



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 10

Meeting Date: 03.05.12

Presenter(s): Mark Carawan

Title: Chairman

Agency/Dept.: Mainland Hyde County Occupancy Tax Board

Item Title: Question/Answer Period

Attachments: No

Description: Mr. Carawan requested that he be allowed to meet with the Commissioners regarding mainland Occupancy taxes.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Listen for understanding, ask questions, make suggestions

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 230
HOUSE BILL 784

AN ACT TO AUTHORIZE HYDE COUNTY TO LEVY A ROOM OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

Section 1. Occupancy tax. (a) Authorization and scope. The Hyde County Board of Commissioners may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

(b) Collection. Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

(c) Administration. The county shall administer a tax levied under this section. A tax levied under this section is due and payable to the county finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

A return filed with the county finance officer under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying

the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid. The board of commissioners may, for good cause shown, compromise or forgive the additional tax penalties imposed by this subsection.

Any person who willfully attempts in any manner to evade a tax imposed under this section or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

(e) Use of tax revenue. Hyde County may use the proceeds of the occupancy tax for any public purpose.

(f) Effective date of levy. A tax levied under this section shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(g) Repeal. A tax levied under this section may be repealed by a resolution adopted by the Hyde County Board of Commissioners. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 1348
Senate Finance Committee Substitute Adopted 7/12/04

Short Title: Camden Occupancy / Hyde Meals Taxes. (Local)

Sponsors:

Referred to:

May 10, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY
3 AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE HYDE
4 COUNTY TO LEVY A PREPARED FOOD TAX.
5 The General Assembly of North Carolina enacts:
6 **PART I. CAMDEN COUNTY OCCUPANCY TAX**
7 **SECTION 1.** Occupancy tax. (a) Authorization and Scope. – The Camden
8 County Board of Commissioners may levy a room occupancy tax of up to six percent
9 (6%) of the gross receipts derived from the rental of any room, lodging, or
10 accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within
11 the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3).
12 This tax is in addition to any State or local sales tax. This tax does not apply to
13 accommodations furnished by nonprofit charitable, educational, or religious
14 organizations when furnished in furtherance of their nonprofit purpose.
15 **SECTION 1.(b)** Administration. – A tax levied under this section shall be
16 levied, administered, collected, and repealed as provided in G.S. 153A-155. The
17 penalties provided in G.S. 153A-155 apply to a tax levied under this section.
18 **SECTION 1.(c)** Distribution and Use of Tax Revenue. – Camden County
19 shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Camden
20 Tourism Development Authority. The Authority shall use at least two-thirds of the
21 funds remitted to it under this subsection to promote travel and tourism in Camden
22 County and shall use the remainder for tourism-related expenditures.
23 The following definitions apply in this subsection:
24 (1) Net proceeds. – Gross proceeds less the cost to the county of
25 administering and collecting the tax, as determined by the finance
26 officer, not to exceed three percent (3%) of the first five hundred
27 thousand dollars (\$500,000) of gross proceeds collected each year and
28 one percent (1%) of the remaining gross receipts collected each year.

1 (2) Promote travel and tourism. – To advertise or market an area or
2 activity, publish and distribute pamphlets and other materials, conduct
3 market research, or engage in similar promotional activities that attract
4 tourists or business travelers to the area; the term includes
5 administrative expenses incurred in engaging in these activities.

6 (3) Tourism-related expenditures. – Expenditures that, in the judgment of
7 the Camden Tourism Development Authority, are designed to increase
8 the use of lodging facilities, meeting facilities, and convention
9 facilities in a county by attracting tourists or business travelers to the
10 county. The term includes tourism-related capital expenditures.

11 **SECTION 2.** Tourism Development Authority. – (a) Appointment and
12 Membership. – When the board of commissioners adopts a resolution levying a room
13 occupancy tax under this act, it shall also adopt a resolution creating a county Tourism
14 Development Authority, which shall be a public authority under the Local Government
15 Budget and Fiscal Control Act. The resolution shall provide for the membership of the
16 Authority including the members' terms of office, and for the filling of vacancies on the
17 Authority. At least one-third of the members must be individuals who are affiliated with
18 businesses that collect the tax in the county and at least three-fourths of the members
19 must be individuals who are currently active in the promotion of travel and tourism in
20 the county. The board of commissioners shall designate one member of the Authority as
21 chair and shall determine the compensation, if any, to be paid to members of the
22 Authority.

