

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: October 6, 2014
Presenter: Kris Cahoon Noble
Attachment: Yes - Resolutions

ITEM TITLE: Resolution to appoint Rosemary Johnson as Plat Review Officer
Resolution to revoke Averi Simmons as Plat Review Officer

SUMMARY: Attached are (2) formal resolutions; (1) Appointment of Rosemary Johnson as a Plat Review Officer for Hyde County and (2) Revocation of Averi Simmons as Plat Review Officer for Hyde County. Ms. Johnson was approved as a Plat Review Officer at the September 9 meeting; the resolution appointing Ms. Johnson is being presented for approval so that the Board of Commissioners approval will be officially recorded in the Register of Deeds office. We are also requesting approval of a resolution revoking Averi Simmons as a Plat Review Officer to be officially recorded in the Register of Deeds office.

RECOMMEND: APPROVE ROSEMARY JOHNSON FOR APPOINTMENT AS A PLAT REVIEW OFFICER. APPROVE REVOCATION OF AVERI SIMMONS AS PLAT REVIEW OFFICER.

Motion Made By: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

Motion Seconded By: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

Vote: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

**Resolution to Revoke Averi Simmons
As Plat Review Officer for Hyde County, North Carolina**

WHEREAS, an Act to improve the procedures for recording maps and plats, to revise the law governing the disposition of certain birth and death certificates, and to establish a study of land title registration procedures was ratified the 8th day of July, 1997 by the North Carolina General Assembly;

WHEREAS, G.S. 47-30.2 of this General Statute requires the Board of Commissioners of each county designate by name one or more persons experienced in mapping or land records management as Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording;

WHEREAS, upon that person's departure from employment with the county, their responsibilities as a Review Officer will be revoked;

WHEREAS, A Resolution Revoking a Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer;

THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners hereby revokes Averi Simmons as Plat Review Officer.

**Barry Swindell, Chair
Hyde County Board of Commissioners**

ATTEST:

**Lois Stotesberry
Clerk to the Board**

**Resolution to Appoint Rosemary Johnson
As Plat Review Officer for Hyde County, North Carolina**

WHEREAS, an Act to improve the procedures for recording maps and plats, to revise the law governing the disposition of certain birth and death certificates, and to establish a study of land title registration procedures was ratified the 8th day of July, 1997 by the North Carolina General Assembly;

WHEREAS, G.S. 47-30.2 of this General Statute requires the Board of Commissioners of each county designate by name one or more persons experienced in mapping or land records management as Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording;

WHEREAS, each person designated a Review Officer shall, if reasonably feasible, be certified as a property mapper pursuant to G.S. 147-54.4;

WHEREAS, A Resolution Designating a Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer;

THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners hereby appoints Rosemary Johnson as Plat Review Officer.

**Barry Swindell, Chair
Hyde County Board of Commissioners**

ATTEST:

**Lois Stotesberry
Clerk to the Board**

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: **October 6, 2014**
Presenter: **Corrinne Gibbs**
Attachment: **No**

ITEM TITLE: **OFFICIAL DEPOSITORY – YADKIN BANK**

SUMMARY: The Board of Commissioners must declare a Central Depository for Hyde County. On August 5, 2013 Vantage South Bank was declared the Central Depository retroactive to May 1, 2013.

Yadkin Bank recently purchased Vantage South Bank (formerly ECB) and the County now needs to declare Yadkin Bank its Central Depository, effective Monday, September 22, 2014.

RECOMMEND: Declare Central Depository.

Motion Made By: ___ Barry Swindell
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher
 ___ Earl Pugh, Jr.

Motion Seconded By: ___ Barry Swindell
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher
 ___ Earl Pugh, Jr.

Vote: ___ Barry Swindell
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher
 ___ Earl Pugh, Jr.

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: October 6, 2014
Presenter: Manager Rich
Attachment: No

ITEM TITLE: RENEWAL OF LOBBYIST CONTRACT - MCCLEES
CONSULTINTG

SUMMARY: The current lobbyist contract with McClees Consulting will expire December 31, 2014. The Board of Commissioners will be asked to consider renewal of the lobbyists' contract.

They are requesting an additional \$15,000.00 due to dealing with our federal issues. If approved funding will come from Occupancy Tax, Manager's allocation for an assistant and grant funds. There will be no increase to the budget.

RECOMMEND: Renew.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: **October 6, 2014**
Presenter: **Manager Rich**
Attachment: **Yes**

ITEM TITLE: **NC DOT ENCROUCHMENT AGREEMENT – OUTER BANKS NATIONAL SCENIC BYWAY**

SUMMARY: The Outer Banks National Scenic Byway Committee request Hyde County Board of Commissioners approval of NC DOT Right of Way Encroachment Agreement for Non-Utility Encroachments on Primary and Secondary Highways.

The Committee plans to develop orientation panels for the Outer Banks National Scenic Byway. NC 12 and various locations beginning at the north end of Ocracoke Island proceeding to the NCDOT Ferry Terminal within the Village of Ocracoke will be affected by this project. Elements include route signs, entrance signs, orientation panels, medallion signs and other elements necessary to define and delineate the Scenic Byway in Hyde County.

RECOMMEND: Approve.

Motion Made By: ___ Barry Swindell
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher
 ___ Earl Pugh, Jr.

Motion Seconded By: ___ Barry Swindell
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher
 ___ Earl Pugh, Jr.

Vote: ___ Barry Swindell
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher
 ___ Earl Pugh, Jr.

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT FOR NON-UTILITY ENCROACHMENTS ON PRIMARY AND SECONDARY HIGHWAYS

-AND- Hyde County

THIS AGREEMENT, made and entered into this the ___ day of ___, 20 ___, by and between the Department of Transportation, party of the first part; and ___ party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) NC 12, located Various locations beginning at the north end of Ocracoke Island and proceeding to the NCDOT Ferry Terminal within the Village of Ocracoke with the construction and/or erection of: The installation of wayshowing and wayfinding elements along this portion of the Outer Banks National Scenic Byway. Elements include route signs, entrance signs, orientation panels, medallion signs and other elements necessary to define and delineate the Scenic Byway in Hyde County.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the highway rights of way limits, in carrying out its construction and maintenance operations.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

R/W (161A) : Party of the Second Part certifies that this agreement is true and accurate copy of the form

R/W (161A) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
DIVISION ENGINEER

ATTEST OR WITNESS:

Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

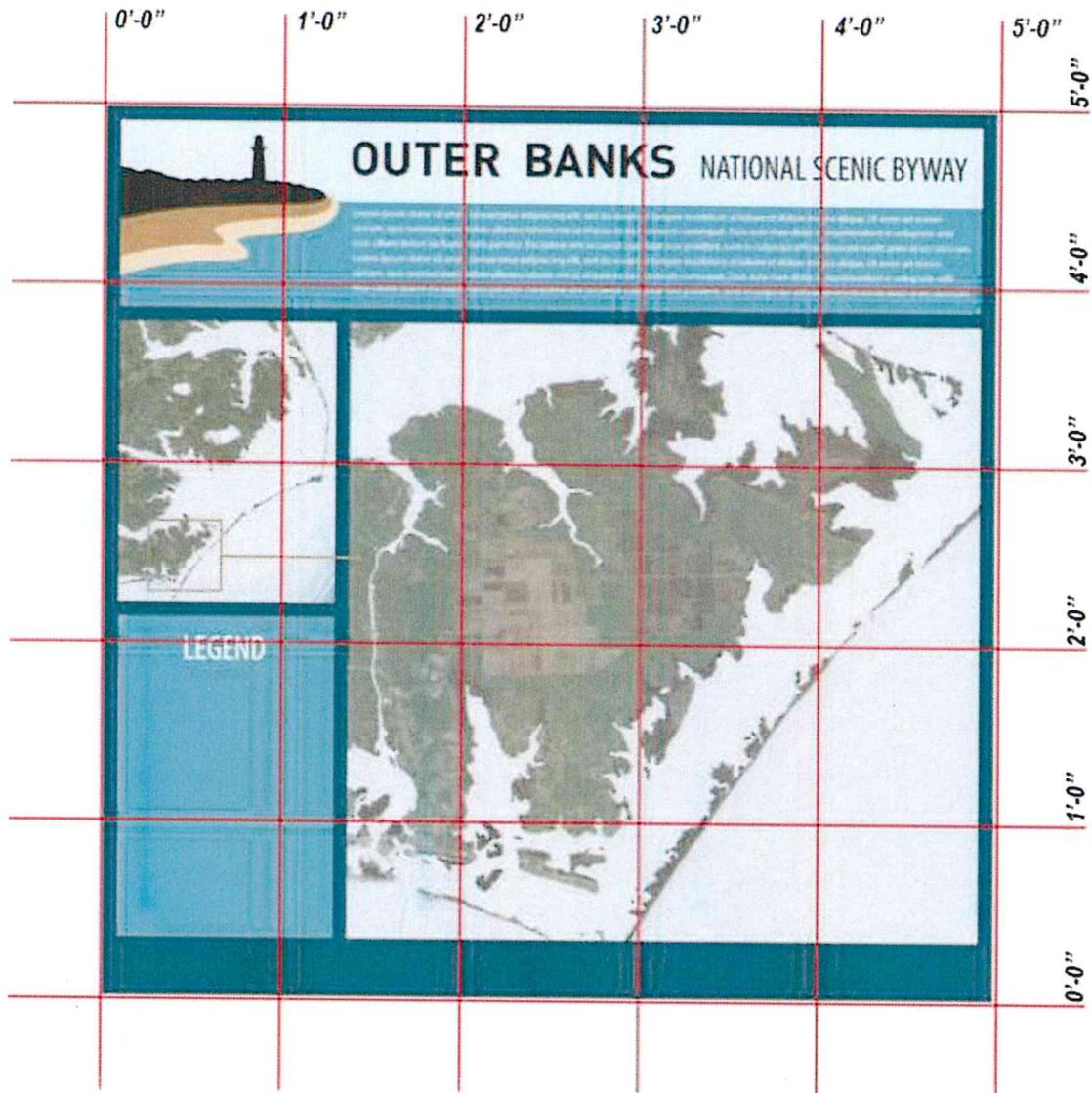
1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the proposed encroachment.
4. Length and type of encroachment.
5. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
6. Drainage structures or bridges if affected by encroachment.
7. Typical section indicating the pavement design and width, and the slopes, widths and details for either a curb and gutter or a shoulder and ditch section, whichever is applicable.
8. Horizontal alignment indicating general curve data, where applicable.
9. Vertical alignment indicated by percent grade, P.I. station and vertical curve length, where applicable.
10. Amount of material to be removed and/or placed on NCDOT right of way, if applicable.
11. Cross-sections of all grading operations, indicating slope ratio and reference by station where applicable.
12. All pertinent drainage structures proposed. Include all hydraulic data, pipe sizes, structure details and other related information.
13. Erosion and sediment control.
14. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
15. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.
16. Method of handling traffic during construction where applicable.
17. Scale of plans, north arrow, etc.

Outer Banks National Scenic Byway | Wayshowing Project

Orientation Panel Considerations and DRAFT Panel Layout Preliminary Designs September 9, 2014

The following document provides an overview of our current approach to developing orientation panels for the Outer Banks National Scenic Byway. This approach is predicated upon the following key considerations and premises:

1. **Coordinated Design Approach** The overall design for the orientation panel layouts reflects an adaptation of the Outer Banks National Scenic Byway graphic identity. The layout design incorporates elements from the core graphic identity while also using consistent colors and fonts. For viewers, this approach will allow them to connect the orientation panels with the other signage components along the Byway.
2. **Effective Targeted Mapping** After exploring an original concept to have one orientation **panel design replicated at all panel locations, it was observed that one overall map doesn't** allow the detail needed for the wayshowing communication to be as effective. To that end, **four panel designs are proposed with four "Detailed Segment Maps" which reflect the regional** location of a particular panel location. The four proposed segments are: Carteret, Hyde, Dare South, and Dare North. Each panel then **features a smaller "Full Byway Reference Map" which features a location key to indicate the geographic extents of the "Detailed Segment Map".** This approach will allow the panel to communicate a finer detail of roads, geography, and place/site names as well as allow for larger font sizes for labels. Developing four unique orientation panels will require no extra design or fabrication costs.
3. **Sensitive Panel Dimensions** **The following draft panel layouts reflect a 5' x 5' panel size instead of the original 6' vertical x 4' horizontal proposed panel size.** A smaller vertical dimension will be more comfortable for viewing, particularly for those locations where people may need to stand relatively close to the panel due to the physical requirements of the site (railing location, room dimensions, etc.). Attempting to strain to look up or down to visually take in the entire panel would likely have been more challenging for viewers. In addition, **some panel location sites may pose physical challenges to installing a 6' vertical panel (roof overhangs, etc.). Expanding the horizontal dimension from 4' to 5' will offer additional panel space to maximize map size and other panel information. This 5' horizontal width seems to be workable in all locations.**



Orientation Panel – Overall Dimensions and Layout

OUTER BANKS NATIONAL SCENIC BYWAY

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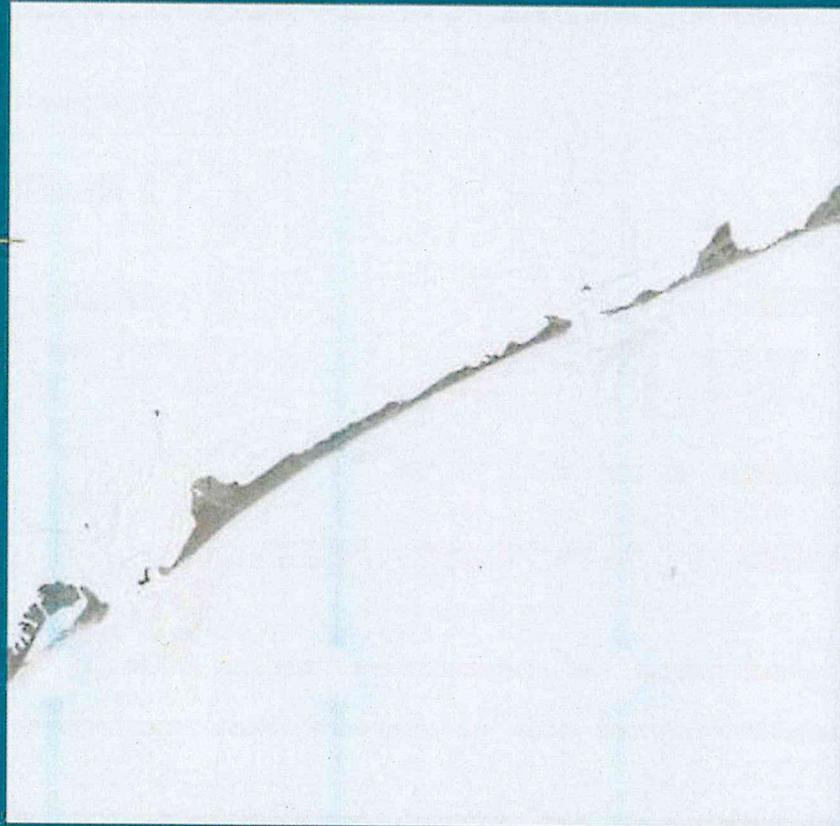
LEGEND

Carteret Area Orientation Panel – Proposed Segment Extents



OUTER BANKS NATIONAL SCENIC BYWAY

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LEGEND

Hyde Area Orientation Panel – Proposed Segment Extents

OUTER BANKS NATIONAL SCENIC BYWAY

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LEGEND

Dare South Area Orientation Panel – Proposed Segment Extents

OUTER BANKS NATIONAL SCENIC BYWAY

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LEGEND

This orientation panel is designed to provide context for the proposed segment extents. It includes a lighthouse icon representing the Outer Banks region, a title, a paragraph of placeholder text, a map with a legend, and a large aerial photograph of the coastline.

Dare North Area Orientation Panel – Proposed Segment Extents

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: October 6, 2014
Presenter: Chairman Swindell and Commissioner Fletcher
Attachment: Yes

ITEM TITLE: COMMISSIONER'S CONCERNS

SUMMARY: Chairman Barry Swindell will discuss use of social media to defame your employer.

Commissioner Fletcher will discuss why we put contracts out for bid, Open Meetings, Red Neck ID's and Half Fare.

RECOMMEND: Discussion.

Motion Made By: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

Motion Seconded By: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

Vote: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

Bill Rich

From: Joyce, Robert P <Joyce@sog.unc.edu>
Sent: Wednesday, September 10, 2014 10:12 AM
To: Bill Rich
Cc: Tufts, Shannon H
Subject: RE: Hyde County

Mr. Rich:

Here is how the law breaks this down.

First, the fact that the deputies are using Facebook does not affect the legal analysis. It's just the same as if they were saying these things in television interviews or by letters to the editor or by standing in a public park and making speeches.

Second, the law says that if the deputies are speaking as part of their job duties, then their speech is not constitutionally protected and they can be disciplined (or even dismissed) for what they are saying. I suspect that in this case, however, it is not part of their job duties to make comments like this.

Third, public employee speech is constitutionally protected only if it touches on a matter of public concern. In this case, it seems to me that the subject matter does in fact touch on a public concern, so it could be protected speech.

Fourth, even if public employee speech does touch on a matter of public concern, it is not protected if, in the balance of all interests, it causes undue disruption in the ability of the government agency to pursue its regular work.

So, in this case, based only on the little bit that is in your email below, it is possible that the deputies' speech may in fact be constitutionally protected. It was probably not made as part of their job duties and it probably does touch on a matter of public concern. With what little I know, I cannot of course comment on the level of turmoil or disruption that has resulted. That factual issue would, I believe, determine whether what the deputies are saying is constitutionally protected or not.

Fifth, the decision of whether to discipline (or even dismiss) the employees rests with the sheriff. Even if the sheriff were to determine that the speech of the deputies was sufficiently disruptive that it was not constitutionally protected, he is still not obligated to discipline or dismiss them.

I hope these comments are helpful. Here is a blog post I wrote that is right on point: <http://canons.sog.unc.edu/?p=5151>

I would be happy to discuss this with you if you would like. 919-966-6860.

Bob Joyce

From: Tufts, Shannon H
Sent: Tuesday, September 09, 2014 4:42 PM
To: Bill Rich
Cc: Joyce, Robert P
Subject: Re: Hyde County

Bill,

I have copied Bob Joyce on this email as he is the more qualified source to respond, given this is an employment/constitutional law issue.

Bob, can you please assist Bill with the situation noted below?

