson is not required by law, but having a single commissioner responsible for administrative details may facilitate the commission's deliberations.

¹ When new jury commissioners are appointed, their terms must not overlap. For example, if the previous jury commissioner's term expires June 1, 2012, the new jury commissioner's term must not begin before June 1, 2012.

² *State v. Johnson*, 317 N.C. 343(1986). In this case, the third jury commissioner was murdered days before the commission was to provide the master jury list. This is clearly an extreme case and it is not clear what level of exceptional circumstances is necessary to excuse a commission from meeting with all its members.

³ Training is available through the Court Services Division of the NC Administrative Office of the Courts.

⁴ Rules of Recordkeeping 16.5.

Compensation

Jury commissioners are compensated at a rate determined by each county's board of commissioners, and they are paid from the general fund of the county. Therefore, the amount is not set by statute and may vary by county. Some counties pay the commissioners a daily rate, while others use a daily rate with a maximum allowable amount. Other counties pay a lump sum, regardless of the number of days the commission works. Issues with respect to compensation should be addressed to the appropriate county authorities.

Duties and Deadlines to Complete Work

Computers are increasingly replacing the individual commissioner's knowledge of eligibility as the primary means of assessing potential jurors. Information from databases can now be used to do much of that work. For example, databases can maintain lists of those individuals who have served as a petit juror in the previous two years making them ineligible to serve as a juror for two years from the last date of service. The clerk of superior court or the trial court administrator and their staff provide clerical or other personnel assistance, as the commission may reasonably require, to assist them in accomplishing their duties.

The jury commissioners have three duties:

1. Approve the automated procedures used by the computer in the preparation of the master jury list and those procedures used by the county to randomly select jurors.
2. Determine the number of jurors that will comprise the master jury list that will be used by the county to summon jurors for either a one or two year period (depending on the county's practice).
3. Compile the master jury list by removing disqualified persons from the list.⁵

Most counties operate on a biennium system. This means that the master jury list is prepared for a two year period commonly referred to as the jury biennium. A biennium begins on January 1st of every even numbered year and ends on December 31st of the next odd numbered year. The list should be prepared by December 1st prior to the start of the biennium. For example, for the 2014-2015 jury biennium which would begin January 1, 2014, the list should be finalized by the commission by December 1, 2013. The 2014-2015 jury biennium ends December 31, 2015. However, some counties elect to prepare a master jury list annually. This decision is made by the senior resident superior court judge and is currently only practiced in Cumberland and Mecklenburg counties. Questions about whether a county prepares a master jury list for a biennium or annually should be directed to the clerk of superior court or the trial court administrator (TCA).

⁵ When data processing is used for list preparation, the jury commission's role becomes primarily one of carefully reviewing and approving the procedures to be employed by the computer and determining the number of jurors that make up the master list.

Chapter 3

Sources for the Master Jury List

There are two statutorily required sources that jury commissioners must use when preparing the list of names that will be used to summon jurors. These two lists come from the North Carolina Division of Motor Vehicles (DMV) and the North Carolina State Board of Elections. Although other source lists may be used if decided by the jury commission, the lists provided by these two entities are usually successful in providing a representative sample of the population in any given county since most people are either drivers and/or registered voters. There are two types of lists that jury commissioners should be familiar with for reference purposes: a raw jury list and a master jury list. The raw jury list is the combined list of voters and drivers provided to the jury commission by the DMV that the commission will use to create the master jury list. The master jury list is the final list that is used by the clerks of superior court to draw and summon jurors for the next two years (or year, in counties that prepare annual lists). Each agency or entity provides different, yet significant data points to the raw jury list.

State Board of Elections

Pursuant to G.S. 163-82.11(e), the State Board of Elections must assist the DMV in providing the raw jury list to the county jury commission of each county by providing a list of all registered voters in each county to the DMV. Before the State Board of Elections provides this list to DMV, they must remove any registered voter who has been inactive for eight years or more. This is to eliminate voters who may have moved or are deceased. The State Board of Elections may also provide the dates of birth of the registered voters to the county jury commissioners, if requested, to assist them in preparing the master list.

Vital Records, Office of the State Registrar

One of the most sensitive issues faced by the courts when jurors are summoned is the potential for calling someone who is deceased. It is distressing when a grieving family member receives a jury summons for a relative who has died. Since 2007, the State Registrar has been statutorily required to provide to DMV an alphabetical list of all residents of the State who have died in the two years prior to July 1 of each odd-numbered year (or annually if an annual list is prepared under G.S. 9-2). This statutory change was the result of an effort to remove potential jurors that are deceased that may be on the list of drivers and/or voters. The list provided to DMV includes the name, address and date of death of each deceased resident. DMV removes these names from the raw jury list provided to the jury commission.⁶ Despite the best efforts of the State Registrar and the DMV, it is likely that some decedents will appear on the raw and master jury list.

Division of Motor Vehicles (DMV)

For its part of the raw jury list, the DMV uses the names of all persons that are residents of the county, who will be 18 years of age or older as of the first day of the biennium (January 1st of the following year) and licensed to drive as of July 1 of each odd-numbered year. The names of licensed, suspended and cancelled drivers will be included unless they have not had their licenses renewed in eight years or more. This is to prevent summoning jurors that are deceased or have moved out of state. G.S. 20-43.4 specifies that the list must include each person's name, address,

⁶ As a result of S.L. 2012-180, jury commissions will not receive a copy of the list from the State Registrar as they have in past years.

zip code, date of birth, sex, social security number, and driver's license number.⁷ Individuals with state issued identification cards from the DMV are not included on the jury list unless they were a licensed, cancelled or suspended driver in the previous eight years. The list also should not include those who have registered vehicles in the state but are not licensed to drive in North Carolina.

Merging the Source Records

Because many citizens are both licensed drivers and registered voters, they will appear on both the list provided by the DMV and the State Board of Elections. Since 2003, the DMV has been statutorily required to remove duplicate names from the raw jury list before it is sent to the jury commission. This is accomplished using a computer matching method to match all information fields (i.e., name, date of birth, etc.). However, if one or more data fields do not match, a duplicate person may still appear on the raw jury list. For example, if a person appears as Robert M. Smith with a date of birth of 3/15/77 on the State Board of Elections list but a person with the same name has a date of birth of 3/16/77 on the DMV list, the computer will leave both names on the raw jury list. DMV uses this same method to remove the names of decedents, as provided to DMV by the State Registrar, from the raw jury list.

Other Sources

In addition to the source lists discussed above, the jury commission may use any other source of names it deems reliable. Before choosing to supplement the two required lists with a third, the commission should carefully consider whether the additional effort would be justified by the benefit to be gained. Other sources may not be as reliable as the two required lists. The General Assembly deleted the property tax list as a required source mostly because that list is not as reliable as the list of licensed drivers. Furthermore, the list of property owners is not as representative of all elements of the population as is that of licensed drivers and registered voters. In recent practice, no counties have elected to supplement the two required lists.

⁷ In 2007, DMV agreed to eliminate persons without social security numbers on their driving records from the list provided to the jury commission in an effort to eliminate individuals that are not United States citizens from the jury list which would make them ineligible to serve as a juror.



Chapter 4

Determining the Number of Names on the Final Master Jury List

Because the raw jury list is so voluminous, not all of the individuals that are qualified to serve will appear on the final master jury list. Therefore, the jury commission must determine the total number of names necessary for the new master jury list. There is a minimum and maximum number of jurors that can appear on a list. The exceptions are counties that use a one day/one trial system where there is no limit to the number of jurors that can be on the master jury list. Counties that use the one day/one trial system summon a new pool of jurors every day of the week in contrast to counties that summon a pool of jurors for a one week term of court. As a result, counties that summon a new pool daily need more jurors available on the master jury list. Questions about which system a county employs should be directed to the clerk of superior court or trial court administrator.

In those counties that summon jurors for weekly terms (the majority of counties), there is a specific statutory formula that has both a minimum and maximum number of jurors that may appear on the final list. It is unknown why this specific range was established, but it is mandated by law. The jury commission must use this formula to ascertain the number of jurors needed for the master jury list. **Again, it is important to note that counties that employ a one day/one trial system do not adhere to this formula.** To determine the number of names on the master jury list:

1. The clerk of superior court must advise the commission of the number of jurors that have been summoned (not just served) so far during the current biennium (or year) and how many more they expect to summon for the remainder of the year.
2. These numbers must be **added** together.
3. Multiply the total number in Step #2 by a number between one and one-fourth and three to comply with the statutory minimum and maximum multiplier. This could be one and one-half, one and three-fourth, two and one-fourth, etc. The result is the final number of potential jurors that should be on the master jury list. There must be at least 500 names on the final list even if multiplying the total number in Step #2 would yield a smaller number.⁸

If the final list—after removal of the names of disqualified or deceased persons—contains less than three times the number of jurors drawn in the county in the previous biennium, the list is still legal and proper. The master jury list must have at least one and one-fourth times the number drawn in the current biennium *and* at least 500 names. It is important to have a sufficient number of jurors so the jury commission does not have to reconvene to draw more jurors once the biennium has begun. Any sizable error will cost the commissioners time and the county money.

⁸ For example, if 5,000 jurors have been summoned during the current biennium and the clerk of superior court expects to summon 400 more, the jury commission would multiply 5,400 by a number between 1.25 and 3 to obtain the maximum number of names that will be on the master jury list. Ex: $5,400 \times 3 = 16,200$. No more than 16,200 names could be on the master jury list.

Chapter 5

Preparing the Master Jury List

One of the three main duties of the jury commission is to prepare the master jury list by removing the names of jurors that are not qualified for jury service from the raw jury list. Once the raw jury list is received, the jury commission has two options before they begin reviewing the raw jury list. They may either: 1) review the list in its entirety as it was delivered by DMV, or 2) reduce the number of names on the list to make it more manageable. The commission may select the second option but the names they use must be randomly selected.⁹ For example, a raw jury list as prepared by DMV contains 5,000 names. The commission can begin reviewing the 5,000 names on the list to determine qualification. The alternative is to randomly select 3,000 names and determine the qualification of those individuals. If the latter option is selected and the final number on the list does not meet the statutory requirement, the commission must randomly select additional names from the raw jury list and determine their qualification to ensure the minimum number required is met. The option the commission chooses may depend on a number of factors, such as the size of the raw jury list, the number of names that must be on the final master jury list or any time constraints to prepare the master jury list. The sources and procedures document from the previous commission, discussed in Chapter 6, may indicate which practice was used. The clerk of superior court may also be able to provide this information to the commission.