23 The Authority shall meet at the call of the chair and shall adopt rules of
24 procedure to govern its meetings. The Finance Officer for Camden County shall be the
25 ex officio finance officer of the Authority.

26 **SECTION 2.(b)** Duties. – The Authority shall expend the net proceeds of
27 the tax levied under this act for the purposes provided in Section 1 of this act. The
28 Authority shall promote travel, tourism, and conventions in the county, sponsor
29 tourist-related events and activities in the county, and finance tourist-related capital
30 projects in the county.

31 **SECTION 2.(c)** Reports. – The Authority shall report quarterly and at the
32 close of the fiscal year to the board of commissioners on its receipts and expenditures
33 for the preceding quarter and for the year in such detail as the board may require.

34 **SECTION 3.** G.S. 153A-155(g) reads as rewritten:

35 "(g) This section applies only to Anson, Brunswick, Buncombe, Cabarrus,
36 Camden, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Durham, Granville,
37 Madison, Montgomery, Nash, New Hanover, Pender, Person, Randolph, Richmond,
38 Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and
39 to the Township of Averasboro in Harnett County."

40 **PART II. HYDE COUNTY MEALS TAX**

41 **SECTION 4.** Authorization. – The Hyde County Board of Commissioners
42 may, by resolution, levy a prepared food tax of up to one percent (1%) of the sales price
43 of prepared food sold within the county at retail for consumption on or off the premises
44 by a retailer subject to sales tax under G.S. 105-164.4(a)(1). This tax is in addition to

1 State and local sales tax. Before adopting a resolution under this section, the board of
2 commissioners must give at least 10 days' public notice of its intent to adopt the
3 resolution and must hold a public hearing on the issue of adopting the resolution.

4 **SECTION 5.** Definitions. – The definitions in G.S. 105-164.3 apply in this
5 act. In addition, the term "net proceeds" means gross proceeds less the cost to the county
6 of administering and collecting the tax.

7 **SECTION 6.** Exemptions. – The prepared food tax does not apply to the
8 following sales of prepared food:

- 9 (1) Prepared food served to residents in boarding houses and sold together
10 on a periodic basis with rental of a sleeping room or lodging.
- 11 (2) Retail sales exempt from taxation under G.S. 105-164.13.
- 12 (3) Retail sales through or by means of vending machines.
- 13 (4) Prepared food served by a retailer subject to the local occupancy tax if
14 the charge for the prepared food is included in a single, nonitemized
15 sales price together with the charge for rental of a room, lodging, or
16 accommodation furnished by the retailer.
- 17 (5) Prepared food furnished without charge by an employer to an
18 employee.
- 19 (6) Retail sales by grocers or by grocery sections of supermarkets or other
20 diversified retail establishments other than sales of prepared food in
21 the delicatessen or similar departments of the grocer or grocery
22 section.

23 **SECTION 7.** Collection. – Every retailer subject to the tax levied under this
24 act shall, on and after the effective date of the levy of the tax, collect the tax. This tax
25 shall be collected as part of the charge for furnishing prepared food. The tax shall be
26 stated separately on the sale document and shall be paid by the purchaser to the retailer
27 as trustee for and on account of the county. The tax shall be added to the sales price and
28 passed on to the purchaser instead of being borne by the retailer. The county shall
29 design, print, and furnish to all appropriate businesses and persons in the county the
30 necessary forms for filing returns and instructions to ensure the full collection of the tax.

31 For the convenience of retailers, the county shall determine the amount to be
32 added to the sales price of sales subject to the prepared food tax. The amounts shall be
33 set forth in a bracket system and distributed to each retailer responsible for collecting
34 the prepared food tax. The use of the bracket system does not relieve the retailer from
35 the duty of collecting and remitting an amount equal to the prepared food tax.

