

Approved 3/15/2010

Minutes of the Regular Meeting
Of March 1, 2010

The Union County Board of Commissioners met in a regular meeting on Monday, March 1, 2010, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairwoman Kim Rogers, Vice Chairwoman Tracy Kuehler, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: Commissioner Allan Baucom (who was out of town)

ALSO PRESENT: Al Greene, County Manager; Lynn G. West, Clerk to the Board of Commissioners; Jeff Crook, Senior Staff Attorney; Keith Merritt, County Attorney; Kai D. Nelson, Finance Director; members of the press, and interested citizens

Opening of Meeting:

At approximately 7:05 p.m., Chairwoman Rogers opened the regular meeting and welcomed everyone.

a. Invocation

Commissioner Mills offered the invocation.

b. Pledge of Allegiance

Chairwoman Rogers led the body in reciting the Pledge of Allegiance to the United States flag.

c. Featured Community Benefit Organization

Naomi Herndon, Executive Director, of Turning Point expressed thanks to the Commissioners for their ongoing support of Turning Point. She stated that Turning Point is the only domestic violence shelter and prevention program in Union County. She said that a part of Turning Point's mission is not only to shelter the women and their dependent children from domestic violence who are fleeing their abusers but also to raise awareness in the community and to break the generational cycle of domestic abuse.

Ms. Herndon explained the domestic violence movement is approximately 40 years old. She said that they work with women as to what they need to do to be free and independent and live a violence-free life. She stated that they know they will not eliminate domestic violence until they work effectively with the children who have been raised in domestic violence because they know no difference.

She shared that 60 percent of children from violent homes become abusive adults. Ms. Herndon stated that 2009 was a record-breaking year with Turning Point having served 466 women and children, and noted that was nothing to boast about. She said that 67 percent of the homeless in North Carolina are women and children, and the North Carolina Coalition Against Domestic Violence published a statistic that 27 percent of that 67 percent is homeless because of domestic violence. She emphasized that there is a lot of collateral damage when domestic violence occurs. She stated that in 2008, there were seven domestic violence related homicides in Union County, four of which were people under the age of 23.

Ms. Herndon shared history of Turning Point. She said that Turning Point began as a support group, and is now located in an 11,000 square foot facility which will house up to 32 women and children at any one time. She stated that they have a Career Empowerment Program not only available to the victims of domestic violence but also to anyone in the community.

She gave an overview of the services offered by Turning Point. She stated that according to the Justice Department, approximately five percent of all reported cases of domestic abuse are men. She said that they know that the actual percentage is higher than five percent, because most men do not report the abuse.

Ms. Herndon said that they have a retail shop that has reopened called Second Chance Boutique by Turning Point. She stated that the proceeds from the retail store go into the operations of Turning Point.

She stated that there are numerous ways to become involved with Turning Point.

Commissioner Mills asked Ms. Herndon about Turning Point's need for books or children's toys. She responded that they have a number of toys because they received a lot during the holidays. She said that they receive books periodically as they are donated, and right now their supply was good.

Chairwoman Rogers asked if Turning Point takes the Teen Dating Violence Prevention Program into the schools. Ms. Herndon stated that they go into the schools randomly and usually wait for the teachers to call. She said that they have met with Dr. Davis to ask if they can go into the schools on a regular basis.

Public Hearing – Re: Proposed FY 2011 Community Transportation Program Application: Total Grant Funding Requests: \$598,505:

At approximately 7:22 p.m., Chairwoman Rogers opened the public hearing and stated that no one had registered to comment during the public hearing. She asked if anyone in the audience wished to comment, that they please approach the podium.

With there being no one wishing to address the Board during the public hearing, at approximately 7:23 p.m., Chairwoman Rogers closed the public hearing.

Informal Comments:

Chairwoman Rogers recognized Becky Williams as the first speaker and asked that the speakers state their names and addresses.

Ms. Williams stated that she is the Chair of the Union County Council for Citizens with Disabilities (UCCD) which is a group of individuals with and without disabilities working together with City and County employees to make Monroe and Union County accessible and inclusive for people with disabilities. She said that the purpose of UCCD is to raise awareness of disability issues and to advocate with and for persons with disabilities for the opportunity to be fully included in all that Union County has to offer.

She stated that one of the group's areas of focus this year is to assist Union County to come into compliance with the Americans with Disabilities Act's (ADA) requirement to provide closed captioning on its public, education, and government channel. She shared that sister groups to UCCD are also working on this in other counties served such as Mecklenburg and Cabarrus Counties.

She shared information from the FCC, ADA, and Section 504 of the Rehab Act addressing requirements for closed captioning. She said that currently the County is providing programming that is not accessible to its residents who are deaf or hard of hearing. She shared the fact from the 2006 Census that the number of people with disabilities age five and over in Union County who were self identified was 20,467. She said that she had recently received information that showed there are at least 606 individuals in Union County who are deaf.

At the end of the three-minute comment period, and with Ms. Williams having further comments, Chairwoman Rogers asked if there was a consensus of the Board to allow Ms. Williams to continue her comments. The Board agreed.

Ms. Williams gave information about her background and stated that she was not speaking tonight because her group thought Union County was purposely trying to be discriminatory to people who are hard of hearing, but thought it is probably more of a lack of information and education. She said it is hoped that all four of UCCD's service area counties will provide this service to the deaf and hard of hearing. She provided copies of information for the Board containing regulations and information from the FCC that addresses closed captioning, technical assistance letters, etc.

Cathy Apperson provided comments to the Board speaking through the assistance of Ms. Martha Arnold, a certified sign language interpreter. Ms. Apperson stated that she works with the North Carolina Division of Services for the Deaf and Hard of Hearing in North Carolina at the Regional Resource Center in Charlotte. She shared that programs aired on Channel 16 related to emergency warnings were not closed captioned, and the deaf and hard of hearing had no idea what was being said. She stressed that it is important for the public who are either deaf or hard of hearing to know about their local government and to know what is going on in their areas. For example, she said when they go vote, they have no closed captioning and they do not have any idea for whom to vote. Ms. Apperson said that Channel 16 is not a friendly channel and is not equipped with closed captioning. She said there is a need to try and improve the information being provided so that the deaf or hard of hearing will know what is going on with the news in the County.

Ms. Apperson said more and more deaf or hard of hearing citizens are moving into the area from other states and a number of people because of age are losing their hearing.

At the conclusion of her comments, she thanked the Board for allowing her to speak.

Cora Knox was the next speaker to address the Board. The topic of her comments was Item 7 on the Regular Agenda – Child Support Enforcement Transition Plan. Ms. Knox described herself as a citizen, taxpayer, and voter of Union County and said that she had been advised by the State that she is not to speak on the child support enforcement issue as an employee but as a private citizen. She stated that she loved Union County and has chosen to live in Union County. She said that she has become confused and disappointed as to how a child could become lost in the process. Ms. Knox said that child support is one of the few areas that make a day-to-day difference in the lives of the citizens. She stressed that for some people, child support is the only income they receive.

Ms. Knox stated that according to the proposal submitted by YoungWilliams, it charges \$7,000 more than Child Support Enforcement (CSE) based on the same staff level of 15 positions plus one legal position. She noted that YoungWilliams estimates the net costs, after applying federal reimbursement to the County to be \$251,000, while in-house with the same number of staff it is estimated at \$220,000, a difference of \$31,000. She said that these two points clearly show that in-house would be cheaper and is based on actuals not projections. She stated that CSE has proven that it can collect and exceed goals even with the shortage of staff. She questioned for in-house performance indicators, why the actual collection amount was used from in-house fiscal year 2009 and is being compared to projections from the private vendor for fiscal year 2011. She stated it was not a fair comparison to use actual versus projected collection amounts.

Ms. Knox stated that the YoungWilliams' proposal did not speak to the specific benefits and pay that they would be offering. She said that its proposal states they have the flexibility to make adjustments but do not say what those adjustments would be. She stated that the proposal also says that almost all qualified employees may transition to YoungWilliams. She said that the majority of the other 28 state run child support enforcement offices have transitioned to their county governments. She stated that the decision that is made regarding the transition of child support enforcement could affect the collections whereby the recipients could need more public assistance than before.

Sue Swindle said that she was present as a citizen, taxpayer and voter of Union County. She stated that the NCP's (Non-custodial parents) have current orders in line for child support, the ones that are good payers will continue to be good payers regardless of who runs the Child Support Program. Ms. Swindle said it is the non-custodial parents that they need to work with, not the ones that are continually paying.

Sandra Rowland said that she is a resident of Union County and commented about the Child Support Enforcement Program. Mrs. Rowland stated that she and her husband moved to Union County over ten years ago from Buncombe County. She said that Asheville is a lovely city, and it is well known in the State; however, they love their life in Union County. She stated that both she

and her husband work in public service in Union County, and they support Union County businesses. She said that she has over 25 years in government service. Mrs. Rowland said she chose public service because it was dear to her heart, and at her age, she is looking forward to retirement within the next ten years. She stated now she is faced with seeking new employment or going to another county to work so that she can continue to add years of service to her governmental experience.

She said at her age she had not expected to have to seek other employment. She stated that she did not want to have to go to Mecklenburg County to work. She said that if a private company takes over the child support enforcement program for the County, it would take away the opportunity from her to continue with public government service.

Bobby Kahn was the next speaker who also commented about the Child Support Enforcement Program. He said that he is the child support prosecutor for Union County. He stated that he understood that the Board's decision regarding the Child Support Enforcement Transition Plan has to rest on quantitative grounds such as deficiency and cost effectiveness. He said that he thought that a Child Support Enforcement Agency that was operated by the Department of Social Services would meet and exceed these goals as well or better than any private agency. He pointed out that there is a layer that goes beyond that and said that collections are a nuance process and privatizing would change the fundamental character of it.

Mr. Kahn said it is not always an easy choice in every case about how to proceed. He stated that the collective experience of the employees of the Child Support Enforcement Office in Union County is brought to the courtroom each Monday. He said that everyone must be cognizant of the fact that this issue does not involve making widgets, but it is putting food on the table, presents under the Christmas tree, and providing clothes and daycare for children in Union County. He stated that he thought it would best be served by allowing the experienced employees of the Child Support Enforcement Office to continue to work under a program operated by the Department of Social Services.

He asked that the Board consider this question "If privatization is the superior model for the delivery of these services, why have so few counties adopted the private model and why is the county-run model the prevalent way of delivering these child support services in most of the counties even though privatization has been available for at least ten years?" Mr. Kahn said that he would submit to the Board that the answer to that question is that the County model provides a tried and true method for delivering these services.

Jeff Gerber spoke about the Union Symphony Youth Orchestra. He said that the newly formed youth orchestra, comprised of 77 high school students from the greater Union County area and led by Miguel Rogers, will be in concert with the adult orchestra on

Saturday, March 27, at 7:30 p.m., at Marvin Ridge High School Auditorium. He stated that tickets will be available at the door or can be purchased from the Symphony Office. Mr. Gerber said that the support of the community is needed to sustain this program which will mean much to the quality of life in Union County.

Chairwoman Rogers expressed appreciation to Mrs. Martha Arnold for providing the signing and interpreting for the public hearing.

She announced that the Board needed to return to a closed session. She assured that the Board would keep the closed session as brief as possible. At approximately 7:45 p.m., Chairwoman Rogers moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim in accordance with N.C.G.S. 143-318.11(a)(3). The motion was passed by a vote of four to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Mills and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom was not present.