Thanks!
Shannon

~~~~~  
Shannon H. Tufts, PhD  
UNC School of Government  
CB#3330 Knapp-Sanders Bldg  
Chapel Hill, NC 27599  
[tufts@sog.unc.edu](mailto:tufts@sog.unc.edu)  
919.962.5438 office  
919.369.3179 cell

On Sep 9, 2014, at 4:22 PM, "Bill Rich" <[brich@hydecountync.gov](mailto:brich@hydecountync.gov)> wrote:

Shannon,

I am Hyde County Manager and had the opportunity to be in your class at the recent County Administration Course. We have a situation in the county where two Hyde County dispatchers (who work under the Sheriff) are bad mouthing the Commissioners and me on face book about recent decisions we made like consolidating 911 with Dare and Tyrrell Counties. My Chairmen asked me to check out the consequences of their actions and words. Please help lead me in the right direction. Thanks.

Bill



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## Coates' Canons Blog: The First Amendment and Facebook Rants: A Case Example

By Robert Joyce

Article: <http://canons.sog.unc.edu/?p=5151>

This entry was posted on August 02, 2011 and is filed under Employment, Freedom Of Speech

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First Amendment analysis of government employee speech is seldom a precise exercise. The law is complicated. The courts are firm in their notion that the cases turn on their facts and hard-and-fast rules are not really available.

Let's look at a real-life North Carolina situation and see how the free speech issues might play out. The names have been changed to protect me. In fact, I just completely made them up. But the circumstances really happened.

Smith County employs Fred as an emergency medical technician (EMT). One evening, after bringing an accident victim to Smith County Hospital, Fred posts these observations on his Facebook page:

"I'm back at this God forsaken place. Nothing has changed—only gotten worse. I can't take anymore of this place. But if you want good quality care, go to Marvin Hospital in Williams County where the good folks will help ya! We get good service there and everyone is so friendly! Not anywhere near Smith, where you lay for hours and never get treated!"

This posting comes to the attention of the emergency room director at Smith, who is not happy with Fred. She prints it out and shows it to the county emergency medical services director, who is not happy with Fred. The director talks to the county manager., who is not happy with Fred. The manager is considering disciplinary action, maybe even dismissal.

But, the manager wonders, is Fred's Facebook posting protected free speech? "If I take disciplinary action against him, might I open the county up to a First Amendment lawsuit?"

Here is my best shot at the analysis in this very interesting situation. The analysis has three parts, and Fred's speech is protected only if the answers to all three parts go his way.

**First, was Fred speaking as part of his job duties?** If so, the speech is simply not protected by the First Amendment. Why is this true? Because the U.S. Supreme Court has recently said so. Its 2006 decision, *Garcetti v. Ceballos*, 547 U.S. 410, the Court says that if a government employee is speaking as part of her job duties, she is speaking as an *employee* doing the work she is paid to do, and not as a *citizen* exercising constitutionally-protected rights. This new restriction makes it much harder for public employees to win free speech cases.

So what about Fred? Answer in his case: No. It is not part of his EMT job to comment on the quality of the hospital compared to other hospitals. When he posted those comments, it is clear that he was speaking (however indiscreetly) as a citizen, not in furtherance of his job. So go to the second part.

**Second, when Fred posted his Facebook comments, did any of the comments constitute speech on a matter of public concern?** If no, they are not protected. The U.S. Supreme Court has made this clear over the years. Comments by a government employee that are of *personal* concern ("My supervisor's husband is a real slime ball"), not of interest to the community at large, are simply beyond the protection of the First Amendment, and the public employer may discipline the employee if it chooses. The initial Supreme Court case in this line of thinking was *Connick v. Myers*, 461 U.S. 138 (1983).

Answer in Fred's case: Yes. The quality of hospital services offered to the community (especially in comparison to those offered in another community) is a matter of public concern. So go to the third part.

**Third, in the balance of interests, whose interests are more important:** Fred's interest in freely expressing himself on a matter of public concern, or the county's interest in preserving its good relationship with the hospital and the hospital's ability to serve the interests of patients? The Supreme Court first articulated this balancing requirement in 1968: The challenge, it said, "is to arrive at a balance of the interests of the [government employee], as a citizen, in commenting upon

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matters of public concern and the interest of the [government], as an employer, in promoting the efficiency of the public services it provides through its employees." *Pickering v. Board of Education*, 391 U.S. 563.

In Fred's case, this question is, I think, very close.

Fred's interest is significant. We all as citizens have a high interest in our constitutional rights of freedom of speech. In addition, in this case Fred is in a position to have direct knowledge of the relative abilities and performance of the two hospital emergency rooms. In a 1987 case, in which a North Carolina public school teacher had spoken up during a controversial principal-selection process and the issue was the balance of the interests, the federal court of appeals said this, in striking the balance in the teacher's favor: "[The teacher] had particular expertise on the issue of [a candidate's] performance. The public has a need to hear from those who know concerning the performance of public officials." *Piver v. Pender County*, 835 F.2d 1076, 1081 (4th Cir.).

But the county's interest is also high. Emergency medical is a vital service, and any level of disruption can directly threaten patient health and safety. If the Facebook comments cause other county emergency medical or hospital employees to shun Fred or feel uncomfortable working with him, there is a the possibility of danger to patients. Of course, such a reaction is by no means certain by other employees, and even if there is such a reaction, there is no certainty of patient danger. Nonetheless, I think that the threat to patient safety is enough to tip the scales in favor of the county. I think that way especially because of the nature of Fred's speech. It is a rant. It is not a careful analysis of problems with suggestions for improvement. It is vindictive, not constructive. Nonetheless, the question is close.

So, what can the county do? (1) It can do nothing and hope that Fred's intemperate comments do no further harm. Or (2) it can counsel Fred, explaining the county's concerns. The county can request his cooperation in removing the Facebook comments and refraining from such comments in the future. If Fred cooperates, great. If he does not, the county could decide to discipline or dismiss him. Or (3) the county can decide that this one instance merits some kind of action beyond counseling or asking for cooperation—it may wish to go ahead with discipline or dismissal of Fred.

If the county disciplines or dismisses him, it may of course face a legal challenge, and the analysis would be the one I have outlined above. Would a court agree with my conclusion? Who knows?

**Hyde County Board of Commissioners  
AGENDA ITEM SUMMARY SHEET**

**Meeting Date:**           **October 6, 2014**  
**Presenter:**           **Manager Bill Rich**  
**Attachment:**           **Yes**

**ITEM TITLE:**           **BUDGET MATTERS**

**SUMMARY:**            Departmental budget revisions and amendments will be presented by department managers for Board discussion and approval.

**Health Department:**

**1) BR09-15 – Healthy Communities**

**RECOMMEND:**        Discussion and approve budget revisions and amendments.

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Motion Made By:   \_\_\_ Barry Swindell  
                          \_\_\_ Dick Tunnell  
                          \_\_\_ Ben Simmons  
                          \_\_\_ John Fletcher  
                          \_\_\_ Earl Pugh, Jr.

Motion Seconded By: \_\_\_ Barry Swindell  
                                  \_\_\_ Dick Tunnell  
                                  \_\_\_ Ben Simmons  
                                  \_\_\_ John Fletcher  
                                  \_\_\_ Earl Pugh, Jr.

Vote:           \_\_\_ Barry Swindell  
                  \_\_\_ Dick Tunnell  
                  \_\_\_ Ben Simmons  
                  \_\_\_ John Fletcher  
                  \_\_\_ Earl Pugh, Jr.



**Hyde County Board of Commissioners  
AGENDA ITEM SUMMARY SHEET**

**Meeting Date:** October 6, 2014  
**Presenter:** Chairman, Vice-Chair, Commissioners and Manager  
**Attachment:** No

**ITEM TITLE:** MANAGEMENT REPORTS

**SUMMARY:** This is a time for each Commissioner to give reports on their work representing the County.

Additionally, Commissioners may wish to bring up issues they wish to have followed up by the Board or by the County Manager.

The County Manager will give an oral update on various projects and other administrative matters.

**RECOMMEND:** Receive reports. Discussion and possible action as necessary.

---

Motion Made By:  Barry Swindell  
 Dick Tunnell  
 Ben Simmons  
 John Fletcher  
 Earl Pugh, Jr.

Motion Seconded By:  Barry Swindell  
 Dick Tunnell  
 Ben Simmons  
 John Fletcher  
 Earl Pugh, Jr.

Vote:  Barry Swindell  
 Dick Tunnell  
 Ben Simmons  
 John Fletcher  
 Earl Pugh, Jr.

**Manager's Calendar (September, 2014)**

**September**

|           |           |                                                                                                                                                                                                          |
|-----------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>M</b>  | <b>1</b>  | LABOR DAY                                                                                                                                                                                                |
| <b>T</b>  | <b>2</b>  | Met with Tammy Blake and Justin Gibbs<br>Board of Commissioners Meeting                                                                                                                                  |
| <b>W</b>  | <b>3</b>  | Lunch with Judge McLendon<br>Met with Beverly Paul<br>Attended MECH School Board Meeting                                                                                                                 |
| <b>TH</b> | <b>4</b>  | Met with Fred Holscher and Holley - ECB/DSS Easement<br>Toured ECB Building                                                                                                                              |
| <b>F</b>  | <b>5</b>  | Met with Trey Piland, Walley Overman in Manteo - Consolidated PSAP                                                                                                                                       |
| <b>S</b>  | <b>6</b>  |                                                                                                                                                                                                          |
| <b>S</b>  | <b>7</b>  |                                                                                                                                                                                                          |
| <b>M</b>  | <b>8</b>  | Ocracoke Office Hours<br>Attended Ocracoke Community Park Meeting<br>Attended Ferry Meeting with Beverly Paul                                                                                            |
| <b>T</b>  | <b>9</b>  | Met with Lisa Phillips                                                                                                                                                                                   |
| <b>W</b>  | <b>10</b> | Met with Corrinne Gibbs, Justin Gibbs, Clint Berry - Ocracoke Community Center Project<br>Participated in OCBA call in meeting                                                                           |
| <b>TH</b> | <b>11</b> | Met with Fred Holscher<br>Attended Project Lazerus at Gov. Center                                                                                                                                        |
| <b>F</b>  | <b>12</b> | Met with Senator Decker at Airport and Lodge with Kris Noble and Dick Tunnell (8-12)<br>Ferry to Ocracoke                                                                                                |
| <b>S</b>  | <b>13</b> |                                                                                                                                                                                                          |
| <b>S</b>  | <b>14</b> |                                                                                                                                                                                                          |
| <b>M</b>  | <b>15</b> | Ocracoke Office Hours<br>Met with Don Bachman<br>Met with Sarah Johnson<br>Met with Connie Leinbach<br>Met with Al Scarlboro                                                                             |
| <b>T</b>  | <b>16</b> | Attended UHC Insurance Meeting with Lisa Mahaffy<br>Met with Joe McClees in Ponzer                                                                                                                       |
| <b>W</b>  | <b>17</b> | Loaded Coast Guard Generator<br>Two meetings in Washington - ECB Building Easement                                                                                                                       |
| <b>TH</b> | <b>18</b> | Met with Kris Noble and Beverly Paul<br>Met with Soundside Group<br>Ferry to Ocracoke - met with Barry King, Daniel Brinn, Mike Johnson, Justin LeBlanc, Win and Rex O'Neal about Storm Water Management |
| <b>F</b>  | <b>19</b> | Continued Water Management at Dump and Stormwater Management meeting<br>Oysters/Silver Lake                                                                                                              |
| <b>S</b>  | <b>20</b> | Met with Barbara Jemison<br>Met with Newt Garber                                                                                                                                                         |
| <b>S</b>  | <b>21</b> |                                                                                                                                                                                                          |
| <b>M</b>  | <b>22</b> | Inspected DSS Building<br>Meeting at Government Center                                                                                                                                                   |
| <b>T</b>  | <b>23</b> | Met with Kathy Davison, Albemarle Commission Director<br>FEMA Meeting<br>Tyrrell County Meeting                                                                                                          |
| <b>W</b>  | <b>24</b> | Government Center for Interviews (5) for Assistant Finance Officer Position (10-3)                                                                                                                       |
| <b>TH</b> | <b>25</b> | Engelhard Sanitary District - RFP Presentations (10-1)<br>Ferry to Ocracoke                                                                                                                              |
| <b>F</b>  | <b>26</b> | Ocracoke Office Hours<br>Met with Barbara Jemison and Frank Brown - Occupancy Tax<br>Conference Call with Golden LEAF<br>Daniel Brinn on Ocracoke doing elevations                                       |
| <b>S</b>  | <b>27</b> |                                                                                                                                                                                                          |
| <b>S</b>  | <b>28</b> |                                                                                                                                                                                                          |
| <b>M</b>  | <b>29</b> |                                                                                                                                                                                                          |
| <b>T</b>  | <b>30</b> | Engelhard - DSS Building<br>Sponsored Partnership for Sounds meeting at Gov. Center                                                                                                                      |

**Hyde County Board of Commissioners**  
**AGENDA ITEM SUMMARY SHEET**

**Meeting Date:** October 6, 2014  
**Presenter:** Citizens  
**Attachment:** No

**ITEM TITLE:** PUBLIC COMMENTS

**SUMMARY:** The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

**RECOMMEND:** Receive comments.

## Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

**Meeting Date:** August 4, 2014

**Presenter:** Board of Commissioners

**ITEM TITLE:** CLOSED SESSION

**SUMMARY:** The County Manager may request entering Closed Session in accordance with NCGS143A-318.11 (a)

- 1) To prevent the disclosure of information that is privileged or confidential pursuant to the law.
- 2) To prevent the premature disclosure of an honorary award.
- 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege.
- 4) To discuss matters relating to the location or expansion of industries or other businesses.
- 5) To establish or instruct the public body's staff or agent in negotiating the price or terms of a contract for the acquisition of real property by purchase; or compensation and terms of an employment contract.
- 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.
- 7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- 8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- 9) To discuss and take action regarding plans to protect public safety.

**RECOMMEND:** Enter into Closed Session if required.

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|                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                     |
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| Motion Made By: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br>Time In: _____ <input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. | Motion Seconded By: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br><input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. | Vote: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br><input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Motion Made By: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br>Time Out: _____ <input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. | Motion Seconded By: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br><input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. | Vote: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br><input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. |
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Motion Made By: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br>Action: _____ <input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. | Motion Seconded By: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br><input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. | Vote: <input type="checkbox"/> Barry Swindell<br><input type="checkbox"/> Dick Tunnell<br><input type="checkbox"/> Ben Simmons<br><input type="checkbox"/> John Fletcher<br><input type="checkbox"/> Earl Pugh, Jr. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Hyde County Board of Commissioners**  
**AGENDA ITEM SUMMARY SHEET**

**Meeting Date:**           **October 6, 2014**  
**Attachments:**           **Yes**

**ITEM TITLE:**           **SUPPLEMENTAL INFORMATION**

**Department Reports**

- 1) Tax Department (requires signature)
- 2) Mattamuskeet Senior Center
- 3) Inspections
- 4) Health Department
  - a. Animal Control
  - b. Health
  - c. Board of Health Meeting Minutes
  - d. Albemarle Commission – August 2014 Report
- 5) Social Services
- 6) Human Resources

**Informational Items**

- 1) Transylvania County – Farewell Celebration for County Manager Artie Wilson
- 2) Surry County
  - a. Resolution on Resettling of Illegal Imigrants Including Unaccompanied Minors
  - b. Resolution on Resettling of Illegal Imigrants Including Unaccompanied Minors From Honduras
  - c. Resolution on Resettling of Illegal Imigrants Including Unaccompanied Minors From El Salvador
  - d. Resolution on Resettling of Illegal Imigrants Including Unaccompanied Minors From Nicaragua
- 3) Gates County
  - a. Resolution Calling For The Release of Sgt. Andrew Tahmooressi by The Government of Mexico
- 4) Moore County
  - a. Resolution Opposing The Proposed Changes to The Rule Defining “Waters of The US”
- 5) Polk County
  - a. Resolution Calling For The Release of Sergeant Andrew Tahmooressi By The Government of Mexico
- 6) Albemarle RC&D Annual Report 2013-2014
- 7) 2014 Legislative Report
- 8) Richard Burr – Letter – Lifeguards at Cape Hatteras National Seashore

**NORTH CAROLINA  
HYDE COUNTY  
HYDE COUNTY BOARD OF COMMISSIONERS**

From: Linda M. Basnight Tax Administrator

This is to report all tax collections by the Hyde County Tax Office Employees during the month of August, 2014.

**CURRENT TAX**

| DEPOSITS | COUNTY WIDE | MOSQUITO TAX | SOLID WASTE               | WEST QUARTER | INTEREST |
|----------|-------------|--------------|---------------------------|--------------|----------|
| \$0.00   | \$0.00      | \$0.00       | \$0.00 Res<br>\$0.00 Comm | \$0.00       | \$0.00   |
| 2014     |             |              |                           |              |          |
| \$ -     |             |              |                           |              |          |

**CURRENT DMV**

| DEPOSITS | COUNTY WIDE | MOSQUITO TAX | INTEREST |
|----------|-------------|--------------|----------|
| \$115.20 | \$115.20    | \$0.00       | \$0.00   |

**DELINQUENT DMV**

|          |             |            |
|----------|-------------|------------|
| 2013     | COUNTY WIDE | \$2,948.76 |
|          | MOSQUITO    | \$8.72     |
| 2012     | COUNTY WIDE | \$278.13   |
|          | MOSQUITO    | \$2.15     |
| 2011     | COUNTY WIDE | \$22.56    |
|          | MOSQUITO    | \$0.00     |
| 2010     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
| 2009     | COUNTY WIDE | \$1.56     |
|          | MOSQUITO    | \$0.00     |
| 2008     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
|          |             | \$0.00     |
| 2007     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
| 2006     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
| 2005     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
| 2004     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
| 2003     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
| 2002     | COUNTY WIDE | \$0.00     |
|          | MOSQUITO    | \$0.00     |
|          |             | \$0.00     |
| INTEREST |             | \$381.10   |
|          |             | \$0.00     |

\$3,642.98

**DELINQUENT TAX**

|                  |             |
|------------------|-------------|
| 2013             | \$16,493.77 |
| 2012             | \$3,304.48  |
| 2011             | \$3,367.99  |
| 2010             | \$2,503.94  |
| 2009             | \$2,320.42  |
| 2008             | \$2,419.02  |
| 2007             | \$833.76    |
| 2006             | \$0.00      |
| 2005             | \$0.00      |
| 2004             | \$0.00      |
| 2003             | \$0.00      |
| 2002             | \$0.00      |
| SQWS             | \$92.30     |
| MOSQUITO TAX     | \$518.86    |
| SOLID WASTE RES  | \$94.47     |
| SOLID WASTE COMM | \$0.00      |
| INTEREST         | \$6,403.41  |
| WEST/QUARTER     | \$0.00      |
| LEGAL FEES       |             |
|                  | \$38,352.42 |

**2014 PREPAYMENTS**

|                       |        |            |
|-----------------------|--------|------------|
| Spencer, E Edward Lee | 203464 | \$22.03    |
| Gaskins, A Annie G.   | 200628 | \$200.00   |
| Sound View            | 205174 | \$1,500.00 |
| White, Martin         | 201786 | \$142.18   |
| Bohannon, Howard      | 203656 | \$175.60   |
| Jolliff Karen R.      | 207493 | \$23.98    |
| Gouyer, Pamela        | 200655 | \$250.00   |
| Sampson, Garry        | 208264 | \$1,738.63 |
| Simmons, Donald       | 203391 | \$7.01     |
|                       |        | \$4,059.43 |

**OVERPAYMENT**

Respectfully Submitted

September 2, 2014  
*Linda M. Basnight*  
Tax Administrator

\_\_\_\_\_  
Chairman of Commissioners



# MATTAMUSKEET SENIOR CENTER

## Manager's Monthly Report

### August, 2014

| Participants on Meals-On-Wheels                                                   | Swan<br>Quarter | Fairfield | Engelhard | Mattamuskeet<br>Village | Total |
|-----------------------------------------------------------------------------------|-----------------|-----------|-----------|-------------------------|-------|
|                                                                                   | 6               | 6         | 8         | 2                       | 22    |
| Total Meals-on-Wheels Served                                                      | 429             |           |           |                         |       |
| Congregate Meals Served                                                           | 256             |           |           |                         |       |