36 **SECTION 8.** Administration. – The county shall administer a tax levied
37 under this Part. A tax levied under this Part is due and payable to the county finance
38 officer in monthly installments on or before the 20th day of the month following the
39 month in which the tax accrues. Every person, firm, corporation, or association liable
40 for the tax shall, on or before the 20th day of each month, prepare and render a return on
41 a form prescribed by the county. The return shall state the total gross receipts derived in
42 the preceding month from sales upon which the tax is levied.

43 A return filed with the county finance officer under this Part is not a public
44 record and may not be disclosed except in accordance with G.S. 153A-148.1.

1 **SECTION 9.** Refunds. – The county shall refund to a nonprofit or
2 governmental entity the prepared food tax paid by the entity on eligible purchases of
3 prepared food. A nonprofit or governmental entity's purchase of prepared food is
4 eligible for a refund under this section if the entity is entitled to a refund under
5 G.S. 105-164.14 of the sales and use tax paid on the purchase. The time limitations,
6 application requirements, penalties, and restrictions provided in G.S. 105-164.14(b) and
7 (d) apply to refunds to nonprofit entities; the time, limitations, application requirements,
8 penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (e) apply to refunds
9 to governmental entities. When an entity applies for a refund of the prepared food tax
10 paid by it on purchases, it must attach to its application a copy of the application
11 submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales
12 and use tax on the same purchases. An applicant for a refund under this section shall
13 provide any information required by the county to substantiate the claim.

14 **SECTION 10.** Penalties. – The uniform meals tax penalty provisions of
15 G.S. 153A-154.1 apply to a tax levied under this Part.

16 **SECTION 11.** Effective Date of Levy. – A tax levied under this Part shall
17 become effective on the date specified in the resolution levying the tax. The date must
18 be the first day of a calendar month and may not be before the first day of the second
19 month after the date the resolution is adopted.

20 **SECTION 12.** Repeal. – A tax levied under this Part may be repealed by a
21 resolution adopted by the Hyde County Board of Commissioners. Repeal of a tax levied
22 under this Part shall become effective on the first day of a month and may not become
23 effective until the end of the fiscal year in which the repeal resolution is adopted. Repeal
24 of a tax levied under this Part does not affect a liability for a tax that attached before the
25 effective date of the repeal, nor does it affect a right to a refund of a tax that accrued
26 before the effective date of the repeal.

27 **PART III. EFFECTIVE DATE**

28 **SECTION 13.** This act is effective when it becomes law.

GUIDELINES FOR OCCUPANCY TAX LEGISLATION

Since 1983, the General Assembly has authorized many units of local government to levy a room occupancy tax. In several instances, the General Assembly has authorized both a county and a city within that county to impose an occupancy tax. The rate of tax, the use of the tax proceeds, the administration of the tax, and the body with the authority to determine how the tax proceeds will be spent vary considerably.

Over the past several years, there has been a greater effort to make the occupancy taxes uniform. In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax legislation – G.S. 153A-155 and G.S. 160A-215. These provisions provide uniformity in the areas of levy, administration, collection, repeal, and penalties.

The North Carolina Travel and Tourism Coalition (NCTTC) has a policy statement for legislation authorizing local occupancy taxes. Many of the principles contained in its statement are similar to the ones established by the House Finance Committee in 1993. Subsequently, the House Finance Committee established the Occupancy Tax Subcommittee, which regularly reviews occupancy tax legislation and looks for the inclusion of the following uniform provisions in the bills it considers:

- ◆ **Rate** – The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.
- ◆ **Use** – At least two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism-related expenditures, which may include beach nourishment.
- ◆ **Definitions** The terms "net proceeds", "promote travel and tourism", "tourism-related expenditures", and "beach nourishment" are defined terms:
 - **Net proceeds** – Gross proceeds less the costs to the city/county of administering and collecting the tax, as determined by the finance officer, not to exceed 3% of the first \$500,000 of gross proceeds collected each year and 1% of the remaining gross receipts collected each year.
 - **Promote travel and tourism** – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.
 - **Tourism-related expenditures** – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a city/county by attracting tourists or business travelers to the city/county. The term includes tourism-related capital expenditures.
 - **Beach Nourishment**¹ – The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program along the

¹During the 2001 Regular Session, the Occupancy Tax Subcommittee of the House Finance Committee considered several bills authorizing the use occupancy tax proceeds for beach nourishment. Although "beach nourishment" was not among the uses contained in the uniform guidelines, the subcommittee nevertheless concluded that beach nourishment was an acceptable expansion of the occupancy tax use provisions. In doing so, the subcommittee drafted this uniform definition of beach nourishment for use in occupancy tax legislation.

