

AGENDA
UNION COUNTY BOARD OF COMMISSIONERS
Regular Meeting
Monday, June 21, 2010
7:00 P.M.
Board Room, First Floor
Union County Government Center
500 North Main Street
Monroe, North Carolina

www.co.union.nc.us

1. **Opening of Meeting**
 - a. Invocation
 - b. Pledge of Allegiance
 - c. Featured Community Benefit Organization: The Arc of Union County (*Estimated Time: 5 Minutes)
2. **Informal Comments** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: No action required
3. **Additions, Deletions and/or Adoption of Agenda** (*Estimated Time: 5 Minutes)
ACTION REQUESTED: Adoption of Agenda
4. **Consent Agenda** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Approve items listed on Consent Agenda
5. **Public Information Officer's Comments** (*Estimated Time: 5 Minutes)

Old Business:

6. **Amended and Restated Budget Ordinance for FY 2009-2010** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Amended and Restated Ordinance
7. **FY 2011 Budget Ordinance** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt recommended 2011 Interim Budget Ordinance
8. **Consideration of Fire Fee Legislation Amendments** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Discuss and consider adoption of Resolution

New Business:

9. **Presentation of Recommendations: Governance Committee** (*Estimated Time: 15 Minutes)
ACTION REQUESTED: Receive presentation and direct staff and the County Attorney to prepare a report regarding legal process for changing the composition of the governing board.

10. **Presentation by James Cooney Regarding Ethics Investigation** (*Estimated Time: 15 Minutes)
ACTION REQUESTED: Receive report
11. **Wesley Chapel Fire & Rescue Request for Sewer Allocation** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Amendment to the Sewer Allocation Policy
12. **Wesley Chapel Fire and Rescue: Resolution Approving Financing for Purchase of 2010 Pierce “Pumper” Engine Truck** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Resolution Approving the Incurrence by Wesley Chapel Fire & Rescue of Up to \$560,111 in Indebtedness to Finance a 2010 Pierce Velocity Engine Truck
13. **Announcement of Vacancies on Boards and Committees** (*Estimated Time: 10 Minutes)
 - a. Adult Care Home Advisory Committee (at least 3 Vacancies)
 - b. Agricultural Advisory Board (2 Vacancies Expiring June 2010)
 - c. Criminal Justice Partnership Program (5 Members at Large)
 - d. Union County Industrial Facilities and Pollution Control Financing Authority (2 vacancies for terms expiring May 2010)
 - e. Juvenile Crime Prevention Council:
 1. Substance Abuse Professional
 - f. Nursing Home Advisory Committee (at least 3 vacancies)
 - g. Parks and Recreation Advisory Committee (1 vacancy for a member with a physical disability)**ACTION REQUESTED:** Announce vacancies
14. **County Manager’s Comments**
15. **Commissioners’ Comments**

CONSENT AGENDA
June 21, 2010

1. **Minutes**
ACTION REQUESTED: Approval of minutes

2. **Contracts and Purchase Orders Over \$20,000**
 - a. General Services: Contract Amendment #15 to Agreement with The Keith Corporation for Property Management Services (FY 2010-2011) Extending the Agreement for an Additional Year Through June 30, 2011 (Funding for these services, \$1,256,280, is included in the Manager's recommended budget for FY 2010 -2011 and represents a decrease of \$34,416 or 2.7 Percent from the FY adopted budget)
 - b. Social Services: Renewal of Software Support Agreement with Cox & Company for the Period of July 1, 2010 – June 30, 2011 (100 Percent County Funding)
 - c. Social Services: Renewal of Agreement with Neighborhood Nurses to Provide In-Home Services to Eligible Clients for the Period of July 1, 2010, through June 30, 2011 [(Total Amount of Contract is \$120,000 of which 90 Percent (\$108,000) is State Funding and 10 Percent (\$12,000) is County Funding]
 - d. Public Works Department: Stormwater Management Study for Commercial Development in Unincorporated Areas: Task Order No. 1 with US Infrastructure of Carolina, Inc. in an Amount Not to Exceed \$30,000
 - e. Public Works Department: Memorandum of Understanding with South Carolina Department of Transportation for Utility Relocation of the County's 42-Inch Water Main
 - f. Public Works Department: Task Order #5 with Olver Incorporated for Engineering Services in Connection with 42-Inch Water Main Relocation Along SC Highway 5, Lancaster County, South Carolina**ACTION REQUESTED:** Authorize Manager to approve Items a - f, pending adoption of FY 2011 budget and legal review

3. **Union County Public Schools (UCPS) Wet Detention/Bio Retention Basin Easements**
 - a. Sun Valley Middle School
 - b. Piedmont High School**ACTION REQUESTED:** Authorize County Manager to approve easements pending legal review

4. **Centralina Council of Governments: Home and Community Care Block Grant (HCCBG) Funding for FY 2011** (A Local County Match is Required of \$88,074, which is included in the FY 2011 Manager Recommended Budget)
ACTION REQUESTED: Approve FY 2011 HCCBG Funding Plan and Authorize County Manager to Approve Contract with Centralina Council of Governments; pending adoption of FY 2011 budget and legal review

5. **Wesley Chapel/Weddington Athletic Association – Optimist Park: Budget Ordinance Amendment #50**
ACTION REQUESTED: Adopt Budget Ordinance Amendment #50

6. **Amendment to 2010 Jail Medical Plan**

ACTION REQUESTED: Approve amendment to plan as submitted

7. **Tax Administrator**

- a. Eleventh Motor Vehicle Refund Register for the Period of May 1, 2010 – May 31, 2010, in the Net Grand Total of \$1,454.64-
- b. Eleventh Motor Vehicle Release Register for the Period of May 1, 2010 – May 31, 2010, in the Net Grand Total of \$6,985.39-
- c. Twelfth Motor Vehicle Billing in the Grand Total of \$993,948.69
- d. Releases for May 2010 in the Grand Total of \$66,237.90
- e. Departmental Monthly Report for May, 2010

ACTION REQUESTED: Approve items a-e, above

INFORMATION ONLY – NO ACTION REQUIRED

1. Personnel Monthly Report for May 2010

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2010

Action Agenda Item No. 1c
(Central Admin. use only)

SUBJECT: Presentation by The Arc of Union County

DEPARTMENT: Central Administration **PUBLIC HEARING:** No

ATTACHMENT(S): none **INFORMATION CONTACT:** Brett Vines, Public Information

TELEPHONE NUMBERS:
704-283-3546

DEPARTMENT'S RECOMMENDED ACTION: Receive presentation from Ms. Melinda Plue, Executive Director of The Arc of Union County, about the organization and its programs.

BACKGROUND: The Arc of Union County is the only advocacy-driven agency in Union County committed to enhancing the lives of individuals with intellectual and developmental disabilities such as autism, Down Syndrome, cerebral palsy, and dozens of other diagnosis. The Arc, which has been in existence since 1981, is committed to securing for all people with intellectual and developmental disabilities the opportunity to choose and realize their goals of where and how they learn, live, work, and play.

The Arc provides innovative services designed to assist people with intellectual and developmental disabilities live successful, meaningful lives. The Arc believes that all people should have access to a quality lifestyle in the community and its goal is to to assist people in achieving that lifestyle. Some of The Arc's services include Supported Employment, Supported Living, Life Plan Trust, and Self-Advocacy.

FINANCIAL IMPACT: none

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 6

(Central Admin. use only)

SUBJECT: Amended and Restated FY2010 Budget Ordinance

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Ordinance

INFORMATION CONTACT:
Kai Nelson

TELEPHONE NUMBERS:
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt Amended and Restated FY2010 Budget Ordinance

BACKGROUND: This amended and restated budget ordinance provides the external auditors with a cumulative final budget for FY2010 and incorporates Board actions throughout the fiscal year into a single, restated final budget ordinance. The amended and restated ordinance parallels the amounts contained in the current budget/estimated columns that appear on pages 30-31 and 47 of the Budget Book.

The additional uses exceeding budget but incorporated into the current year's fiscal year-end estimates relate to the following functional areas:
Internal Audit, Legal, General Services (medical benefits and facilities maintenance)
Law Enforcement, Fire Services, Inspections (inmate medical and provisions, renovations, RIFs)
Soil Conservation (medical benefits)
School Debt Service (refunding bonds)
Interfund Transfers (capital reserve)
Fee Supported Fire Districts (correct original budget appropriation error - typographical error)
Water and Sewer transfer (capital reserve)
Solid Waste Capital Reserve (transfer to operations/capital)
Debt Service transfer (school capital construction)

FINANCIAL IMPACT: Action parallels financial projections contained in the Budget Book.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

SECTION I. GENERAL FUND

A. The following amounts are hereby appropriated in the GENERAL FUND for the operation of the county government and its activities for the fiscal year beginning July 1, 2009 and ending June 30, 2010 in accordance with the chart of accounts heretofore established for this county.

| | | | |
|--|-------------|--------------------|--|
| General Government: | | | |
| Board of Commissioners | 456,365 | | |
| Central Administration | 888,534 | | |
| County Dues & Memberships | 97,773 | | |
| Internal Audit | 98,776 | | |
| Legal | 328,185 | | |
| Personnel | 706,248 | | |
| Finance | 856,033 | | |
| Tax Administration | 3,598,144 | | |
| Court Facilities | 1,923,035 | | |
| Elections | 1,028,578 | | |
| Register of Deeds | 1,045,823 | | |
| Information Technology | 1,743,920 | | |
| General Services | 345,000 | 13,116,414 | |
| Public Safety: | | | |
| Law Enforcement | 19,676,000 | | |
| Communications | 4,010,504 | | |
| Homeland Security | 195,255 | | |
| Fire Services | 1,649,470 | | |
| Inspections | 1,743,800 | | |
| Outside Agencies | 3,081,540 | 30,356,569 | |
| Economic & Physical Development: | | | |
| Planning | 512,337 | | |
| Economic Development | 1,917,687 | | |
| Cooperative Extension | 1,104,747 | | |
| Soil Conservation | 79,478 | | |
| Outside Agency | 77,248 | 3,691,497 | |
| Human Services: | | | |
| Public Health | 9,124,252 | | |
| Social Services | 26,643,028 | | |
| Transportation and Nutrition | 1,545,065 | | |
| Veterans' Services | 279,261 | | |
| Outside Agencies | 2,891,973 | 40,483,579 | |
| Education: | | | |
| School Current Expense (See Section VIII. D.) | 79,504,155 | | |
| School CE-Occupancy Costs | 203,478 | | |
| School Capital Outlay (See Section VIII. A., B., & C.) | - | | |
| Pay-Go & Bond Savings | 4,344,169 | | |
| Bond Savings | (2,000,000) | 2,344,169 | |
| School Debt Service | 48,887,704 | | |
| School Debt Service - Refunding | 41,998,293 | | |
| Community College | - | | |
| Debt Service | 351,604 | | |
| Operations | 1,100,000 | | |
| Outside Agency | 2,250 | 174,391,653 | |
| Cultural and Recreational: | | | |
| Library | 4,242,180 | | |
| Parks & Recreation | 1,731,351 | | |
| Outside Agencies | 74,308 | 6,047,839 | |
| Capital Reserve Contribution | 9,243,248 | 9,243,248 | |
| Contingency/Nondepartmental | 444,564 | 444,564 | |
| | | <u>277,775,363</u> | |

Amended and Restated Budget Ordinance
Union County, NC

Fiscal Year 2009-2010

B. It is estimated that the following revenues will be available in the GENERAL FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | |
|---------------------------|--------------------|
| Ad Valorem Taxes | 151,542,026 |
| Local Option Sales Tax | 28,478,556 |
| Other Taxes | 1,416,000 |
| Intergovernmental | 31,047,529 |
| Functional Revenues | 6,762,637 |
| Miscellaneous | 5,216,528 |
| Debt Proceeds - Refunding | 42,040,683 |
| Fund Balance Appropriated | 11,271,404 |
| | <u>277,775,363</u> |

SECTION II. FIRE TAX DISTRICTS

A. The following amounts are hereby appropriated in the various FIRE TAX DISTRICT FUNDS for the operation of fire protection services for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.

| | |
|---------------|------------------|
| Hemby Bridge | <u>1,130,500</u> |
| Springs | <u>327,115</u> |
| Stallings | <u>985,224</u> |
| Waxhaw | <u>588,926</u> |
| Wesley Chapel | <u>1,184,552</u> |

B. It is estimated that the following revenues will be available in the FIRE TAX DISTRICT FUNDS for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | |
|---------------------------|------------------|
| Ad Valorem Taxes | 1,017,768 |
| Local Option Sales Tax | 112,732 |
| | <u>1,130,500</u> |
| Ad Valorem Taxes | 314,698 |
| Local Option Sales Tax | 750 |
| Fund Balance Appropriated | 11,667 |
| | <u>327,115</u> |
| Ad Valorem Taxes | 833,747 |
| Local Option Sales Tax | 151,477 |
| | <u>985,224</u> |
| Ad Valorem Taxes | 400,094 |
| Local Option Sales Tax | 78,832 |
| Fund Balance Appropriated | 110,000 |
| | <u>588,926</u> |
| Ad Valorem Taxes | 999,596 |
| Local Option Sales Tax | 184,956 |
| | <u>1,184,552</u> |

SECTION III. FEE SUPPORTED FIRE DISTRICTS

A. The following amounts are hereby appropriated in the FEE SUPPORTED FIRE DISTRICTS FUND for the operation of fire protection services for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.

| | |
|----------------|------------------|
| Public Safety: | <u>1,163,710</u> |
|----------------|------------------|

B. It is estimated that the following revenues will be available in the FEE SUPPORTED FIRE DISTRICTS FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | |
|---------------------------|------------------|
| Fire Fees | 1,160,610 |
| Fund Balance Appropriated | 3,100 |
| | <u>1,163,710</u> |

SECTION IV. EMERGENCY TELEPHONE SYSTEM

A. The following amounts are hereby appropriated in the EMERGENCY TELEPHONE SYSTEM FUND for the emergency 911 services for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.

| | |
|---------------|------------------|
| Public Safety | <u>1,247,762</u> |
|---------------|------------------|

B. It is estimated that the following revenues will be available in the EMERGENCY TELEPHONE SYSTEM FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | |
|---------------------------|------------------|
| Service Charges | 1,244,465 |
| Fund Balance Appropriated | <u>3,297</u> |
| | <u>1,247,762</u> |

SECTION V. WATER AND SEWER

A. The following amounts are hereby appropriated in the WATER AND SEWER FUND for the operation of water and sewer services for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.

| | |
|---------------|-------------------|
| Water & Sewer | <u>27,685,988</u> |
|---------------|-------------------|

B. It is estimated that the following revenues will be available in the WATER AND SEWER FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | |
|---------------------------|-------------------|
| Fees for Services | 25,921,376 |
| Miscellaneous | 1,689,620 |
| Fund Balance Appropriated | <u>74,992</u> |
| | <u>27,685,988</u> |

SECTION VI. SOLID WASTE

A. The following amounts are hereby appropriated in the SOLID WASTE FUND for the operation of solid waste services for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.

| | |
|-------------|------------------|
| Solid Waste | <u>5,133,707</u> |
|-------------|------------------|

B. It is estimated that the following revenues will be available in the SOLID WASTE FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | |
|-------------------------------|------------------|
| Fees for Services | 4,667,040 |
| Intergovernmental | 10,000 |
| Miscellaneous | 65,000 |
| IFT from Solid Waste Reserves | 391,120 |
| Fund Balance Appropriated | <u>547</u> |
| | <u>5,133,707</u> |

SECTION VII. STORMWATER

A. The following amounts are hereby appropriated in the STORMWATER FUND for the operation of stormwater services for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.

| | |
|------------|----------------|
| Stormwater | <u>305,681</u> |
|------------|----------------|

B. It is estimated that the following revenues will be available in the STORMWATER FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | |
|-------------------------------|----------------|
| Transfer from Enterprise Fund | 284,797 |
| Fund Balance Appropriated | <u>20,884</u> |
| | <u>305,681</u> |

Amended and Restated Budget Ordinance
Union County, NC

Fiscal Year 2009-2010

SECTION VIII. SCHOOL BOND FUND-55 CAPITAL PROJECT ORDINANCE FUND

- A. The following amounts are hereby amending the appropriation in the SCHOOL BOND FUND-55 (Capital Project Ordinance Fund) for education capital projects within the chart of accounts heretofore established for this county. Capital expenditures allocated to SCHOOL BOND FUND-55 are limited to Category I and III projects identified in the County's approved 2010-2014 UCPS Capital Improvement Plan.
- B. It is estimated that the following revenues will be available in the SCHOOL BOND FUND-55 (Capital Project Ordinance Fund). SCHOOL BOND FUND-55 revenues are limited to bond funded CIP project savings which accrue only to funded and bid construction projects.

| | | | |
|------------------|------------------|---------------|------------------|
| Capital Projects | <u>2,000,000</u> | Debt Proceeds | <u>2,000,000</u> |
|------------------|------------------|---------------|------------------|

- B. The appropriations identified as Section I A. General Fund - School Capital in the amount of \$4,344,169 shall be allocated to UCPS based on 115C-429(b) Category I (projects) and Category II (entire category) and Category III (entire category). The School Capital Categories I, II and III shall be based on the County's approved 2010-2014 UCPS Capital Improvement Plan. Additionally, Category I and Category II capital outlay appropriations provided by the County and reflected in the UCPS capital outlay fund pursuant to 115C-426 that are not capitalized pursuant to governmental generally accepted accounting principles will be charged to School Current Expense with a budget transfer from School Capital Outlay. Union County Finance Director is hereby provided the authority to make said budget transfers.

SECTION IX. SOLID WASTE CAPITAL FUND

- A. The following amounts are hereby appropriated in the SOLID WASTE CAPITAL FUND, a capital reserve fund, for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.
- B. It is estimated that the following revenues will be available in the SOLID WASTE CAPITAL FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | | | |
|----------------------------------|----------------|---------------------------|----------------|
| Transfer to: Solid Waste Fund | <u>473,600</u> | Fund Balance Appropriated | <u>473,600</u> |
|----------------------------------|----------------|---------------------------|----------------|

SECTION X. DEBT SERVICE FUND

- A. The following amounts are hereby appropriated in the DEBT SERVICE FUND, a debt service reserve fund, for the fiscal year beginning July 1, 2009 and ending June 30, 2010 with the chart of accounts heretofore established for this county.
- B. It is estimated that the following revenues will be available in the DEBT SERVICE FUND for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

| | | | |
|---|-------------------|---------------------------|-------------------|
| Transfer to: School Bond Fund-55 Capital Project Ordinance Fund | <u>11,847,132</u> | Fund Balance Appropriated | <u>11,847,132</u> |
|---|-------------------|---------------------------|-------------------|

SECTION XI. A. GENERAL FUND: That there is hereby levied for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following county-wide rate of tax on each one hundred dollars (\$100) valuation of taxable property situated in the County, as listed for taxes as of January 1, 2009, for the purpose of raising the revenue from current year's taxes, as set forth in the foregoing county-wide estimates of revenue, and in order to finance the foregoing county-wide appropriations:

General Fund - County-wide Rate .6650

B. SPECIAL DISTRICTS: That there is hereby levied for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following Special District tax rate on each one hundred dollars (\$100) valuation of estimated taxable property situated in each Special District, as listed for taxes as of January 1, 2009, for the purpose of raising the revenue from current year's taxes, as set out in the foregoing District estimates of revenue, and in order to finance the foregoing District appropriations:

| | | | |
|---------------------------------------|----------------------------------|--|----------------------------------|
| Hemby Bridge Fire Protection District | <u> .0493 </u> | Wesley Chapel Fire Protection District | <u> .0191 </u> |
| Springs Fire Protection District | <u> .0306 </u> | Waxhaw Fire Protection District | <u> .0248 </u> |
| Stallings Fire Protection District | <u> .0406 </u> | | |

Amended and Restated Budget Ordinance
Union County, NC

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SECTION XII. FIRE FEES

These fees will be collected by the County Tax Administrator's Office and remitted to the various fee supported fire districts by the Finance Department on a monthly basis. Remittances may not exceed the budgeted amount for any given department. In the event that revenues exceed expenditures, those funds shall be withheld and used in the next year's budget appropriation as a fund balance added to the appropriation from fees collected in that year. The fees are as follows:

| FIRE FEES 2009-2010 | Allens | | Beaver | | Griffith | | Lanes | |
|--|-------------|---------|---------|----------|-----------|---------|---------|--|
| | Cross-Roads | Bakers | Lane | Fairview | Road | Jackson | Creek | |
| Percentage per request or maximum | 100.00% | 80.42% | 100.00% | 90.62% | 100.00% | 100.00% | 100.00% | |
| Single Family Dwelling (SFD) (max fee of \$50) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Unimproved Land-per acre | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | |
| -minimum (10% of fee) | 5.00 | 4.02 | 5.00 | 4.53 | 5.00 | 5.00 | 5.00 | |
| Animal/Horticulture (20% of fee) | 10.00 | 8.04 | 10.00 | 9.06 | 10.00 | 10.00 | 10.00 | |
| Commercial < or = 5000 sq ft (100% of fee) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Commercial > 5000 sq ft (200% of fee) | 100.00 | 80.42 | 100.00 | 90.62 | 100.00 | 100.00 | 100.00 | |
| Mobile Home (same as SFD) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Duplex (same as SFD) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Triplex (150% of fee) | 75.00 | 60.32 | 75.00 | 67.97 | 75.00 | 75.00 | 75.00 | |
| Other Family Dwellings (200% of fee) | 100.00 | 80.42 | 100.00 | 90.62 | 100.00 | 100.00 | 100.00 | |
| Cultural Facilities (same as SFD) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Educational Facilities (same as SFD) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Governmental Facilities (same as SFD) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Religious Facilities (same as SFD) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| Fire Protection Facilities (same as SFD) | 50.00 | 40.21 | 50.00 | 45.31 | 50.00 | 50.00 | 50.00 | |
| % of Legislated maximum of \$50.00 | 100.00% | 80.42% | 100.00% | 90.62% | 100.00% | 100.00% | 100.00% | |
| | New | | Provi- | Sandy | Stacks | Union- | | |
| | Salem | dence | Ridge | Road | Stallings | ville | Wingate | |
| Percentage per request or maximum | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 87.46% | 100.00% | |
| Single Family Dwelling (SFD) (max fee \$50) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Unimproved Land-per acre | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | |
| -minimum (10% of fee) | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 4.37 | 5.00 | |
| Animal/Horticulture (20% of fee) | 10.00 | 10.00 | 10.00 | 10.00 | 10.00 | 8.75 | 10.00 | |
| Commercial < or = 5000 sq ft (100% of fee) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Commercial > 5000 sq ft (200% of fee) | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 87.46 | 100.00 | |
| Mobile Home (same as SFD) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Duplex (same as SFD) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Triplex (150% of fee) | 75.00 | 75.00 | 75.00 | 75.00 | 75.00 | 65.60 | 75.00 | |
| Other Family Dwellings (200% of fee) | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 87.46 | 100.00 | |
| Cultural Facilities (same as SFD) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Educational Facilities (same as SFD) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Governmental Facilities (same as SFD) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Religious Facilities (same as SFD) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| Fire Protection Facilities (same as SFD) | 50.00 | 50.00 | 50.00 | 50.00 | 50.00 | 43.73 | 50.00 | |
| % of Legislated maximum of \$50.00 | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 87.46% | 100.00% | |

