

## Minutes

### **Board of County Commissioners Hyde County**

**December 7, 2009**

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 6:30 PM on Monday, December 7, 2009 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, Sharon Spencer, and Barry Swindell; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Gene Ballance and members of the public.

Following the pledge of allegiance and opening prayer by Commissioner Swindell the meeting was called to order.

#### **Organizational Meeting**

In accordance with State law, Deputy Clerk Carl Classen opened an organizational meeting to elect the Chairman and Vice-chairman of the Board.

Deputy Clerk to the Board Carl Classen called for nomination for Chairman.

Commissioner Swindell nominated Commissioner Davis. Mr. Classen asked for further nominations. There being no further nominations, Mr. Classen called for a vote on the nominee. Commissioners Ballance, Byrd, Davis, Spencer, and Swindell voted for Mr. Davis.

Mr. Classen turned over presiding duties to Chairman Davis.

Chairman Davis called for nomination for Vice-Chairman. Commissioner Davis nominated Commissioner Swindell. Mr. Davis asked for further nominations. There being no further nominations, Mr. Davis called for a vote on the nominee. Commissioner Ballance, Byrd, Davis, Spencer, and Swindell voted aye for Mr. Swindell.

Chairman Davis moved to close the organizational meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Ballance, Byrd, Davis, Spencer, and Swindell; Nays - None; Absent or Not Voting - None.

#### **Regular Meeting**

##### **Agenda:**

Chairman Davis asked for any changes to the December 7, 2009 meeting Agenda as presented by the Clerk. Commissioner Byrd moved to hold over Item II. B. 2 - FY2008-09 Audit - Andrew Harris, CPA until January 4, 2010; and Item IV. Appointments - A. Hyde County Nursing Home Community Advisory Committee and B. Albemarle RC&D. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes - Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting - None.

##### **Consideration of Minutes:**

Chairman Davis asked for approval of meeting minutes.

Commissioner Swindell moved to approve the November 16, 2009 Regular minutes as presented by the Clerk with corrections made on page 7 - line 39 stating research and present an estimate for staffing two EMS stations on mainland Hyde County at the next Board meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes - Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting - None.

##### **Public Comments:**

Chairman Davis called for comments from the public.

Milton Prince, Belhaven, reported his 2009 Property Tax Bill for Ponzer farmland increased 100% since 2008 from \$20,000 to 40,000 (+). Mr. Prince requested a refund.

Franklin Swindell, Engelhard, stated he is disappointed that County representatives had not called to let him know when Board meeting times had changed to 6:30 PM. Mr. Swindell also stated he is concerned that landowners in the County were not notified of tax rate increases, and that why delinquent taxpayers are listed in the newspaper but delinquent tax amounts can't be added to current year tax bills.

There being no further comment from the public, Chairman Davis continued the meeting.

### **Special Presentations:**

#### **East Carolina Behavioral Health (ECBH) – Physical Monitoring Report – Roy Wilson, Executive Director**

Roy Wilson, Executive Director, East Carolina Behavioral Health (ECBH), with whom the State contracted to provide mental health, substance abuse and developmental disability services in the 10-county area previously served by the Albemarle Mental Health Center (AMHC) presented "ECBH 2009 – 2010 Initiatives in AMHC" and the AMHC First Quarter Fiscal Monitoring Report.

Cheryl Ballance, Director, Ocracoke Health Center stated mental health services continue at the Center. Ms. Ballance asked Mr. Wilson to consider providing mental health services on Ocracoke twice a month to ensure continuity of care and consistency by assigning the same provider to work with Ocracoke patients.

#### **Smoke-Free worksite Law – Health Director Wesley Smith**

Health Director Wesley Smith presented "Smoke-Free Worksite Law" that goes into effect on January 2, 2010. The Smoke-Free Worksite Law requires smokers to step outside of restaurants, bars, and the common areas of most lodging establishments – such as lobbies and meeting room – in order to smoke.

#### **Fairfield Drainage District**

Fairfield Drainage District (#7) Commissioner Joseph B. Williams reported that in 1928 the US Government completed the Inland Waterway resulting in flooding in the town of Fairfield. In June 1948, Congress appropriated \$195,000 to be used to construct a pumping plant, dam control with control gates, and work on canals to protect the Fairfield township and surrounding area which consists of 10,322 acres. Mr. Williams reported that the burden of upkeep of the Government's Dyke System was left to the Fairfield community in 1957.

Soil & Water Director Debbie Cahoon compiled information from a conversation with Mr. Richard Mann of Mann Farms in Fairfield (former Fairfield Drainage District Secretary) who reported that west winds would push water from the Pungo River up the Intracoastal Waterway and onto land; winds from the northeast would push water from the Alligator River and onto land. The land in the Fairfield Community never had an opportunity to dry out.

Mr. Mann reported that the U S Army Corps of Engineers project closed approximately 10,000 acres of land with construction of a dike and installed a pumping system that would pump out rain water. This system was built to pump ½ inch per acre in a 24 hour period. The Drainage Commissioners have the authority to maintain and operate the drainage system but cannot enlarge or improve without prior approval from the Corps. Through the years due to repairs and need for replacement of the existing system, pumps can pump 1 inch per acre over a 24 hour period. Although the pumping capacity has improved, The Gum Neck pumping system in the adjacent community has a pumping removal capacity of 2 inches per acre over a 24 hour period.

Mr. Mann's report to Ms. Cahoon also included report of two proposals through an extensive hydrological study of pumping capacity and enlarging canals done by the U S Corps of Engineers and the Soil & Water Conservation Service (now NRCS). The Corps of Engineers

proposal never got off the ground because it was rejected by the community in the late 1960's. The Soil & Water Conservation Service (now NRCS) proposal never got off the ground because it was rejected by Washington D.C. in the late 1980's. This proposal included installing pumps on the west and east end of the district to supplement the pumps already installed. This proposal was received favorably by the community.