The Board members moved to the Conference Room, First Floor, Union County Government Center, where the closed session was convened.

At the conclusion of the closed session, with the time being approximately 8:15 p.m., Vice Chairwoman Kuehler moved that the Board go out of closed session. The motion was passed by a vote of four to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom was not present.

The Board members returned to the Board Room, first floor, Government Center, where the Chairwoman reconvened the regular meeting at approximately 8:20 p.m.

Additions, Deletions, and/or Adoption of Agenda:

Chairwoman Rogers moved adoption of the agenda with one modification to move Item 11 – UCPS Funding Request to Item 7a, which would move the current Item 7 – Child Support Enforcement Transition Plan to 7b.

With there being no other additions or deletions to the agenda, the motion was passed by a vote of four to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom was not present.

Consent Agenda:

Commissioner Openshaw moved to approve the items listed on the Consent Agenda. The motion was passed by a vote of four to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom was not present.

Minutes: Approved the minutes of regular meetings March 2, 2009, and February 15, 2009.

Contracts/Purchase Orders Over \$20,000: Authorized the County Manager to approve the following items, pending legal approval:
a) Public Works: Task Order 001A, 002, and 003 with Hobbs, Upchurch & Associates, P.A. in the amount of \$755,840 in connection with the Catawba River Treatment Plant; and b) Information Systems: Purchase Order with ESRI for software that facilitates the Geographic mapping capabilities in the amount of \$41,468, which is in the current year's budget.

Union County Detention Center Medical Plan: Adopted the Jail Medical Plan for 2010 as presented.

FY 2011 Community Transportation Program Application: Adopted Community Transportation Program Resolution and Authorized the County Manager to approve and Submit Application for FY 2011 Community Transportation Program with the total grant funding being \$598,505 with the local matching share being \$69,015.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, (*Legal Name of Applicant*) UNION COUNTY hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*) *County Manager of (*Name of Applicant's Governing Body*) UNION COUNTY is hereby authorized to submit a grant application for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement, with the NCDOT to provide rural public transportation services.

Budget Ordinance Amendment: Sheriff's Office: Adopted Budget Ordinance Amendment #38 to appropriate an anonymous donation in the amount of \$50,000 to be used for the purchase of weapons and other firearms related expenses for the Sheriff's Special Response Team (SRT).

BUDGET AMENDMENT							
BUDGET	Sheriff's Office			REQUESTED BY	Sheriff Eddie Cathey		
FISCAL YEAR	FY2010			DATE	March 01, 2010		
INCREASE				DECREASE			
<u>Description</u>				<u>Description</u>			

Contributions and Donations Revenue		50,000				
Operating expense		50,000				
Explanation:		Appropriate funding from an anonymous donation. Funds will be used for purchasing weapons and other firearms related expenses for the sheriff's Special Response Team.				
DATE			APPROVED BY			
				Bd of Comm/County Manager		
				Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY						
DEBIT			CREDIT			
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>		
10553130-5290-1063	Tools & Supplies	50,000	10443130-4840-1063	Misc Rev-Contr/Donations	50,000	

<u>INCREASE</u>				<u>DECREASE</u>			
<u>Description</u>				<u>Description</u>			
Operating Expenses			406				
State Revenue			406				
Explanation:	Appropriate additional State funds for Share the Warmth Fund used to assist families with emergency heating needs.						
DATE				APPROVED BY			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY							
<u>DEBIT</u>				<u>CREDIT</u>			
<u>Code</u>	<u>Account</u>		<u>Amount</u>	<u>Code</u>		<u>Account</u>	

10-553160-5399-1514	Public Asst-Share the Warmth	406	10-453160-4442-1514	State Grant-Share the Warmth	406
	Total	406		Total	406
	Prepared By	JLL			
	Posted By				

Budget Ordinance Amendment: Department of Social Services: Adopted Budget Ordinance Amendment #40 to appropriate additional federal funds in the amount of \$121,649 for the Crisis Intervention Program. No county match is required, and there is no financial impact to the General Fund.

BUDGET AMENDMENT							
BUDGET	DSS			REQUESTED BY	Dontae Latson		
FISCAL YEAR	FY2010			DATE	March 01, 2010		
<u>INCREASE</u>				<u>DECREASE</u>			
<u>Description</u>				<u>Description</u>			
Operating Expenses			121,649				
Federal Revenue			121,649				
Explanation:	Appropriate additional funds for the Crisis Intervention Program funded with federal money						
DATE				APPROVED BY	Bd of Comm/County Manager		

					Lynn West/Clerk to the Board			
FOR POSTING PURPOSES ONLY								
DEBIT			CREDIT					
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	<u>Amount</u>			
10553160-5399-1509	Public Assistance	121,649	10453160-4340-1509	Federal Funding	121,649			

	Total	121,649			Total	121,649
	Prepared By	JLL				
	Posted By					
	Date				Number	40

Tax Administrator: Approved Seventh Motor Vehicle Refund Register for the period of January 1, 2010 – January 31, 2010 in the amount of \$1,783.51- **(Correction of item on the February 15, 2010, agenda. The amount of the refunds was reversed on the February 15, 2010, agenda, and was shown as the releases.)**

Tax Administrator: Approved Seventh Motor Vehicle Release Register for the period of January 1, 2010 – January 31, 2010, in the amount of \$10,418.01- **(Correction of item on the February 15, 2010, agenda. The amount of the releases was reversed on the February 15, 2010, agenda, and was shown as the refunds.)**

Tax Administrator: Approved the Tax Administrator’s Departmental Monthly Report for January 2010.

Establish a Radio Communications Council (RCC): Approved Radio Communications Council Guidelines as presented, as recorded below

Radio Communications Council Guidelines

ARTICLE 1 ESTABLISHMENT

The Union County Board of Commissioners through approval of these Guidelines does hereby establish the Radio Communications Council, and authorize the Union County Manager to perform the activities described herein. The purpose of the Radio Communications Council (“RCC”) shall be to review procedures, protocols, and plans relative to the development and implementation of the Radio System and Union County Radio Subsystem, as defined below, and to make recommendations to the Union County Manager or his designee.

ARTICLE II

DEFINITIONS

2.1 Radio System. (a) the 800 MHz trunked radio system currently operated by the City of Charlotte (consisting of eight primary Simulcast tower sites and related operations), (b) the Union County Radio Subsystem, (c) all hardware and software encompassed in the forgoing, (d) all updates and enhancements to the forgoing, and (e) the FCC Licenses. The Radio System does not include mobile and portable radio units.

2.2 Union County Radio Subsystem. The 7-site (or 8-site, depending on final configuration) digital 800/700 MHz, 10-channel, trunked, Simulcast System located in and owned by Union County, all hardware and software encompassed in the forgoing, and all updates and enhancements to the forgoing, which subsystem will interface to Charlotte's SmartZone system and comprise an expansion of the Radio System into Union County.

ARTICLE III

RCC ORGANIZATION AND PROCEDURES

3.1 Appointment of Members and Composition of the RCC. The RCC shall be composed of nine voting members and seven non-voting members.

The nine voting members shall include the Union County Communications Director, the Union County Fire Marshal, an at-large member appointed by the Union County Manager, as well as a representative from each of the following organizations/departments (hereinafter referred to as "Voting Member Groups"): Union County Sheriff's Office; Union EMS; Monroe Fire; Monroe Police; and Fire Chief's Association. Each of the Voting Member Groups shall recommend a representative to the Union County Manager for their respective group for appointment by the Union County Manager. In the event the Voting Member Group fails to recommend a representative within thirty (30) days of receipt of notice from Union County, the Union County Manager may appoint their representative member. The ninth voting member shall be appointed by the Union County Manager to represent all of the following municipal police departments: Marshville Police Department; Stallings Police Department; Wingate Police Department; and Waxhaw Police Department. Each of these municipal police departments may make a recommendation to the Union County Manager as to the appointment of this ninth voting member within thirty (30) days of receipt of notice from Union County.

The seven non-voting members shall consist of a representative from each of the following organizations/departments (hereinafter referred to as "Non-Voting Member Groups"): North Carolina State Highway Patrol; Union County Public Safety

Information Technology; North Carolina Forestry Service; Union County Public Works; Monroe Public Works/Utilities; Union County Transportation; and Charlotte-Mecklenburg Network Technology Services. Each of the Non-Voting Member Groups shall recommend a representative to the Union County Manager for their respective group for appointment by the Union County Manager. In the event the Non-Voting Member Group fails to recommend a representative within thirty (30) days of receipt of notice from Union County, the Union County Manager may appoint their representative member.

3.2. Term. Each member of the RCC, whether voting or non-voting, shall serve a term that shall begin upon the date of his/her appointment and that shall conclude on the second consecutive January 1st following appointment. For example, if a member is appointed April 3, 2010, his/her term shall expire on January 1, 2012. There are no limits on the number of consecutive terms that a member may serve.

3.3 Vacancies. A RCC member may resign at any time by tendering his resignation in writing to the Chairman of the RCC. The resignation shall take effect on the date of receipt or at any later date specified in the written resignation.

Failure of a voting member to attend three regularly scheduled meetings during a calendar year without being excused shall be deemed adequate cause for a determination of vacancy. In the event a voting member fails to attend three meetings without being excused by the RCC, the RCC members shall take a vote on whether to recommend that member's continuation or termination of membership. If the vote results in a recommendation that membership be terminated, the RCC Chairman shall report this recommendation to the Union County Manager. The Union County Manager shall give due consideration to any recommendation provided by the RCC, but shall not be bound by such recommendation.

Any vacancy occurring in the RCC membership shall be immediately communicated by the Chairman of the RCC to the Union County Manager. The Union County Manager shall appoint a new member to serve for the remainder of the unexpired term.

Notwithstanding the foregoing, all members serve at the pleasure of the Union County Manager, who may remove a member, with or without cause, upon written notice to the Chairman of the RCC and to such member.

3.4 Officers. The officers of the RCC shall be a Chairman, Vice Chairman, and Secretary, each of whom shall be appointed by the Union County Manager. Officers shall hold office for the term of one year, and until their successors are appointed.

The Chairman shall preside at all meetings of the RCC and shall be the final arbiter of all questions regarding parliamentary procedure. The Chairman shall have authority to appoint subcommittees and to call special meetings as set forth in Section 3.5.

In the absence of the Chairman of the RCC or in the event of the Chairman's inability or refusal to act, the Vice Chairman shall perform the duties of Chairman and in so doing shall have all the powers of Chairman. The Vice Chairman shall perform such other duties as may be assigned by the Chairman.

The Secretary shall (i) keep or cause to be kept all records of the RCC; (ii) record or cause to be recorded the minutes of the meetings of the RCC and any subcommittee; and (iii) send out all notices of meetings as required by law and these Guidelines. The Secretary shall forward copies of all minutes to the Clerk to the Union County Board of Commissioners. The Secretary shall also maintain a record giving the names and current addresses of RCC members. The Secretary shall perform such other duties as may be prescribed by the RCC or the Chairman.

3.5 Meetings. Regular meetings of the RCC shall be conducted at such place and times as agreed by the members, provided that regular meetings shall occur not less frequently than every calendar quarter. A notice of the schedule of regular meetings shall be provided to the Clerk to the Union County Board of Commissioners.

Special meetings of the membership may be called by or at the request of the Chairman and shall be called by the Secretary at the request of a majority of the voting members.