North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property. The term includes expenditures for the following:

- a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
 - b. The nonfederal share of the cost required to construct these projects;
 - c. The costs associated with providing enhanced public beach access; and
 - d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.
- ◆ **Administration** – The net revenues must be administered by a local tourism promotion agency, typically referred to as a “Tourism Development Authority,” that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least ½ of the members must be currently active in the promotion of travel and tourism in the taxing district and 1/3 of the members must be affiliated with organizations that collect the tax.²
 - ◆ **Costs of Collection** – The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year.
 - ◆ **Conformity with Other Local Occupancy Taxes** – In 2008, the NCTTC formally revised its policy position with regard to occupancy taxes to include a statement that if a city seeks to impose a new occupancy tax or increase its existing tax on lodging facilities in a county that also has an existing occupancy tax, the county occupancy tax must conform to the guidelines in order for the Coalition to support the proposed municipal tax. During the 2009 Regular Session, the House Finance Chairs³ considered the revised policy statement of the NCTTC but declined to amend the House Finance Committee's Guidelines for Occupancy Tax accordingly.

Research Division
NC General Assembly
Revised 2/14/11

² In March 2005, the House Finance chairs decided to change the percentage of members that must be currently active in the promotion of travel and tourism from ¾ to ½. The House Finance chairs in 2005-06 were: Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright.

³ During the 2009-2010 Session, the House Finance chairs were: Representatives Luebke, Wainwright, Weiss, and Gibson.



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 11

Meeting Date: 03.05.12

Presenter(s): Chuck White

Title: Chairman

Agency/Dept.: Mainland Hyde County Occupancy Tax Board

Item Title: Question/Answer Period

Attachments: No

Description: Meridian Senior Living provides care and life services for more than 5,000 residents in 12 states. Their largest presence is in North Carolina, where it manages over 40 facilities, which includes 28 Special Care Units that are specially designed to care for residents with Alzheimer's Disease or related dementias. They would like for Hyde County to consider working with Tyrrell County to claim the assigned beds to both counties for the construction of a new facility.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Listen for understanding, ask questions, make suggestions

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

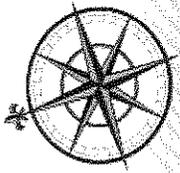
____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