Mr. Williams continued his report, stating that today (53-years later) the urgency for this system has increased 100 fold. He stated that in the best of times when rainfall is normal, we can only hope to remove approximately ½ inch of runoff per 24 hours. Using this formula, Mr. Williams believes the past 12 inch rainfall would take 24 days to get the water under control.

Fairfield Drainage District (#7) generates yearly tax revenue of \$147,442.50, an average of \$14.28 per acre. After maintenance of the 28 miles of canals, fuel, labor, and repair there is virtually no money left for improvements or upgrades, reported Mr. Williams. Drainage District Commissioners solicited support from the Hyde County Board of Commissioners for renovations and repairs needed at the Fairfield Pumping Plant.

After discussion, Commissioner Byrd moved to adopt and send "*Resolution of The Hyde County Board of Commissioners Requesting Regulatory and Financial Assistance to Fairfield Drainage District (#7) for Pumping Plant Renovations and Repairs*" to Governor Walter B. Jones, Representative Richard Burr, Senator Kay Hagan, District Director Millie Lillie, and Representative Betty Jo Sheppard. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "Resolution of The Hyde County Board of Commissioners Requesting Regulatory and Financial Assistance to Fairfield Drainage District (#7) for Pumping Plant Renovations and Repairs" is attached herewith as Exhibit A and incorporated herein by reference.*

#### **Ordinances and Resolutions:**

##### **Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates - 2010**

Commissioner Swindell moved to adopt "Resolution Establishing Regular Meeting Dates". Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates" is attached herewith as Exhibit B and incorporated herein by reference.*

##### **Community Development Block Grant – Talent Enhancement Demonstration Grant (CDBG-TEDG)**

Grants Technician Kris Noble reported that Hyde County has received a \$75,000 CDBG-TEDG capacity building grant that will be used by the County to develop capacity in administering future CDBG projects.

Commissioner Swindell moved to adopt "FY2009 Community Development block Grant Talent Enhancement Demonstration Grant Program Project Ordinance". Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "FY2009 Community Development Block Grant Talent Enhancement Demonstration Grant Program Project Ordinance" is attached herewith as Exhibit C and incorporated herein by reference.*

Chairman Davis notified the Board that he is an East Carolina Bank Board of Directors member. Board members agreed that Mr. Davis did not need to be excused at this time.

Commissioner Swindell moved to adopt "Resolution Regarding Financial Management of Community Development block Grant Talent Enhancement Demonstration Grant Program." Mr.

Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "Resolution Regarding Financial Management of Community Development Block Grant Talent Enhancement Demonstration Grant Program" is attached herewith as Exhibit D and incorporated herein by reference.*

Commissioner Spencer moved to adopt "Resolution Regarding Administration Guidelines and Policies for Community Development Block Grant Talent Enhancement Demonstration Grant Program" which includes Recipient's Plan to Further Fair Housing; Local Economic Benefit for Low and Very Low Income Persons Plan (Section 3); and, Equal Employment and Procurement Policy. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "Resolution Regarding Financial Management of Community Development Block Grant Talent Enhancement Demonstration Grant Program" is attached herewith as Exhibit E and incorporated herein by reference.*

**Other Matters – Budget Amendments:**

County Manager Carl Classen reported to the Board that in accordance with the FY2009-10 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

- A. **Health Department:** \$1,910 in additional SFY 09-10 WIC funding has been allocated by the Division of Public Health, Women's & Children's Health Section to local agencies serving greater than 100% of their base caseload, in addition to a rate per participant increase of \$1.25 to all local agencies. These additional one-time funds must be spent by May 31, 2010. Hyde County Health Department will utilize the funds to cover the expense of our WIC Coordinator to attend training for recertification as a Breastfeeding Educator, which is required every five years.
- B. **Health Department – Environmental Health:** \$346.60 in additional funding has been allocated by the Division of Public Health, Chronic Disease and Injury Section, Tobacco Prevention and Control Branch, to be used by the local Health Department in educating the public and affected establishments with implementation of the NC Smoke-Free Restaurant and Bar Law, which becomes effective January 2, 2010.
- C. **Sheriff's Department:** Transfer of \$5,855.30 from Insurance-Vehicles line to Equipment line to purchase MDT's and to fix Dodge Durango. This does increase the budget.
- D. **Solid Waste:** Transfer \$20,700 to Equipment Maintenance line from Ocracoke Service Dare County line. Total contract amount received after budget was adopted came in under budget. Funds will be used to replace motor in a backhoe on Ocracoke.

Commissioner Swindell moved to approve budget amendments as presented by County Manager Carl Classen. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

**Tax Department Pick-Ups and Releases:**

Tax Administrator Linda Basnight presented a list of tax bills recommended for release.

<u>Year</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
2009	Wells Fargo Financial Leasing	\$ 1,120.71	Failure to delete disposed of equipment
2009	McBride, Julie	122.69	9 acres released & after listed to Ben Midyette
2002	Stanford, Barbara Denise	198.61	Vehicle billed 2-26-03 and 4-08-03
2009	Sloane, Mark & Barbara	275.40	½ lot 2 sec. B charged on PRN 394 and 387
2009	Gibbs, Jackie Spencer	3.12	No shop on property

2009	Smith, Essie M.	606.08	Lot size data entry error shown as 73 ac. Should be .73
2009	Smith, Essie M.	646.10	Lot size data entry error shown as 75 ac. Should be .75
2008	Respass, Krista Michelle	57.29	Address 732 C Canal Rd is in Beaufort Co.
2008	Respass, Krista Michelle	57.68	Address 732 C Canal Rd is in Beaufort Co.
2009	Respass, Krista Michelle	42.60	Address 732 C Canal Rd is in Beaufort Co.
	<b>TOTAL</b>	<b>\$ 3,130.28</b>	

Commissioner Byrd moved to approve tax releases as presented by Tax Administrator Linda Basnight. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

**SR1366 (Winnie Blount Road), Ocracoke – Frank and Jude Brown**

Frank and Jude Brown have sought a way through the County and State agencies to have a neighboring property at the end of Winnie Blount Road (SR1366), Ocracoke, cleaned up of what they claim to be construction debris. However, due to the neighbor being a building contractor, the Ocracoke Development Ordinance allowing home occupations, and the Health Department not finding an imminent health problem caused by the debris, the Browns have not been able to improve the situation. As a last resort, the Browns and their neighbor are asking that the right-of-way adjacent to their property that the NCDOT does not own or maintain be abandoned so that they could put up a fence or take other action to mitigate the aesthetic nuisance.