All meetings of the RCC shall be conducted in accordance with the Open Meetings Law, Chapter 143, Article 33C, of the North Carolina General Statutes. Notice of meetings shall be provided in accordance with the Open Meetings Law. Notice to the membership of any special meeting shall be given by not less than forty-eight (48) hours prior written notice delivered personally, or four days notice sent by mail or fax, to each member at his address as shown by the records of the RCC, as well as to the Clerk to the Union County Board of Commissioners. If mailed, such notice shall be deemed to be mailed when deposited in the United States Mail in a sealed envelope properly addressed, with postage prepaid. Any member may waive notice of any meeting. The attendance of a member at any meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

A written record of all RCC proceedings, attendance, and actions shall be maintained by the Secretary. Such record shall be available to the public, except as otherwise provided by applicable law.

3.6 Quorum. Five (5) voting members of the RCC shall constitute a quorum for the transaction of business at any meeting of the membership.

3.7 Manner of Acting. The act of a majority of the voting members present at a meeting at which a quorum is present shall be the act of the RCC.

ARTICLE IV DUTIES

The RCC shall serve in strictly an advisory capacity to the Union County Manager or his designee for the purpose of receiving information as to the performance of the Radio System and for making recommendations relative to the establishment, development, revision, and update of system-wide procedures, protocols, and plans related to appropriate usage, operation, maintenance, and management of the Radio System and Union County Radio Subsystem. Examples of the types of recommendations the RCC may make to the Union County Manager include: evaluation of requests by agencies to access and use the Radio System; recommendations as to the number of talk groups on the Radio System; and recommendations as to whether to allow additional public safety radios and/or non-public safety radios to be added to the Radio System. The execution and implementation of procedures, protocols, and plans approved by the Union County Manager shall be the responsibility of the staff of the Union County Communications Department. Should policy issues arise relating to operation of the Radio System, these will be referred by the Union County Manager to the Union County Board of Commissioners.

Federal Grant Requirements: 1) Adopted the Union County Bid Protest Procedure; 2) Adopted the Union County Code of Conduct for Contracts Supported by Federal Grant Funds; and 3) Approved the amendments to the Union County Personnel Resolution incorporating the Code of Conduct for Contracts Supported by Federal Grant Funds as Addendum #2

1.

UNION COUNTY BID PROTEST PROCEDURE

I. PURPOSE

This Policy is intended to set forth the procedure by which Union County (the “County”) will handle and resolve all disputes related to the procurement of all goods and services by any department, office, board, commission or other organizational unit of Union County if federal grant money will be used or will be provided as a reimbursement for the procurement (whether or not the money will be passed through a State or local agency) and the federal Grants Management Common Rule applies to the procurement. This Policy shall only apply if the procurement (i) involves federal grant money, and (ii) the federal Grants Management Common Rule is applicable.

II. FILING A PROTEST

Prospective bidders, offerors, or contractors who may be aggrieved by a solicitation and actual bidders, offerors, or contractors who may be aggrieved by the award of a contract shall comply with the requirements set forth in this Section in order to file a protest that will be eligible for consideration under this Policy.

1. A written protest meeting the requirements of this Section II must be received at the office of the General Services Department, Purchasing Division, attn: Purchasing Director, 500 N. Main Street, Room #8, Monroe, North Carolina 28112 within ten (10) calendar days prior to the opening of the bids or proposals if the protestor is a prospective bidder, offeror, or contractor, and within five (5) calendar days after Union County transmits via fax, e-mail, or mail the announcement of intent to award if the protestor is an actual bidder, offeror, or contractor. Protests not received within these deadlines will not be eligible for consideration under this Policy.
2. Written protests must contain the following information:
 - i. Name, address, phone number, fax number, and e-mail address of the person filing the protest.
 - ii. If the person is filing the protest on behalf of an entity (e.g. business), the name of the entity, the person’s job position within or relationship to the entity (e.g. manager), and a signed statement that the person is authorized to file the protest on behalf of the entity.

- iii. The bid name and number.
 - iv. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents.
 - v. Copies of any supporting exhibits, evidence, or documents substantiating any claims in the protest.
 - vi. A statement as to how the person or entity filing the protest was harmed by the action serving as the basis of the protest.
 - vii. The form of relief requested.
 - viii. Signature of the person filing the protest.
3. The Purchasing Director shall submit a copy of the protest, including copies of all supporting documentation filed with the protest, to the agency that awarded the grant to which the underlying procurement relates within ten (10) calendar days of receipt of the protest.
 4. Within ten (10) calendar days from the date that the protest is received, the Purchasing Director shall respond to the protestor in writing with the Purchasing Director's decision as well as a copy of the procedures for appeal under this Policy.
 5. A copy of the Purchasing Director's decision shall be forwarded to the agency that awarded the grant to which the underlying procurement relates.
 6. The Purchasing Director may appoint a designee to act on his/her behalf under this Section.

III. APPEALING THE DECISION OF THE PURCHASING DIRECTOR

A decision of the Purchasing Director may be appealed by the protestor to the County Manager pursuant to the terms of this Section.

1. The appeal must be in writing and must be delivered to the County Manager, 500 N. Main St. Suite 918, Monroe, North Carolina, 28112, within seven (7) calendar days of the date the Purchasing Director e-mailed, faxed, or mailed his/her decision to the protestor. Late appeals will not be accepted.
2. Written appeals must contain the following information:
 - i. Name, address, phone number, fax number, and e-mail address of the person filing the appeal.
 - ii. If the person is filing the appeal on behalf of an entity (e.g. business), the name of the entity, the person's job position within or relationship to the entity (e.g. manager), and a signed statement that the person is authorized to file the appeal on behalf of the entity.
 - iii. A statement that the person is appealing the decision of the Purchasing Director and a statement of the Purchasing Director's decision.
 - iv. Any other information that the appellant would like to have considered in the appeal.
 - v. Signature of person filing the appeal.
3. A copy of the appeal shall be forwarded by the County to the agency that awarded the grant to which the underlying procurement relates.
4. If the County Manager desires to meet with the appellant, he/she shall endeavor to schedule such a meeting within thirty (30) days of receipt of the appeal, or as soon as possible thereafter.
5. If the County Manager desires to meet with the appellant, he/she shall respond to the appellant in writing with the County Manager's decision within ten (10) calendar days of that meeting.
6. If the County Manager determines that a meeting with the appellant would serve no useful purpose, he/she shall respond to the appellant in writing with the County Manager's decision within ten (10) calendar days of receipt of the appeal.

7. A copy of the County Manager's decision shall be forwarded by the County to the agency that awarded the grant to which the underlying procurement relates.

IV. COSTS OF PROTEST AND APPEAL

Any and all costs incurred by a protesting party in connection with a protest and/or appeal shall be the sole responsibility of the protesting party.

V. RESPONSIBILITY OF COUNTY TO NOTIFY BIDDERS OF THE INTENT TO AWARD

The Purchasing Director or his/her designee shall notify all bidders and respondents to a Request for Proposal or Request for Bid of the intent to award a contract prior to the award of the contract.

I. PURPOSE

This Policy is intended to set forth the procedure by which Union County (the "County") will handle and resolve all disputes related to the procurement of all goods and services by any department, office, board, commission or other organizational unit of Union County if federal grant money will be used or will be provided as a reimbursement for the procurement (whether or not the money will be passed through a State or local agency) and the federal Grants Management Common Rule applies to the procurement. This Policy shall only apply if the procurement (i) involves federal grant money, and (ii) the federal Grants Management Common Rule is applicable.

II. FILING A PROTEST

Prospective bidders, offerors, or contractors who may be aggrieved by a solicitation and actual bidders, offerors, or contractors who may be aggrieved by the award of a contract shall comply with the requirements set forth in this Section in order to file a protest that will be eligible for consideration under this Policy.

7. A written protest meeting the requirements of this Section II must be received at the office of the General Services Department, Purchasing Division, attn: Purchasing Director, 500 N. Main Street, Room #8, Monroe, North Carolina 28112 within ten (10) calendar days prior to the opening of the bids or proposals if the protestor is a prospective bidder, offeror, or

contractor, and within five (5) calendar days after Union County transmits via fax, e-mail, or mail the announcement of intent to award if the protestor is an actual bidder, offeror, or contractor. Protests not received within these deadlines will not be eligible for consideration under this Policy.

8. Written protests must contain the following information:
 - i. Name, address, phone number, fax number, and e-mail address of the person filing the protest.
 - ii. If the person is filing the protest on behalf of an entity (e.g. business), the name of the entity, the person's job position within or relationship to the entity (e.g. manager), and a signed statement that the person is authorized to file the protest on behalf of the entity.
 - iii. The bid name and number.
 - iv. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents.
 - v. Copies of any supporting exhibits, evidence, or documents substantiating any claims in the protest.
 - vi. A statement as to how the person or entity filing the protest was harmed by the action serving as the basis of the protest.
 - vii. The form of relief requested.
 - viii. Signature of the person filing the protest.
9. The Purchasing Director shall submit a copy of the protest, including copies of all supporting documentation filed with the protest, to the agency that awarded the grant to which the underlying procurement relates within ten (10) calendar days of receipt of the protest.

10. Within ten (10) calendar days from the date that the protest is received, the Purchasing Director shall respond to the protestor in writing with the Purchasing Director's decision as well as a copy of the procedures for appeal under this Policy.
11. A copy of the Purchasing Director's decision shall be forwarded to the agency that awarded the grant to which the underlying procurement relates.
12. The Purchasing Director may appoint a designee to act on his/her behalf under this Section.

III. APPEALING THE DECISION OF THE PURCHASING DIRECTOR

A decision of the Purchasing Director may be appealed by the protestor to the County Manager pursuant to the terms of this Section.

8. The appeal must be in writing and must be delivered to the County Manager, 500 N. Main St. Suite 918, Monroe, North Carolina, 28112, within seven (7) calendar days of the date the Purchasing Director e-mailed, faxed, or mailed his/her decision to the protestor. Late appeals will not be accepted.
9. Written appeals must contain the following information:
 - vi. Name, address, phone number, fax number, and e-mail address of the person filing the appeal.
 - vii. If the person is filing the appeal on behalf of an entity (e.g. business), the name of the entity, the person's job position within or relationship to the entity (e.g. manager), and a signed statement that the person is authorized to file the appeal on behalf of the entity.
 - viii. A statement that the person is appealing the decision of the Purchasing Director and a statement of the Purchasing Director's decision.
 - ix. Any other information that the appellant would like to have considered in the appeal.

- x. Signature of person filing the appeal.
- 10. A copy of the appeal shall be forwarded by the County to the agency that awarded the grant to which the underlying procurement relates.
- 11. If the County Manager desires to meet with the appellant, he/she shall endeavor to schedule such a meeting within thirty (30) days of receipt of the appeal, or as soon as possible thereafter.
- 12. If the County Manager desires to meet with the appellant, he/she shall respond to the appellant in writing with the County Manager's decision within ten (10) calendar days of that meeting.
- 13. If the County Manager determines that a meeting with the appellant would serve no useful purpose, he/she shall respond to the appellant in writing with the County Manager's decision within ten (10) calendar days of receipt of the appeal.
- 14. A copy of the County Manager's decision shall be forwarded by the County to the agency that awarded the grant to which the underlying procurement relates.

IV. COSTS OF PROTEST AND APPEAL

Any and all costs incurred by a protesting party in connection with a protest and/or appeal shall be the sole responsibility of the protesting party.