Disqualification Criteria

As mentioned previously, the use of automation has greatly assisted jury commissions in compiling this list. A commissioner's knowledge is no longer the sole method of assessing the eligibility of potential jurors. Although jury commissions may use sources other than their personal knowledge, such as information maintained by the clerk of superior court, the commissioners may not delegate this task to anyone. Delegating this task to another official, such as a member of the clerk of superior court's staff or the sheriff, might result in a legal challenge to the legitimacy of the jury list.

The grounds for disqualification are set out in G.S. 9-3. The jury commission may not consider any factors aside from these statutory criteria when removing names from the raw jury list in the preparation of the master jury list. For example, the commission may not consider whether they think someone would want to serve as a juror or if they would be a good juror. If a person on the raw jury list meets one of the following criteria, they are disqualified from service and must be removed from the raw jury list:

- **The person is not a resident of the county.** *A juror must reside in the county where the list is being prepared because this list must be a representative sample of that particular county.*
- **The person is not a resident of the state.** *A juror must reside in NC in order to be eligible to serve on a NC county jury. Further, a person must also be a United States citizen to serve as a juror.*
- **The person will not be 18 years of age as of January 1 of the following year.** *Age is only a disqualifier if the individual will be under the age of 18 as of January 1 of the next*

⁹ As defined in G.S. 9-2(h), "random" or "randomly" refers to a method of selection that results in each name on a list having an equal opportunity to be selected.

year. Please note that if a person is under the age of 18 at the time the master list prepared but will be 18 as of January 1 of the next year, they should not be disqualified. For example, a person that is 17 at the time the list is being prepared in the fall is eligible to serve if his date of birth is December 31st or earlier because he will be 18 as of January 1st. There is no maximum age limit that would disqualify a juror.

- **The person cannot understand the English language.** If a person cannot speak or understand the English language, they may not serve on a jury. They will be unable to understand the information presented at trial and unable to make a sound judgment as to the verdict. However, if a person is deaf or hard of hearing, this does not disqualify them from jury service.
- **The person has been convicted of a felony and has not had their rights restored.¹⁰** If a person has been convicted of a felony, this does not necessarily preclude them from serving as a juror. Once they have had their citizenship rights restored that they lost as a result of their conviction, they are again eligible to serve. Therefore, if the jury commission is unsure whether the rights of a convicted felon have been restored, the person should remain on the list. Disqualifying someone by mistake of fact can result in an otherwise qualified juror not being allowed to potentially serve on jury duty.¹¹
- **The person served as a petit juror in the previous two years.¹²** This information can be provided to the jury commissioners by the clerk of superior court; it is usually maintained in the county's jury management system. When determining this, a person is eligible to serve as a juror two years from their last day of service. For example, if a juror were summoned the week of March 23rd and served until March 25th, 2010, they would be eligible to serve again March 25, 2012. NCAOC has taken the position that a person has "served" as a juror if, in response to a jury summons, he or she has appeared at the courthouse to make himself or herself available for jury service. Under this interpretation, a person who checked in by telephone and did not appear at the courthouse is eligible to serve next biennium.
- **Effective January 1, 2014 (S.L. 2013-148).** The person served as a grand juror in the previous six years. Individuals that serve a full term as grand jurors are

¹⁰ The State Board of Elections receives data about felony convictions from the North Carolina Division of Adult Corrections for convictions that occur in the state courts and from the United States Attorney for convictions in federal courts. The State Board of Elections notifies the county boards of elections of this information so they can mark their records accordingly. However, this does not preclude a felon from appearing on the list if they are a registered driver. The State Board of Elections also receives notification when the rights have been restored of a felon that was convicted in state court. They do not receive the same notification for federal restoration of rights.

¹¹ A convicted felon may have their citizenship rights automatically restored once all terms of the conviction are completed, including service of prison time, probation or parole time, or all other required actions such as community service or restitution payments. A list of convicted felons may be obtained from the Administrative Office of the Courts (NCAOC) for use by the jury commission in deleting names of felons from the raw jury list. However, clerks and NCAOC are not notified when a convicted felon has had his or her citizenship restored and is thus eligible to serve as a juror. Therefore, extreme caution should be observed in requesting a felony list for use in the jury list compilation. It is recommended that the time period for such a felony conviction list be limited to those convictions within the last year.

¹² Although not required by statute to do so, most state and federal courts recognize service in the corresponding court as having served as a juror within the past two years. The only official statement of this is a resolution of the North Carolina State-Federal Judicial Council, which was approved by this Council on June 19, 1986 and which states "that the state and federal courts within North Carolina are encouraged to interpret the appropriate statutes and rules so as to excuse from service any juror who has been summoned and appeared as a member of a venire during the preceding two years in any state or federal court within North Carolina." However, granting excusal for a citizen summoned previously in a federal court in North Carolina is the burden of the trial court, not the jury commission.

disqualified from serving as a petit or grand juror for six years. This information can be provided to the jury commissioners by the clerk of superior court; it is usually maintained in the county's jury management system. A grand juror that serves a full term is eligible to serve as a petit or grand juror six years from the date they were discharged from service. For example, if a grand juror is discharged from their full term of service on January 1, 2014, they would be eligible to serve again January 1, 2020.

- **The person is physically or mentally incompetent.** *It is important to note that the jury commission must have personal knowledge of a person's physical or mental incompetence. This must be determined every time the list is prepared because a person may not be qualified for jury service one year but capable of serving in the next biennium; therefore, competency should be evaluated each time the list is prepared.*

Since determining that someone is legally ineligible to serve as a juror is a serious matter, the commission should be reasonably sure that it is correct before it removes a person's name from the list. If there is doubt, the name should be left on the list. For example, if the jury commissioners are unsure whether a person can understand English, that person should remain on the list. The eligibility of specific jurors will be reviewed by the Court if that person is selected to serve on a specific jury and either party to a court action may always challenge a juror's qualifications to serve. There are several checks and balances during the court process that will determine if a juror is not qualified, but if the commission removes a person who is eligible, they will not be called to serve, despite their eligibility.

As mentioned earlier, there is no maximum age that would disqualify someone from service. However, G.S. 9-6.1(a) allows persons 72 years of age or older to request a temporary or permanent exemption from the Court. It is improper to strike names from the master jury list solely on the basis of age unless that person will not be 18 on January 1st of the year the biennium begins or a juror 72 years of age or older was previously granted a permanent exemption from jury service.

In 2012, G.S. 9-6.1 was amended to allow individuals summoned as a juror to request to be excused, deferred or exempt from jury duty if they have a disability that could interfere with their ability to serve. This decision will also be made by the Court at the time they are summoned. Therefore, unless a person is physically and/or mentally incompetent, they should not be stricken from the master jury list solely on the basis they are disabled.

The State Registrar provides to DMV an alphabetical list of all residents of the State who have died in the two years prior to July 1 of each odd numbered year (or annually if an annual list is prepared under G.S. 9-2). The DMV uses this list to remove deceased voters and drivers from the list provided to each county. Because the jury commission often begins their work almost two months after this list is prepared, inevitably this list will not contain the names of individuals that have died since it was prepared by the State Registrar. It is within the authority of the jury commission to remove the names of individuals that are deceased that were overlooked by the DMV or that are deceased since July 1 if they have personal knowledge.

Use of Automated Jury Files

With a fully automated jury selection system, the names of those individuals who served as jurors during the past two years or those who are deceased can be matched against the names of those

on the new list.¹³ The computer can be programmed to remove these names from the new jury list, but if any persons were disqualified for reasons that are not permanent, then the commission must be sure that the reason for the disqualification remains if they are to be removed. Grounds that were correctly found in a previous biennium may no longer apply in the new biennium. Therefore, the jury commission should review the computer's list of persons previously found to be ineligible to be jurors regardless of the reason before any matching names are deleted from the new jury list. It is the jury commission's responsibility, not the computer programmers' task, to guarantee that the names of those who were determined in the past to be ineligible for a temporary reason are still names that should be removed and not included in the new jury list.

G.S. 9-2(k) states that decisions on the mental or physical competence of prospective jurors must continue to be made by jury commissioners even in those counties that use automation or data processing. It is important that the commission make a new judgment on each person's competence every biennium (or year) because a disqualification due to physical or mental incompetence may not apply in the current biennium.

There are two ways to use an automated system to exclude jurors who have served on a jury in the past two years. Both ensure that no juror is summoned between the time of service and the time the juror is re-eligible for service. The two options are to: (1) purge from the list the names of all jurors who served during the previous biennium; or (2) flag the names of such jurors and their date of service.

The first option, although ensuring that no one is re-summoned until at least two years have passed, may make a citizen ineligible for jury duty for as much as four years, if he or she happened to be issued a summons in the very beginning of the jury biennium. Under the second option, jurors are re-eligible exactly two years after they serve and can be called again for jury duty if their names are randomly selected. The latter option would be most useful for counties where most of the names on the master jury list are selected and used. In reviewing the computer procedures, the jury commissioners should understand which of these options is being used, and they must then determine which option they prefer to use in their county.

Although there is no statutory requirement to have the list prepared by a certain date, the general rule is that the master jury list should be completed and prepared by December 1st of every odd numbered year (e.g. 2013) or every year if preparing a list annually. This is because, for those districts that prepare a list every two years, the biennium starts on January 1st of each even numbered year (e.g. 2014). This means that the list that the jury commission prepares will be used to summon jurors for terms of court beginning January 1st. Because the summons must be served at least 15 days before the session of court for which the juror is needed, it is best to have the list prepared 30 days prior to the term for which it will be used. The length of time required to prepare the jury list depends on many factors, such as the population of the county, the efficiency of the clerical support, the zeal of the commission, and the availability of computer equipment and reliable programming.

¹³ Effective January 1, 2014, grand jurors that serve a full term are ineligible to serve again for six years. S.L. 2013-148.

Chapter 6

Preparing the Statement of Sources and Procedures and Filing the Master Jury List

Once the master jury list is finalized by the jury commission, they must file an alphabetized version of the master jury list with the clerk of superior court. G.S. 9-4(a) also requires that the jury commission file with the clerk of superior court a statement of the "sources used and procedures followed" in preparing the list. Filing the statement of sources and procedures informs jury commissioners in the next biennium, some of whom may be new, of the number of names selected and the procedures that were followed. The sources and procedures and master jury list are filed separately as Registration filings using the forms in Appendix D and Appendix E, respectively.

Contents of the Statement of Sources and Procedures

G.S. 9-2(j) specifies that the written statement of procedures used by the jury commission "must effectively preserve the authorized grounds for disqualification, the right of public access to the master list of prospective jurors as provided by G.S. 9-4, and the time sequence for drawing and summoning a jury panel."¹⁴ For an outline of the elements to be included in the statement of sources and procedures, please refer to the suggested format provided in Appendix D.