SECTION XIII. WATER AND SEWER RATES

A. One-time Charges for New Service:

| | <u>Meter Size</u> | <u>Capacity Ratio to 3/4 inch</u> | <u>Water User Fees</u> | <u>Sewer User Fees</u> |
|---|-------------------|-----------------------------------|------------------------|------------------------|
| Capacity Fee - charged for all new service (based on meter size): | 3/4" | 1.00 | \$ 500 | \$ 2,650 |
| | 1" | 2.52 | 1,250 | 6,675 |
| | 1.5" | 5.01 | 2,500 | 13,275 |
| | 2" | 8.01 | 4,000 | 21,225 |
| | 3" | 22.54 | 11,250 | 59,725 |
| | 4" | 50.09 | 25,050 | 132,725 |
| | 6" | 70.12 | 35,050 | 185,825 |
| Water Tap Fee - charged for county provided taps (based on meter size): | 3/4" | | \$ 400 | |
| | 1" | | 525 | |
| | 1.5" | | 2,600 | |
| | > 1.5" meter | | Cost | |
| Sewer Tap Fee - charged for county provided taps (based on line size): | <u>Line Size</u> | | | |
| | 4" | | | \$ 630 |
| | 6" | | | 825 |
| | > 6" line | | | Cost |

B. Monthly Service Charges:

| | <u>Meter Size</u> | <u>Capacity Ratio to 3/4 inch</u> | <u>Water User Fees</u> | <u>Sewer User Fees</u> |
|--|-------------------|-----------------------------------|------------------------|------------------------|
| Base Facility Charge - fixed amount (based on meter size): | 3/4" | 1.00 | \$ 5.00 | \$ 9.25 |
| | 1" | 2.52 | 12.60 | 23.31 |
| | 1.5" | 5.01 | 25.05 | 46.34 |
| | 2" | 8.01 | 40.05 | 74.09 |
| | 3" | 22.54 | 112.70 | 208.50 |
| | 4" | 50.09 | 250.45 | 463.33 |
| | 6" | 70.12 | 350.60 | 648.61 |

Monthly Volume (Usage) Charge, Non Residential Customers - per 1,000 gallons (monthly metered water usage): \$ 2.45 * \$ 3.30 **

* Monthly Volume (Usage) Charge, Residential 3/4" and Irrigation Meters - per 1,000 gallons (monthly metered water usage, rates are based on the stage of water restrictions in force):

| <u>Monthly Gallons Billed</u> | <u>Stage I No Water Restrictions</u> | <u>Stage II Water Restrictions</u> | <u>Stage III Water Restrictions</u> | <u>Stage IV Water Restrictions</u> |
|-------------------------------|--------------------------------------|------------------------------------|-------------------------------------|------------------------------------|
| 0 - 3,000 | \$ 2.10 | \$ 2.10 | \$ 2.10 | \$ 2.10 |
| 3,001 - 8,000 | 2.45 | 2.45 | 2.45 | 2.45 |
| 8,001 -10,000 | 3.45 | 3.45 | 3.45 | 3.45 |
| 10,001 -15,000 | 5.45 | 8.18 | 13.63 | 19.08 |
| Over 15,000 | 9.45 | 14.18 | 23.63 | 33.08 |

** A year round sewer billing cap is applicable to all metered water consumption over 12,000 gallons per month for residential customers using 3/4" meter.

C. Payment Distribution:

Payments will be applied first to late charges or fees, then to sewer charges, and then to water charges.

SECTION XIV. SEVERABILITY

- A. If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid, it shall not affect the validity of this Ordinance or the remaining phrases, clauses, sentences, paragraphs, appropriations, or sections.

This Amended and Restated Budget Ordinance is adopted on June 21, 2010.

**BOARD OF COMMISSIONERS
UNION COUNTY, NORTH CAROLINA**

By: _____
CHAIRMAN

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 7
(Central Admin. use only)

SUBJECT: FY2011 Interim Budget Ordinance

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Ordinance

INFORMATION CONTACT:
Kai Nelson

TELEPHONE NUMBERS:
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt FY2011 Interim Budget Ordinance

BACKGROUND: On May 28, 2010, the County Manager submitted the FY2011 recommended budget. The budget includes lottery proceeds for school capital construction and debt service based on the Governor's budget proposal. The Senate, having completed its budget drafting only days prior to the Manager's budget submission, contained about \$1 million less in lottery proceeds than the Governor's version by setting aside the statutory formula that reserves 35% of these monies for counties with effective tax rates greater than the statewide average. Union receives monies from this set aside. The House version of the budget had not been released.

Since late May, the House version has been released and that version is even less favorable to the County by creating a \$1.5 million hole in the County's FY2011 budget.

The General Assembly's legislative leadership has appointed conferees to "hash out" the State Appropriations Act - a process of hammering out money and policy differences between the two chambers with a conference report expected in late June. At this point in the process, the more favorable Governor's lottery proposal is not under consideration.

The County Manager's recommended budget for FY2011 is extremely tight. Revenues have been projected prudently with little favorable variance anticipated by year end in 2011. Expenditures have also been projected conservatively with a 2011 recommended budget that reflects virtually no new net spending in spite of absorbing several unfunded mandates and additional benefit costs. With a proposed budget that is extremely tight, a fund balance appropriation level that is at its upper limit, adopting a budget that is financially at risk (\$1 to 1.5 million) based on actions yet to be taken by the legislature is unwise.

While the legislators are deliberating on the State budget (which also means your local budget), there are other matters that they are also considering that could have a favorable financial impact. Expanding eligible uses of 911 fees could help relieve some of the fiscal pressure on the General Fund to fund emergency communication activities thereby providing a partial solution to the funding hole should a portion of the lottery funds be taken by the State.

The Commission has deliberated on the budget during three work sessions. A number of interests (UCPS pay go funding, staffing levels, financing fire services and solid waste) have been expressed by individual members of the Commission. Solutions for a number of these interests simply cannot be accomplished until the General Assembly has adopted its budget with the County then being in a position to adjust its budget based on the funding level provided by the State.

The General Statutes authorize interim budgets. Schools systems, including our very own UCPS, typically adopt interim budgets. In fact, interim budgets are becoming very common.

NCGS 159-16 authorizes governing board's to make interim appropriations (should the budget ordinance not be adopted by July 1) for the purpose of paying salaries, debt service payments, and the usual ordinary expenses of the local government or public authority for the interval between the beginning of the budget year and the adoption of the budget ordinance. Another section of the Statutes (105-347) requires the County to levy taxes not later than August 1.

Our recommendation is that the Commission adopt an interim budget providing for basic appropriations for the month of July. Our hope is that the General Assembly concludes its budget actions in late June or early July. The Commission could then act on the annual budget ordinance at its July 19th meeting.

FINANCIAL IMPACT: NA

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

Union County, North Carolina
Interim Budget Ordinance

BE IT ORDAINED by the Board of Commissioners of Carolina County, North Carolina, that pursuant to G.S. 159-16:

Section 1: The following amounts are hereby appropriated in the General Fund for the usual, ordinary expenses of the county government and its activities for the month of July, 2010 in accordance with the chart of accounts heretofore established for Union County:

| | |
|-----------------------------------|----------------------|
| General government | \$1,004,443 |
| Public safety | 2,555,394 |
| Economic and physical development | 285,051 |
| Human services | 3,215,607 |
| Education | 6,734,992 |
| Cultural and recreational | 492,518 |
| Contingency/Nondepartmental | <u>59,450</u> |
| Total appropriations | <u>\$ 14,347,455</u> |

Section 2. The following amounts are hereby appropriated in the Fire and Fee District Funds for the usual, ordinary expenses of fire protection services for the month of July, 2010 in accordance with the chart of accounts heretofore established for Union County:

| | |
|----------------------|-------------------|
| Hemby Bridge | \$ 94,208 |
| Springs | 27,218 |
| Stallings | 80,638 |
| Waxhaw | 48,702 |
| Wesley Chapel | 102,313 |
| Fee Supported | <u>105,696</u> |
| Total appropriations | <u>\$ 458,775</u> |

Section 3. The following amounts are hereby appropriated in the Emergency Telephone System Fund for the usual, ordinary expenses of providing enhanced emergency telephone services during the month of July, 2010 in accordance with the chart of accounts heretofore established for Union County:

| | |
|---------------------------------|------------------|
| Emergency Telephone System Fund | <u>\$ 62,033</u> |
|---------------------------------|------------------|

Section 4. The following amounts are hereby appropriated in the Water and Sewer Fund for the usual, ordinary expenses of providing utility services during the month of July, 2010 in accordance with the chart of accounts heretofore established for Union County:

| | |
|----------------------|---------------------|
| Water and Sewer Fund | <u>\$ 2,098,005</u> |
|----------------------|---------------------|

Section 5. The following amounts are hereby appropriated in the Solid Waste Fund for the usual, ordinary expenses of providing solid waste management services during the month of July, 2010 in accordance with the chart of accounts heretofore established for Union County:

| | |
|------------------|-------------------|
| Solid Waste Fund | <u>\$ 362,408</u> |
|------------------|-------------------|

Section 6. The following amounts are hereby appropriated in the Stormwater Fund for the usual, ordinary expenses of providing stormwater services during the month of July, 2010 in accordance with the chart of accounts heretofore established for Union County:

| | |
|-----------------|------------------|
| Stormwater Fund | <u>\$ 23,889</u> |
|-----------------|------------------|

Section 7. The Budget Officer is hereby authorized to transfer appropriations as contained herein pursuant to the Resolution Governing Certain Contract, Personnel, and Fiscal Matters adopted June 20, 2005.

Adopted this 21st day of June, 2010.

BOARD OF COMMISSIONERS
UNION COUNTY, NORTH CAROLINA

By: _____
Chairwoman

**OFFICE OF THE COMMISSIONERS AND MANAGER**

500 N. Main St., Room 921 • Monroe, NC 28112 • Phone (704) 283-3810 • Fax (704) 282-0121

A RESOLUTION TO REQUEST AUTHORIZATION TO INCREASE THE AMOUNT OF CERTAIN FIRE FEES THAT CAN BE CHARGED BY UNION COUNTY

WHEREAS, at the request of the Union County Board of Commissioners, the North Carolina General Assembly adopted special legislation found in Chapter 883, § 1, 1991 N.C. Session Laws, as subsequently amended (the "Special Legislation"), granting authority to charge fire fees; and

WHEREAS, the amount necessary to provide fire service in certain fire fee districts exceeds the amount that is collectible using the current statutory limits for fire fees; and

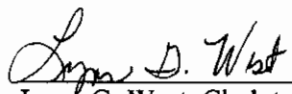
WHEREAS, the Board of Commissioners desires to request an amendment to the Special Legislation increasing the limits that may be charged for fire fees for certain categories.

NOW, THEREFORE BE IT RESOLVED by the Union County Board of Commissioners that an amendment is requested to the Special Legislation that would increase the statutory limits that may be charged for fire fees, as set out below:

1. Amend N.C.G.S. 153A-236(c)(1), found in the Special Legislation, as follows:
 - (1) A single-family dwelling or manufactured or mobile home, and appurtenant structures, plus up to five acres of surrounding land. The fee on this class of property may not exceed ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) per site per year.
2. Amend N.C.G.S. 153A-236(c)(4), found in the Special Legislation, as follows:
 - (4) A commercial facility other than an animal production or horticultural operation. The fee on this class of property may not exceed fifty dollars (\$50.00) per site per year for commercial facilities with structures encompassing less than 5,000 square feet and ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) per site per year for commercial facilities with structures encompassing 5,000 square feet or more.
3. Amend N.C.G.S. 153A-236(c)(5), found in the Special Legislation, as follows:
 - (5) A multiple-family dwelling. The fee on a duplex may not exceed fifty dollars (\$50.00) per building per year. The fee on a triplex may not exceed ~~seventy-five dollars (\$75.00)~~ one hundred fifty dollars (\$150.00) per building per year. The fee on any other multiple-family dwelling may not exceed ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) per building per year.

Adopted this the 16th day of February, 2009.

ATTEST:


Lynn G. West, Clerk to the Board


Lanny Openshaw, Chairman

AGENDA ITEM

9

MEETING DATE 6/21/10

Governance Committee Report

Main objective: To search out ways to improve representation to all areas of the county (ie. The east side especially) This would include, but not be limited to increasing the size of the board of commissioners and the use of districts.

First, we looked at the number of commissioners currently on the board and discussed the pros and cons of keeping the number at 5, or increasing it to 7. We voted to increase the board by 2 members primarily to provide more opportunity for representation and a stronger base to carry the work load, as the demands on our county increase. With the ever increasing changes and pressures of being a neighbor to Charlotte, it seemed logical to add to the board at this time in hopes that it would allow those who serve on the board of commissioners to fulfill their duties better and devote more time to areas of personal responsibility. The idea that 7 heads are better than 5 is neither logical, nor necessarily correct, but rather it provides an opportunity to spread the load in an effort to carry it better! Whether or not this will actually achieve the goal intended will always depend on the integrity of those in office! It should be noted that the most popular size of a board in N.C. is 5.

Second, and much more complicatedly, we discussed the use of districts to provide geographic representation. North Carolina history shows us that originally all county sets were at large and approximately 90% still are. Districts were created to provide racial equality and there are no legislative provisions for creating districts to provide geographic representation. To create districts for this purpose would expose us to changes, potentially unwanted changes, by both the N.C. Legislature and The Justice Department. According to the current law, The Justice Department would have the final word!

We also have to remember that the voters of our county rejected the option of districts in a past referendum. In a personal conversation that I had with David Lawrence on 8-26-09, from The Institute of Government, he said that it was a legitimate concern to divide your county into too many districts. He warned that this practice could prevent proper concern for the needs of the county as a whole and splinter our focus. There are no examples for us to use, where districts actually and measurably improved geographic representation. It should be carefully noted that we always have an obligation to our community to provide equal opportunity, not special opportunity, while guarding the rights and wellbeing of everyone. This always has been and will be a challenge for every elected official and there are no infallible solutions for us to draw from. There are, however, proven methods and practices from history and the study of government structure that we should put into play. We can not ignore the facts and make decisions on a whim that will not only effect us now, but generations to come!

This brings us to another very serious view of multiple districts, and that is the Constitutionally protected right that all tax payers be allowed to vote for the representatives that are responsible for levying their taxes. Multiple districts would create a situation in which no one voter could vote for the majority of their representatives, thus creating an environment where there is taxation without representation! This is a very serious and time honored right that must be guarded with much care and conviction!

So where does this leave us in viewing the possibility of using districts as a tool to improve our current system and aid in a real way to improve needed representation? We concluded that the concept did indeed have a seemingly real value if used on a limited bases. We are proposing that 2 districts be created to insure that the east side of the county and the west side of the county will always have a voice and will have the needs unique to their areas represented. This does not splinter the county into too many pieces and allows all voters to vote for the majority of those representing them. There is one more benefit that we see from this and that is that campaigning in a smaller area will be more affordable and

less cumbersome to the average individual. We believe that there are many very qualified residents that would serve our county well, and desire to serve if it weren't so cost and time prohibitive. The creation of 2 districts would allow a smaller area for the candidates to cover and also offers the opportunity to connect more closely to those being served. If we limit our talent pool to those who have the time, money and connections I fear we will lose the precious opportunity to truly serve as public servants and reduce local government service to nothing more than a political game. Local government is our last opportunity to serve at home, on the home front, and we must do all that we can to protect it! With every well thought out and well planned opportunity we create we demonstrate our character, integrity and good intentions not for ourselves, but for everyone! These measures will not solve all of the problems that we face in our county, but this committee believes that it is a step in the right direction and is a good starting place for positive change!

SUMMARY OF ACTIONS

SCENARIOS

Different forms of governance representation were listed for consideration to include:

Status-quo—5 At-large

5 Districts

3 Districts/2 At-large

7 At-large

7 Districts

4 Districts/3 At-Large

5 Districts/2 At-Large

9 At-Large

9 Districts

5 Districts/4 At-Large

6 Districts/3 At-Large

7 Districts/2 At-Large

3 Full-Time Commissioners (salaried)

5 Full-Time Commissioners (salaried)

The following characteristics within each scenario were also listed for consideration:

Nonpartisan Races

“Super Districts”

Residency Requirements of Candidates subject to whole county vote

2010 Ballot/2012 Implementation (possible time frames)

When/How district lines change in the future based on growth and population shift

Cost per Commissioner

COMMITTEE POLLING RESULTS:

Districts versus At-Large Data

| Member | Districts | At-Large | No Data |
|--------------------------------|-----------|----------|----------|
| Bob Denson (county) | X | | |
| Frank Deese (Marshville) | X | | |
| Johnny Jacumin (Wingate) | X | | |
| Pat Kitto (county) | | X | |
| Jeff Kravis (county) | | X | |
| Max Walker (Waxhaw) | X | | |
| Sandy Coughlin (Lake Park) | X | | |
| Dee Lamb (Fairview) | | X | |
| George Hendry (county) | | X | |
| Tracey Clinton (Wesley Chapel) | | X | |
| Nick Dispenziere (Marvin) | | X | |
| Henry Courtlandt (county) | | | X |
| TOTALS | 6 | 4 | 2 |

*Note: 14 Members had not yet had the opportunity to represent their areas

Majority Election Ability vs. NonMajority and/or Residency Requirements Data:

| Member | Majority Vote (ie: 4/3) | NonMajority (ie: 5/2) | Residency At-large vote | No Data |
|--------------------------------|----------------------------|--------------------------|----------------------------|----------|
| Bob Denson (county) | | X | | |
| Frank Deese (Marshville) | | X | | |
| Johnny Jacumin (Wingate) | X | | | |
| Pat Kitto (county) | X | | | |
| Jeff Kravis (county) | X | | X | |
| Max Walker (Waxhaw) | | X | | |
| Sandy Coughlin (Lake Park) | X | | | |
| Dee Lamb (Fairview) | X | | | |
| George Hendry (county) | X | | X | |
| Tracey Clinton (Wesley Chapel) | X | | | |
| Nick Dispenziere (Marvin) | | | | X |
| Henry Courtlandt (county) | | | | X |
| TOTALS | 7 | 3 | | 2 |

This chart is based on the assumption that "districts" is the only option. While many of the members were not in favor of districts, if given no choice, these are the representation desires

VOTE 1:

Mr. Denson made the motion that the committee would be considering no more and no less than seven people on the Board of Commissioners, eliminating the status quo, which was, again, seconded by Ms. Critz.

FOR: Mike McGee
 Bob Denson
 Sandy Coughlin
 Henry Courtlandt
 Max Walker
 Frank Deese
 Andy Williams
 Janet Critz
 Brent Moser
 Dee Lamb
 Gary D'onofrio
 George Hendry

AGAINST: Larry Amodeo
 Jeff Kravis
 Pat Kitto
 Cheryl Bennett
 Jerry McKee
 Nick Dispenziere

The motion passed 12 in favor and 6 opposed.

VOTE 2:

Ms. Critz moved that the committee eliminate seven straight districts from consideration. The motion was seconded by Mr. McKee. Following discussion the committee voted in favor of eliminating seven districts from any potential recommendation. (1 dissenting).

VOTE 3:

Ms. Critz made the motion to only consider district scenarios where you could vote for a majority of the representatives. The motion was seconded by Mr. Denson. After clarification of the motion, the motion passed 11 to 4.

(For: Bob Denson, Sandy Coughlin, George Hendry, Pat Kitto, Nick Dispenziere, Erin Kirkpatrick, Janet Critz, Mary Lou Starnes, Mark DiBiasio, and Mike Tramontano; Tracey Clinton abstained making her vote count in the affirmative;

Against: Everette Medlin, Andy Williams, Jerry McKee, and Frank Feldman)

Note: this left the following options:

- 4 districts/3 at-large
- 3 districts/4 at-large
- 2 districts/5 at-large
- 2 districts (2 in each district)/3 at-large

VOTE 4:

Sandy Coughlin moved to eliminate the 4/3 scenario which was seconded by Bob Denson.

The vote was unanimous (17 members in attendance)

VOTE 5:

Frank Feldman moved to eliminate the 3/4 scenario which was seconded by Erin Kirkpatrick.

The vote was unanimous (17 members in attendance)

VOTE 6:

Larry Amodeo moved to eliminate 7 at-large as a scenario and was seconded by Frank Feldman. The motion passed 12-3.

VOTE 7:

Motion made by Janet Critz and seconded by Jerry McKee to conduct the elections in a true district format (meaning only those in the district vote for those running in the district). The motion passed 14-2.

VOTE 8:

Motion made by Sandy Coughlin to reconsider 5 Commissioners which was seconded by Jerry McKee. This motion failed 13-3.

VOTE 9:

Sandy Coughlin made the motion to recommend 2 districts with 2 elected within in each district and 3 elected at-large. It was seconded by Andy Williams. Motion failed by a vote of 9-7

(For: Sandy Coughlin, Frank Deese, Everette Medlin, P.E. Bazemore, Frank Feldman, Jerry McKee, and Andy Williams

Against: Brad Horvath, Jeff Kravis, Larry Amodeo, Pat Kitto, Erin Kirkpatrick, Nick Dispenziere, George Hendry, Henry Courtlandt, and Janet Critz)

VOTE 10:

Motion made by Erin Kirkpatrick and seconded by Janet Critz to recommend 2 districts (1 representative in each) and 5 at-large.

For: Brad Horvath, Jeff Kravis, Larry Amodeo, Pat Kitto, Erin Kirkpatrick, Nick Dispenziere, George Hendry, Henry Courtlandt, and Janet Critz

Against: Sandy Coughlin, Frank Deese, Everette Medlin, P.E. Bazemore, Frank Feldman, Jerry McKee, and Andy Williams)

May 14, 2009

The Governance Committee met for its initial session on Thursday, May 14, 2009, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Henry Courtlandt (UC Rep), Max Walker (Waxhaw Rep), Frank Feldman (UC Rep), Pat Kitto (UC Rep), Nick Dispenziere (Marvin Rep), Jeff Kravis (UC Rep), Wyatt Dunn (Stallings Rep), Johnny Jacumin (Wingate Rep), Jerry McKee (Weddington Rep), Bob Denson (UC Rep), Andy Williams (UC Rep), Lawrence Amodeo (UC Rep), George Hendry (UC Rep), P.E. Bazemore (Monroe Rep), Frank Deese (Marshville Rep), Sandy Coughlin (Lake Park Rep), Tracey Clinton (Wesley Chapel Rep), Jim Simpson (Hemby Bridge Rep), and Everette Medlin (UC Rep), Tracy Kuehler (UC Commissioner)

ABSENT: Dee Lamb (Fairview Rep), Gary D'onofrio (Indian Trail Rep), Janet Critz (Mineral Springs Rep), Andrew Benton (Unionville Rep), Mike McGee (UC Rep)

ALSO PRESENT: Erin Kirkpatrick (citizen)

OPENING OF MEETING:

The meeting commenced with an overview of the mission of the Governance Committee. The mission of the committee is to research and craft a proposal(s) that will offer an alternative or recommendation that representation stay the same as it pertains to the Governance structure of the Union County Board of Commissioners. Upon acceptance by the BOCC, said proposal, if any, may be placed on the ballot as a referendum before the voters of the County. The Committee agreed to have a standing meeting on the fourth Wednesday of each month at 6:30 p.m. in the Training Room, First Floor of the Union County Government Center. The next meeting was scheduled for Wednesday, June 24, 2009 at 6:30 p.m.