V. RESPONSIBILITY OF COUNTY TO NOTIFY BIDDERS OF THE INTENT TO AWARD

The Purchasing Director or his/her designee shall notify all bidders and respondents to a Request for Proposal or Request for Bid of the intent to award a contract prior to the award of the contract.

- 2. Union County Code of Conduct for Contracts Supported by Federal Grant Funds

I. PURPOSE

The purpose of this Code is to set forth the standards of conduct that shall govern the selection process, the award, and the administration of contracts supported by federal grant funds, including those in which federal grant funds are passed through to the County as a grant from another agency (i.e. State agency), as well as to set forth standards of conduct that are specific to Union County's Community Development Block Grant Program. This Code shall be in addition to those applicable standards of conduct related to procurement found in State law, the Union County Personnel Resolution, the Union County Procurement Policy, and any other local law or policy. To the extent that any of these additional standards and requirements conflict with those set forth in this Code, the most restrictive standard/requirement shall control.

II. STANDARDS

- (1) No employee, officer or agent of Union County shall participate in selection, or in the award or administration of a contract supported by Federal grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - (1) the employee, officer or agent,
 - (2) any member of his/her immediate family,
 - (3) his/her partner, or
 - (4) an organization which employs, or is about to employ, any of the above,has a financial or other interest in the firm selected for award.

Notwithstanding the foregoing, if the financial interest is insubstantial, then the minimum rules set by N.C. Gen. Stat. § 14-234 shall constitute the applicable rules for conflicts of interest.

- (2) Employees, officers, and agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements of projects supported by Federal grant funds.

As provided in N.C. Gen. Stat. § 133-32, this Section II(2) is not intended to prevent the following: (i) the receipt of an unsolicited gift of nominal intrinsic value a public servant would be permitted to accept under N.C. Gen. Stat. § 138A-32, (ii) the receipt of unsolicited honorariums of nominal intrinsic value for participating in meetings, (iii) the receipt of unsolicited advertising items or souvenirs of nominal value, (iv) the receipt of unsolicited meals furnished at banquets if such meals are of nominal intrinsic value, (v) a donation by a contractor, subcontractor, or supplier to a professional organization to defray meeting expenses where governmental employees are members of such professional organizations, and (vi) the participation

by governmental employees who are members of professional organizations in all scheduled meeting functions available to all members of the professional organization attending the meeting.

III. PENALTIES, SANCTIONS, OR OTHER DISCIPLINARY ACTIONS FOR VIOLATIONS OF THE STANDARDS SET FORTH IN SECTION II

To the extent permitted by applicable law, a County officer, employee, agent, contractor, or an agent of a contractor who violates one of the standards set forth in Section II of this Code of Conduct shall be subject to penalties, sanctions, or other disciplinary actions.

IV. ADDITIONAL REQUIREMENTS SPECIFIC TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

- (1) None of the following or their immediate family members, during the tenure of the subject person or for one year thereafter, shall have any direct or indirect financial interest in any contract, subcontract or the proceeds thereof for work to be performed in connection with Union County's Community Development Block Grant Program: employees or agents of Union County who exercise any function or responsibility with respect to Union County's Community Development Block Grant Program, and Union County officials, including members of the Union County Board of Commissioners. This same prohibition shall be incorporated in all contracts or subcontracts for work to be performed in connection with Union County's Community Development Block Grant Program.
- (2) If a procurement under Union County's Community Development Block Grant Program is not for supplies, equipment, construction, or services (for example, the acquisition or disposition of real property or the provision of assistance with Community Development Block Grant funds), then the following conflict of interest standard shall also apply:
 - a. Except for eligible administrative or personnel costs or except as otherwise approved by the State of North Carolina or the United States Department of Housing and Urban Development in accordance with 24 CFR § 570.489(h), no "CDBG covered persons," as that term is defined below, who exercise or have exercised any functions or responsibilities with respect to Union County's Community Development Block Grant activities or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

- b. For purposes of this subsection (2), “CDBG covered persons” shall include any person who is a Union County employee, agent, consultant, officer, elected official, or appointed official.
- c. For purposes of this subsection (2), “family ties” means spouse, parents, children, brother, sister, grandparents, grandchildren and the step, half, and in-law relationships.

For purposes of this subsection (2), “business ties” means an officer, employee, agent, or any stockholder or shareholder holding at least 10 percent ownership of any firm, contract, or subcontract which benefits.

3. **AMENDMENTS TO UNION COUNTY PERSONNEL RESOLUTION**

- 1. Add the following new paragraph to the end of Article V, Section 3:

In addition, employees who work in departments receiving federal grant funds or who assist in the selection process, the award, or the administration of contracts supported by federal grant funds, must comply with Addendum #2, Union County Code of Conduct for Contracts Supported by Federal Grant Funds, attached and incorporated herein by reference. Federal grant funds include federal grant funds that are passed through to the County as a grant from another agency (i.e. State agency).

- 2. Add a new Addendum # 2 to the Union County Personnel Resolution to read as follows:

ADDENDUM # 2

UNION COUNTY CODE OF CONDUCT FOR CONTRACTS SUPPORTED BY FEDERAL GRANT FUNDS

I. PURPOSE

The purpose of this Code is to set forth the standards of conduct that shall govern the selection process, the award, and the administration of contracts supported by federal grant funds, including those in which federal grant funds are passed through to the County as a grant from another agency (i.e. State agency), as well as to set forth standards of conduct that are specific to Union

County's Community Development Block Grant Program. This Code shall be in addition to those applicable standards of conduct related to procurement found in State law, the Union County Personnel Resolution, the Union County Procurement Policy, and any other local law or policy. To the extent that any of these additional standards and requirements conflict with those set forth in this Code, the most restrictive standard/requirement shall control.

II. STANDARDS

- (3) No employee, officer or agent of Union County shall participate in selection, or in the award or administration of a contract supported by Federal grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
- (5) the employee, officer or agent,
 - (6) any member of his/her immediate family,
 - (7) his/her partner, or
 - (8) an organization which employs, or is about to employ, any of the above,
- has a financial or other interest in the firm selected for award.

Notwithstanding the foregoing, if the financial interest is insubstantial, then the minimum rules set by N.C. Gen. Stat. § 14-234 shall constitute the applicable rules for conflicts of interest.

- (4) Employees, officers, and agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements of projects supported by Federal grant funds. As provided in N.C. Gen. Stat. § 133-32, this Section II(2) is not intended to prevent the following: (i) the receipt of an unsolicited gift of nominal intrinsic value a public servant would be permitted to accept under N.C. Gen. Stat. § 138A-32, (ii) the receipt of unsolicited honorariums of nominal intrinsic value for participating in meetings, (iii) the receipt of unsolicited advertising items or souvenirs of nominal value, (iv) the receipt of unsolicited meals furnished at banquets if such meals are of nominal intrinsic value, (v) a donation by a contractor, subcontractor, or supplier to a professional organization to defray meeting expenses where governmental employees are members of such professional organizations, and (vi) the participation by governmental employees who are members of professional organizations in all scheduled meeting functions available to all members of the professional organization attending the meeting.

III. PENALTIES, SANCTIONS, OR OTHER DISCIPLINARY ACTIONS FOR VIOLATIONS OF THE STANDARDS SET FORTH IN SECTION II

To the extent permitted by applicable law, a County officer, employee, agent, contractor, or an agent of a contractor who violates one of the standards set forth in Section II of this Code of Conduct shall be subject to penalties, sanctions, or other disciplinary actions.

IV. ADDITIONAL REQUIREMENTS SPECIFIC TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

- (3) None of the following or their immediate family members, during the tenure of the subject person or for one year thereafter, shall have any direct or indirect financial interest in any contract, subcontract or the proceeds thereof for work to be performed in connection with Union County's Community Development Block Grant Program: employees or agents of Union County who exercise any function or responsibility with respect to Union County's Community Development Block Grant Program, and Union County officials, including members of the Union County Board of Commissioners. This same prohibition shall be incorporated in all contracts or subcontracts for work to be performed in connection with Union County's Community Development Block Grant Program.
- (4) If a procurement under Union County's Community Development Block Grant Program is not for supplies, equipment, construction, or services (for example, the acquisition or disposition of real property or the provision of assistance with Community Development Block Grant funds), then the following conflict of interest standard shall also apply:
 - a. Except for eligible administrative or personnel costs or except as otherwise approved by the State of North Carolina or the United States Department of Housing and Urban Development in accordance with 24 CFR § 570.489(h), no "CDBG covered persons," as that term is defined below, who exercise or have exercised any functions or responsibilities with respect to Union County's Community Development Block Grant activities or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
 - b. For purposes of this subsection (2), "CDBG covered persons" shall include any person who is a Union County employee, agent, consultant, officer, elected official, or appointed official.

- c. For purposes of this subsection (2), “family ties” means spouse, parents, children, brother, sister, grandparents, grandchildren and the step, half, and in-law relationships.
- d. For purposes of this subsection (2), “business ties” means an officer, employee, agent, or any stockholder or shareholder holding at least 10 percent ownership of any firm, contract, or subcontract which benefits from funding assistance under the grant agreement.

CPO #133 – 800 MHz Radio Subscriber Units: Adopted Capital Project Ordinance #133

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	General Capital Project Ordinance Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2009-2010			DATE	March 1, 2010		
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
Installment Financing	10,352,010	513,133	10,865,143	Radio Project	10,352,010	919,499	11,271,509
Invest Income	-	6,426	6,426			-	-
IFT from General Fund	-	399,940	399,940				
	-	-	-				
	10,352,010	919,499	11,271,509		10,352,010	919,499	11,271,509

EXPLANATION:	Appropriate installment financing proceeds and Capital Reserves for the radio project.						
DATE:					APPROVED BY:		
						Bd of Comm/County Manager	
						Lynn West/Clerk to the Board	
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
Installment Financing	10,352,010	(962,010)	9,390,000	Radio Project-Other Equip	9,390,000	279,079	9,669,079
40443200-4730-PR039				40543200-5550-PR039			
Investment Earnings	-	6,426	6,426	Radio Project-Land	126,501	-	126,501
40443200-4810-PR039				40543200-5570-PR039			
IFT from General Fund	-	399,940	399,940	Tools & Supplies	-	218	218
40498000-4010				40543200-5290-PR039			
Installment Financing	-	1,475,143	1,475,143	Travel	-	568	568
40443200-4730-PR047				40543200-5311-PR039			
				Radio Project-Contingency	835,509	(835,509)	-
				40543200-5920-PR039			
				Radio Project-New Proj #	-	1,475,143	1,475,143
				40543200-5550-PR047			

	10,352,010	919,499	11,271,509		10,352,010	919,499	11,271,509
Prepared By	JLL						
Posted By							
Date						Number	CPO - 133

Public Information Officer’s Comments:

Chairwoman Rogers recognized Brett Vines, Public Information Officer, for the following comments:

1. Department of Social Services is accepting applications on Wednesday, March 13, 2010, for the USDA Commodity Distribution from 9:00 a.m. to 12:00 o’clock noon at the Department of Social Services’ Office located on Roosevelt Boulevard in Monroe. The commodity distribution will take place on March 17. If anyone has questions about eligibility for the commodity distribution, they should call Gloria Haney with the Department of Social Services.
2. Earth Day events will be held on April 17, 2010, which will include a 5K race that starts at 5:00 a.m. Recycling will be accepted from 10:00 a.m. to 2:00 p.m. in the parking lot across from the Government Center. The events are listed on the flier posted on the County’s website along with the items that will be accepted for recycling.
3. The Literacy Council will hold a spelling bee on April 29, 2010, and is looking for 25 teams of three adults. This is the Literacy Council’s largest fundraiser. Entry fee is \$300 per team.
4. Census forms will be mailed or delivered to households beginning in March. According to the Census Bureau, it is the shortest form used in its history. If the forms are not completed, the Census Bureau will send a census representative to individual houses.
5. The following boards and/or committees will be meeting:
 - a. Board of Health will meet next Monday, March 8, at 6:00 p.m. at the Health Department
 - b. Board of Adjustment will meet in the Board Room on Monday, March 8, at 7:00 p.m.

c. Board of Elections will meet on Tuesday, March 9, at 4:00 p.m. at its offices at East Windsor Street.