| Participants served for Congregate                                                | 21              |           |           |                         |       |
| Attendance to center for activities, (crafts,<br>exercise, meals, meetings, etc.) | 293             |           |           |                         |       |

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# MATTAMUSKEET SENIOR CENTER

## Manager's Monthly Report

### September, 2014

| Participants on Meals-On-Wheels                                                   | Swan<br>Quarter | Fairfield | Engelhard | Mattamuskeet<br>Village | Total |
|-----------------------------------------------------------------------------------|-----------------|-----------|-----------|-------------------------|-------|
|                                                                                   | 6               | 6         | 8         | 2                       | 22    |
| Total Meals-on-Wheels Served                                                      |                 |           |           |                         | 425   |
| Congregate Meals Served                                                           |                 |           |           |                         | 260   |
| Participants served for Congregate                                                |                 |           |           |                         | 22    |
| Attendance to center for activities, (crafts,<br>exercise, meals, meetings, etc.) |                 |           |           |                         | 327   |

Attendance does not include: Dance Class, Girls Scouts, Boy Scouts weekly meetings,

| <u>Code Enforcement</u>                           | 2014 Totals     |                                         | 2013 Totals     |                 |                  |
|---------------------------------------------------|-----------------|-----------------------------------------|-----------------|-----------------|------------------|
|                                                   | <u>Mainland</u> | <u>Ocracoke</u>                         | <u>Mainland</u> | <u>Ocracoke</u> |                  |
| No. Permit Applications                           |                 |                                         |                 |                 |                  |
| Residential:                                      | 0               | 0                                       | 0               | 0               |                  |
| Commercial:                                       | 0               | 0                                       | 0               | 0               |                  |
| Other:                                            | 11              | 4                                       | 18              | 8               |                  |
|                                                   | <u>Mainland</u> | <u>Ocracoke</u>                         | <u>Mainland</u> | <u>Ocracoke</u> |                  |
| No. Permits Issued                                |                 |                                         |                 |                 |                  |
| Residential:                                      | 0               | 0                                       | 0               | 0               |                  |
| Commercial:                                       | 0               | 0                                       | 0               | 0               |                  |
| Other:                                            | 11              | 4                                       | 18              | 8               |                  |
|                                                   | <u>Mainland</u> | <u>Ocracoke</u>                         | <u>Mainland</u> | <u>Ocracoke</u> |                  |
| <u>Inspections</u>                                | <u>Mainland</u> | <u>Ocracoke</u>                         | <u>Mainland</u> | <u>Ocracoke</u> |                  |
| Site Visits                                       | 5               | 3                                       | 9               | 7               | Site Visits      |
| Investigations                                    | 3               | 0                                       | 1               | 4               | Investigations   |
| Inspections                                       | 24              | 2                                       |                 |                 | Call Returned    |
| Conferences                                       | 8               | 2                                       | 88              | 5               | Inspections      |
| ODO/Plan Reviews                                  | 0               | 1                                       | 2               | 9               | Conferences      |
| School                                            | 4               |                                         | 0               | 3               | ODO/Plan Reviews |
| ODO Meeting                                       |                 | 1                                       |                 |                 | School           |
|                                                   |                 |                                         |                 |                 | 1 ODO Meeting    |
| Damage Assessment Mainland                        |                 |                                         |                 |                 |                  |
| Miles Driven:                                     |                 |                                         |                 |                 |                  |
| Fees Collected from January 2013 to December 2013 | \$ 32,158.57    | January 2014 to December 2014           | \$ 31,135.36    |                 |                  |
| Fees Collected since July 1, 2014                 | \$ 4,280.00     |                                         |                 |                 |                  |
| Fees Collected this Month                         | \$ 1,905.00     | County Projection for 2013/2014         |                 |                 |                  |
| July 01, 2013 to December 31, 2013                |                 |                                         |                 |                 | Over/Under       |
| Building Permit Fees Collected                    | \$ 500.00       | New Residential/Commercial Construction |                 |                 |                  |
|                                                   |                 | Renovations, Docks, Bulkhead, etc       | \$ 12,000.00    | \$ 11,500.00    |                  |
| Inspection Fees Collected                         | \$ 3,780.00     | Electrical, HVAC, Plumbing, insulation  | \$ 12,000.00    | \$ 8,220.00     |                  |
| Penalties Collected                               |                 |                                         | \$ 1,000.00     | \$ 1,000.00     |                  |

Hyde County Health Department  
Animal Control Report  
August 2014

Total Documented Calls/Requests for Assistance - 1

- Bite – 1
- Vicious/Dangerous – 0
- Rabies – 0

Detail of Calls by Type:

- **Bite (1):**
  - Received call from HCSO about report of a dog bite in the Ponzer community; a lady riding her bicycle was bitten by female Pit Bull being walked on a long line by dog's owner; Hyde County Animal Control Officer II dispatched; dog picked up and transported to Hyde County Animal Shelter for 10 day quarantine; victim treated at Vidant Urgent Care in Belhaven; declaration of "Potentially Dangerous Dog" made by Health Director since the owner of the dog made no attempt to restrain dog from attacking the lady
- **Vicious/Dangerous (0)**
- **Rabies (0)**

Report Compiled and Authorized by:

*Wesley P. Smith*

*September 8, 2014*

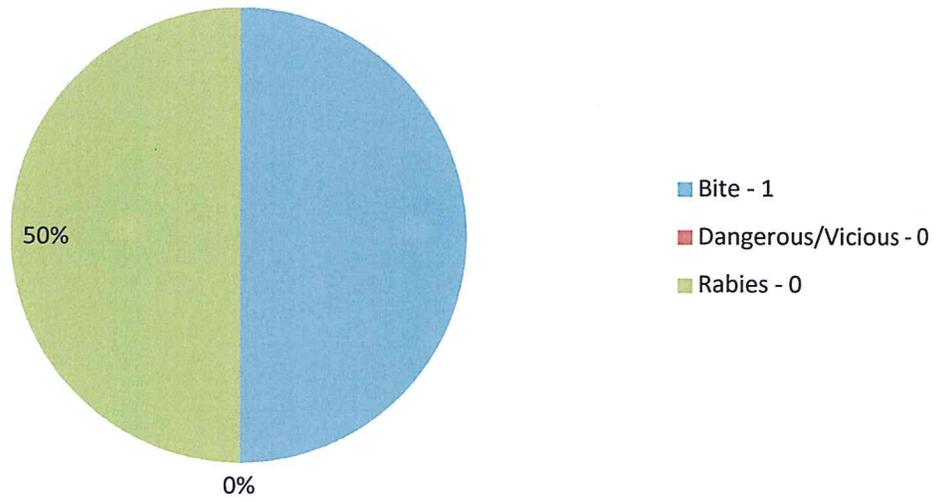
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Wesley P. Smith, Health Director

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Date

## Animal Control Incidents - August 2014



**Hyde County Health Department  
Fiscal Year 2014-2015  
Monthly Summary Report – August 2014**

**Clinic Nursing Services:**

| <b><u>Program Services Provided</u></b>    | <b><u>Current Month</u></b> | <b><u>Year-to-Date</u></b> |
|--------------------------------------------|-----------------------------|----------------------------|
| Family Planning Clients                    | 18                          | 41                         |
| Maternal Health Clients                    | 4                           | 5                          |
| Adult Health Clients (Wellness)            | 9                           | 13                         |
| Adult Health Telemedicine (Primary Care)   | 10                          | 26                         |
| BCCCP Clients (Includes Vidant Grant)      | 4                           | 10                         |
| Immunizations                              | 18                          | 33                         |
| STD Treatments                             | 7                           | 11                         |
| Communicable Disease Cases/Investigations* | 12                          | 14                         |
| TB Treatments (Latent) & Skin Tests        | 8                           | 13                         |
| Dental Varnishing                          | 0                           | 2                          |
| Lab Services                               | 13                          | 19                         |
| WIC – Mainland                             |                             |                            |
| • Certifications                           | 13                          | 27                         |
| • Mid-Certification Assessments            | 10                          | 15                         |
| • Pick-ups                                 | 23                          | 41                         |
| • Vendor Trainings                         | 0                           | 1                          |
| WIC – Ocracoke (Quarterly)                 |                             |                            |
| • Certifications                           | 0                           | 0                          |
| • Mid-Certification Assessments            | 0                           | 0                          |
| • Pick-ups                                 | 0                           | 0                          |
| • Vendor Trainings                         | 0                           | 0                          |
| Pregnancy Care Management                  |                             |                            |
| • Case Load                                | 8                           | 8                          |
| • Contacts                                 | 36                          | 61                         |
| • Attempts (No Contact)                    | 3                           | 11                         |
| Care Coordination for Children             |                             |                            |
| • Case Load                                | 14                          | 14                         |
| • Contacts                                 | 86                          | 172                        |
| • Attempts                                 | 6                           | 16                         |
| Seasonal Flu Shots/Flu Mists               |                             |                            |
| • Adults                                   | 0                           | 0                          |
| • Children                                 | 0                           | 0                          |

\*7 lice checks; Scabies outbreak; E-coli 0175; Campylobacter; 2 RMSF (1 probable & 1 did not meet criteria)

**Medication Assistance Program:**

|                       |    |    |
|-----------------------|----|----|
| New Patients Enrolled | 0  | 1  |
| Patients Served       | 22 | 46 |
| New Requests          | 2  | 5  |
| Reorder Requests      | 15 | 32 |
| Medications Requested | 17 | 37 |
| Medications Received  | 19 | 32 |
| Medications Delivered | 19 | 33 |

**Environmental Health Services:**

**Food and Lodging:**

|                                |   |    |
|--------------------------------|---|----|
| • F&L Inspections              | 3 | 6  |
| • F&L Visits                   | 7 | 23 |
| • F&L Pre-Opening Visits       | 1 | 2  |
| • F&L Permits Issued           | 0 | 1  |
| • F&L Permits Suspended        | 0 | 1  |
| • F&L Suspensions Lifted       | 0 | 1  |
| • F&L Complaint Investigations | 0 | 0  |

|                      |    |    |
|----------------------|----|----|
| • F&L Consults       | 17 | 44 |
| • General Sanitation | 2  | 5  |
| • Vector Control     | 0  | 0  |
| • Animal Control     | 2  | 14 |
| • Health Education   | 6  | 6  |

**On-Site Wastewater:**

|                               |    |    |
|-------------------------------|----|----|
| • Sites Visited/Evaluated     | 17 | 38 |
| • Improvement Permits Issued  | 4  | 8  |
| • Construction Authorizations | 11 | 12 |
| • Other Authorizations        | 0  | 1  |
| • Consultative Contacts       | 37 | 81 |
| • Operation Permits Issued    | 3  | 8  |

**On-Site Well:**

|                                     |   |    |
|-------------------------------------|---|----|
| • Well Site Evaluated               | 1 | 3  |
| • Grouting Inspections              | 1 | 1  |
| • Well Site Construction Visits     | 1 | 1  |
| • Well Construction Permits Issued  | 1 | 3  |
| • Well Certificate of Completion    | 1 | 2  |
| • Bacteriological Samples Collected | 2 | 8  |
| • Other Sample Collected            | 0 | 2  |
| • Well Consultative Contacts        | 9 | 13 |

**Triple P Program**

|                                                      |    |    |
|------------------------------------------------------|----|----|
| • New Contacts Made:                                 |    |    |
| ○ Agencies/Community Groups                          | 0  | 0  |
| ○ Individuals                                        | 0  | 0  |
| • Agencies Visited/Community Group Meetings Attended | 0  | 0  |
| • Total Applications Received                        | 0  | 0  |
| • Contacts Trained                                   | 0  | 20 |
| • Contacts Accredited                                | 20 | 36 |

**Hydeland Home Care Agency:**

|                                           |    |    |
|-------------------------------------------|----|----|
| Total Patients Served                     | 44 | +4 |
| • Home Health Medicare                    | 9  | +4 |
| • Home Health Medicaid                    | 24 | +1 |
| • Home Health Private                     | 0  | NC |
| • Community Alternative Program (CAP)     | 4  | NC |
| • Homemaker                               | 7  | -1 |
| • Project Care (Family Caregiver Support) | 0  | NC |

**Admissions**

|                        |   |    |
|------------------------|---|----|
| • Home Health Medicare | 8 | 11 |
| • Home Health Medicaid | 3 | 5  |
| • Home Health Private  | 1 | 1  |

**Discharges**

|                                           |   |   |
|-------------------------------------------|---|---|
| • Home Health Medicare                    | 4 | 5 |
| • Home Health Medicaid                    | 2 | 2 |
| • Home Health Private                     | 1 | 1 |
| • CAP                                     | 0 | 0 |
| • Homemaker                               | 1 | 1 |
| • Project Care (Family Caregiver Support) | 0 | 1 |

**Referrals**

|                        |   |    |
|------------------------|---|----|
| • Home Health Medicare | 9 | 12 |
| • Home Health Medicaid | 3 | 6  |

|                             |   |   |
|-----------------------------|---|---|
| • Home Health Private       | 1 | 3 |
| • Referred But Not Admitted | 1 | 4 |

**Healthy Communities:**

- Community Health Assessment (CHA) for 2014 (due March of 2015):
  - CHA Survey document to be distributed during the month of September
  - Link to online CHA document to be distributed, in addition to hard copies
  - Focus Group meetings to be held in October
  
- Hyde County Change for Good Grant:
  - KBR has requested progress report on grant by the end of September
  - In the process of hiring a new Triple P Coordinator, so Anna Schafer (new PH Educator II) can focus on this grant
  
- Hyde Partners for Health/Project Direct LEGACY for Men:
  - Advisory Committee meeting held August 1, 2014
  - Current focus is on verifying who has been certified to teach CDSMP and DSMP workshops
  - Year-end report for Vidant Grant for FY 2013-14 due by September 22, 2014

# Hyde County Board of Health

## Minutes *(Revised)*

Regular Meeting       Special Meeting

June 17, 2014

Hyde County Health Department Conference Room  
Swan Quarter, NC 27885

### 1. Call to Order and Introductions

The Hyde County Board of Health was called to order by Chairman Randy Hignite. The group was led in prayer by Randy Clayton. The Oath of Office was administered to new board member J.W. Spencer by Annette Swindell. The other new board member, Dorene Holloway, had the Oath of Office administered elsewhere prior to the meeting.

|                              |                                                                                                                                                                  |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Members Present</b>       | Cheryl Ballance (via video conferencing), Randy Clayton, Ken Collier (Vice-Chairman), Randy Hignite (Chairman), Dorene Holloway, J.W. Spencer and Barry Swindell |
| <b>Members Absent</b>        | Dr. Erin Baker and Tynia Harris                                                                                                                                  |
| <b>Staff Members Present</b> | Luana Gibbs, Wesley Smith, Annette Swindell and Hugh Watson                                                                                                      |
| <b>Others Present</b>        | None                                                                                                                                                             |

W. Smith called the roll; with seven members present, a quorum was established.

### 2. Approval of Meeting Agenda

The agenda was reviewed by board members. R. Hignite asked if there was anything to add. B. Swindell made a motion to approve the agenda as presented, second by R. Clayton – motion carried.

### 3. Approval of Minutes

Minutes from the March 18, 2014 meeting were reviewed. R. Clayton stated that one of the staff members name was left off the attendance. A motion to accept the minutes as revised was made by R. Clayton, second by B. Swindell – motion carried.

### 4. Public Comments

The meeting was opened for public comments. There were no public comments, but R. Hignite asked if there was anything that we could do about businesses who were putting meat and poultry items in with cleaning supplies or bug sprays. He asked if we could do a best practice memo for stores to instruct employees on how to handle this or do we need to pass a local ordinance stating that they could be fined if not done. Some places require separate bags for

meat products to avoid cross contamination. He did see at a local store that the employee did not sanitize the counter and they put the meat in with other items. He thinks the State will be looking into the problem as it applies to cross contamination. H. Watson stated that we don't look at the checkout area, but focus on the meat processing area. He can talk with the Regional Consultant to see what we would need to do. For stores like Dollar General, we have no authority. R. Hignite felt they should have some type of certification or some rules. H. Watson stated that the person in charge should have/know about their health policy. If they have a sick employee, they should send that individual home. R. Hignite asked if we can do a best practice memo and send to the stores. H. Watson stated that R. Collier could speak to the businesses that they inspect that have a meat market or deli. R. Clayton stated it should be the employer's responsibility. H. Watson stated that businesses have to verify that they have had the Serve Safe training and be on site when serving. He and R. Collier will talk with the stores and do an in-service if they want. He will check with their Regional Consultant and see if the businesses can be docked for cross contamination. They will get something together for the Board of Health review and/or approval.

K. Collier asked if anyone was having issues with flies. He has received complaints about the flies coming from Rose Acre Egg Farm and that this could be a health issue. H. Watson stated that this has been brought up before. Rose Acre has never been cited for any violations by the Health Department.

**5. Old Business**

- a. Dorene Holloway and J.W. Spencer were welcomed as new members of the Board of Health.
- b. W. Smith informed the group that we have received a verbal notice that we will receive \$15,000.00 from Vidant Health for two applications that we submitted for FY 14/15 - one for Primary Care Telemedicine and the other for Hyde Partners for Health/Project DIRECT Legacy for Men. We have not received the official letter yet.
- c. A committee was selected last time to do the Health Directors Performance Evaluation. The Performance Evaluation has been done. W. Smith asked if everyone had received a copy and if there were any questions/comments. There were no comments.

**6. Reports**

|                           |                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A. Health Director</b> | <p>1. W. Smith asked the Board members to refer to their packet for the information on additional funding that we have received. Additional funding was received from Triple P for \$16,680.00, Food &amp; Lodging for \$2,569.00 and Title X funds for LARC for \$2678.00.</p> <p>K. Collier asked what kind of facility was Vidant going to build. B. Swindell informed him, that if it was built, it</p> |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          | <p>would be a 24 hour urgent care. There would be a meeting tomorrow night for anyone interested about Vidant Health.</p> <p>2. In the staffing report, W. Smith pointed out that R. Collier was now an Environmental Health Specialist and no longer an intern. W. Smith also stated that Hydeland Home Care has hired a CNA 1 who is working part time. He informed the group of another change not on the form – our Health Educator, Elizabeth Mumm, has resigned. She has taken a job in Raleigh. Her resignation letter stated June 30, 2014 would be her last day. He informed the group that she has done a good job for us. This position has been posted in-house, and that our Triple P coordinator, Anna Schafer, is eligible for the position. He has talked with her about the position, and if she applies for it, he will then advertise the Triple P Coordinator position.</p> <p>In the Re-Accreditation report, L. Gibbs sated that we are right on schedule with the activities that should be turned in. She has a schedule of which activities need to be submitted and she feels good with everything she has received so far.</p> |
| <b>B. Finance/Budget</b> | <p>The Board reviewed the Quarterly Expenditure Report through March 31, 2014. We are under budget Year to Date for our expenditures.</p> <p>The Board also reviewed the Quarterly Revenue Report through March 31, 2014. We are also under budget Year to Date for our revenues. He has cleared out some revenue lines, and we anticipate some revenue from Health Net. We haven't collected any money from KBR through March 31, 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>C. Program</b>        | <p>Animal Control – We had three calls for the quarter ending March 31, 2014, one bite and two vicious/dangerous dog reports. K. Collier asked if J.M. Eakes was still giving rabies shots. W. Smith stated that he does them at his shelter, but he will be contacting him about having a clinic on the mainland this year. It was asked if there was going to be a tri-county shelter. It was stated that might happen in FY 15-16.</p> <p>Home Health - Our Home Health revenue continues to decline. The reimbursements we receive are being cut. We still have an issue with not having a Physical Therapist on</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <p>the mainland. The Physical Therapist that R. Hignite had mentioned earlier has a medical issue with a family member. We have two contracted Physical Therapists on Ocracoke, but we need someone on the mainland. We have a contract with a company in Raleigh for both PT and OT, but they have been unable to find anyone for us. R. Clayton asked about the uncollected balance from Medicare and Medicaid. W. Smith stated that some of that may not have been billed yet or we are waiting on signed orders.</p> <p>Health Department Service Report – W. Smith provided the quarterly service report, which shows the programs, how many seen during the quarter to date and how many for year to date. If there is anything that the Board members would like to see included in this report, just let him know. M. Sadler has taken classes to become an Enhanced Role Nurse for STD. We have only been able to provide the STD services when our Gynecological/Obstetrical Nurse Practitioner is here - usually twice a month. Once M. Sadler is signed off for this, she will be able to see patients five days a week. K. Newman will become a Family Nurse Practitioner in January 2015 and that will also help increase our numbers.</p> |