Professor Rich Ducker of the UNC School of Government (in a letter to Mr. Brown along with attached NCGS153A-241) interprets this statute to require the Commissioners to hold a public hearing and send notification to adjacent property owners before taking any action.

The Brown's did not attend the December 7 meeting but have submitted a letter with their neighbor, Ms. Janet Anthony.

Commissioner Ballance moved to direct the County Manager to schedule the required public hearing in conjunction with the January 19, 2010 Regular Commissioners meeting, and to direct that the required notice be published and mailed as prescribed by law. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

**WAG, LLC - Approval of Final Plat for Major Subdivision: Wysocking Bay Subdivision Phase 2, Lake Landing Township, Hyde County, NC**

Planner/Developer Alice Keeney reported that on February 4, 2008, a Preliminary Plat was approved for Gregory C. Gibbs and WAG, LLC for a 24 lot subdivision, known as Wysocking Bay Subdivision II in Lake Landing. Since that time, Mr. Gibbs and WAG, LLC have been working with Albemarle Engineering to get everything in place for approval of the Final Plat for the subdivision.

Commissioner Swindell moved to approve the Final Plat for Wysocking Bay Subdivision Phase 2 in Lake Landing Township as recommended by the County Planner; to authorize the Chairman, Planner, and other County officials to sign and execute the recommended Plat; and, to take such other actions necessary in support of this motion. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

**State Property (Cahoon), Swan Quarter – WAMI Implementation Online**

On October 29, 2007, Hyde County submitted a request to consider the purchase of an approximately 0.52 acre parcel belonging to Lyle and Claudia Cahoon, located on the Swan Quarter Canal in Swan Quarter. The proposal was for the property to be purchased by the State

of North Carolina with Waterfront Access Marine Industry (WAMI) Funds to be used as commercial access and docking for commercial fishing vessels. On January 15, 2001, Mr. and Mrs. Cahoon were informed that the Pre-proposal for Swan Quarter Property was under consideration for WAMI and they were invited to submit a formal project presentation. On February 4, 2009, the Hyde County Board of Commissioners voted to endorse Mr. and Mrs. Cahoon's WAMI Application. On February 19, 2009, the State of North Carolina informed Hyde County that the property would be purchased by the State of North Carolina with the understanding that the WAMI Property would be maintained by Hyde County.

The overall goal for the use of WAMI funds is to retain and enhance working waterfronts and to provide public access to coastal waters through cooperative state and local partnerships. According to the funding application the Cahoon property can be converted into a multipurpose and multi-use facility that will enhance waterfront access for the commercial industry, marine industry, recreational industry and marine research. The application noted the following points:

- The County would use the lease income from the dock spaces to maintain the property.
- The County will apply for CAMA Funds to make necessary repairs to the docking facilities.
- The County will work with the North Carolina Department of Marine Fisheries to oversee and enforce use of the facility.
- No wholesale or commercial seafood will be sold directly from the facility. The site will be utilized by commercial fishermen to dock their boats, unload their catch and transport their product to its destination for wholesale and or retail sale.
- A center for education, interpretation and ecotourism will be created to preserve the village's fishing heritage and to capitalize on the niche tourism market it creates.
- The County will pursue grant funding sources to further develop use of the property as a heritage tourism and educational center. This will be done in tandem with other public and private agencies to interpret and preserve the heritage of the traditional waterman's lifestyle in Hyde County and the North Carolina Coast.

Commissioner Swindell moved to authorize the Hyde County Manager to: 1) negotiate terms of a general lease with the State that will encompass the goals of the WAMI Project Application for the former Cahoon Property and, after review by the County Attorney, submit the lease for approval by the County Commissioners; 2) establish a policy to allocate 80% of all revenues received from rent or use the property towards maintenance, operation or improvement of the property and to allocate 20% towards Hyde County's administrative costs; and, 3) authorize the County Manager to submit grant applications consistent with lease agreement and policies adopted by the County for the use of the property. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – Davis; Absent or Not Voting – None.

#### **County Commissioners Reports:**

Commissioner Byrd stated that farmers should be notified of farm use programs and exemptions.

Mr. Classen asked Tax Administrator Linda Basnight to respond to tax exemptions and other programs available to citizens during the County Manager's report.

Commissioner Spencer recommends reviewing Construction & Demolition (C&D) solid waste fees, and lowering price per ton.

Commissioner Swindell reported that the Engelhard Christmas Parade will be on Sunday, December 13 and stated he will be Santa this year.

Commissioner Ballance complimented the appearance of the Ocracoke Solid Waste Facility.

Chairman Davis moved to send a letter opposing the US Senate's proposed bill to re-write healthcare in the United States. Mr. Byrd seconded the motion. The motion passed on the

following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

No other Board or Committee reports were offered so Mr. Davis continued with the Agenda.