Specific instructions to the committee are as follows:

DISCOVERY: To examine and review the Board of County Commissioners (BOCC) Governance structure of other North Carolina counties. The committee should investigate all applicable Federal and State laws that apply to county Governance and take the impending 2010 census data into consideration.

CLASSIFY: To identify, explore and critique various types and styles of Governance, but not necessarily limited to types and styles used in other North Carolina counties. Critique shall include pros and cons for all scenarios with references of any statistical data and/or comparable practices in other areas similar in geographical makeup, growth patterns, demographics, etc. to Union County.

SURVEY: Seek and accept comments, opinion and testimony from Union County citizens on the style and type of government they would prefer. **ASSEMBLY:** After the assemblage of data, material and opinion, the CGAC should seek to identify and narrow the number of Governance options seen as feasible choices for Union County, meeting the mission statement of the committee as specified by the BOCC.

RECOMMENDATIONS: The CGAC should endeavor to provide to the BOCC at least two or more recommendations of Governance, which may include a recommendation to maintain the current structure. The recommendations should provide detail of how changes would be implemented and the datasets used, if applicable to justify the structure.

DISCUSSION

Different forms of governance representation were listed for consideration to include:

Status-quo—5 At-large

5 Districts

3 Districts/2 At-large

7 At-large

7 Districts

4 Districts/3 At-Large

5 Districts/2 At-Large

9 At-Large

9 Districts

5 Districts/4 At-Large

6 Districts/3 At-Large

7 Districts/2 At-Large

3 Full-Time Commissioners (salaried)

5 Full-Time Commissioners (salaried)

The following characteristics within each scenario were also listed for consideration:

Nonpartisan Races

“Super Districts”

Residency Requirements of Candidates subject to whole county vote

2010 Ballot/2012 Implementation (possible time frames)

When/How district lines change in the future based on growth and population shift

Cost per Commissioner

As discussion started, Bob Denson made the statement that districts must be equal in population and wondered if we were “stuck” until the census numbers were completed. George Hendry stated that the rule was equal districts based on plus/minus 5 percent, which was not difficult to do.

Frank Deese stated that he believed that the current at-large method was not working for the east side, and that he believes the committee is here to talk about districts, not keeping the status quo. Mr. Denson that because the districts are population driven, that districts weren’t necessarily going to the east side any more representation. Mr. Deese responded

that even if the western side had 12 and the eastern side only had one, that would be fine because they would be assured at least one seat at the table.

Commissioner Kuehler reminded the committee that they were not limited to recommending one option, that they could recommend choices if they chose.

Mr. Hendry stated that he believed that Union County is the 10th largest county in the State and said he would like to see what other counties like Union (in terms of population, etc.) are doing for county representation. Commissioner Kuehler suggested that the committee could form subgroups to research other county scenarios. Jeff Kravis wanted to know what counties that are high growth, like Union, do to keep up with district lines and changes due to shifts in population and suggested that be a part of the research done by the committee. Johnny Jacumin stated that the east side (specifically Wingate) could use the current census numbers as he believed that the 2010 census would not show a big fluctuation in population in that area of the county.

Mr. Jacumin also stated that the committee should work hard to bring a recommendation to the BOCC that is representative of what the majority of the people in the county desired. Mr. Denson reminded the members that the committee is advisory and stated that he believed the representation on the committee was a good cross-representation of the whole county. He suggested that each member talk to the people they represented and work hard toward keeping government politics out of the discussion. He stated that the committee had a responsibility to do their best to give every citizen a voice and that the committee should be “generic” and shouldn’t base suggestions on politics.

Commissioner Kuehler stated that if the committee wished to consider expanding the Board because they believed that a larger number of Commissioners could better represent the diversity/population of the county, then that was appropriate within the context of their mission. However, if the sole purpose of expansion was to lighten the load on existing Commissioners, that merely increasing the number of bodies would not lessen the work...that each Commissioner would still have to do their own research on the issues, regardless of how many people were involved. P.E. Bazemore said he thought that nine would cover the area (geographically and population) more adequately because there would be more information available about all areas and issues across the county. Mr. Kravis stated he thought the committee was jumping ahead and would like to see more hard data and facts from other counties before discussing specific options. Commissioner Kuehler suggested that the committee could form sub-groups to work on gathering information or that individual members could volunteer to bring that type of information to the next meeting.

Mr. Kravis stated that the last election was separated by less than 100 votes and that one could argue that good representation already exists now...that there were no “land-slide” victories. He said he would like to see the history of past elections, number of votes, margins of victory, etc.

Sandy Coughlin asked what happens next with the committee. The mission statement and tasks were reviewed. Ms. Coughlin asked what guarantee the committee had that their work would be acted upon? She stated that two Commissioners were saying that the committee was wasting its time; that the BOCC wouldn't act on any of the recommendations presented. Commissioner Kuehler expressed her disappointment that two Commissioners were choosing to be negative about the process and reminded the committee that the vote to form the committee and move forward with the question of district representation was unanimous; but beyond that, there were no guarantees. Mr. Jacumin stated that if the BOCC didn't do anything, then Rep. Pryor Gibson would do it for us.

Mr. Hendry discussed the Board of Education election of 2008. He stated that in Districts 1, 2, and 5, that District 1 had eight times the voter turnout than District 2, and that Districts 1 and 2 together, equaled the total votes cast in District 5. He believes that this is solely a size/population issue among the districts.

Mr. Deese stated that of all the listed scenarios, that he felt that the current make-up (5 At-large), doesn't work and should not be considered. He believes that the committee should focus on increased representation of 7 and/or 9. Tracey Clinton stated that she would like to understand the reasons or points as to why 5 doesn't work. Mr. Deese responded that when the County had 10,000 people, we had 5 Commissioners. Now that the County had 150,000 or 160,000 people, we still had 5 Commissioners (stating that he was estimating the numbers and was not asserting that those numbers were accurate in terms of population). He concluded that 5 just didn't adequately represent the current population of the County. He also stated that more Commissioners would help with fewer committee assignments and allow a Commissioner to focus more attention on one or two outside agencies instead of 5 or 6. He continued that the "west side" controls the voting in Union County and that one precinct defeated districts the last time it was on the ballot. He said that one precinct shouldn't be able to determine what happens for the whole county. Mr. Hendry suggested that Mr. Deese was referring to Precinct 28, but that the Board of Elections drew those lines, not the people residing in them. He claimed that the large precinct could easily be divided into 4 smaller precincts which would make them more equal to other precincts in the county---then "one precinct" wouldn't be responsible for such a large voting block. Mr. Deese stated that then four precincts would have decided the election. Commissioner Kuehler stated that the committee should research like size counties, stating that there were counties as large as or larger than Union that had three Commissioners.

Andy Williams agreed that Union needs more than five. He stated that he lives just outside the Marshville Town limits and that if there is an issue in Marshville, he has no representation as he is not a citizen of the Town, and if he goes to the County, they can't help him because it is a Town issue and the county has no jurisdiction. Thus, there is a problem as far as representation for "donut-hole" properties. Commissioner Kuehler confirmed that she had been faced with a very similar situation. Mr. Hendry suggested that it was a zoning issue, not a representation issue, and that compatibility between

municipalities and the county as to zoning and land use should be addressed, but was not a function of county representation as to Commissioners.

Henry Courtlandt stated that he was the beneficiary of the status quo and he believed that it isn't working. Ms. Clinton agreed, but stated that the number of people is not the issue, it's how you elect that number, five or otherwise, that needs to be discussed. Mr. Deese said that just changing the number won't fix the issue, that first, the number needed to be increased, then how that number is elected could be discussed. Frank Feldman offered that increasing government in this economy may not necessarily be the proper thing to do and that it isn't the number of representatives, but how they are elected. He brought up the idea of a residency requirement for the candidate but maintaining a whole county vote. Jerry McKee stated that is how Weddington elects its council. They have four districts, divided equally (or close to it) by number of households and that each district has a representative but that every citizen in Weddington gets to vote for each candidate regardless of what district the candidate lives in or the where the voter resides.

Mr. Jacumin stated that there were 100 counties in NC and that the committee should research what else is being done first before reinventing the wheel. Mr. Bazemore suggested that counties that were similar in growth, industry, race, income, education, etc. should be looked at first, but that it would be difficult to find another county similar to Union. Commissioner Kuehler reminded the committee that population would be the defining factor, ultimately, in determining districts lines.

Mr. Hendry said that based on his research, you would have to combine districts 1 through 4, 8 through 10, and 43 to get a minority district. He stated that, currently, 25% of voters in Union were unaffiliated. Of the remainder, 58% were Republicans and 42% were Democrats.

The conversation shifted back to the validity of the committee. Mr. Denson stated that the current Board was controlled by the west and questioned that, if the committee proposed something that would or might shift that control, would the recommendation be "shot down." He wanted to know what guarantee the committee had. Commissioner Kuehler reiterated that if the Board ignored the recommendation of the committee, then chances were that it would get done for us in Raleigh and that nobody wants that scenario. Mr. Denson then asked how the work of the committee would be documented. Commissioner Kuehler stated that a representative from the committee would present their recommendation to the Board in an open meeting, that audio tapes of the meetings were being kept, that minutes would be available, that the meetings were open to the public, that press releases would be distributed as the committee progressed, and that as long as the committee, as a whole, could stand behind the recommendation, that it had enough public exposure that it could not be ignored. Mr. Deese stated that a small group of people can make a big difference; that if the work of the committee gets ignored, it is the responsibility of the committee to make the issue heard. Commissioner Kuehler informed the members that the committee was being promoted and publicized in Raleigh by the current Board. Mr. Hendry stated that he believed that the work of the committee would ultimately end up on a ballot, but that it was still up to the voters of the county to

approve it. He said that the neither the committee, nor the Commissioners, has control over the ultimate outcome. Max Walker stated that he believed the committee needed to have a consensus and be together on its recommendation in order to give it validity. Mr. Kravis asked what the goal of the committee was, as it pertained to the recommendation. Commissioner Kuehler responded that it was completely up to the committee. They could opt for an “all or nothing” recommendation, offer an alternative, etc., but that it was totally up to the committee. However, whatever decision the committee settled on, the recommendation or recommendations need to, as a whole, have the support of the whole committee...something the entire committee can support.

A member questioned the fiscal responsibility of increasing representation and asked what the cost of a commissioner was to the taxpayer. Mr. Bazemore said he believed the cost of not increasing the number was greater than the actual dollar figure to add more representation.

Ms. Clinton asked about the responsibilities of the Chair and asked if there was any precedent for a nonvoting chair. Commissioner Kuehler stated that the role of the Chair was statutory, but that she believed the task of running a meeting could be assigned to the County Manager.

Mr. Jacumin reiterated his concern about coming into the first meeting and questioning the sincerity of the BOCC. He said he didn't think the committee should question the intent, but that the committee should focus on the task assigned to it and assume that the BOCC will act appropriately. Ms. Clinton agreed that the committee needed to work together to get as close to “unanimous” on a recommendation as possible.

Commissioner Kuehler suggested that the committee could assign volunteers for research and information needed to move forward. She also clarified that she was not a voting member of the committee; that she was here as a facilitator and for information purposes.

The following information was addressed and assigned:

Contact School of Government for county-by-county breakdown: Johnny Jacumin
Contact UC Staff to get current voting stats: George Hendry
Contact School of Government to get statutes pertaining to election law: Tracey Clinton
Research Department of Justice procedure: Henry Courtlandt
Research specific County Commissioner statutes: Tracey Clinton
Census Facts/County GIS Information: George Hendry

Each member was asked to bring a list of items to discuss as to criteria and information that should be asked of and compared as to comparable counties and the pros and cons of their respective systems.

Mr. Denson reiterated the committee's mission and suggested that the pros and cons for different scenarios were keeping within the spirit and purpose of the committee and not politically motivated. He also inquired as to a point of contact for the committee and the

availability of numbers, emails, etc. or the possibility of obtaining a master list. Commissioner Kuehler stated that the BOCC had voted to make her the point of contact and that she would provide a list, barring any objections, of all the members' information. No objections were stated.

A member asked about the possibility of looking at counties that were geographically close to Union from South Carolina such as York County. The consensus from the group was to consider those counties as well.

A member also inquired about substitutes for the committee meetings in the event that the representative could not attend. Commissioner Kuehler suggested that the committee vote on a policy as to attendance as she certainly did not want to hear, at the end of the process, that someone or someplace wasn't represented. She stated that the minutes of the meetings would be general with action items noted and would not be a comprehensive word-for-word transcription of the meeting, so attendance is important in terms of information and certainly input. Someone suggested that missing three out of 12 meetings would warrant asking for a substitute appointment. Mr. Walker pointed out that substitute members would be behind the curve in terms of knowledge. Commissioner Kuehler stated that she didn't know how people were chosen for the committee, so if a substitute is needed, she questioned whether the member should choose his/her own replacement or if the municipality should choose the substitute. The consensus from the group was for each representative to choose a substitute if they could not attend a meeting, and that if a county appointed member could not attend, the Commissioners should provide each representative with alternate names to fill in if necessary. Reappointment due to nonattendance should be done by the municipality. Mr. Hendry suggested that there be a standard letter to notify municipalities if the appointed member is not attending.

As to meeting format, it was the consensus of the committee to operate in a less formal, work-session type atmosphere, noting that the minutes would be publicly available, that audio tapes were being kept and could be produced upon request, that press releases could be coordinated to keep the public informed of the committee's progress, and that the meetings were open and that public input was allowable.

And with that, the meeting was adjourned.

June 24, 2009

The Governance Committee met for its second session on Wednesday, June 24, 2009, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Henry Courtlandt (UC Rep), Max Walker (Waxhaw Rep), Dee Lamb (Fairview Rep), Pat Kitto (UC Rep), Nick Dispenziere (Marvin Rep), Jeff Kravis (UC Rep), Johnny Jacumin (Wingate Rep), Bob Denson (UC Rep), George Hendry (UC Rep), Frank Deese (Marshville Rep), Sandy Coughlin (Lake Park Rep), Tracey Clinton (Wesley Chapel Rep), and Tracy Kuehler (UC Commissioner)

ABSENT: Frank Feldman (UC Rep--excused), Gary D'onofrio (Indian Trail Rep), Janet Critz (Mineral Springs Rep), Andrew Benton (Unionville Rep), Mike McGee (UC Rep), Wyatt Dunn (Stallings Rep), Jerry McKee (Weddington Rep--excused), Andy Williams (UC Rep), Lawrence Amodeo (UC Rep--excused), P.E. Bazemore (Monroe Rep), Jim Simpson (Hemby Bridge Rep), and Everette Medlin (UC Rep),

ALSO PRESENT: Erin Kirkpatrick (citizen)

MEMBERS W/ 2 ABSENCES: Gary D'onofrio (Indian Trail Rep), Janet Critz (Mineral Springs Rep), Andrew Benton (Unionville Rep), Mike McGee (UC Rep).

OPENING OF MEETING:

The meeting was called to order and the minutes from the May meeting were adopted.

Jeff Kravis questioned the committee's process for alternates. Commissioner Kuehler stated her recollection was that the member would pick their own replacement if they were just going to miss one meeting, but if a long-standing replacement were necessary, that the municipalities or commissioners would re-appoint a member to the committee.

After some discussion, the committee agreed, by consensus, that all municipalities should appoint an alternate that would be in place to attend if the primary representative was unavailable and asked that each member have their respective boards provide the name and contact information of the alternate.

Next the committee addressed the public comment portion of the meeting, deciding whether to conduct comments at the beginning or end of the meeting. One person from the public was present and the committee asked if she would prefer to speak at the

beginning or the end. She responded that she would prefer to speak at the end of the meeting. Additionally, the committee agreed to schedule comments at the beginning of the meeting, but would allow comments at the end of the meeting at the discretion of the committee.

The committee, then, discussed a time limit of the meetings, and agreed on an ending time of 8:00 p.m.

The committee addressed concerns about notification of the meetings and announcements on the website. A decision was made to include meeting announcements on the county website and have a reminder email sent to all members a few days prior to each scheduled meeting.

Commissioner Kuehler opened the topic discussion by asking the committee to define its goal. She said she believed the committee needed a definition of “fair” or “equal” representation...what it should look like...that the committee needed a picture of what the outcome of the process would look like. For instance, how does the committee answer the questions: “What is east...what is west...what gives me a voice?”

Bob Denson said he had spoken to Frank Deese and stated that he believed that if you can't pick up the phone and get in touch with a representative after a couple of tries, you're not represented and if the person you elect, you could get a hold of, but you disagreed with everything they're voting on, you're not represented. Beyond that, he wasn't sure that the committee could define representation. However, he offered, in the interest of time conservation and narrowing the scope, he and Mayor Deese discussed going around the room and taking a poll of the members and what they had to say. He continued that there was a long list of potential proposals, that he had talked to 50 or 60 people, and he thought the committee could get a general consensus.

Commissioner Kuehler asked what the expectation of fair representation, according to the voters, was. Mr. Denson stated that the perception, now, is negative because of the voting strength of the western half of the county. He said that, just in sheer numbers, they are able to put more bodies on the commission. He believes that if it's broken in segments each of those segments, whatever they may be, all have the ability to put someone in as a representative. At least then, he said, with districts, there is a shot. Right now, there is no shot for some areas.

Jeff Kravis commented that western representation happened only recently, that two years ago, it wasn't like that at all. The Board was Stone, Rushing, Lane, Sexton, and Pressley, and that four of those five are not from the west side of the county. Two of them were listening to issues on the west side, which is what a good representative is all about—somebody who listens to everybody.

Mr. Denson stated that he never goes to the northeast corner of the county and that if someone called him about an issue there, he would have no reference as to that issue. He said that geographical representation, at least, enables representation for those different

areas that are aware of the issues, and that the western versus eastern argument has validity because the needs are so very different.

Johnny Jacumin stated that he believed partial districts and at-large, which would allow for the possibility of the electorate to vote for a majority was a good compromise.

Mr. Denson suggested that the committee go around the room, state their findings, and possibly eliminate some scenarios and start building a consensus for others.

Mr. Deese said that true district representation was desired, but his constituency believed that it wouldn't pass, so they would compromise to a combination of districts and at-large...mentioning 5 districts, 2 at-large, and 4 districts, 3 at-large.

Mr. Jacumin didn't inquire about exact combinations, but supports the opportunity to elect a majority as stated earlier, indicating 4/3.

Ms. Kitto stated that the people she had spoken to don't want districts at all and believed it was just like segregation.

Mr. Kravis also stated that the consensus was against districts because people believe it leads to gerrymandering, a practice that many people are emphatically against. He stated he also had people say they might be able to support some type of combination, depending on the numbers and how the districts are determined and drawn, but more people say there is nothing more pristine and more democratic than true at-large elections.

Commissioner Kuehler added that she had received feedback that districts create incumbents that can't be beaten—or at least perceived that way—and then the district is stuck with a long legacy of status quo. Mr. Deese stated he believed it was easier to beat an incumbent in a district than at-large. Commissioner Kuehler questioned that observation, citing the last several commissioner elections **were** no incumbents were re-elected.

Max Walker stated the people he spoke to supported 5 districts and 2 at-large seats.

Sandy Coughlin said the average citizens of Lake Park didn't expect proposed scenarios would change Lake Park's representation at the County level. A proposal including some district representation, possibly the 4/3 would resonate with Lake Park as being more equitable to the whole county. She then asked whether districts were by population or geography. The consensus was that population was the determining factor as to districts.

Bob Denson stated he spoke to Republicans and Democrats, farmers and CEOs, and activists to nonpolitical people. Of those interviewed, he stated that 80% wanted 5 districts and 2 at-large. He also said that most believed that if there were more than seven commissioners that nothing would get done. He went on to say that 5 districts and 4 at-large was the second choice in his polling.

Dee Lamb noted that she, personally, was against districts, but that her municipality felt like they were being left out and would favor some type of district representation. She didn't know what combination.

George Hendry gave the following statistics:

Union County is currently the ninth largest in the State. In examining the 6th, 7th, and 8th largest, he stated that:

Durham — 6th largest—population 262,715—5 Commissioners—All at-large
Buncombe — 7th largest—population 229,047—5 Commissioners—All at-large
Gaston — 8th largest—population 206,679—7 Commissioners—District Residency/
At-large voting (6 districts)

He also talked about Forsyth and Orange Counties:

Forsyth — 4th largest—population 343,028—7 Commissioners—2 districts (4 reps in B and 2 reps in B and 1 at-large)

Orange — largest—7 Commissioners w/ 2 at-large, 3 in District 1 (71,000 population) and 2 in District 2 (44,000 population) which was put in place in 2006. The population variations were within 3%

He then said that the people he had spoken to wanted all at-large and that they thought districts would create more controversy and problems when it came to “whole county” decisions versus regional positioning and interests on issues and would divide the county rather than take the whole county's interests into consideration.

Tracey Clinton stated that at-large was the majority opinion she received. She said that some could see the reasoning behind districts, but everyone she spoke to wanted the ability to be able to vote for a majority. She said they didn't explore specific combinations, but that 4/3, or having more at-large seats than district seats, was a better fit for that desired outcome than a 5 district, 2-at large scenario.

Commissioner Kuehler stated that she got the numbers that were requested as to the costs per commissioner. She said that with the current 5 commissioners, the cost p/commissioner, based on this year's budget, is \$123,500. When asked what that included, she stated it included items such as salary, travel, subsistence, education, seminars, dues, facility charges, professional services, insurance, legal fees, etc. The total cost for 5 commissioners is a total budget of \$617,500. She said that the calculations for 7 and/or 9 were more difficult to pinpoint because the average cost per commissioner couldn't just be multiplied by 7 or 9 because some costs didn't increase at the same rate. Based on that understanding, the best estimate or projection would be that 7 commissioners would warrant a budget of approximately \$778,000 and 9 would increase the budget to \$944,775.

Mr. Denson stated that it was apparent that there was a cost factor to the taxpayer for increasing the number of commissioners. He also asked what the specific salary was. Commissioner Kuehler stated she believed the salary was approximately \$8500 with an additional expense payment for travel, supplies, etc. in the amount of about \$7000. She stated there was also a cost for insurance. Mr. Denson stated that when the county was looking at cutting costs and teaching positions, that those commissioner costs were substantial. Commissioner Kuehler said that her recollection was that the average FTE (full-time employment position) with the county was approximately \$50,000.

