

stainless steel doors and door frames below the BFE. Grouting in of door frames and sills is recommended.

- (f) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.
- (8) Accessory structures, regardless of size or cost, shall not be permitted below elevated structures.
- (9) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Article 4, Section B and Article 5, Section G (3) and (4), on the current version of the North Carolina V-Zone Certification form or equivalent local version. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.
- (10) Fill/Grading
 - (a) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
 - (b) The fill material must be similar and consistent with the natural soils in the area.
 - (c) The placement of site-compatible, non-structural fill under or around an elevated building is limited to two (2) feet. Fill greater than two (2) feet must include an analysis prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent elevated buildings and structures.
 - (d) Nonstructural fill with finished slopes that are steeper than five (5) units horizontal to one (1) unit vertical shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent elevated buildings and structures.
- (11) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
- (12) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this Section have been satisfied.
- (13) Recreational vehicles may be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article 5, Section B(6)(a).
- (14) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the Regulatory Flood Protection Elevation and any supporting members that extend below the Regulatory Flood Protection Elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck. The increased loads must be considered in the design of the primary structure and included in the V-Zone Certification required under Article 4, Section B, (3)(f).
- (15) A deck or patio that is located below the Regulatory Flood Protection Elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (16) In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
 - (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

- (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.
 - (c) Docks, piers, and similar structures.
- (17) No more than four (4) electrical outlets and no more than four (4) electrical switches may be permitted below RFPE unless required by building code.

SECTION H. STANDARDS FOR COASTAL A ZONES (ZONE CAZ) LiMWA (maximum 650 CRS points)

Structures in CAZs shall be designed and constructed to meet V Zone requirements, including requirements for breakaway walls. However, the NFIP regulations also require flood openings in walls surrounding enclosures below elevated buildings in CAZs (see Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures*). Breakaway walls used in CAZs must have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads. Openings also function during smaller storms or if anticipated wave loading does not occur with the base flood.

- (1) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal A Zones to satisfy the regulatory flood protection elevation requirements.
- (2) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
 - (a) Material shall consist of open wood or plastic lattice having at least 40 percent of its area open, or
 - (b) Insect screening; or
 - (c) Breakaway walls shall meet the following design specifications:
 - (1) Breakaway walls shall have flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the design criteria in Article 5, Section B(4)(d); and
 - (2) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
 - (3) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.
- (3) Concrete pads, including patios, decks, parking pads, walkways, driveways, etc. must meet the provisions of Article 5, Section G (5).
- (4) All new construction and substantial improvements shall meet the provisions of Article 5, Section G (3).
- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Article 4, Section B and Article 5, Section G (3) and (4), on the current version of the North Carolina V-Zone Certification form or a locally developed V-Zone Certification form.
- (6) Recreational vehicles may be permitted in Coastal A Zones provided that they meet the Recreational Vehicle criteria of Article

5, Section B(6)(a).

- (7) Fill/Grading must meet the provisions of Article 5, Section G (11)
- (8) Decks and patios must meet the provisions of Article 5 Section G (15) and (16).
- (9) In coastal high hazard areas, development activities other than buildings and structures must meet the provisions of Article 5, Section G (17)

SECTION I. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or at least 7.5 feet NAVD 1988 whichever is greater above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section I (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B (3) and Article 5, Section B (2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION J. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted December 15, 1986 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Hyde County enacted on December 15, 1986, as amended, which are not reenacted herein are repealed.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective _____ day of _____ 2020.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Board of Commissioners of Hyde County, North Carolina, on the ____ day of _____, 2020.

WITNESS my hand and the official seal of Hyde County, this the ____ day of _____, 2020.

Earl Pugh Jr
Chairman
Hyde County Board of Commissioners

Lois Stotesberry
Clerk
Hyde County Board of Commissioners

(SEAL)

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

Meeting Date: April 6, 2020
Presenter: Kristen S. Beasley, MPH
Attachment: Yes

ITEM TITLE: District Two Recovery Court

SUMMARY: Kristen Beasley will present update on the District Two Recovery Court program and funding to support the upcoming FY20-21 BJA Adult Discretionary Grant “match funds” that MTWHD District Health has been awarded for the next four years.

RECOMMEND: Approve.

MOTION MADE BY: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

MOTION SECONDED BY: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

VOTE: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

Hyde County Commissioners
PO Box 188
30 Oyster Creek Rd
Swan Quarter, NC 27885

On behalf of the District Two Recovery Court, I thank you for the opportunity to present a funding request of \$10,000 for the 2020-2021 fiscal year budget. We are requesting a total of \$10,000 which includes \$5,000 from the previous FY19/20 and \$5,000 for the current FY20/21.

In September 2019, the District Two Recovery Court was one of few grantees nationwide to be awarded a four-year Bureau of Justice Adult Drug Court Discretionary grant. One of the contingencies of the grant was to provide a non-federal cash-match equivalent to twenty-five percent of the federal award.

The total federal amount awarded was \$391,252 (with a cash-match equivalent to \$130,417). The four-year project period has been allowed an extension due to the COVID-19 pandemic.

We have budgeted these cash-match funds to be used for travel and training expenses, treatment workbooks, drug screens and program incentives that are not covered by federal funds.

Thus far, we have had the following number of referrals to the program from each county:

- Tyrrell County: 2 referrals
- Martin County: 1 referral
- Beaufort County: 7 referrals
- Hyde County: 1 referral
- Washington County: 1 referral

These referrals have undergone the screening/assessment process and are awaiting to be staffed before the program starts. Staffing takes place the Thursday before each court session where the core team makes decisions on entry and reviews participant progress. The program is capable of serving 30 program participants at a time; however we have put a hold on all referrals until court has reopened.

We are fully prepared and excited to launch the program later this year, dependent on the guidelines in response to the COVID-19 pandemic.

Attached you will find a copy of our policies and procedures for the District Two Recovery Court program. If you have any questions or concerns in regards to our request, please feel free to reach me at kirsten.smith@mtwdh.org or by cell-phone at (803) 542-0675.

Thank you for your consideration, and I look forward to hearing from you.

Kirsten S. Beasley, MPH
Public Health Educator III
Health Education Supervisor/Preparedness Coordinator
MTW District Health Department
kirsten.smith@mtwdh.org

District Two Recovery Court

Policies and Procedures Manual



Court A 112 W 2 nd Street Washington, NC 27889 9:30 AM	Court B 120 Adams Street Plymouth, NC 27962 2 PM
Every other Friday	
Staffing 3 PM Thursday before court session	

DISTRICT TWO RECOVERY COURT

POLICIES AND PROCEDURES

TABLE OF CONTENTS

INTRODUCTION	PAGE 4
MISSION	PAGE 4
OBJECTIVES AND GOALS	PAGE 4
MANAGEMENT COMMITTEE	PAGE 5
OPERATIONS COMMITTEE	PAGE 6
ORGANIZATIONAL CHART	PAGE 7
COURT TEAM MEMBERS AND RESPONSIBILITIES	PAGE 7
Recovery Court Judge	PAGE 7
Program Coordinator	PAGE 8
Assistant District Attorney	PAGE 10
Defense Office	PAGE 11
Probation Officers	PAGE 12
Treatment Provider	PAGE 14
ClearPoint Liason	PAGE 15
THE RECOVERY COURT PROCESS	PAGE 16
PROFESSIONAL DEVELOPMENT AND TRAINING	PAGE 31
APPENDIX: RESPONSE GRID	PAGE 32

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DISTRICT TWO RECOVERY COURT

POLICIES AND PROCEDURES

I. INTRODUCTION

The Second Judicial District is one of fifty district court divisions in the State of North Carolina. Located in the northeastern part of the state, the jurisdiction encompasses the rural counties of Beaufort, Hyde, Martin, Tyrrell and Washington. The area is made up of 26 towns and municipalities served by five Sheriff's Offices and six police departments.

According to the National Association of Drug Court Professionals (NADCP), recovery courts refer more people to treatment than any other intervention in America, leading to a higher success rate of recovery.

II. MISSION

The mission of the District Two Recovery Court is to advance public safety by investing the most extensive court supervision and treatment resources into participants, including substance use disorder and mental health services, with the goal of returning healthy, productive and law-abiding citizens to the community, thereby closing the "revolving door" to the criminal justice system.

III. OBJECTIVES AND GOALS

More than two decades of research indicates which types of adult offenders are most in need of the full complement of services embodied in the "10 Key Components" of drug courts (NADCP, 1997). These are individuals who are (1) substance dependent and (2) at risk of failing in less intensive rehabilitation programs. Drug courts that focus their efforts on these individuals-referred to as *high-risk/high-need* offenders-reduce crime approximately twice as much as those serving less serious offenders and return approximately 50 percent greater cost-benefits to their communities.

Key Component #1 *Drug courts integrate alcohol and other drug treatment (substance abuse) services with justice system case processing.*

Key Component #2 *Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.*

Key Component #3 *Eligible participants are identified early and promptly placed in the drug court program.*

Key Component #4 Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5 Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6 A coordinated strategy governs drug court responses to participant's compliance.

Key Component #7 Ongoing judicial interaction with each drug court participant is essential.

Key Component #8 Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9 Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.

Key Component #10 Forging partnerships among drug courts, public agencies and community-based organizations generate local support and enhances, drug court effectiveness.

The goals of the District Two Recovery Court, as adopted from Chapter 7A-792 of the North Carolina General Statutes, are the following:

1. To reduce substance abuse among adult offenders and defendants.
2. To reduce criminal recidivism.
3. To reduce substance abuse-related court and probation supervision workloads.
4. To increase the personal, familial, and societal accountability of adult offenders and defendants.
5. To promote effective interaction and use of resources between the criminal justice system and the substance abuse treatment community.

IV. MANAGEMENT COMMITTEE

District Two Recovery Court is responsible for adopting local guidelines and procedures necessary for the operation, evaluation, and success of the program. Day-to-day program management is the responsibility of the Recovery Court (RC) coordinator, as indicated in the organizational structure and decision-making process outlined herein. The Recovery Court coordinator reports directly to the D2 Recovery Court Judge. It is the responsibility of all members, staff, assigned personnel and contractors to promote and facilitate trust, cooperation, accountability and the fulfilling of the mission through a team approach consistent with the National, State and Local Standards for Drug Treatment Courts. The program coordinator, in consultation with the operations committee, can amend the operational manual and related procedures consistent with the General Policy and Procedures Manual.

In 1997 the North Carolina Drug Treatment Court Guidelines Committee adopted as the State Standard, the Ten Key Components of a Drug Treatment Program as published by the National Association of Drug Court Professionals. Since that time, the National Association of Drug Court Professionals adopted the Adult Drug Court Best Practice Standards Volume 1 in 2013 and Volume 2 in 2015. These Best Practice Standards provide in-depth information for operationalizing the Ten Key Components.