**County Manager's Report:**

County Manager Carl Classen reviewed monthly financial reports; tax collections report; reported on various projects underway in the County; and other issues, including the following:

**Use Value for Farmers:** Tax Administrator Linda Basnigh reported that the “use value for farmers program” was promoted years ago when the program began by the Tax Office, Agricultural Extension Office, and other related agencies. Ms. Basnigh stated that appraisers also encourage participation in tax reduction programs and Public Notice was posted in April, 2009 in The Washington Daily Newspaper, posted in the Government Center, and brochures were distributed on Ocracoke and mainland Hyde County. Assistance with 1) Homestead Exemption; 2) Disabled Veterans Exemption; 3) Circuit Breaker Exemption; and 4) Present Use Value was provided. Individuals with questions about their personal circumstances were advised to attend the May 12 public information meeting and then call the Tax Office (252-926-4469) to set up an appointment for help filling out the application form.

**Solid Waste C&D Fee:** County Manager Carl Classen reported C&D tonnage fees of \$150/ton is less than the County's cost for disposal of debris. Mr. Classen will ask Utilities Director Clint Berry to complete a C&D revenue analysis.

**Holiday Office Closing:** Traditionally, Hyde County Offices have closed for three days at Christmas and one day at New Years. As Christmas falls on a Friday this year, the formula only calls for two days (Thursday and Friday, December 24 – 25). After discussion at department head meetings, County Manager Carl Classen recommended that the 3-day tradition be continued and that County Offices be closed on Wednesday, Thursday and Friday, December 23-25, plus Friday, January 1.

Chairman Davis would rather give County employees an extra vacation day for the year than designate December 23 as the day off.

Commissioner Byrd moved to close Hyde County Offices on Wednesday, Thursday and Friday, December 23-25, 2009 and on Friday, January 1, 2010. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – Davis; Absent or Not Voting – None.

**ADAP Employees – Longevity Pay:** The employees of Mattamuskeet Opportunities joined the County on July 1, 2009 but were longtime employees of Albemarle Mental Health Center (AHMC) in service to that ADAP Center. Under the Hyde County Personnel Policy, these employees are only eligible for minimal Longevity Pay based upon their years of service with Hyde County – though they were employees of a local agency of which Hyde County was a member. DSS Director Gloria Spencer recommends that the Mattamuskeet Opportunities employees be credited for their years of service with AMHC for calculation of their Longevity Pay. This cost (Longevity Pay) is eligible to be paid from ADAP center revenues.

Commissioner Swindell moved to authorize the County Manager to provide that employees of Mattamuskeet Opportunities who were employed by Albemarle Mental Health Center (AHMC) and became employees of Hyde County on July 1, 2009 are eligible for Longevity Pay based upon their years of service to both AHMC and Hyde County. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – Davis; Absent or Not Voting – None.

**Mattamuskeet Lodge Sewer Project:** Hyde County has been approved to receive USDA Grant funds for construction of the Engelhard Water Treatment Plant and that the Engelhard Sanitary District is required to complete the loan process.

**Swan Quarter Dike Project:** Phase 12 – is within budget and on tract for completion by January 15, 2010 as stated in the Project Contracts. Phase 13 – administration and contract management/inspection funding may run out. Based upon recent negotiations with NRCS, NRCS will come in to complete Phase 13 if management funding runs out.

**Swan Quarter Dike Maintenance Assessments:** Discussion continues.

**Domestic Violence Services:** Based upon recent discussions with State Agencies and Lynn Bryant of Dare County Hotline the County is working to incorporate in-house services for domestic violence victims in the coming year.

**Mental Health Services:** On Monday, December 14 local County Manager's will meet to review options available to them to provide mental health services in their county. Mr. Classen will present his recommendation to the State and give report at the January 4, 2010 Commissioners meeting.

**Board Retreat:** December 17-18; Ponzer Fire Department; Agenda will be posted.

**Solid Waste Collection Services:** Public hearing is scheduled for the January 4, 2010 meeting in regards to considering bringing in-house solid waste services on or about October 1, 2011. Announcement was sent out to all of the adjacent local governments as required by State law, plus to existing current solid waste collection service providers.

**Public Safety Center – Secure Facility Use:** In regards to proposals to use as a short-term mental health involuntary commitment facility, the County was told by State to review with ECBH and ECBH said the facility was too remote and State funding was insufficient. County Manager's group will continue to work on this project.

**Engelhard Water Treatment Plant:** The contractors have put soil on the plant site to provide sufficient strength for the slab, building, piping and letting it settle out until tests show sufficient strength. As planned, no further substantive work is expected until late January or February.

**Ida/Nor'easter Storm:** SBA representatives will be available to property or business owners who suffered damage from the Ida/Nor'easter storm at the Hyde County Government Center from 8:00 a.m. – 5:00 p.m. on Tuesday, Wednesday, Thursday, and Friday, December 8 – 9 10 – 11, 2009; from 8:00 a.m. on Saturday, December 12, 2009; and on Monday and Tuesday, December 14 – 15, 2009.

**Local Government Employer Retirement System (LGERS) Rate Increase:** Effective July 1, 2010, the LGERS will increase the amount that local government employers (e.g. counties) contribute on behalf of their employees. This proposed change is considered necessary to maintain the actuarial soundness of the retirement fund.

There being no further matters to come before the Commissioners, Mr. Davis continued the meeting.

Mr. Davis called for a ten minute recess at 8:35 P.M.

#### **Closed Session**

Commissioner Swindell moved to enter closed session in accordance with NCGS 143-318.11(a)(6) - Personnel Matters; NCGS 143-318.11(a)(3) – Consultation with Legal Counsel; and, with NCGS 143-318.11(a)(5) Acquisition of Property. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 8:45 P.M.

Commissioner Byrd moved to return from Closed Session. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners re-entered regular session at 9:25 P.M.