| <p><b>D. Annual</b></p> | <p>Strategic Planning Update – Board members were asked to look at the Strategic Map in their packets. Dr. David Orton from UNC Chapel Hill helped us develop our three year Strategic Map for FY 13-16. From that three year map, we did the Strategic Map for FY 14-15. This will be needed for Re-Accreditation. Our five Strategic Directions are:</p> <ol style="list-style-type: none"> <li>1. Continue with Primary Care and expand Telemedicine into Specialty Care.</li> <li>2. Promote community based services.</li> <li>3. Consult with NC DHHS and develop an in-house Practice Management Program</li> <li>4. Promote a full range of services in Home Health, including Therapy Services.</li> <li>5. Implement well monitoring program through collaborative efforts with ECU.</li> </ol> <p>Training on Session Law – H. Watson reviewed with the Board members Session Law 2013-413 (House Bill 74). This bill came about as a result of three deaths from carbon monoxide poisoning in a motel in Boone, NC due to a faulty pool heater. An unlicensed technician improperly installed the heater, which happen to be under the room</p>                                                                                              |

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | <p>that the deaths occurred. Watauga County Health Department had marked this motel for “no cross ventilation” before the deaths occurred. The State sent out a memo in September 2013 and another in December 2013. Motels and lodgings must install carbon monoxide detectors in their rooms. This has fallen on Environmental Health staff in local Health Departments to follow up and make sure motels/lodgings in their county have installed the detectors. They are to be installed if it is an enclosed room. The State is currently working on the definition of an enclosed room. A room with a roof and three walls is considered enclosed. Attics and bathrooms could cause a false alarm. These alarms must be hardwired and battery operated. They have a form to fill out but it does not go to the State, it stays in-house. H. Watson feels this is something that the building inspectors or Fire Marshall should be doing. Most of the businesses here are in compliance. We are not sure if they have to be hardwired. B. Swindell stated that carbon monoxide detectors now have to be in the common area of new homes. H. Watson stated they also have to be in rental homes, mainly in the bedrooms. We don’t have a rule yet as nothing has been put out by the Division of Public Health.</p> <p>BOH Policies and Operation Procedure – W. Smith stated that that our policies and operation procedures were last approved in March 2013. Board governance policies are kept in a notebook within the conference room and are available for review at any time. He then asked if anyone had any questions. R. Hignite asked if we should have a 10 minute time period for discussions and we could revise the agenda to include a discussion time for the Board after Public Comments. It was stated that we would leave everything like it was. If a Board member had something that needed to be brought up, it would be added to the agenda at the beginning of the meeting. C. Ballance asked if we needed to add to the Operation Procedures, under the title of Meetings, about teleconference/video conferencing. A motion was made by B. Swindell and second by C. Ballance to revise the procedures to include teleconferencing with board members on Ocracoke.</p> |
| <b>E. Other</b> | <p>Board members were provided with a record of attendance through March 18, 2014. They were also provided current contact information of the Board members. D. Holloway stated that her name was spelled incorrectly on the list. W. Smith stated he had corrected it on other paperwork but</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

missed this one.

## 7. New Business

- a. **Grant Award** - W. Smith stated that we have received a letter from Kate B. Reynolds approving \$255,419.00 for three years for Hyde Change for Good. R. Hignite asked him to explain what it was for. This is a collaborative effort between the health department, Mattamuskeet Schools and ECU Dept. of Recreation and Leisure Studies to focus on a healthy life style and healthy eating. E. Mumm was the coordinator for this program for the last three years and we have been pleased with her work. Our goal is to pull agencies within the community together. With the new grant, we will continue to focus on worksite wellness, and do more outreach in the Hispanic community. We will still work closely with the school system and with ECU in an advisory capacity.
- b. **Public Notice** - We receive vaccines from the State for uninsured children and adults. About three years ago, the State realized those with insurance were also receiving the free vaccines and revised their procedures so those clients with insurance can no longer receive the free State vaccine. Doctor's offices were not carrying these vaccines so we decided to carry them. We were purchasing these vaccines and not have patients coming in for them. We lost approximately \$1,460.00 due to expired vaccines. L. Gibbs stated that we will still offer the flu vaccine and tetanus vaccine. The children in our county are mainly getting their vaccines from their private doctor. R. Hignite stated that kids starting school still have to get their Immunizations but can do a Religious Exemption. This routinely comes up with a religious affiliated school in the county, but the issue is that parents claim exemption on one vaccine and not on another. L. Gibbs stated that we do vaccines here and we have gone to the school to do some. We went to the school during the last Pertussis outbreak.
- c. **Amended Animal Control Ordinance** – The Board looked at the amended draft of the Animal Control ordinance from the Board of Commissioners. The draft states that “For horses or other large domesticated animals, the animal must be equipped with a manure catcher to prevent manure from soiling or defiling the above referenced locations, if requested by a member of the Hyde County Sheriff's Department”. B. Swindell stated that this was not complete, as it should also state, if the manure was removed in a timely manner. H. Watson stated he saw manure this morning while he was working on Ocracoke and it was still there later in the day in front of a business. B. Swindell stated he was open for suggestions to define a timely manner. Everyone agreed that within an hour met the definition of timely manner.

## 8. Other

There was no other business to discuss.

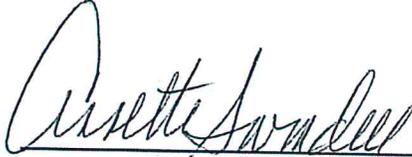
**9. Next Meeting Date**

The next meeting will be held on September 23, 2014 @ 7:00 pm. We will review for Re-Accreditation our Bad Debt Write-off Report and annual Communicable Disease Report. W. Smith also reminded everyone about the Health Forum by Vidant tomorrow night.

**10. Adjournment**

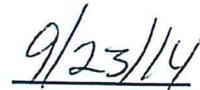
A motion to adjourn was made by B. Swindell, second by J.W. Spencer – motion carried.

Respectfully submitted:



Signature

Secretary



Date



Bob Woodard, Sr.  
Board Chair

Cathy Davison  
Executive Director

### Memorandum

To: Cathy Davison, Executive Director  
The Albemarle Commission Board of Delegates  
The Regional Advisory Council  
Senior Tar Heel Delegates

From: Laura Alvarico, Area Agency on Aging Director

Date: September 11, 2014

Re: Monthly Report for August 2014

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#### Home and Community Care Block Grant Services

(not including Congregate/ Home Delivered Meals):

- 71 clients received 1,792 hours of in-home aide services throughout the ten counties
- 60 clients received 1,068 general and medical transit in nine counties, not including Dare County.
- 17 clients received 205 full days of adult day health care including 2 meals daily in five counties, including Camden, Chowan, Currituck, Pasquotank and Perquimans Counties.

*\*\* The above numbers are based on reports submitted as of 9/10/2014. Actual reporting deadline is close of business 9/11/14.*

#### Monitoring/ Quality Assurance

- The Area Agency on Aging conducted monthly desk monitoring of HCCBG providers.

#### Senior Nutrition Program:

Number of **Congregate** meals served—21 serving days- **5,195 meals**

|           |           |            |           |
|-----------|-----------|------------|-----------|
| Camden    | 617 meals | Hyde       | 256 meals |
| Chowan    | 247 meals | Pasquotank | 974 meals |
| Currituck | 822 meals | Perquimans | 580 meals |
| Dare      | 600 meals | Tyrrell    | 504 meals |
| Gates     | 414 meals | Washington | 181 meals |



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Executive Director

Number of **Home Delivered** meals served—21 serving days- **6,037 meals**

|           |           |            |           |
|-----------|-----------|------------|-----------|
| Camden    | 369 meals | Hyde       | 429 meals |
| Chowan    | 571 meals | Pasquotank | 976 meals |
| Currituck | 819 meals | Perquimans | 618 meals |
| Dare      | 695 meals | Tyrrell    | 341 meals |
| Gates     | 616 meals | Washington | 603 meals |

Donations received from congregate and homebound clients **\$ 5,358.95**

- **15** new clients added to the homebound program
- **18** new referrals made in the homebound program
- **25** clients reassessed for eligibility
- **11** clients receiving Ensure/ Glucerna
- **0** clients receiving energy assistance
- **1** clients receiving pet food
- **0** clients receiving additional food

#### **Volunteer Program**

- Total number of volunteers- **875**
- Total volunteer hours- **1,007.50**

#### **Other Notable Activities**

- Senior Nutrition Program staff attended the Meal on Wheels Association of America conference in Scottsdale, AZ. The Albemarle Commission Senior Nutrition Program was featured at this conference for our efforts in establishing satellite sites and drop off locations for our most rural counties.
- AAA Director attended the Senior Nutrition Program Training/ Orientation in Raleigh
- Site Manager training was held to review policies and procedures, standards and best practice- 17 in attendance
- Menu planning session was held to plan for Fall/ Winter menus. This meeting was attended by all nutrition program staff, contracted dietitian, previous contracted dietitian and Darlene Harrell, Interim ED.
- Senior's Farmers Market Nutrition Program vouchers were distributed to eligible seniors on the congregate nutrition program in Camden, Currituck, Dare, Pasquotank and Perquimans Counties.

512 South Church Street P.O. Box 646 Hertford, NC 27944 Phone: 252-426-5753 Fax: 252-426-8482 [www.albemarlecommission.org](http://www.albemarlecommission.org)

Proudly serving Northeastern NC Counties and Municipalities: Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell, Washington, Columbia, Creswell, Duck, Edenton, Elizabeth City, Gatesville, Hertford, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, Plymouth, Roper, Southern Shores, Winfall



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Board Chair

Cathy Davison  
Executive Director

### Long Term Care Ombudsman Program:

- 9 Client's Complaint Case Records opened involving long term care
- 6 Client's Complaint Case Records closed involving long term care
- 10 Client Complaint visits to Long Term Care Facilities
- 14 Ombudsman monitoring visits to Long Term Care Facilities
- Community Advisory Council (CAC) Meetings were held in the following counties:
  - Perquimans County Adult Care Home CAC- 4 present
  - Currituck County Joint CAC- 5 present
  - Hyde County Nursing Home CAC- 3 present
  - Gates County Nursing Home CAC- 5 present
- Two new CAC members were trained in Gates County
- Staff facilitated the Down East Family Council- 11 attendees
- Long Term Care Ombudsman provided technical assistance to 45 individuals and provided resident's rights training to 54 individuals.

### Family Caregiver Support Program:

- 6 Home visits were conducted for respite and/or case management services
- 6 new clients enrolled into the Family Caregiver Support Program
- Staff facilitated Alzheimer's Support Group meetings in Perquimans County- 7 in attendance
- Staff facilitated Alzheimer's Support Group meeting in Gates- 7 in attendance
- Staff facilitated Alzheimer's Support Group meeting in Pasquotank County- 2 in attendance
- The Family Caregiver Resource Specialist (FCRS) provided information and assistance to 56 clients/ individuals and 12 community service providers.
- Caregiver Workbooks were provided to GEM and Dare Home Health and Hospice
- Provided 24 hours of In-Home Respite to 4 clients
- Provided 288 hours of Institutional Respite to 3 client
- Provided supplemental services to 7 clients. Services included 2 handicap ramps, medical transportation, HVAC repair and incontinent supplies.



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Cathy Davison  
Executive Director

### Special Projects/ Initiatives:

- **Special Projects Funding-**
- **Community Education and Outreach/ Staff Development-**
  - Regional Advisory Council (RAC) meeting was held at the Albemarle Commission- 23 in attendance. Brenda Robinson Cannie, Paralegal, Legal Aid of NC (LANC), presented on the various services offered to older adults through LANC
  - Staff attended a meeting with the new Marketing Manager for Carolina House in Elizabeth City
  - Staff attended the Gates County Aging and Adult Task Force Meeting
  - Staff attended the Aging Resource Management System (ARMS) training in Williamston
  - Staff attended the Healthily Carolinians of the Outer Banks-Dementia Task Force meeting
  - The AAA is partnering with St. Anne Catholic Church in Edenton to organize "Seize the Day" seminar which will be held in September- October in Edenton.
  - "Red Bags" were delivered to Dare County EMS, Pasquotank/ Camden EMS and Perquimans EMS to distribute to EMS patients to help manage their medications.
  - Staff attended the Alzheimer's support group facilitator's networking meeting
  - Staff member attended the Hyde Partners for Health- Chronic Disease Task Force mtg.
  - Staff distributed over 400 information packets/ flyers about the Medicare Information for Patients and Providers Act (MIPPA) to local food banks, thrift stores, Salvation Army and local providers
  - Albemarle Senior Games Advisory Committee meeting was held to begin planning for 2015 games.
  - Staff attended the statewide Aging Specialist Association meeting in Raleigh
  - Staff assisted local senior center in certification process for SCOPE
  - Staff completed online training "Planning and Using Respite: Working with Caregivers across the Lifespan."
  - Staff attended a MIPPA webinar
  - Partnered with Albemarle Regional Health Services (ARHS) to hold a Diabetes Lunch and Learn was held in Currituck County- 4 attendees
  - Staff member attended the Ombudsman Training and Orientation in Raleigh for 2 days
- **Operation Fan Heat Relief-** Approximately 111 of 121 fans have been distributed by local partners in each county Seniors and disabled individuals without air conditioning can get one free fan to help beat the summer heat.
- **Evidenced Based Health Promotion (EBHP) Programs-**
  - Two staff were trained lay leaders in "Power Tools for Caregivers" EBHP program.

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Bob Woodard, Sr.  
*Board Chair*

Cathy Davison  
*Executive Director*

### UPCOMING EVENTS:

On **November 7, 2014** the **Annual Family Caregiver Education Conference** will be held at the Edenton United Methodist Church in Edenton. More information will be forthcoming.

The AAA will be co-sponsoring three **Scam Jams** including:

**November 17, 2014**- Merchants Mill Pond, Gates County- 1-4

**November 18, 2014**- Senior Center, Camden County- 10-2

**November 19, 2014**- Berea Baptist Church, Pasquotank County- 10-2



*September 23, 2014 is National Falls  
Prevention Awareness Day!*

512 South Church Street P.O. Box 646 Hertford, NC 27944 Phone: 252-426-5753 Fax: 252-426-8482 [www.albemarlecommission.org](http://www.albemarlecommission.org)

Proudly serving Northeastern NC Counties and Municipalities: Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell, Washington, Columbia, Creswell, Duck, Edenton, Elizabeth City, Gatesville, Hertford, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, Plymouth, Roper, Southern Shores, Winfall

Hyde County DSS Programs  
Month of August 2014

|                                        | Active Cases       | Applications Taken | Reviews/Redetermination | Other Changes            |              |
|----------------------------------------|--------------------|--------------------|-------------------------|--------------------------|--------------|
| <b>Income Maintenance Programs</b>     |                    |                    |                         |                          |              |
| Medicaid                               | 855                | 28                 | 52                      | 107                      |              |
| Long Term Care MAA & MAD               | 40                 |                    |                         |                          |              |
| Food Stamps                            | 539                | 18                 | 56                      | 24                       |              |
| Work First                             | 9                  | 0                  |                         |                          |              |
| <b>Total</b>                           | <b>1,434</b>       | <b>46</b>          | <b>108</b>              | <b>131</b>               |              |
| <b>Medicaid Transportation Program</b> |                    |                    |                         |                          |              |
|                                        | Transported        | Gas                | Vouchers                | Active Cases             | Calls        |
| Medicaid undiplicated                  | 27                 | 85                 | 2                       | 278                      | 82           |
| Dialysis                               | 0                  | 0                  | 0                       | 0                        | 0            |
| Title III                              | 4                  | 17                 | 0                       | 47                       | 13           |
| <b>Total</b>                           | <b>31</b>          | <b>102</b>         | <b>2</b>                | <b>325</b>               | <b>97</b>    |
| <b>Child Protected Services</b>        |                    |                    |                         |                          |              |
|                                        | Reports            | Substantiated      | Unsubstantiated         | Recommendations for Svcs | Inter-County |
|                                        | 3                  |                    | 3                       |                          |              |
| <b>Adult Services (Ongoing)</b>        |                    |                    |                         |                          |              |
|                                        | Active CAP Cases   | At Risk/SA In Home |                         |                          |              |
|                                        | 14                 | 7                  |                         |                          |              |
| <b>Crisis Intervention</b>             |                    |                    |                         |                          |              |
|                                        | Applications Taken | Approved           | Denied                  |                          |              |
|                                        | 8                  | 8                  | none                    |                          |              |
| <b>Medication Assistance</b>           |                    |                    |                         |                          |              |
|                                        | Applications Taken | Approved           | Denied                  |                          |              |
|                                        | 4                  | 4                  |                         |                          |              |
| <b>Daycare Services</b>                |                    |                    |                         |                          |              |
|                                        | Mainland           | Ocracoke           | out of county           |                          |              |
| Cases                                  | 2                  | 18                 |                         | 4                        |              |
| Children                               | 6                  | 24                 |                         | 7                        |              |

Reviews/Redetermination processed monthly  
Cap cases have daily, weekly and monthly contacts  
Reviews done every six months

Hyde County DSS Programs  
Month of August 2014

|                 | Requested | Approved | Denied |  |  |
|-----------------|-----------|----------|--------|--|--|
| Fishing License | 13        | 13       |        |  |  |
| Christmas Cheer |           |          |        |  |  |
| LIEAP           |           |          |        |  |  |

Reviews/Redetermination processed monthly  
Cap cases have daily, weekly and monthly contacts  
Reviews done every six months

HYDE COUNTY  
CHILD SUPPORT UNIT  
FY 2014-2015  
STATISTICAL REPORT

|                                              | July     | August   | Sept. | Oct. | Nov. | Dec. | Jan. | Feb. | March | April | May | June | YTD<br>Totals | FY<br>2013-2014 |
|----------------------------------------------|----------|----------|-------|------|------|------|------|------|-------|-------|-----|------|---------------|-----------------|
| total caseload                               | 189      | 187      |       |      |      |      |      |      |       |       |     |      |               |                 |
| <b>ESTABLISHMENT</b>                         |          |          |       |      |      |      |      |      |       |       |     |      |               |                 |
| paternity tests performed                    | 0        | 0        |       |      |      |      |      |      |       |       |     |      | 0             | 9               |
| <b>ENFORCEMENT</b>                           |          |          |       |      |      |      |      |      |       |       |     |      |               |                 |
| income withholding collections               | \$13,117 | \$13,508 |       |      |      |      |      |      |       |       |     |      | \$26,625      | \$162,674       |
| interstate collections                       | \$1,982  | \$2,236  |       |      |      |      |      |      |       |       |     |      | \$4,217       | \$42,699        |
| court collections                            | \$1,150  | \$2,640  |       |      |      |      |      |      |       |       |     |      | \$3,790       | \$12,041        |
| tax intercept collections                    | \$1,583  | \$350    |       |      |      |      |      |      |       |       |     |      | \$1,933       | \$29,137        |
| unemployment insurance collections           | \$178    | \$164    |       |      |      |      |      |      |       |       |     |      | \$342         | \$3,334         |
| incentive collections*                       | \$15     | \$6      |       |      |      |      |      |      |       |       |     |      | \$21          | \$5,393         |
| IV-E foster care collections                 | \$0      | \$0      |       |      |      |      |      |      |       |       |     |      | \$0           | \$0             |
| total collections                            | \$22,676 | \$27,419 |       |      |      |      |      |      |       |       |     |      | \$50,095      | \$308,551       |
| customers serviced while in the local office | 6        | 2        |       |      |      |      |      |      |       |       |     |      | 8             | 34              |

\*incentives consist of :TANF Share, IV-E Share, SFHF Share, Incentive, Settlement funds, Tax Intercept Fees, Paternity Test Fees, and Legal Fees

**Child Support Services  
Services and Activities Report  
For the period  
September, 2014**

During FY 2013-2014 Tyrrell County Child Support Services worked against a sluggish economy to achieve excellent scores on our Self- Assessment and Incentive Goals. The unit managed to pursue orders in a manner that was fair to all parties and collect as much as possible to benefit the children. Seasonal work and changes to the unemployment benefit rules created some hurdles for collecting support. For the fiscal year we have scored extremely well on our Self-Assessment goals, as well as on our Incentive Goals.

In terms of self-assessment, the scores indicate that staff members are coding cases appropriately and the documentation in the ACTS system is accurate, when compared to the hard case file in the cabinet. These areas have been of concern around the state in terms of Federal Audits for Data Reliability. This further indicates that workers are completing tasks in a timely fashion, which meets federal timeframe standards.

Below you will find a chart indicating where we stand in regards to Incentive Goals for Performance. These accomplishments ensure that we will maximize our revenues for the fiscal year. The lower chart on this page will indicate our Self Assessment scores as of June 30, 2014.

| Incentives              | SFY 13-14 Goal | SFY 13-14 Results |
|-------------------------|----------------|-------------------|
| Paternity Establishment | 100%           | 105.26%           |
| Total Collections       | \$431,424      | \$406,019         |
| Cases Under Order       | 90%            | 92.65%            |
| Arrears                 | 69.95%         | 68.12%            |
| Collection Rate         | 70.61%         | 68.93%            |

| Self-Assessment                 | SFY 13-14 Goal | SFY 13-14 Results |
|---------------------------------|----------------|-------------------|