Computer Procedures. When data processing is used for list preparation, the jury commission's role becomes primarily one of carefully reviewing and then approving the procedures to be employed by the computer. The statement of these procedures does not have to be technical or detailed, but it must be accurate and enable the public to understand the commission's procedures. A clear, easily understood statement will help to avoid potential legal challenges to the master jury list, and its preparation by the jury commission. Of course, any litigant can challenge the statutory validity of the jury list, in terms of who is or is not included or excluded from potential selection as a trial juror. A well-constructed summary of how the master jury list was compiled will do much to avoid a successful legal challenge.

The computer programmer, agency or entity responsible for the county's jury software system must provide the jury commissioners with a summary that describes the functionality of the computer program in regards to the jury list. At a minimum, this summary should:

- Describe how duplicate names are identified;
- Describe which categories of names are deleted electronically (for example, the names of those who served jury duty in the previous biennium or the names of deceased individuals); and
- Describe how the computer will randomly select names for jury service.

This written summary should be written with minimal computer jargon. The average citizen should be able to read the summary and understand how the above mentioned tasks are fulfilled by the computer and accomplished electronically. If the jury commissioners cannot understand the computer summary, neither will other readers.

¹⁴ Previous versions of this manual provided that the jury commission should also approve the computer programming used for drawing and summoning panels of jurors for specific court sessions and maintaining the records of jurors that were excused, deferred, disqualified and served jury duty. This language has been deleted because G.S. 9-2(j) and (k) are unclear as to whether it is the commission's responsibility to approve the procedures for performing these tasks.

In addition to including a copy of the computer summary, the name of the person or company responsible for the programming must be included in the jury commission's report. This means that the report must specify:

- the full name of the county data processor who wrote the local program.
- the name of the person hired on a contractual basis to perform the programming. or
- the company from which the county purchased a jury selection software program.

Such specificity will enable anyone concerned about the validity of the procedures to contact the responsible person for further information.

Even if the same computer program has been employed for many years, it is the responsibility of the jury commission to review this summary *each* time a new master jury list is prepared. It is also the responsibility of the jury commissioners to adopt the computer procedures to be used both in the creation of the master jury list and in the computer's method of selecting names for a particular term of court. This review and formal adoption should be reflected in the jury commission minutes and in the statement of sources and procedures.

It is also critical to be certain that there are no conflicts between the jury commission procedures described in the statement of sources and procedures and in the written summary of the computer procedures used. In past years, jury commissions, especially in counties that have used computerized systems for many years, have re-adopted the original computer summary, without reading it carefully. Some have failed to realize when the older computer proposal included options for programming procedures, with no indication as to which procedure eventually became the one used by the computer. To avoid such a discrepancy or to include changes in programming over successive years, the computer summary must be reviewed by the jury commissioners every time a new master list is prepared.

Calculation of Final Number of Master Jury List. As noted in Chapter 4, the North Carolina General Statutes set the minimum and maximum number of names that may be included in the final master jury list.¹⁵ This range is set between one and one fourth and three times the total number of names drawn for jury duty in the past biennium, which will technically be the current biennium since that is the biennium to which the statute is referring. Therefore, the statement of sources and procedures should indicate the total number of names included on the master jury list and explain where this number falls within this statutory range (i.e., the final number represents 1.25, 1.75, 2.5, 3 or some other multiplier of the number of names drawn in the past biennium). Refer to Chapter 4 for a discussion on how to use the formula to determine the final number of names for the master jury list.

Commission Minutes and Orders of Appointment. The clerk of superior court will maintain files containing the jury commission's minutes (if kept), the jury appointment orders, and all other materials used in the preparation of the jury list which should also be filed along with the sources and procedures document.

Authorized Grounds for Disqualification. The statement does not have to give the disqualification reason for each name that was removed, but it should say that the statutory qualifications were applied. It should further state the general procedures used to determine which

¹⁵ However, this minimum and maximum range does not apply in those counties which use the "one day/one trial" system of calling jurors. G.S. 9-2(f) specifies that in counties using such a system, there is no limit to the size of the master jury list and therefore there is no need to reduce the list size in those counties.

names should be removed. The commissioners should be able to show that the list was compiled in strict accord with statutory directions and without partiality, favoritism, or other unconstitutional factors if the list is ever judicially challenged. Failure to comply strictly with the statutes would normally not be grounds to dismiss an indictment or otherwise affect the trial of a case unless that failure derived from corrupt intent and was based on systemic discrimination or irregularities that affect the actions of the jurors summoned. Nevertheless, the jury commissioners should make every effort to strictly comply with the statutes in order to avoid any question of the fairness of the jury selection system in the county.

Right to Public Access. The master jury list of names may be initially randomized. That is, the order in which names will be selected to be summoned can be determined at the same time that the computer is performing the other functions it must perform (e.g. removing duplicates). The randomized list is not available for public inspection. As a safeguard, it is recommended that the random list exist solely in the computer's database and only be accessed when new jurors are selected for future court dates. A paper copy of the random list should never be printed.

Both the alphabetized master jury list and the statement of sources and procedures are made available for public inspection upon request. The alphabetized list is available for public inspection in the office of the clerk of superior court during normal business hours. However, other identifying information, such as addresses and dates of birth, are not public record and may only be obtained with a court order per G.S. 9-4(b). Only authorized staff of the clerk of superior court or trial court administrator's office may access the randomized master jury list described above.

Time Sequence for Drawing and Summoning Panels. When selecting jurors for a term of court, the computer randomly selects names from the master jury list, following the procedures approved by the jury commission. The law requires a random method of selection. G.S. 9-2(h) defines random selection as any method by which all names on the list have an equal opportunity to be selected.

Master Jury List

The alphabetized master jury list is filed separately from the Statement of Sources and Procedures as a Registration filing with the clerk of superior court. The master jury list may be filed in hard copy paper format or electronically. With the automation of jury procedures, the master jury list will typically be a computer file. For this reason and also due to the voluminous nature of the master jury list, some counties may elect to file the list electronically. Electronic filing may be accomplished by filing the master jury list using a media device, such as a flash drive or compact disc. Regardless of whether the master jury list is filed electronically or in paper format, the coversheet found in Appendix E must be filed with the list. The coversheet may serve as a placeholder for the full list regardless of whether an electronic or paper filing method is selected. The jury commission may wish to consult with the clerk of superior court to determine the best format for filing this list.



Bertie County

Board of Commissioners

MEETING DATE: October 5, 2015

AGENDA ITEM: B-3

DEPARTMENT: N/A

SUBJECT: Planning Board

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend reappointment.

SUMMARY OF NEEDED ACTION(S):

It is requested that the Board reappoint the listed individuals on the following pages to the Planning Board.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: No

ITEM HISTORY: N/A

Planning Board

Immediate Vacancies: 1

Position Vacancy:

Board	Term	Name	Began	End
Planning Board	1 year	Terry Pratt	10/6/2014	10/6/2015

Special requirements: N/A

Notes: Mr. Pratt is seeking reappointment. This will be for a 3 year term as per Planning Board by laws.

Attendance of Current Members: N/A

Applications Received:

1; Mr. Pratt is seeking reappointment to a 3 year term as he has completed the required first year term.

Current Members (unexpired):

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

App'd 9/22/14

This document will expire on 6/30/16



APPLICATION FOR BERTIE COUNTY AUTHORITIES, BOARDS, COMMISSIONS, AND COMMITTEES

Name: Michael Terry Pratt

Home Phone Number: _____ Mobile: 252-339-7134

Home Fax Number: 252-356-2222

Email Address: _____

Home Address: 117 HOLDERS LANE, MERRY HILL, N.C 27957

Mailing Address: SAME

Are you a full-time resident of Bertie County? Yes No _____

How long have you been a full-time resident of Bertie County? 66 yrs

Do you live within any corporate or town limits? Yes _____ No Which: _____

County Commissioner District: WHITES

(This information can be obtained from the Bertie County Board of Elections at 252-794-5306)

Occupation: comm. fish / carpenter Employer: SELF

Business Address: SAME

Business Phone Number: SAME Business Fax: SAME

Please list in order of preference the Boards/Commissions/Committees on which you would like to serve:

- 1. PLANNING
- 2. _____
- 3. _____
- 4. _____

Qualification for specific category: Knowledge of state policy regarding natural resources of area and rules and policy that affect area and what effect they cause

Name of any Bertie County Board/Commission/Committee on which you presently serve:

If reapplying for a position you presently hold, how long have you served? _____

Based on your qualifications and experiences, briefly describe why your services on this Authority/Board/Commission/Committee would be beneficial to the County:

deal with issues based on real world/real time cause and effect rather than acting on political whim of officials

Do you have any delinquent Bertie County taxes? ___ Yes No

Other information you consider pertinent: (i.e., education, occupational background, civic memberships, related work experiences, etc.) If necessary, you may add additional pages:

serve on Habitat + Water Quality advisory comm. to N.C.D.M.F. have served on several advisory committees for N.C. government, president of Albemarle Fishermen's Assoc. sit on board of Directors for N.C. Fisheries Assoc. sit on Habitat adv. comm. for Southeastern Fisheries Management Council, have been involved in Bertie Co. planning for land use plan, regional waste facility, Roanoke River Refuge establishment

By submitting this application and by my signature below, I pledge that, if appointed, I agree to comply with the attached Code of Ethics as adopted by the Bertie County Board of Commissioners.

Date: 9-24-14 Applicant's Signature: Michael Terry Hall

Return application to:

Sarah S. Tinkham
PO Box 530
106 Dundee Street
Windsor, NC 27983
Fax: (252) 794-5327
sarah.tinkham@bertie.nc.gov

Note:

*All information on this document is subject to the Public Records Law and will be released to the public upon request.

**Interest to Service forms remain current for two years. Following that, the applicant may wish to contact the Clerk to the Board's Office for an updated form.