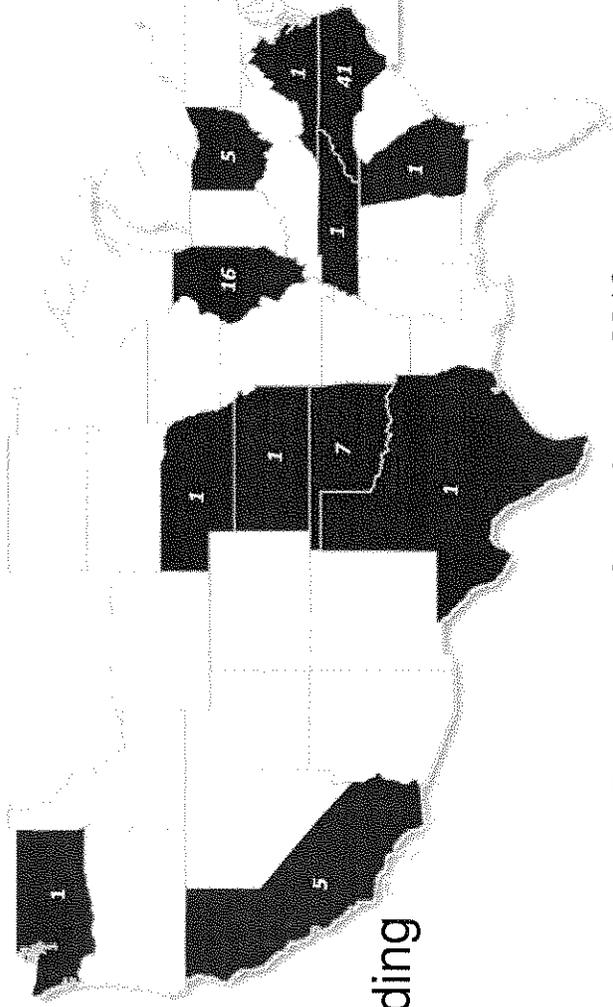
Nay



MERIDIAN
SENIOR LIVING

Overview

- Meridian is among the top 10 assisted living providers in the US
- Operates 85 Communities in 12 states with the bed capacity to serve over 5,500 residents
- Currently home to 4,280 residents with a combined occupancy of 88.1% excluding transitional acquisitions



Properties by State, January 2012



Resident & Occupancy Summary by State

Meridian Senior Living
Resident & Occupancy Summary by State
January 16, 2012

State	Total Properties (1)	Acquisitions / Turn-Around (2)	Transition / Conversion (3)	Development / New Communities (4)	Total Residents	Occupancy (5)
California	6	2	-	-	251	95.8%
Georgia	1	-	-	-	73	92.8%
Illinois	16	-	1	-	688	89.7%
Kansas	1	1	-	-	85	na
North Carolina	44	-	5	4	2,266	85.5%
Nebraska	1	-	-	-	39	87.5%
Ohio	5	-	-	-	288	95.2%
Oklahoma	7	2	-	-	324	94.1%
Tennessee	1	-	-	-	111	93.4%
Texas	1	-	-	-	54	98.1%
Virginia	1	-	-	-	35	61.6%
Washington	1	1	-	-	66	na
Totals	85	6	6	4	4,280	88.1%

(1) Total properties includes acquisitions / turn-arounds, properties being repositioned or converted and development properties scheduled to open within 6 months.

(2) Acquisition / Turn-Around properties have been under MSL management for less than 6 months.

(3) Transition / Conversion properties are currently in the process of systematically reducing census to prepare for a strategic change to the acuity offering. For example, repositioning traditional AL beds to dementia care.

(4) Development properties are currently in the mid-late stages of construction with projected grand openings to occur within 6 months

(5) Occupancy calculations are based on units occupied outside of NC, and heads in beds within the state of NC. This is due to the inordinately high proportion of semi-private rooms in NC driven by the NC Medicaid model. The occupancy calculation does not include the 16 properties noted as turn-around, conversion, or development as this would artificially reduce the true operating census of the MSL managed properties.



Labor Management



Weekly Staffing Calculator
 Building Hours PRD: 0.000
 Direct Care Hours PRD: 0.000

Enter Current Residents

Property Name

Print

Department	Hourly (Flex) Staffing							Week Total
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
Administration								
Office Support								
Marketing								
Director of Nursing								
Nursing								
Care Givers								
Activities								
Food Service								
Housekeeping								
Maintenance								
Transportation								
Total Flex Hours								

Important: Do not include hours based on this calculator without securing R000/100 approval

Department	Salaried (Fixed) Staffing							Week Total
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
Administration								
Marketing								
Director of Nursing								
Food Service								
Total Fixed Hours								

Daily Labor Reports

Date: Tuesday, July 12, 2011

ALF Residents - 47
 SCU Residents - 47
 Total Residents - 47

Staffing Calculator

Avg Rate BGT Saturday Sunday Week Total
 Hr Var Est \$ Var Comments:

	Avg Rate	BGT	Saturday	Sunday	Week Total	Hr Var	Est \$ Var	Comments:
PCS 1	\$ 9.00	-	-	-	-	-	\$ -	
PCS 2	\$ 9.00	119.85	122.00	(2.15)	(19.35)	(2.15)	\$ (19.35)	
Dietary	\$ 9.00	20.00	18.50	1.50	13.50	1.50	\$ 13.50	
Housekeeping	\$ 8.20	10.00	10.75	(0.75)	(6.15)	(0.75)	\$ (6.15)	
Laundry	\$ 8.10	-	-	-	-	-	\$ -	
Activities	\$ 10.05	6.00	5.00	1.00	10.05	1.00	\$ 10.05	
Transportation	\$ 9.35	6.00	6.50	(0.50)	(4.68)	(0.50)	\$ (4.68)	
Maintenance	\$ 12.10	8.00	8.00	-	-	-	\$ -	
BOM	\$ 11.00	6.00	5.75	0.25	2.75	0.25	\$ 2.75	
Total							\$ (3.88)	