Mr. Hendry stated that of the eighteen largest counties they broke down as follows:

- 10 of them has 5 commissioners
- 6 of them has 7 commissioners
- 1 of them has 9 commissioners (Mecklenburg)
- 1 of them has 11 commissioners (Guilford)

He stated that 5 commissioners was the most popular, and of those, all had the county manager form of government like Union County.

Mr. Denson stated that almost unanimously, the people he talked to didn't support full-time elected positions, citing that it shouldn't be about the salary.

Mr. Kravis asked for a summary of Mr. Hendry's figures and he agreed to send them to the members by email.

Mr. Hendry said that the website statelibrary.ncdcr.gov showed the following statistics:

- 41 of 100 counties = at-large
- 23 = combination of districts and at-large
- 22 = at-large voting w/ residency requirements w/in district
- 10 = districts only
- 4 = elected under limited voting plans

Mr. Denson stated that the reason for the polling during today's meeting was to determine the majority viewpoints. He said that according to his chart, the most frequent and majority of the committee's findings was a 5 district, 2 at-large structure.

Mr. Hendry stated that he preferred to stay the way it is, but that he thought the consensus of the committee was "if" districts were being considered that the majority stated that they wanted the ability to vote for a majority and 5/2 did not afford that opportunity. Mr. Denson agreed that a 4 district, 3 at-large structure, or something similar, would be the structure under that scenario. Mr. Hendry said also stated that he hadn't had the opportunity to discuss the district residency scenario with at-large voting and didn't know if any other members had explored that either.

Commissioner Kuehler pointed out that many members were absent from this meeting, and questioned whether the committee should be taking any action without more input. She stated that, so far, the committee had mentioned 5 districts and 2 at-large, 4 districts and 3 at-large, leaving it at-large (either 5 or 7), and at-large voting with a district residency requirement. She reminded the committee that there were many other scenarios listed the first night that had yet to be discussed and asked if the committee would be comfortable with eliminating scenarios at only its second meeting. Mr. Denson stated that it shouldn't take this committee a year and a half to issue a recommendation. Commissioner Kuehler stated she didn't know where that time frame came from, but that the committee would have to done much earlier than that to allow for consideration on the 2010 ballot.

Mr. Hendry said he spoke to the census bureau in Charlotte and that the population numbers would not be available until February or March 2011.

Mr. Denson stated he spoke with someone from the state, although he couldn't recall who, and was told that there was a department that kept fairly accurate population numbers based on tax roles. Ms. Clinton said that Wesley Chapel gets those numbers every year and that they are extremely inaccurate; that, in fact, the last numbers indicated that they had less population than they currently have registered voters in the town and cautioned trusting those figures.

Commissioner Kuehler said the committee has a two step process: what to propose and how/when to propose it. She suggested that the 2010 election would be the referendum timeframe, and then the soonest it could take effect was 2011 by special election, or 2012 in a regular election. Mr. Denson asked about re-election of all of the commissioners in 2012, even those in mid-term. Commissioner Kuehler stated that she believed that you could extend an elected official's term, but that you could not shorten it, so any district change would be phased in as allowable by statute.

Ms. Lamb asked that if voters turned this down once, why were we doing this again? She questioned if this was because of Raleigh. Commissioner Kuehler said that it was stated in the first meeting that the feeling was if the county didn't address the issue again, it would be done for us. Ms. Lamb stated that she knew what went on the last time, that she knew what two of the commissioners did, and it aggravated her that we are doing this again, and that the voters want to know why they are faced with this again so soon after the last time. Commissioner Kuehler agreed that it certainly hadn't been ten years since this issue was addressed but did say that the issue was on the ballot in an odd election year which required a special trip to the polls by unincorporated county residents who had no elections going on. She stated that the special election was dictated by Raleigh, and that the county had no choice, not to mention it cost us quite a bit of money.

Mr. Denson stated that whether it was Pryor Gibson stirring the pot or not, it's still a problem or we wouldn't be having such a strong response. Ms. Lamb stated that there was always going to be two sides to everything, and that once an issue had been properly

voted on, the people who didn't like the outcome shouldn't have carte blanche to bring it up over and over again...especially so soon after the first vote.

Mr. Hendry questioned why the state legislature was so focused on Union County since there are bigger counties that have 5 at-large boards and no one was messing with their governance. Mr. Deese responded that it was because the east felt like they were not represented and asked Rep. Gibson to do something. Commissioner Kuehler asked when the east started feeling that way because the district issue was on the ballot when the majority of the commissioners were not from the western side of the county. Mr. Jacumin said it was because the east side did not consider some of the eastern resident commissioners as representative of the eastern needs.

Mr. Hendry stated that over the last 22 years, elected commissioners were as follows:

34 from east side of county
19 from west side of county
couple were difficult to ascertain where they resided

Commissioner Kuehler stated that this information requires that we re-ask the question of "what is east and what is west?" She asked if there is no working definition or picture of representation, how do you make people believe or trust that they have representation under any scenario? She stated that perhaps the solution was to elect better representatives, as it looks like the eastern side of the county has had lots of geographical representation...which is all districts would do. She stated that the feeling of nonrepresentation was going to exist under any scenario and that it was not a matter of where you live, but what you stand for, and districts don't solve that problem.

Mr. Jacumin stated that people like the school board districts. Commissioner Kuehler asked if they understood that those districts would not pass muster with the DOJ based on the population requirements. Mr. Jacumin responded that they did, but that they felt like they had more control over their representation under than scenario. Mr. Kravis stated that he has talked to people who don't think the school districts work and that they are skewed in both representation and population.

Mr. Hendry presented the following statistics:

2008 election 3 school board districts voting 1,2 & 5 unopposed races

| | | |
|------------|---------|---|
| District 1 | Crowder | 3800 votes |
| District 2 | Lowder | 7000 votes (1.8 times as many voters as District 1) |

Add the total of votes from Districts 1 and 2 and that equals vote total in District 5

He mentioned that District 6 was even larger than 5, and offered this as evidence that the numbers for the board of education districts are way off.

Mr. Kravis asked how those districts were determined and redrawn when/if necessary. Mr. Hendry stated that the population in Union County in 1990 was 84,211 and that is when the school board boundaries were established. He said he didn't know if the lines were drawn correctly then or not, but that they had not changed since then.

Commissioner Kuehler said that brought back a question from the first meeting about if districts were established, what mechanisms are in place to make sure those districts remain representative based on population. Mr. Hendry stated that the numbers are based on the census. Mr. Kravis said that is why there is skepticism of districts because what may be fair in the short term, during times of growth, could be skewed in just two or three years and there didn't seem to be any way to correct it. He asked who made that decision and questioned whether it was made locally, in Raleigh, by a politician, or a group like this one. Mr. Hendry said if he had to guess, he thought a judge would make the decision based on an action or challenge brought before the court by the board of elections or the elected body, but that he did not know for sure.

Henry Courtlandt stated that he had researched the Voting Rights Act and passed out Section 5 of the Act for the members, indicating that Union County was, in fact, subject to those rules. He talked about the process required and that any scenario presented by the county would have to follow those guidelines. A member stated that they had information that, perhaps, Union may no longer have to adhere to this based on changes in population, demographics, etc. but that action would have to be taken to investigate a review of that status.

A discussion ensued about the possibility of eliminating certain district scenarios and that there seemed to be a consensus that nine commissioners was no longer a consideration. The question of what constituted a majority vote was raised which led to the additional question of the definition of a quorum. Mr. Courtlandt suggested that a quorum should be a majority of the membership plus one. Mr. Deese suggested that whoever showed up to do the work should be able to move forward and vote regardless. Mr. Denson agreed with Mr. Deese and stated that the committee shouldn't be kept from doing their job because other members didn't attend, and that the committee should move forward with whatever number of people showed up to the meetings.

Commissioner Kuehler stated that the committee was formed in response to comments and requests made by citizens of the county and suggested that if the committee that was formed to represent those voices, from all over the county, couldn't get half its members to show up for the meetings, then it stands to reason that the issue really isn't as important or shared as widely as people claimed. She continued that issuing a recommendation that was reached by only a partial representation of the people this committee was formed to represent was a direct conflict to the idea of district representation.

The committee took an informal vote which resulted in 11 members supporting a quorum as being half plus one (13 members), and one dissenting vote. The issue of a majority in terms of voting was tabled until the next meeting.

Ms. Coughlin suggested an agenda for the next meeting to address the following:

- Confirmation of the quorum vote
- Vote on majority requirement (number or percentage needed to pass an action)
- Elimination of scenarios from meeting 1
- Narrow scope of possible recommendations

The meeting was then adjourned.

COMMITTEE POLLING RESULTS:

Districts versus At-Large Data

| | | | |
|--------|-----------|----------|---------|
| Member | Districts | At-Large | No Data |
|--------|-----------|----------|---------|

| | | | |
|--------------------------------|---|---|---|
| | | | |
| Bob Denson (county) | X | | |
| Frank Deese (Marshville) | X | | |
| Johnny Jacumin (Wingate) | X | | |
| Pat Kitto (county) | | X | |
| Jeff Kravis (county) | | X | |
| Max Walker (Waxhaw) | X | | |
| Sandy Coughlin (Lake Park) | X | | |
| Dee Lamb (Fairview) | X | | |
| George Hendry (county) | | X | |
| Tracey Clinton (Wesley Chapel) | | X | |
| Nick Dispenziere (Marvin) | | | X |
| Henry Courtlandt (county) | | | X |
| TOTALS | 6 | 4 | 2 |

*Note: 14 Members have not yet had the opportunity to represent their areas

Majority Election Ability vs. NonMajority and/or Residency Requirements Data:

| Member | Majority Vote (ie: 4/3) | NonMajority (ie: 5/2) | Residency At-large vote | No Data |
|--------------------------------|----------------------------|--------------------------|----------------------------|---------|
| Bob Denson (county) | | X | | |
| Frank Deese (Marshville) | | X | | |
| Johnny Jacumin (Wingate) | X | | | |
| Pat Kitto (county) | X | | | |
| Jeff Kravis (county) | X | | X | |
| Max Walker (Waxhaw) | | X | | |
| Sandy Coughlin (Lake Park) | X | | | |
| Dee Lamb (Fairview) | X | | | |
| George Hendry (county) | X | | X | |
| Tracey Clinton (Wesley Chapel) | X | | | |
| Nick Dispenziere (Marvin) | | | | X |
| Henry Courtlandt (county) | | | | X |
| TOTALS | 7 | 3 | | 2 |

This chart is based on the assumption that "districts" is the only option. While many of the members were not in favor of districts, if given no choice, these are the representation desires

July 29, 2009

The Governance Committee met for its third session on Wednesday, July 29, 2009, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Henry Courtlandt (UC Rep), Max Walker (Waxhaw Rep), Dee Lamb (Fairview Rep), Pat Kitto (UC Rep), Terry Patton (Alternate for Nick Dispenziere—Marvin Rep), Jeff Kravis (UC Rep), Johnny Jacumin (Wingate Rep), Bob Denson (UC Rep), George Hendry (UC Rep), Frank Deese (Marshville Rep), Sandy Coughlin (Lake Park Rep), Lawrence Amodeo (UC Rep), Jim Simpson (Hemby Bridge Rep), Everette Medlin (UC Rep), Andy Williams (UC Rep), Frank Feldman (UC Rep), Janet Critz (Mineral Springs Rep), Jerry McKee (Weddington Rep), Gary D'onofrio (Indian Trail Rep), Mike McGee (UC Rep), and Tracy Kuehler (UC Commissioner)

ABSENT: Andrew Benton (Unionville Rep), Wyatt Dunn (Stallings Rep), P.E. Bazemore (Monroe Rep), and Tracey Clinton (Wesley Chapel Rep)

ALSO PRESENT: Peggy Neill (Mineral Springs Alternate), Erin Kirkpatrick, Don Kerr, Louis Philippi, and Anthony Burman (citizens)

MEMBERS W/ 2 ABSENCES: Gary D'onofrio (Indian Trail Rep), Janet Critz (Mineral Springs Rep), Andrew Benton (Unionville Rep), Mike McGee (UC Rep), P.E. Bazemore (Monroe Rep), and Wyatt Dunn (Stallings Rep),

MEMBERS W/ 3 ABSENCES: Andrew Benton (Unionville Rep)

OPENING OF MEETING:

The meeting was called to order. and the minutes from the June meeting were adopted.

The committee started with public comment. Erin Kirkpatrick asked if public comment would be taken only at the beginning of the meeting. Commissioner Kuehler stated that the committee had decided to have comment at the beginning, and if the committee ended on time, would allow for additional comment at the end. Ms. Kirkpatrick stated that she didn't understand why people felt they didn't have adequate representation with the current board. She stressed that, as a voter, she wanted to retain the ability to vote for a majority of her county's representatives and that districts diluted her current rights as a

voter. She said that an elected official could be her neighbor and still not represent her point of view, so she believes that she should have more than one choice of representatives.

Mr. Louis Philippi stated that he believes we need districts because a majority of the population is in the southwestern part of the county and that even when the Board was not predominantly from the southwest part, the voting strength was still there. He said there are 8700 voters in Stallings and they have no county representation at all because they are not big enough. He said a representative from their area would do the work of the county, but they would have one person that had to come back and answer to people in their own neighborhood about what he's doing for them, and for that reason and no other reason, he believes the people in lower density regions are getting the short end of the stick and need district representation.

The subject of committee alternates was discussed and Commissioner Kuehler asked if each municipality had appointed an alternate. Mr. D'onofrio stated that he had no alternate, but that he had posted it on the website and was waiting for responses. He said he would address it at the next town meeting. Commissioner Kuehler stated that county representatives should contact the Commissioner that appointed them as soon as they knew they would not be able to attend to arrange for an alternate with that Commissioner. Ms. Critz stated this was her first meeting due to conflicts and asked that everyone introduce themselves. Each member identified themselves and the area they represented. Commissioner Kuehler asked that all municipality members email their alternates and information to her.

Commissioner Kuehler stated that the group was ready to take action at the last meeting but ran into a problem with defining a quorum and what would constitute a majority vote. She reminded the members that the consensus had been that a quorum would be 50 percent plus one, but because only half of the members were present, there was no quorum, thus no action was taken. She announced that eighteen members were now present, and that the vote needed to be official. The committee unanimously voted a quorum as consisting of 50 percent plus one.

Commissioner Kuehler then asked the committee what would define a majority vote, for example, simple majority, two-thirds vote, three-fourths, and based on total committee membership or only those present for the quorum. She reminded the committee that the first time they met they discussed the importance of having as high a consensus (or vote) on an issue as possible to indicate strong support of whatever recommendation was put forth so that there was unity within the committee.

Mr. Courtlandt stated that in the interest of moving ahead and not penalizing those members that did attend; the majority should be counted from only members making up the quorum, as a simple majority. Mr. Hendry asked if that was a motion and upon affirmation, seconded the motion.

Commissioner Kuehler reiterated that with a simple majority of the quorum, if 16 members showed up, only nine affirmative votes would be needed to pass a motion and that nine people out of a committee of 24 members is not a large consensus as previously discussed by this committee.

Mr. Deese stated that if members aren't present, they don't deserve a vote. He continued that if there are 24 on the committee and only 16 show up, then those 16 deserve to vote. The eight that didn't get to vote was their choice.

Commissioner Kuehler asked for clarification that if that is what this committee supported, then the committee was not looking for an overall consensus of the membership; they were just looking for a simple majority of the people in attendance?

Mr. Denson stated that there couldn't be another meeting like the previous one where their hands were tied, no votes could be taken, and everyone's time was wasted. Mr. Kravis said, playing devil's advocate, that if 13 makes a quorum and a simple majority would equal seven, then seven people out of 24 could be backing a recommendation and stated that could subject the committee and its recommendation to a lot of criticism around the county and that, in the end, was not indicative of all the areas of the county. Mr. Denson said he would defend a recommendation under that scenario by saying that the people who didn't vote didn't bother to come to the meetings. But, Mr. Kravis said, he didn't believe they would get the chance to defend their actions.

Commissioner Kuehler again stated her concern that such a small portion of the committee could put forth a recommendation which was opposite of the committee's stated desire to have as close a consensus of the entire group as possible on whatever recommendation was brought forth. Mr. Jacurnin stated that if the Commissioners were going to listen to the committee, they were going to have to have a recommendation that was supported by more than 50 percent plus one of the quorum and that it should be at least a three-fourths vote.

Mr. Hendry stated that the Board of Commissioners was a simple majority vote, and that if 13 members were present and seven voted yes and six voted no, then they should move forward. Commissioner Kuehler asked the committee how valid the proposal or recommendation would be, in the eyes of everyone on the outside looking in?

Mr. Jacumin moved that the motion require a three-fourths vote and was seconded by Mr. McKee. The committee was reminded that there was already a motion on the floor for a simple majority. Ms. Patton stated that if a quorum was 13 members and seven or eight votes could dictate a recommendation out of 24 members, if this committee is trying to be representative of the county as a whole, those numbers didn't make sense. Mr. Hendry responded that it was simple...that members should be at the meeting and their absence showed their lack of interest.

Ms. Critz said the group should operate the same as larger governments and that people who show up get to vote. She stated that fair representation is not necessarily equal

representation or everyone getting their way and she supported a simple majority. Ms. Patton clarified that different issues called for different majority requirements and that not all votes were simple majority.

Commissioner Kuehler reiterated that even though there were 24 members on the committee, the motion on the floor would allow for seven people to push forward a recommendation. She then recapped the motion and called for the vote. The motion was passed with 13 members for and 7 opposed.

Commissioner Kuehler moved to the next item on the agenda which was discussion about eliminating possible scenarios.

Mr. Denson reminded the committee of the cost per Commissioner and stated it was approximately \$132K according to the budget numbers provided by Commissioner Kuehler at the last meeting. He said he felt that it was fiscally irresponsible to increase the number of Commissioners past seven.

Mr. Hendry stated that of the 25 largest counties, two had nine (Mecklenburg and Pitt), one had 11 (Guilford), one had eight, and the rest had seven or less...that five and seven were the most popular. Mr. Denson moved that the committee not consider any number greater than seven and the motion was seconded.

Mr. Walker asked whether the consensus at the last meeting had been for 5 districts and 2 at-large. Commissioner Kuehler stated that according to the tapes, and now the minutes which were approved by unanimous vote, that the consensus was not 5/2, but that it was 4/3, which was confirmed by Mr. Jacumin. Mr. Denson stated that his recollection was that 5/2 was mentioned the most often, but that after some discussion on voting for a majority of Commissioners, the 5/2 was somewhat skewed. Mr. Deese asked that the discussion be limited to the motion and that the motion was about the number of representatives, not the make-up of that representation.

Commissioner Kuehler explained what charges made up the costs per Commissioner and clarified that she didn't take the current cost per and multiply it by seven or nine because some of the costs were direct and some were indirect, but that one could argue that some costs, such as attorney fees could go up at a higher rate because more members and the addition of districts and competing interests on the Board could increase litigation potential. The projected cost for seven was \$778K and for nine, \$945K.

The vote was called to limit the Board of Commissioners to seven or less and passed with 18 voting for, and 2 opposed.

Commissioner Kuehler asked if there were any other scenarios the group was willing to eliminate. Mr. Hendry stated that he felt there needed to be a discussion, first if the number should be five or seven, second, if there should be districts or at-large, and third, how many districts and in what compilation.

Ms. Critz stated that she thought it was important to maintain the ability to vote for a majority. Mr. Amodeo said that he was confused about where the east/west divide was and asked if was after Monroe, was it Wingate...and stated that he was not from here and didn't understand the issue of where someone lives if that person's representative is elected from the county as a whole. Mr. McKee stated even if there were more at-large than districts, the numbers would still favor the western side. Mr. Denson said he believed it all came down to accountability and thought there should be a direct line between the voter and an elected official. He said that at-large gives elected officials the ability to dodge that responsibility. He stated that if he were a Commissioner at-large that he didn't think he could give adequate representation to the remote areas of the county because he wasn't familiar with those areas. He continued that if he were a Commissioner and he got a call from one of those areas that he would certainly do his best to get up to speed on the issue, but as a citizen, he would much rather have someone who was "his commissioner" that he could contact about a situation and he thought that everyone would prefer that scenario. He reiterated that five districts and two at-large and then four districts and three at-large were the most mentioned scenarios from the last meeting.

Commissioner Kuehler stated that five districts and two at-large was what the county voted down just a few years ago and questioned the wisdom of recommending a defeated referendum to the Board of Commissioners for consideration.

Mr. Williams stated that he didn't live in a municipality and couldn't get help from the town or the county, so he felt he had no representation at all. Ms. Critz stated that, in that situation, even if there were districts, the Commissioners wouldn't have been able to do anything anyway...that district representation would not have changed that. Mr. Williams said that, at least, he would have had a voice representing his area to speak for him when no one else would listen. Ms. Critz responded that district representation would still have been powerless. Commissioner Kuehler asked Mr. Williams why he felt, in that situation, that he couldn't go to her or any other Commissioner on the Board for assistance. He responded that there was a Commissioner from his area that wouldn't help him because his issue wasn't important to any of the sitting Commissioners because their votes were coming from the western side of the county.

Mr. Medlin states that there was a vast difference between the needs of the agricultural portion of the county and the more densely populated areas. He said they needed a representative to voice those issues. He stated that Rhode Island has just as much representation as California and New York, that there is a balance of power and that without districts, there is no balance in Union County and that he supported five districts and two at-large.

Mr. Kravis stated that there has always been representation from the east side of the county and that in the past 20 years, 34 were from the east and only 19 from the west. He asked how people on the east could possibly feel like they weren't represented and said that everyone has the ability to contact any and all Commissioners and argue their position or issue.

Ms. Lam discussed a break down of the numbers of voters, precinct results, and voting patterns of the last district vote. Mr. Hendry shared specific statistics from the Board of Elections and asked how people that are in favor of the 5/2 scenario are going to sell that to the people who voted against it the last time and make them want to vote yes this time. A member stated that no one should be able to vote for a majority because no one should be able to control the whole county. Mr. Deese said people may only be able to vote for a minority, but it's the same minority that everybody else in the county can vote for...that no in the county could affect a majority...and that he believed that was equal and fair.

Ms. Critz said that she failed to see the logic for setting up a system where all you can accomplish is a minority. She stated that the logic lies in setting up a system where everyone has the ability to elect a majority. She said she saw great benefit in districting, but we also need great caution. She said that districts create an opportunity for someone without the financial means to be able to run in a smaller area, but also saw the ability for special interests to control the districts with greater ease. She stated that we weren't here to micromanage the voters and that local governments are set up differently than state and federal governments. She said that local governments are the closest to the people and should have the purest representation and the greatest voice. She stated that not allowing voters to vote for a majority is taking that voice away.

Mr. McKee stated he has lived here since 1977 and he hasn't seen the favoritism to the west side. He has seen lots of fighting within the Board of Commissioners and ended up representing no one. He said he didn't see the need to change and asked if one of the options was to leave the representation like it is.