***Applications must be on file in the Clerk to the Board's Office 7 days prior to consideration for appointment.

FOR OFFICE USE ONLY

Date Received: 9/25/14

Received By: Sarah S. Tinkham



Bertie County

Board of Commissioners

ITEMS ABSTRACTS

MEETING DATE: October 5, 2015

AGENDA ITEM: C-1

DEPARTMENT: N/A

SUBJECT: Accept Register of Deeds Fees Report – September 2015

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF NEEDED ACTION(S):

It is request that this item be approved as presented.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: No

ITEM HISTORY: N/A



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 SEPTEMBER 2015 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-----		\$4,184.80
10-0030-4344-03	VITAL STATISTICS-----		\$1,163.00
10-0050-4839-02	MISCELLANEOUS(NOTARY OATHS/PHOTO COPIES, ETC)-----		\$275.05
10-0030-4344-04	NO. MARRIAGE LICENSE-----	9 @ \$60.00-----	\$540.00
			<u>\$6,162.85</u>
10-0018-4240-01	N. C. STATE EXCISE STAMP TAX-----		\$4,052.00
10-0030-4344-10	STATE TREASURER FEE-----	151 @ \$6.20-----	\$936.20
	STATE VITAL RECORDS-----	5 @ \$14.00-----	\$70.00
			<u>\$11,221.05</u>
10-0000-1251-00	A/R IN/OUT(REFUND)-----		\$0.00
			<u>\$11,221.05</u>

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

FOR INFORMATIONAL PURPOSES

D/T /MORTGAGES-----	27 @ \$6.20=	\$167.40
ADDITIONAL PAGES-----	14 @ \$0.40=	\$5.60
DEEDS & OTHER INSTRUMENTS-----	130 @ \$1.94=	\$252.20



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: C-2

DEPARTMENT: N/A

SUBJECT: Approve minutes for Work Session 9-21-15

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF NEEDED ACTION(S):

It is requested that the Board approve the minutes for the Work Session held on 9-21-15.

If changes have not yet been received by the County Attorney, it is requested that these minutes be fully approved once those changes are provided.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: Yes

ITEM HISTORY: N/A

Windsor, North Carolina
September 21, 2015
Work Session

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 2:00pm inside the Commissioners Room located at 106 Dundee Street, Windsor, NC 27983. The following members were present or absent:

Present: Ronald “Ron” Wesson, District I
 Stewart White, District II
 Tammy A. Lee, District III
 John Trent, District IV

Absent: Ernestine (Byrd) Bazemore, District V

Staff Present: County Manager Scott Sauer
 Clerk to the Board Sarah S. Tinkham
 Assistant County Attorney Jonathan Huddleston
 Information Systems Administrator Joe Wilkes
 Finance Officer William Roberson
 Economic Development Director Steve Biggs

No media members were present.

CALL TO ORDER

Chairman Wesson welcomed all of those present and thanked them for their attendance.

INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner White gave the Invocation and led the Pledge of Allegiance.

APPOINTMENTS

Presentation of draft Economic Development study evaluation by Creative Consulting (draft presentation attached); introduce grant writer, Emily Miller, Funding Director, Municipal Engineering Services, Inc.

Various representatives from Creative Consulting were present to give the Board their first draft of its recent evaluation of the County's Economic Development system.

This draft PowerPoint presentation was also given to the Board in its electronic agenda packet.

The presentation consisted of Creative Consulting's suggestions regarding target audiences, how to "convert cars to visitors," as well as discussed the County's specific Economic Development clusters.

The presenters also spent some time discussing how the County's website could be improved to more appropriately showcase the assets of Bertie County.

The consultant assured the Board that their full, written evaluation report would be submitted in early October.

After some discussion, the Board thanked Creative Consulting for its presentation, and asked that Ms. Emily Miller, Funding Director of Municipal Engineering Services, Inc. introduce herself to the County staff present.

Ms. Miller provided a brief PowerPoint presentation discussing her work history in grant writing, and she also discussed the results of the various grants that she had written in the past.

Closed Session – N.C.G.S. 143.318.11(a)(b) – Personnel

A Closed Session was originally planned for this time, but was canceled due to the absence of one Board member.

RECESS

Chairman Wesson recessed the meeting until 7:00PM at the Roxobel Community Building located at 211 E. Church Street, Roxobel, NC.

Ronald D. Wesson, Chairman

Sarah S. Tinkham, Clerk to the Board



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: C-3

DEPARTMENT: N/A

SUBJECT: Approve minutes for Regular Session 9-21-15

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF NEEDED ACTION(S):

It is requested that the Board approve the minutes for the Regular Session held on 9-21-15.

If changes have not yet been received by the County Attorney, it is requested that these minutes be fully approved once those changes are provided.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: Yes

ITEM HISTORY: N/A

**Windsor, North Carolina
September 21, 2015
Regular Meeting**

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 7:00pm inside the Roxobel Community Building located at 211 E. Church Street, NC 27872. The following members were present or absent:

Present: Ronald "Ron" Wesson, District I
Stewart White, District II
Tammy A. Lee, District III
John Trent, District IV

Absent: Ernestine (Byrd) Bazemore, District V

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah S. Tinkham
Assistant County Attorney Jonathan Huddleston
Information Systems Administrator Joe Wilkes
Finance Officer William Roberson

Gene Motley of the Roanoke-Chowan News Herald and Barry Ward of the Bertie-Ledger Advance were present from the media.

CALL TO ORDER

Chairman Wesson welcomed all of those present and thanked them for their attendance.

INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner White led the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

Willie Outlaw of Powellsville came before the Board to express his disappointment in the email correspondence that he had recently received between Chairman Wesson and Vice Chairman Lee.

Mr. Outlaw had submitted a public information request to County Manager Sauer to receive all email communications between Commissioners regarding the Esquires for Education organization, and the County's decision to fund the organization on August 12, 2015.

Mr. Outlaw stated that he was upset to read the emails regarding Vice Chairman Lee's concerns about the mission statement of Esquires for Education. In the emails, Vice Chairman Lee expressed that she did not believe the County should fund an organization that only focuses on assisting one particular group.

She also stated in the email correspondence that she felt the Chairman did not appropriately explain the organization's platform in the Planning Session which took place on August 12, 2015, but admitted that she did not thoroughly review the material provided at the meeting.

Mr. Outlaw gave Vice Chairman Lee the opportunity to respond.

Vice Chairman Lee stated that she stood by her comments, and she also briefly explained the contents of the email correspondence between herself and Chairman Wesson.

Chairman Wesson reiterated that the organization did not discriminate against other groups, but that it simply was founded with a special niche group in mind. The Chairman has been assured by the organization that it would not turn away members with the same needs of other ethnic groups.

There were no other public comments during this section.

APPOINTMENTS

Your Charters of Freedom presentation by NC Local Government Liason, Ron Lewis, and Vance Patterson, Founder

Mr. Vance Patterson, Founder, and Mr. Ron Lewis, NC Local Government Liaison for Your Charters of Freedom were present to provide a brief presentation to the Board regarding their 501(3)(c) organization.

A PowerPoint was presented which explained the fundamental goals of the organization which are to bring monuments to as many local areas as possible that feature replicas of the Charters of Freedom including The Constitution, The Bill of Rights, and The Declaration of Independence.

Mr. Patterson explained the idea for this organization first struck him after visiting The National Archives in Washington, D.C. and viewing the original documents on display.

According to a short video, since the organization was founded, approximately 6 monuments have been installed in Western North Carolina, as well as in other parts of the Country.

Mr. Patterson and Mr. Lewis emphasized that these are educational projects, and not just simply monuments. They expressed the importance of adults and children having access to these documents, even if they are replicated in monument form in their local communities, as some people will not ever be able to afford to venture to Washington, D.C. themselves to view the originals.

Additionally, Mr. Lewis discussed that the process to build a monument takes times, but he discussed the steps that could be taken once the County agrees to support the project.

The first step that would be taken upon a support letter from the County would be that the Your Charters of Freedom organization would join the County Chamber of Commerce, as well as establish a "Bertie County Charters of Freedom" bank account at a local branch. A steering committee would also be appointed by the County with various local leaders.

Chairman Wesson stated on behalf of the Board that they would review this proposal carefully, and that they would submit a response as soon as possible regarding interest or disinterest in the project.

Update on the Welding program currently in development in partnership with the Board of Education and Martin Community College by Superintendent Elaine White and Interim Executive Director of the Martin-Bertie Campus, Norman Cherry

Superintendent Elaine White was present to provide the Board with an update on the newly established Welding Program (in partnership with Bertie County Schools and Martin Community College) as well as to provide the Board with the 2014-2015 BCPS Annual Report.

The annual report discussed the various achievements of the teachers, students, and staff of the public school system, as well as other valuable information.

Lastly, Superintendent White requested that the Board consider supplying funding to the Welding program for the purposes of textbooks as well as the electrical wiring needs of the Welding classroom.

Chairman Wesson requested that Superintendent White discuss the impacts, if any, of the newly passed State budget.

Superintendent White expressed that she was weary of the newly passed budget, and that she really wasn't expecting much good news especially as it related to the students of Bertie County and various Teaching Assistant positions.

The Board thanked Superintendent White for her report, and assured her that they would consider her funding request.

Agency program update by Pamela Perry, Executive Director of Choanoke Public Transportation Authority (CPTA)

Pamela Perry, Executive Director of CPTA, was in attendance to present CPTA's annual report to the Board, as well as to provide additional information about CPTA, and its bus route offerings in Halifax, Bertie, Northampton, and Hertford Counties.

There was no action needed. This report was strictly informational.

Agency program update by Chamber of Commerce Executive Director, Lewis W. Hoggard

Lewis W. Hoggard, Executive Director of Bertie-Windsor Chamber of Commerce, was in attendance to update the Board on its various events that takes part in each year including the Blues, Brews, and BBQ, Aulander Peanut Festival, Farmer's Annual Dinner, Windsor Christmas Parade, etc.

There was no action needed. This report was strictly informational.

BOARD APPOINTMENTS

Albemarle Regional Library Board

Commissioner Trent made a **MOTION** to re-appoint Marion Lee to the Albemarle Regional Library Board. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Workforce Development Board

Commissioner Trent made a **MOTION** to appoint John Herring to the Workforce Development Board. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

William Knight of Perdue was also submitted as a representative of Perdue to be appointed to this Board.

After some discussion, Chairman Wesson made a **MOTION** to appoint William Knight to the Workforce Development Board pending the submission of a completed application. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Planning Board

A last minute application was also received for the Planning Board from the current Chair, Nayland Collier.

Commissioner Trent made a **MOTION** to re-appoint Nayland Collier to the Planning Board. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

CONSENT AGENDA

Commissioner Trent made a **MOTION** to approve the entire Consent Agenda as presented. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

The following items were approved:

1. Minutes – Regular Session 9-8-15
2. Minutes – Closed Session 9-8-15
3. Tax Department Error Release Journal – August 2015
4. 2015-2016 County Cooperative Agreement with the NC Forest Service
5. Final approval of applicant resolution and authorization for execution of project documents by Chairman and County Manager for State Revolving Loan for Countywide SCADA system improvements previously approved on July 20, 2015

DISCUSSION AGENDA

Discuss 2009 NC Rural Center Grant Amendment for Water District IV system improvements and consider approval of proposed Capital Project Ordinance contingent upon NCDENR authorization to amend the grant agreement

The Kelford water system was initially merged with the County's Water District IV in the 2007-2008 timeframe and the 2009 NC Rural Economic Development Center's grant was integral to this effort to address low water pressures and replacement of undersized water lines.