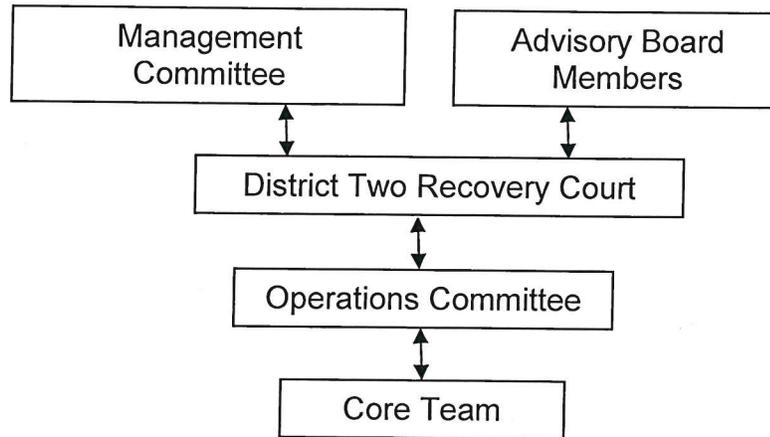
The Key Components and Best Practice Standards are incorporated herein by reference, and the District Two Recovery Court shall be governed and managed in a manner not inconsistent with those Standards. All Members, Staff, and Contractors agree to be familiar with and abide by the guidelines and principles therein, and the organizational and decision-making structure shall be constructed to facilitate successful management in a manner consistent with those Standards.

(Statutory Authority: N.C. G.S. 7A-790-804)

V. OPERATIONS COMMITTEE

The District Two Recovery Court Operations Committee Membership includes: District Court Presiding Judge, RC Program Coordinator, Asst. Public Defender, Asst. District Attorney, Probation Supervisors, Treatment Provider Clinical Directors, and directors for agencies contracted for services with the Recovery Court. Their mandate is to operate within established program policies and procedures in a constructive process to resolve policy and operational disputes that effect participant success and program effectiveness. Issues that cannot be resolved by the Operations Committee within the policy and procedures guidelines are directed to the RC Program Coordinator.

VI. DISTRICT TWO RECOVERY COURT ORGANIZATIONAL CHART



VII. DISTRICT TWO RECOVERY CORE TEAM MEMBERS

The District Two Recovery Court Team membership includes: District Court Presiding Judge, Program Coordinator, Asst. Public Defender, Asst. District Attorney, Probation Officers, and Treatment Provider. Individual roles/responsibilities are described below. Their mandate is to operate within established program policies and procedures in a constructive process to affect participant success and program effectiveness. Issues that cannot be resolved by the Court Team within the policy and procedure guidelines will be directed to the Operations Committee by the RC Program Coordinator.

Court sessions are held every other Friday. Court A (Beaufort/Martin) is held at 9:30 AM and Court B (Washington/Hyde/Tyrrell) is held at 2 PM. Staffing takes place the day before court sessions at 3 PM.

VII. CORE TEAM: RESPONSIBILITIES

1. Presiding Judge

One of the keys to a successful recovery court program is the judge. They are one of the essential elements in motivating the participants towards success while holding them accountable for their actions within the program elements. The role of the RC judge differs from that of his or her traditional counterparts in that the recovery court judge leads the participant through the recovery process, rather than just referring the person to treatment.

The RC judge accomplishes this by monitoring the individual's progress throughout the program, primarily through the individual's frequent court appearances and by prescribing rewards and consequences to assist the person in complying with the program.

The primary responsibilities of the District Two Recovery Court Judge are to:

- a. Motivate and monitor participant success while holding them accountable for their actions through regular status hearings;
- b. Monitor the participant's progress related to his/her case plan and address behaviors by delivering incentives and sanctions;
- c. Serve as a final arbiter when the team is unable to reach consensus;
- d. Participate as an active member of the court team by attending court staffing prior to each court session, attend court team meetings and assist in the development and implementation of policy, procedures and best practices;
- e. Communicate, where appropriate; with the RC Program Coordinator, the Court Team and any other necessary party the problems, accomplishments and opportunities of the program. In most instances, the RC Program Coordinator shall be the primary contact;
- f. Knowledgeable about addiction and pharmacology generally and applies that knowledge to respond to the participant in a therapeutically appropriate manner;
- g. Is knowledgeable of gender, age and cultural issues that may impact participant success;
- h. Attend meetings, trainings and conferences applicable to position responsibilities;
- i. Function as a spokesperson/program advocate for the District Two RC program to the news media and other public forums as requested by the Operations Committee;
- j. Serve as a member of the Operations Committee;
- k. Aide the RC Program Coordinator in the onboarding of judges to preside over the District Two RC team;
- l. Contributes to the education of peers, colleagues, and judiciary in the efficacy of Recovery Courts;
- m. Secure backup from a Recovery Court Judge whenever absent.

2. Program Coordinator

The overall management of the Recovery Court Program is the responsibility of the RC Program Coordinator as indicated in the organizational structure and the decision-making process outlined herein. This individual reports directly to the District Two Recovery Court presiding Judge. It is the responsibility of the RC Program Coordinator to promote and facilitate trust, cooperation, accountability, and the fulfilling of the mission through a team approach consistent with the National, State and Local Standards for Recovery Courts.

Specific responsibilities performed by the RC Program Coordinator include:

General Operations:

- a. Oversee or, where designated, supervise, all aspects of the RC day-to-day functions and establish and maintain, to the best extent possible, good professional working relationships with all RC participants as groups, teams, or subcommittees as well as with the individuals and agencies;
- b. Collaborative goal setting and program monitoring through ongoing communication and continuous processing of timely and accurate information about each participant's performance in the program;
- c. Employ strategic planning and management processes to attain the objectives of the program and provide timely reports;
- d. Install and maintain a quality control process at all program management and service levels, and identify critical or conflict issues on a timely basis for appropriate resolution consistent with the objectives and values of the RC;
- e. Serve as an accurate and timely central repository and distributor for all RC information and communication (within the RC and for the public);
- f. Provide an administrative linkage between treatment, case management, service providers, the criminal justice system, program participants, funding agencies, and any other entities involved in program operations;
- g. Manage manual and computer management information systems and administer the systems in accordance with corporate, program, and state guidelines. This includes outcome and process information systems, as well as obtaining information directly through personnel, participants, agencies, or contract entities;
- h. Provide applicable data and information for reporting and outcome purposes;

- i. Attend meetings, trainings and conferences applicable to position responsibilities;
- j. Manage all fiscal responsibilities of program operations, including, but not limited to, fund raising, fund accounting, fee and forfeiture collections, receipts and disbursements and financial audits;
- k. Serve as program liaison between the community partners and any other non-profit organization for all fund-raising activities in support of effective program operations;
- l. Knowledgeable about addiction and pharmacology generally and applies that knowledge to respond to the participant in a therapeutically appropriate manner;
- m. Contributes to the education of peers, colleagues, and judiciary in the efficacy of Recovery Courts.

3. Assistant District Attorney

The Assistant District Attorney works constructively with the Presiding Judge and the Public Defender/Defense Attorney. The Assistant District Attorney (ADA) provides the important functions of protecting the rights of any victims and the community by ensuring that District Two RC participants are held accountable, in an appropriate manner, for their actions. This protects the public and is therapeutically necessary for the participant.

The primary responsibilities of the ADA are to:

- a. Participate fully as a RC team member, committing him/herself to the program mission and goals and works as a full partner to ensure success;
- b. Participate as a team member, operating in a non-adversarial manner, promoting a sense of unified team presence;
- c. As part of the RC, in appropriate non-court settings staffing, the prosecutor advocates for effective incentives and sanctions for participant behavior;
- d. Files necessary legal documents and orders participants for court who are in custody;
- e. Ensures community safety concerns by maintaining eligibility standards while participating in a non-adversarial environment which focuses on the benefits of therapeutic program outcomes;

- f. Monitors participant progress to define parameters of behavior that allow continued program participation and suggest effective incentives and sanctions;
- g. Knowledgeable about addiction and pharmacology generally and applies that knowledge to respond to the participant in a therapeutically appropriate manner;
- h. Is knowledgeable of gender, age and cultural issues that may impact participant success;
- i. Contributes to the team's efforts in community education and local resource acquisition;
- j. Attend and provide input at regularly-scheduled team meetings that include the review of program operations, structure, team building and functioning;
- k. Contributes to the education of peers, colleagues and judiciary in the efficacy of Recovery Courts;
- l. Identify & review referrals for potential enrollment;
- m. Attend meetings, trainings and conferences applicable to position responsibilities;
- n. Aide in the onboarding of new or back up Assistant District Attorney to work within the Recovery Court team;
- o. Secure backup from a Recovery Court ADA whenever absent.

4. Public Defender's Office

The Defense Counsel Representative works with the District Two RC Team while ensuring that the Constitutional and Statutory rights of District Two RC participants remain protected. The defense perspective is an essential component of the District Two RC program because the defense role has unique insight and position to assist the District Two RC and representing participants in meeting programmatic and recovery objectives.

The primary responsibilities of the Defense Counsel Representative include, but are not limited to the following:

- a. Assist in the identifying of defendants arrested for specified District Two offenses;
- b. Advise participants regarding the nature and purpose of the District Two RC, the rules governing participation, and any consequences of abiding or failing to abide by the rules;
- c. Files necessary legal documents;

- d. Protect the legal rights by ensuring the participants constitutional rights are not being violated, while endeavoring to promote each participant's health and welfare;
- e. Explain to participants any rights they may be required to waive;
- f. Participate as a team member to promote a sense of unified team presence;
- g. Review participant progress and advocate for effective rewards and consequences for participant behavior;
- h. Knowledgeable about addiction and pharmacology generally and applies that knowledge to respond to the participant in a therapeutically appropriate manner;
- i. Is knowledgeable of gender, age and cultural, and socioeconomic issues that may impact participant success;
- j. Contribute to the team's efforts in community education and local resource acquisition;
- k. Attend and provide input at regularly-scheduled operations and court team meetings that include the review of program operations, structure, team building and functioning.
- l. Contribute to the education of peers, colleagues, members of the judiciary the efficacy of Recovery Courts;
- m. Attend meetings, trainings and conferences applicable to position responsibilities;
- n. Aide in the onboarding of new or back up Public Defender to work within the Recovery Court team;
- o. Secure backup from a Recovery Court PD whenever absent.

5. Probation Officer

The Probation Officer continues to perform many of his or her usual functions, except that with District Two RC, a Probation Officer becomes a part of a team that functions collaboratively. Supervision and participant accountability are important components of District Two RC. The Probation Officer can assist other team players by providing supervision techniques and ways to assist participants in remaining accountable.

The primary responsibilities of the RC Probation Officer are:

- a. Provide coordinated and comprehensive community supervision and case management to include telephone contact, office/home/employment visits as well as random home visits;

- b. Assist in the monitoring of participant's treatment, employment, community service, payment of restitution or other court fees, active jail time and verifies/enforces curfews;
- c. Facilitate frequent drug and breathalyzer testing on a scheduled and random basis; Notify court team of known substance usage within 48 hours;
- d. Work with participant to complete identified goals and update court team on progress;
- e. Contribute to community education and local resource acquisition;
- f. Educate peers, colleagues and the judiciary in efficacy of RC;
- g. Participate as a team member, operating in a non-adversarial manner during court, to promote a sense of unified team presence;
- h. Provide on-going communication with case managers concerning each participant's progress and any obstacles that the participant may be facing that may influence his or her progress in treatment or compliance with the program;
- i. Assist RC by investigating the participant's criminal record in relation to eligibility such as duration of probation term and remaining time left, treatment issues, and program evaluation;
- j. Provides feedback to the District Two RC team from peer officers whose offenders are being considered for enrollment; Provide copy of offender's judgment, when applicable;
- k. Knowledgeable about addiction and pharmacology generally and applies that knowledge to respond to the participant in a therapeutically appropriate manner;
- l. Is knowledgeable of gender, age and cultural issues that may impact participant success;
- m. Contributes to the team's efforts in community education and local resource acquisition;
- n. Attend and provide input at regularly scheduled operations and court team meetings that include the review of program operations, structure, team building and functioning;
- o. Contributes to the education of peers, colleagues and judiciary in the efficacy of RC;
- p. Attend meetings, trainings and conferences applicable to position responsibilities;
- q. Aide in the onboarding of new or back up PO to work with the Recovery Court team;
- r. Secure backup for a Recovery Court PO whenever absent.