| Case Closure                    | 90%            | 100%              |
| Enforcement                     | 75%            | 86.40%            |
| Establishment                   | 75%            | 68%               |
| Expedited 12 Month              | 90%            | 100%              |
| Expedited 6 Month               | 75%            | 100%              |
| Interstate                      | 75%            | 80%               |
| Review and Adjustment Inclusive | 75%            | 96.77%            |
| Review and Adjustment Needed    | 75%            | 80%               |

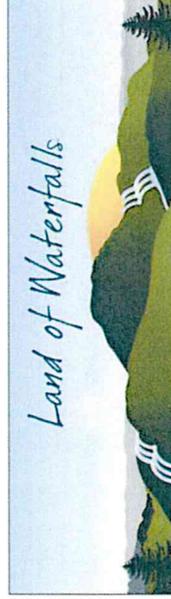
## Human Resources Dept. Report – September 2014:

- Verified information for vacation/sick leave for employees
- Completed monthly payroll
- Completed and processed monthly vouchers to pay employees' insurances, tax garnishments, child support payments, retirement, etc.
- Daily Tasks - Assisted employees as necessary concerning hours worked, salary, insurance, benefits, retirement, deposit changes, etc.
- Enrolled one full-time employee and two part-time employees
- Generated a Human Resources employee newsletter
- Attended the Lazarus Community Forum meeting
- Attended the UHC meeting with County personnel and Lisa Mahaffey, UHC Strategic Account Executive
- Generated an employment advertisement and coordinated applications for the Deputy Finance Officer
- Coordinated with Sylvia Johnson and started revising the County's Personnel Policy
- Reviewed and coordinated issues with a Workers Comp claim

Respectively submitted,

*Tammy Blake*

FAREWELL CELEBRATION  
FOR  
COUNTY MANAGER  
ARTIE WILSON



TRANSYLVANIA  
— COUNTY —

NORTH CAROLINA

Please join us for a reception in honor  
of Artie Wilson  
For his 25 years of service with  
Transylvania County  
Hosted by the Transylvania County Board of  
Commissioners & Staffs/Employees

Thursday, September 25, 2014  
5:00 pm - 7:00 pm  
Transylvania County Library  
Rogow Room  
212 S. Gaston St.  
Brevard, NC 28712

**EDDIE HARRIS**  
Chairman  
South District

**PAUL JOHNSON**  
Vice Chairman  
East District

**R. F. "BUCK" GOLDING**  
Central District

**JIMMY MILLER**  
Mount Airy District

**LARRY PHILLIPS**  
Mount Airy District



**CHRIS KNOPF**  
County Manager

**EDWIN M. WOLTZ**  
County Attorney

## **BOARD OF COMMISSIONERS**

Surry County Government Center  
118 Hamby Road, Suite 329  
Dobson, NC 27017

### **RESOLUTION ON RESETTLING OF ILLEGAL IMMIGRANTS INCLUDING UNACCOMPANIED MINORS**

**WHEREAS**, the citizens of Surry County, North Carolina recognize their duty as law-abiding citizens to act in accordance with the U.S. Constitution and the North Carolina Constitution, and are endowed with rights to life, liberty and the pursuit of happiness, which our government has been instituted to secure; and

**WHEREAS**, the federal government is failing to protect the borders of our country in accordance with Article 1, Section 8 of the U.S. Constitution; and

**WHEREAS**, it is estimated that more than 90,000 illegal alien minors will arrive in the United States during 2014 and an additional 145,000 illegal alien minors during 2015; and

**WHEREAS**, this country is a nation of immigrants, save a current minority, and in its earlier days, accepted individuals of any and every location, age, hue, combination and variety and has the most open accepting and liberal immigration laws of any nation; and

**WHEREAS**, that door of opportunity remains open for many of the poor, tired huddled masses, yearning to be free, the presence of so many, now totaling over 250 million, has caused a tightening of the requirements for entry, to preserve the quality of life, a lifestyle unequalled anywhere in the world; and

**WHEREAS**, this country has never experienced this type of crisis before, as those having sought entry generally valued the integrity of the family and honored the protection of their own children; and

**WHEREAS**, the economic plight of countries sharing the continent have now allowed and encouraged minors to travel alone at great peril, preventing the American assimilation process founded upon principles of labor and education, and straining the already over-burdened facilities, employees, and funding of the naturalization community; and

**WHEREAS**, the President's implementation of DACA was the impetus that started the flow of minor children to the United States border as well as the Federal Government's refusal to enforce immigration law; and

**WHEREAS**, the influx of school-age minors will have an adverse effect on our local school district educational funding, resources, campus security, public health and safety infrastructure, as well as all county resources; and

**WHEREAS**, this forced emergency reveals its hyperbole in that now the illegal entrants run to the arm of the immigration officials, instead of trying to secret one's self; and

**WHEREAS**, this issue is not of Surry County's making, and is much larger than Surry County and Surry County does not have the excess resources necessary for relief.

**NOW, THEREFORE**, the Surry County Board of Commissioners, meeting in regular session, do hereby urge its government to uphold the laws of the land, cease any practices that would encourage minors and adults fleeing to this country for economic reasons, expand from contiguous jurisdictions immediate removal of any applicants while their case awaits a hearing, and refrain from any unaccompanied minors and adults in Surry County.

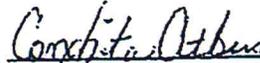
**NOW, THEREFORE, BE IT FURTHER RESOLVED** that we urge our US Senators to pass US House Representative Bill HR 5272 and HR 5230 that addresses this crisis in an appropriate and straight forward manner.

Adopted this the 2<sup>nd</sup> day of September, 2012



Eddie Harris, Chairman  
Surry County Board of Commissioners

ATTEST:



Conchita Atkins, Clerk to the Board



**EDDIE HARRIS**  
Chairman  
South District

**PAUL JOHNSON**  
Vice Chairman  
East District

**R. F. "BUCK" GOLDING**  
Central District

**JIMMY MILLER**  
Mount Airy District

**LARRY PHILLIPS**  
Mount Airy District



**CHRIS KNOPF**  
County Manager

**EDWIN M. WOLTZ**  
County Attorney

**BOARD OF COMMISSIONERS**  
Surry County Government Center  
118 Hamby Road, Suite 329  
Dobson, NC 27017

**RESOLUTION ON RESETTLING OF ILLEGAL IMMIGRANTS INCLUDING  
UNACCOMPANIED MINORS FROM HONDURAS**

**WHEREAS**, the citizens of Surry County, North Carolina recognize their duty as law-abiding citizens to act in accordance with the U.S. Constitution and the North Carolina Constitution, and are endowed with rights to life, liberty and the pursuit of happiness, which our government has been instituted to secure; and

**WHEREAS**, human trafficking is one of the most shameful and egregious crimes of humanity, deceiving millions of men, women, and children around the world and forcing them into exploitative situations; and

**WHEREAS**, human traffickers exploit failures in immigration policy and border security of nations resulting in a \$31.6 Billion dollar global criminal enterprise funding transnational criminal organizations, drug cartels and terrorist crimes; and

**WHEREAS**, on August 4, 2014 White House and Administration officials identified Honduras as a source country for unaccompanied illegal children entering the United States by means of illegal smuggling and human trafficking; and

**WHEREAS**, the State Department has identified Honduras as a Tier 2 country where its citizens are subjected to sex trafficking and forced labor and has not fully complied with minimum standards for the elimination of human trafficking; and

**WHEREAS**, Honduras has failed to enforce Article 149 of its Penal Code and to enact proactive methods to protect all its citizens, thereby becoming a safe haven for transnational criminal organizations and drug cartels to operate, while importing over \$870 million dollars' worth of products into North Carolina; and

**WHEREAS**, the federal government is failing to protect the borders of our country in accordance with Article 1, Section 8 of the U.S. Constitution; and

**WHEREAS**, the United States a known destination country in human trafficking, has failed to secure its sovereign borders, and thereby has become complicit in human trafficking in clear violation of the 13th Amendment of the U.S. Constitution, the U.S. Criminal Code Title 18 Chapter 77 Sections 1581, 1584, 1589, 1590, 1591, 1592, and Article 11 Section 1 of United Nation Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which states, "Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking

in persons."

**NOW, THEREFORE, BE IT RESOLVED** that the Surry County North Carolina Board of Commissioners does hereby call upon the Government of Honduras by Resolution on this the 2<sup>nd</sup> day of September, 2014 to enforce Article 149 of its Penal Code, to pass in accordance with the United Nations Protocols 1 and 2 against Transnational Organized Crime, comprehensive anti-trafficking laws prohibiting forced labor, increasing its government's investigation, prosecuting and convictions of human trafficking offenses including forced labor crimes and forced prostitution of adult victims, and to increase its local law enforcement resources to ensure the safety of its most vulnerable population.

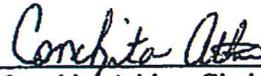
**NOW, THEREFORE, BE IT FURTHER RESOLVED** if the Honduran and United States Governments continue to willfully ignore human trafficking violations then the governing board of Surry County will call for a statewide boycott of all products which have the place of origin identified as Honduras, and upon so doing we shall strongly recommend the three thousand sixty-nine (3,069) counties within the United States to do likewise.

Adopted this the 2<sup>nd</sup> day of September, 2014



Eddie Harris, Chairman  
Surry County Board of Commissioners

ATTEST:



Conchita Atkins, Clerk to the Board



CHRIS KNOPF  
County Manager



SURRY COUNTY GOVERNMENT CENTER  
118 Hamby Road, Suite 329  
Dobson, NC 27017

PHONE (336) 401-8201  
(336) 366-8201  
FAX (336) 401-8216  
TDD (336) 401-8215  
[knopf@co.surry.nc.us](mailto:knopf@co.surry.nc.us)

**COUNTY OF SURRY**

**RESOLUTION ON RESETTLING OF ILLEGAL IMMIGRANTS INCLUDING  
UNACCOMPANIED MINORS FROM EL SALVADOR**

**WHEREAS**, the citizens of Surry County, North Carolina recognize human trafficking as one of the most shameful and egregious crimes of humanity, deceiving millions of men, women, and children around the world and forcing them into exploitative situations; and

**WHEREAS**, human traffickers represent a \$31.6 Billion dollar criminal enterprise which exploits failures in immigration policy and border security whose revenues funds transnational criminal organizations, drug cartels and terrorist crimes; and

**WHEREAS**, on August 4th, 2014 White House and Administration officials identified El Salvador as a source country for unaccompanied illegal children entering the United States by means of illegal smuggling and human trafficking; and

**WHEREAS**, it is estimated that more than 90,000 illegal alien minors will arrive in the United States during 2014 and an additional 145,000 illegal alien minors during 2015; and

**WHEREAS**, the State Department has identified El Salvador as a Tier 2 country where its citizens are subjected to sex trafficking and forced labor and has not fully complied with minimum standards for the elimination of human trafficking; and

**WHEREAS**, El Salvador has failed to enforce Article 367B of the Salvadoran Penal Code as self-evident by a decrease in the number of prosecution and convictions of human trafficking cases, thereby becoming a safe haven for transnational criminal organizations and drug cartels to operate, while importing over \$580 million dollars' worth of products into North Carolina; and

**WHEREAS**, the federal government in failing to protect the borders of our country in accordance with Article 1, Section 8 of the U.S. Constitution has therefore become complicit in human trafficking; and

**WHEREAS**, the United States is a known destination country in human trafficking, having failed to protect its sovereign borders stands in violation of Article 11 Section 1 of United Nation Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which states, "Without prejudice to international commitments in

relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons."

**NOW, THEREFORE, BE IT RESOLVED** that the Surry County North Carolina Board of Commissioners does hereby call upon the Government of El Salvador by Resolution on this the 2nd day of September, 2014 to enforce Article 367B of its Penal Code, to pass in accordance with the United Nations Protocols 1 and 2 against Transnational Organized Crime, comprehensive anti-trafficking laws prohibiting forced labor, increasing its government's investigation, prosecuting and convictions of human trafficking offenses including forced labor-crimes and forced prostitution of adult victims, and to increase its local law enforcement resources to ensure the safety of its most vulnerable population.~

**NOW, THEREFORE, BE IT FURTHER RESOLVED** if the Salvadoran and United States Governments continue to willfully ignore human trafficking violations then the governing board of Surry County will call for a statewide boycott of all products which have the place of origin identified as El Salvador, and upon so doing we shall strongly recommend to the three thousand sixty-nine (3,069) counties within the United States to do likewise.

Adopted this the 2nd day of September, 2014

ATTEST:



Eddie Harris, Chairman  
Surry County Board of Commissioners



Conchita Atkins, Clerk to the Board



**EDDIE HARRIS**  
Chairman  
South District

**PAUL JOHNSON**  
Vice Chairman  
East District

**R. F. "BUCK" GOLDING**  
Central District

**JIMMY MILLER**  
Mount Airy District

**LARRY PHILLIPS**  
Mount Airy District



**CHRIS KNOPF**  
County Manager

**EDWIN M. WOLTZ**  
County Attorney

**BOARD OF COMMISSIONERS**

Surry County Government Center  
118 Hamby Road, Suite 329  
Dobson, NC 27017

**RESOLUTION ON RESETTLING OF ILLEGAL IMMIGRANTS INCLUDING  
UNACCOMPANIED MINORS FROM NICARAGUA**

**WHEREAS**, the citizens of Surry County, North Carolina recognize human trafficking as one of the most shameful and egregious crimes of humanity, deceiving millions of men, women, and children around the world and forcing them into exploitative situations; and

**WHEREAS**, human traffickers represent a \$31.6 Billion dollar criminal enterprise which exploits failures in immigration policy and border security whose revenues funds transnational criminal organizations, drug cartels and terrorist crimes; and

**WHEREAS**, on August 4th, 2014 White House and Administration officials identified Nicaragua as a source country for unaccompanied illegal children entering the United States by means of illegal smuggling and human trafficking; and

**WHEREAS**, it is estimated that more than 90,000 illegal alien minors will arrive in the United States during 2014 and an additional 145,000 illegal alien minors during 2015; and

**WHEREAS**, the State Department has identified Nicaragua as a Tier 2 country where its citizens are subjected to sex trafficking and forced labor and has not fully complied with minimum standards for the elimination of human trafficking; and

**WHEREAS**, Nicaragua has failed to enforce Article 182 and Article 325 of the Nicaraguan Penal Code as self-evident by the lack of prosecutions and convictions of human trafficking cases, thereby becoming a destination country for a limited number of women and children for sex trafficking and a transit country for migrants from Africa and East Asia migrating to the United State of who many will fall victim to human trafficking; while importing over \$364 million dollars' worth of products into North Carolina; and

**WHEREAS**, the federal government in failing to protect the borders of our country in accordance with Article 1, Section 8 of the U.S. Constitution has therefore become complicit in human trafficking; and

**WHEREAS**, the United States is a known destination country in human trafficking, having failed to protect its sovereign borders stands in violation of Article 11 Section 1 of United Nation Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which states, "Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons."

**NOW, THEREFORE, BE IT RESOLVED** that the Surry County North Carolina Board of Commissioners does hereby call upon the Government of Nicaragua by Resolution on this the 2nd day of September, 2014 to enforce Article 182 and Article 315 of its Penal Code, to aggressively enforce its anti-trafficking laws, adopt proactive procedures for identifying trafficking victims among high-risk populations, increasing its government's resources in order to provide services to victims of forced prostitution and forced labor, develop greater transparency in the government's anti-trafficking measures.~

**NOW, THEREFORE, BE IT FURTHER RESOLVED** if the Nicaraguan and United States Governments continue to willfully ignore human trafficking violations then the governing board of Surry County will call for a statewide boycott of all products which have the place of origin identified as Nicaragua, and upon so doing we shall strongly recommend to the three thousand sixty-nine (3,069) counties within the United States to do likewise.

Adopted this the 2nd day of September, 2014



Eddie Harris, Chairman  
Surry County Board of Commissioners

ATTEST:



Conchita Atkins, Clerk to the Board





GATES COUNTY BOARD OF COMMISSIONERS

A RESOLUTION  
CALLING FOR THE RELEASE OF SGT. ANDREW TAHMOORESSI  
BY THE GOVERNMENT OF MEXICO

WHEREAS, 25-year-old United States Marine Sgt. Andrew Tahmooressi served two tours of duty in Afghanistan; and

WHEREAS, Sgt. Tahmooressi received a meritorious battle promotion to Sergeant while serving in Afghanistan's Helm and province with 2<sup>nd</sup> Battalion, 6<sup>th</sup> Marine Regiment; and

WHEREAS, Sgt. Tahmooressi is a member of the Individual Ready Reserve and received an "Order to Muster" letter on May 9 requiring him to report to the 4<sup>th</sup> Civil Affairs Group on June 14; and

WHEREAS, Sgt. Tahmooressi was arrested at the United States- Mexican border on March 31, 2014; and

WHEREAS, Sgt. Tahmooressi's vehicle included three firearms legally registered in his name in the United States; and

WHEREAS, Sgt. Tahmooressi due to road and checkpoint closures crossed into Mexico inadvertently; and

WHEREAS, Sgt. Tahmooressi was incarcerated and is still being held in the El Hongo II prison in Tecate, Mexico; and

WHEREAS, Sgt. Tahmooressi was diagnosed with Post-Traumatic Stress Disorder (PTSD) following his service to the United States Marine Corps in Afghanistan; and

WHEREAS, Sgt. Tahmooressi's immediate release would allow him to enroll in medical treatment at a clinic specializing in combat-related PTSD in the United States; and

WHEREAS, Sgt. Tahmooressi is neither a criminal nor a weapons trafficker; and

NOW, THEREFORE BE IT RESOLVED that the Gates County Board of Commissioners urges:

- (1) That the Government of Mexico immediately releases United States Marine Sgt. Andrew Tahmooressi and provides for his swift return to the United States; and

- (2) That the President of the United States immediately utilizes the full powers and authorities of his office and the executive branch of the United States government to immediately secure the release of United States Marine Sgt. Andrew Tahmooressi.

The Clerk to the Board of Commissioners shall transmit a copy of this resolution to the President of the United States, each member of the North Carolina Congressional Delegation, the United States Department of State, the United States Department of Defense, and each county in North Carolina.

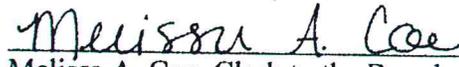
This the 15<sup>th</sup> day of September, 2014

In the COUNTY OF GATES

Adopted this 15<sup>th</sup> Day of August, 2014  
GATES COUNTY BOARD OF COMMISSIONERS

By:

  
Henry L. Jordan, Chairman

  
Melissa A. Coe, Clerk to the Board



**STATE OF NORTH CAROLINA  
COUNTY OF MOORE**

**RESOLUTION OPPOSING THE  
PROPOSED CHANGES TO THE RULE  
DEFINING "WATERS OF THE U.S."**

**WHEREAS**, the Clean Water Act (the "Act") defines and regulates waters that fall under federal jurisdiction, which are known as "Waters of the U.S.;" and

**WHEREAS**, the Act requires a partnership between federal, state, and local governments to achieve the objectives of the Act, improving and maintaining water quality; and

**WHEREAS**, local governments, as a regulator and permittee, have assumed an ever-increasing share of the costs towards achieving those objectives; and

**WHEREAS**, the U.S. Environmental Protection Agency ("EPA") and U.S. Army Corps of Engineers ("Corps") have proposed changes to the rule defining Waters of the U.S. that could significantly increase the cost and regulatory requirements for local governments and, ultimately, the costs for local residents and businesses; and

**WHEREAS**, the proposed rule has no prescribed limits to federal jurisdiction and does not clearly define what waters are to be regulated by the federal government; and

**WHEREAS**, the proposed changes effectively remove the case-by-case determinations of Waters of the U.S. using the "significant nexus" test and replace the test with physical characteristics, such as the presence of high water marks, and connectivity to current Waters of the U.S. By merely meeting the requirements of the new definition, a significant nexus is found and the body of water becomes subject to the Act; and

**WHEREAS**, the proposed rule modifies the current definition of "other waters" and "adjacent waters" in such a way that there is uncertainty as to how these proposed definitions would impact local governments; and

**WHEREAS**, the changes to the rule could cause manmade ditches and storm water runoffs to be considered Waters of the U.S., which once defined as a Water of the U.S., would subject them to the Act and could increase costs to local governments; and

**WHEREAS**, the proposed changes do not include the provision of federal funds to offset the additional costs to local governments and, thus, would divert resources from other essential public services; and

**WHEREAS**, the United States Congress has written a letter to the EPA and Corps requesting that the proposed changes to the rule be withdrawn until further analysis can be completed; and

**WHEREAS**, the National Association of Counties has produced a policy brief on this issue and has encouraged local governments to publicly make comments concerning the proposed changes to the rule ; and

**WHEREAS**, the U.S. Conference of Mayors has publicly opposed legislation to expand federal jurisdiction under the Act if it is not accompanied by federal funding.

**NOW THEREFORE, BE IT RESOLVED**, that Moore County opposes legislation or changes that would further expand federal jurisdiction under the Act; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors, in its Resolution to Ensure that Municipal Concerns are Addressed in Clean Water Act Regulations, including the definition of “Waters of the U.S.,” requested certain provisions be made if any changes to the rule were made. And, that the Moore County Board of Commissioners agrees that any changes to the rule should include the following provisions, which are sincere concerns for local governments:

- Separate municipal storm sewers will continue to be regulated and permitted under Section 402 of the Act and will not be considered Waters of the U.S.; and
- Water delivery, reuse, and reclamation systems and facilities will not be considered Waters of the U.S.; and
- Ditches, streams and other drainage features that protect and ensure the operation of public infrastructure will not be considered Waters of the U.S.; and
- Wastewater treatment systems and all associate infrastructure will not be considered Waters of the U.S.; and
- Any proposal to regulate waters within a floodplain, riparian, or any other general area must include a specific definition, including the specific boundaries, of the floodplain, riparian, or other area subject to the rule; and
- The rule must include sufficient clarity and specificity to better inform regulators and permittees, and to minimize the potential for litigation.

**BE IT FURTHER RESOLVED**, in opposition to the proposed change to the rule defining “Waters of the U.S.,” the Moore County Board of Commissioners encourages citizens to write letters to the EPA, E-mail the EPA, or post comments to the Federal eRulemaking Portal, in the manner described below:

Letters, including the original and three copies, may be sent to:

Water Docket, Environmental Protection Agency  
Mail Code 2822T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
Attention: Docket ID No. EPA-HQ-OW-2011-0880

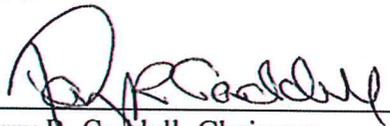
E-mails may be sent to: [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Please include EPA-HQ-OW-2011-0880 in the subject line of the message.

Comments may be posted online at: [www.regulations.gov](http://www.regulations.gov). Simply follow the instructions for submitting comments.

**BE IT FURTHER RESOLVED**, that the Moore County Board of Commissioners encourages other local governments to pass similar resolutions.

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to local governments within Moore County and to federally elected officials that represent Moore County.

This Resolution Concerning Clean Water Act Regulations and U.S. EPA's Definition of "Waters of the U.S." has been adopted this 16 day of September, 2014.

  
\_\_\_\_\_  
Larry R. Caddell, Chairman

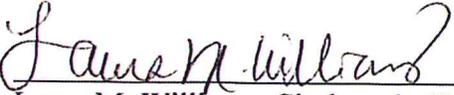
  
\_\_\_\_\_  
Jimmy D. Melton, Vice Chairman

  
\_\_\_\_\_  
Nick J. Picerno, Member

  
\_\_\_\_\_  
Otis Ritter, Member

  
\_\_\_\_\_  
Randy Saunders, Member

Attest:

  
\_\_\_\_\_  