In the past 12 months, the County has evaluated the area of Water District IV which serves Kelford, which is a very rural section of northern Bertie County. This hydraulic study evaluated the need for improvements to Kelford's water system (constructed in early 1960s) and its connections with the nearby communities of Lewiston-Woodville and Roxobel.

It is proposed to utilize the remaining Rural Center grant funds with a focus on meter replacement for Kelford customers, and to construct a six inch water line connecting the Town of Kelford with the Town of Roxobel along NC 308 or Governor's Road. This proposed project would allow the County to utilize the Rural Center grant funds in a separate project, and the work will be completed by June 30, 2016. This approach will require a local match of approximately \$125,458 appropriated from cash reserves in Water District IV.

Chairman Wesson made a **MOTION** to approve the presented grant amendment and capital project ordinance to connect the Towns of Roxobel and Kelford and to replace meters in the Town of Kelford and establish ten water services connections on NC 308 and construct the line connecting the Towns of Kelford and Roxobel. The proposed project ordinance is contingent upon authorization from the State to move forward using remaining 2009 NC Rural Center Grant Funds. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Capital Project Ordinances reads as follows:

**Bertie County
Project Ordinance - Water District IV
2009 NC Rural Center Grant Amendment
September 2015**

BE IT ORDAINED by the Governing Board of the County of Bertie, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I. The Governing Board of the County of Bertie, sitting as the Board of Commissioners for Water District IV unanimously accepted and approved the NC Rural Economic Development Center grant for Kelford waterline upgrades in January 2009.

Section II. Bertie County Water District IV proposes to utilize the remaining 2009 grant funds to continue to make improvements to serve Kelford area customers. Additionally, Bertie County Water District IV appropriated fund balance reserves will be provided to extend a six inch water line connecting the Towns of Kelford and Roxobel.

Section III. These improvements are consistent with the capital improvement plan for Bertie County's regional water system consisting of Water Districts I, II, III, and IV; and

BE IT RESOLVED, that the Chairman and County Manager are directed to execute the amended grant agreement and all permit applications associated with this project.

The following revenue is anticipated to be available to complete this project:

Water District IV (local) Appropriated fund balance	\$125,458
NC Rural Economic Development	\$72,262
<hr/>	
Total Project Funding	\$197,720


The following amounts are appropriated for the project:

*Construction, Engineering Fees, and Easement Acquisition fees for 8,170 feet of six inch water line will total \$130,720. The following costs will also be included for a final total of \$197,720.

*Construction	130,720
Meters	59,500
Water Services	7,500
<hr/>	
Total Project Cost	\$197,720

Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Body, and to the County Manager and to the Finance Officer for direction in carrying out this project.

Adopted this day 21st day of September, 2015.


Ronald D. Wesson, Chairman
Board of Commissioners for Water District IV


Sarah S. Tinkham, Clerk to the Board

Review first draft of update Travel Reimbursement Policy

County Manager Sauer stated that this item was purely informational, and asked that the Board be ready to take action at an upcoming meeting October as this policy was updated per the request of the County's auditor.

A "per diem" method was also suggested for consideration by the Board.

Pending work session items:

- QSCB school debt sinking fund requirements
- Actuarial costs for post-retirement health insurance

- Responses for job classification & compensation RFQ are due September 23rd
- Cooperative Extension funding formula for staff is still pending
- Sheriff Holley is seeking adjustment for hourly part-time pay, increasing to \$15 per hour
- Playground grant project update

These items were listed as purely informational. A work session time will be discussed before an upcoming meeting in October.

COMMISSIONERS' REPORTS

Commissioner White thanked the Town of Roxobel for hosting tonight's meeting and requested that the citizens of Roxobel bear with the County as they continue to follow the correct procedures to receive more grant monies to aid in the Town of Roxobel's water needs.

Vice Chairman Lee discussed some events that were due to take place this weekend including the Aulander Peanut Festival and Colerain Mobile Food Pantry.

Chairman Wesson updated the Board on the backpack nutrition program that has been in the works for the past several months. He stated that the first backpacks would be given to the neediest students beginning this Friday. The organization was able to raise enough money to feed 125 of the most in need students over the weekend for the entire length of the school year.

Commissioner Trent reported that the county's unemployment rate is down once again and that is due to new jobs coming into the area. He also announced that the Weeping Mary Road boat and fishing pier were still in progress, but that the grand opening would not take place until November. It was originally slated for October.

COUNTY MANAGER'S REPORTS

County Manager Sauer requested that the Board recess tonight's meeting until Thursday, September 24 at 6:00PM inside the DSS Training Room in Windsor. That meeting will be a joint meeting between the Board and the Bertie County Planning Board.

ASSISTANT COUNTY ATTORNEY'S REPORTS

The Assistant County Attorney gave no remarks at this time.

PUBLIC COMMENTS CONTINUED

A citizen of Roxobel thanked the Board for all of its hard work and requested that the audience give the Board and County staff present a round of applause.

Another citizen of Roxobel requested clarification about a letter she had received recently which stated that the Town of Roxobel would be required to purchase a booster pump for the water system.

Chairman Wesson stated that statement was not accurate and that the Town of Roxobel would not be responsible for such an expense.

Barbara Outlaw requested additional information about a proposed work session item about a \$15 per hour pay raise to part-time Sheriff's deputies.

In reply, the Chairman stated that this was proposed by the Sheriff so that the County could maintain qualified personnel, and not lose them to other local area departments.

Barbara Palmer of Roxobel reported that the joint library of the Roxobel and Kelford communities is expanding and offering events to the public including story times and other resources to area students.

There were no other public comments.

RECESS

Chairman Wesson recessed the meeting until 6:00PM at the DSS Training Room for a joint meeting with the Commissioners and the Bertie County Planning Board.

Ronald D. Wesson, Chairman

Sarah S. Tinkham, Clerk to the Board



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: C-4

DEPARTMENT: N/A

SUBJECT: Approve minutes for Joint Meeting 9-24-15

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF NEEDED ACTION(S):

It is requested that the Board approve the minutes for the Joint Meeting held on 9-24-15.

If changes have not yet been received by the County Attorney, it is requested that these minutes be fully approved once those changes are provided.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: Yes

ITEM HISTORY: N/A

Windsor, North Carolina
September 24, 2015
Work Session

The Bertie County Board of Commissioners recessed its regularly scheduled meeting on Monday, September 21st in order to reconvene at 6:00PM today inside the DSS Training Room located at 110 Jasper Bazemore Avenue, Windsor, NC 27983.

The following members were present or absent:

Present: Ronald "Ron" Wesson, District I
Stewart White, District II
Tammy A. Lee, District III
John Trent, District IV

Absent: Ernestine (Byrd) Bazemore, District V

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah S. Tinkham
Assistant County Attorney Jonathan Huddleston
Finance Officer William Roberson
Planning Director Traci White

Planning Board Members present: Dr. Nayland Collier, Chair
Carl Bond
Rodney Mumma
Terry Pratt
Gregory Hughes

Consultants present: Cathy Vincent, Coastal Planning Services, Inc.
William "Billy" Farris, William B. Farris, Inc.

There were no media members present.

CALL TO ORDER

Chairman Wesson welcomed all of those present and thanked them for their attendance.

RECONVENE

Chairman Wesson reconvened the September 21, 2015 regular Board meeting and discussed the purpose of tonight's joint meeting with the Planning Board.

He also announced that due to a death in the family, Commissioner Bazemore was unable to attend, but that she was with the group tonight in spirit.

INTRODUCTIONS

Each Commissioner, County staff, consultant, and board member introduced themselves to the group.

DISCUSSION

Land Use Plan – Planning Director, Traci White

Planning Director, Traci White, reiterated the reason for tonight's meeting, and also introduced the two consultants present: Cathy Vincent of Coastal Planning Services, Inc. and William "Billy" Farris of William B. Farris, Inc.

Ms. Vincent began by briefly reviewing highlights, important policies, and deadlines with all of those present.

After some discussion, the Board of Commissioners concurred that an application would not be ready by the latest deadline of November 2015, but that the County would work towards the next deadline of February 2016.

Ms. Vincent discussed that one public hearing would need to be held to be compliant, and that the same public hearing must be advertised in the local paper twice per the provided grant guidelines.

The Board would then need to adopt the Land Use Plan and submit it to the State as directed.

There was some discussion regarding the plan be submitted to the County's new Economic Development consultant, Creative Consulting, and there was a consensus to do.

Mr. Farris also discussed other key areas of the plan as well as answered various questions raised by the group.

Other Items as Necessary

Additionally, Chairman Wesson requested that the Planning Board assist the Commissioners in drafting a policy (similar to the language proposed in the Manufactured Home Park Ordinance) to implement and enforce protocols for private roads in the County.

The Board referred to the condition of some private roads in the County as “public safety concerns.”

Chairman Wesson also asked that the Board revisit a request that was made by Superintendent Elaine White on Monday, September 21st in Roxobel.

Ms. White had submitted a request for funding of approximately \$6,500 to fully equip the new Welding program classroom at the high school as well as for needed textbooks for the same course.

Finance Officer William Roberson provided a budget amendment for the Board’s consideration.

Vice Chairman Lee made a **MOTION** to grant the funding request of \$6,500 to the Bertie County Public School System for the Welding classroom wiring and the needed textbooks for the Welding classes. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Lastly, County Manager Sauer reported that he had received 2 proposal responses from the Job Classification and Compensation Study Request for Qualifications (RFQ) period. Those proposals are currently under review.

Also, Mr. Sauer proposed that the Board consider a meeting with Davenport, Inc. on Tuesday, October 13th from 9:30am-12:00pm. The Board concurred and stated that they would await confirmation from the County Manager’s Office.

There was no further discussion needed.

ADJOURN

Chairman Wesson adjourned the joint meeting at 7:45PM.

Ronald D. Wesson, Chairman

Sarah S. Tinkham, Clerk to the Board



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: C-5

DEPARTMENT: N/A

SUBJECT: Accept Rural Operating Assistance Program (ROAP) agreement documents – Council on Aging

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF NEEDED ACTION(S):

It is requested that the Board approve these items as presented.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: No

ITEM HISTORY: N/A

Memorandum of Understanding
Choanoke Public Transportation Authority
Rural General Public Funds

In accordance with the North Carolina Department of Transportation Rural Operating Assistance Program (ROAP) State Management Plan, Choanoke Public Transportation Authority (CPTA) is eligible for an additional flexibility to be able to transfer funds between Counties being a Regional Transit System.