6. Treatment Provider

The Treatment Provider, as a member of the District Two RC, is beneficial in providing a bridge between the criminal justice system and the treatment system through consistent collaboration. The Treatment Provider is responsible for facilitating resources, which interrupt the RC participant's cycles of crime and Substance Use Disorder (SUD) and addresses the individual treatment and supplemental recovery needs of District Two RC participants. A knowledge and resource base of services which address issues such as substance abuse, mental illness, developmental disability, budgeting problems, housing, education, vocational needs, employment, medical problems, health issues, relapse issues and histories of abuse, etc., are required for effective treatment and case management.

The primary responsibilities of the Treatment Provider are to:

- a. Provide a linkage between the criminal justice system and the treatment system;
- b. Assist RC in determining eligibility by administering a comprehensive clinical assessment, and recommended level of treatment;
- c. Provide RC Coordinator participant's initial assessment results, treatment plan, and follow through during pre-enrollment;
- d. Provide timely and accurate weekly/monthly reports on each participant;
- e. Assist in scheduled Treatment Team/Care Team Meetings;
- f. Schedule required family sessions. Identify family factors that include criminality and a variety of psychological problems in the family of origin;
- g. Advocate for cognitive based rewards and consequences during staffing (including bi-weekly goals, transition plans and connection to other service providers for identified treatment needs not handled by Treatment Provider's agency);
- h. Help to maintain a non-adversarial atmosphere in District Two RC;
- i. Attend all District Two RC participant case staffing and District Two RC session;

- j. Knowledgeable about addiction and pharmacology generally and applies that knowledge to respond to the participant in a therapeutically appropriate manner;
- k. Is knowledgeable of gender, age and cultural issues that may impact participant success;
- l. Contribute to the team's efforts in community education and local resource acquisition;
- m. Attend and provide input at regularly-scheduled team meetings that include the review of program operations, structure, team building and functioning;
- n. Contribute to the education of peers, colleagues and judiciary in the efficacy of RC;
- p. Attend meetings, trainings and conferences applicable to position responsibilities;
- o. Aide in the onboarding of new or back up Treatment Provider to work within the RC team;
- p. Secure backup from a RC Treatment Provider whenever absent.

7. Treatment Liaison

The Treatment Liaison, as a member of the District Two Recovery Court Team is responsible for implementation, operations and reporting on the status of the RC participants residing at the Treatment Provider's facility. Their primary responsibilities are to:

- a. Provide authorized, evidence-based, family centered services to participants referred by the District Two RC team in accordance with standards established by relevant state guidelines- Division of Mental Health/Developmental Disabilities/Substance Abuse Services – for substance use disorder services;
- b. Attend and provide clinical insight during District Two RC treatment staffing, pre-court staffing, court sessions and monthly meetings;
- c. Conduct random drug screens on participants;
- d. Share all drug screen results with RC Program Coordinator within 48 hours of known result;
- e. Provide the District Two RC timely and accurate weekly / monthly reports on each participant's progress and services received;
- f. Works collaboratively with all District Two RC team, and with participating agencies to ensure smooth and efficient programming and delivery of participant services;

- g. Participates in development of a unified case plan for the District Two RC participants, ensuring plan is updated on a bi-weekly basis and information is shared with relevant District Two RC team;
- h. Attend meetings, trainings, and conferences applicable to position responsibilities;
- i. Attend and provide input at regularly-scheduled team meetings that include the review of program operations, structure, team building and functioning;
- j. Familiar with the local recovery community and recovery supports that are available in the community.

VIII. DISTRICT TWO RECOVERY COURT PROCESS

A. Participant Eligibility

District Two residents who have been charged with criminal offenses resulting from substance use disorder(s) (SUD), are potentially eligible for program consideration. Those known for primarily dealing in drugs are excluded. Participants who are classified with a SUD, who have no recent violent felony convictions, who voluntarily enter the program, who have been identified as high-risk/high-need, and who are not rejected by the District Two RC Team are eligible for program application.

Defendants must agree, with counsel, to release of information to the District Two RC team for consideration of entry into the program. The team is bound by confidentiality consistent with State and Federal laws concerning treatment information and with local policies and procedures concerning confidentiality.

The following is additional criteria:

1. At least eighteen years of age.
2. Current resident of District 2, or willing to move into District 2 for the duration of the recovery treatment court. (min. 18 months).
3. Chemically dependent as determined by the evaluation instrument.
4. Current offense is class H or I felony, or a misdemeanor(s) with a minimum suspended sentence of 120 days, where Intermediate Punishment is available.
 - a. If enrolling on a DWI, must be A1, 1 or 2, and participant must serve the mandatory minimum active sentence prior to entry.

- b. If a split sentence is imposed (H or I felony or misdemeanor other than DWI), participant must serve the split sentence prior to entry.
5. Community Corrections probation supervision modifications must have at least one year remaining on supervision.
6. The participant must not possess substantial mental health issues that would prohibit the productive participation in the program of the participant or others, as determined by the treatment provider in the screening process.
7. All pending cases must be resolved prior to entry, including cases in other counties/jurisdictions.

Presumed Ineligible Offender:

- a. Prior conviction of violent felony.
- b. Prior or present conviction involving use or possession of weapons.
- c. Prior convictions of Trafficking in a Schedule I or II controlled substance.
- d. Validated gang members.
- e. Persons convicted of an offense requiring sex offender registration, or that pose a serious risk to public safety.

**The District Two Recovery Court reserves the right to accept or deny participant entry into the program based upon eligibility.*

B. Referral, screening and intake

Ongoing communication about the program to general court personnel and about available space is critical. The RC Program Coordinator is the central contact for referrals. The RC Program Coordinator shall be available (in person, by office, or phone) for drug and property cases, arraignment sessions for drug and property cases, as well as probation violation sessions. Referrals can originate from judges, probation officers or a variety of sources. Any other member of RC may be contacted about the program and is expected to be able to give information about the program.

Cases can be screened anytime up to arraignment. The District Attorney, Defense Attorney, and Defendant must agree to the screening prior to conducting the full screening and orientation, if arraignment is still pending. In cases referred by the Judge (court ordered), the defendant must agree to the screening and orientation. A referral form will need to be submitted to the Clerk of Court and returned to the RC Program Coordinator within 48 hours. In probation violation cases, the

defendant and defense attorney (if represented) must agree to the screening and orientation.

Considering that cases will vary widely based on the nature of the charges, circumstances of the cases and prior record of the defendant, it will be best for the District Attorney, Defense Attorney, and Defendant to agree on the potential legal benefit for participation in the program at the outset of screening. These benefits may include dismissal of some or all charges, reduction of some or all charges, reduction of supervision type and length, or avoidance or reduction of active time.

C. Initial Screening Assessment Procedure

The RC screening process proceeds generally as follows:

- 2) First, candidates are screened for initial eligibility by the Assistant District Attorney or Probation (if probation violation referral).
- 3) If approved for initial eligibility, then the Treatment Provider will schedule a formal clinical assessment.
- 4) The Treatment Provider screens for the existence of a substance use and behavioral health disorders by administering and utilizing evidence-based assessment tools.
 - a. The case is scheduled for RC team consideration and evaluation within three weeks of referral;
 - b. The RC Coordinator will distribute a report detailing the assessment and orientation results;
 - c. Once staffed and approved by the Core Team, the RC Coordinator schedules the candidate for orientation as well as other necessary tasks to be completed prior to enrollment;
- 5) If accepted, the candidate is scheduled for enrollment ---ideally within two weeks of referral. On that date:
 - a. All parties sign the RC Contract;
 - b. The Judge questions the candidate's knowledge of and desire to be enrolled in District Two Recovery Court;
 - c. The candidate is accepted and sworn into the program;
 - d. After documents are signed the RC Coordinator collects the contract and distributes copies to the team and other necessary parties;
 - e. The new enrollee is expected to follow through with recommendations such as treatment and community support services; but
 - f. If rejected, the reasons are recorded and distributed to the Defendant/Defendant's Attorney/Probation Officer.

D. Case Planning, Court Sessions and Operations

Each participant will be assigned to Probation, Treatment and the RC Coordinator. RC convenes approximately every other week. Each session will consist of an introduction to the session by the Judge, the calling of the cases for review, and the acceptance of new participants to the program. Participants may speak about addiction and recovery issues, or about successes or barriers they may have with compliance. Based on the reviews the court or others may respond with applause, admonitions, therapeutic options, phase movements, assistance with service needs, termination and commencement or other appropriate actions will be taken.

Cases calendared by the Recovery Court Team include new cases and re-arrests. Orders for arrest are issued for failure to appear without excuse. The Treatment Provider and Probation Officer are to attempt contact with the participant to address the participant's absence from court. If the participant is unable to be contacted a failure to appear will be recorded and an order for arrest is issued by the judge with a secured bond. Participants shall attend court sessions as required by the RC. Unsuccessful terminations are sited back to court for revocation.

A staffing is held the Thursday prior to the scheduled court session. In this staffing team members discuss participant goals / objectives. Information may include treatment participation, treatment attendance, participant goals, case management meetings, drug test results, other relevant progress and treatment team recommendations. The Core Team meet to discuss the progress and various options (such as needs, risks, rewards or consequences) available to assist the participant in his or her success in their recovery. The options selected are not final and may be modified pending additional information shared in court from the participant or other sources. The upcoming court session, its overall content (such as announcements concerning compliance issues or commencement of participants), and the conduct of the core team are discussed as well. Program issues (e.g., scarcity of resources) may be discussed at these sessions or at regularly scheduled court team meetings.

E. Case Supervision

The Treatment Provider and Probation Officer monitor and assist participants between court sessions. Their job is to guide, encourage, admonish and problem solve with the participants towards completing the specific tasks required by the program and identified in their Unified Case Plan (UCP). The UCP is comprised of

information gleaned from treatment's person-centered plan, probation's risk needs assessment tool, and the evidence-based treatment assessment.

Violation or problems are reported by Treatment Provider or Probation Officer assigned to the court or other appropriate parties prior to the next RC session. Confidential notification may be rendered through electronic mail, facsimile or telephone text messaging. This may require additional court appearances for participants and even arrest (based on good cause shown) for non-compliance with the program.

Upon an order for arrest from the Judge, the Probation Officer, Police Department or Sheriff's Department will arrest the participant as soon as possible. The Court Team needs to be informed of the order for arrest as soon as possible as well as the participant's status. The order for arrest may be rescinded by the judge at any time for good cause. The Treatment Provider and/or Probation Officer shall notify the rest of the RC Team whenever an order for arrest is rescinded. Any additional court appearances to review compliance or treatment issues shall be before the Judge assigned to the participant's court. If that Judge is not available, then another RC Judge shall hear the matter. The participant shall have the opportunity to be heard with counsel (usually the RC PD). Where the Judge finds that there is a willful violation without legal justification or excuse the appropriate sanctions (as set forth in the Rewards and Consequences section) shall be imposed.