Commissioner Kuehler responded that she believed that if whatever was put on the ballot was voted down, by default, it would stay the same as it is now. Mr. McKee asked if the committee was giving one recommendation to the Board. Commissioner Kuehler stated that the committee could give as many recommendations to the Board as they wished, but that only one scenario would end up on the ballot. If the committee went to the Board with two or three scenarios, they were ultimately tasking the Board of Commissioners with the decision of what to put on the ballot. Mr. McKee asked if the recommendation were 5/2, wasn't that what the citizens would be voting on? Commissioner Kuehler responded that would be correct, if the Board voted to put that on the ballot. Mr. McKee stated that is what failed the last time and questioned the logic of considering it again.

Mr. Denson offered the analogy of returning to a car dealership after one had originally talked themselves out of the car and after having time to think about it, decide to go back...it depends on how it is communicated to the people the first time and whether they had time to properly digest the information and think about it. He stated that just because it didn't pass the first time did not mean it was not worth a second look.

Mr. Deese wanted to make two points. First, he stated that a great "PR" job was done and the district issue was tied to the transfer tax so that people voted no on both. Second, he stated that only a couple of precincts voted districts down and that, in and of itself, is why

we need districts. He stated that one or two precincts should not have the power to vote something in or out. He said they deserve a voice, but shouldn't be able to control the vote for the whole county, He stated he believes we need districts, it needs to be 5/2, and that scenario needs to go back for another vote.

Commissioner Kuehler stated that precincts aren't equal in numbers or representative of equal sections of the county. She reminded the committee that one precinct may have 10,000 voters as opposed to another precinct having 900 and asked Mr. Deese if he was suggesting that the 10,000 voters should have the same say as a collective precinct as the one with only 900 voters. Mr. Deese responded that 10,000 people should have a vote, but only for the person in their district, because those 10,000 people, conceivably, could elect all five Commissioners from their own community and asked if that was right or fair and stated he didn't think it was.

Ms. Critz stated she thought it was fair if everyone had a chance to vote and that is the majority selection. Mr. Kravis said he thought Mr. Deese was trying to put this on one precinct, and stated that the precinct had actually been trying to get broken up into smaller precincts. He said that precincts, as a whole, don't elect, the individual vote of the majority from the entire county does. He stated that districting lends itself too easily to gerrymandering and asked who controlled it. He said that when they voted the last scenario down, part of the reason was because of how the districts were drawn and that one district had 30,000 or so people and another had 6 or 7,000, which was inherently unfair. He asked again, who controlled the districts, how they were changed, and stated that the committee needed to understand the risks.

Ms. Critz suggested it would be helpful to look at other counties and determine the pros and cons. Mr. Jacumin stated there was no other county that had the same problems as Union County. Ms. Critz agreed in part, but didn't see the need to totally reinvent the wheel. Mr. Jacumin stated that the eastern parts of the county had no running water and Ms. Critz stated that districts wouldn't necessarily fix that issue. Mr. Denson said he believed everyone on the committee cared about the county and stated that he did see differences depending on where you lived in the county. Mr. Kravis suggested that you can get representation at-large by electing better people overall and that keeping it at-large increased the probability of electing the best people because it wouldn't limit anyone who wanted to run.

Mr. Denson stated that without district representation, that there was a chance the elected officials would never fully know the different areas. Mr. Kravis said that by state law, the districts had to be within +/- 5%, and based on population and density; there would always be areas that elected officials wouldn't be familiar with. Mr. Medlin questioned why at-large would elect a better person than districts. Mr. Kravis responded that at-large candidacy opened the pool to everyone without limitations that districts created because if two qualified people lived in the same district, only one could be elected.

It was past the end time set for the meeting, so the motion was made to adjourn. There were still members of the public in attendance that wished to speak, so the motion was withdrawn to allow for closing comments.

Erin Kirkpatrick questioned the real issue of representation and stated it wasn't where they were from that was an issue, it was nonperformance of duties. She also stated that if better representation was the goal, she believed that the ability to vote for five people, versus the ability to only vote for one or two, gave her a better chance of having a representative that would listen to her issues, thus giving her a voice. Districts would actually diminish the chances of representation.

Anthony Burman stated that he believed that 4/3 or other scenarios that gave the ability to vote for a majority was more fair. He stated that of the current five Commissioners, he felt he could go and talk to any and all of them regardless of where he lives or they live. He said it is possible to have someone from his own neighborhood on the Board, but that doesn't mean that person will represent him, and if that is the only person representing him because of districts, then what are his choices? He stated he votes in precinct 28 and said that just because lots of the people in that precinct vote, doesn't mean they control the county. Democracy is a majority rule...it doesn't matter where the majority lives. He said that we can only look at the percentage of people who voted, not the people who didn't vote and what or who they may have voted for. He suggested we split the county down the middle for everything...not just representation, but for revenues and expenses as well.

Mr. Philippe stated that he moved to Union County in 2001. He said he only knew the area between his home and his business until he decided to move his business to Union County. He stated that the county has a large bedroom community in some areas, but is very rural in others. As a result, some peoples' interests lie largely outside of the county, while others are completely within the county. He said that the divide is not east/west but more defined by where peoples' interests lie. Some areas have interests, spend money, work, etc. outside of Union County, and some areas have all their interests in Union County.

Motion was made and seconded to adjourn. Motion was passed unanimously.

August 26, 2009

The Governance Committee met for its fourth session on Wednesday, August 26, 2009, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Henry Courtlandt (UC Rep), Max Walker (Waxhaw Rep), Dee Lamb (Fairview Rep), Pat Kitto (UC Rep), Nick Dispenziere (Marvin Rep), Jeff Kravis (UC Rep), Brent Moser (Alternate for Johnny Jacumin—Wingate Rep), Bob Denson (UC Rep), George Hendry (UC Rep), Frank Deese (Marshville Rep), Sandy Coughlin (Lake Park Rep), Lawrence Amodeo (UC Rep), Cheryl Bennett (Alternate for Tracey Clinton—Wesley Chapel Rep), Andy Williams (UC Rep), Janet Critz (Mineral Springs Rep), Jerry McKee (Weddington Rep), Gary D'onofrio (Indian Trail Rep), Mike McGee (UC Rep), and Tracy Kuehler (UC Commissioner)

ABSENT: Andrew Benton (Unionville Rep), Wyatt Dunn (Stallings Rep), P.E. Bazemore (Monroe Rep), Jim Simpson (Hemby Bridge Rep), Frank Feldman (UC Rep), and Everette Medlin (UC Rep),

ALSO PRESENT: Terry Patton (Alternate Marvin), and Erin Kirkpatrick (citizen)

MEMBERS W/ 2 ABSENCES: Gary D'onofrio (Indian Trail Rep), Janet Critz (Mineral Springs Rep), ~~Frank Feldman (UC Rep)~~, Mike McGee (UC Rep),

Deleted: Andrew Benton (Unionville Rep)

MEMBERS W/ 3 ABSENCES: Andrew Benton (Unionville Rep), P.E. Bazemore (Monroe Rep), and Wyatt Dunn (Stallings Rep),

OPENING OF MEETING:

The meeting was called to order.

Mr. Hendry presented maps of possible district scenarios to include two to four districts.

Mr. Denson asked why there was a two district scenario based on basins. Commissioner Kuehler stated that she had requested that scenario as a possibility when looking at two districts because of the different growth and resource needs in each basin as a possible common denominator for the separation of districts and pointed out that the different sides accounted for a difference in water and sewer basins.

Mr. Hendry stated that of the 14 municipalities that seven were in the PeeDee basin, five were in the Catawba basin and two straddled; which were Stallings with 75 percent in the Pee Dee and 25 percent in the Catawba and Indian Trail which was just over 50 percent in the PeeDee basin. Mr. Kravis speculated that whoever would ultimately be responsible for signing off on the districts would probably not take the different basins into account. Commissioner Kuehler stated that the population numbers, as drawn, worked, and that this committee could recommend that division if they chose.

Mr. Hendry reminded the committee that this was just an exercise to show what totally nongerrymandered districts might look like and that he had no idea what Raleigh or whoever might do in the end. Commissioner Kuehler stated that the committee had input on the proposed districts, but there were no guarantees when it gets to the Department of Justice for final approval. She said that the lines shown were viable in terms of population and were actually more equal than the districts that were on the ballot a few years earlier.

Commissioner Kuehler then asked the committee, keeping in mind that you can't draw districts by common interests, demographics, or specific issues, that some areas are more obvious than others as to where the dominant issues would be focused, based solely on the concentration of population in those areas, to examine the maps and where their representation lay within the district, and determine whether they believed that they would have more representation within the proposed district, less representation, or no change from the current representation. She stated that the members didn't have to share their observations openly, but said that she thought the maps and ensuing discussion would help give a visual understanding on the concept that had been discussed in prior meetings. She pointed out that just because your area lies within a district, as shown by the maps, didn't guarantee that someone would be elected from that area or even represent the interests of that area. She used the example of four districts with three at-large, indicating that Waxhaw (in one district example) was the highest population density within the district. She offered that votes could very likely come from that heavily populated area, in turn, not representing the more rural interests south and east of the town. She pointed out the same scenario for the northeastern district, showing several small municipalities grouped in with larger, more densely populated towns and asked if those smaller, less populated areas would feel better represented within the district scenario. She stated that now that the committee had something to look at, that they could have the discussion as to whether any of the scenarios would create the representation that was being considered.

Ms. Critz said some of the problems that other members of the committee had given as examples of needing districts would fall under the category of staff issues or was under the jurisdiction of a municipality and wouldn't be affected by district representation. She suggested that the members look at the local government book she referred to as the "Municipal Bible." She stated she believed that the committee was "muddying the waters" as to what was county jurisdiction and what was municipal jurisdiction. She said she had spoken to David Lawrence at the NC School of Government about districts. She stated that the council in Mineral Springs always had the best of intentions, but, on

occasion, has been wrong in its direction which is why she believes that brainstorming and open discussion, together with sound reasoning and logic was a necessity, so that the committee wasn't just dealing with opinions but with facts. She summarized David Lawrence's conversation by telling the committee that, historically, all local governments were at-large and that districts were only introduced as an attempt to create racial balance not geographical representation. She stated that geographical districts can provide representation but that they can also split the interests of the county as a whole.

She said that Mr. Lawrence warned that people should always be cautious when districting and scrutinize any decision to take away the ability of a voter to vote for a majority and that districts end to fracture the ability of the Board to represent the interests of the County as a whole. She said he stated that districts can be divisive rather than representative and that these are very real, very legitimate concerns that the committee should pay close attention to and to make sure that the decision to go to districts wasn't turned from a potential positive into something that was counterproductive. She said he stated that the responsibility of elected officials was to protect the rights of the voters and that the focus should be on accomplishing representation but not creating division. Mr. Denson asked, considering he was not an elected official, who David Lawrence was. Ms. Critz answered that he was one of the governance experts with the NC School of Government.

Commissioner Kuehler asked if there was any input about the maps or questions that had been posed earlier. A discussion about Weddington's districts ensued with clarification that the purpose was to make sure that all the elected officials in that town were not from the same neighborhood, but that all residents could vote for each representative, regardless of the district they were running in.

Mr. Hendry stated that in the two district scenario, that if you had two reps from each district and three at-large, each district would have the ability to elect a majority. Ms. Critz observed that under the three district option, with three districts and four at-large, the people would be able to vote for five out of seven, which is a majority. Commissioner Kuehler pointed out that the same scenario existed under four districts as well. Ms. Critz said that with the $\frac{3}{4}$ scenario that the districts weren't splintered to the point that you would still have county unity in representation.

Commissioner Kuehler suggested that the committee should go to the MUMPO meeting because everyone is there representing their own region and their own interests and that meetings that should last an hour often lasted four because everyone felt the need to give their view—that it was an interesting exercise to watch in terms of what districts added to the dynamics of a group. She stated that they did have to work together as a whole, like in the circumstance surrounding 485, but that the opportunity exists for very splintered interests, especially when there is limited money to go around.

Mr. Kravis showed the committee a map indicating where the population in Union County is concentrated. Ms. Critz questioned whether it was the county or the legislature that made the final determination of districts, adding she believed it was the legislature.

Commissioner Kuehler affirmed her understanding, but pointed out that the committee and/or county could offer recommendations.

Ms. Coughlin stated that if districts were started for racial balance and Union County was still required to adhere to those principles, it was her belief that the county would have to take that information into account when determining suggested districts and questioned whether the examples provided considered racial balance. Mr. Hendry stated that he had sent excel file data with the maps which showed the populations by party affiliation, but that he had not gotten into the racial statistics. Commissioner Kuehler added that if the Department of Justice didn't think that the county had presented districts that accounted for a minority district, that they would create one for us.

Mr. Williams brought up the issue where he felt he was not represented because he did not reside in the municipality and couldn't get a county representative to help him. Commissioner Kuehler stated that, even with districts, a Commissioner would not have been able to control what the municipality was doing as stated earlier. Mr. Deese added that the Commissioners in office at the time were all at-large and suggested that because their votes were coming from the other side of the county, that they didn't want to get involved or didn't see the need to get involved in that issue. He said that the idea is that the eastern part of the county feels like, if they go to a Commissioner, they are not represented. He said that even if they went to Allan (Baucom), he is outnumbered on the Board and nothing would be productive. He continued that people say this is a democracy, and that the people on the west have the most people, thus the most votes, so they deserve the representation, but if someone hadn't stepped in at one point, then he wouldn't be sitting in the room. He stated that "whites" had the votes in the civil rights movement and somebody had to step in and say "wait a minute, that's not right and give some representation over here." And, yes, he may be in the minority, but at least his voice is being heard.

Commissioner Kuehler stated that she had been in office nine months and hadn't had anyone call her about an issue, other than water and/or sewer. That not one person had informed her of a problem in their area, but if they had, she would give as much effort toward solving that problem as she would the person living next door to her. Mr. Denson stated that Commissioner Kuehler was part of a newer "breed" of people who are getting the message from the voters.

Mr. Deese brought up the issue of Dodge City and said that if they had a district rep, they would have somebody to go to and that person would be pushing their issue. Commissioner Kuehler reminded Mr. Deese that the current Board, with no members from the Dodge City area, was actively working toward solving their problem, without the need for districts.

Ms. Critz said she is hearing people say that they thought they had representation, but in the end, that rep didn't come through for them on their issue. She stated that she believed that districts wouldn't fix that problem because districts don't guarantee good or even

adequate representation for everyone in the district. Mr. Denson added, however, that he is hearing that the status quo is just not working.

Mr. D'onofrio stated that he represents a smaller geographic area but it has high density. He said that just on the other side of 74, the interests are different, so he understands the desire for districts and thanked Mr. Hendry for his maps, but stated that the county will give up control of the district lines the minute they are sent up for approval and that he is not comfortable with that. He said that we get surprised with legislation during every session because the state and federal governments are so far away from the people they represent. He stated the further away from local government you get, the less control you have.

Mr. Kravis wanted to clarify that the Dodge City issue was originally brought forward by a Commissioner from the western side of the county and suggested that it was the quality of the Commissioner that was important, not where they lived. Mr. Hendry added that his fear was that he had tried to draw the proposed lines as fairly as possible, getting within one-half percent in population. He stated he was afraid that Raleigh would gerrymander the lines, even though the statute says the districts have to be within +/- 5% and that if they made a mistake or drew a line that was unacceptable to the citizens and/or county, that it would take someone or some group to file a lawsuit to get it fixed and that we were looking at spending at least \$1M and more likely \$2M to overturn any line drawn by the legislature that was incorrect.

Mr. Deese asked why there were no maps showing five districts. Commissioner Kuehler pointed out that five districts had already been drawn by Mr. Gibson and that they were unable to get those proposed lines. Mr. Deese asked for a five district map, not based on Mr. Gibson's prior proposal, but based on lines by population like the other districts were drawn. Commissioner Kuehler said a map with five districts that is closer in population than the previous proposal could be done, with the understanding that five districts had a higher likelihood of reverting back to what a member of the legislature had already proposed, as opposed to what Mr. Hendry would show, and just wanted the committee to understand that a five district map would be even more likely to change from what was being shown. Mr. Hendry agreed to bring a five district scenario to the next meeting but reiterated that it would not be the proposal given in 2006.

Mr. Deese stated that if someone from a less populated areas was running within a district, they had a better chance of being elected than running at-large against a candidate in the west that already had a large network, regardless of how good the candidate from the less populated area might be.

Commissioner Kuehler asked the committee if it was still looking at five and seven member Boards, or was five off the table?

Ms. Critz stated that she believed the committee needed to decide on whether voting on a majority of the reps was the premise it would be working from. Ms. Coughlin said she thought the committee needed to decide whether it was in agreement that they were

considering a combination over straight districts. Commissioner Kuehler suggested that there were several paths the committee could take. She stated that a vote as to at-large or districts, or combinations could, effectively end the discussion. She suggested that a vote as to districts, to include straight or combination, versus at-large should come later in the process and that the discussion should, first, focus on a number and a narrowing down of a district option.

Mr. Denson moved that the committee narrow its scope to seven Commissioners and Ms. Critz seconded the motion, adding that she feels the frustration with the current five member scenario, so she felt that seven was a positive move.

Mr. McKee stated that just two years ago that districts had been voted down and he failed to see where anything has changed to warrant putting the issue back on the ballot. Mr. Walker said that the transfer tax was on the same ballot and felt like that issue gave a negative connotation to the district issue.

Mr. D'onofrio asked for clarification on the motion. He questioned whether the motion was stating seven members only without the option of five, and if so, felt like Mr. Denson needed to restate the motion so that everyone understood exactly what they were voting on.

Mr. Denson restated his motion that the committee would be considering no more and no less than seven people on the Board of Commissioners, eliminating the status quo, which was, again, seconded by Ms. Critz.

Commissioner Kuehler asked if there were any further discussion. She stated that the committee was voting on a portion of their ultimate recommendation being a proposal for increasing the number of representatives from the current five to seven—but that the motion did not address how those seven people would be elected...just that it would increase to seven.

Mr. Hendry stated he felt like the committee owed to themselves to look at whether they wanted to change or not and he thought that seven would help with committee assignments for each Commissioner and help with the workload and time involvement in that regard. Mr. Amodeo stated that he felt like if it weren't for about 200 votes, everyone wouldn't even be sitting there having these conversations.

It was clarified again, that the vote had nothing to do with districts, at-large, combinations, or other scenarios, that it was just a vote as to the number of representatives that should serve on the County Commission and that an affirmative vote would increase that number from the current five to seven. Commissioner Kuehler restated the motion and called for the vote. The motion passed 12 in favor and 6 opposed. A request was made for each member vote to be recorded at which point, two sheets of paper were passed around the room (one for and one against), wherein, each member signed their name on the corresponding sheet. The sheets were collected and the signatures verified against the hand counted vote. The results were as follows:

FOR: Mike McGee
Bob Denson
Sandy Coughlin
Henry Courtlandt
Max Walker
Frank Deese
Andy Williams
Janet Critz
Brent Moser
Dee Lamb
Gary D'onofrio
George Hendry

AGAINST: Larry Amodeo
Jeff Kravis
Pat Kitto
Cheryl Bennett
Jerry McKee
Nick Dispenziere

Mr. McGee stated that he sees the committee going around in circles and that they are there to try and make things fair for everyone. He said they had talked about different people, different mindsets, and that on the back of one of the visual displays, he noticed it was an old sign for the Wal-Mart fights. He stated that while that was an issue for one group of people, he didn't live in that area and that it wasn't an issue for his area. He stated that his issue was that he lived in this county and a Wal-Mart could have meant additional tax revenue to the county as a whole, but that now, Wal-Mart was building just over the line in South Carolina and now South Carolina was going to get all that tax revenue and Union County residents would be spending their money outside of the county. He said that everyone has a different mindset and that district representation gives the most equal way of representation to everyone.

Commissioner Kuehler asked for input from the committee, via email before the next meeting, now that they had narrowed their scope to seven, as to how the committee wanted to proceed. She said they needed to answer questions about combinations, majority versus nonmajority voting ability, and at-large versus districts, and asked what order and why the committee should address these issues. She said she would send a reminder email to the members so they could respond prior to the next meeting.

Public Comment:

Erin Kirkpatrick said she had a question as to whether committee members were representing municipalities and their constituents or their own personal views because she had heard a lot of people saying "I, personally...", so she wasn't sure who they were supposed to be representing on this committee. She also stated that this was not just about being fair in creating new representation, that we couldn't lose sight of the fact that moving toward districts takes away the current rights of all voters by limiting the number of people they can vote for. She also asked that if her district representative didn't represent her, under a district scenario, and she didn't or couldn't vote for any of the other representatives, then who was she supposed to turn to for representation...that at least now, she had five options.

Mr. McKee made a motion to adjourn which was seconded by Mr. Walker and passed unanimously.

September 23, 2009

The Governance Committee met for its fifth session on Wednesday, September 23, 2009, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Max Walker (Waxhaw Rep), Pat Kitto (UC Rep), Nick Dispenziere (Marvin Rep), Jeff Kravis (UC Rep), Johnny Jacumin (Wingate Rep), George Hendry (UC Rep), Dee Lamb (Fairview Rep), Frank Deese (Marshville Rep), Sandy Coughlin (Lake Park Rep), Wyatt Dunn (Stallings Rep), Tracey Clinton (Wesley Chapel Rep), Janet Critz (Mineral Springs Rep), Jerry McKee (Weddington Rep), Gary D'onofrio (Indian Trail Rep), Mike McGee (UC Rep), and Tracy Kuehler (UC Commissioner)

ABSENT: Henry Courtlandt (UC Rep), Lawrence Amodeo (UC Rep), Bob Denson (UC Rep), Andrew Benton (Unionville Rep), Andy Williams (UC Rep), P.E. Bazemore (Monroe Rep), Jim Simpson (Hemby Bridge Rep), Frank Feldman (UC Rep), and Everette Medlin (UC Rep),

ALSO PRESENT: Erin Kirkpatrick (Waxhaw Alternate), Peggy Neill (Mineral Springs Alternate)

OPENING OF MEETING:

The meeting was called to order and the minutes from the August meeting were adopted.

Ms. Critz stated that she agreed with change for the purpose to create equal representation but not special representation. Mr. Jacumin stated that he thought that seven is a move in the right direction.

Mr. Deese questioned whether the committee members should consider statements made by David Lawrence since he wasn't before the committee, personally, to make those statements. A discussion as to what was said by Ms. Critz as opposed to comments reportedly made by Mr. Lawrence. Ms. Critz stated that she was very careful to differentiate between her personal comments and Mr. Lawrence's conversation with her and Ms. Critz and Mr. Deese agreed that the tape of the last meeting would resolve any dispute as to what was actually said.

Mr. Hendry discussed precincts and the numbers making up those precincts. Ms. Coughlin questioned the criteria used by the DOJ and stated that she thought it was based solely on population. A discussion ensued about minority districts, the Voting Rights Act, and the ability of DOJ to change district lines within the statutory +/- 5%, but could

change them based on the minority district variables. Mr. Hendry stated that the House District lines used the full 5% allowance in its districts.