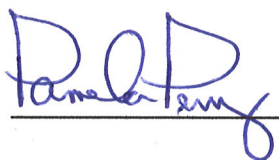
When General Funds are depleted in one of the following counties (Bertie, Halifax, Hertford and Northampton), Choanoke Public Transportation Authority will have the need to transfer funds from one County to another due to the transportation service demands.

County Manager

Date _____

County Finance

Date _____



CPTA Transportation Director

Date 8-31-15

Application for Transportation Operating Assistance

FY2016 Rural Operating Assistance Program Funds

Name of Applicant (County)	Bertie County
County Manager	Scott Sauer
County Manager's Email Address	scott.sauer@bertie.nc.gov
County Finance Officer	William Roberson
CFO's Email Address	william.roberson@bertie.nc.gov
CFO's Phone Number	(252) 794-5360
Person Completing this Application	Venita Thompson
Person's Job Title	Aging Services Director
Person's Email Address	venita.thompson@bertie.nc.gov
Person's Phone Number	(252) 794-5315
Community Transportation System	Choanoke Public Transportation Authority
Name of Transit Contact Person	Pamela Perry
Transit Contact Person's Email Address	pperry@choanokepta.org

Application Completed by: _____ Date: _____
Signature

I certify that the content of this application is complete and accurately describes the county's administration of the ROAP Program, and the use of the ROAP funds in accordance with applicable state guidelines.

County Manager: _____ Date: _____
Signature

County Finance Officer: _____ Date: _____
Signature

Application Instructions

County officials should read the ROAP Program State Management Plan which contains guidance on the administration of the ROAP Program and information about the preparation of grant applications.

- The application must be completed by an official of the county or his/her designee.
- Click on the **gray rectangle** and type each answer. If needed, the text will automatically wrap to the next row. The answer may wrap to the next page if necessary.
- If the county wishes to explain their response to any questions or provide more information, the county may include additional pages with this application form. All the pages of the application and any pages added by the applicant should be scanned into the same file.
- If there are questions regarding this application, contact the NCDOT-PTD Mobility Development Specialist assigned to the area served by the transit system.

FY2016 ROAP Program Schedule

Pre-Deadline Disbursement (25%)

TBA – Waiting on Final State Budget

Application Deadline

October 19, 2015

Final Disbursement (75%)

After November 6, 2015

The 25% disbursement must be returned to the state if a ROAP application is not received by the application deadline. The Final Disbursement will occur only after review and approval of this ROAP application.

County’s Management of ROAP Funds

All counties are eligible to receive Rural Operating Assistance Program (ROAP) funding from the State of North Carolina. As a recipient of ROAP funds, the county must implement administrative processes that will ensure the following:

- ROAP funds are expended on needs identified through a public involvement and/or planning process.
- ROAP funds are expended on eligible activities only.
- Supporting documentation of expenditures is maintained.
- Service recipients meet eligibility requirements and their eligibility is documented.
- Trips funded with ROAP funding are monitored and evaluated throughout the period of performance.
- An accounting of trips and expenditures is provided in a semi-annual report to NCDOT.
- ROAP funds received and expended are included in the local annual audit.

Transportation Needs and Public Involvement in Funding Decisions	Yes	No
A. Did the county ask the Community Transportation Advisory Board (TAB), which is affiliated with the community transit system, to recommend how the ROAP funds should be sub-allocated?		X
B. Were outreach efforts conducted to inform agencies about the availability of ROAP funds and to discuss transportation needs BEFORE the county decided how to sub-allocate the ROAP funds?	X	
C. Is the method used to sub-allocate the ROAP funds fair and equitable? Open and transparent?	X	
Financial Management of ROAP Funds	Yes	No
D. Does the county pass through any ROAP funds to agencies or organizations that are not county governmental departments or agencies?	X	
E. If yes, does the county have a written agreement with these agencies that addresses the proper use, return and accountability of these funds? <i>(Include a sample agreement with application)</i>	X	
F. Do any of the organizations or departments receiving ROAP funds plan to use private transit contractors to provide the ROAP funded trips? <i>(Their procurement practices will need to meet all federal and state requirements for procurement of professional services.)</i>	X	
G. Are ROAP funds being deposited in an interest bearing account?	X	
H. Does the county provide any local funds for transportation operating assistance to any of the ROAP sub-recipients in addition to the state ROAP funds?		X
I. Is supporting documentation maintained for all ROAP grant financial transactions for five years? IMPORTANT: Yes is the only correct answer.	X	

Monitoring and Oversight Responsibilities	Yes	No
J. Does the county require the subrecipients of ROAP funds to provide progress reports and statistical data about the trips provided with ROAP funds?		X
K. If progress reports and/or operating statistical reports are required by the county, how frequently are these provided to the county for evaluation?		
L. Does the county require the subrecipients of ROAP funds to use the coordinated transportation services of the federally funded Community Transit System operating in the county?		X
Accountability to North Carolina Taxpayers	Yes	No
M. Is the county prepared to provide documentation that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance, at the specified cost?	X	

Elderly and Disabled Transportation Assistance Program

The Elderly and Disabled Transportation Assistance Program (EDTAP), originally enacted by legislation in the 1989 Session of the North Carolina General Assembly (Article 2B, 136-44.27), provides operating assistance funds for the transportation of the state's elderly and disabled citizens. This transportation assistance allows the elderly and disabled to reside for a longer period in their homes, thereby enhancing their quality of life.

Organizations or Departments Receiving EDTAP Funds	EDTAP Suballocation	Estimated One Way Trips	Avg. Cost of Trip
Bertie County Council on Aging	\$ 29,350	2,965	\$ 9.90
Bertie County Department of Social Services	\$ 19,566	1,976	\$ 9.90
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
TOTAL	\$ 48,916	4,941	
Elderly and Disabled Transportation Assistance Program Questions			
<p>N. What will be the purposes of the trips provided with EDTAP funds? <i>(Check all that apply)</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Personal care activities, medical appointments, pharmacy pick-up, shopping, bill paying, meetings, classes, banking <input type="checkbox"/> Job interviews, job fair attendance, job readiness activities or training, GED classes <input checked="" type="checkbox"/> Transportation to workplace <input checked="" type="checkbox"/> Group field trips/tours to community special events (Federal charter regulations apply to transit.) <input checked="" type="checkbox"/> Overnight trips to out-of-county destinations (Federal charter regulations apply to transit) <input checked="" type="checkbox"/> Human service agency appointments 			
<p>O. How will the transportation services be provided? <i>(Check all that apply)</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Public Transportation System <input checked="" type="checkbox"/> Private Provider <input checked="" type="checkbox"/> Taxi Service <input type="checkbox"/> Agency Staff Driver <input type="checkbox"/> Volunteer Driver Program 			

Elderly and Disabled Transportation Assistance Program Questions (con't)	Yes	No
P. Does the federally funded Community Transit System operating in your county receive a sub-allocation of EDTAP funds?	X	
Q. Will any of the subrecipients use their EDTAP sub-allocation as matching funds for any of the following programs? <i>(Matching funds for operating assistance or purchase of service only.)</i> 5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program		X
R. Will any of the subrecipients of EDTAP funds charge a fare for an EDTAP funded trip?		X
S. EDTAP funded trips are expected to be provided throughout the entire year. If the EDTAP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation trips?		X

Employment Transportation Assistance Program

The Employment Transportation Assistance Program (EMPL) is intended to help DSS clients that transitioned off Work First or TANF in the last 12 months, Workforce Development Program participants and/or the general public to travel to work, employment training and/or other employment related destinations.

Organizations or Departments Receiving EMPL Funds	EMPL Suballocation	Estimated One Way Trips	Avg. Cost of Trip
Bertie County Department of Social Services	\$ 7,588	766	\$ 9.90
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
TOTAL	\$ 7,588	766	

Employment Transportation Program Questions

T. What will be the purposes of the transportation services provided with EMPL funds? <i>(Check all that apply)</i> <input checked="" type="checkbox"/> Job interviews, job fair attendance, job readiness activities or training <input checked="" type="checkbox"/> Transportation to workplace (Scheduled by the individual only. No agency scheduled trips.) <input checked="" type="checkbox"/> Child(ren) of working parent transported to Child Care
U. How will the transportation services be provided? <i>(Check all that apply)</i> <input checked="" type="checkbox"/> Public Transportation System <input checked="" type="checkbox"/> Private Provider <input checked="" type="checkbox"/> Taxi Service <input type="checkbox"/> Agency Staff Driver <input checked="" type="checkbox"/> Volunteer Driver Program

V. Describe the eligibility criteria to be used in this county to determine who will be provided EMPL funded trips. Families who are not current Work First Cash recipients or who are no longer receiving Work First Benefits, or who have never received Work First, but who meet first eligibility requirements based on kinship, citizenship, residence, etc. The family's income must fall within the 200% FPL.		
Elderly and Disabled Transportation Assistance Program Questions (con't)	Yes	No
W. Does the federally funded Community Transit System operating in your county receive a sub-allocation of EMPL funds?		X
X. Will any of the subrecipients of EMPL funds charge a fare for an EMPL funded trip?		X
Y. Has the county transferred any EMPL funds to EDTAP or RGP in the last two years?	X	
Z. Will any of the subrecipients use their EMPL sub-allocation as matching funds for any of the following programs? (<i>Matching funds for operating assistance or purchase of service only.</i>) 5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program		X
AA. EMPL funded trips are expected to be provided throughout the entire year. If the EDTAP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation trips?		X

Rural General Public Program

The Rural General Public Program assistance funds are intended to provide transportation services for individuals from the county who do not have a human service agency or organization to pay for the trip. The county, in consultation with the Community Transportation System, must determine the RGP services to be provided with the RGP funds.