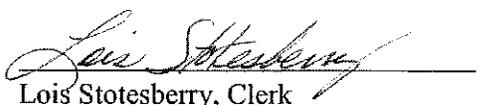
Commissioner Byrd moved to provide cost of legal fees associated with the Barbara Jean Gibbs suit against Hyde County for former County Manager Kevin Howard; former County Commissioners Bea Emmert, Jane Hodges, Charles Ray Spencer, and Alice Armstrong; and, Tax Administrator Linda Basnight. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

Commissioner Swindell moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 8:43 PM.

Respectfully submitted:

Minutes approved on the 4<sup>th</sup> day of January, 2010.

  
Lois Stotesberry, Clerk  
Hyde County Board of Commissioners

  
Barry Swindell, Vice-chairman  
Hyde County Board of Commissioners

Attachments:

- Exhibit A – *“Resolution of The Hyde County Board of Commissioners Requesting Regulatory and Financial Assistance to Fairfield Drainage District (#7) for Pumping Plant Renovations and Repairs”*
- Exhibit B – *“Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates”*
- Exhibit C – *“FY2009 Community Development Block Grant Talent Enhancement Demonstration Grant Program Project Ordinance”*
- Exhibit D – *“Resolution Regarding Financial Management of Community Development Block Grant Talent Enhancement Demonstration Grant Program”*
- Exhibit E – *“Resolution Regarding Financial Management of Community Development Block Grant Talent Enhancement Demonstration Grant Program”*

**A Resolution of the  
Hyde County Board of County Commissioners  
Opposing Cost-Shifting Healthcare to  
State and Local Governments**

**WHEREAS**, the federal government is considering sweeping legislation that will vastly change the delivery of healthcare services throughout the United States; and,

**WHEREAS**, in cooperation with the State of North Carolina, the Hyde County Board of Commissioners offers medical services and financial assistance for such services through its Health Department and through the Social Services Departments; and

**WHEREAS**, Hyde County offers its employees a competitive medical insurance package in cooperation with other counties through the North Carolina Association of County Commissioners (NCACC); and,

**WHEREAS**, an October 15, 2009 report from *The Heritage Foundation* stated that the Congressional Budget Office (CBO) has estimates that the Senate Finance Committee legislation will cost States \$33 billion in Medicaid expenses over 10 years and the report further stated, "Governor Phil Bredesen (D-TN) warns that costs are likely underestimated and could cost his state \$3 billion;" and,

**WHEREAS**, a November 22, 2009 article from *The Wall Street Journal* reported that the Senate Finance Committee's healthcare reform legislation will cost States \$25 million in Medicaid on States other than Louisiana because an exemption was inserted in the legislation for "'certain states recovering from a major disaster'."

**NOW, THEREFORE, BE IT RESOLVED** that the Hyde County Board of Commissioners hereby opposes any form of healthcare reform legislation or regulatory action that will shift the cost of healthcare to State or County government thus causing tax increases or service cuts at the State or local level to fund a federal government program; and,

**BE IT FURTHER RESOLVED** that the Hyde County Board of Commissioners requests Senator Richard Burr, Senator Kay Hagan, and Congressmen Walter Jones to vote against any form of healthcare reform legislation or regulatory action that will shift the cost of healthcare to State or County government thus causing tax increases or service cuts at the State or local level to fund a federal government program; and,

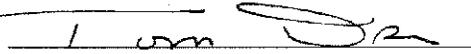
**BE IT FURTHER RESOLVED** that the Hyde County Board of Commissioners requests Senator Richard Burr, Senator Kay Hagan, and Congressmen Walter Jones to vote to support any procedural method to keep the United States Congress or the Executive Branch from enacting

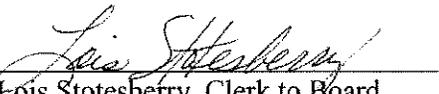
any measure that will shift the cost of healthcare to State or County government thus causing tax increases or service cuts at the State or local level to fund a federal government program, ; and,

**BE IT FURTHER RESOLVED** that the Hyde County Board of Commissioners requests that Senator Richard Burr and Senator Kay Hagen vote against any effort to end debate in the United States Senate or for cloture, or for any similar measure with respect to said healthcare bill or bills; and,

**BE IT FURTHER RESOLVED** that the Hyde County Board of Commissioners requests that the North Carolina Association of County Commissioners (NCACC) to work with Governor Perdue to quickly identify and transmit to all counties the fiscal impact on North Carolina Counties of any healthcare reform measure that appears to shift costs to State or local governments.

This the 7th day of December, 2009.

By:   
Tom Davis, Chairman  
Hyde County Board of Commissioners

Attest:   
Lois Stotesbery, Clerk to Board

**Resolution No. 2009-12-01**

**RESOLUTION OF THE  
HYDE COUNTY BOARD OF COUNTY COMMISSIONERS  
ESTABLISHING REGULAR MEETING DATES**

**WHEREAS**, pursuant to NCGS 153A-40, the Hyde County Board of Commissioners have elected to adopt a meeting schedule by resolution so that its members and the public may know when Regular meetings of the Board are to be held;

**WHEREAS**, the Hyde County Board of Commissioners adopted Rules of Procedure on October 6, 2008, calling for Regular meetings on the first and third Monday of each month, except in August and December or as otherwise provided;

**WHEREAS**, this schedule of Regular meetings may be altered periodically by the Board of Commissioners by Resolution or other appropriate action of the Board;

**WHEREAS**, nothing in this Resolution shall preclude the Hyde County Board of Commissioners from holding Special or Emergency meetings as such may be allowed by law;

**WHEREAS**, the Board of Commissioners desires to begin meetings earlier during the months with shorter days and to begin meetings later during longer days; and,

**WHEREAS**, the Hyde County Board of Commissioners utilizes an electronic meeting system for the simultaneous audio and/or video conduct of Regular meetings on both the Mainland and Ocracoke, the sites of such electronic meetings being as follows unless an alternative location is posted on the door of the meeting site:

- “Government Center” means the Multi-Use Room in the Government Center, 30 Oyster Creek Road, Swan Quarter.
- “Ocracoke” means the Commons Area, Ocracoke School, 1 Schoolhouse Road, Ocracoke.