Mr. Hendry stated that representation is power...so the district lines are drawn with political party influence in mind.

The committee discussed the power of voting districts and how one precinct could, and has, swayed an election. Commissioner Kuehler stated that "precincts" aren't districts and that a "precinct" per se, could not elect a candidate. She said that just because one precinct, in terms of where people vote, was much larger than other precincts, if the precinct was broken down into more numerous, smaller precincts that were consistent with other precincts in the county, the result would be the same. She said she didn't understand the discussion as to the governance issue of whether one large precinct voted for a particular candidate or party, or many smaller ones did because "precincts" don't elect, the majority of the population elected on the local level.

Jacumin asked about the county elections being partisan elections and wanted to know why the county couldn't elect without a primary. Mr. Hendry stated that the municipal election were nonpartisan but that county elections were partisan. Commissioner Kuehler stated that she thought the elections were dictated by statute. Mr. Jacumin stated that the county could change that and Commissioner Kuehler said she thought that would have to be accomplished by local act or, perhaps, by change of charter.

Mr. McKee stated that we know what we have now, in terms of representation, but if the county decided to change that representation, we would have no way of knowing what it would be in the future.

Mr. Jacumin stated that he thought a change was warranted and used Wingate as an example, stating that Wingate had been dumped on enough with the landfill, jail, etc. and felt that there needed to be more diverse representation to protect these areas. Commissioner Kuehler questioned when these things were done and wanted to ascertain whether things were getting better. Mr. Jacumin stated he didn't know because he didn't know what was to come in the future. Ms. Critz questioned where the Commissioners were from at the time these things were built in Wingate and thought that representation at that time was from the east side, illustrating that districts don't necessarily fix the problem. Mr. Hendry stated that during that time, the population of the county was probably closer to 60,000.

A discussion about where to go from this point and whether a vote as to at-large versus districts should be taken. Commissioner Kuehler stated that she got the sense from the committee that there were members who leaned toward all at-large, but would be open-minded to a districting scenario through continued conversation and that an all at-large versus district vote was premature before the committee identified the district scenarios. She stated that she believed the committee should continue to discuss different district scenarios and focus on majority versus nonmajority districting before voting between districts and at-large representation. A question was raised as to residency requirements

with at-large voting as an option to districts and Commissioner Kuehler recognized that the subject should be discussed but did not know when the appropriate time for that discussion would be. She suggested that the committee discuss that when they had decided on what districting scenario to move forward with. Mr. Hendry stated that there were two ways to go about residency, the primary and the general election.

Commissioner Kuehler stated that she thought the next step for the committee was to decide whether it was in favor of seven districts versus a combination of districts and at-large. Ms. Coughlin asked if the committee had identified pros and cons for each.

The committee came up with the following pros and cons:

All Districts

Pros: 1. greater specialized/regionalized representation—decentralizes the vote
2. similar to state/federal election districts
3. could create feeling of having more of a voice

Cons: 1. citizens only get one vote
2. has potential to divide the county
3. can create special interest due to size/number of districts
4. limits the pool of candidates

Combination of At-Large and Districts

Pros: 1. citizens get multiple votes for representation
2. larger pool of candidates
3. gives regional representation but still requires whole county representation with at-large seats/not as divisive

Cons: 1. may not give proper representation to diverse/remote areas
2. retains the possibility of one side of the county controlling the whole county

Ms. Critz moved that the committee eliminate seven straight districts from consideration. The motion was seconded by Mr. McKee. Following discussion the committee voted in favor of eliminating seven districts from any potential recommendation.

Commissioner Kuehler gave an outline for the next meeting and Mr. McGee moved to adjourn.

October 28, 2009

The Governance Committee met for its fifth session on Wednesday, October 28 2009, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Erin Kirkpatrick (Alternate Waxhaw Rep), Pat Kitto (UC Rep), Nick Dispenziere (Marvin Rep), Mark DiBiasio (Alternate UC Rep), George Hendry (UC Rep), Mary Lou Starnes (Alternate Fairview Rep), Sandy Coughlin (Lake Park Rep), Tracey Clinton (Wesley Chapel Rep), Janet Critz (Mineral Springs Rep), Michael Tramontano (UC Alternate Rep), Jerry McKee (Weddington Rep), Frank Feldman (UC Rep), Bob Denson (UC Rep), Andy Williams (UC Rep), Everette Medlin (UC Rep), and Tracy Kuehler (UC Commissioner)

ABSENT: Max Walker (Waxhaw Rep-Alternate attended), Wyatt Dunn (Stallings Rep), Frank Deese (Marshville Rep), Johnny Jacumin (Wingate Rep), Gary D'onofrio (Indian Trail Rep), Jeff Kravis (UC Rep—Alternate Attended), Henry Courtlandt (UC Rep—Alternate Attended), Dee Lamb (Fairview Rep), Lawrence Amodeo (UC Rep), Andrew Benton (Unionville Rep), Andy Williams (UC Rep), P.E. Bazemore (Monroe Rep), and Jim Simpson (Hemby Bridge Rep).

ALSO PRESENT: Brian Carlton, Union County Weekly

OPENING OF MEETING:

The meeting was called to order and a discussion as to when the next meeting or meetings should be held due to the holidays. It was decided by consensus that the November and December regular meetings would be cancelled and that a special meeting would be held on Wednesday, December 2, 2009.

The committee began discussion on different district scenarios that contain at-large and district seats. A list of majority versus nonmajority makeup was identified as follows:

Majority: 2 Districts and 5 At-Large
3 Districts and 4 At-Large
4 Districts and 3 At-Large
2 Districts (2 Elected from each District) and 3 At-Large

NonMajority: 5 Districts and 2 At-Large
6 Districts and 1 At-Large

The committee then listed pros for a majority combination and nonmajority combinations:

- Majority:
1. Voters would have the ability to vote for a majority of their representation
 2. Retaining the ability to vote for a majority protects current voting power/doesn't take away current rights
 3. Provides for larger pool of candidates
- NonMajority:
1. Allows for more diversity in representation
 2. Decentralizes power
 3. Provides more diversity

The committee also discussed the cons of districts in any form and listed the following:

1. loss of control due to State/DOJ input
2. hard to reverse once in place
3. can cause divisiveness within the county
4. difficult to readjust with population growth
5. can create possibility of special interest or factions with the county
6. districts may not accomplish "interest" representation because geography and population don't always equal the same interest

Ms. Critz reminded the committee that the county could come up with a "perfect" districting scenario, but at the end of the day, all lines were subject to review by the State and/or the DOJ.

Mr. DiBiasio stated that districts were not geographical but were based solely on a population basis. While one may start by geographical similarities, the population in each area would ultimately determine the district lines.

Ms. Critz stated that the history of districting was to achieve racial balance, not geographical balance and because we operate under the Voting Rights Act, geography was not a consideration when drawing the district lines.

Mr. Hendry gave a background on Orange County and stated that their districts were based on population. Commissioner Kuehler stated that she didn't know if Orange County was bound by the Voting Rights Act. She said that even under the Voting Rights Act, the +/- 5% still applied.

Commissioner Kuehler said she believed that the pro/con discussion as to Districts or all At-Large was more appropriate once the committee had decided on the district combination scenario it wished to pursue.

Mr. Medlin stated that even with 5 districts, 3 or 4 of the districts would be on the western side of the county, so he didn't understand how representation would be

diminished because the west would still have the majority of the representation. He said that doing anything less than 5 districts and 2 at-large would not give representation to the other parts of the county.

Mr. DiBiasio asked what Mr. Medlin meant by representation. Mr. Medlin responded that because there was such a dichotomy within the county from urban to agricultural areas, anything less than 5 districts would leave control in the west and there wouldn't be any representation for the other parts of the county. Commissioner Kuehler questioned the statement that there wouldn't be "any" in that under every districting scenario, there would be at least one district created for the eastern side of the county. Mr. DiBiasio confirmed that even under a 2 district and 5 at-large scenario, there would be a district encompassing the eastern side of the county. Mr. Denson stated that under that same scenario, one could predict that 6 representatives would come from the west, but the east would still have one by default. Mr. Medlin pointed out that the eastern district, under that scenario, would encompass Indian Trail and parts of Sandy Ridge, which is not representative of the rural parts of the eastern side of the county.

Ms. Critz stated that there have been many Commissioners in the past that have resided in the east side of the county, but she has heard that they still don't represent the east. Thus, districts are no guarantee that all areas will feel represented. Mr. Medlin stated that past Commissioners had to appeal to the at-large vote and weren't necessarily interested with the issues of where they resided because they played to the voting base. Ms. Critz stated that she realized that there were concerns and desires on the part of each member, but it came down to electing the right individuals regardless of where they reside.

Mr. Hendry said that he thought a plausible scenario was to have two districts with 2 representatives being elected from each district and 3 at-large. That way, citizens would still have the ability to vote for 5 of the Commissioners. Ms. Critz stated that this scenario may help eliminate a major line change by the DOJ. Ms. Clinton, playing devil's advocate, stated that this scenario may not be any better than all at-large.

Mr. Medlin stated that he was thankful for the current representation and that the Board had been open-minded and considerate of the Agricultural Board's recommendations but that without district representation, that may not always be the case. Mr. Denson replied that the county had done a good job of voting for its representatives and that the current situation as described by Mr. Medlin was an argument for at-large representation. Mr. Medlin stated that if all 5 Commissioners were currently from the east, the western side of the county would be upset and feel that they had no one representing their interests.

Mr. Denson stated that he worried about eroding any voter's right to choose their representatives. He stated that if he thought district representation would give people more of a voice and actually give them better representation, he would be for it. However, he felt like the county was being manipulated into considering districts for reasons less altruistic than better representation.

Ms. Critz stated that too many districts cut into the talent pool and people able to run based solely on where they may happen to live. If two great candidates live in the same district, only one can serve and she felt that was a disservice to the county.

Mr. Williams stated that people were more comfortable with people from their own area because they had more faith that those people understood their issues. Ms. Critz restated that mere residency did not guarantee representation of that area's interests. Mr. Medlin stated that if people were elected within a district, they had to be representative of the voters in that district or they would not be re-elected.

Commissioner Kuehler asked Mr. Medlin about 4 districts. She stated that this was only one district less than the one he was advocating for and questioned why he would not feel that he had representation under that scenario. Mr. Medlin responded that even under 5 districts, the west would still control so that anything less than 5 was still inadequate representation for the eastern side of the county. Ms. Kirkpatrick pointed out that even within a district, the most populous areas would more than likely drive the vote and others within that district would still feel unrepresented.

Ms. Critz stated that she disliked the east and west characterization because it sounded negative, but for the sake of this discussion, she could see how it helped define the areas of the county, but she stated that western side of the county paid the vast majority of the taxes in the county and questioned how much deference should be given to that.

Mr. Feldman said that registered voters were immaterial and population was immaterial...that it came down to who shows up at the poll to vote and that the western side of the county had better turnout, even in percentages.

Commissioner Kuehler stated that the committee could discuss this without end and that she was hearing the same arguments over and over. She questioned that whether there was more information or new arguments, was the committee ready to move forward. She stated that at this time, she would entertain a motion to adjourn or a motion to move forward with a vote on the issue of majority versus nonmajority.

After some further discussion, Mr. Denson moved to continue with a vote on the majority versus nonmajority issue. He stated that he felt it was the committee's duty to move forward. The motion was seconded by Ms. Coughlin. Motion passed 8-7 to move forward with a vote.

(For: Bob Denson, Sandy Coughlin, Pat Kitto, Nick Dispenziere, Janet Critz, Erin Kirkpatrick, Frank Feldman, and Mike Tramontano;

Against: Tracey Clinton, Everette Medlin, Andy Williams, Jerry McKee, Mary Lou Starnes, George Hendry, and Mark DiBiasio)

Based on that vote, Ms. Critz made the motion to only consider district scenarios where you could vote for a majority of the representatives. The motion was seconded by Mr. Denson. After clarification of the motion, the motion passed 11 to 4.

(For: Bob Denson, Sandy Coughlin, George Hendry, Pat Kitto, Nick Dispenziere, Erin Kirkpatrick, Janet Critz, Mary Lou Stames, Mark DiBiasio, and Mike Tramontano; Tracey Clinton abstained making her vote count in the affirmative;

Against: Everette Medlin, Andy Williams, Jerry McKee, and Frank Feldman)

Motion was made and seconded to adjourn. Motion was passed unanimously.

December 2, 2009

The Governance Committee met for its seventh session on Wednesday, December 2 2009, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Erin Kirkpatrick (Waxhaw Rep), Wyatt Dunn (Stallings Rep), Pat Kitto (UC Rep), Jeff Kravis (UC Rep), Nick Dispenziere (Marvin Rep), Lawrence Amodeo (UC Rep), Dee Lamb (Fairview Rep), George Hendry (UC Rep), Henry Courtlandt (UC Rep), Sandy Coughlin (Lake Park Rep), Brad Horvath (Wesley Chapel Rep), P.E. Bazemore (Monroe Rep), Gary D'onofrio (Indian Trail Rep), Frank Feldman (UC Rep), Bob Denson (UC Rep), Everette Medlin (UC Rep), Jim Simpson (Hemby Bridge Rep). and Tracy Kuehler (UC Commissioner)

ABSENT: Frank Deese (Marshville Rep), Jerry McKee (Weddington Rep), Janet Critz (Mineral Springs Rep), Johnny Jacumin (Wingate Rep), Andrew Benton (Unionville Rep), and Andy Williams (UC Rep).

OPENING OF MEETING:

The meeting was called to order. Jeff Kravis noted a mistake in the October minutes in that it stated it was the fifth meeting. The October meeting was actually the sixth meeting and the minutes were adopted from the October 28, 2009 meetings as amended.

The committee began discussion on the remaining districting scenarios that allowed voters to elect a majority of its representatives. Those scenarios are as follows:

Majority: 2 Districts and 5 At-Large
 3 Districts and 4 At-Large
 4 Districts and 3 At-Large
 2 Districts (2 Elected from each District) and 3 At-Large

Commissioner Kuehler began the discussion by referencing a Library Board meeting she had attended the night before. She said that the board had discussed, approximately a year earlier, changing some of the "seats" from at-large to district seats. The terms of some of the members were expiring and it was apparent that with less at-large seats on the board, some of the current members could not be reappointed. She said that the board became concerned that they would lose good people on the board because they lived in the same area or district as other members. She found this interesting and pertinent to the discussion at hand as it was a good example of how things sound good in theory but when it comes down to actual implementation, it presents unintended consequences.

Mr. Hendry showed two maps with two district line divisions. He stated that he had drawn the line in different ways to show how two districts could be divided. One example was by river basin, though not exact, was very close to being equal; while the other showed a district based on shared borders with Mecklenburg County. He said the population within the districts was based on registered voters, not pure population—which is what the DOJ would use.

He stated that he served on a committee dealing with how people were notified for jury duty. He said they take residents of the county with a NC driver's license and people registered to vote and combine the two databases. The driver license list has about 136,000 names on it and the UC resident/registered voter list consisted of about 120,000 names. He noted the difference was due to circumstances like someone being eligible to have a driver's license, but not a US citizen, or not being able to vote for other reasons.

Jeff Kravis states that he didn't see how any scenario would satisfy the feeling of not being represented. He said that any district scenario would consist of high density areas that have the votes to elect one candidate over another from a less populated area and someone or some group is always going to feel like they aren't fairly represented. He said that unless you get to 15 or 20 districts, that people will always feel left out.

Bob Denson said that, at the last meeting, Mr. Medlin stated very clearly how the district scenarios still being considered would not provide representation specifically for the farming community, but also said that the current BOCC had done an excellent job of representing his needs and understanding the needs of the farmers. Mr. Denson stated he was not against discussing district scenarios but didn't see a need for districts and agree with Mr. Kravis' comments.

Commissioner Kuehler reminded the committee that Commissioner Baucom, who was the only candidate who didn't have to go to the run-off, was the top vote getter in the county in 2006 and that he is a farmer.

Erin Kirkpatrick said that she felt the 4 districts and 3 at-large reduced the current representation, in that you would only get to vote for four commissioners, whereas now, you can vote for five.

Sandy Coughlin said that she thought 3 districts and 4 at-large was a better scenario because it still gave people the ability to vote for five.

Ms. Kirkpatrick stated that 2 districts and 5 at-large actually gave people more representation, as they could vote for six, which was appropriate considering the increase to seven commissioners comes at an added expense and, ultimately, a cost to the taxpayer.

Ms. Coughlin asked about pros and cons for 2 districts, with two in each district and 3 at-large.

Mr. Hendry responded that, from a pro viewpoint, it would guarantee two seats in each district.

Commissioner Kuehler stated that two districts would also probably create the least amount of issue and the least opportunity for gerrymandering with the DOJ as far as minority considerations or creating unfair or biased districts was concerned.

Mr. Hendry thought the “basin” districts at least created a unifying issue within and between the two districts.

Wyatt Dunn stated that Stallings would only consider 2 districts and 5 at-large—that they preferred all at-large—and that he saw no advantage to districts at all. He stated he had looked at the scenarios and that we currently have people, and historically have had people, from both sides of the line, without the need for districting and didn’t understand why districts were necessary to accomplish something that was already occurring within the current system.

Mr. Hendry said that he couldn’t tell anyone where the DOJ would put the line, that the examples given were just were “George Hendry” put the line based purely on statistical data.

Commissioner Kuehler stated that she asked Mr. Hendry to show basin lines as a possible district division based on a common interest. She said that to arbitrarily draw and east/west divide based only on population really didn’t create districts with like interests or commonalities because there are places in Unionville, for example, that are very similar to the demographics of Wesley Chapel and farmland in Waxhaw and Marvin as well in the eastern side of the county. She stated that she was looking for a common link in which to base districts on as a suggestion to the committee.

Mr. Amodeo said that the fact was that the district lines were not up to the committee or the commissioners and that once that door was opened, it didn’t really matter what the county or the citizens wanted and that was the risk with creating any district scenario.

Commissioner Kuehler showed some congressional district maps from around the state, highlighting how strange the division of the districts were and pointed out that Union County could end up with districts that looked nothing like what the committee was in favor of.

Mr. Bazemore asked about the minority component of districts.

Commissioner Kuehler said she had spoken to some people about the chances of getting out of the Voting Rights Act requirement placed on the county and was told there was very little chance of that unless some strong leaders in both parties at the state level were willing to co-sponsor a bill to remove that mandate and that the chances of that moving forward to slim to none.

Mr. Hendry stated that there were 14,000 black voters, 100,000 white voters, and 4-5,000 "other" voters registered in the county; so 19,000 voters were "minority." He said that we would have to have about 30-35,000 minority voters to accomplish a "minority district" but that he didn't see how that could be accomplished as the minority population was not concentrated within one area of the county.

Commissioner Kuehler said that it is not just "minority" voters, that the court defined it as "like-minded" or "like-issue" voters that could constitute a minority district. She asked if the committee had a list of the other counties under the Voting Rights Act that were operating under districts and how many districts those counties had.

Mr. Denson read a list of counties operating under the Act. At a quick glance, Cumberland County had 2 districts, Forsyth had 2 districts, and Onslow and Catawba Counties were still operating all at-large.

Commissioner Kuehler stated that the 2 district scenario could obviously be done under the Voting Rights Act and would be interested to know if the Act had anything to with counties staying with an at-large representation.

Mr. Dispenziere said he still questioned how much districts really benefitted the county or its citizens. Hendry reminded the committee of the added costs of each new commissioner.

Ms. Coughlin moved to eliminate 4 districts/3 at-large from consideration. Her motion was seconded by Bob Denson.

The vote was unanimous to eliminate the 4/3 scenario.

Ms. Coughlin said that with the 3 district/4 at-large scenario, people would still get to vote for five commissioners and thought that scenario offered a better chance of people feeling like they had some local representation.

Mr. Amodeo asked where the districts would be and Ms. Coughlin stated she didn't know; that it was not up to the committee. Mr. Amodeo responded that was his point; that the citizens may not feel districts are representative, let alone the people elected in those districts because we had no local control over that at the end of the day.

Ms. Kirkpatrick said that it looks like you are not losing any representation under that scenario, unless you live in a district where only one person runs. Then, she said, you have no choice in your district and only get the at-large choices which would be a loss of representation, especially if the candidate doesn't share your political views or is not from your "area" of the county.

Mr. Bazemore said he lived in Edgecombe County where five families basically ran the county and that it wasn't until the families dies off that younger, more progressive people ran for office. Ms. Kirkpatrick argues that districts can actually create that scenario where

there is less competition for office, citing some smaller municipalities where people run unopposed as well as school districts where people run unopposed.

Mr. Hendry said the Democratic Party in Union County doesn't even run multiple candidates for open seats in the primaries...if any at all.

Mr. Dunn asked if the committee had discussed residency requirements of candidates with everyone voting like in Stallings and Weddington. Mr. Hendry stated that of the 25 largest counties and UC's neighbors (27 in all), only four or five counties have residency requirements with at-large voting.

Mr. Medlin said he didn't think that everyone voting regardless of their district was really district representation. He said the only way you really get local representation is by only voting within your own district. Mr. Bazemore agreed because people outside of the district could affect who gets elected in other districts.

Mr. Hendry stated that Wake County had seven commissioners in seven districts but that everyone in the county votes for every candidate. Mr. Dunn said if someone lives in a district, they have an allegiance to that district by default, but if they are elected to that representation by the whole county, they are fully aware that they should be representing the whole county, not just their piece of it.

Ms. Kirkpatrick thought it would be prudent to change the representation in steps. She suggested that it would be better to increase the number of commissioners to seven at-large, and then start with two districts, and that wasn't working, then add districts. She stated that it would be much easier to increase districts than it would to eliminate them.

Mr. Medlin said that an at-large campaign is easier for those in more populated areas and argued that it is also cheaper. He stated that it was hard for people in less populated areas to do things like door-to-door and costs to those candidates were much higher to run a competitive campaign.

Frank Feldman moved to eliminate the 3 district/4 at-large scenario from further consideration by the committee. The motion was seconded by Erin Kirkpatrick.

The vote was unanimous to eliminate 3 districts/4 at-large from consideration.

Ms. Coughlin asked for comments from the members on the final two scenarios, specifically on the difference between having 3 at-large or 5 at-large.

Mr. Hendry stated that 3 at-large guarantees two seats to each district, but reduces the representation percentage that you can vote for.

Dee Lamb reminded the committee that people from an "area" have not always represented the interests of the area they reside in. She said that at least when all

representatives were elected at-large; you had better odds of getting someone's ear and/or attention.

Mr. Denson stated that he though districts were not really wanted for geographic equality, but that there was an agenda for party representation, and to use Mr. Bazemore's "family" example, pointed out that districts are a way to give a foothold in the county to a particular "family" as opposed to someone earning that position through the voice, or electorate, of all the people in the county. He said that he was hands down in favor of all at-large, but if limited to a district scenario, he would choose 2 districts/5 at-large.