Community Transit System Receiving RGP Funds	RGP Suballocation	Estimated One Way Trips	Avg. Cost of Trip
	\$ 50,512	3,937	\$ 12.83
TOTAL	\$ 50,512	3,937	
Rural General Public Transportation Program Questions			Yes or No
AB. What will be the trip purposes of the transportation services provided with RGP funds? (<i>Check all that apply</i>)			
<input checked="" type="checkbox"/> Personal care activities, medical appointments, pharmacy pick-up, shopping, bill paying, meetings, classes, banking <input checked="" type="checkbox"/> Job interviews, job fair attendance, job readiness activities or training, GED classes <input checked="" type="checkbox"/> Transportation to workplace (Scheduled by the individual only. No agency scheduled trips.) <input type="checkbox"/> Child(ren) of working parent transported to child care <input checked="" type="checkbox"/> Group field trips/tours to community special events (Federal charter regulations apply to transit.) <input type="checkbox"/> Overnight trips to out-of-county destinations (Federal charter regulations apply to transit.) <input checked="" type="checkbox"/> Human service agency appointments			
AC. How will the transportation services be provided? (<i>Check all that apply</i>)			
<input checked="" type="checkbox"/> Public Transportation System <input type="checkbox"/> Private Provider <input type="checkbox"/> Taxi Service <input type="checkbox"/> Volunteer Driver Program			

AD. Will RGP trips be provided for citizens who need transportation but don't have a human service agency or organization to pay for the trip?	X	
Rural General Public Program Questions (con't)	Yes	No
AE. Since the subrecipient can only use RGP funds to pay for 90% of the cost of a trip, will the Community Transit System use fare revenue to generate the local 10% match requirement for RGP funds?	X	
AF. Will RGP funded trips be coordinated on vehicles with human service agency trips?	X	
AG. Will the Community Transit System use any of their RGP sub-allocation as matching funds for any of the following programs? (<i>Matching funds for operating assistance or purchase of service only</i>) 5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program		X
AH. Is any part of the county in an urbanized area according to the 2010 census?		X
AI. RGP funded trips are expected to be provided throughout the entire year. If the RGP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation trips?	The service remains	

CERTIFIED STATEMENT
FY2016
RURAL OPERATING ASSISTANCE PROGRAM
County of **Bertie**

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipients of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP State Management Plan. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

WHEREAS, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2015 to June 30, 2016 regardless of the date on which ROAP funds are disbursed to the county.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Bertie North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips for at least five years that prove that an eligible citizen was provided an eligible transportation service on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state and federal guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips provided throughout the period of performance.

- The county will only use the ROAP funds to provide trips when other funding sources is not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2016 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county will provide an accounting of trips and expenditures in a semi-annual report and a final year-end report to NCDOT – Public Transportation Division or its designee.
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY2016 Rural Operating Assistance Program funds:

State-Funded Rural Operating Assistance Program	Allocated	Requested
Elderly & Disabled Transportation Assistance Program (EDTAP)	48,916	48,916
Employment Transportation Assistance Program (EMPL)	7,588	7,588
Rural General Public Program (RGP)	50,512	50,512
TOTAL	107,016	107,016

WITNESS my hand and county seal, this 1st day of October , 2015 .

Signature of County Manager/Administrator

Signature of County Finance Officer

Printed Name of County Manager/Administrator

Printed Name of County Finance Officer

State of North Carolina County of Bertie





Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: D-1

DEPARTMENT: Sheriff's Office

SUBJECT: Sheriff's Department –
a. Part-time pay proposal to establish hourly rate of \$15.00
b. Relocation update

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): N/A

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: N/A



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: D-2

DEPARTMENT: Cooperative Extension

SUBJECT: Cooperative Extension staffing continuity recommendation and salary funding formula for pro-rated annual across the board increases and longevity

ITEM HISTORY:

From: Scott Sauer
 To: Board of Commissioners
 Sent: July 10, 2015 4:40PM
 Subject: Update

Cooperative Extension employee status clarification—All NC counties operate under a memorandum of agreement with North Carolina State University for the administration of Cooperative Extension programming. Bertie County's agreement was last reviewed and adopted in 2006. For all intents and purposes, Cooperative Extension employees are viewed as County staff.

Citizens highly value 4-H, Family and Consumer Science and technical field support from their County Cooperative Extension Office, but administratively issues become confusing because of the funding formula which varies by position due to the programming funding available through the State. As such, under the current agreement with NCSU, Bertie Cooperative Extension staff are not eligible for the across the board salary adjustments or longevity pay each year without special action by the Board of Commissioners.

Richard and I have discussed proposing to the Board that Cooperative Extension receive salary adjustments based on the pro-rated funding formula for local dollars only, and provide longevity benefits comparable to other County employees.

Finance Officer William Roberson wants to insure that the payroll system complies with binding agreements that have been approved by the Board, and in order to accomplish this proposal, Board action is necessary. This issue was identified last year, and William and I suggested to Richard that we bring it to the "new" Board in the new fiscal year. Given all of the projects and

issues that the Board has addressed in the past eighteen months, this item has been on the back burner.

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

It is requested that the County establish a policy effective FY2015-2016 beginning July 1st whereby Cooperative Extension staff are eligible for pro-rated salary adjustments and longevity pay based on the funding formula and the core staffing plan.

With the recently announced retirement (December 31, 2015) of Cooperative Extension Director, Richard Rhodes, the fiscal impact will be absorbed in the current year and the upcoming budget year due to the recruitment of a new Director.

Additionally, it is recommended that the part-time hours for Belinda Belch be continued thru June 30, 2016 to support this transition.

ATTACHMENTS: No

LEGAL REVIEW PENDING: No



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: D-3

DEPARTMENT: Parks and Recreation

SUBJECT: Handicap Accessible playground project update – Donna Mizelle

COUNTY MANAGER RECOMMENDATION: N/A

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

FYI; no action needed unless particular authorization is required for the grant to move forward.

ATTACHMENTS: Yes, sample playground concepts are attached.

LEGAL REVIEW PENDING: No

ITEM HISTORY:

September 30, 2015 – Three firms have expressed interest in submitting proposals and each consultant has indicated that preliminary concept proposals will be submitted for initial review by the Board at its October 19th meeting.

September 16, 2015 – check presentation ceremony

August 20, 2015 - grant of \$250,000 was received to build a handicap accessible playground at the Bertie County Recreation Complex



gofundme

Handicap Swings for County Parks

14 TOTAL DONORS

SHARE 12

TRUST 3

Created February 15, 2011
by Aimee Burkhardt



50 of \$1,000

Raised by 12 donors in 11 days

Donate Now

SHARE ON FACEBOOK

gofundme















Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: D-4

DEPARTMENT: All

SUBJECT: Discuss proposed date for 2015 Employee Appreciation Luncheon – Thursday, December 3, 2015

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

It is requested that the Board approve the proposed date of **Thursday, December 3, 2015** as the day to host the 2015 Employee Appreciation Luncheon. This approval will give the Luncheon Committee adequate time to appropriately prepare for this year's event.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: N/A



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 5, 2015

AGENDA ITEM: D-5

DEPARTMENT: N/A

SUBJECT: Discuss and consider approval of revised Travel Reimbursement Policy

COUNTY MANAGER RECOMMENDATION OR COMMENTS: N/A

SUMMARY OF NEEDED ACTION(S): N/A

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: No

ITEM HISTORY: First presented to the Board on September 21, 2015.

BERTIE COUNTY GOVERNMENT



TRAVEL POLICY

Revised October 2015

It is the intent of this policy to provide Bertie County Departments and agencies a comprehensive reference for uniform interpretation of payment or reimbursement for travel expenses pertaining to official travel and subsistence.



Bertie County Government Travel Policy

Section 1: Purpose

The intent of this policy to make uniform provision for reimbursement of necessary expenses of County employees or officials of the County who are required to travel within or out of the County boundaries in the performance of their duties and in the interest of County affairs.

Section 2: Policy Administration

The respective Department Heads are responsible for the administration of the provisions of this policy. Department Heads are authorized to approve or disapprove of travel reimbursements for the employees under their supervision except where otherwise stated.

Section 3: Employee and Board Member Responsibility

An employee, board member, county commissioner, or county official traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official business are not acceptable under this policy.

Employees and board members will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Employees and board members are expected to be in attendance at all meetings in which they are traveling. Willful violations of this policy may result in dismissal from County employment or other disciplinary action.

Section 4: Definitions and General Policies

A. Travel

Bertie County recognizes that employees, board members, department heads, commissioners, and county officials are required to travel both within and without of the State of North Carolina for the purpose of representing the County at meetings and professional associations, as well as for training to enhance their skills regarding the performance of their various positions within the County

Government. Specific protocols will be outlined for in-state and out-of-state travel in Section 6 of this policy.

B. Employee's Duty Station

Duty station is defined as the job location at which the employee has been assigned.

For an employee in travel status, the duty station should be the point when traveling begins the majority of the time, usually their office setting or building.

The designation of an employee's home as the duty station should be used if the mileage will be less, and there is no reason for the employee to begin traveling from the office.

C. Registration Fees

The County allows reasonable registration fees for employees, department heads, board members, commissioners, and county officials to be paid for each occurrence. They may be paid by the employee and then be reimbursed, or be paid directly by the County. The County requires itemized receipts for reimbursement.

Efforts should be made to secure scholarships from any professional organizations to cover registration fees for representatives of the County when at all possible.

D. Requesting Party

The person completing the required travel (county employee, department head, county commissioner, board member, or county official) and who will also submit reimbursement that is appropriately itemized and documented for eligible travel costs incurred while conducting County business.

E. Meal Reimbursement Types & Rates

Expenses for meals within and without of lodging venues are expected to be reasonable.

The County offers two options regarding meals during travel.

Option 1: Reimbursement for the cost of meals in connection with County business will be paid at the following rates: breakfast \$10.00, lunch \$12.00, and dinner \$22.00 including tip/gratuity. Gratuity is allowable at 15%.

Detailed, itemized receipts showing all items purchased must be turned in for reimbursement when using this option.

Reimbursement for partial day travel may be made as follows: breakfast may be reimbursed if duty station is departed prior to 7:00AM. Lunch may be reimbursed if duty station is departed prior to 10:00AM and returned to after 2:00PM. Dinner may be reimbursed if duty station is returned to after 8:00PM.

Reimbursement will be made according to each meal as listed above, but only for the amount of the receipt plus gratuity.

Itemized receipts are required before reimbursement can be dispersed by the Finance Office.

Meal items and other expenses that are NOT reimbursable are listed in Section 9 of this policy.

Option 2: In lieu of itemized receipts, a County employee, County Department Head, board member, or County Commissioner may opt to use a “per diem” system which would include a daily rate travel advance for meals **not to exceed \$30 per day.**

The request for such an advance must be completed using the County’s Travel Advance Form, and be turned into the Finance Department at least 1 week prior to date of travel.

For more information about Travel Advances, please see Section 12 of this policy.

F. Mileage Allowance

The amount authorized to be paid on a per-mile basis for travel by privately owned vehicles will be determined and/or revised each fiscal year according to the IRS rate.

If you are unsure about the current mileage reimbursement rate, contact the Finance Office.

Mileage will be paid beginning at the office or home, whichever is closest to the destination.

Authorized travel modes are outlined in Section 5.