**NOW, THEREFORE, BE IT RESOLVED** that the Hyde County Board of Commissioners adopts the following schedule for regular Board meetings:

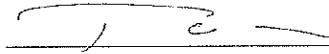
January 4, 2010	Begin at 6:30 PM
January 19, 2010 (Tuesday)	Begin at 6:30 PM
February 1, 2010	Begin at 6:30 PM
February 15, 2010	Begin at 6:30 PM
March 1, 2010	Begin at 6:30 PM
March 15, 2010	Begin at 6:30 PM

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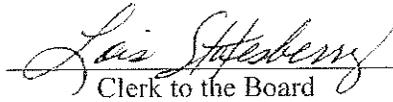
April 5, 2010	Begin at 7:00 PM
April 19, 2010	Begin at 7:00 PM
May 3, 2010	Begin at 7:00 PM
May 17, 2010	Begin at 7:00 PM
June 7, 2010	Begin at 7:00 PM
June 21, 2010	Begin at 7:00 PM
July 5, 2010	Begin at 7:00 PM
July 19, 2010	Begin at 7:00 PM
August 2, 2010	Begin at 7:00 PM
September 7, 2010 (Tuesday)	Begin at 7:00 PM
September 20, 2010	Begin at 7:00 PM
October 4, 2010	Begin at 7:00 PM
October 18, 2010	Begin at 7:00 PM
November 1, 2010	Begin at 6:30 PM
November 15, 2010	Begin at 6:30 PM
December 6, 2010	Begin at 6:30 PM

**BE IT FURTHER RESOLVED** that Clerk is hereby directed to post a copy of this Resolution on the courthouse bulletin board and to publish a summary in the *Coastland Times* newspaper on or before December 20, 2009.

Duly adopted this the 7<sup>th</sup> day of December, 2009.

  
 \_\_\_\_\_  
 Chairman, Hyde County Board of Commissioners

ATTEST:

  
 \_\_\_\_\_  
 Clerk to the Board

HYDE COUNTY

FY2009 COMMUNITY DEVELOPMENT BLOCK GRANT TALENT ENHANCEMENT  
DEMONSTRATION GRANT PROGRAM

PROJECT ORDINANCE

Be it ordained by the Hyde County Board of Commissioners, Hyde County, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the FY 2009 Community Development Block Grant Talent Enhancement Demonstration Grant Project described in the work statement contained in the grant agreement between Hyde County and the North Carolina Department of Commerce. This project is more familiarly known as the Hyde County CDBG-TEDG Project.

Section 2. The Hyde County staff is hereby directed to proceed with the grant project within the terms of the grant documents(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to completed the project activities:

Hyde County CDBG-TEDG Project:

CDBG Grant	<u>\$75,000.</u>
Total Project Resources	\$75,000.

Section 4. The following amounts are appropriated for the project activities:

Hyde County CDBG-TEDG Project:

Project Budget	\$75,000.
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Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting to the North Carolina Department of Commerce required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina department of Commerce in an orderly and timely manner.

Section 7. The Grant Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Grant Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this council.

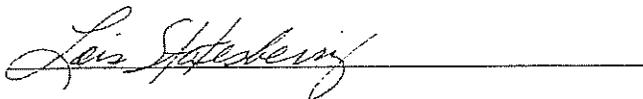
Section 9. Copies of this grant project ordinance shall be made available to the Grant Finance Officer for direction in carrying out this project.

Resolved this 7<sup>th</sup> day of December 2009.



George Thomas Davis,  
Chairman Hyde County Board of Commissioners

ATTEST:



Lois Stotesberry, Clerk to the Board

# COUNTY OF HYDE

30 Oyster Creek Road  
PO Box 188  
SWAN QUARTER, NORTH CAROLINA 27885  
252-926-4400  
252-926-3701 Fax

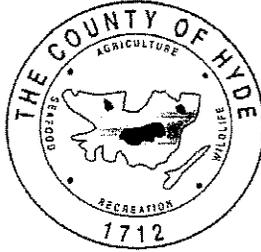
## Board of Commissioners

Tom Davis, Chair  
Barry Swindell, Vice-chair  
Gene Ballance  
Anson Byrd  
Sharon Spencer

Carl Classen  
County Manager

Sid Hassell  
County Attorney

Lois Stotesberry  
Executive Assistant to Manager  
Clerk to the Board



Resolution #2009-12-03

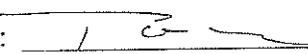
## **RESOLUTION REGARDING ADMINISTRATIVE GUIDELINES AND POLICIES FOR COMMUNITY BLOCK GRANT TALENT ENHANCEMENT DEMONSTRATION GRANT PROGRAM**

**WHEREAS**, Hyde County wishes to carry out its FY 2009 Community Development Block Grant talent Enhancement Demonstration Grant (CDBG-TEDG) program in accordance with established state and federal administrative guidelines.

**NOW, THEREFORE, BE IT RESOLVED** THAT THE Hyde County Board of Commissioners hereby collectively adopts the following resolutions, guidelines, plans and policies, and resolves that they be utilized during the administration of the county's FY 2009 CDBG TEDG program:

1. Fair Housing Plan
2. Section 3 Plan
3. Equal Employment Procurement Plan

This the 7th day of November, 2009.