F. Drug and Alcohol Testing

Drug and alcohol testing provide an accurate, timely, and comprehensive assessment of unauthorized substance use throughout the participants enrollment in the Recovery Court Program.

Drug testing will be performed frequently and randomly to ensure substance use is detected quickly and reliably. Best Practice Standards Volume II states urine testing should be performed no less than 2 times per week until the participant is in the last phase of the program. Best Practice Standards indicate frequency should decrease during the final phase of the program as the participant demonstrates their readiness for graduation and internalization of Recovery Concepts. If return to use occurs, the frequency of testing should be increased.

Throughout the duration of the program, participants will participate in frequent and random drug testing. Failure to make random drug tests could result in a positive test result. Participants are expected to make all random tests.

- a. If a participant has two (2) unexcused tests in a 90-day period they will lose 14 days of substance free time and if they miss three (3) unexcused tests in a 90-day period they may lose all their substance free time.
- b. If participants provide an altered sample, all altered tests may be treated as a positive result.
- c. Once the participant enters the office to provide a test, they have two (2) hours to provide a specimen or the test will be considered positive.
- d. Any member of the Recovery Court Team can request a participant give a random drug test at any given time. Participants must provide a sample within the 8-hour business window on the day of the request.

Regardless of the reporting agency, notification of all positive tests should be shared with the RC Program Coordinator within 48 hours of confirmation. Notifications may be by email, facsimile, or telephone.

All drug tests will be observed by staff who is the same gender as the participant's self-identified gender. Staff have been trained to prevent tampering and substitution of fraudulent specimens.

If a participant denies substance use in response to a positive screening test, the participant may, at their own expense, challenge the test and request an approved outside lab run the confirmation test. A portion of the same sample provided for the original test must be used for all confirmatory analysis within thirty (30) days of original sample collection.

CBD and Hemp are marijuana derivatives and may contain varying levels of THC. Even products that claim to be pure CBD may have trace amounts of THC. Because of this, it is possible for the use of a CBD product to result in a positive THC urine drug test. Therefore, while participating in a Recovery Court, use of CBD/Hemp products **ARE** prohibited.

There are several over-the-counter items that contain alcohol in their products. This includes, but is not limited to, cough syrups and other liquid medications, non-alcoholic beer and wine, mouthwash and breath strips, hand sanitizer, hygiene products, solvents and lacquers, and some food or other ingestible products. It is the participant's responsibility to read product labels, to know what is contained in the products used and consumed, and to stop and inspect these products before using them. Use of such products are a violation of this program and will **NOT** be allowed as an excuse for a positive test result.

At times an injury or medical condition presents itself, medications that are addictive in nature may have to be prescribed based on medical necessity. Participants are required to talk with their doctor and notify them that they are in a recovery program and discuss the need to be placed on non-addictive medication. There are instances where this is not possible, and participants are required to notify their treatment team as well as provide documentation of the prescription. They will also be asked to sign a release of information so that case managers and treatment providers can have additional conversations with the treating physician.

All individuals entering the RC program go through an orientation process and are given clear and comprehensive information of their rights and responsibilities related to drug and alcohol testing. They receive a participant handbook with this information and sign a participation agreement, as well as an acknowledgement of the prescription drug and MAT policy. This information is also reiterated through treatment providers and reviewed periodically with the entire court group.

G. Program Discharge

Successful Discharge

Upon successful completion of program requirements, the participant will participate in a quarterly commencement ceremony. The graduate receives a successful completion certificate that will be awarded in court by the Judge and others involved in the RC Program.

The criteria for commencement include the following:

- a. Successfully complete all phases of the program
- b. Minimum of 90 consecutive days of substance free time
- c. Complete a Relapse Prevention Plan
- d. Apply for commencement
- e. Provide three letters of support
- f. Complete an exit interview
- g. Give an oral presentation to the team

If a participant successfully completes the program then one, all or some of the following shall occur:

- Avoidance or reduction of jail time
- Avoidance or reduction of probation supervision

Unsuccessful Discharge

Unsuccessful Discharge from the Program is the final “system” consequence or a participant’s choice concerning his or her recovery. Unsuccessful Discharge from the program **may** occur through following circumstances:

- a. New Felony or misdemeanor charges
- b. Two (2) falsified urine test samples
- c. Continuous positive urine/alcohol test; failure to engage in program
- d. Repeated non-compliance with program rules and guidelines
- e. Self-termination
- f. A medical or other disability that interferes with the participant’s ability for success in the Program (discretionary prosecution or neutral discharge would occur here on a case-by-case basis).

Unsuccessful Discharge from the program **may** occur through the following circumstances:

- a. The case will be scheduled in the appropriate court to begin the revocation / modification process.
- b. A thirty (30) day period for an outstanding Order for Arrest.

Administrative Discharge

Upon team review and recommendation, the RC Program Coordinator and/or Judge may agree to an administrative discharge. This will result in notification to all court team members.

A medical or other disability that interferes with the participant’s ability for success in the Program (discretionary prosecution or neutral discharge would occur here on a case-by-case basis).

Upon unsuccessful completion in RC the participant’s case will be scheduled for disposition in the appropriate court.

H. Treatment Process and Program Milestones

The following information is based on the Adult Drug Court Best Practice Standards Volume I

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Continuum of Care

The Treatment Team will offer a continuum of care for SUD treatment and Mental Wellness including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. Standardized risk assessment tools will aid in determining the level of care that is provided. Adjustments to the level of care are predicated on each participant’s response to treatment and not the Court’s programmatic phase structure. Participants will not receive punitive sanctions or an augmented sentence if they fail to respond to a level of care that is substantially below or above their assessed treatment needs. Instead the treatment team will reassess the risk / need and responsivity factors to provide sufficient resources and support.

The following diagram is a template for addressing behaviors

Treatment Team Bi-weekly Behavioral Exercise:

Goal (Proximal & Distal) <i>what was the participant’s objective for the past two weeks</i>	
Behavior: <i>Was the participant able to stay on task? If not, what were the</i>	Therapeutic Response: <i>rewards or consequences</i>
	Recommended Court Response: <i>rewards or consequences</i>

<i>barriers?</i>	
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Staffing Questions: Considerations in responding to participant behavior

- **WHO** are they in terms of Risk and Need?
- **WHERE** are they in the program (IE: what phase)?
- **WHICH** behavior are we responding to (i.e., are they proximal or distal)?
- **WHAT** is the response choice and magnitude?
- **HOW** do we deliver and explain the response?

In-Custody Treatment

Participants should not be incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. Recovery Court should not be used as the hammer to force participants into compliance.

Team Representation

No more than one or two treatment agencies should be primarily responsible for managing the delivery of treatment services to Recovery Court participants. Clinically trained treatment liaisons are core members of the Recovery Court team and regularly attend case staffing and pre-court staffing. If more than two agencies provide treatment to Recovery Court participants, the primary treatment provider should establish communication protocols to ensure accurate and timely information about each participant's progress is conveyed to the Recovery Court team.

Treatment Dosage and Duration

Participants receive SUD treatment to achieve long-term sobriety and recovery from addiction. Participants receive **nine contact hours of counseling per week** during the initial phase of treatment and approximately **400 hours of counseling over twelve months**; however, the Recovery Court allows for flexibility to accommodate individual differences in each participant's response to treatment.

Treatment Modalities

Participants meet with a treatment provider or clinical staff for at least one individual session per week during the first phase of the program. The frequency of individual sessions may be reduced subsequently if doing so would be unlikely to precipitate a behavioral setback or relapse. Participants are screened for their

suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. Treatment groups ordinarily have no more than twelve participants (unless using MRT that allows for fifteen) and one facilitator.

- Moral Reconciliation Therapy is the premiere cognitive-behavioral program for substance abuse treatment and offender populations (1985 by Dr. Gregory Little and Dr. Kenneth Robinson)
- **How to Escape Your Prison** (SAMHSA's NREPP)
- Structured social learning where new skills and behavioral are modeled
- Cognitive behavioral approaches that target criminogenic risk factors
- Family based approaches that train family on appropriate techniques

Evidence-Based Treatments

Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.

Medications

Participants are prescribed psychotropic or addiction medications based on medical necessity as determined by a treating physician with expertise in addiction psychiatry, addiction medicine, or a closely related field.

Court Program Milestones

Most individuals complete the program in fourteen (14) months but it can take up to two (2) years. The Program milestones have approximate time lengths to establish genuine sobriety and recovery for completion. Participants are required to actively participate in treatment and perform other assigned tasks between court appearances. Recognition is given for good performance and sanctions are given for poor or non-performance.

Basic Court Milestones

The following information is taken from the Participant Handbook for Recovery Court Participants.

You will have an opportunity to meet with your Treatment Provider and Coordinator during orientation which is held every Tuesday from 12:00 – 1:00 pm

at ClearPoint (417 N Bridge St, Washington, NC) and Tuesday from 3:00 – 4:00 pm at ClearPoint (198 NC Hwy 45 N, Plymouth, NC).

PHASE 1: Acute Stabilization (Minimum of 60 days)

During this phase, you will be expected to do the following things with the help of your team.

- Meet with your treatment provider to develop a treatment plan
- Begin recommended treatment
- Begin addressing any housing needs you may have
- Comply with recommended treatment
- Comply with the supervision requirements of your probation officer
- You should expect to be randomly drug tested at least twice per week
- Attend all required Recovery Court sessions (every other Friday)
- You can expect a home visit from your probation officer each month
- You will be expected to comply with a 7:00 p.m. curfew

Advancement: To advance to Phase 2, you must regularly attend treatment sessions and office visits and maintain your sobriety for a minimum of 14 consecutive days.

PHASE 2: Clinical Stabilization (Minimum of 90 days)

During this phase, you will be expected to do the following things with the help of your team.

- Meet with your case manager and treatment provider to review your treatment plan and make any necessary adjustments
- Comply and engage with treatment
- Comply with the supervision requirements of your probation officer
- Continue to address any health or medical needs you may have
- Continue to make efforts towards maintaining stable housing
- You can expect a home visit from your probation officer each month
- You should expect to be randomly drug tested at least twice per week
- Attend all required Recovery Court sessions
- You will be expected to comply with 8:00 p.m. curfew

Advancement: To advance to Phase 3, you must engage with treatment, be compliant with supervision, and maintain sobriety for a minimum of 30 consecutive days.

PHASE 3: Pro-Social Habilitation (Minimum of 90 days)

During this phase, you will be expected to do the following things with the help of your team.

- Meet with your case manager and treatment providers to review your treatment plan and make any necessary adjustments
- Comply and engage with treatment
- Comply with the supervision requirements of your probation officer
- Continue to address any health or medical needs you may have
- You can expect a home visit from your probation officer each month
- You should expect to be randomly drug tested at least twice per week
- You will be expected to establish a prosocial activity
- You will begin to develop a recovery support network
- Attend required Recovery Court Sessions
- No curfew

Advancement: To advance to Phase 4, you must engage with treatment, be compliant with supervision, begin a prosocial activity, begin developing a recovery support network, address medical needs and maintain sobriety for a minimum of 45 consecutive days.

PHASE 4: Adaptive Habilitation (Minimum of 90 days)

During this phase, you will be expected to do the following things with the help of your team.