Laura M. Williams, Clerk to the Board



**A RESOLUTION CALLING FOR THE RELEASE OF  
SERGEANT ANDREW TAHMOORESSI BY THE GOVERNMENT OF MEXICO**

**WHEREAS**, 25-year old United States Marine Sgt. Andrew Tahmooressi served two tours of duty in Afghanistan; and

**WHEREAS**, Sgt. Tahmooressi received a meritorious battle promotion to Sergeant while serving in Afghanistan's Helm and province with 2<sup>nd</sup> Battalion, 6<sup>th</sup> Marine Regiment; and

**WHEREAS**, Sgt. Tahmooressi is a member of the Individual Ready Reserve and received an "Order to Muster" letter on May 9 requiring him to report to the 4<sup>th</sup> Civil Affairs Group on June 14; and

**WHEREAS**, Sgt. Tahmooressi was arrested at the United States – Mexico border on March 31, 2014; and

**WHEREAS**, Sgt. Tahmooressi's vehicle included three firearms legally registered in his name in the United States; and

**WHEREAS**, Sgt. Tahmooressi due to road and checkpoint closures crossed into Mexico inadvertently; and

**WHEREAS**, Sgt. Tahmooressi was incarcerated and is still being held in the El Hongo II prison in Tecate, Mexico; and

**WHEREAS**, Sgt. Tahmooressi was diagnosed with Post-Traumatic Stress Disorder (PTSD) following his service to the United States Marine Corps in Afghanistan; and

**WHEREAS**, Sgt. Tahmooressi's immediate release would allow him to enroll in medical treatment at a clinic specializing in combat-related PTSD in the United States; and

**WHEREAS**, Sgt. Tahmooressi is neither a criminal nor a weapons trafficker; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Polk County Board of Commissioners urges:

- (1) That the Government of Mexico immediately releases United States Marine Sgt. Andrew Tahmooressi and provides for his swift return to the United States; and
- (2) That the President of the United States immediately utilizes the full powers and authorities of his office and the executive branch of the United States government to immediately secure the release of United States Marine Sgt. Andrew Tahmooressi.

The Clerk to the Board of Commissioners shall transmit a copy of this resolution to the President of the United States, each member of the North Carolina Congressional Delegation, the United States Department of State, the United States Department of Defense, and each county in North Carolina.

*Adopted this 22<sup>nd</sup> day of September, 2014.*

ATTEST:

POLK COUNTY BOARD  
OF COMMISSIONERS



Beth Fehrmann  
Clerk to the Board



Ted B. Owens  
Chair

# Albemarle Resource Conservation & Development Council, Inc

## Annual Report 2013-2014



### Mission

To wisely conserve natural resources & create opportunities for positive economic & community development.

### Areas of Expertise

- Constructed wetlands
- Outdoor environmental classrooms
- Shoreline stabilization
- Water management
- Watershed management plans
- Sustainable energy
- Public water access design
- Parks & recreation design
- Nature tourism

## Upper Little River Watershed Restoration

The Little River Watershed was once rich in biodiversity with key fish & shellfish areas and swamp forests critical to support native fish and wildlife, mitigate flooding and protect water quality. Over the past decades, agricultural operations have opened drainage canals that carry sediments & nutrients directly to the river and residential & commercial developments have increased pollution from stormwater runoff. Swamp forest buffers have been eliminated or severely degraded in many river locations in

Pasquotank & Perquimans Counties. The Albemarle Commission, Albemarle RC&D, Pasquotank and Perquimans Counties, Soil & Water Conservation Districts, ECSU, EC Bass Masters & local community groups are working together to restore the Little River Watershed. Through a grant from the NC Division of Water Quality, Albemarle RC&D is working with project partners to develop a nine-step plan to restore the watershed's water quality and biodiversity.

## Pembroke Creek Park Improvement

Pembroke Creek Park is an important resource for public access to Pembroke Creek & surrounding waters in Chowan County. Residents & visitors use the park for fishing, kayaking & nature tourism. Bass fishing clubs use the park for parking & tournament events. Chowan County received a CAMA grant to improve



water access to this recreational setting. The project will install vinyl bulkhead to reclaim the eroded shoreline, replace portions of the boardwalk, construct two 50' fishing piers, install a handicap canoe/kayak launch platform, construct two gravel parking areas and install picnic tables and solar lighting. Fall 2015 is the target date for project completion. Albemarle RC&D provided grant writing and technical assistance to Chowan County and the Edenton-Chowan Parks and Recreation Department.

### 2014 Council Members

#### CAMDEN

Brian Lannon  
Garry Meiggs  
Abner Wayne Staples

#### CHOWAN

Fenton Eure  
Jason Petersen,  
Secretary/Treasurer  
Jeff Smith

#### CURRITUCK

Mike Doxey  
W. Harvey Roberts

#### DARE

Michael Barr  
Louise Hanson, Past Chair  
Jim Winebarger, Vice-Chair

#### GATES

Joe Harrell

#### HYDE

Charles Tooley  
Dick Tunnell

#### PASQUOTANK

Michele Aydlett  
Maurice Berry, Jr.  
Travis Burke  
Rodney Johnson, Chair

Frankie Meads

Marshall Stevenson

#### PERQUIMANS

Maurice Bunch  
Charles Mathews

#### TYRRELL

Nathan T. Everett  
Trey Liverman  
Rhett White

#### WASHINGTON

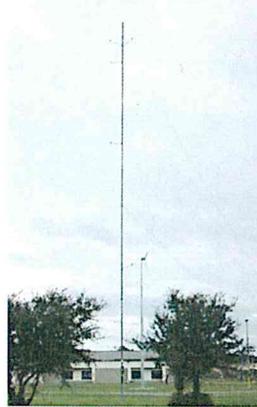
Milton Cahoon  
Buster Manning  
Perlis Nixon



## Renewable Energy Economic Solutions



Albemarle RC&D Council completed a two-year grant in November, 2013 from the NC Rural Center to create a renewable energy program with a focus on community wind energy to advance education and to create local businesses and jobs. Partners on the REES Project included the Northeast Workforce Development Board (NWDB), College of the Albemarle (COA), Appalachian State University (ASU), Elizabeth City State University (ECSU), NC Solar Center, UNC Coastal Studies Institute, Alpha Energy, Dare County and Currituck County Boards of Education.



**Jim Winebarger**  
National RC&D Association  
Council Member of the  
Year



Jim Winebarger (Dare) was honored at the June, 2014 National RC&D meeting held in Mobile, AL for his leadership on the Renewable Energy Project and his commitment to school programs that introduce teachers and students to hands-on learning opportunities about wind energy.



(L-R) Rodney Johnson, ARCD Chair, Winebarger, Linda Peterson, ARCD Program Manager and Marshall Stevenson, past ARCD Chair.

### Key Accomplishments:

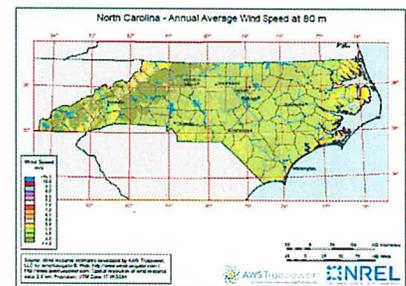
- *The What, Where & How of Community Wind Energy.* A public forum, attended by 60 local leaders on May 15, 2013 examined the potential for community-scale wind projects in northeast NC.



- *Met tower installation.* Installation of a 60m Met tower at the Camden Eco-Industrial Park and a 30m Met tower at First Flight Middle School (Dare) captured wind data for use by officials, investors and the general public.

- *Sustainable Energy Website* [www.sustainable-energy-solutions-nc.org](http://www.sustainable-energy-solutions-nc.org) was created to provide current information on local, state and national energy projects and issues.

- *K-12 Teacher Training* 37 educators from 9 counties participated in Wind for Schools training to incorporate hands-on activities in classrooms with KidWind kits.

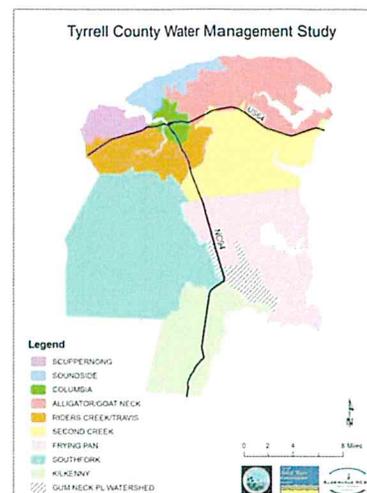


- *Wind Turbine Installation* 3 Skystream wind turbines, installed at schools in Dare and Currituck Counties, provide data to support the STEM curriculum.

- *Training* 6 COA instructors were trained by ASU and NC Solar Center prior to establishing the College of the Albemarle Sustainable Technologies Program. The 20m Met tower, Bergey 1kW wind turbine and weatherlink wireless weather station were purchased and installed by the REES project..

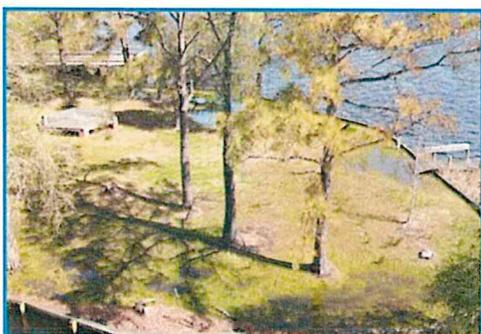
## *Tyrrell County Water Management Plan*

With elevations at or just above sea level across much of Tyrrell County, water management is a critical activity for preventing flooding of agricultural lands, towns and communities. Streams, canals and water management structures are easily damaged or impaired by storm events ranging from strong thunderstorms to tropic storms and hurricanes. Tyrrell County contracted with Albemarle RC&D to inventory and map water management and drainage features in a Geographic Information System (GIS) which will help the county develop long-range plans for water management, including a coordinated response to natural disasters. Albemarle RC&D worked with the Tyrrell County Water Management Committee and Tyrrell Soil and Water Conservation District staff and supervisors to complete this study.



## *Tyrrell County Parks and Recreation Study*

Tyrrell County leaders identified the need to develop a comprehensive recreation plan to expand the recreational facilities available to its residents and visitors. Albemarle RC&D Council developed conceptual designs for recreational facilities on two county-owned properties along with cost estimates. This plan will allow Tyrrell County to pursue grant funding to support implementation of the project.



## *Tyrrell County Veterans Park*

The 1.3 acre Veterans' Park in Tyrrell County was developed as a memorial park to honor its veterans. Local residents and visitors used the park for picnicking and fishing, but damage during Hurricane Isabel compromised the safety and public access to the area. Tyrrell County contracted with Albemarle RC&D to write a grant to the NC Public Beach and Coastal Waterfront Access Program (CAMA) to renovate the park & add handicap access, a new gazebo, fishing pier and picnic facilities. The decision for this grant application is expected by the end of 2014.

## *Hertford Marina*

Hertford has a rich colonial and maritime history tied to the Perquimans River and the Albemarle Sound. Waterfront development to attract visiting boaters to the downtown area has been a priority of town leaders. A new town dock close to the Municipal Park and a nine-slip marina equipped with water, electric service and pump-out lines will increase visitor traffic and support economic development and revitalization of the Historic Waterfront. The project was made possible through grants from the NC Public Beach and Coastal Waterfront Access Program (CAMA) and the NC Boating Infrastructure Grant (BIG). Albemarle RC&D assisted the Town of Hertford with the grant applications, design and management support.



## *Plymouth Waterfront*

The Town of Plymouth has been promoting its downtown waterfront to stimulate its economy and to encourage water-based recreation for local citizens and visitors. The third phase of the town's multi-faceted waterfront improvement project is underway, using a CAMA grant to replace the public dock next to Riverfront Park and to add electricity and water access. Albemarle RC&D provided grant writing assistance on this phase of the project.

**Albemarle RC&D Council**  
**Summary of Revenues and Expenses**  
**July 1st, 2013 to June 30, 2014**

Linda Peterson,  
 Program Manager

**The Albemarle region has received a return of \$119 in grant funding for every \$1 of annual support invested in the Albemarle RC&D Council!**

- ARC&D Services**
- Technical assistance
  - Planning assistance
  - Project management
  - Grant writing
  - Educational outreach

**Circle of Diamonds**

Albemarle RC&D received the Enhanced membership designation in 2014 by the National RC&D Association for the fifth year in a row!

Albemarle RC&D was the 6th RC&D Council (of 375) in the nation to earn and maintain Enhanced (Tier II) membership in the National Association's Circle of Diamonds program which recognizes exemplary governance practices and high management standards.

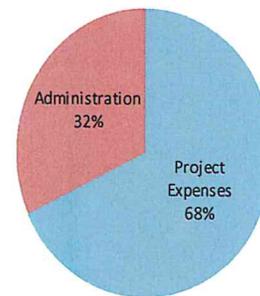
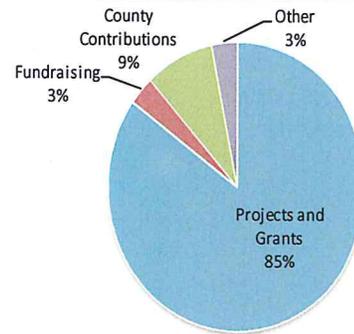
**2013-2014 Financials**

**Operating Revenue**

|                      |           |
|----------------------|-----------|
| Projects and Grants  | \$89,098  |
| Fundraising          | \$3,400   |
| County Contributions | \$9,050   |
| Other                | \$3,421   |
|                      | <hr/>     |
|                      | \$104,969 |

**Operating Expenses**

|                  |          |
|------------------|----------|
| Project Expenses | \$64,611 |
| Administration   | \$30,347 |
|                  | <hr/>    |
|                  | \$94,958 |



**Thanks to our 2013-2014 Partners and Donors**

- |                                                       |                                     |                                |
|-------------------------------------------------------|-------------------------------------|--------------------------------|
| Camden County                                         | NC Rural Center                     | Town of Plymouth               |
| Chowan County                                         | Northeast Workforce Dev Board       | Alpha Energy                   |
| Currituck County                                      | Appalachian State University        | Camden Eco Park                |
| Dare County                                           | Elizabeth City State University     | Cape Hatteras Secondary School |
| Gates County                                          | College of the Albemarle            | JP Knapp School                |
| Hyde County                                           | NCSU Solar Center                   | First Flight Middle School     |
| Pasquotank County                                     | Dare County Board of Education      | Albemarle Commission           |
| Perquimans County                                     | Currituck County Board of Education | Pasquotank Farm Bureau         |
| Tyrrell County                                        | Pasquotank SWCD                     | Perquimans Farm Bureau         |
| Washington County                                     | Camden SWCD                         | Currituck SWCD                 |
| NC Department of Environment & Natural Resources      |                                     |                                |
| NC Public Beach and Coastal Waterfront Access Program |                                     |                                |
| NC Clean Water Management Trust Fund                  |                                     |                                |

*All programs and services of the Albemarle RC&D Council are offered on a non-discriminatory basis, without regard to race, color, national origin, religion, sex, sexual orientation, age, marital or family status, disability or political beliefs.*

730 N. Granville Street, Ste. B, Edenton, NC 27932

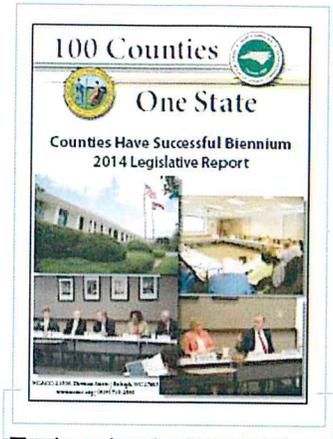
252-482-7437 x118 [www.albemarleacd.org](http://www.albemarleacd.org)

[Home](#) > [Advocacy](#) > [Legislative Information](#) > 2014 Legislative Short Session Final Report

## 2014 Legislative Short Session Final Report

### Introduction

The 2014 legislative session was marked by an odd on-again, off-again schedule and extreme discord between the House and Senate that delayed budget approval, slowed some legislation until the final hours and stopped other bills entirely – some of which were discussed all session. Negotiations spurred by the threat of adjournment without action led to last-minute passage of legislation on regulatory reform, coal ash management, scaled-down economic development initiatives, confidentiality of personal information, and the annual appointments bill. Legislation addressing Medicaid reform, various changes to revenue laws, and local sales tax restructuring proved too complex or controversial to resolve during the Short Session.



To download a PDF of the final report, please click the cover graphic.

The Association of County Commissioners made progress on county goals of increased mental health funding and reduction of detention center space. With the active assistance of our membership, we also stopped several problematic proposals concerning limits on local authority, stifling local revenue options, and pushing funding responsibilities to counties.

In addition to the many county commissioners and staff across the state who actively worked to protect county interests, the NCACC also thanks the former county commissioners in the General Assembly for bringing a county perspective to numerous debates on county issues this session.

- The NCACC has prepared this final report from the session on bills and issues of interest to counties. Click the links on the left for more information about the specific topics listed.

### State budget approved after long debate

Following weeks of rancorous debate between the House and Senate, the General Assembly finalized its work on the 2015 state budget, S744 (Appropriations Act of 2014), on Aug. 2, one month into the fiscal year. Of particular concern to counties, the budget maintained the allocation of \$100 million in lottery for county school construction needs. Counties sought an increase in lottery funds with the ultimate goal of restoring funding to the original 40 percent of net lottery proceeds. Reps. Bryan Holloway, John Bell, Jason Saine and Bert Jones sponsored H1107 (Restore Lottery & for School Construction), which would have achieved that goal over several years. However, given the scarcity of state resources and the commitment to teacher salary increases, efforts soon became focused on maintaining the current level of funding. County-focused advocacy and the support of these bill sponsors helped keep the dollars in place in the face of funding pressures.

#### Lottery Appropriations since 2009-10 (in millions)

| Year    | Appropriation | 40%       | Difference | % of proceeds |
|---------|---------------|-----------|------------|---------------|
| 2009-10 | \$147.2       | \$147.2   | \$0        | 40%           |
| 2010-11 | \$113.7       | \$176.5   | \$62.8     | 25.8%         |
| 2011-12 | \$100.0       | \$170.0   | \$70.0     | 23.5%         |
| 2012-13 | \$100.0       | \$176.5   | \$76.5     | 22.7%         |
| 2013-14 | \$100.0       | \$192.8   | \$92.8     | 20.7%         |
| 2014-15 | \$100.0       | \$233.9   | \$133.9    | 17.1%         |
| Total   | \$660.9       | \$1,096.9 | \$416.0    | 24.1%         |

The budget provides roughly \$14 million in state-funded enhancements to county child welfare services and excludes the House proposal to contract out non-emergency Medicaid transportation—huge wins for counties. Also excluded, and again, beneficial to counties, were earlier recommendations for school workers' compensation and tort claims costs to be shifted to local agencies, proposed increases in the county share of forestry services, and restrictions of state-funded school nurses to Tier 1 school districts.

The primary issue during the session was teacher salary increases. The approved budget increases teacher salaries on average by 7 percent, with all teachers earning \$33,000 - \$50,000 in a new six-step pay schedule that replaces the former 37-step plan. The new salary schedule folds teacher longevity pay into salaries, and all teachers shall receive the higher of the new salary schedule or the sum of the salary plus the 2013-14 longevity payment, with the latter guaranteed at least a \$1,000 increase above the sum. Non-certified school employees and central administration staff receive a \$500 recurring salary increase. The budget keeps teachers' assistant (TA) allotments largely intact, although the TA allotment is reduced to reflect actual local spending practices. A little-noticed special provision removes student population growth from baseline budget considerations. State and community college employees receive a recurring \$1,000 salary increase and five additional days of vacation, with state retirees receiving a 1 percent COLA.

The budget phases out the \$500,000 net Medicaid Relief Swap benefit to counties. This benefit, not the hold harmless itself, is phased out by \$125,000 each year for the next four years. The 21 counties who gave up more in sales taxes than they have received in Medicaid relief will still be held whole.

All state misdemeanants, including DWI offenders, will be housed in county jails through the voluntary Statewide Misdemeanant Confinement Fund program. SMCP was created in 2011 as a part of the Justice Reinvestment Act to lower state prison populations and increase community probation oversight. The JRA increased court fees in order to establish a fund managed by the N.C. Sheriffs' Association to reimburse counties that voluntarily agree to accept state prisoners within available jail bed capacity. Several state prisons will close or be repurposed to reflect lower state prison populations. SBI transfers to the Department of Public Safety, but the state's crime lab will remain in the Department of Justice.

The budget compromise largely maintains current Medicaid clients and services, but a special provision limits access to the

Medicaid cost-overrun reserve fund until NC-DHHS submits for federal approval a plan to decouple Medicaid eligibility from state/county special assistance. The budget also tightens state/county special assistance for new clients going forward, if federal Medicaid eligibility remains in place. Additional Medicaid provider rate cuts are included, as is a restructuring of some Medicaid payment and assessment schedules.

The budget tightens eligibility for childcare services, and temporarily replaces state childcare funds with federal grant dollars. Additional daycare and Pre-K slots are funded, in keeping with an NCACC goal to increase childcare options, and higher market rates for childcare subsidies are authorized. It also recalculates individual county childcare subsidy allocations based on updated census figures.

A special provision embodies the mental health recommendations adopted by the Joint Legislative Oversight Committee of Health and Human Services Subcommittee on Mental Health and requires NC-DHHS to report on mental health budget shortfalls and action plans to address the shortfall. The budget appropriates \$2.2 million to increase the number of crisis centers and crisis services — another NCACC legislative goal. While no provisions direct the further consolidation of LME/MCOs, a budget reduction in LME/MCO administration notes seven or fewer will be in operation by fiscal year's end.

A new Small School funding formula restores cuts made last year and decreases small school allotments as student population of a system increases to 3,200 students. The budget authorizes virtual charter school pilots —county funds of the lesser of \$790 per student or county per pupil funds made available to physical charter schools would go to these pilots. It cuts all drivers' education funding in 2015-16, with directives to local school boards to take over drivers' education funding through an increase in student fees.

New water and sewer grants are funded but a special provision requires local governments applying to the

Department of Environment and Natural Resources for water and sewer grants to certify that no funds from utility operations are used to subsidize the local government's general fund.

The General Assembly did not extend the expiring Film Tax Credit program, but replaced it with a film grant program through a special provision and allocation of \$10 million. The legislature let the Historic Rehabilitation Tax Credit expire. The budget does include funding for a new Jobs Catalyst program, but its authorizing language was in a controversial bill that was voted down on the last day.

# 100 Counties



# One State

## Counties Have Successful Biennium 2014 Legislative Report



NCACC: 215 N. Dawson Street | Raleigh, NC 27603  
www.ncacc.org | (919) 715-2893

## **Introduction**

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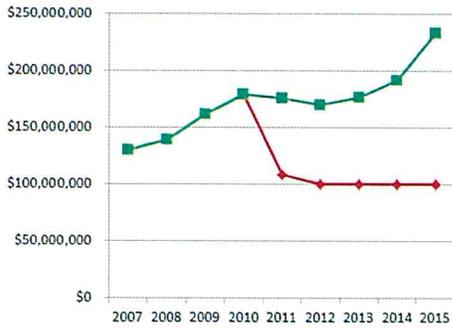
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## Long-awaited state budget largely protects county budgets and operations

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**Statutory v. Actual Lottery Allocations**



Lottery appropriations (red) vs. 40% of lottery proceeds (green).

allocation of \$100 million in lottery for county school construction needs. Counties sought an increase in lottery funds with the ultimate goal of restoring funding to the original 40 percent of net lottery proceeds. Reps. Bryan Holloway, John Bell, Jason Saine and Bert Jones sponsored H1107 (Restore Lottery & for School Construction), which would have achieved that goal over several years. However, given the scarcity of state resources and the commitment to teacher salary increases, efforts soon became focused on maintaining the current level of funding. County-focused advocacy and the support of these bill sponsors helped keep the dollars in place in the face of funding pressures.

The budget provides roughly \$14 million in state-funded enhancements to county child welfare services and excludes the House proposal to contract out non-emergency Medicaid transportation—huge wins for counties. Also excluded, and again, beneficial to counties, were earlier recommendations for school workers' compensation and tort claims costs to be shifted to local agencies, proposed increases in the county share of forestry services, and restrictions of state-funded school nurses to Tier 1 school districts.

The primary issue during the session was teacher salary increases. The approved budget increases teacher salaries on average by 7 percent, with all teachers earning \$33,000 - \$50,000 in a new six-step pay schedule that replaces the former 37-step plan. The new salary schedule folds teacher longevity pay into salaries, and all teachers shall receive the higher of the new salary schedule or the sum of the salary plus the 2013-14 longevity payment, with the latter guaranteed at least a \$1,000 increase above the sum. Non-certified school employees and central administration staff receive a \$500 recurring salary increase. The budget keeps teachers' assistant (TA) allotments largely intact, although the TA allotment is reduced to reflect actual local spending practices. A little-noticed special provision removes student population growth from baseline budget considerations.