UCPS Funding Request for Architecture Construction & Engineering (ACE) Academy at Monroe High School (moved from Item 11):

Chairwoman Rogers acknowledged that Dr. Ed Davis, Dr. Mike Webb, and Don Hughes of the schools were present. She asked the County Manager to provide the Board with a summary of this request.

Mr. Greene stated that the Board has received a request from the schools to approve funding for this facility, and it is requested that the monies come from bond savings.

Dr. Davis asked that the Board approve the request to spend approximately \$500,000 in bond savings for the construction of a laboratory that would complement the Construction Trades Academy at Monroe High School. He said that the students at Monroe High School were surveyed and there are more than 120 students interested in one of the specific areas of the construction trade. Dr. Davis stated that Monroe High School currently has carpentry and masonry programs and the school system is looking to add welding, plumbing and mechanical, drafting, and electrical trades at the school. He explained that the students were surveyed in the fall of 2009, after considerable discussion with the administration at the school about what could be done to meet the needs of the students at the school as far as educational opportunities that would provide the students with gainful employment and would help to raise student achievement as well as reduce the student drop out rate. He said that it is believed that there is a large group of students at Monroe High that would benefit from this academy approach.

Dr. Davis said that the schools also see future opportunities to expand the program so that possibly in the evening hours, students from other schools could attend this program. He pointed out that this opportunity would be dependent upon funding. He said that there is some flexibility with scheduling. Dr. Davis said that they are also looking at the possibility of a summer program in the future. He explained that there are three phases of the program: 1) meet the needs of the students and staff at Monroe High School; 2) after the program is operational, the schools will study and review the possibility of offering this program to students throughout the County; and 3) offering a summer program.

He stated that there is a Career Academy Diploma program where students who have gotten off track with being able to graduate can get into a different diploma track and earn their diplomas. Dr. Davis said that the Architecture Construction &

Engineering Academy will complement that program very well, so it would not only benefit students at Monroe High but also in the future could potentially benefit other students throughout the County.

Dr. Davis stated that the schools are requesting that the funding for the program come from bond savings and approval from the Board tonight so that the schools could move forward with its plans. He said it is hoped that the Academy can be constructed and ready for use sometime during the 2010-2011 school year.

Following the presentation, Commissioner Mills moved adoption of Capital Project Ordinance (CPO) #134.

In response to a question by Commissioner Mills, Dr. Davis said that the schools would begin by offering the program to students of Monroe High School, and later on would consider offering an evening program for students from other schools. He said that they would have an open mind about it, but explained that primarily they would want to make sure that they were meeting the needs based on the interest at Monroe High School. He stated that currently there is a void in the county for these construction trades. He said that there are programs at the Central Academy for students who want to go into engineering, but for the skilled tradesman such as the plumber, welder, and electrician, there are no specific programs at this time to meet those needs.

Chairwoman Rogers stated that she had spoken with School Board Chairman Dean Arp about some questions that have been brought to her attention. She said that Chairman Arp has also received some questions, and she thought it would be worthwhile to review those questions and get answers. She stated that one of the questions was that Monroe High School is at 83 percent capacity, so why is the existing space not being used for the Architecture Construction & Engineering Academy as opposed to adding on to the facility.

Dr. Davis responded that the space for the Academy would be more like a shop with higher ceilings and more open areas. He said that the current space would not be appropriate for this type of facility. He stated it is not a capacity generating facility but is more program oriented. He clarified that it would not be adding classrooms.

Chairwoman Rogers said another question she had received is “Why not implement this at CATA?” Dr. Davis explained that there were two reasons. He said one reason is for the students who attend CATA, those facilities are more in line with the pre-engineering academy and do not lend themselves to this type of laboratory experience. Secondly, he said when CATA was first established, it was determined that students who are interested in this type of academy generally do not want to leave their home school. He said that would be a factor that they would need to study when evaluating what the benefit of the Architecture

Construction and Engineering Academy (ACE) at Monroe High School would be to students from other schools. He said that if the programs are offered in the evenings, it might be different. Dr. Davis said that there was a strong interest at Monroe High School to have this academy.

Chairwoman Rogers said that she wanted to make sure that Chairman Arp and the School Board understood that the schools have been able to use the bond savings in years past. She stated that Mr. Nelson has discussed bond savings briefly and given the current economic conditions, she wanted to make sure that the Board of Education understood that if \$500,000 is used for this project, then it might mean the schools would get \$500,000 less somewhere else.

Dr. Davis said that he understood what Chairwoman Rogers was saying about the bond savings and he felt certain that the School Board understood it as well.

Vice Chairwoman Kuehler said that she could see the value of the program but this was a project that the Board had not heard of, and it had never been on a Capital Improvement Plan. She said the first question would be what the schools are going to sacrifice to have this project. She asked if the schools have identified anything on the Capital Improvement Plan that would be delayed as a result of implementing the Architecture Construction and Engineering Academy.

Dr. Davis said that once the schools know what they have been allocated, they would reset their priorities and make adjustments.

Commissioner Openshaw commented that there are a number of difficult items on tonight's agenda, and for him, this item is one of them. He said that he totally agreed with how Vice Chairwoman Kuehler had characterized this request in her comments. He stated that he agreed with the value of the program. He stated that before it was CATA, it was the Career Academy, and now it is back to essentially a vocational education situation, which to him is a career academy, which was the very first Board of Education meeting he ever attended when some of those programs were being cut. He said that concerned him. In addition, he stated that the bond money also concerns him because it is being tapped into a lot. He said that the other concern is the operations dollars that will come as a result of the construction of this facility. Commissioner Openshaw said he was glad to hear Dr. Davis talk about prioritizing.

He stated that the Board is dealing with a similar issue with South Piedmont Community College wanting to expand. He asked if this course would be a starter course for what South Piedmont Community College offers or is there an overlap in the programs.

Dr. Davis responded that there possibly could be some overlap. He explained that this program would be a certificate-related program that the students would receive at the high school level. He said that the community college will teach these subject matters at a higher level, and it would be something the students could continue in the community college, if they chose to do so. He stated that it was their hope that the students would have at least an entry level certification which would lead to a license in electrical, plumbing, etc. and the students would be able to take whatever state examinations they need to take and move on into those trades.

Commissioner Openshaw commented that to him that was the undisputed value in the program because it was hands on. Dr. Davis said that 8.1 of every 10 students in the school system are graduating in four years. He stated that if one child could be saved out of the 1.9, it is worth the effort. He said that the schools thought the ACE Academy would meet a need and close a gap for students on the dropping out path.

Commissioner Openshaw said that this was a pretty expensive one kid, half a million dollars, when there are people here tonight dealing with kids at risk. He stated that this is the problem that there are only so many dollars to go around and there are needs and desires. He said that for him this request is between a need and a desire. He stated he could understand the value of it, but it is still a desire and a new program when other areas are cutting.

At the request of Commissioner Openshaw, Dr. Davis expounded on state funded positions stating that Career and Technical Education provides the schools with state-funded positions, so there would not be any county money paying for the teachers that would be employed at the ACE Academy. He clarified that the one student out of 10 students, which he had referenced earlier, is one student out of 10 students for the entire system. He said that the \$500,000 goes far beyond one student.

Commissioner Openshaw said the ACE Academy looks to be a way to get local industry participation and donations. He stated that the local industries are the beneficiaries. He said that he would like to see this explored to save the schools some bond money.

Commissioner Mills commended Dr. Davis and the schools for this matter. He said that in his hometown of Martinsville, Virginia, they had a similar program, where he learned to weld. He said that a lot of the furniture industries in Martinsville donated equipment for the program. He stated the automotive industry is increasing in Martinsville and some of the race teams are locating there. He said the students are coming from the program and going straight to work in the automotive industry and making an exceptionally good living. He said that the program worked well in Martinsville, and he thought it would work well in Union County.

Following the discussion, the Chairwoman repeated the motion to adopt Capital Project Ordinance (CPO) #134 in an amount not to exceed \$497,835 from bond savings. The motion was passed by a vote of four to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom was not present.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2009-2010			DATE	March 1, 2010		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	504,439,091	-	504,439,091	Contingency (115C-429b project allocation)	3,077,019	(497,835)	2,579,184
All Other Revenue	2,718,406	-	2,718,406	Monroe High ACEA (115C-429b project allocation)	-	497,835	497,835
				All Other School Projects	504,080,478	-	504,080,478
	507,157,497	-	507,157,497		507,157,497	-	507,157,497
EXPLANATION:	Funding request submitted by UCPS for Facilities, Planning and Construction operating budget						
	Pursuant to 115C-429b. At the completion of this capital project, any excess appropriation will be reallocated						

To an "unallocated bond savings account" and this Capital Project Ordinance will be closed.							
DATE:				APPROVED BY:			
Bd of Comm/County Manager							
Lynn West/Clerk to the Board							
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
				Contingency (115C-429b project allocation)	3,077,019	(497,835)	2,579,184
				55559200-5920-530			
				Monroe High ACEA (115C-429b project allocation)	-	497,835	497,835
				55559200-5586-570			

	-	-	-			3,077,019	-	3,077,019
Prepared By	dhc							
Posted By								
Date							Number	CPO - 134

Commissioner Mills said he wanted to publicly thank Dr. Davis and the schools’ transportation staff. He said that the amount of items that Union County Public Transportation placed on the school bus from Mineral Springs United Methodist Church to go to Haiti was overwhelming. He stated that he literally did not fit on the school bus.

Child Support Enforcement Transition Plan:

Chairwoman Rogers recognized Al Greene, County Manager, to explain this item. Mr. Greene said that at the December 14, 2009 meeting, the staff recommended that the Board allow it to develop a Request for Proposals for private operation of the Child Support Enforcement function in Union County beginning July 1, 2010. He stated that the Board agreed to allow staff to develop a Request for Proposals, but at that time, the Board also asked staff to compare the responses to the option of overseeing that function in-house. He explained that Requests for Proposals were solicited and three proposals were received from private firms, and those have been compared to the in-house option. Mr. Greene said that staff understands the concern of the current state employees about their jobs and livelihoods, and this is one factor that has been taken into account but certainly that was not the only factor that has been weighed. He stated that Wes Baker, Internal Auditor, will be reviewing the proposals and the analyses that have been put together for the Board’s consideration. He said that ultimately the recommendation is that the Board authorize staff to negotiate an agreement with a private firm.

Mr. Greene expressed appreciation to Mr. Baker for assisting with this matter while Matthew Delk was out on leave. He said that Mr. Baker has done a tremendous job in this matter.