By:   
Chairman, Hyde County Board of Commissioners

Attest:   
Clerk to Board

# COUNTY OF HYDE

30 Oyster Creek Road  
PO Box 188  
SWAN QUARTER, NORTH CAROLINA 27885

252-926-4400

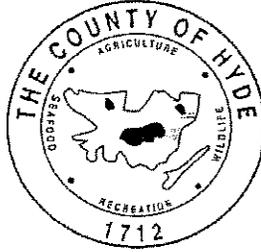
**Board of Commissioners**

Tom Davis, Chair  
Barry Swindell, Vice-chair  
Gene Ballance  
Anson Byrd  
Sharon Spencer

Carl Classen  
County Manager

Sid Hassell  
County Attorney

Lois Stotesberry  
Executive Assistant to Manager  
Clerk to the Board



Resolution #2009-12-02

**RESOLUTION REGARDING FINANCIAL MANAGEMENT OF COMMUNITY  
DEVELOPMENT BLOCK GRANT TALENT ENHANCEMENT DEMONSTRATION  
PROGRAM**

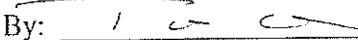
WHEREAS, Hyde County has received an FY 2009 CDBG Talent Enhancement Demonstration Grant (CDBG-TEDG) Program Grant in the amount of \$75,000; and

WHEREAS, the North Carolina Administrative Code regulations require that the county designate Grant Finance Officer and a depository for CDBG funds;

NOW, THEREFORE, BE IT RESOLVED THAT THE Hyde County Board of Commissioners approves the following:

1. Jessica Gibbs, Finance Director, will serve as Grant Finance Officer, and will be responsible for financial management of the program according to the requirements of the North Carolina Administrative Code and North Carolina General Statute requirements.
2. East Carolina Bank, Swan Quarter, NC, is hereby designated as the official depository for revenues budgeted for the FY09 CDBG-TEDG program.

This the 7th day of November, 2009.

By:   
Chairman, Hyde County Board of Commissioners

Attest:   
Clerk to Board

Recipient's Plan to Further Fair Housing

Hyde County  
Recipient

08-T-1908, 09-R-1963  
Grant Number

Alice Keeney, County Planner  
Contact Person

(252) 926-4180  
Telephone Number

- I. Indicate if the grantee will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.
- First Time \_\_\_\_\_ Past Time  X
- II. Identify and analyze obstacles to affirmatively furthering fair housing in grantees community (use additional pages if necessary).
1. Citizens of Hyde County may not be aware of current federal and state fair housing law or what constitutes an unfair housing practice.
  2. Local housing-related businesses may not be aware of their responsibilities to comply with provisions of fair housing law; or may not be aware of opportunities to participate in agreements to affirmatively furthering fair housing.
  3. Low income families may not be aware of housing assistance available to them in Hyde County.
  4. Citizens and housing-related businesses may be unaware of recent major changes in the Title VIII requirement included in the Fair Housing Amendments Act of 1988.
- III. Briefly describe the activities that the grantee will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule for implementation of these activities must be included. Activities must be scheduled for implementation on at least a quarterly basis. (Use additional pages if necessary.)
1. Hyde County will adopt an updated fair housing policy to provide necessary changes to comply with recent major changes in the Title VIII

requirements included in the Fair Housing Amendments Act of 1988. (July-September, 2009)

2. Hyde County will publish an article in the Coastland Times outlining changes in fair housing requirements brought about by the Fair Housing Amendments Act of 1988, and the county's Fair Housing Policy. (October-December, 2009, October-December, 2010)
3. Hyde County will contact local realtors, financial institutions, and housing-related agencies and forward them pamphlets and posters (distributed by the NC Human Relations Commission) outlining fair housing requirements. (January-March, 2010)
4. Hyde County will post a notice outlining its fair housing complaint procedure, fair housing posters and fair housing brochures in county building office. (April-June, 2010)
6. Hyde County will post the article outlining changes in the fair housing requirements brought about by the Fair Housing Amendments Act of 1988 on its website. (July-September, 2009)
7. Hyde County will update the "Housing Assistance Programs" brochure listing city, regional, and state agencies that sponsor programs to eligible residents. Copies of these brochures may be obtained from the Planning Office. (January-March, 2011)

IV. Will the above activities apply to the total municipality or county?

Yes   X                        No \_\_\_\_\_                      If no, provide explanation.

V. Describe the grantee's method for receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under CDBG grant. Include a description of how the grantee informs the public about the complaint procedure.

The county has adopted a complaint procedure (included in its Fair Housing Policy) under which the County Manager receives housing discrimination complaints and refers them to the N. C. Human Relations Commission for review. The County will outline this procedure in an article to be published in Coastland Times, on the local public access station, include the Fair Housing Policy in packages to be distributed to housing-related businesses, and will post the complaint review procedure in county building.

The County does not currently have a TDD number; however, if any individual wishing such assistance may call 1-800-735-2962, the state number for TDD assistance.

APPROVED BY:

Tom Davis  
Name of Chairman

[Signature]  
Signature of Chairman

Chairman, Hyde County  
Title

December 7, 2009  
Date

HYDE COUNTY  
FY2009 COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY PROGRAM

FAIR HOUSING POLICY

WHEREAS, Hyde County desires that the citizens of the county be afforded the opportunity to attain the national objective of a decent, safe and sound living environment; and

WHEREAS, Hyde County deploras discrimination in the provision of housing on the basis of race, religion, color, creed, sex, national origin, young children in a family, or handicapping conditions; and

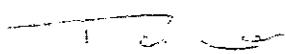
WHEREAS, Hyde County desires that every citizen be afforded the opportunity to select a home of his or her choice; and

WHEREAS, Hyde County wishes to ensure that programs and activities undertaken by the county relating to housing and urban development be administered in a manner to affirmatively further fair housing as required by Title VIII of the Civil Rights Act of 1968, as amended; 24 CFR 107, Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063; and the North Carolina State Fair Housing Act, NCGS, Chapter 41A;

NOW, THEREFORE, to accomplish the above, Hyde County does adopt the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Hyde County may do so by informing Hyde County Manager at (252) 926-5711, or N.C. Human Relations Commission (919) 733-7996, TDD# (919) 733-7996 (or Relay North Carolina TT# 1-800-735-2962) of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, Hyde County Manager shall inform the North Carolina Human Relations Commission about the complaint within ten (10) calendar days. The county shall then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
3. Hyde County shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints which are based upon events occurring in the county.
4. Hyde County Manager shall publicize within the county that he is the local official to contact with housing discrimination complaints.