State and community college employees receive a recurring \$1,000 salary increase and five additional days of vacation, with state retirees receiving a 1 percent COLA.

The budget phases out the \$500,000 net Medicaid Relief Swap benefit to counties. This benefit, not the hold harmless itself, is phased out by \$125,000 each year for the next four years. The 21 counties who gave up more in sales taxes than they have received in Medicaid relief will still be held whole.

All state misdemeanants, including DWI offenders, will be housed in county jails through the voluntary Statewide Misdemeanant Confinement Fund program. SMCP was created in 2011 as a part of the Justice Reinvestment Act to lower state prison populations and increase community probation oversight. The JRA increased court fees in order to establish a fund managed by the N.C. Sheriffs' Association to reimburse counties that voluntarily agree to accept state prisoners within available jail bed capacity. Several state prisons will close or be repurposed to reflect lower state prison populations. SBI transfers to the Department of Public Safety, but the state's crime lab will remain in the Department of Justice.

The budget compromise largely maintains current Medicaid clients and services, but a special provision limits access to the Medicaid cost-override reserve fund until NC-DHHS submits for federal approval a plan to decouple Medicaid eligibility from state/county special assistance. The budget also tightens state/county special assistance for new clients going forward, if federal Medicaid eligibility remains in place. Additional Medicaid provider rate cuts are included, as is a restructuring of some Medicaid payment and assessment schedules.

The budget tightens eligibility for childcare services, and temporarily replaces state childcare funds with federal grant dollars. Additional daycare and Pre-K slots are funded, in keeping with an NCACC goal to increase childcare options, and higher market rates for childcare subsidies are authorized. It also recalculates individual county childcare subsidy allocations based on updated census figures.

A special provision embodies the mental health recommendations adopted by the Joint Legislative Oversight Committee of Health and Human Services Subcommittee on Mental Health and requires NC-DHHS to report on mental health budget shortfalls and action plans to address the shortfall. The budget appropriates \$2.2 million to increase the number of crisis centers and crisis services — another NCACC legislative goal. While no provisions direct the further consolidation of LME/MCOs, a budget reduction in LME/MCO administration notes seven or fewer will be in operation by fiscal year's end.

A new Small School funding formula restores cuts made last year and decreases small school allotments as student population of a system increases to 3,200 students. The budget authorizes virtual charter school pilots—county funds of the lesser of \$790 per student or county per pupil funds made available to physical charter schools would go to these pilots. It cuts all drivers' education funding in 2015-16, with directives to local school boards to take over drivers' education funding through an increase in student fees.

New water and sewer grants are funded but a special provision requires local governments applying to the Department of Environment and Natural Resources for water and sewer grants to certify that no funds from utility operations are used to subsidize the local government's general fund.

The General Assembly did not extend the expiring Film Tax Credit program, but replaced it with a film grant program through a special provision and allocation of \$10 million. The legislature let the Historic Rehabilitation Tax Credit expire. The budget does include funding for a new Jobs Catalyst program, but its authorizing language was in a controversial bill that was voted down on the last day.

### **County sales tax bill proves too controversial**

In one of its last actions for the 2014 legislative session, the House defeated a Senate proposal to restructure county sales taxes that was part of H1224 (Local Sales Tax Options/Econ. Devpt. Changes). The bill also included an economic development incentives package that was being pushed by the Department of Commerce and Gov. Pat McCrory. A number of House members voiced concerns about the economic development components of H1224, and other House members were opposed to the 2.5 percent cap the bill would impose on county sales taxes. As a result, H1224 failed by a surprisingly wide margin, 54 to 47.

H1224 would have enabled counties to choose among several options for additional sales tax revenues. Most counties could have considered an additional half cent sales tax for education, transit or general purpose, and all would receive authority for expansion to half cent of the existing quarter cent under Article 46. To protect those counties with existing sales tax authority of 2.75 percent, H189 (Amend Info./Child Supp. Orders) would have allowed those counties to retain that ceiling if they successfully pursued voter approval of the additional quarter cent under Article 46 by the end of 2016. The Senate promised passage of H189 upon House ratification of H1224. The House had initially objected to H1224's Senate language that set a 2014 deadline.

Complications arose on the House floor as complaints about the Senate linking the fate of other bills to the House's enactment of H1224 grew louder and more boisterous. H718 (Ensure Adequate Funds for TAs/Rev Allocation), of interest to both the House and the Governor, would have provided a technical fix to the state's budget to ensure adequate state funding of teachers' assistants. When crafting H718, the Senate included language that would make H718 effective only upon ratification of H1224. This measure and H189 were set aside without House floor action after the defeat of H1224.

### **Minimum detention center space requirements apply uniformly to all counties**

Counties achieved a legislative goal with the adoption of S463 (Jail Dormitory Minimum Standards). The bill achieves the NCACC goal to allow minimum detention center space requirements to apply uniformly to all counties, regardless of population. Prior to the enactment of S463, counties with populations of less than 300,000 could house only 56 inmates in each jail dormitory. For counties with populations in excess of 300,000, an exception applied authorizing them to house up to 64 inmates in a jail dormitory, provided that minimum space and amenities requirements are met. They include:

- A minimum floor space of 70 square feet per inmate;
- A water fountain plus one shower, one toilet and one sink per eight inmates;
- A telephone jack or other telephone arrangement provided within the dormitory;
- Sufficient seating and tables and space to allow for a variety of activities; and
- A way for officers to observe the entire area from the entrance.

The Association extends its gratitude to bill sponsors Sen. Mike Woodard and Sen. Floyd McKissick, who amended their original bill to make it applicable to all 100 counties and worked diligently to see the legislation pass this session.

### **Local bill sets moratorium on school funds lawsuits**

H292 (Moratorium/Lawsuits for School Funds) began as a local bill prohibiting the Union County Board of Education from bringing a civil action to challenge the sufficiency of current expense and capital funds appropriated by the board of county commissioners. The legislation, introduced by Sen. Tommy Tucker and supported by the other members of the Union County delegation, was in response to a case in which a jury awarded the Union County Board of Education a \$91 million verdict against the commissioners. The amount originally in dispute was \$8 million, and the board of commissioners has appealed the decision to the NC Court of Appeals.

The legislation imposes a moratorium on the school board's ability to file a lawsuit against the board of commissioners based on a school budget dispute for the next two fiscal years and sets the amount that the board of commissioners must appropriate to the school board for current expense and capital outlay for those years. In addition, the board of commissioners and the school board must jointly establish a working group to create a multiyear plan for funding existing and ongoing capital needs for Union County schools.

During the debate on the Senate floor, the bill was amended to include Gaston and Nash counties, who face the possibility of similar legal action. The moratoria for Gaston and Nash are set to expire upon the adoption of a FY2016-17 budget by their boards of commissioners, but the legislation does not establish the amount that must be appropriated to the school boards during the interim.

### **Regulatory Reform bill excludes problematic provisions**

Legislation broadly categorized as "regulatory reform" took a disjointed and fractured path during the Short Session. More than a dozen bills went through seven committees and numerous revisions before being consolidated into four bills. Eventually, the General Assembly approved only S734 (Regulatory Reform Act) as a more limited version on one of the last few days of session. Among other provisions, the legislation:

- repeals the moratorium from last year on local environmental ordinances more stringent than state or federal laws and rules (Section 32);
- fixes legislation from last year that inadvertently eliminated enforcement of floodplain ordinances for bona fide farms located in extraterritorial jurisdictions, placing the state's eligibility for participation in the National Floodplain Ordinance Program in jeopardy, solving this unintended consequence by making bona fide farms subject to county floodplain ordinances (Section 15);
- allows non-zoning development permit applicants to choose which version shall apply if a rule or ordinance changes between the time of application submittal and permit issuance (Section 16);
- allows community colleges with malt beverage brewing courses to sell beverages produced during the courses (Section 17);
- amends the definition of "limited food services establishments" (Section 21) and amends hotel carbon monoxide alarm requirements (Section 22);

- reduces the minimum financial responsibility requirements for construction and demolition sanitary landfills (Section 27);
- requires that local environmental programs delegated by DENR or HHS must clearly delineate what changes to permit applications are required for approval and what are suggestions, and identify statutory or regulatory authority for required changes; must establish a process for informal internal review at request of applicant when 1) an application includes a design or practice sealed by a professional engineer but not included in the reviewing authority's existing manuals and the initial review was not conducted by a PE, and 2) a disagreement occurs between the applicant and reviewer over whether the reviewer has statutory or regulatory authority to require certain changes; review working job titles of employees that review permit applications and propose revisions to those that identify as "engineer" employees who are not professional engineers; and report to the legislative Environmental Review Commission on the standardized review, informal review process and job title review (Section 29);
- makes multiple changes to on-site wastewater regulations (sections 28, 40, 47 and 53) and local drinking water well programs (Section 43);
- modifies the definition of "gravel" under stormwater laws (Section 45).

Problematic provisions regarding building code officials, protest petitions, tree ordinances and animal euthanasia were not included in final legislation.

#### **Back-ups required for all PSAPs**

S797 (911 Board/Back-up PSAPs) originated out of the Joint Legislative Oversight Committee on Information Technology following reports of several hours of 911 system outages in various counties across the state since the first of this year. The legislation provides that a Primary Public Safety Answering Point (PSAP) "must have a plan and means for 911 call-taking in the event 911 calls cannot be received and processed in the primary PSAP." Back-up PSAP is defined as "the capability to operate as part of the 911 System and all other features of its associated primary PSAP." The term also includes a "PSAP that receives 911 calls only when they are transferred from the primary PSAP or on an alternate routing basis when calls cannot be completed to the primary PSAP."

The back-up PSAP requirement does not mandate that each primary PSAP have a separate brick and mortar facility to serve as its back-up. The requirement may be satisfied through the use of another PSAP or simply a plan that provides some means for rerouting 911 calls. Failure to comply with this requirement may result in the 911 Board's decision to reduce, suspend or terminate 911 Fund distributions to the primary PSAP made on or after July 1, 2016.

#### **Elections changes limit special elections**

S403 (Omnibus Elections Clarifications) makes numerous technical, clarifying and substantive changes to elections laws. Among those, it requires that a special election called by a county must be held at the same time as a state or county general election, at the same time as a primary, or any other time all precincts are open, prohibiting it from being held during an odd-numbered year or during a municipal election.

The legislation also provides that someone cannot file as a candidate in a party primary unless the person has been affiliated with that party for at least 90 days from the date of filing that person's notice of candidacy. Current law reads that a potential candidate must file at least 90 days before the filing date of the office. It changes the filing of candidate Statements of Economic Interest to have them submitted directly to the State Ethics Commission, instead of to the local boards of elections, which simply transfer them to the SEC.

Other provisions address the arrangement of candidates on ballots, the counting of provisional ballots of voters who have moved to a new precinct and voters who move to a new county between a first and second primary.

### **Medicaid reform major sticking point**

One of the key issues that extended the General Assembly's session into high summer was Medicaid reform, a topic stemming from last year's long session and even the 2012 elections campaign. The issue was ultimately unresolved by the 2014 General Assembly, although rumors of a special session for the fall continue to abound. While some versions of the adjournment resolution had the legislature returning in November for a Medicaid reform special session, the final adopted version did not include such a plan. If the Governor chooses not to call a special session, Medicaid reform will likely dominate the 2015 legislative session.

In last year's budget, the General Assembly directed NC-DHHS to develop a Medicaid reform plan to create a predictable and sustainable Medicaid program, one that provides care of the whole person — meeting both behavioral and physical health needs. The plan was to be developed in consultation with the newly created Medicaid Reform Advisory Group (MRAG), whose membership included House and Senate health leaders.

Prior to the Short Session, NC-DHHS rolled out several options to the MRAG, with the first largely being a managed care model of capitated care with MCOs competing to deliver services in six regional districts. LMEs/MCOs could assume coverage of all Medicaid services to their clientele, including physical health. The hospital and medical communities pushed back on those concepts, pressing instead for the creation of voluntary Accountable Care Organizations (ACOs) made up of provider-led networks and building upon North Carolina's nationally recognized Community Care of N.C. (CCNC) and existing ACOs for Medicare services. NC-DHHS's final recommendation promoted the ACO model of care, whereby ACOs would gradually assume a higher share of cost overrun risk and share in cost savings if realized. LMEs/MCOs would continue serving behavioral health needs, but would further consolidate into four regional agencies.

Legislative acceptance of those recommendations was mixed, with the House and the Governor embracing the ACO model but the Senate pushing for full-risk managed care. This wide policy gulf is embodied in the Senate and House competing versions of H1181 (Medicaid Modernization) and in each chamber's initial budget proposal.

The House's adopted version of H1181 calls for provider-led capitated health plans to be in place by July 2020 to manage the care of a majority of Medicaid beneficiaries. The new delivery system would build upon the CCNC model of establishing a medical home for Medicaid primary care. Medicaid would transition from the traditional fee-for-service model into fully capitated

health plans (no date certain), with ACOs initially having limited risk for cost overruns. Upon full implementation, the state's risk would be limited to enrollment and population mix. DHHS would examine the feasibility of a demonstration pilot to assign payment for all Medicaid services of clients with intellectual and developmental disabilities, physical and behavioral, to an LME/MCO.

The Senate's adopted version of H1181 would create a new Department of Medical Benefits (DMB) to be managed by a board of business, health care and insurance leaders. This board would administer and operate the state's Medicaid and Health Choice programs and would directly hire the Medicaid director. The board would oversee the transition of Medicaid into a full-risk capitated model of care to cover all Medicaid clients and services. A mixture of ACOs and MCOs would compete for Medicaid contracts on a regional basis, with full risk of cost overruns phased in over two years and full implementation by July 2018. Thereafter, the state's risk would be limited to enrollment and population mix. In developing its detailed plan, DMB is charged with examining the roles of counties in Medicaid eligibility and whether state-administered or regional structures would be more efficient or effective.

#### **Omnibus tax law changes sees quick action, enactment**

Not all controversial bills saw slow progress in the General Assembly's 2014 Short Session. H1050 (Omnibus Tax Law Changes) was introduced, considered, amended, enacted and signed into law by May 29, only two weeks into session. While the bill largely reflected tweaks to the Tax Simplification and Reduction Act of 2013 (H988), it also heralded major changes to the municipal tax code and provided some good things, and bad things, for counties.

A county legislative goal long in the making is the centralized listing and assessing of mobile telecommunications infrastructure and equipment. Counties sought to transfer this responsibility to the Department of Revenue, which is responsible for central listing and assessment of land-based telecommunications and therefore employs experienced public service company appraisers. H1050 transfers the responsibility for wireless facilities appraisal to DOR effective for the 2015 tax year next July, relieving county staff of this highly specialized appraisal function and making property appraisal of like properties more consistent across the state.

Revenue Laws was also directed to examine the sufficiency of license plate agent compensation for new and expanded property tax collection responsibilities associated with the Tag and Tax combined property tax collection and vehicle registration program. It convened a subcommittee to investigate the level of LPA fees paid by counties and cities to support motor vehicle property tax collection. In 2013, legislation set LPAs fees at \$1.06 initially for six months upon system implementation, decreasing thereafter to \$.71 per property tax collection transaction. Despite NCACC's best attempts through testimony and survey data to prove that the LPA fee structure was more than sufficient to cover these new duties, the subcommittee recommended to the full committee to continue LPA fees at the higher level of \$1.06 per transaction and made this rate retroactive to March 2014 to cover the months under the \$.71 fee. The committee accepted this recommendation and incorporated it into H1050.

Revenue Laws also reconsidered, once again, municipal authority to levy privilege licenses on businesses operating within city limits. Various legislative committees over time have studied privilege licenses, focusing on the wide variations in tax levies on the same businesses operating in different municipalities. These committees, as did the 2013-14 Revenue Laws Study Committee, largely concluded that privilege licenses should be replaced or restructured for better consistency among cities and taxpayers.

Revenue Laws included in its final report to the General Assembly the repeal of the existing authority for cities to levy a privilege license tax, to be replaced by a \$100 business tax on all businesses located within the city. H1050 initially included this replacement revenue stream, but it was removed in subsequent versions, leaving cities to manage roughly \$60 million in lost revenues beginning July 2015. H1050 also tightened what businesses are subject to the tax this fiscal year (2014-15) by limiting its application to those businesses physically located within city limits. Finally, H1050 repeals county authority for privilege license taxes. For counties, these taxes generated less than \$500,000 per year statewide.

### **Pension spiking bill protects retirement fund fiscal integrity**

The General Assembly enacted H1195 (Fiscal Integrity/Pension-Spiking Prevention) to reign in the rare occurrences of public pension spiking without penalizing employees for receiving well-deserved raises. The bill reflects collaboration among NCACC, the N.C. League of Municipalities, the State Treasurer's Retirement Division and the N.C. City/County Management Association's retirement committee with a goal to preserve the public pension funds' fiscal integrity while honoring the hard work and dedication of public employees receiving appropriate salary increases and promotions.

H1195 sets a contribution-based pension benefit cap triggered by excessive salary increases and imminent retirement. These two factors may create an actuarial liability to the pension funds, since the pension spike has not been actuarially funded by employee and employer contributions during the employee's work history. The cap only applies to state and local employees who make \$100,000 or more and who retire Jan. 1, 2015, or later. The pension funds' Boards of Trustees must set the cap to capture no more than 0.75 percent of retirement allowances. The amount of compensation does not trigger the cap — the cap is triggered by an employee who is on the cusp of retirement and who receives an excessive salary increase.

The Retirement Division will report monthly to each employer the names of employees who may trigger the cap if they were to retire within one year from the salary increase. Should the employee retire and trigger the contribution cap, the Retirement Division will notify both employee and employer that the contribution will be reduced absent payment of the estimated liability. For current employees, the employer must pay the estimated liability to avoid benefit reduction; for new employees, the employee must pay the estimated liability.

The bill also provides that the return of non-vested contributions include interest and resets TSERS vesting back to five years.

### **Contractor prequalification bill authorizes Blue Ribbon Commission on infrastructure needs**

H1043 (Prequalification Update) clarifies how local governments might prequalify contractors under alternate bidding methods. This bill sets forth recommendations from the Purchasing and Contract Study Committee called for in last session's H857 (Design-Build/PPP Construction), which fulfilled an NCACC goal to authorize all counties to consider design-build as a contracting option. Wake County Commissioner Paul Coble served as the county representative on the study committee.

H1043 requires a local government using contractor prequalification to adopt a prequalification policy and assessment tool. Prequalification may only be used for construction at risk, design-build, and public-private partnership projects. H1043 prohibits limiting prequalification only to those contractors who have previously been awarded a contract by the bidding entity.

Of particular note to counties, H1043 as enacted establishes a Blue Ribbon Commission to Study Building and Infrastructure Needs of the State through 2025. This 20-member commission, including a Senate appointee upon NCACC's recommendation, is to study state and local capital needs, taking into account the needs of counties for water and sewer, community colleges and schools. The commission must examine the costs of all public building and infrastructure needs and study a process to prioritize needs within each category and among all categories and shall also explore funding options for meeting anticipated capital needs through 2025. The commission must submit its final report in 2016.

### **Drone regulation language lands in budget bill**

Included in the budget bill is legislation establishing regulations for the use of Unmanned Aircraft Systems in North Carolina. Section 34.30 of S744 originated out of a legislative research committee that was charged with examining the economic benefits of enabling the use of unmanned aircraft systems as balanced against public safety and personal privacy concerns. The legislation defines unmanned aircraft (UA) as an aircraft "operated without the possibility of human intervention from within or on the aircraft," excluding model aircraft. An unmanned aircraft system (UAS) is defined as a UA and its related elements, including communication links and control components.