- Meet with your case manager and treatment provider to review your treatment plan and make any necessary adjustments
- Comply and engage with treatment
- Comply with the supervision requirements of your probation officer
- Continue to address any health or medical needs you may have
- You can expect a home visit from your probation officer each month
- You should expect to be randomly drug tested at least twice per week
- You will continue to participate in a criminal thinking program
- You will be expected to maintain a prosocial activity
- You will be expected to engage in a recovery support network
- Based upon the recommendation of your team, you will begin to engage in job training, parenting/family support, and/or vocational training
- Attend required Recovery Court sessions
- No curfew

Advancement: To advance to Phase 5, you must engage with treatment, be compliant with supervision, maintain a prosocial activity, engage in your recovery support network, address medical needs, begin to address

employment/vocational training or education needs, begin to address ancillary services and maintain sobriety a minimum of 60 days.

PHASE 5: Continuing Care (Minimum of 90 days)

During this phase, you will be expected to do the following things with the help of your team.

- Meet with your case manager and treatment provider to review your treatment plan and make any necessary adjustments
- Comply and engage with treatment
- Comply with the supervision requirements of your probation officer
- Continue to address any health or medical needs you may have
- You can expect a home visit from your probation each month
- You should expect to be randomly drug tested
- You will be expected to maintain a prosocial activity
- You will be expected to maintain a recovery support network
- You will be expected to develop a continuing care plan
- You will continue to engage in job training, parenting/family support, and/or vocational training
- Attend required Recovery Court sessions

GRADUATION

To graduate from the District Two Recovery Court, you must engage with treatment, be compliant with supervision, maintain a prosocial activity, maintain engagement in your recovery support network, address medical needs, maintain employment/vocational training or education needs, address ancillary services and maintain abstinence from alcohol and illicit drugs for a minimum of 90 days

- Minimum 90 days consecutive days of sobriety
- Engaged in treatment
- Comply with treatment and probation
- Maintain pro-social activities
- Maintain employment, vocational training or school

- Three letters of support
- Complete graduation application and turn into Coordinator

I. Principles Concerning Rewards and Consequences *(a.k.a. Incentives & Sanctions)*

The purpose of incentives or sanctions is to provide predictable consequences for behaviors so that participants can modify their behavior towards recovery. While consequences (sanctions, incentives or natural consequences such as a lost job) may be perceived as “punishment”, the greater purpose is to provide structure, to teach and to allow for responsibility, goal setting and success in achieving those goals. It is important for the judge to make this connection for the participant and the group in the court session, and for other participants to communicate a similar message when necessary.

The Team should follow the structure but be open to flexibility. Rules or guidelines should be followed, with exceptions being truly exceptions. Participants should be given the opportunity to explain their perspective themselves or through their attorney to the judge.

The final decision remains with the judge and should not shift to the Treatment Provider or other court personnel in staffing or open court. Sanctions should not be delivered with anger or ridicule.

RC has a range of sanctions and incentives of varying magnitude that may be administered. For goals that are difficult for participants to achieve the sanctions should increase progressively in magnitude over a period. For goals that are relatively easy for a participant to achieve, higher magnitude sanctions may be administered sooner. Lesser sanctions should be pursued before using a more severe one. Not all sanctions should be jail or revocation.

Participants should not receive punitive sanctions if they are otherwise compliant with the treatment and supervision requirements but are not responding to treatment interventions. The appropriate course of action may be to reassess the participant’s treatment plan and make necessary adjustments. Outcomes are significantly better when team focus on as much incentivizing productive behaviors as they do on reducing undesirable behaviors.

Consequences are imposed for the non-medical use of intoxicating or addictive substances including alcohol and prescription medications. Participants however should not receive punitive sanctions if they are otherwise compliant with their treatment and supervision requirements but are not responding to treatment

interventions. In this case it is more appropriate to adjust the treatment plan accordingly.

Jail sanctions should be used judiciously and sparingly. Jail should be used if a participant poses an immediate to public safety or after less severe consequences have been ineffective in deterring continued noncompliance. Jail sanctions should be definite in duration and typically should last no more than 3 to 5 days.

Participants facing a jail sanction will be given access to counsel and a fair hearing if a jail sanction might be imposed because of significant liberty interest is at stake.

Participants may be terminated from the program if they no longer can be managed safely in the community or if they fail repeatedly to comply with treatment or supervision requirements. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are nonamenable to the treatments that are reasonably available in their community. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.

Treatment: Quarter Rule

- First ¼ spent reviewing what they learned last time
- Second ¼ demonstrate new skill
- Third ¼ practice new skill
- Fourth ¼ make practice more difficult

Develop a range of reinforcers

Three basic Types:

1. Tangible –material objects that have a personal value
2. Token –symbolic items that have value because of what they can be exchanged for or stand for
3. Social –natural rewards that are among the most powerful consequences for initiating and maintaining behaviors

IX. PROFESSIONAL DEVELOPMENT AND TRAINING

The District Two Recovery Court staff will endeavor to enroll and attend all available and affordable drug court training available on a local, statewide and national level.

Positive Behavior

Incentive Matrix: "What do we want the participant to learn from this?"

Step 1. Identify the Behavior

Easier/Proximal	Moderate	Difficult/Distal
<ul style="list-style-type: none"> Attendance at treatment Attendance at other appointments Home for home visits Report to UA Timeliness Payment 	<ul style="list-style-type: none"> Honesty Testing Negative Participating in Prosocial Activities Employment Progress toward Tx Goals Progress in Tx 	<ul style="list-style-type: none"> Complete Tx LOC Extended Abstinence/Neg. Tests Treatment Goals Completed Phase Goals Completed Program Goals Completed

Step 2. Determine the Response Level

		Easier/Proximal	Moderate	Difficult/Distal
Distal ↓ Prox	Phase 1	Small	Medium	Large
	Phase 2	Small	Medium	Large
	Phase 3	Small	Small	Large
	Phase 4	Small	Small	Large
	Phase 5	Small	Small	Medium

Step 3. Choose the Responses (Paired with Judicial Approval/Verbal Praise)

3a. Incentive Response

Small	Medium	Large
<ul style="list-style-type: none"> Fish Bowl Decision Dollars Example for other participants in court Handshake Candy ≤ 1 day reduction of curfew 	Any small and/or: <ul style="list-style-type: none"> ≤ 3 day reduction of curfew Choice of Gift Certificate Supervisor Praise Written Praise Positive Peer Board Certificate Reduction in CS hours Reduction in program fees 	Any small, medium or: <ul style="list-style-type: none"> Framed Certificate Travel Pass Larger Gift Certificate Position as Mentor to New Participants Reduction of Curfew

3b. Therapeutic Response

	Phase 1	Phase 2	Phase 3	Phase 4
Single Event	<ul style="list-style-type: none"> Behavior Chain Cost/Benefit Analysis 	<ul style="list-style-type: none"> Behavior Chain Cost/Benefit Analysis 	<ul style="list-style-type: none"> Behavior Chain 	<ul style="list-style-type: none"> Behavior Chain
Continued Progress		<ul style="list-style-type: none"> Change in LOC 	<ul style="list-style-type: none"> Aftercare Fqcy Re-evaluate Pharmacological Interventions 	<ul style="list-style-type: none"> Aftercare Fqcy Re-evaluate Pharmacological Interventions

3c. Supervision Responses

Phase 1	Phase 2	Phase 3	Phase 4
<ul style="list-style-type: none"> Change in Curfew Status 	<ul style="list-style-type: none"> Reduced Contacts Reduction in Home Visits 	<ul style="list-style-type: none"> Reduced Contacts Reduce Home Visits Reduce in External Monitoring Devices 	<ul style="list-style-type: none"> Reduced Contacts Decreased Drug Testing

Inappropriate Behavior

Sanction Matrix: "What do we want the participant to learn from this?"

Step 1. Identify the Behavior

Low (Less Immediate)	Moderate	High (More Immediate)	Very High
<ul style="list-style-type: none"> Late for Scheduled Event Missed payment 	<ul style="list-style-type: none"> Missed UA Failure to Complete Assignments 	<ul style="list-style-type: none"> Unexcused Absence tx Alcohol Use Drug Use Tamper w/ UA or device Dishonesty 	<ul style="list-style-type: none"> Criminal behavior (new crimes, drinking and driving) Arrest

Step 2. Determine the Response Level

		Low	Moderate	High	Very High
Distal ↓ Prox	Phase 1	Level 1	Level 2	Level 2	Level 4
	Phase 2	Level 1	Level 2	Level 3	Level 4
	Phase 3	Level 2	Level 3	Level 4	Level 5
	Phase 4	Level 3	Level 4	Level 5	Level 5
	Phase 5	Level 3	Level 4	Level 5	Level 5

Step 3. Choose the Responses (paired with Judicial Verbal Disapproval and Explanation)

3a. Sanction/Punishment Responses

	Level 1	Level 2	Level 3	Level 4	Level 5
Community Service	≤ 4 hrs	≤ 8 hrs	≤ 16 hrs	≤ 24 hrs	≤ 32 hrs
Curfew	≤ 3 days	≤ 5 days	≤ 7 days	≤ 10 days	≤ 15 days
House Arrest	≤ 24 hrs	≤ 72 hrs	≤ 5 days	≤ 7 days	≤ 15 days
Jail				≤ 24 hours	≤ 3 days
Other				Review Placement	Termination

3b. Therapeutic Responses

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> Behavior Chain Cost/Benefit Analysis Skill Development Thought Restructuring Homework/Practice Thinking Report 	Level 1 plus: <ul style="list-style-type: none"> LOC Review 	Level 1, 2, plus: <ul style="list-style-type: none"> Referral Medication Eval Treatment Team Review/Round Table 	Level 1, 2, 3, plus: <ul style="list-style-type: none"> Re-Assessment 	

3c. Supervision Responses

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> ≤ 1 additional report days/week Official Letter in File 	<ul style="list-style-type: none"> ≤ 2 additional report days/week Home Visit Curfew 	<ul style="list-style-type: none"> Continuous Testing GPS/Electronic Monitoring ≤ 3 additional report days/week Home Visit Increase frequency UA Test Contingency Contract Additional Court Report Case Conference 	<ul style="list-style-type: none"> ≤ 4 additional report days/week Contingency Contract Electronic Monitor Device Case Conference Curfew 	

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

Meeting Date: April 6, 2020
Presenter: Luana Gibbs, Health Director
Attachment: No

ITEM TITLE: COVID-19 UPDATE

SUMMARY: Health Director Luana Gibbs will present update on COVID-19 in Hyde County.

RECOMMEND: Receive report.

MOTION MADE BY: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

MOTION SECONDED BY: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

VOTE: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

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

Meeting Date: May 4, 2020
Presenter: County Manager Kris Noble
Attachment: No

ITEM TITLE: EMPLOYEE/VOLUNTEER/FRIEND OF THE MONTH

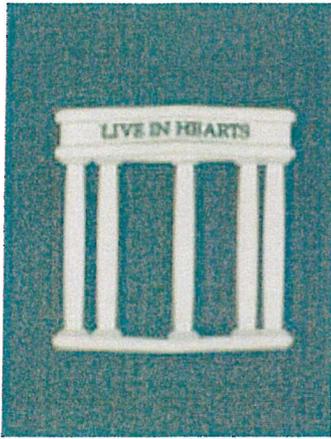
SUMMARY: Manager Kris Noble will announce the Employee, Volunteer and/or Friend of the County for the month of May 2020.