Mr. Baker stated that three proposals were received in response to the Request for Proposals. He said that two of those companies already have operations in the State of North Carolina, and the third company does not but does have operations in other states, including Tennessee. He said proposals were received from Maximus, Policy Studies Incorporated – PSI, and YoungWilliams.

He stated that some adjustments were made to the proposals and explained the reasons for the adjustments were to true-up everything. He said that some of the proposals included legal fees and DNA testing fees. He stated that none of the proposals included rent expenses, so this had to be included in all of the proposals.

In addition to sending out the Request for Proposals to the private companies, the local Child Support Enforcement Office was asked if they would be interested in tendering a proposal of what they thought their performance would be and the number of personnel it would take to achieve the goals. He said that the local Child Support Enforcement Office proposed that it would need 22 employees to operate the program.

Mr. Baker informed the Board that after review of the proposals, the committee, which was chosen to evaluate the bids, selected YoungWilliams. He said that the proposals were evaluated on three different aspects, and YoungWilliams was selected by a wide margin. He explained that the committee tried to compare the proposal with what had been submitted by the local Child Support Enforcement Office. He said that in fairness to the local office, the committee also ran a scenario of what would be the situation if they kept its current 15 employees. He noted that the County would receive the vast majority of the indirect costs, which includes court costs, regardless of which option is chosen, either in-house or with an outside company. Mr. Baker explained that the indirect costs that the County would receive if the program is done in-house is made up of the Finance Department, Personnel, Internal Auditor, and those departments that would have something to do with the program. He said that was the main point that accounts for the \$31,000 discrepancy between YoungWilliams' proposal and the local office.

Mr. Baker said that the decision boils down to not just a case of costs but also a case of what is best for the children in the county. He reviewed that there are two reasons that the committee has recommended that the program be outsourced to YoungWilliams. First, he said that currently the State of North Carolina has a contract to provide the legal fees to the Child Support Enforcement Office at \$85 per hour. He stated that legal fees are usually more than \$85 per hour, and they cannot be guaranteed for any certain length of time, so the County would have to provide legal fees once the program is taken over in-house. He said that it is not known what those legal fees could amount to, and it would probably end up being more than \$85 per hour. Mr. Baker said that YoungWilliams brings its own legal team.

Secondly, he said the committee thought the best option was to outsource the program because of performance. He said as a part of the contract with YoungWilliams, the performance numbers will be part of the agreement. He explained that the more money collected through the program, the more it will help the children. He said another reason would be performance incentive payments. He stated that in addition to two-thirds of the direct costs and indirect costs that the County will be reimbursed by the federal

government, counties also receive performance incentive payments that are based directly on how well the child support enforcement function works. He said that 60 percent of the performance measures used to determine the amount of performance money the County will receive is based on collections. He said that YoungWilliams' projections show higher collections than any other projections. He noted that the 2009 projection numbers were used because FY 2010 is still in progress.

Mr. Baker said that the committee unanimously believed that YoungWilliams would not only be the best choice for the County but also the best choice for the children, because they could bring in more money to the custodial parent. He said if the Board chooses to go with an outside company, YoungWilliams' implementation plan is set up to begin in mid March. He stated that if the Board chooses to go in-house, then positions will need to be advertised so that the employees can be trained.

There was discussion about YoungWilliams' collection track record in North Carolina, and it was noted that it is currently overseeing the child support enforcement programs in New Hanover and Onslow Counties. He said that in one of the counties YoungWilliams has been overseeing the program since 2001 and in the other county, a little less time.

Vice Chairwoman Kuehler asked if Mr. Baker had been able to compare YoungWilliams' collection record against their projections for the County. She explained the reason she had asked this question is because other states have different enforcement regulations that might make the collection rates better or worse. Mr. Baker responded that in Onslow County, YoungWilliams' performance measures were better than all their projections for Union County. He said in New Hanover YoungWilliams' performance measures were better with the exception of the cases under order. He said the collections were a lot more in New Hanover, because there are a lot more cases in New Hanover.

Vice Chairwoman Kuehler noted that in the agenda package, information indicated that YoungWilliams is a foreign corporation doing business in the United States with its main office in Mississippi. She questioned if the company would be bringing in an actual collection location to Union County or would they be running the program offsite. Mr. Baker responded that the program would be run in existing space currently occupied by the Child Support Enforcement Office. He said that a point had been made to ask each of the companies to include in their proposals what, if any, plans they had for current employees. He stated that YoungWilliams had said it was willing to hire the current child support enforcement office employees.

Vice Chairwoman Kuehler asked what benefits the current child support enforcement employees would lose regardless of which option is chosen. Mr. Baker responded that those employees would not lose their retirement, but they would not be able to add

to their current retirement. He said that if the employees were hired by YoungWilliams, they would have to participate in any retirement plan that YoungWilliams offers.

Vice Chairwoman Kuehler said that because of working with the family courts in her employment, she could attest to the value that localized, hands-on care brings to a system which otherwise is a shot in the dark. She stated that she is also very aware of the situation that staff has been in with their being short staffed. She reiterated that it is hard to replace the value that the local situation creates, and she offered that at this point, she was leaning in that direction.

Commissioner Openshaw said he had a couple of comments and was then going to ask to be excused after this vote. He said the two things that jumped out at him in this matter is the potential to lose the experience, not just the current experience but also the local relationships. He stated that Vice Chairwoman Kuehler had said it better than he could that this was worth money.

Chairwoman Rogers commended Mr. Baker for the information that had been assembled in the package and all of the data that was provided. She asked if the child support enforcement were to transition to the Department of Social Services, would those employees become county employees.

Mr. Nelson interjected that he thought there needed to be a clarification that there is no transfer. He explained that if the Board decides the option is to have the program as an in-house Department of Social Services' function, the Board would create 15 positions, and those positions would be advertised. He stated that the child support enforcement employees working with the State would be welcome to apply for those positions, but the Department of Social Services' Director and County personnel are still responsible for hiring the most qualified employees. He stressed that there would not be any direct transfers.

Mr. Greene further explained that the County's policy is that positions are first posted in-house for existing employees and for the RIF (reduction in force) employees before advertising outside. He said that while staff understands the merits of having well experienced employees who have been doing the job for a long time, it is not assured on a case-by-case basis that is what would happen.

Mr. Baker said the State has contacted the County's Personnel Department with the offer of providing a list of employees whose jobs have been cut, because other counties have decided to contract out their child support enforcement operations.

At approximately 9:00 p.m., Commissioner Openshaw requested to be excused for the remainder of the meeting because he was not feeling well.

Chairwoman Rogers moved to excuse Commissioner Openshaw from the remainder of the meeting. The motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Mills voted in favor of the motion. Commissioner Openshaw abstained from the vote, and Commissioner Baucom was not present.

Commissioner Openshaw left the meeting at this time.

Mr. Nelson pointed out that the better the performing matrix, the more likelihood there will be greater federal incentive money. He said that, obviously, the larger the incentive money is the more beneficial it is to the custodial parents. He stated that if the Board chooses to bring the program in-house, then one of the things that will need to be considered would be to determine what the performance indicators would be in-house. He said that if the performance indicators cannot be achieved in-house, then one year from now, the County will be in the same position as to what constitutes retaining the program in-house or if contracting externally would be better. He stated that the Board has one aspect of making the decision, but the other aspect is setting performance indicators and how to gauge the performance.

Mr. Greene stated that the collection projection in-house is \$9,000,000, and a private contractor is willing to commit to collecting approximately \$10,700,000. He noted that would be \$1.7 million more in the pockets of the custodial parents than what has been seen in the past. Vice Chairwoman Kuehler asked how the private company could be held to the projected amount, and Mr. Baker responded that it would be included in the agreement.

The length and term of a contract was discussed, and Mr. Baker explained that the Request for Proposals requested a two-year contract.

Chairwoman Rogers questioned if the committee had looked at other counties to determine if they were going in-house or outside. Mr. Baker stated that the company that had assisted with the Request for Proposals, ExeuLink, which is a firm consisting of some former Social Services Directors did visit other counties. He said there are some counties bringing the program in-house such as Mecklenburg County, but there are other counties choosing to contract the program. Mr. Nelson pointed out that Mecklenburg County's staff had recommended contracting with a private firm.

It was noted that the last scenario shown on the table, which was Option F, was a scenario developed using the current Child Support Enforcement Office with its current staffing.

Following additional discussion and further explanation, Commissioner Mills commented that the transition has to begin July 1, 2010, and YoungWilliams wants to start mid March. He asked if the local employees' jobs will terminate at the end of this budget year, and noted that whichever option the Board chooses, there is no guarantee that any of those employees could be rehired. Mr. Greene responded that there is a risk either way, and there is no sure answer for them.

Chairwoman Rogers noted that the draft contract in the agenda package has a termination clause for default and also a termination for convenience clause. She said that the contract in the package is a one-year contract with three one-year renewals. Mr. Crook pointed out that the contract has not been reviewed by Legal and what would be relied on is the Request for Proposals.

Chairwoman Rogers asked if there is any flexibility in having a continuity clause in the contract and attaching a percent. Mr. Crook responded that it is something the attorneys could review, but he was not sure he could give a definitive answer tonight.

Mr. Greene stated that the staff's recommendation for Board action is to authorize the County Manager to approve an agreement with YoungWilliams within parameters no less favorable to the County than those contained in the firm's proposal, subject to legal review. He added that if the Board wanted staff to negotiate a potential percentage with YoungWilliams, staff would certainly attempt to do that.

Chairwoman Rogers commented that she hated that there were only three Board members present now instead of five to make the decision. She said that she understood the time constraint for a decision. She said that she did not know if there is any other information that staff could provide that it has not already provided other than the Board members speaking with the members of the committee who made the recommendation. She said that from where she was looking at the matter now by contracting with YoungWilliams and including a continuity clause, there was actually more of a guarantee of employment for the child support enforcement employees than going in-house.

Commissioner Mills offered that if there was any comfort at all, it was the unanimous recommendation from the committee to contract with YoungWilliams.

Dontae Latson, Social Services Director, confirmed that he had served on that committee.

Jane Zepkowski asked if she could be allowed to address the Board on the proposal submitted by the local Child Support Enforcement Office. Chairwoman Rogers asked the Board if it were agreeable to allow Ms. Zepkowski to comment at this time. There was no objection stated by the Board.

Ms. Zepkowski stated that she is the current agency supervisor for the Child Support Enforcement Office. She said that there had been an earlier comment that the State Child Support Enforcement Office had assisted the local office with its proposal. She stated that the State office did not assist them. She stated that the State has told her she is not supposed to represent the agency, and she is speaking as a private citizen.

She explained that her office received a call on Friday at 8:30 a.m. requesting a proposal from that office by Monday morning. She said they had one day to come up with the figures. She said that they had decided in the perfect world they could use 22 employees. She stated that the local office has never had 15 employees since she has been the agency supervisor. She said they have been collecting with 14 people and in 2009, they had 14 employees and were ranked number three in the State for collections with their collection rate being almost 102 percent of its goals. She said that if the County wanted that office to work with the same number of employees that it has and was willing to give them the equipment and technology that YoungWilliams has, they could do the same as YoungWilliams. Ms. Zepkowski said that the local office has been exceeding its goal with less people for the last three years. She stated that their projections were based on what they have currently, and they do not have updated computers and the most recent technology that YoungWilliams has.