The legislation prohibits the use of UAS to conduct surveillance of a person or an occupied dwelling without the owner's consent. Consent is also required in order to publish or otherwise publically disseminate a photograph of an individual obtained through the use of a UAS; however, this provision does "not apply to newsgathering, newsworthy events, or events or places to which the general public is invited."

The use of UAS is authorized for specific law enforcement purposes. State and local law enforcement agencies are permitted to use UAS to counter a potential terrorist attack, to search for a missing person, to thwart an escape by a suspect or the destruction of evidence, to photograph public gatherings, and to prevent imminent danger to life or serious damage to property. In addition, law enforcement agencies are allowed to use UAS to conduct surveillance in an area within an officer's plain view when the officer is in a place where he or she has a legal right to be. Surveillance through the use of UAS may also be done if the law enforcement

agency first obtains a warrant or if the agency could conduct the surveillance using a manned aircraft without securing a warrant.

An individual who is the subject of unwarranted surveillance or who is photographed in violation of this legislation has the right to bring a civil action against the person, entity or agency that wrongly conducted the surveillance or published the photograph. Evidence obtained in violation of this legislation will not be admissible in a criminal prosecution, “except when obtained or collected under the objectively reasonable, good-faith belief that the actions were lawful.”

The legislation establishes criminal penalties for various unlawful uses of UAS, effective Dec. 1, 2014. It creates a Class H felony for use of UAS to interfere with or damage a manned aircraft and creates a Class E felony for possession or use of UAS that have weapons attached. The use of UAS to hunt or fish, except where authorized by federal law or regulation, will amount to a Class 3 misdemeanor. The legislation further prohibits the use of infrared or thermal imaging technology to record images inside of a structure without the consent of the property owner. The publication or dissemination of images captured in this manner will result in a Class 1 misdemeanor.

The Aviation Division of the Department of Transportation is required to develop by May 31, 2015 a knowledge and skills test for operating UAS, which all operators will be required to successfully complete. The Division is also directed to create a program for licensing commercial UAS operators. The program must comply with Federal Aviation Administration (FAA) guidelines, when issued, and must be ready to be implemented within 60 days of the FAA lifting the ban on commercial operation. The legislation further provides that until Dec. 31, 2015, all UAS operations by state and local governments must be approved by the state Chief Information Officer.

#### **E-Verify language reduces administrative burden**

Last year’s RECLAIM Act prohibited the letting of public contracts unless private contractors and subcontractors complied with employee work authorization through the federal E-Verify program. As written in statute, counties and cities were prohibited from entering into any contract without the E-Verify compliance assurance, regardless of its scope or cost. County finance officers raised concerns about the excessive work effort needed to ensure compliance on insignificant purchases and the unwieldy verification from major retailers like Walmart and Office Depot. In contrast, contractor E-Verify compliance for all state agencies, school boards and other public authorities was set at the formal bid threshold for purchase and construction contracts, allowing compliance assurance to become a part of the formal bid process.

To align county and city requirements to those of all other public authorities, H369 (Criminal Law Changes) clarifies that the contractor and subcontractor e-verify requirements only apply to those purchase and construction contracts at or above the formal bid limit.

### **Fire/Rescue Squad Pension & Benefits Changes Exclude county responsibility for funding gaps**

A special provision included in early versions of the 2013 budget bill would have required counties to backfill volunteer fire and rescue squad workers' compensation costs if a portion of the insurance premium dedicated to this purpose was insufficient. Not only would this present a potential and unknown cost exposure for counties, but it would set troubling precedent by requiring counties to fund non-county employee benefits. While the final budget excluded this provision, the Program Evaluation Division was directed to examine all funding streams and benefit expenses of volunteer squads to ensure consistency and sufficiency moving forward.

Throughout the interim, a PED Oversight subcommittee met to hear PED's findings and recommendations through a series of four reports on the volunteer fire and rescue squad's relief, workers' compensation, supplemental retirement, and equipment grants funds. H1034 (Volunteer Fire and Rescue Finances (PED) recommended adjustments to the funding streams and eligibility for these programs, but excluded any consideration of having counties backfill any future funding gaps.

### **RPO/MPO ethics enforcement strengthened**

The legislature strengthened penalties for local government officials who participate in rural and metropolitan planning organizations and fail to follow ethics law requirements. Legislation from the past two years required voting members of RPOs and MPOs to file Statements of Economic Interest (SEI) and real estate disclosure forms. This year's H1025 (DOT/DMV Changes) – with modifications by H1133 (Technical and Other Corrections) – establishes an enforcement mechanism for failure to turn in these forms.

Under current law, those failing to file an SEI within 30 days of notification from the State Ethics Commission (SEC) are subject to a \$250 fine. The new provision adds the same fine for those failing to file the real estate disclosure. In addition, the change removes most discretion from the SEC and says a fine "shall" be charged except in extenuating circumstances.

MPO and RPO members who fail to submit either form within 60 days of notification from the SEC of failure to file are guilty of a Class I misdemeanor. The SEC is required to report the violation to the State Bureau of Investigation for inquiry and referral to the district attorney for possible prosecution, except in extenuating circumstances.

Members of other boards and commissions who are required to submit SEIs and fail to file are subject to a \$250 fine and removal from the board or commission on which they serve but are not subject to criminal penalties.

### **Economic Development Language Sets Framework for changes**

One issue left hanging after the 2013 Long Session was the framework to restructure the N.C. Department of Commerce by creating a public/private partnership to assume business recruitment, retention and development duties. While last year's budget did authorize the Commerce secretary to initiate a public/private partnership, and the secretary in turn pledged to respect the structure as agreed to in a Senate bill that was stuck in conference at session's end), no language was adopted directing how the state's new economic development philosophy might be fully realized.

H1031 (NC Econ. Dev. Partnership Modifications) provides the framework to enable Commerce to contract with a non-profit corporation to assist in job and business development, international trade, marketing and travel and tourism. The PPP may not be tasked with managing the state's monetary incentives program or assume responsibility for employment security or federal funds and grants administration. The Economic Development Accountability & Standards Committee is established to monitor the PPP's contract performance and to coordinate with other economic development programs remaining within state agencies. In order to qualify for consideration, the non-profit must have raised at least \$250,000 from sources other than state funds. To be awarded the contract, the non-profit must agree to raise \$5.75 million over the life of the five-year contract, including \$750,000 the first year.

H1031 also sets up eight Collaboration for Prosperity Zones, assigning each county to be included in one of the regional designations and reconfiguring the existing educational districts to match the zone's county composition. By January 2015, the departments of Commerce, Environment and Natural Resources, and Transportation must assign at least one employee each to be physically located in the same office within each zone. Those employees will serve as the departmental liaisons with other departments, local government, schools and colleges and businesses within that zone. Likewise, the Community Colleges Office and the State Board of Education must designate at least one representative each to serve in each zone as their departmental liaisons.

#### **Technical Corrections bill has county impacts**

The technical corrections bill that was passed this session does, for the most part, make merely technical changes to state law. It does contain a few substantive provisions that are of some significance to counties. For instance, a provision requested by the NC Sheriffs' Association authorizes local confinement facilities to give or sell vapor products or FDA-approved tobacco cessation products, such as over-the-counter nicotine replacement therapies, to inmates in custody. The sheriffs contend that the ability to provide these products to inmates participating in a smoking cessation program will help with disciplinary problems in the jail facilities.

Another provision makes technical clarifying changes to the public records requirements for certain economic development records. As revised, G.S. 132-6(d) states that provisions allowing such records to be withheld no longer apply once an announcement has been made that a particular business has committed to, or decided not to, expand or locate a specific project in this state and the business has communicated that to the state or local government agency involved with the project. The change is intended to prevent confusion concerning incentives offered by local governments versus those offered by the Department of Commerce and P3 entities and to preclude the need for local governments to obtain approval from the state prior to releasing their records.

H1133 also contains a provision that advances one of the goals that the counties have had in prior legislative sessions. The provision allows for one commissioner from each appointing board of commissioners — Lee, Harnett and Chatham — to be appointed to the Central Carolina Community College Board of Trustees. Under current law, only one commissioner may be appointed jointly by the boards of county commissioners in the administrative area of a community college to serve on the board of trustees.

The legislation amends provisions of S.L. 2013-417, which requires a county Department of Social Services (DSS) to verify whether an applicant for public assistance is a fleeing felon or is a person in violation of probation or parole and to deny benefits if such a violation is verified. It states that the Social Services Commission (SSC) shall issue temporary rules, in addition to its permanent rule-making authority, to implement this verification requirement and extends the deadline for adopting the rules to no later than Oct. 31, 2014. The original deadline was Feb. 1, 2014. It also directs the Department of Health and Human Services (DHHS) to continue the substance-abuse screening in place as of Jan. 1, 2014, for applicants and recipients of Work First Program benefits until the verification, screening and testing process is fully implemented.

### **Hydraulic fracturing bill passes early in session**

A complex piece of legislation addressing the hydraulic fracturing industry in North Carolina was resolved in late May, relatively early in the session. S786 (Energy Modernization Act) prohibits local governments from enacting ordinances that prohibit or have the effect of prohibiting hydraulic fracturing activities in their jurisdictions and provides an appeals process for operators who believe a local ordinance prevents operation. Local zoning and land-use ordinances that are generally applicable to development are allowable. The Mining and Energy Commission (MEC) may only pre-empt a local ordinance if it finds that the ordinance prohibits or has the effect of prohibiting hydraulic fracturing, all required permits have been issued, the local community has had opportunity to participate in the permitting process, and the activities will not pose an unreasonable health or environmental risk. The law also prohibits local privilege or franchise taxation.

Upon request of an interested party, the MEC may determine that information is confidential under the state's public records law. The state geologist will be the custodian of confidential records and must review confidential information concerning hydraulic fracturing fluid, certify it meets all state and federal laws and rules, and advise local health departments of additional parameters they should test in private drinking water wells. Confidential information may be disclosed to any official of a state or federal agency to carry out their duties and shall be disclosed to a state emergency agency, to a health care provider when needed for medical treatment related to hydraulic fracturing fluid, and to a fire chief in event of an emergency. Finally, it establishes class I misdemeanor for unlawful disclosure of confidential information.

It extends the MEC initial rule approval deadline from Oct. 1, 2014, to Jan. 1, 2015, though the commission intends to approve rules at its Oct. 3 meeting. MEC rules will be subject to different requirements than other rules, including that all rules are subject to legislative review (not just those for which 10 objections have been received), delays their effective date to allow for legislative action, exempts them from the prohibition of no more stringent environmental rules than federal law or rule, and exempts the rules from fiscal impact and other required reviews by the state budget office. It allows the MEC or DENR to issue permits 61 days after all rules become effective, as long as the Legislature has not acted to disapprove a rule.

As of July 1, 2015, the legislation splits the Mining & Energy Commission, establishing the Oil & Gas Commission and recreating the Mining Commission, and reworking the membership of both. The terms of all members of the MEC expire at that time. The legislation also makes many other changes, including:

- Changes permit fees for drilling wells
- Requires DENR to review the environmental compliance history of permit applicants and to take this history into consideration for permit decisions
- Establishes notification requirements to lessors of subsurface oil and gas resources before commencement of exploration or development activities
- Reduces by almost half the distance within which an oil or gas operation is presumed to be responsible for water supply contamination from 5000 feet to one-half mile
- Increases the required frequency of water supply testing within a half-mile radius
- Requires an oil or gas developer or operator to provide a bond to the state of at least \$1 million to cover any potential environmental damage
- Prohibits disposal of wastewater connected to hydraulic fracturing activity by injection into groundwater
- Establishes a state tax on the severance of energy minerals from the soil or waters of the state, with the revenue used to pay for administration of the state program and to reclaim land affected by the industry;

Moving forward, the Department of Revenue must study how other states value energy minerals for purpose of property taxation and establish guidelines for counties. The Joint Legislative Commission on Energy Policy shall study how development of the industry will affect property tax revenues of local governments, including property enrolled in present-use value and how to limit the growth of property tax revenues resulting from growth of industry. This study replaced a provision opposed by NCACC in earlier versions of the bill that limited county property tax revenue increases to no more than eight percent from the prior fiscal year. The legislation also directs further study of compulsory pooling, and the departments of Administration and Public Instruction are to study whether to allow any fuel option in awarding school bus contracts and what infrastructure would be needed for school buses fueled by natural gas.

#### **Charter school bill takes steps toward addressing transparency issues**

Transparency with regard to charter school spending of public dollars was the subject of much debate during this legislative session. S793 (Charter School Modifications) responds to some of the concerns raised. It states that a charter school board and its board of directors are subject to the public records and open meetings laws of North Carolina. The legislation further provides that charter school employee personnel records are subject to inspection in the same manner as those of employees of traditional public schools, as provided in Article 21A of Chapter 115C. Accordingly, the names, dates of employment, and salaries of charter school teachers and persons who serve on the non-profit boards of directors must be disclosed to the public upon request. If the charter school is managed by a private for-profit company, the salaries of its employees would not be subject to public disclosure.

The legislation makes several other changes to the laws governing charter schools:

- It provides that a teacher employed by the board of directors of a charter school may serve as a non-voting member of the board.
- It requires the State Board of Education (SBE) to grant charter renewals for 10 years, unless the school has not provided financially sound audits for the prior three years or the school's student academic performances for the past three years have not been comparable to those of students in the LEA in which the school is located.
- It prohibits charter schools from discriminating "against any student on the basis of ethnicity, national origin, gender, or disability." However, charter schools with the mission of single gender education may limit admission on the basis of gender.
- It allows charter schools to expand to include one grade level higher or lower than what they currently offer, without prior approval of the State Board of Education, provided that they meet certain criteria.
- It requires the SBE to adopt a competitive bid process for an entity to assume a charter school that has shown inadequate progress. The criteria adopted by the SBE must include requirements that the entity have operated another charter school in North Carolina for five years; that the entity be able to provide three years of financially sound audits for the school that they are currently operating; and that the entity show that the academic performances of students within the school are comparable to those of students in the LEA in which the school is located.
- It directs the SBE to adopt a process and rules for allowing fast-track replication of high performing charter schools. In addition to the existing requirements for charter schools, the board must, at a minimum, require a board of directors to establish one of the following in order to qualify for fast-track replication:
  - that a charter school governed by the board of directors has student academic outcomes that are comparable to those of other students within the LEA and that it can provide three years of financially sound audits; or
  - that the board of directors has agreed to contract with an education or charter school management organization that can demonstrate its ability to replicate high performing charter schools in the State with proven academic success and financial soundness.

The replication process adopted by the Board must ensure that decisions on applications are made within 150 days. The Board must adopt the rules and procedures for this process by Dec. 15, 2014.

### **Legislature addresses coal ash spill**

Surprise eleventh-hour discussions revived an all-but-dead coal ash management bill, enabling the Legislature to meet its public commitment to do something after a large coal ash spill in Rockingham County earlier this year. Lauded as the first-ever law of its kind in the country, S729 (Coal Ash Management Act of 2014) establishes a state regulatory structure that addresses cleanup of existing material and the management of coal ash waste generated in the future.

The new law prohibits the construction of new and expansion of existing coal ash ponds, and sets timelines for utilities to convert to disposal of the ash in a dry instead of liquid form. It establishes requirements for groundwater monitoring, assessment and restoration; requires correction of all unpermitted discharges on a specified timeline; requires DENR to classify and prioritize all ponds for purposes of closure and remediation; sets timelines and requirements for the closure of ponds; and authorizes variances on deadlines for closure. It identifies four ponds as high priority in New Hanover, Rockingham, Gaston and Buncombe counties, and requires their closure by Aug. 1, 2019. Other ponds would be classified as such through DENR's evaluations. Mirroring existing hazardous waste statutes, it prohibits local regulation of coal ash management (Section 3). Other provisions include:

- prohibiting a utility from recovering the costs of unlawful discharges from customers;
- establishing a coal ash commission to set classification and approve closure plans for impoundments;
- requiring public notification and reporting to DENR within 24 hours of knowledge of any discharge to surface waters; and
- making several changes to compliance boundary statutes, including removing the default location of the property line.

### **Law enforcement privacy bill sits in Senate Rules**

A bill that would have required counties and cities to remove from their websites the personal information, such as names and addresses, of law enforcement personnel, prosecutors and judicial officers upon request was not approved. The bill was in response to an incident where the father of an assistant district attorney was kidnapped in retaliation for the ADA's prosecution of a high-ranking member of the Bloods gang. The kidnappers found the address of the father online. The bill would have required the individual making the request to specify what information he or she would like to have removed from the website. The information would continue to be a public record and would be subject to disclosure under North Carolina's public records laws.

The NCACC and other stakeholders, including the N.C. Association of Register of Deeds and the N.C. Land Title Association, expressed concerns about liability issues, the costs associated with developing this process, and the impediment it would create to conducting title searches. Several House members raised questions as well, and the bill sponsor agreed to amend the bill to have the issue studied. However, the bill was not heard by the Senate before adjournment.

### **2015-16 preparation**

Our success this biennium could not have been without the education, networking, and hard work conducted by our Steering Committees. These extensions of our main advocacy goal areas are in need of your continued and further support. As we move into the beginning of a new Legislative Goals drafting cycle, it is more important than ever that we get more commissioners, managers and other county officials to participate in our Steering Committee meetings and Grassroots Advocacy events, such as County Assembly Day. To sign up for a committee please contact Matt Gunnet, Legislative Grassroots Coordinator via phone: (919) 715-2354 or email: [matt.gunnet@ncacc.org](mailto:matt.gunnet@ncacc.org). You may also sign up on the NCACC website: [www.ncacc.org/FormCenter/Get-involved-2/Join-an-NCACC-Steering-Committee-34](http://www.ncacc.org/FormCenter/Get-involved-2/Join-an-NCACC-Steering-Committee-34).

Thank you to our current committee members for your support. We also would like to express our gratitude in advance to those of you who choose to participate in the upcoming year.

## United States Senate

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(202) 224-3154 - Fax:(202) 228-2981

September 3, 2014

Lois Stotesberry  
P.O Box 188  
Swanquarter, North Carolina 27885-0188

Dear Friend:

Thank you for contacting me about lifeguards at the Cape Hatteras National Seashore. I value hearing from you.

As you know, the National Park Service (NPS) defunded the lifeguard program at the Seashore's three lifeguard beaches at Coquina Beach, Buxton, and Ocracoke due to budget restraints. My staff has been in contact with Superintendent Barclay Trimble and expressed concern over the absence of lifeguards on duty. Superintendent Trimble has assured my office that measures are being taken to enter into agreements that will put lifeguards in place in time for the summer season.

You may find updated information on this issue here: <http://www.nps.gov/CaHA/index.htm>

Again, thank you for contacting me. Should you have any additional questions or comments, please do not hesitate to let me know or visit my website at <http://burr.senate.gov>.

Sincerely,



Richard Burr  
United States Senator

RB:wd

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