RECOMMEND: Discussion

MOTION MADE BY: PUGH
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 PAHL
 SWINDELL
 TOPPING

MOTION SECONDED BY: PUGH
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 PAHL
 SWINDELL
 TOPPING

VOTE: PUGH
 SIMMONS
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FUNERAL HOME & CREMATORY
PINWOOD MEMORIAL PARK

Fletcher II

P - April 12, 2020

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Obituary for John Stuart Fletcher II

John Stuart Fletcher, II of Hyde County passed away at home on Sunday, April 12, 2020, following a blessedly brief battle with cancer.

He was preceded in death by his wife, Jean Mincey Fletcher, his grandson, John Stuart Fletcher, III and his sister Carolista "Tootsie" Golden. He is survived by his sons John Dixon and Donald Hay Fletcher; Daughters-in-Law Dawn Delano & Susan Deluca Fletcher; his grandchildren, Charles Dixon and Madison Eleanor Fletcher; his brothers David and James Fletcher, and Mark and Dossey Pruden, and their families.

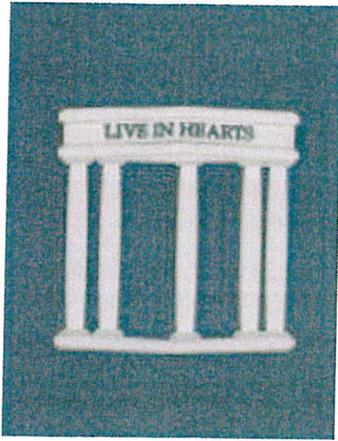
"Jock" (a nickname from his affinity for horses and steeplechase riding) was well known for his quick wit, sharp mind and giving heart. His love of people and his ability to talk to anyone made him a well-known and loved personality. When there was a charity to help or person in need, he was quick to make a donation or lend a hand.

The son of a Navy officer, he lived his early years in California, Washington DC, Annapolis MD, and Edenton NC. In 1957, he graduated from Valley Forge Military Academy where he proudly served as a Mounted Cadet and a Squad Leader.

After earning his Juris Doctor degree from UNC-Chapel Hill, he began his legal career in Greenville, NC with Frank Wooten in 1962. In addition to his law practice, he spent time creating what is now the Law Enforcement Training Program at Pitt Community College and served as an administrator and an instructor. He also taught in the School of Business at ECU and was an advisor to several service groups and the TKE fraternity. During his time in Greenville, he also earned his Juris Master degree from New York University. He supported all of his almae matres faithfully.

For his career and his love of travel, he took his family to Ottawa, Canada to become a Professor of Law at the University of Ottawa. He enjoyed his time there, made life-long friends and made numerous trips back to the country during his lifetime.

To fulfill his dream of "practicing law in a small town in Eastern North Carolina," he moved to his forever home in Hyde County, arriving in Swan Quarter in 1972. His love for the county and its residents began immediately and he spent the next 48 years being a productive and giving member of the community. During his career, he served as County Attorney, County Commissioner, and Magistrate. One of his proudest contributions was his pro bono work for Social Services, where he worked on behalf of children and those who could not help themselves.



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His contributions to the county may best be represented by the flood-control dike that was completed around the town of Swan Quarter. His work on the project began in Greenville in 1962, then started and stopped over the next 5 decades, until completion of the project in 2010. During that time he did research, negotiating, lobbying, funding, permitting and planning to help bring the project to fruition. Being an attorney in a small town, he was always in tune with the community and did whatever was necessary to help others: meeting on their schedule, offering friendly advice, telling the inconvenient truth, driving a grain truck during picking season, or working out payment plans. Many times he received a bushel of oysters or a wooden duck decoy as payment for his services.

After building a vacation home on Ocracoke Island, he spent weekends, vacations and retirement there, roaming the beach and the island making friends, taking on causes and helping others. He spent weekends closing loans, writing wills and providing legal services to those who could not travel. He knew and loved the history of the island, its' families and the historic property deeds that included descriptions such as "the big cedar tree in Monk's garden."

A Memorial Service will be held at a later time. In lieu of flowers, please make donations to St. George's Episcopal Church of Engelhard or Hyde County Emergency Services.

To plant a tree in memory of John Stuart Fletcher II, visit the [Tribute Store](#).

Events

EVENT INFORMATION

 Services will be set for a future date to be determined.

Memorial Contribution

ST. GEORGE'S EPISCOPAL CHURCH

 31681 US-264
Engelhard, North Carolina 27824

HOME

OBITUARIES

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SERVICES

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[Funeral Services](#)
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PREPLAN

GRIEF SUPPORT

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[Grief Resources](#)
[365 Days of Grief Support](#)

RESOURCES

[When a Death Occurs](#)
[Common Questions](#)
[Obituary Guide](#)
[Funeral Etiquette](#)
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[Monuments](#)
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LOCATIONS/CONTACT

[Greenville](#)
[Vanceboro](#)
[Farmer Funeral Service](#)
[Winterville Cremation & Funeral](#)
[Pinewood Memorial Park](#)
[Contact Form](#)

[Wilkerson Funeral Home & Crematory - Greenville](#)
2100 East Fifth Street
Greenville, NC 27858
Phone: (252) 752-2101
[Map & Driving Directions](#)

[Wilkerson Funeral Home - Vanceboro](#)
608 Farm Life Avenue
Vanceboro, NC 28586
Phone: (252) 244-0770
[Map & Driving Directions](#)

[Farmer Funeral Service](#)
109 Second Street
Ayden, NC 28513

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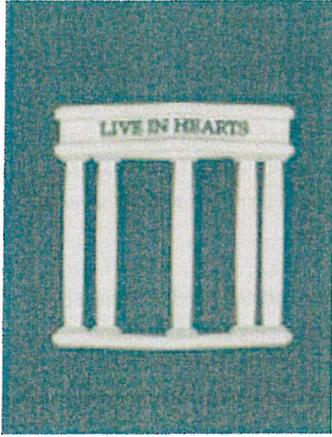


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Overview

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Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 4, 2020
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

SUMMARY: Citizens are afforded an opportunity at this time to comment on issues they feel may be of importance to the Commissioners and to their fellow citizens.

Comments should be kept to (3) minutes and directed to the entire Board, not just one individual Commissioner, staff member or to a member of the audience.

Time for one person cannot be used by another person.

Comments that reflect the need for additional assistance will be directed to the County Manager or referred to a future meeting agenda.

RECOMMEND: Receive comments.



Letter to Hyde County Board of Commissioners (May 4th meeting)

message

Teresa Still <traestill@yahoo.com>

Wed, Apr 29, 2020 at 9:21 PM

Reply-To: "traestill@yahoo.com" <traestill@yahoo.com>

From: "lstotesberry@hydecourtnc.gov" <lstotesberry@hydecourtnc.gov>, "knoble@hydecourtnc.gov" <knoble@hydecourtnc.gov>

Hello Ms. Noble and Ms. Stotesberry,

I am a Hyde County property owner and taxpayer and have submitted a letter below for the consideration of the Board of Commissioners during their upcoming May 4th meeting. I would greatly appreciate if you could ensure that all Board members receive my letter for their review and consideration. Thank you so much in advance, and please feel free to email (traestill@yahoo.com) or call (301-974-1799) me with any questions or concerns.

Teresa Still

Dear Ms. Noble and Hyde County Commissioners,

I own a cottage on Ocracoke Island and am a non-resident property owner (NRPO). I would like to share my thoughts and concerns with you in hopes that they can be discussed in your May 4th Board of Commissioners meeting.

Firstly, we all know and intimately understand the devastating losses the island suffered from Hurricane Dorian, and now the unprecedented times we face with Covid-19. We are all still navigating our way through these back-to-back emergencies. By definition, NRPOs are property owners. We pay full-share property taxes and maintain insurance on our homes. We purchased property on Ocracoke because we love the island, it's rich history, and it's people, and we take pride in our homes and in being a part of the community and it's sustainability. NRPOs are an integral part of the island's community and economy, and many of our homes in the rental program play a vital role in generating revenue for the island and providing housing for tourists on whom the island largely depends. However, Hyde County's re-entry policies around Dorian (and previous hurricanes/evacuations) and Covid-19 have unfortunately highlighted the inequities and sense of discrimination that NRPOs face when trying to access our property. I feel the distinction between resident vs. non-resident property owners perpetuates division and an unfair class system that makes many of us feel devalued. Property owners are property owners. Additionally, the current re-entry policies force NRPOs to incur additional and unnecessary damage and repair costs to their homes by our delayed access and inability to immediately begin mitigation. My home, along with hundreds of others, flooded during Dorian. The delay in my access to the island contributed to costlier and more extensive mold mitigation and damage to my floors. In the weeks and months that followed, the class system required that I wait in the non-priority ferry stacking lanes where I watched contractors and builders and vendors fill up the ferries, and I was bumped from several runs. Never was my 2nd-class status more obvious, and as a Hyde County property owner and taxpayer, this felt demoralizing.

I have the utmost respect for the Board of Commissioners and the work you do for Hyde County, and I recognize that there are many competing needs and issues around re-entry. For your consideration, I respectfully suggest that the distinction between resident vs. non-resident property owners be eliminated and that equal re-entry and ferry loading priority is given to "residents and property owners." Perhaps a revised re-entry policy could require that all eligible vehicles use the priority ferry stacking lanes and hang their re-entry tag (red, yellow, green, white) for inspection. Minimally, when the island is open to visitors, all property owners should be permitted use of the priority ferry stacking lanes.

I thank you all in advance for your time and consideration.

Respectfully submitted,

Teresa Still

Sent from Yahoo Mail on Android



Ocracoke NRPO status

3 messages

Betsy Shepard <strandedonpurpose@gmail.com>

Tue, Apr 28, 2020 at 10:23 A

To: lstotesberry@hydecourtync.gov, knoble@hydecourtync.gov

Dear Ms. Noble and Hyde County Commissioners,

We are Non-Resident Property Owners (NRPOs) on Ocracoke Island. The recent events of Hurricane Dorian and Covid-19 have created incredibly difficult issues for us all. As NRPOs, our difficulties have, unfortunately, been compounded by Hyde County's distinctions between resident and non-resident property owners.

For example, after Hurricane Dorian, many NRPOs were unable to get to our flooded houses in a timely manner because of Hyde's NRPO reentry access restrictions. We watched as secondary damage occurred to our properties, while residents were able to begin mitigation of their properties immediately. Allowing one group of property owners to incur added damage and financial hardship seems terribly unfair.

After Dorian, many NRPOs offered our homes to displaced locals. We were happy to do so, knowing that we would eventually be able to complete our repairs and ready our houses for the 2020 season. Obviously, no one expected a pandemic, but because of Hyde's NRPO reentry access restrictions, we've been thwarted there, as well.

Immediately after the hurricane, our insurance company sent multiple adjusters to inspect our property. After allowing for deductibles on wind and flood policies, we ended up with somewhere in the neighborhood of \$25,000 worth of total damage. That figure didn't account for a new, locally-made picnic table that floated away, trees down on the property, and so on.

None of this damage required a building permit to fix.

We have owned and operated a construction company in Virginia for nearly 30 years. We are very familiar with the permitting and inspecting process. We had no plans (or need) to do any plumbing, HVAC, structural, or other repairs that would require a building permit. So we have had to wait even longer.

Last week we were notified by our property managers that our roof was leaking and water was entering our property. Our management team told us we should apply for a building permit, because that was the only way we could get there to fix it. Otherwise, we would have to hire another contractor to do the work. We sent an email inquiry to the Hyde Planning Dept. and were told that we could get a building permit for a roof repair, even though one would typically not be needed. Staff went on to say that these building permits were more about restricting access to the island, than about needing them for the work.