She addressed that in the first proposal, there was a fee to the private companies and in one of the proposals that fee was eight percent that they would receive on total collections. She said that she has not seen the proposal from YoungWilliams and did not know if that eight percent fee still remained in the proposal. She said that this was a lot of money in addition to all of the other monies.

At this point, Chairwoman Rogers sought the legal advice of Mr. Merritt and Mr. Crook on the discussion was moving into a territory that would give an unfair advantage to one proposal over another since representatives of YoungWilliams were not present. Mr. Crook responded that this was a good point. He said that this had been done by a Request for Proposals process since it was a service. He stated that he thought the comments that had been made have been directed toward the documentation.

Chairwoman Rogers said that she was fine with Ms. Zephwski wanting to comment on the local office's proposal. Ms. Zephwski said there her comments were based on what was included on the proposal and was common knowledge for this item.

Chairwoman Rogers asked about the advantages of going in-house versus going with an outside company. Ms. Zephwski responded that YoungWilliams has said that they may hire the existing staff, and secondly, they have said they would keep the employees at their existing pay rate. She said that YoungWilliams' benefits are not as good as the County's benefits, and the employees would be taking a decrease in pay because they would have to pay for their medical insurance if they are hired by YoungWilliams. Chairwoman Rogers emphasized that it had been said tonight that there is no guarantee that the employees would be hired by the County either if the program stayed in-house through the Department of Social Services.

She asked if there was anything else Ms. Zepkowi wanted to add about the advantages of either proposal. Ms. Zepkowski reiterated that if the local office had the same technology and the same equipment as YoungWilliams, they could do the same as YoungWilliams with the same number of people.

Chairwoman Rogers responded that she did not discount what Ms. Zepkowski was saying but typically the County does not have the same level of equipment as private companies. She explained that when she had talked about a possible continuity clause in a contract with YoungWilliams and attaching a percent, what she had meant was that she would like to see within the award of the contract, the County say that it wanted to have continuity in the services so it wanted to see YoungWilliams hire at least a certain percentage of the current child support enforcement employees.

Mr. Merritt interjected that he thought it would be difficult to impose a requirement on YoungWilliams with respect to a percentage. However, he said that he thought the contract might include a clause that YoungWilliams will undertake its best efforts to hire folks, but they would be the employer and would make a determination as to qualification. He said he thought a best effort(s) clause could be included but not a specific percentage of people they would have to hire.

Commissioner Mills stated that he understood completely and sympathized with the current child support enforcement office employees, but the Board was sometimes placed in positions where it had to make decisions that were not popular. He said that in all good conscience, the equipment and renovations that YoungWilliams would be bringing would all be at their costs. He said that at the end of the day, the Board had to do what is right for the custodial parent that would be getting more money and there is a difference in net cost of \$100,000 in the proposals.

Following the lengthy discussion, Commissioner Mills moved to authorize the County Manager to approve an agreement with YoungWilliams within parameters no less favorable to the County than those contained in the firm's proposal. He commented that with it having been a unanimous recommendation by the committee, he believed it was in the best interest of the children and the parents involved to move forward with the recommendation.

The motion was passed by a vote of two to one. Chairwoman Rogers and Commissioners Mills voted in favor of the motion. Vice Chairwoman Kuehler voted against the motion. Commissioner Openshaw was excused from the meeting, and Commissioner Baucom was not present.

At approximately 9:35 p.m., Chairwoman Rogers called for a five-minute break. At approximately 9:40 p.m., Chairwoman Rogers reconvened the regular meeting and called the next item.

Jesse Helms Park Bridge Bids:

Chairwoman Rogers recognized Vice Chairwoman Kuehler for her comments.

Vice Chairwoman Kuehler stated that this was an issue that Commissioner Openshaw had been very involved in, and it is her understanding that when this matter was discussed previously by the Board, he was not really looking for an alternative solution to the bridge but an interim construction easement. She said that she hated to make his argument for him, and she knew it is a time sensitive item. She stated that Commissioner Openshaw had some alternatives and some suggestions that she thought really seemed to make sense that she could not possibly regurgitate.

Mr. Greene offered that if the Board could discuss this item briefly, the staff might be able to identify the alternatives, because the staff has also explored the potential for interim access. He said that there is a property owner, who is the same one that the County would have to acquire a right of way from if the County built a permanent road, that could be pursued. He stated that if the bridge project were delayed and it came to the point where the County had to begin work on the passive area, there is a potential option the County could attempt to pursue for temporary access. He said that this might be what Commissioner Openshaw was suggesting.

Mr. Greene said that the staff would be glad to review the recommendation. Vice Chairwoman Kuehler said she thought the question would be if the bridge could be delayed. Mr. Greene responded that permanent access to the park is needed. He said that if

the vehicular bridge were deleted, he thought the grant requirements were such that a pedestrian bridge would still have to be constructed. He stated that his personal opinion was he did not believe a temporary gravel road would suffice for access to the passive area.

Vice Chairwoman Kuehler asked if a pedestrian bridge would have to be built in connection with the phase that is being constructed with grant money or could it come directly afterward or does it have to be contiguous. Mr. Greene responded that the County had applied for several bridges and one of those bridges was a pedestrian bridge at this location or a bridge that would suffice for pedestrian traffic. He said that ultimately the County had chosen a bridge for vehicular traffic as well, because vehicular access to the park is also needed. He stressed that even if the vehicular bridge was not built and a different access point required a pedestrian bridge at that location would be needed.

Vice Chairwoman Kuehler stated that she thought Commissioner Openshaw's suggestion was that if it were going to take two or three years to accomplish phase one of the passive area of the park to receive the \$500,000 grant and access can be obtained through a temporary easement, then come back at the conclusion of the project and build the bridge at that time.

Mr. Greene stated that the plan is to have the passive area constructed in a year and a half to meet the grant requirements. He said the County would certainly want to have permanent access then. He suggested that if the bridge were constructed now, it can be completed while the design is being done on the passive area, and the bridge would be available for access for construction; otherwise, the County would have to obtain temporary access through another private property and would have to negotiate and build some type of temporary road, which would be an additional cost in the end.

Commissioner Mills said that he thought the bid environment is right now, and he thought if the bridge were completed and the County receives the grant for the passive area, there would be more activity at the park. He said he thought there would be more events that could have access to the passive area. He asked if the money was in the budget for the bridge.

Mr. Nelson responded that in connection with the bridge, there is about \$500,000 in the budget, one-time money. He said that there are also funds from the campground welcome center project from several years ago, which was essentially eliminated. He stated that there is approximately \$130,000 left in that particular project. He said that what was being proposed is to take the money from the campground project and combine it with the \$500,000 in the budget to complete the bridge.

Commissioner Mills moved to accept the bids, as recorded below, award the bid to the lowest responsible bidder, Blythe Development, in the amount not to exceed \$482,998.25; adopt Capital Project Ordinance (CPO) #131 in the amount of \$629,928; and authorize the County Manager to approve an agreement with Blythe Development pending legal review.

Bids (as rebid on February 17, 2010, due to permit issues)

- 1) Blythe Development Co. (low bid) \$482,998.25
- 2) McCollum Trucking \$448,455.36

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	General Capital Project Ordinance Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2009-2010			DATE	March 1, 2010		
PROJECT SOURCES				PROJECT USES			
Source	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
PR041 - Jesse Helms Park Bridge							
IFT From General Fund	449,200	157,465	606,665	Land and Improvements	449,200	157,465	606,665
PR040 - Cane Creek Park Camp Ground Welcome / Check-In / Store							
IFT From General Fund	140,017	(110,228)	29,789	Buildings and Improvements	140,017	(110,228)	29,789

	589,217	47,237	636,454		589,217	47,237	636,454
EXPLANATION:	To adjust CPO for JHP Bridge and reduce CPO for Cane Creek Park Camp Ground Welcome Store.						
DATE:					APPROVED BY:		
						Bd of Comm/County Manager	
						Lynn West/Clerk to the Board	
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
PR041 - Jesse Helms Park Bridge							
IFT From General Fund	449,200	157,465	606,665	Land and Improvements	449,200	157,465	606,665
40461374-4010-PR041				40561374-5570-PR041			
PR040 - Campground Welcome Store							
IFT From General Fund	140,017	(110,228)	29,789	Building & Improvements	140,017	(110,228)	29,789
40461371-4010-PR040				40561371-5580-PR040			

	589,217	47,237	636,454			589,217	47,237	636,454	
Prepared By	bl								
Posted By									
Date								Number	CPO - 131

Vice Chairwoman Kuehler asked what the estimated costs for the bridge had been the first time that it was brought to the Board. She said it was delayed at that time because of it being too expensive.

Wanda Smith, Parks and Recreation Director, stated that the cost had been \$499,000. Mr. Greene explained that the \$482,998 amount includes more work than was originally contemplated, because it includes the Monroe stormwater as well. He said that the design of the bridge has not changed significantly from the original design. He stated that the design engineer has been required to verify its calculations and its work to an extent that was greater than what it had provided previously, so staff would know the design of the bridge was legitimate, but when it was originally brought to the Board there had been questions about the length of the span.

Chairwoman Rogers asked how the funding for the Jesse Helms Park was established. Mr. Nelson said that while both projects, the bridge project and the passive area, are located on the same site, they are really two separate projects. He explained that Phase II of the Jesse Helms Park passive area, which is the project that has not been started, was applied for in December 2007. He said that at the time the PARTF application was completed, the required matching funds were deposited, and, in this case, the grant was actually over matched. He said that the grant was for \$500,000, and the County’s initial contribution was \$611,000. He said that the County has not applied for a PARTF grant since that time. He stated that last year, the County did make application and the following month, the Board rescinded that action.

Mr. Nelson said that based on the last master plan, besides Phase II, for completion of the conceptual master plan for Jesse Helms Park, it would be \$12 million more. He stated that the master plan essentially called for capital expenditures of \$15 million, and those are funded on a piecemeal basis each and every year.

Chairwoman Rogers asked if when approving the bridge, it did not mean there would be a tax increase. Mr. Nelson stated that was correct. Chairwoman Rogers asked why would those dollars designated for Cane Creek not be spent for the park for which they were designated. Mr. Nelson said that it was prioritization. He stated that he thought he and the Manager would be coming to the Board within the next few months in regards to library and parks and recreation master planning.

Chairwoman Rogers repeated the motion and called for a vote. The motion was passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Mills voted in favor of the motion. Commissioner Openshaw had been excused from the meeting, and Commissioner Baucom was not present.

Timeline for Marshville and Wingate Agreements:

Chairwoman Rogers recognized Al Greene, County Manager, for comments regarding this matter.

Mr. Greene stated that at the February 15, 2010, meeting, the Board asked staff to develop a timeline for the Marshville and Wingate agreements, which has been done. He said that key in the staff's mind is to work with the governing boards of Wingate and Marshville and to obtain their concurrence to move ahead. He said it is estimated to take 12 to 15 months to complete the agreements. Mr. Greene stated that there have been a number of discussions with both Town Managers, and based on his conversation with Wingate's manager, the Town is very willing to work with the Board to develop a new agreement.

He said that Marshville is somewhat of a different situation, and the Town would like to move forward and sees opportunities for both parties. However, he stated that Marshville is going through the process of hiring a new town manager. He said that once the new Manager is hired, he/she will be faced with the budget, so it may realistically be several months or into the summer before Marshville may be ready.