G. Travel Sheet

A travel sheet is a form that a County employee, “the traveler,” will use upon completion of a specific trip, or trips, within a given time period prescribed by the Department Head.

This form lists all mileage, private or public transportation, lodging, meals, registration fees (if not paid in advance), and other eligible travel expenses for reimbursement. **ALL** receipts are required to be fully itemized and attached to the travel sheet before being submitted to the Department Head for approval.

ALL reimbursement requests shall be filed for approval and payment within 30 days after the travel period ends for which the reimbursement is being requested. Travel period is defined as the calendar month during which the travel occurred.

All travel sheets must be approved by the Department Head before being presented to the Finance Office for reimbursement, and the Department Head’s signature must be secured.

PLEASE NOTE: If employees are requesting reimbursement for meal expenses, a copy of the agenda/program received at the conference or event should also be attached showing any meals provided by the host/professional organization.

Section 5: Authorized Travel Modes

A. County-owned vehicle

This method of transportation is to be used whenever a county vehicle is available. The Department Head may authorize reimbursement to the employee for exact operation expenses in circumstances where direct credit charges cannot be paid directly by the County (i.e. gas or fuel expenses).

B. Privately owned vehicle

When a County vehicle is unavailable for use, this mode of transportation may be used if specifically authorized by the appropriate Department Head. Reimbursement for operational expense shall be limited to the mileage allowance listed in Section 4-F.

C. Transportation by Common Carrier

Reimbursement for air, rail, or bus fare is limited to business or coach fare, substantiated by an itemized receipt.

PLEASE NOTE: Every effort should be made to obtain the lowest travel fares as much as possible.

D. Rental Vehicles

Reimbursement for rental vehicles will not be authorized without prior approval by the Finance Officer or the County Manager.

If approved, the rented vehicle should be secured at the lowest practical rate, and returned to the respective vendor as promptly as possible.

Section 6: Travel Destination(s)

A. Inside the County (Local Travel)

County employees and county officials who are required within the normal nature of their duties to travel regularly within the County and who are authorized to do so by the Department Head, are eligible for reimbursement of transportation expense.

County Commissioners receive a monthly travel stipend as compensation for all in-county travel, therefore mileage reimbursement for in-county travel is excluded.

B. Outside of the County (Out of Area Travel, excluding Out of State Travel)

Approved travel expenses outside of the County for county purposes or purposes in the best interest of the County, such as training, conference, professional meetings, etc., may be reimbursed to the limited already set forth in this policy for:

1. Transportation cost
2. Lodging
3. Meals
4. Registration Costs (if not paid in advance)
5. Necessary miscellaneous expenses (parking fees, tolls, etc.)
PLEASE NOTE: Reasonable efforts must be made to secure affordable parking options (self-parking) before using a parking service (valet parking).

C. Out-of-State Travel

Out-of-state travel begins when the County employee, county official, board member, or commissioner leaves the State of North Carolina and remains in effect until the individual returns to the State of North Carolina.

PLEASE NOTE: Out-of-state travel requests by employees, board members, county officials, commissioners, and Department Heads must be approved in advance by the County Manager or the Assistant County Manager (if applicable).

All efforts must be made in securing reasonable, cost effective travel arrangements when traveling out-of-state as practiced with all other travel outlined in this policy.

D. Travel with Others

When two or more employees are traveling to the same destination, maximum use shall be made of special group travel discounts and joint use of the transportation including taxi cabs, County-owned, or privately owned vehicles. Travel with representatives of other government units is encouraged whenever possible.

E. Other Travel Costs

Reasonable parking fees, tolls, taxi charges, and expenses of a similar nature, when appropriate during travel, are reimbursable upon submission of appropriate documentation of the same.

The Finance Officer or the County Manager shall approve or disapprove of all other expense reimbursements not clearly defined in this policy or those which have been questioned.

F. Commuting

No reimbursement shall be made for use of a personal vehicle in commuting from an individual's home to his/her duty station (office).

G. Timeline of Travel

In the event that a conference or program begins before 10:00am, an employee, county official, commissioner, board member, or an otherwise deemed county representative may proceed to their destination the night prior to the start of the event.

This option should only be used if the conference location is 2 or more hours away from the individual's home or duty station.

For example, a conference's first session is slated to begin at 9:00am. The event location is in Raleigh, NC. An employee may preemptively travel to Raleigh the night before in order to be fully ready to participate in conference events the next day.

Supportive documentation, such as a copy of the event agenda/program, must be submitted with a completed, Department Head approved travel sheet if reimbursement claims are sought for fulfillment.

Section 7: Lodging

Lodging will be reimbursed at an amount not to exceed \$125 per night, plus applicable taxes. Prior approval from the County Manager or Assistant County Manager (if applicable) must be received for rates exceeding \$125 per night.

PLEASE NOTE: All reasonable efforts must be made in a timely fashion to secure a lower group rate within a conference/training hotel room block (if available) or a local/State government rate when booking lodging reservations. Employees should also familiarize themselves with all cancellation policies, and make every effort to avoid cancellation fees being charged to their department or to the County.

Reimbursement of lodging expenses incurred in counties contiguous to Bertie County will not be authorized without prior approval by the Finance Officer or the County Manager.

If more than one employee occupies the same hotel room, the total lodging expense should be reported on only one employee's travel sheet.

When another person, who is not an employee, occupies the same hotel room with an employee, county official, board member, or Department Head on an authorized trip, the employee must pay the difference between the single and double room occupancy rates (if applicable).

Itemized hotel folios/bills should be attached to travel reimbursement sheets, or turned into the designated individual when the County credit card is used to pre-pay any employee room reservations.

Section 8: County Credit Card

Employees and officials authorized to use a County credit card may elect to use them instead of seeking reimbursement; however, meals and lodging are still subject to the rates listed in Section 4-E, and Section 7.

Itemized receipts for all credit card expenditures must be submitted to the designated individual tasked with compiling the County credit statement each month which will then be submitted to the Finance Office for approval.

Section 9: Ineligible Expenses for Travel Reimbursement

A. The following items are considered ineligible for travel reimbursement:

1. Miscellaneous expenses not supported by itemized receipts
2. Meals prepaid as part of a registration fee
3. Meals purchased despite a prepaid meal being available within a registration fee
4. Commute to and from work place (see Section 6-F)
5. Gift shop purchases such as snacks, beverages, toiletries, gifts, souvenirs, or other personal items
6. Additional subsistence outside of the 3 allotted meals per day (see Section 4-E)
7. Items purchased to be used as door prizes or raffle items
8. Non-employee expenses (spouse, or family members)
9. Alcoholic beverages
10. Entertainment expenses (hotel movie rentals, elective events or activities such as shopping, sporting events, social events not included in registration fees, etc.)
11. Room Service
12. Traffic fines/citations

This list is not all-inclusive. The Finance Officer or County Manager shall approve or disapprove of all other expense reimbursements not clearly defined in this policy or those which may require interpretation for further consideration.

The County Manager is authorized to interpret and make reimbursement decisions on a case-by-case basis as conditions may warrant.

B. Telephone Calls

Employees, board members, county officials, commissioners, and department heads are not allowed to charge long distance phone calls to the County for calls of a personal nature, except as stated below.

All long distance calls that are to be paid by the County are those made pursuant to the employee conducting official County business.

An employee traveling to a location outside the local calling area is allowed one (1) “safe arrival” call upon arriving at the destination.

Additionally, employees may be properly reimbursed for emergency calls approved by the Department Head. An example of such is a call made when an employee calls home to inform someone that the travel period has been extended beyond original plans due to unforeseen reasons.

Section 10: Extraordinary Travel or Cost

In instances of travel not covered by this policy, or where the actual necessary costs exceed the maximum reimbursement allowed and the travel is in the best interest of the County, the County Manager may approve reimbursement of actual cost beyond the maximums stated herein.

Section 11: Travel Expenses not Addressed by this Policy

Any expenses falling outside the realm of this policy must be approved by the County Manager.

Section 12: Travel Advances

For “Out of the Area Travel” and “Out of State Travel (Sections 6-B and 6-C),” County employees, county officials, Department Heads, and commissioners may receive advances for travel expenses to avoid personal inconvenience or hardships. Using the approved travel advance form, the individual must submit a request in writing in advance to the respective Department Head estimating the travel cost.

The Department Head will then review the request and forward approval travel allowance advance forms to the Finance Office for payment.

Travel advance checks will not be issued for estimated expenses less than \$100.00.

Each employee traveling must obtain his/her own travel advance to facilitate easier reconciliation of travel advances and trip sheets, except in cases where more than one employee occupies the same hotel room. In that case, the entire lodging cost will be advanced to one employee.

Travel advances will be issued through the accounts payable process, so plan ahead to meet the accounts payable cutoff deadline.

Immediately upon completion of the travel, the employee will present an approved travel sheet to the Finance Department and return any money advanced in excess of the actual approved expenses within five (5) working days to the Finance Department. Any amount advanced and subject to return to the County, not promptly refunded, may be deducted from pay due the employee.

Section 13: Travel Procedure

A. The travel sheet and supporting itemized receipts will be submitted to the Department Head for approval. Department Heads should review travel sheets to determine that they are mathematically correct, and that requested reimbursements agree to submitted receipts, when required, and are within the limits set forth by this policy. After approval by the Department Head is received, the form should then be forwarded to the Finance Office.

B. The Finance Department will determine that the travel sheet and receipts have been properly approved, and that they are mathematically correct, and that requested reimbursements agree to the submitted itemized receipts, when required, and are within the limits set forth by this policy.

If an error in the reimbursement is found, the requesting party will be informed and the error will be corrected before payment is made.

C. Trip Cancellation

When an employee cancels an approved trip and the County has already paid airfare, registration, and other related fees or issued a travel advance, a memo must be sent to the Finance Office explaining the cancellation.

Section 14: The Governing Body

Commissioners (members of the Governing Body) will receive reimbursement once a travel sheet has been submitted and reviewed by the Finance Officer and approved by the County Manager. Commissioners may be reimbursed for expenses incurred in the course of conducting official business on behalf of Bertie County.

ALL travel sheets should be submitted with itemized, detailed receipts.

Section 15: Accurate Information

A requesting party that knowingly submits a falsified reimbursement form may be subject to disciplinary action and criminal prosecution. An authorized party who approves a falsified form that they know to be false will be subject to disciplinary action or criminal prosecution. N.C.G.S. §159-181 (a) states that an officer or employee of a local government or public authority who submits a written claim or approves a claim for funds that he/she knows to be false is guilty of a misdemeanor.

This policy was adopted on the ____ day of _____, 2015.