Adopted this 3<sup>rd</sup> day of August, 2009.

  
George Thomas Davis, Chairman  
Hyde County Board of Commissioners

ATTEST:

  
Lois Stotesberry, Clerk to the Board (SEAL)

HYDE COUNTY

FY2009 COMMUNITY DEVELOPMENT BLOCK GRANT TALENT ENHANCEMENT  
DEMONSTRATION GRANT PROGRAM

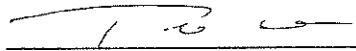
LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW INCOME PERSONS PLAN

To insure that to the greatest extent possible contracts for work are awarded to business concerns located in or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, Hyde county (hereinafter called the county) has developed and hereby adopts the following Section 3 Plan:

1. This Section 3 Plan shall apply to services needed in connection with the FY2009 CDBG-TEDG grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.
2. The Section 3 project area for the purpose of the FY2009 CDBG TEDG program shall include all of Hyde County.
3. When in need of a service, the county will identify suppliers, contractors, or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and the Small Business Administration local offices. Word of mouth recommendations shall also be used as a source. Where deemed necessary, listings from any agency noted above shall be distributed to prime contractors as potential sources of subcontractors and suppliers.
4. The county will include required section 3 clauses in all contracts executed under this CDBG TEDG program. Where deemed necessary, listings from any agency noted in No. 3 above shall be included as well as sources of subcontracts and suppliers.
5. The prime contractor selected for major public works construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel the Hyde County Employment Security Commission shall be notified and referred to the contractor.
6. Each housing rehabilitation, demolition, and replacement housing contractor shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

7. All jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; all contracts will be listed with the North Carolina Division of Purchase and Contracts; potential employees and businesses may seek development and training assistance through various state and local agencies.
8. Early in the project, prior to any contracting, major purchases or hiring, the county will develop a listing of jobs, supplies and contracts likely to be utilized during the project. The county will advertise in a local newspaper. The advertisement will be placed prominently in the newspaper as a display ad and contain the following information:
  - a.) A brief description of the project.
  - b.) A listing of jobs, contracts, and supplies likely to be utilized in carrying out the project.
  - c.) An acknowledgement that under Section 3 of the Housing and Community Development Act, local persons and businesses will be utilized for jobs, contracts, and supplies in carrying out the CDBG TEDG project to the greatest extent feasible.

Adopted this 7<sup>th</sup> day of December 2009.



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George Thomas Davis, Chairman

Hyde County Board of Commissioners

Attest:



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Lois Stotesberry, Clerk to the Board

HYDE COUNTY

FY2009 COMMUNITY DEVELOPMENT BLOCK GRANT TALENT ENHANCEMENT  
DEMONSTRATION GRANT PROGRAM

EQUAL EMPLOYMENT AND PROCUREMENT POLICY

A. GENERAL EQUAL EMPLOYMENT AND PROCUREMENT POLICY

Hyde County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the county prohibits any retaliatory action of any kind taken by any employee of the county against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The county shall strive for greater utilization of all persons by identifying previously underutilized groups in the work force, such as minorities, women, and the handicapped, and by making special efforts toward their recruitment, selection, development, upward mobility, and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the County Manager and/or other persons designated by the Hyde County Board of Commissioners to assist in the implementation of this policy statement.

The county shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of equal employment opportunity and affirmative action will be presented to the Hyde County Board of Commissioners by the County Manager.

The county is committed to this policy and is aware that with its implementation the county will receive positive benefits through the greater utilization and development of all its human resources.

## B. PROCUREMENT POLICY FOR FEDERAL GRANT PROGRAMS

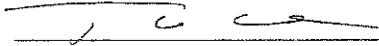
All procurement of goods and services by Hyde County with CDBG TEDG grant funds shall be accomplished in accordance with the regulations of either Section 85.36 of 24CFR85, "Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments," or the North Carolina General Statutes applying to procurement in general by North Carolina municipalities/counties.

When the federal and state regulations are different, the more restrictive regulations shall apply to the procurement in question. Additionally, the county will adhere to the following guidelines during procurement of goods and services with federal funds:

1. In all cases where goods or services are procured on the basis of one bid or proposal received, the county will follow established principles included in OMB Circular A-87 to verify the reasonable cost of the procurement, and shall contact the state agency supervising the grant program before making any contract award on the basis on non-competitive negotiation.
2. Disadvantaged, women-owned, and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the county, and such firm(s) shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for goods and services.
3. The county shall develop a written statement of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee proposal requirements. The statement of work shall also include a written selection procedure. All competitive negotiations shall be awarded strictly on the basis of written selection procedures, and cost shall not be the sole or more important factor in selection of services through the use of competitive negotiation.
4. Prior to any contract award, the county shall verify the contractor's eligibility to participate in a federally-assisted program.

5. No consultant or bidder shall assist in evaluation of proposals or bid packages for contracts in which that consultant or bidder has an indirect or direct interest. The county shall adhere to all applicable federal and state conflict of interest regulations in making contract awards.
6. The county shall request references, or check references, of contractors or firms who are awarded contracts with federal grant funds, and will request a written warranty for all goods and services provided through small purchase requests.
7. The county shall not award any contracts for federally-assisted projects on a contingency or cost plus percentage of cost basis.

Adopted this 7<sup>th</sup> day of December 2009.



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George Thomas Davis,

Chairman Hyde County Board of Commissioners

ATTEST:



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Lois Stotesberry, Clerk to the Board