We printed out and filled out ELEVEN pages of application and mailed it in. A week later we received our building permit in the mail. Then we started the reentry pass permit process, which was to take another week.

No other property owner or business owner in Hyde County would be made to go to these lengths, and through this protracted process, to fix a simple roof leak.

Today, we found out that curbside hurricane debris pick-up will not be offered to NRPOs upon reentry in May. Beyond that, we may not even be able to bring it to the dump. Our tax dollars fund the collection of refuse and the dump, but we can't access these services. Again, it is suggested that we should hire out for these services.

Throughout this time, Ocracoke leaders and residents have (in varying degrees) painted us as schemers looking to game the system, as greedy and heartless, as neighbors who are more interested in vacationing and running from the virus than the health of people in their community. Additionally, there have been some very disturbing public comments about what might happen to us, NRPOs, if we were to come to the island and get anyone sick.

It has been a shocking and sad turn of events.

Unfortunately, we feel Hyde's "separate but equal" policies for different property owners have contributed to this vitriol and division.

We understand that Ocracoke is remote and lacking in many resources. We are told this repeatedly to justify the policies which exclude us. While we can't fix the location issue (and wouldn't want to), perhaps it is time to do something about the resources issue.

We pay a full tax rate and receive less services—not the least of which is access to our property. Ocracoke Island is not private property. It is not a gated community. If we are not entitled to equal services, perhaps we should not have an equal tax rate.

Similarly, as NRPOs who rent our property to tourists for more than half the year, we generate quite a bit of Occupancy Tax income for the island. We have virtually no say in how this revenue is spent.

It is perhaps time to rethink this system.

We feel it is discriminatory for Hyde County to prohibit access, services, and resources to tax paying property owners based solely on their residency status. Because of this discrimination, we are incurring added hardships and expenses that other property owners (and even residents who do not own property) are not subject to.

Please consider doing away with the resident/non-resident distinctions and allow ALL property owners the same rights and freedoms under Hyde County law.

Thank you for your consideration of this matter.

Sincerely,

Chris Anderson & Betsy Shepard

11811 Rolfe Hwy.
Surry, VA 23883



Questions on Restrictions on property owners

messages

awn <baygirlbcm@aol.com>

Wed, Apr 29, 2020 at 9:21 AM

: lstotesberry@hydecourtnc.gov, knoble@hydecourtnc.gov

Dear Ms. Noble and Board of Commissioners,

Due to this unprecedented year, I have a couple questions that I have not been able to find justification to the reasoning behind the restrictions. There seems to be a lot of restrictions placed on one group of property owners and these owners are the ones who do not have a voice in elections or in making decisions about emergency management protocols, but pay the same taxes.

Why is Ocracoke restricted to one group of property owners during emergency time? Residents are allowed to come and go, at free will. They are not required to get permission or approval to leave or return to island. Many continue with their daily life without restrictions. They have gone off to do shopping, go visit family and friends, and are free to come and go as they please. Contractors, delivery personnel, utility personnel, Amish helpers, and off island family members have been able to come and go without any safety protocols. No one is taking temperatures at the ferry terminals. If Ocracoke is so serious about limiting exposure to the fragile community, then restrictions would have also been placed on residents and commercial personnel, but it wasn't. There was only one group of citizens that restrictions were placed on and had to show unreasonable proof to gain access to their property.

Secondly, how can Hyde County tax properties, the same, when Non Resident Property Owners have not had access to their properties? They have been legally barred from accessing property in which they own and pay taxes? This is unconstitutional and the local authorities of Ocracoke do not have the power to supersede the federal government. If the Board of Control, wants to control the property rights of one group of citizens then the tax amount should be reduced. NRPO should not pay the same tax rate if they do not have equal rights.

Going forward, I feel that there should not be any distinction between property owners. All owners should be given equal rights. Re-entry passes should be given to owners. Renters would get their passes from the owners of the property. Many times the excuse is given to fragility of resources on the island. Taxes, utilities, road projects, and education services are all based on taxes and numbers of properties not the full time residents only. There are a number of part time residents that factor into sustainability of the island. Why do the residents get to say who has access and who doesn't? I urge you to make changes now. Do not let these practices continue.

Thank You,
Lawn Moore

sent from my iPad

Lois Stotesberry <lstotesberry@hydecourtnc.gov>

Wed, Apr 29, 2020 at 9:56 AM

"Benjamin Simmons, III" <twsbcsiii@aol.com>, "Earl Pugh, Jr." <middletownfarms@embarqmail.com>, Franz Holscher <ffh@rhpe.net>, Les Topping <litbrother68@gmail.com>, Kristen Noble <knoble@hydecourtnc.gov>, Lois Stotesberry <lstotesberry@hydecourtnc.gov>, Shannon Swindell <swindellfarmgroup@gmail.com>, Tom Pahl <thppahl@gmail.com>

/l

*Lois Stotesberry, CMC, NCCCC
Member to the Board of Commissioners
Administrative Assistant to County Manager and EM Director
P.O. Box 188, 30 Oyster Creek Rd., Swan Quarter, NC 27885
Phone: (252) 926-4178 Fax: (252) 926-3701*

[quoted text hidden]

Noble <knoble@hydecourtnc.gov>

Wed, Apr 29, 2020 at 10:51 AM

Donnie Shumate <dshumate@hydecourtnc.gov>, Lois Stotesberry <lstotesberry@hydecourtnc.gov>

Link since we are receiving so many of these they may need to go in the packet under public comment. What do you think Donnie? I've received more than 3 this week all very similar.

[quoted text hidden]

April 28, 2020

Dear Ms. Noble and the Hyde County Commissioners:

We are and have been Non-resident Property Owners on Ocracoke for the last fifteen years. The recent restrictions placed upon NRPOs following Hurricane Dorian and on the heels of Covid 19, have made it abundantly clear that Hyde County's resident/non-resident distinctions are detrimental to our equal rights.

Let us start by saying that we do not understand the reasoning in allowing residents to travel on and off island, yet restricting us access to our property. Contractors and suppliers come and go freely, yet we are prevented access to our homes. Additionally, we are required to obtain building permits that are not required of any other resident. Our cottage sustained about 80k in damages. None of this work required a building permit. As of this writing, the work is not complete. We've recently hired a company out of Kill Devil Hills who can gain access onto the island and our home, but we are prevented access to meet them there to oversee the work. We would greatly appreciate if you would explain the rationale behind these decisions.

If these restrictions were about fighting the pandemic, you would have shut the island down. As it turns out, you only shut the NRPOs out. We see no NRPO designation on our tax bill. We pay the same property tax rate as residents. We want the same equal rights as resident property owners. If we are not entitled to the same rights, why are we paying the same taxes?

We see this same discriminatory practice play out after every hurricane. We are denied the same access given to resident property owners. Why is one property owner's home more important than another?

After Hurricane Dorian, we were denied access. This time the ramifications of the restrictions were more devastating. It was not only inconvenient; it resulted in additional loss, a loss that we had to shoulder disproportionately. There was no free help available to us, yet you set into place directives that compounded our struggle. There were no provisions made to allow us to bring friends or family onto the island to assist with muck outs and tear outs. If our helpers, tools and supplies didn't fit in our vehicles we were out of luck. There was no consideration given to the hardships that we were struggling with alone. Meanwhile, benevolence groups from all over the East Coast descended upon the island to assist locals. Since we received almost no actual assistance we would have appreciated a little consideration. We got neither.

These inequalities don't stop there. As taxpaying property owners why are we not given the same priority with ferry loading as residents, many of which do not even own property? We often times find ourselves sitting in ferry lines for hours to access our homes. Our family is on the island for most of the entire summer season. We cannot make a trip off island to get supplies or food without it becoming an all day affair. It's almost certain that those off island trips will require an additional 4 hour window at the very least. On two different occasions last winter, a wait in the ferry line leaving Ocracoke lasted for

three hours; three times being bumped from loading. A trip back to Maryland is an eight hour drive and must be scheduled to accommodate night time driving difficulties. On two different occasions it became necessary to return to the cottage in Ocaracoke, to try again the next day. This is patently unfair.

If a distinction between resident and non-resident property owners had not been made from the outset, the discord between these two groups might not exist today. It's pretty straight forward and simple. We are all taxpaying property owners, and should be afforded the same rights and freedoms under the law.

We ask that the Board of Commissioners afford us those same rights and freedoms granted to residents.

Sincerely,

Cheri Larsen

Jeff Larsen

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

Meeting Date: April 6, 2020
Presenter: County Manager Kris Noble
Attachment: Yes

ITEM TITLE: Older Americans Month 2020

SUMMARY: Every May, the Administration for Community Living leads our nation's observance of Older Americans Month.

This year's theme, Make Your Mark, was selected to encourage and celebrate countless contributions that older adults make to our communities. Their time, experience, and talents benefit family, peers, and neighbors every day. Communities, organizations, and individuals of all ages are also making their marks. This year's theme highlights the difference everyone can make – in the lives of older adults, in support of caregivers, and to strengthen communities.

RECOMMEND: Discussion

MOTION MADE BY: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

MOTION SECONDED BY: ___ PUGH
___ SIMMONS
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VOTE: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING



Older Americans Month 2020
A PROCLAMATION

Whereas, Hyde County includes a growing number of older Americans who make countless contributions to our community every day; and

Whereas, Hyde County is stronger when people of all ages, abilities, and backgrounds are included and encouraged to make their mark; and

Whereas, Hyde County recognizes the importance of the physical, mental, social, and emotional well-being of its citizens; and

Whereas, Hyde County can support our community members by:

- promoting independence, inclusion, and participation;
- engaging older adults through education, recreation, and service; and
- connecting people with opportunities to share their time, experience, and talents.

Now, therefore, the County of Hyde Board of Commissioners does hereby proclaim May 2020 to be Older Americans Month. We urge every resident to recognize older adults and the people who support them as essential members of our community.

Dated this 4th day of May, 2020

Earl Pugh, Jr., Chair
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, CMC, NCCCC
Clerk to the Board

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

Meeting Date: May 4, 2020
Presenter: Kris Cahoon Noble
Attachment: Yes

ITEM TITLE: Project Budget Ordinance NCORR Temporary Cash Assistance

SUMMARY: In April, the Hyde County Board of Commissioners accepted a \$1,000,000 loan from the North Carolina Office of Recovery and Resiliency for temporary cash flow assistance in relation to Hurricane Dorian expenditures.

The attached Project Budget Ordinance shows the revenue from NCORR and the expenditures as loan proceeds. The funds will be utilized for cash flow while awaiting FEMA reimbursement.

RECOMMEND:

1. APPROVE PROJECT BUDGET ORDINANCE.

MOTION MADE BY: PUGH
 SIMMONS
 PAHL
 SWINDELL
 TOPPING

MOTION SECONDED BY: PUGH
 SIMMONS
 PAHL
 SWINDELL
 TOPPING

VOTE: PUGH
 SIMMONS
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Hyde County
North Carolina Office of Recovery and Resiliency
Temporary Cash Assistance to Local Governments
Project Budget Ordinance
May 4, 2020

Be it ordained by the Hyde County Board of Commissioners, the following Project Budget Ordinance is hereby adopted:

Section 1: This project is between the North Carolina Department of Public Safety, Office of Recovery and Resiliency (NCCOR) and Hyde County to provide assistance under NCCOR's State Revolving Loans for Temporary Cash Assistance to Local Governments.