He said that staff believes it is critical early on that the Board either write a letter or possibly meet with Wingate's and Marshville's Boards to discuss the opportunities to all parties by moving forward and drafting new and more modern agreements.

Commissioner Mills asked if the Manager were suggesting that the Board of Commissioners meet with both town boards at one time. Mr. Greene responded that it could be. He said that he thought any way the Board wanted to approach it would be a positive approach.

Vice Chairwoman Kuehler questioned whether the County and towns were operating under agreements that were technically expired. Mr. Crook said he would defer to Mr. Goscicki if he has any comments, but he thought with Wingate, it is continuing with the same operations as was applicable when the contract was in effect.

Vice Chairwoman Kuehler asked if there was any reason for not formally stating that the two entities would extend what existed for the next eight months.

Mr. Goscicki explained that both agreements are challenging. He said he was not sure that extending the agreements would accomplish very much and the agreements need to be restructured from both parties' perspectives.

Chairwoman Rogers said that what she had hoped to accomplish with the County doing the timeline was for the County to make the timeline what it needed to be. She stated that to her 12 to 15 months to negotiate contracts is too long, and she wanted it to be more along the lines of six to eight months. She said that it seems that Wingate might be a little further along than Marshville, so perhaps there should be separate timelines for Wingate and Marshville. She said that she thought the agreements need to be a priority for all the reasons stated. She asked that the timeline be revised.

Commissioner Mills encouraged the Board to instruct the staff or the Board to send letters to the Towns of Wingate and Marshville informing them that the Board wanted to have a meeting with them in the very near future to discuss the agreements. Further, he suggested that prior to the meeting, that the towns put in writing their pros and cons about the contracts and for County staff to do the same. He said he thought this would start the process and possibly speed it up a little bit.

Chairwoman Rogers noted that the manager had included in No. 4 on the timeline identifying with town staff the major issues and interests that a new agreement needs to address. She said her concern was the amount of time associated with each bullet point. Mr. Greene responded that staff could revise the timeline to whatever the Board wanted it to be. He said that in reality, based on where the negotiations are today, the timeline presented is probably not unrealistic. Chairwoman Rogers said she would like for the timeline to be revised to a six to eight month timeframe. She stated she had no problem with any of the bullet points contained on the timeline, and agreed that these were all good points.

Mr. Greene said that staff would be glad to revise the timeline and present it to the Board at a future meeting. He asked if the Board wanted staff to draft letters to the towns as well. By consensus, the Board agreed for staff to draft the letters.

Community Development Block Grant (CDBG) Funding Approval, Grant Agreement and Service Agreement with CCOG – Dodge City Project:

Chairwoman Rogers recognized Al Greene, County Manager, for his comments. Mr. Greene reviewed that the County had been awarded a \$225,000 CDBG grant funding with no local match required. He said that the County is in receipt of the standard grant agreement used by the State in connection with the CDBG program. He stated that staff also wanted to pursue a Service Agreement and Service Agreement Memorandum with the local Council of Governments to assist in the administration of the grant and in particular the reporting for federal requirements and federal processes and procedures. He said that Centralina Council of Governments assisted the County in preparing the grant application and is familiar with this project and works routinely on CDBG projects.

Mr. Greene said that staff has negotiated a draft agreement with Centralina subject to legal review. He said the expense of the Service Agreement would be covered by the grant proceeds. He stated that a final action item that the staff would like for the Board to consider is to authorize the Chairwoman or Manager, as may be appropriate, to approve and execute other grant documents and formalities that may come in the fairly near future. He reviewed the four actions as listed for the Board's consideration.

Following the explanation, Vice Chairwoman Kuehler moved to (1) adopt CPO # 132 to appropriate CDBG funds in the amount of \$225,434 for use in the Dodge City Water Project, (2) Authorize the Chairwoman to execute the Dodge City CDBG Grant Agreement between Union County and the Department of Commerce subject to legal review, (3) Authorize the Manager to approve the Agreement for Administrative Services between Union County and the Centralina Council of Governments subject to legal review, and (4) Authorize the Chair and County Manager, as appropriate and as may be required, to approve and execute all other grant documents and formalities, including but not limited to the CDBG Funding Approval between Union County and the Department of Commerce (Division of Community Assistance) and the Performance Based Contract: Implementation Schedule between Union County and the Department of Commerce (Division of Community Assistance).

The motion was passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Mills voted in favor of the motion. Commissioner Openshaw had been excused from the meeting, and Commissioner Baucom was not present.

Update on Study of Utility Rates, Fees and Charges:

Chairwoman Rogers recognized Ed Goscicki, Public Works Director, for an explanation of this item.

Mr. Goscicki briefed the Board regarding the work that staff has been doing on updating the County's water and sewer extension line policy. He stated that staff has been working on this matter for the last six months in terms of reviewing the framework in which developer agreements and developer-built extensions are done to the County's system, both water and sewer. He said that part of that review is studying the kind of fees a developer would pay and when the fees would be paid. He stated that this review includes inspection, develop and review fees, capacity fees, and various combinations. Mr. Goscicki stated that staff is looking at other utilities around the State of North Carolina and how they do their fees. He said that staff is looking to bring its review to a conclusion in the next month or so and to bring its recommendations to the Board on how to codify it, either as a policy or ordinance. Mr. Goscicki added that concurrent with that work, staff is reviewing the County's rate fees and charges. He said that the Finance Director is looking to develop a Request for Proposals shortly for an update of the County's overall utility rates and fees. He noted that the County's capacity fee for water has not been updated in 15 years or more. He said they would also be looking at the base water and sewer fees and costs of service. He advised that staff hopes to come to the Board in the near future with a line extension policy.

Vice Chairwoman Kuehler asked for clarification whether the staff is currently working on a sewer extension policy or if it is working on a task order to develop consulting services related to the policy. Mr. Goscicki responded that a consultant is already on board and a final task order is in process right now. He said that these efforts have been worked on mostly at staff level for the last several months.

Following further discussion, no action was taken.

Hospital Community Trustee Council Appointments:

Chairwoman Rogers noted that Commissioner Openshaw, who is the Board's appointee to the Hospital Community Trustee Council, is not present. She asked if this was an item that the Board wanted to discuss now or table until the next meeting.

Vice Chairwoman Kuehler said that she received the suggested names in the agenda package and sometime today she received an e-mail providing telephone numbers for the candidates. She said she was used to seeing applications stating how long the

applicants have been in Union County, what their civic opportunities have been, and to be given the opportunity to call and contact the applicants. She said that she wanted to obtain applications or resumes from the candidates.

Chairwoman Rogers said that she had similar notes that she wanted to contact the candidates. She stated that she had questions on the selection criteria, but there was no one present to answer those questions.

It was noted by Vice Chairwoman Kuehler that the Board had received an e-mail that Nancy Anderson, who was one of the candidates suggested by the Community Trustee Council, has withdrawn her name.

Chairwoman Rogers moved to request that Commissioner Openshaw, as the Board's representative on the Community Trustee Council, contact Mr. Lutes, President of CMC-Union, to obtain the candidates' resumes or the Manager can do so.

Mr. Greene said that the staff would be happy to contact Mr. Lutes to request the information or if the Board preferred that Commissioner Openshaw communicate with Mr. Lutes, it would be fine either way.

Vice Chairwoman Kuehler suggested that Commissioner Openshaw, as the Board's representative on the Community Trustee Council, contact Mr. Lutes.

Vice Chairwoman Kuehler questioned whether the Board should vote to ask Commissioner Openshaw to request the information. Chairwoman Rogers said that she would let him know.

Vice Chairwoman Kuehler offered an amendment to the motion to table action on this item and obtain the background information to assure how the candidates fit within the selection criteria. The motion as amended passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Mills voted in favor of the amended motion. Commissioner Openshaw was excused from the meeting, and Commissioner Baucom was not present.

Chairwoman Rogers verified the vote of Commissioner Mills, and he asked if the item would be brought to the next meeting. Chairwoman Rogers stated, yes.

Announcement of Vacancies on Boards and Committees:

Chairwoman Rogers expressed appreciation to Brett Vines, Luan Ingram, and Dr. Webb who have been working on including the vacancies on boards and committees in the schools' newsletters. She said she had been contacted by a few parents who said they were glad to see these announcements in the newsletters.

- a. Adult Care Home Advisory Committee (2 Vacancies)
- b. Criminal Justice Partnership Program Advisory Board (1 Member at Large)
- c. Nursing Home Advisory Committee (1 Vacancy)
- d. Juvenile Crime Prevention Council:
 1. Substance Abuse Professional
 2. Commissioner Appointee to Fill Unexpired Term Ending June 30, 2011
- e. Union County Industrial Facilities and Pollution Control Authority (2 Vacancies for Unexpired Terms Ending May 2014)
- f. Parks and Recreation Advisory Committee (2 Vacancies as of February 2010 includes one vacancy for a member with a physical disability)
- g. Union County Home and Community Care Block Grant Advisory Committee (3 vacancies for unexpired terms)
- h. Fire Commission (Two Vacancies)
- i. Planning Board (Two Vacancies for Regular Members and One Vacancy for Alternate Member as of April 20, 2010)
- j. Health Board (Two Citizen Representatives)
- k. Board of Adjustment (One Regular Member and One Alternate Member as of April 19, 2010)

County Manager's Comments:

The Manager had no comments but offered to answer any questions of the Board.

Commissioners' Comments:

Vice Chairwoman Kuehler had no comments.

Commissioner Mills said that last Wednesday he was unable to attend the Board's special meeting with Kaufman Hall, but he had the pleasure of being part of the road naming for Mr. Wayne Mangum, a Union County teacher for 42 years and a school board member for eight. He said that Gene Conti, Secretary of Transportation, attended that event. He stated that he along with Commissioner Baucom and the Agriculture Commissioner, Steve Troxler, and Secretary of Transportation, Gene Conti, drove down to Landsford Road. He said that Agriculture Commissioner Troxler rode in a huge combine and Secretary Conti rode in another large vehicle. He stated that there are some traffic issues with putting large vehicles on Highway 601 running 15 miles per hour and taking a righthand turn off Landsford Road and going 1.2 miles, taking a left, and coming back up that highway. He said that the combine and drill were 100 feet long. He said that this is very dangerous with the large vehicles stopping traffic. He stated that the Highway Patrol was also present, and one of the large vehicles broke one of the concrete barriers when it made the turn. Commissioner Mills said that hopefully the Department of Transportation will consider redesigning this intersection as it is a big issue for the farmers of the area.

He reported that Union County Schools Transportation partnered with his church. He said that the Transportation staff loaded a bus with many donations, which was so full that he could not get in the bus to help drive it to Florida. He said that the bus and donations will be arriving on Thursday in Haiti. He stated that the Transportation staff and Dr. Davis are to be commended, and the donations would be helping a lot of people.

Commissioner Mills said that he had spoken at the Matthews Rotary Club today. He said they are working on raising \$25,000 to install a water treatment facility in the town in Haiti where he had stayed in November. He said that this project was coming along nicely.

He commended Commissioner Baucom, who is in Anaheim, California, and is receiving an agricultural award. He said he thought tonight's meeting had been a good meeting.

Chairwoman Rogers had no comments.

With there being no further comments or discussion, at approximately 10:25 p.m., Vice Chairwoman Kuehler moved to adjourn the regular meeting. The motion was passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Mills voted in favor of the motion. Commissioner Openshaw had been excused from the meeting, and Commissioner Baucom was not present.