Mr. Medlin said that if there were only going to be districts, we were better off not opening that can of worms and staying all at-large with either five commissioners or seven. He repeated that a "western" candidate can campaign in only 20% of the county and get enough votes to get elected.

Commissioner Kuehler asked why a candidate who lives somewhere else in the county just doesn't campaign in the populated areas. She said that he was assuming that a candidate's address dictates, somehow, their political views. She argued that any candidate should be able to campaign in the "20% of the county" and get elected if their ideals and platforms appeal to voters, just like those that live in the more populated areas should be able to get more rural areas to support them based on their views.

Ms. Lamb stated that when the county has only 10% voter turnout, the fact is that people aren't interested enough to care. She said she could argue that no one elected under that kind of turnout really represents anyone in the county.

The committee discussed issues facing the county versus where the elected officials resided at the time. An example was the Dodge City water issue and it was pointed out that a Commissioner from the western side of the county championed that issue and that the current board, whose majority is from the western side, actually moved that project forward, illustrating that it shouldn't, nor did it, matter where someone lived.

Mr. Bazemore stated that two district reps would never out-vote the 5 at-large, and that wasn't the goal. The goal, he said, is to provide districted representation so that issues are brought forth and things are put on the table that people from other areas may not even be aware of.

Mr. Hendry stated that up until around 1990, the county was primarily a democratic plurality and asked if there had been a push for districts back then. Mr. Feldman said that was correct, that there was no push for districts and that it should be about electing the best candidates. Mr. Bazemore said that people may run according to party lines, but if elected, should represent everyone.

Being that it was 15 minutes past the scheduled ending time, a motion was made and the meeting was adjourned.

January 27, 2010

The Governance Committee met for its eighth session on Wednesday, January 27 2010, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Erin Kirkpatrick (Waxhaw Rep), Frank Deese (Marshville Rep), Janet Critz (Mineral Springs Rep), Jerry McKee (Weddington Rep), Pat Kitto (UC Rep), Jeff Kravis (UC Rep), Nick Dispenziere (Marvin Rep), Lawrence Amodeo (UC Rep), George Hendry (UC Rep), Henry Courtlandt (UC Rep), Sandy Coughlin (Lake Park Rep), Brad Horvath (Wesley Chapel Rep), P.E. Bazemore (Monroe Rep), Frank Feldman (UC Rep), Everette Medlin (UC Rep), Andy Williams (UC Rep—arrived after the first vote).and Tracy Kuehler (UC Commissioner)

ABSENT: Johnny Jacumin (Wingate Rep), Gary D'onofrio (Indian Trail Rep), Dee Lamb (Fairview Rep), Jim Simpson (Hemby Bridge Rep), Bob Denson (UC Rep), Andrew Benton (Unionville Rep), and Wyatt Dunn (Stallings Rep).

OPENING OF MEETING:

The meeting was called to order. Jeff Kravis noted a mistake in the October minutes in that it stated it was the fifth meeting. The October meeting was actually the sixth meeting and the minutes were adopted from the October 28, 2009 meetings as amended.

Public comment was made by Mr. Johnny Pigg, who was accompanied by Bryan Perry, Jeff Edwards, Tommy Stegall, David Rushing, and Benny Lybrand. Mr. Pigg stated that a group of eastern county residents had several meetings to discuss electoral districts and their concerns about the current method of representation within the county. They believed that there was a lack of equal representation. He also asked about the implementation process of the committee's recommendation and would like to see representation similar to that spelled out in the NC statute 153A-58 that allows for electoral districts. He said he thought that would provide an opportunity for better representation of all citizens.

The committee began discussion on the remaining districting scenarios as follows:

- 2 Districts and 5 At-Large
- 2 Districts (2 Elected from each District) and 3 At-Large

Larry Amodeo moved to eliminate 7 at-large from consideration and focus solely on a district recommendation. The motion was seconded by Frank Feldmann.

Motion passed by a vote of 12-3.

The committee then discussed residency requirements for districts with whole county voting for every candidate. Janet Critz moved to have voting in a district scenario as “true districts” meaning that only those that lived in the district could vote for candidates running within the district. The motion was seconded by Jerry McKee.

Motion passed by a vote of 14-2.

Ms. Coughlin then made a motion to reconsider keeping representation at five Commissioners. The motion was seconded by Jerry McKee.

Motion failed by a vote of 13-3.

With the decision by the committee to move forward with seven representatives with two districts, the only decision pending was how many representatives within each district.

Sandy Coughlin moved to recommend 2 districts with two representatives within each district and 3 at-large representatives. The motion was seconded by Andy Williams.

Motion failed 7-9

(For: Sandy Coughlin, Frank Deese, Everette Medlin, P.E. Bazemore, Frank Feldmann, Jerry McKee, and Andy Williams)

(Opposed: Erin Kirkpatrick, Brad Horvath, Jeff Kravis, Larry Amodeo, Pat Kitto, Nick Dispenziere, George Hendry, Henry Courtlandt, and Janet Critz)

Motion was then made by Erin Kirkpatrick and seconded by Janet Critz to recommend 2 districts and 5 at-large representatives.

Motion passed 9-7

(For: Erin Kirkpatrick, Brad Horvath, Jeff Kravis, Larry Amodeo, Pat Kitto, Nick Dispenziere, George Hendry, Henry Courtlandt, and Janet Critz)

(Opposed: Sandy Coughlin, Frank Deese, Everette Medlin, P.E. Bazemore, Frank Feldmann, Jerry McKee, and Andy Williams)

The committee talked about how far they believed they had come and that at the first meeting it was obvious that there was a huge divide within the committee as to districts versus at-large. While the entire membership may not be thrilled about the recommendation from a personal stance, they believed that the committee members had taken great steps to work together and compromise toward a recommendation that, hopefully, had something for everyone—if it didn’t necessarily represent 100% of each individual’s personal wishes.

There was also a discussion about the final steps in bringing the recommendation to the BOCC.

Having no further business on the agenda, the meeting was adjourned.

February 25, 2010

The Governance Committee met for its ninth session on Wednesday, February 25 2010, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Erin Kirkpatrick (Waxhaw Rep), Johnny Jacumin (Wingate Rep), Peggy Neill (Mineral Springs Rep--Alternate), Pat Kitto (UC Rep), Jeff Kravis (UC Rep), Nick Dispenziere (Marvin Rep), Lawrence Amodeo (UC Rep), George Hendry (UC Rep), Sandy Coughlin (Lake Park Rep), Frank Feldman (UC Rep), Everette Medlin (UC Rep), Andy Williams (UC Rep), and Tracy Kuehler (UC Commissioner)

ABSENT: Gary D'onofrio (Indian Trail Rep), Brad Horvath (Wesley Chapel Rep), P.E. Bazemore (Monroe Rep), Henry Courtlandt (UC Rep), Jerry McKee (Weddington Rep), Frank Deese (Marshville Rep), Dee Lamb (Fairview Rep), Jim Simpson (Hemby Bridge Rep), Bob Denson (UC Rep), Andrew Benton (Unionville Rep), and Wyatt Dunn (Stallings Rep).

OPENING OF MEETING:

The meeting was called to order. There were only eleven members which did not constitute a quorum, therefore no actions were taken. The committee decided to discuss possibilities concerning the presentation to vote on at a later meeting.

Public comment was made by Mr. Johnny Pigg, who was accompanied by Bryan Perry, Jeff Edwards, Tommy Stegall, David Rushing, and Benny Lybrand. Mr. Pigg stated that a group of eastern county residents had several meetings to discuss electoral districts and their concerns about the current method of representation within the county. They believed that there was a lack of equal representation. He also asked about the implementation process of the committee's recommendation and would like to see representation similar to that spelled out in the NC statute 153A-58 that allows for electoral districts. He said he thought that would provide an opportunity for better representation of all citizens.

The committee began discussion on district lines. Erin Kirkpatrick suggested that both scenarios be presented to the BOCC.

Commissioner Kuehler reminded the committee that the BOCC had asked for a preference from the committee, understanding that it was ultimately up to the DOJ.

George Hendry said he like the basin line because it, at least, made sense to him as far as a commonality within the district.

Jeff Kravis reiterated that he still had many issue with districts. Mr. Jacumin asked if the DOJ would accept more than one recommendation for district lines and Mr. Hendry responded that he didn't see why they wouldn't.

Mr. Deese said he saw no point in even making a recommendation since it wasn't up to us and that the voters couldn't choose the lines.

The consensus of the members was to present "basins" but supported the north/south (or Mecklenburg shared borders) because it "debunked" the east/west divide argument.

The committee also discussed terms of the representatives. Ms. Neill said she felt like a two year term was too much pressure and that the representative couldn't really perform their duties because they would always be campaigning. Mr. Medlin stated that shortened terms within the districts would minimize the district seats due to having less time in office.

The committee then addressed the presentation to the BOCC. Janet Critz was nominated by the committee to give the presentation and Commissioner Kuehler informed the committee that all minutes, votes, etc. would be made available to the BOCC along with the presentation so that they would have all the background.

Meeting was adjourned.

March 31, 2010

The Governance Committee met for its tenth session on Wednesday, March 31 2010, at 6:30 p.m., in the Training Room, first floor, Union County Government Center. The following were

PRESENT: Erin Kirkpatrick (Waxhaw Rep), Johnny Jacumin (Wingate Rep), Janet Critz (Mineral Springs Rep), Pat Kitto (UC Rep), Jeff Kravis (UC Rep), Mark DiBiasio (UC Rep--Alternate), Nick Dispenziere (Marvin Rep), Lawrence Amodeo (UC Rep), Byron Nesbit (UC Rep--Alternate), Gary D'onofrio (Indian Trail Rep), Wyatt Dunn (Stallings Rep), Brad Horvath (Wesley Chapel Rep), P.E. Bazemore (Monroe Rep), Sandy Coughlin (Lake Park Rep), Frank Feldman (UC Rep), Everette Medlin (UC Rep), Jerry McKee (Weddington Rep), Frank Deese (Marshville Rep), Dee Lamb (Fairview Rep), Andy Williams (UC Rep), and Tracy Kuehler (UC Commissioner)

ABSENT: Henry Courtlandt (UC Rep), Mike McGee (UC Rep), Jim Simpson (Hemby Bridge Rep), and Andrew Benton (Unionville Rep).

OPENING OF MEETING:

The meeting was called to order. There were only eleven members at the last meeting, so the items that the committee reached a consensus on were re-addressed so that the committee could take formal action and vote.

Erin Kirkpatrick made a motion to delay a recommendation from the committee until after the primary, suggesting that those results could affect the committee's view of the need for districts. The motion was seconded by Jerry McKee.

Motion failed by a vote of 18-2.

The members then discussed the merits of presenting the recommendation with sections to address the arguments presented in favor of no districts and arguments presented in favor of all district representation.

Frank Deese moved that the committee present only the recommendation of the committee. The motion was seconded by Johnny Jacumin.

Motion passed 19-1.

The committee then discussed which preference to present to the BOCC regarding district lines and areas.

Frank Deese moved to recommend the river basin divide of two districts and was seconded by Sandy Coughlin.

Motion passed 18-2.

Mr. Medlin nominated Jeff Kravis to present the recommendation to the BOCC; however, Mr. Kravis respectfully declined the nomination. Pat Kitto nominated Janet Critz to present the recommendation and the nomination was seconded by Erin Kirkpatrick.

Motion passed unanimously.

The committee agreed to meet one more time for the purpose of reviewing the presentation for an opportunity to provide feedback.

Having no other business, the meeting was adjourned.

MEMORANDUM

To: Union County Board of County Commissioners
From: James P. Cooney III
Date: June 4, 2010
Re: Ethics Inquiry into Actions of Union County Board of County Commissioners

Scope of Representation

On October 19, 2009, at a meeting of the Union County Board of County Commissioners ("the Board"), I was asked to conduct an investigation into a series of votes taken by the Board in 2008 concerning the reimbursement of certain attorneys' fees. The charge by the Board was to investigate these votes and to address in an appropriate manner any other issues which were identified during the course of my investigation. In addition, the Board limited the fees to be paid for this investigation to a maximum of \$10,000. No other conditions or limitations were placed on the scope of my representation. On November 2, 2010, my firm accepted the terms of this representation and confirmed this formally on December 1, 2010. This Memorandum constitutes the report of my investigation.

Timeline of Investigation¹

Following my firm's acceptance of the terms and conditions of the representation, I met initially with Keith Merritt, Board attorney, on November 4, 2009, to discuss materials provided to me to begin the investigative process. These consisted of Minutes from the Board meetings of March 10, 2008, June 2, 2008, and June 16, 2008. Mr. Merritt also provided me with the Agendas, Agenda Abstracts and supporting materials for these meetings. In addition, I was supplied with invoices from the law firm of Wyatt & Blake as well as representation letters from that law firm to Commissioners Allan Baucom, A. Parker Mills, and Kevin Pressley, dated March 6, 2008.

¹ Throughout the course of this Memorandum, I will use the term "Commissioner" to refer to any person who served on the Board of County Commissioners, regardless of whether they are actively serving in that capacity.

After conducting a review of the materials that I had been provided, and performing additional research under North Carolina law, I met with Commissioner Tracy Kuehler on December 9, 2009. At that time, she provided to me a Notebook of materials - - many of which I had already received - - concerning the votes on attorneys' fees that took place on March 10, 2008 and June 2, 2008.

Following my meeting with Commissioner Kuehler, I contacted James Wyatt of the firm of Wyatt & Blake. I did so both to obtain materials from him and to seek his permission to interview Commissioners Baucom, Mills and Pressley. Since Mr. Wyatt had represented Commissioners Baucom, Mills and Pressley, and since I intended to interview them about matters that related to that representation, the Ethical Rules of the State Bar of North Carolina dictated that I initiate contact through Mr. Wyatt, their counsel for these matters. I requested that Mr. Wyatt make his clients available for interview and that his clients waive the attorney-client privilege for matters connected with my investigation. Mr. Wyatt, appropriately, took these requests under consideration and indicated that he needed to both review his file and speak with his clients. To facilitate this review, on December 22, 2009, I provided Mr. Wyatt with the topic areas on which I intended to seek information and for which I was asking for a waiver of the attorney-client privilege.

While these requests were pending, I contacted County Manager Al Greene, former Interim County Manager Richard Black, and Kai Nelson, the County Finance Director. I requested that each submit to an interview concerning these matters. Mr. Greene and Mr. Black agreed to do so and I interviewed Mr. Greene and Mr. Black on February 2, 2010. Mr. Greene and Mr. Black answered all questions. Mr. Nelson retained the Hon. Fletcher Hartsell as counsel in connection with these matters. I contacted Mr. Hartsell by letter of February 19, 2010 to formally request the opportunity to interview Mr. Nelson. Over the course of the next several weeks, I exchanged numerous messages with Mr. Hartsell and spoke with him concerning Mr. Nelson's availability for an interview. Mr. Hartsell has never objected to such an interview; however, as of the date of this Memorandum I have been unable to schedule this interview. Based upon the materials that I have received and the interviews that I have conducted, I do not believe that an interview of Mr. Nelson would either materially change my conclusions or provide any information that would be sufficiently important to warrant any further delay in completing this investigation. Consequently, I have elected to provide a report without Mr. Nelson's interview.

After my initial exchange with Mr. Wyatt, I was contacted in early January 2010 by Attorney Trey Robison of Monroe on behalf of Commissioners Baucom, Mills and Pressley. Mr. Robison informed me that he would be representing these Commissioners in connection with this investigation. I provided Mr. Robison the topic areas on which I anticipated interviewing Commissioners Baucom, Pressley and Mills (which had been previously provided to Mr. Wyatt) on January 5, 2010, and we generally discussed this matter in the ensuing weeks. By letter of February 19, 2010, I formally requested the opportunity to interview Commissioners Baucom, Pressley and Mills about these matters. Subsequently, on March 1, 2010, Mr. Robison indicated by letter that Commissioners Baucom, Pressley and Mills had agreed to be interviewed.

These interviews took place on April 14, 2010. Each Commissioner was accompanied by Mr. Robison; no Commissioner refused to answer any question and at no time was the attorney-client privilege invoked to stop any inquiries.

Finally, during the course of my investigation, as questions have arisen, Mr. Merritt has supplied to me various documents and other materials concerning the subject matter of this investigation.

With the exception of Mr. Nelson, no person has refused to speak with me about these matters. No issues of privilege have been raised and no person interviewed has refused to answer any question. No "ground rules" or other limitations were placed on any of my interviews, either by the persons I interviewed or their counsel.

Subject Matter of Investigation

- (1) Were there violations of the State Government Ethics Act, N.C.G.S. §138A-2 et seq., the North Carolina Association of County Commissioners' Code of Ethics (adopted December 2, 2002 by the Board) or the Resolution to Supplement the Code of Ethics of the Union County Board of Commissioners (adopted April 5, 2004) in connection with the authorization of attorneys' fees reimbursements for individual County Commissioners in 2008? Specifically, were there violations of these various ethics acts and provisions during the meetings of March 10, 2008, June 2, 2008, or June 16, 2008?
- (2) During the course of this investigation, did other issues arise which suggested or indicated any ethical violations by any member of the Board on matters other than the reimbursement of attorneys' fees?

Conclusions

- (1) There is no evidence of a violation by any County Commissioner of the State Government Ethics Act, the North Carolina Association of County Commissioners' Code of Ethics or the Resolution to Supplement the Code of Ethics in connection with the votes taken on March 10, 2008 and June 2, 2008 authorizing the reimbursement of attorneys' fees for individual County Commissioners.
- (2) During the course of a Board meeting on June 16, 2008, Commissioners Mills, Baucom and Pressley stated that they had "not been contacted by the FBI." However, as of that date each had met with Wyatt & Blake for the purpose of acting as their counsel in connection with an ongoing investigation by the FBI - - indeed, Commissioners Baucom and Pressley had voluntarily provided financial information to the FBI through Wyatt & Blake in April and May 2008. In addition, according to the Minutes of the meeting, "the County Manager interjected that to his knowledge the County had not employed a firm to represent individual commissioners in a FBI suit." This representation was in error; at that point in time Union County had paid \$58,456.07 to the law firm of Wyatt & Blake for its representation of Commissioners Pressley,

Baucom and Mills in connection with an investigation being conducted by agents of the Government of the United States of America.

These statements do not constitute a violation of the State Government Ethics Act, the North Carolina Association of County Commissioners' Code of Ethics or the Resolution to Supplement the Code of Ethics. First, all of the evidence indicates that the County Manager, Al Greene, made his statement inadvertently and without full knowledge of the facts; indeed, Mr. Greene had only recently been hired as County Manager and was hired after the initial vote for reimbursement. At that time, he had not had any significant participation in this matter. His statement, while in error, was made in good faith. Second, the failure of Commissioners Baucom, Mills and Pressley to correct the statement and their statements that they had not been "contacted" by the FBI were not violations of the State Government Ethics Act, the North Carolina Association of County Commissioners' Code of Ethics or the Resolution to Supplement the Code of Ethics.

- (3) During the course of this investigation, additional issues were raised concerning the conduct of other Commissioners in connection with various matters. These included:
- (a) Whether a Commissioner testified falsely under oath during a deposition in the *Shalati v. Union County* litigation about matters that occurred during a closed session of the Board when it was later shown that he was not present at that time?
 - (b) Whether a Commissioner failed to reveal a conflict of interest (and perhaps failed to recuse herself) in connection with the proposed sale of Union-CMC Hospital due to her husband's employment?

These matters are so significantly different from the issues on which our Firm was retained that they are well beyond the scope of my representation and work.

Discussion

Factual Background

The Shalati Litigation and the Engagement of Wyatt & Blake

The issues in this investigation arise out of a series of events related to the termination of former Union County Manager Mike Shalati. Following his termination in 2007, Mr. Shalati instituted civil litigation against Union County and its Board for various claims. In that litigation, the County and the Board were represented by a set of attorneys, including the law firm of Poyner & Spruill. Two incidents occurred during the course of the civil litigation that led to the issues embraced by this investigation. The first occurred when Mr. Shalati, apparently during the course of his deposition, indicated that there was an investigation being conducted by the Federal Bureau of Investigation ("FBI") into issues related to his claims. Indeed, on February 14, 2008, *The Charlotte*

Observer reported as its headline: “**FBI asks about Union County sewers.**” The article indicated that the FBI had been interviewing witnesses over the prior year concerning the allocation of sewer permits in Union County. The second incident occurred when it became apparent to the Board’s attorneys that there was a divergence of interests among members of the Board; specifically, Commissioner Roger Lane indicated that his testimony (and his interests) were different than those of Commissioners Baucom, Pressley and Mills with respect to the claims raised by Mr. Shalati. The creation of this conflict led the Board’s attorneys - - primarily Poyner & Spruill - - to conclude that continued joint representation would not be possible and that the Commissioners should consult with individual attorneys.

Based upon these two incidents, Poyner & Spruill, recommended that Commissioners Baucom, Mills and Pressley consult with James Wyatt of the law firm Wyatt & Blake for a determination of both whether Mr. Wyatt could represent them in connection with the FBI investigation and whether Mr. Wyatt could represent these three Commissioners jointly.

Commissioners Baucom, Mills and Pressley indicated that they met with Mr. Wyatt in February at Commissioner Pressley’s office. All three describe this initial meeting as “more of an interrogation than an interview.” Commissioner Baucom believed that Mr. Wyatt was being retained by Poyner & Spruill, rather than by him individually. Commissioner Pressley denied flatly that Mr. Wyatt was his attorney at any point, again apparently believing that Mr. Wyatt had simply joined the legal team already involved in the *Shalati* matter. There is no question, however, that each understood that he was being questioned concerning the then-public FBI investigation.

On March 6, 2008, Mr. Wyatt transmitted letters to Commissioners Baucom, Mills and Pressley; the letters were received by the Interim County Manager. The letters were addressed individually to each Commissioner and were identical; they each contained the “Re” line: “Engagement of Wyatt & Blake, L.L.P.” The letters each set forth the terms of the engagement of Wyatt & Blake for the purpose of representing each Commissioner “in connection with any claims or proceedings arising from actions taken during the course and scope of your employment as a County Commissioner.” They further set forth Mr. Wyatt’s billing rate, indicated that he will bill by the hour and send invoices monthly and attach a “standard terms of employment” form.²

Significantly, while each letter is addressed separately to a Commissioner, there is no address on any of the letters. During the course of my interviews with Commissioners Baucom, Mills and Pressley, each denied having received the letter or, indeed, even seeing a copy of the letter until questions were raised by Commissioner Kuehler about the votes many months later. The evidence indicates that these letters were sent directly to the County Staff, presumably for their acceptance.

² I note that the retention of Wyatt & Blake was particularly appropriate in the context of a federal criminal investigation. This firm has a well-deserved reputation as one of the leading criminal defense firms in North Carolina and provides outstanding advocacy and representation to its clients.