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 12

Meeting Date: 03.05.12

Presenter(s): Mac Gibbs

Title: Director

Agency/Dept.: Hyde County Cooperative Extension

Item Title: Report to the People

Attachments: No

Description: Director Gibbs will give the annual Cooperative Extension Report to the citizens of Hyde County.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Listen for understanding, ask questions, make suggestions

MOTION MADE BY:

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

MOTION SECONDED BY:

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 13

Meeting Date: 03.05.12

Presenter(s): Commissioners Spencer and Styron

Title: Commissioners

Agency/Dept.: Hyde County Board of County Commissioners

Item Title: Ferry Tolls Opposition Plan Update

Attachments: No

Description: Commissioners Spencer and Styron will update the Board and the citizens on progress made to combat new or increased tolls on the ferries serving Hyde County. A contract for work with a consulting/lobbying firm will be reviewed for consideration.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay



(800) 932-2144
onslowcountytourism.com

[Back to HomePage](#)

Updated: 3:48 PM Feb 28, 2012

BREAKING NEWS: Perdue Blocks New Ferry Tolls

Governor Beverly Perdue says she will issue an executive order blocking new fees on the state's ferries.

Posted: 3:46 PM Feb 28, 2012



Recommend Be the first of your friends to recommend this story

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Font Size:

Governor Beverly Perdue says she will issue an executive order blocking new fees on the state's ferries.

Last year the General Assembly mandated that the D.O.T. increase ferry revenue up to \$5 million each year by putting tolls on all ferry routes, except for the Ocracoke/Hatteras ferry and the Knotts Island Ferry.

That has outraged many coastal residents. Pamlico County commissioners voted just yesterday to hire a lobbyist to fight tolls for the Cherry Branch/Minnesott Beach ferry, saying many residents use that as a way to work at Cherry Point.

Perdue calls the fees a "ferry tax", and says it would impose an additional burden on the region. The governor's order will impose a 12-month moratorium on collecting the increased tolls on routes already being charged, and on collecting any new tolls on routes that currently are free.

The governor says the coast is recovering from the recession, but at a slower rate because of the damage from Hurricane Irene. She says at the end of 12 months the D.O.T. will review the state's economic conditions to determine whether the moratorium should continue. The order also directs the D.O.T. to find enough budget reductions to make up for the lost revenue.

State lawmakers imposed the new tolls over Perdue's veto. The governor says while the legislature's budget requires the establishment of the new tolls, state law gives D.O.T. the discretion of whether to collect them.

Latest Comments

Posted by: **David** Location: Coastal Carolina on Feb 28, 2012 at 03:54 PM

Thank you, thank you, thank you.

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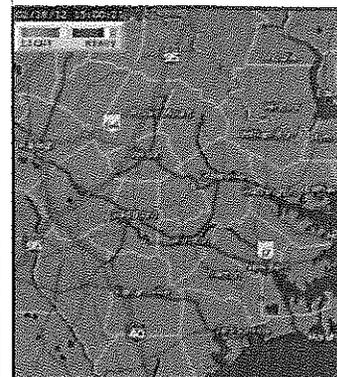
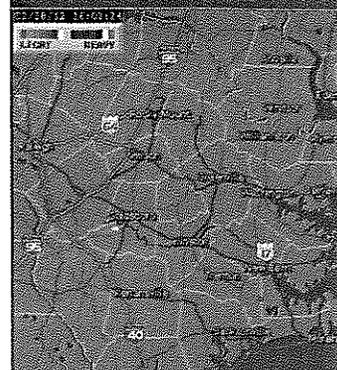
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7 Day Forecast

TUE	WED	THU	FRI	SAT
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61	68	74	72	75
40	61	49	60	4



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Mazie Smith

From: Timothy Buck <tim.buck@pamlicocounty.org>
Sent: Monday, February 20, 2012 1:51 PM
To: MSmith@hydecourtync.gov
Subject: Ferry Tolls

Ms. Smith,

Good talking with you today.