Section 2: Hyde County staff are hereby directed to proceed with the project within the rules and regulations of the North Carolina General Statutes and the budget contained herein.

Section 3: The following revenues and resources are anticipated to be available to complete the program activities:

<u>NCCOR Temporary Cash Assistance Revenues:</u>	
NCCOR	<u>\$1,000,000.00</u>
Total:	<u>\$1,000,000.00</u>

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

<u>NCCOR Temporary Cash Assistance Expenditures</u>	
Loan Proceeds	<u>\$1,000,000.00</u>
Total	<u>\$1,000,000.00</u>

Section 5: The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting required by federal and state regulations.

Section 6: Funds may be advanced from the General Funds for the purpose of making payments as due.

Adopted this 4th day of May 2020.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

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

Meeting Date: May 4, 2020
Presenter: Kris Cahoon Noble
Attachment: Yes

ITEM TITLE: Project Budget Ordinance NCORR State Grant

SUMMARY: In April, the Hyde County Board of Commissioners accepted a \$500,000 grant from the North Carolina Office of Recovery and Resiliency for the following grant activities:

- Disaster Recovery Specialist - Hyde County will contract with an experienced individual to assist the county with FEMA programs, reimbursement, and managing project documentation. This individual will also assist the county with long-term recovery and resiliency planning and project implementation, including identifying funding opportunities for resilient housing and business recovery.
- Grant Administrator - Hyde County will hire a grant administrator to work with local staff, consulting staff, state and federal partners and individual citizen applicants to manage grant funding including but not limited to CDBG DR, HMGP, FMA, Golden Leaf, OSBM and other funding sources.
- Ocracoke Affordable Housing Study - the county will work with stakeholders to develop an affordable housing study to further efforts of an existing grassroots affordable housing initiative.
- General payroll obligations and administrative assistance for disaster recovery activities.

The attached Project Budget Ordinances shows the revenue from NCORR and the expenditures as shown above.

RECOMMEND:

1. APPROVE PROJECT BUDGET ORDINANCE.

MOTION MADE BY: PUGH
 SIMMONS
 PAHL
 SWINDELL
 TOPPING

MOTION SECONDED BY: PUGH
 SIMMONS
 PAHL
 SWINDELL
 TOPPING

VOTE: PUGH
 SIMMONS
 PAHL
 SWINDELL
 TOPPING

Hyde County
North Carolina Office of Recovery and Resiliency
State Grants for Financially Distressed Local Governments
Project Budget Ordinance
May 4, 2020

Be it ordained by the Hyde County Board of Commissioners, the following Project Budget Ordinance is hereby adopted:

Section 1: This project is between the North Carolina department of Public Safety, Office of Recovery and Resiliency (NCCOR) and Hyde County to provide assistance under NCCOR's State Grants for Financially Distressed Local Governments.

Section 2: Hyde County staff are hereby directed to proceed with the project within the rules and regulations of the North Carolina General Statutes and the budget contained herein.

Section 3: The following revenues and resources are anticipated to be available to complete the program activities:

<u>NCCOR State Grant Revenues:</u>	
NCCOR	<u>\$500,000.00</u>
Total:	<u>\$500,000.00</u>

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

<u>NCCOR State Grant Expenditures:</u>	
Disaster Recovery Contract Position	\$240,000.00
Grant Administrator Position	210,000.00
Affordable Housing Study	30,000.00
<u>General Payroll and Administrative Expense</u>	<u>20,000.00</u>
Total	\$ 500,000.00

Section 5: The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting required by federal and state regulations.

Section 6: Funds may be advanced from the General Funds for the purpose of making payments as due.

Adopted this 4th day of May 2020.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

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

Meeting Date: May 4, 2020
Presenter: Emergency Manager Justin Gibbs
Attachment: Yes

ITEM TITLE: Ratify COVID-19 Proclamation Amendments

SUMMARY: Resolution to ratify proclamations enacted by Chairman Pugh on behalf of the Hyde County Board of Commissioners during a declared “State of Emergency – Coronavirus 2019”.

° Proclamation - State of Emergency Declaration – Coronavirus 2019
(COVID-19) **Amendment No. Four**

RECOMMEND: Adopt.

MOTION MADE BY: PUGH
 PAHL
 SIMMONS
 SWINDELL
 TOPPING

MOTION SECONDED BY: PUGH
 PAHL
 SIMMONS
 SWINDELL
 TOPPING

VOTE: PUGH
 PAHL
 SIMMONS
 SWINDELL
 TOPPING



BOARD OF COMMISSIONERS
THE COUNTY OF HYDE
NORTH CAROLINA

RESOLUTION
TO RATIFY BOARD ACTION RELATED TO STATE OF EMERGENCY
DECLARATION CORONAVIRUS-2019 (COVID-19) – April 6, 2020

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina desires to ratify the actions taken by the Chairman on behalf of the Board, and;

WHEREAS, during Coronavirus-2019 the Chairman of the Board of Commissioners acted for the Board by adoption of the following proclamation and amendment:

- **Proclamation – State of Emergency Declaration for Hyde County Prohibiting Mass Gatherings and Other Recommendations to Limit the Spread of COVID-19 – March 18, 2020**
- **Proclamation – State of Emergency Declaration for Hyde County – Amendment No. One Prohibiting Visitation to Ocracoke Island – March 18, 2020**

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina desires to ratify the actions taken by the Chairman on behalf of the Board by adoption of the following proclamation amendments:

- **Proclamation – State of Emergency Declaration for Hyde County – Amendment No. Two Suspending Public Visitation to Government Offices and Limiting Entry by Ocracoke Non-resident Property Owners – March 23, 2020**
- **Proclamation – State of Emergency Declaration for Hyde County – Amendment No. Three Adopting Gubernatorial Executive Order 121, Further Limiting Entry by Ocracoke Non-resident Property Owners and Prohibiting Visitors From Entering Mainland Hyde County – March 30, 2020**

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina desires to ratify the actions taken by the Chairman on behalf of the Board by adoption of the following resolution:

- **Resolution to Ratify Proclamation – Proclamations Enacted by Chairman Pugh on Behalf of the Hyde County Board of Commissioners To Further Ratify Board Action Related to State of Emergency Declaration – Coronavirus-2020 (COVID-19) – April 6, 2020**

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina desires to further ratify the actions taken by the Chairman on behalf of the Board by adoption of the following proclamation amendment:

- **Proclamation – State of Emergency Declaration for Hyde County – Amendment No. Four Adopting Gubernatorial Executive Order 135, Locally Extending The Stay At Home Order and Lifting The Ocracoke Non-resident Property Owner Entry Restriction on May 11, 2020 – adopted April 24, 2020**

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina desires to ratify the actions taken by the Chairman on behalf of the Board by adoption of the following resolution:

- **Resolution to Ratify Proclamations Enacted by Chairman Pugh on Behalf of the Hyde County Board of Commissioners To Further Ratify Board Action Related to State of Emergency Declaration – Coronavirus-2020 (COVID-19) – April 24, 2020**

NOW, THEREFORE, BE IT RESOLVED that the actions taken by Chairman Earl Pugh, Jr. on April 6, 2020 – May 4, 2020, which are detailed above, are hereby ratified.

Duly adopted the 4th day of May, 2020.

Attest:

Lois Stotesberry, CMC, NCCCC
Hyde County Board of Commissioners

Earl Pugh, Jr., Chair
Hyde County Board of Commissioners



BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA

STATE OF EMERGENCY DECLARATION

CORONAVIRUS 2019 (COVID-19)

AMENDMENT NO. FOUR

ADOPTING GUBERNATORIAL EXECUTIVE ORDER 135, LOCALLY EXTENDING THE STAY AT HOME ORDER AND LIFTING THE OCRACOKE NON-RESIDENT PROPERTY OWNER ENTRY RESTRICTION ON MAY 11, 2020

APRIL 24, 2020

WHEREAS, a State of Emergency, as defined in N.C.G.S. §§ 166A-19.3(6) and 166A-19.3(19), continues for the County of Hyde; and

WHEREAS, the provisions of that declaration and the proceeding amendments, that prohibited mass gatherings, recommended social distancing and proper hygiene, restricted bars and restaurants to food take out or delivery services only, prohibited visitation to Hyde County, restricted access by non-resident property owners to Hyde County and closed the Hyde County Government Offices to public visitation, continue to be enforced; and

WHEREAS, the County of Hyde adopts the State of North Carolina Executive Order 135, which extends the provisions of Executive Orders 118, 120, 121, and 131 to May 8, 2020 at 5:00 P.M.

WHEREAS, the County of Hyde further extends the Stay at Home Order until May 22, 2020 at 11:59 P.M.; and

WHEREAS, Hyde County officials are evaluating opportunities to ease restrictions related to Coronavirus 2019 (COVID-19) while continuing to protect the community at large and limiting the spread of this deadly communicable disease; and

WHEREAS, Hyde County's ability to restore normalcy is contingent upon a whole community approach and every individual changing their behavior to protect themselves and others; and

WHEREAS, the Hyde County Board of Commissioners have determined the Ocracoke Non-Resident Property Owner entry restriction can be lifted on May 11, 2020 at 5:00 A.M.; and

WHEREAS, all Ocracoke Non-Resident Property Owners should bring their own supplies to sustain themselves and strictly adhere to the Stay at Home Order; and

WHEREAS, visitation to Hyde County, including Ocracoke Island, continues to be prohibited; and

NOW, THEREFORE, by the authority vested in me as the Chairman of the Hyde County Board of Commissioners by the laws of the State of North Carolina and the Hyde County Code of Ordinances, **IT IS ORDERED:**

SECTION 4. DISCRETIONARY TRAVEL

Pursuant to N.C.G.S. § 166A-19.31(b)(1), which allows the undersigned to control movement within the emergency area, I hereby amend the Hyde County State of Emergency Declaration to locally extend the Stay at Home Order until May 22, 2020 at 11:59 P.M.

The Ocracoke Non-Resident Property Owner entry restriction shall expire on May 11, 2020 at 5:00 A.M. Given the supply chain disruptions, all Ocracoke Non-Resident Property Owners should bring their own supplies to sustain themselves and strictly adhere to the Stay at Home Order.

Visitation to Hyde County, which includes Ocracoke Island, continues to be prohibited. Residents from Beaufort, Dare, Tyrrell and Washington Counties shall be granted entry to Mainland Hyde County for those activities permitted by the State of North Carolina Executive Order 121.

Pursuant to N.C.G.S. 166A-19.31, a violation of any of the restrictions or prohibitions imposed under this declaration shall be punishable as a Class 2 misdemeanor in accordance with N.C.G.S. 14-288.20A.

SECTION 6. APPLICATION

All local government entities and agencies are ordered to cooperate in the implementation of the provisions of the State of Emergency, any amendments to that declaration and the provisions of the Hyde County Emergency Operations Plan (the "EOP").

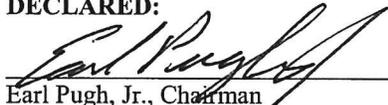
SECTION 7. DISTRIBUTION

I hereby order this amendment be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Clerk to the Hyde County Board of Commissioners; and (3) distributed to others as necessary to ensure proper implementation of this amendment.

SECTION 8. EFFECTIVE DATE

This Amendment is signed on this date, Friday, April 24, 2020, shall become effective as described herein and remain in effect until modified or rescinded,

DECLARED:



Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:



Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of
Commissioners