Below is the contact information for forwarding public comments concerning the tolls.

Also below are the members of the joint legislative committee and their email contact:

Look forward to discussing the results of our respective meetings.

Tim

Timothy A. Buck
Pamlico County Manager
P.O. Box 776, Bayboro, NC 28515
Phone: (252) 745-3133
Cell: (252) 670-4977
tim.buck@pamlicocounty.org

Ferry Toll Public Comments:

For more information, contact Jamille Robbins, NCDOT- Human Environment Unit at 1598 Mail Service Center, Raleigh 27699-1598, (919) 707-6085 or jarobbins@ncdot.gov.

Emails of Senators and Representatives on the NC Joint Legislative Transportation Oversight Committee:

<u>Name</u>	<u>Appointing Body/ Email Address</u>
Rep. Phillip Dean Frye (Co-Chair)	House Appointment/ Phillip.Frye@ncleg.net
Rep. P. Grey Mills, Jr. (Co-Chair)	House Appointment/ Grey.Mills@ncleg.net
Sen. William Peter Rabon (Co-Chair)	Senate Appointment/ Bill.Rabon@ncleg.net
Vice Chairs	
Rep. Frank Iler (Vice Chair)	House Appointment/ Frank.Iler@ncleg.net
Legislative Members	
Rep. Rayne Brown	House Appointment/ Rayne.Brown@ncleg.net
Rep. James Walker Crawford, Jr.	House Appointment/ Jim.Crawford@ncleg.net
Rep. Robert Mitchell Gillespie	House Appointment/ Mitch.Gillespie@ncleg.net
Rep. Richard D. Killian	House Appointment/ Ric.Killian@ncleg.net
Rep. Daniel Francis McComas	House Appointment/ Danny.McComas@ncleg.net

Rep. William Clarence Owens, Jr.	House Appointment/ Bill.Owens@ncleg.net
Rep. Timothy Lee Spear	House Appointment/ Tim.Spear@ncleg.net
Rep. Fred F. Steen, II	House Appointment/ Fred.Steen@ncleg.net
Sen. Chris Carney	Senate Appointment/ Chris.Carney@ncleg.net
Sen. Warren T. Daniel	Senate Appointment/ Warren.Daniel@ncleg.net
Sen. Malcolm Graham	Senate Appointment/ Malcolm.Graham@ncleg.net
Sen. Richard Gunn, Jr.	Senate Appointment/ Rick.Gunn@ncleg.net
Sen. Kathy Harrington	Senate Appointment/ Kathy.Harrington@ncleg.net
Sen. Ralph E. Hise, Jr.	Senate Appointment/ Ralph.Hise@ncleg.net
Sen. Neal Hunt	Senate Appointment/ Neal.Hunt@ncleg.net
Sen. Samuel Clark Jenkins	Senate Appointment/ Clark.Jenkins@ncleg.net
Sen. Jerry W. Tillman	Senate Appointment/ Jerry.Tillman@ncleg.net
Sen. Donald Ray Vaughan	Senate Appointment/ Don.Vaughan@ncleg.net

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STATE OF NORTH CAROLINA
COUNTY OF PAMLICO

CONTRACT AND AGREEMENT
FOR SERVICES BY
INDEPENDENT CONTRACTOR

THIS CONTRACT AND AGREEMENT for services by an independent contractor (herein referred to as the "Contract") is made and entered into this 22nd day of February, 2012, by and between HYDE COUNTY, NORTH CAROLINA (herein "Client") and McCLEES CONSULTING, INC., of Pamlico County, NC, (herein "Consultant").

BACKGROUND

Client is a duly organized county of the State of North Carolina, and having as its principal address: 30 Oyster Creek Road, PO Box 188, Swan Quarter, North Carolina 27885.

Consultant is a corporation, incorporated and operating under the laws of North Carolina, and having as its principal address: 45 White Farm Road, PO Box 430, Oriental, NC 28571.

Client is in need of the expertise and services of Consultant to combat the proposed imposition of tolls on certain ferry services, the use of which services is essential to Hyde County residents. Consultant has experience in lobbying, is familiar with the goals of Client, and has skills, knowledge, abilities, and experience to benefit Client.

The parties desire to enter into this lobbying agreement.

THEREFORE, in consideration of the premises and of the agreements, stipulations, and covenants herein contained, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. Consultation.

(a) Client hereby engages Consultant to render lobbying services on the limited issue of proposed ferry tolls and Consultant agrees to provide such services upon the terms and conditions of this Contract.

(b) Consultant is being retained because of the personal skill, expertise, and experience of Joseph D. McClees. All services to be performed under this Contract shall be performed personally by Joseph D. McClees with the assistance of S. Henri McClees, Attorney at Law.

(c) Consultant shall report to Mazie Smith, County Manager and Sharon P. Spencer, Chairman of the Board of Commissioners of Hyde County.

2. Term. The term of the Contract shall begin on the day first written above in 2012 and shall continue through December 31, 2012.

3. Consulting Fees. Client shall pay no monies directly to Consultant. Client shall pay to Beaufort County, NC, such

sums as may be agreed upon between Beaufort and Hyde Counties. Client shall pay for lobbyists and principal registration fees to be paid to the NC Office of the Secretary of State, which said fees total \$300.00, payable to Consultant at the execution of this Contract.

4. Independent Contractor. The parties agree the relationship of Consultant with Client is that of independent contractor. Except as provided herein, neither party shall exercise any control over the activities and operations of the other. Neither Client nor Consultant is liable or responsible for the acts, omissions, or defaults of the other in any manner. Joseph D. McClees and S. Henri McClees shall not be considered, under the provisions of this Contract or otherwise, to be employees of Client for any purpose whatsoever.

5. Applicable Law. The laws of North Carolina shall govern this Contract.

6. Entire Agreement; Amendment. This Contract supersedes all prior understandings and agreements and informal working arrangements between the parties, written and oral. This Contract may not be amended orally, but only by a writing duly executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Contract
the day and year first written above.

COUNTY OF HYDE, NORTH CAROLINA

By Sharon P. Spencer
Sharon P. Spencer
Chairman of the Board
Hyde County Commissioners

Attest:

Officer
(SEAL)

McCLEES CONSULTING, INC.

By Joseph D. McClees
Joseph D. McClees, President

Attest: S. Henri McClees
S. Henri McClees, Secretary
(CORPORATE SEAL)

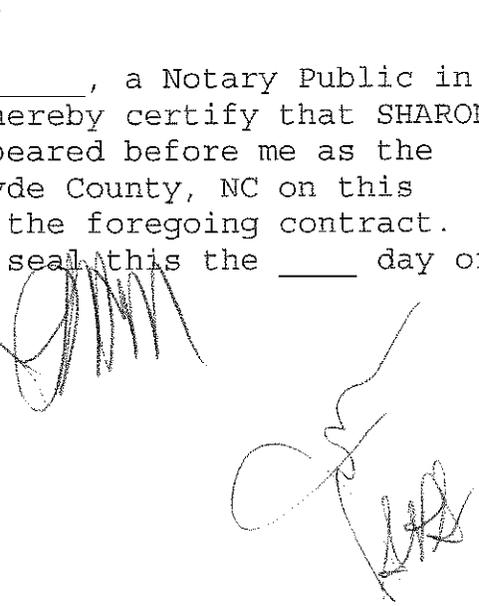
STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in
and for the said County and State, do hereby certify that SHARON
P. SPENCER, personally known to me, appeared before me as the
duly authorized officer and agent of Hyde County, NC on this
date and acknowledged the execution of the foregoing contract.

WITNESS my hand and notarial seal this the ____ day of
_____, 2012.

Notary Public

My commission expires:

Handwritten signatures and notary seal area. A large, stylized signature is written over the notary public line. To the right, another signature is written over the commission expiration line. A circular notary seal is partially visible, overlapping the signature.

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____,
a Notary Public in and for the said County and State, do hereby
certify that JOSEPH D. McCLEES, President and S. HENRI MCCLEES,
Secretary of McClees Consulting, Inc., respectively, both known
to me, each appeared before me this date and acknowledged the
due execution of the foregoing contract.

WITNESS my hand and notarial seal this the ____ day of
_____, 2012.

Notary Public

My commission expires:

Handwritten signatures and initials in black ink, including a large signature and the initials 'SA'.