The March 10, 2008 Vote

On March 10, 2008, an agenda item appeared on the meeting agenda addressing the question of reimbursement for attorneys' fees. Commissioner Baucom was the Chair at that time and thus participated in setting the formal agenda. Commissioner Baucom indicated that Interim County Manager Black spoke with him about this item and indicated that Commissioner Roger Lane had requested its addition. Commissioner Baucom had no conversation with Commissioner Lane about this agenda item, though apparently Commissioner Lane informed Commissioners Pressley and Mills (in Commissioner Baucom's presence) on the morning of March 10th that such an agenda item had been added. This apparently took place at an aborted deposition of Commissioner Lane in the *Shalati* litigation. Interim County Manager Richard Black confirmed that the issue of separate representation was first raised by Commissioner Lane in connection with his belief that he required separate representation in the *Shalati* litigation.

The Agenda Item for this meeting is styled: "*Authorization for County to Enter into Contracts for the Defense of Individual County Commissioners and Adopt Budget Amendment #40.*" Its description indicated that the issue was whether to authorize the Interim County Manager to enter into contracts for individual commissioners' legal defense not to exceed \$15,000.

While Commissioner Lane had apparently been responsible for the placement of this item on the Agenda, the Minutes indicate that Commissioner Mills made the motion to authorize these contracts and this payment. During the discussion, Commissioner Lane described in detail the conflict which he believed had developed in the *Shalati* litigation that led him to conclude that he required separate representation. Commissioner Lane objected to the agenda item, however, because he believed that \$15,000 "was ridiculously low" and indeed constituted "a complete slap in the face to him" since he had been "labeled as a hostile witness in the *Shalati* case."

As will be discussed below, at this time Union County had an already existing indemnification policy for the payment of legal fees in connection with investigations and other litigation. That policy did not provide any limitation on the fees to be paid for this representation. In context then, this Agenda Item was actually a **limitation** on what could be spent by individual commissioners for legal counsel. The Minutes reflect that the Board attorney indicated that "he was not aware of anything in the statutes that would allow for reimbursement of sums, but that a prior Board adopted a resolution for reimbursement for defense of counsel." He further stated that he had provided a copy of the resolution to the County Attorney. Commissioners Baucom, Pressley and Mills each indicated that they did not know there was a separate indemnification policy. It appears that, from Staff's perspective, this agenda item was necessary for the purpose of fiscal year budgeting, particularly since the budget for legal fees had been exhausted due to the *Shalati* litigation and Staff wished to formally budget for additional fees. However, from the Commissioners' perspective it appears that they believed that a separate resolution was required to permit them to be reimbursed for attorneys' fees when, in fact, this was not necessary.

In any event, after what appears to have been an extended discussion about whether such fees should be limited at all, the agenda item and budget resolution was approved. Commissioner Lane and Commissioner Openshaw voted against the resolution; Commissioners Baucom, Mills and Pressley voted in favor of the resolution. Commissioner Baucom indicated that the limitation to \$15,000 was suggested by Mr. Burns.

The Payment of Legal Fees Exceeds the \$15,000 Limitation

Mr. Wyatt transmitted his first invoices to the Kai Nelson, the County Finance Director, on March 25, 2008; he billed \$9,212.46 for his services on behalf of Commissioners Baucom, Mills and Pressley, each - - a total of \$27,637.38. The invoices were received on March 26th. The invoices were not addressed to Commissioners Baucom, Pressley or Mills; Commissioners Baucom, Pressley and Mills each indicated that he did not see the invoices. On March 28th Mr. Nelson affixed a preaudit certification to Mr. Wyatt's representation letter of March 6 with the notation that fees were to be limited to \$15,000. Apparently because Mr. Wyatt's invoice was not sufficiently detailed, he was asked to resubmit his invoice, which he did by letter of April 14, 2008. Mr. Black accepted the engagement letters on April 24, 2008 and Mr. Wyatt's invoices were approved by Mr. Nelson on April 29, 2008. Checks to Mr. Wyatt's firm for these fees were sent on May 1 and May 8, 2008.

Commissioners Baucom and Mills both indicated that during April and May they were asked through Wyatt & Blake to voluntarily provide - - and did voluntarily provide - - bank records and other financial data to the FBI as part of the investigation.

In addition, on April 7, 2008, Commissioner Roger Lane received a representation letter from the firm of Ferguson Stein Chambers Gresham & Sumter, PA. That letter set forth the terms of that firm's representation of Commissioner Lane and contained a request for a retainer of \$7,500. It appears that this retainer was authorized by Mr. Nelson on June 10, 2008.

On May 18, 2007, Mr. Greene began as the County Manager and attended his first Board meeting as Manager.

On May 31, 2008, Mr. Wyatt transmitted a second set of invoices for \$10,271.23 for each of the Commissioners - - a total of \$30,813.69. The totals for each of the Commissioners were \$19,483.69 - - a sum that obviously exceeded the \$15,000 limitation imposed by the resolution of March 10.

It appears that Mr. Nelson, after receiving these invoices and realizing that the initial authorization had been exceeded, met with Mr. Greene to seek an additional resolution raising the authorization for budgeting purposes. Mr. Greene indicated that Mr. Nelson informed him that the \$15,000 fee limit was inadequate and that it was his impression that these fees were related to the *Shalati* litigation. He was not aware of a Grand Jury investigation or a criminal investigation. The fiscal year for the County ends June 30th, so it appears that Mr. Nelson wanted an additional budget resolution prior to the end of the fiscal year to properly account for these fees.

The June 2 Vote

Consequently, on June 2, 2008, an agenda item appeared under the title "*Legal Services Budget.*" It sought the adoption of a budget amendment to add an additional \$15,000 to the legal fees for each Commissioner, and to increase the \$15,000 authorization to \$30,000 "per Commissioner per fiscal year." The Minutes of the Meeting of June 2 indicate that this increase was considered in the context of the large amount of legal fees that the County had incurred for the fiscal year and Mr. Nelson's estimate that another \$257,000 would need to be budgeted to cover these expenses for May and June. Only Commissioner Openshaw addressed the increase in the individual commissioners' indemnification for legal fees, noting that "to date his legal fee costs had been zero."

The additional allocation of monies passed unanimously.

On June 9, 2009, Mr. Nelson approved Mr. Wyatt's invoices for May and three checks for \$10,271.23 for services to Commissioners Pressley, Baucom and Mills were issued on June 12, 2008. With the issuance of these checks, the County had paid Mr. Wyatt \$58,451.07 in connection with the criminal investigation caused by the *Shalati* litigation.³

The June 16 Meeting

The next meeting of the Board took place on June 16, 2008. The Minutes of that meeting indicate that Commissioner Openshaw requested that an item concerning the payment of legal fees be added to the agenda.

Commissioner Openshaw contended that "as a member of this Board he was entitled to be notified when the County or three of the Commissioners employed the legal firm of Wyatt and Dunn, one of the top criminal trial law firms and FBI specialists in the State." Commissioner Openshaw complained about the expense involved with the retention of Wyatt & Blake and indicated that when he had been interviewed by the FBI he had spoken without counsel. He further indicated that while "Commissioners were entitled to legal representation, . . . if they are proved to have done something wrong, they would be required to reimburse the county for the expenditures."

Apparently in response, Commissioner Mills "pointed out that he had not been confronted nor has the FBI contacted him to talk with him." At that point Commissioner Baucom as Chairman, and Commissioner Pressley as Vice-Chairman, "both interjected that they also had not been contacted by the FBI." Commissioner Lane then indicated that "he had talked with a couple of FBI agents for several hours and, he too, had done so without the benefit of counsel."

The Minutes then indicate that the County Manager "interjected that to his knowledge the County has not employed a firm to represent individual commissioners in a FBI suit."

³ In all, it appears that Wyatt & Blake were paid approximately \$105,675.54 for their representation of Commissioners Baucom, Pressley and Mills.

No member of the staff, nor any member of the Commission with knowledge, corrected these statements by the County Manager. The County Manager has indicated that he was unaware of both the Grand Jury investigation and that the Wyatt & Blake representation was connected with that rather than the civil litigation caused by Mr. Shalati. He was apparently informed by Mr. Crook of the Grand Jury investigation following this meeting and of Wyatt & Blake's role in that investigation.

Legal Analysis

General Principles Relating to Conflicts of Interest

The State Government Ethics Act, G.S. §138A-21 et seq., sets out the statutory scheme that prohibits a public official from using her office for private gain. Section 138A-31 specifically prohibits a public official from engaging in "an official action or legislative action that will result in financial benefit" to the official. Section 138A-36 prohibits any public servant from participating in official action if the official "may incur a reasonably foreseeable financial benefit from the matter under consideration" which "would impair the public servant's independence of judgment or from which it could reasonably be inferred that the financial benefit would influence the public servant's participation in the official action." In addition to these prohibitions, G.S. §14-234 provides that: "No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract." "Direct Benefit" is in turn defined as having an ownership interest, deriving income from the contract, or acquiring property under the contract. G.S. §14-234(a1)(4). The statute prohibits a public official with a "direct benefit" in a contract from deliberating or voting on the contract, or attempting to influence any other person involved in making or administering the contract. G.S. §14-234(b1).

Significantly, the General Statutes specifically exempt certain actions from these prohibitions, even though they plainly involve a direct benefit to the public officials involved. Of most relevance to the issues in this case is the exemption contained in G.S. §153A-44. While the title of this statute deals with County Commissioners who are excused from voting, the statute provides that: "***For purposes of this section, the question of the compensation and allowances of members of the board does not involve a member's own financial interest or official conduct.***" Similar exemptions apply to City and Town Councils. G.S. §160A-75.

Taken together, these statutes plainly prohibit the participation by public officials in matters in which they may have a direct economic benefit, other than the question of compensation and allowances. The policy behind what at first appears to be divergent principles seems clear - - matters of compensation and allowances on their face provide an economic benefit that is clear to all and thus are uniquely transparent. Members of the public will easily and automatically know that when a commissioner votes on a matter involving her compensation or allowance, that she will derive a direct economic benefit. In addition, as a practical matter the decision of allowances and compensation must be decided by someone, and it makes sense to permit commissioners to do so particularly when they are answerable to the public for those decisions. This stands in contrast to a contract in which the economic benefit may be hidden, or indirect, or not

apparent on its face - - participation under such circumstances does not plainly reveal the benefit and thus violates the core principle of transparency necessary for open government.

In addition to these statutory prohibitions (and exemptions), Union County has adopted the North Carolina Association of County Commissioners' Code of Ethics. The preamble to that Code provides that while its purpose "is to establish guidelines for ethical standards of conduct for county commissioners," it "should not be considered a substitute for the law or a county commissioner's best judgment." In short, the Code is aspirational rather than statutory. The Canons of the Code posit that a County Commissioner "should uphold the integrity" of his office (Canon Two), that a County Commissioner "should avoid impropriety and the appearance of impropriety in all his or her activities," (Canon Three), and that a County Commissioner "should perform the duties of office diligently" including the admonition that commissioners "should conserve the resources of the county in their charge. (Canon Four, Part C(2)).

Union County has additionally supplemented the Code of Ethics with a Resolution of April 5, 2004. As applied to this matter, the Supplemental Resolution provides that no "Board Member shall use his official position of the County's facilities for personal gain," and that Board Members are barred from using confidential information gained from their official duties in any way that advances their personal financial interest. Supplemental Resolution at II.B. and II.C.1. The Supplemental Resolution further requires that "[a]ny Board Member who has an Interest in any Official Action or action . . . shall publicly disclose on the record . . . the nature and extent of such Interest, and shall withdraw from any consideration of the matter if excused by the Board . . . pursuant to applicable law."

General Principles Relating to Indemnification of Attorneys' Fees

At the outset, it is important to note that the reimbursement (or indemnification) of employees - - and particularly officers - - for attorneys' fees incurred in connection with investigations (or litigation) arising out of their official duties is an accepted principle of corporate governance. In 2003, the U.S. Department of Justice attempted to limit such indemnification in criminal investigations, directing prosecutors in the "Thompson Memorandum" to take into consideration in any decision to prosecute a company whether the company was "protecting" employees "through the advancing of attorneys' fees." The Thompson Memorandum was subsequently replaced by the "McNulty Memorandum" which barred prosecutors from considering such indemnification unless the circumstances were clear that it was "intended to impede a criminal investigation" and then only upon approval of the Deputy Attorney General. Indeed, the U.S. Court of Appeals for the Third Circuit, in *U.S. v. Stein et al*, 541 F.3d 130 (3rd Cir. 2008), specifically held that the actions of the United States in directing that a company *not* indemnify its employees in a criminal investigation violated those employees' Sixth Amendment rights to be represented by counsel. In short, the indemnification of corporate employees, officers and agents for attorneys' fees incurred in connection with investigations arising out of their official duties is not only a generally accepted principle of corporate governance, but can have a constitutional dimension when government seeks to interfere with it.

The principle of indemnification of attorneys' fees for County Commissioners (and other public officials) is codified in North Carolina law. General Statute 153A-97 provides that a "County may . . . provide for the defense of: (1) Any county officer or employee, including the county board of elections or any county election official." Even in the absence of a policy established under §153A-97, Section 160A-167 provides that "[u]pon request made by" a "member or former member of the governing body of any . . . county . . . [any] county . . . may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity."

Union County enacted such an indemnification policy in 1998 under these statutes ("Indemnification Policy"). That policy provides that it "shall be the policy of Union County to defend its officers and employees against civil actions, claims or proceedings arising from any act done or omission made . . . in the course and scope of his/her employment or duty as an officer or employee of the County." *Resolution – Indemnification Policy §I.* The policy established by this Resolution specifically exempts criminal acts and provides that the attorney retained to defend an individual shall be selected in the discretion of the County Manager and shall typically be the County Attorney. *Resolution – Indemnification Policy §§I.D. and VII.* There is no limitation on the amount of fees for which indemnification can be sought nor is there a requirement for a separate resolution authorizing such indemnification.

The Vote of March 10th

The issues in this matter surround the resolution authorizing the expenditure of \$15,000 per Commissioner in connection with attorneys' fees arising out of the *Shalati* matter. There is no question that these fees were used to pay the Wyatt & Blake firm for their representation of Commissioners Baucom, Mills and Pressley.

The Indemnification Policy does not specifically refer to the payment of attorneys' fees arising out of a criminal investigation. In context, however, it seems plain that such an investigation would fall within the Indemnification Policy and is necessarily within the "claims or proceedings arising from any act done or omission made" provision. Indeed, it is difficult to understand how a criminal investigation would not be a "claim" or "proceeding."

During the course of the interviews conducted in this matter, there was unanimity of agreement that the Indemnification Policy embraced the payment of attorneys' fees in connection with a criminal investigation. Indeed, no one has questioned that these fees were not properly reimbursable. Rather, the issue that has been raised is whether it was proper for Commissioners Baucom, Mills and Pressley to have voted on this resolution in light of their direct interest in the allocation of the fees. That is, did these three Commissioners vote on a matter which would provide a direct benefit to them within the meaning of the statutes prohibiting such participation.

The answer to this question appears to be easily resolved when the exemption applicable to compensation and personal allowances is considered. The General Assembly has made it clear that commissioners may vote on matters of direct compensation and personal allowances. This resolution enabling the payment of

\$15,000 per commissioner for attorneys' fees is plainly an "allowance" on which it was appropriate for Commissioners Baucom, Mills and Pressley to participate. Moreover, any member of the public would have known immediately that each might "benefit" up to \$15,000 if the resolution passed. The transaction was thus open, fair and honest and seems to clearly fall within those matters exempted from the direct benefit prohibition of the statutes.

In addition, no resolution at all was needed for these Commissioners to seek reimbursement. Under the then-existing Indemnification Policy, they needed only to secure the approval of the County Manager for the representation of Wyatt & Blake. Particularly since it had already been determined that representation by the County Attorney was inappropriate due to the conflicts of interest and the specialized nature of the investigation, Mr. Wyatt's representation would have been readily approved and his fees paid without any public resolution at all. Thus, the resolution that was presented both made the allocation of monies a more public matter and served as a limitation on the fees to be spent, absent further authorization.

Under these circumstances, Commissioners Pressley, Mills and Baucom acted appropriately in participating in deliberations and approval of the March 10 Resolution.

The Vote of June 2

For the same reasons, there was no prohibition against Commissioners Pressley, Mills and Baucom participating in or voting on the increase in per Commissioner legal fees reimbursement to \$30,000 per fiscal year.

The issue has been raised as to whether these Commissioners were under an obligation to reveal the amount of indemnification that had taken place before the June 2 resolution. This was not required by any of the applicable statutes or resolutions and seems superfluous. Any member of the public who either watched or followed this issue would have immediately understood that the resolution requesting the additional allocation was necessary because the initial allocation had been spent - - indeed, staff made this fact plain on both the agenda and during the public meeting.

Under these circumstances, Commissioners Pressley, Mills and Baucom acted appropriately in participating in deliberations and approval of the June 2 Resolution

An additional question concerns whether, despite the lack of any limitation on the amount of indemnification under the Indemnification Policy, the County Manager was nonetheless barred from accepting any legal contracts of this magnitude without specific authorization by the Board. That is, were these two resolutions "mandatory" in the sense that the Board still needed to approve the amounts of attorneys' fees that could be expended in order to empower the County Manager to accept these 'contracts.' Even if this limiting construction was placed on the Indemnification Policy - - despite an utter lack of language indicating any intent for such a limitation - - this would not change the conclusions concerning the propriety of the Commissioners votes on March 10 and June 2. That is, the fact that these were "contracts" requiring Board approval - - rather

than resolutions of limitation - - does not change their essential character as an "allowance" under the General Statutes, one that is plain and transparent to the public.

The June 16 Meeting

As noted at the outset of this Memorandum, the scope of this representation was not only to determine the propriety of actions taken by Commissioners in connection with the votes authorizing the payment of attorneys' fees, but to examine any additional matters that arose during the course of this investigation. The discussions concerning the FBI inquiry at the June 16 Meeting raise such issues and are thus well within the scope of the Board's engagement.

The Minutes indicate that Commissioner Openshaw requested that an agenda item be placed on the meeting for the purpose of discussing the monies that had been expended on attorneys' fees. No action was to be taken, no resolution was proposed, and the matter was one for discussion only. During the course of that discussion, the Minutes indicate that Commissioner Openshaw directly mentioned the Wyatt firm (though apparently incorrectly called it the "Wyatt and Dunn" firm rather than the "Wyatt & Blake" firm) and insisted that he should have been notified about their engagement in connection with an FBI investigation. During the exchange that followed, Mr. Greene stated that no law firm had been retained for an FBI investigation on behalf of individual commissioners. In addition, Commissioners Baucom, Mills and Pressley each stated that they had not been "contacted" by the FBI.

Wyatt & Blake had not only been retained on behalf of Commissioners Mills, Pressley and Baucom, but by this time had been paid more than \$58,000 by the County for their services on behalf of these Commissioners in connection with this FBI investigation. While Commissioners Mills, Pressley and Baucom had not been individually and directly contacted by the FBI, their attorneys - - Wyatt & Blake - - had been communicating with the FBI about this investigation and the Commissioners had voluntarily provided financial information through Wyatt & Blake to the FBI for use in the investigation.

These statements standing alone and uncorrected could have left a member of the public with the distinct impression that no firm had been retained for Commissioners Baucom, Mills and Pressley in connection with the FBI investigation and that Commissioners Baucom, Mills and Pressley were not a part of that investigation. However, the ethical and legal import of these statements is complicated by several factors.

In context, these statements were made in during the course of a discussion in which no legislative action was proposed or approved. The agenda item was purely one of discussion only and began with an assertion that Commissioner Openshaw was entitled to be notified when a particular law firm was retained for individual commissioners - - an assertion that has no basis in any of the resolutions or policies for Union County. Thus, these statements did not affect or impact legislative action nor were they used as a justification for such action - - rather they were made in a series of exchanges that appear to be completely political in nature. As such, no statutes were violated and the only code implicated is the Code of Ethics. The most directly applicable portion of that

Code is under Canon Two, which requires that "County commissioners should demonstrate the highest standards of personal integrity, truthfulness, honest[y] and fortitude in all their public activities." Thus the issue is: (1) whether there was an affirmative obligation on the part of the Commissioners to publicly correct the County Manager's erroneous statement; and, (2) whether the statements by various Commissioners that they had not been "contacted" were ethically complete.

With respect to the County Manager's erroneous factual statement, the County Manager indicated during his interview that if he makes an error during the course of a Board meeting, he expects his staff to correct him after that meeting, not during the meeting. There are obvious reasons for this policy and it is well within his discretion to ask that corrections take place in this manner. In fact, it appears that this is precisely what occurred when the County Manager was informed by the County Attorney that, indeed, there was an FBI investigation for which Wyatt & Blake had been retained on behalf of individual commissioners.

In addition, the fact that an individual is or is not part of an investigation being conducted by the FBI is generally not intended to be public knowledge. The reason for this is apparent - - innocent individuals may be investigated and discovered to have committed no wrongdoing. In those circumstances, disclosure that an individual is under investigation will do nothing but damage the reputation of an innocent person. It is for this reason that the FBI typically does not comment on the existence of investigations, particularly where it is far from clear that crimes have been committed. As such, no person should be compelled to reveal in a public forum whether he or she is part of an investigation that is ongoing (absent a specific legislative or administrative requirement otherwise). This basic constitutional principle - - that all are presumed innocent - - is further complicated by the fact that in this case the Commissioners had been advised not to discuss the investigation with anyone - - advice that is both standard and necessary. Thus, to impose an obligation on the Commissioners to publicly correct the County Manager under these unique circumstances is at best excessive, and at worst deprives these officials of basic norms of fairness which they possess as citizens of the United States.

With respect to the statements made by various Commissioners about a lack of "contact," there is a latent ambiguity in this discussion. The Minutes indicate that the discussion began with Commissioner Openshaw observing that he had been **interviewed** by the FBI and had submitted to the interview without an attorney. Commissioner Mills then stated that "he had not been **confronted** nor has the FBI contacted him to talk with him." Commissioner Mills' statement, made in response to Commissioner Openshaw's observation about interviews, in context could certainly mean only that he was saying that he had not been interviewed by the FBI nor had the FBI asked to interview him. Both statements were true. At that point, Commissioners Baucom and Pressley both stated that they had not been "contacted" by the FBI. The use of the phrase "contact" in the context of these exchanges could plainly mean that they had not been interviewed. Again, this was true. However, the term "contact" also has a broader meaning, one which implies that not only had they not been interviewed, but that there had been no contact at all between them (or their representatives) and the

FBI. The concern, of course, is that their attorneys had been contacted and were cooperating with the investigation. Thus, read broadly their statements could be interpreted not constituting the entire truth. Particularly in the face of the County Manager's erroneous statement that Wyatt & Blake had not been retained for an FBI investigation, these statements, when given a broad reading, could have misled members of the public.

This inherent ambiguity in these exchanges weighs strongly against a conclusion that these Commissioners were acting unethically. Additionally, and significantly, is the fact that none of these Commissioners were have found to have engaged in any criminal conduct, criminal behavior or criminal wrongdoing as the result of the investigation. In short, the allegations made of criminal behavior proved to be unsupported; indeed, these allegations - - which appear to have been related to litigation instituted by a hostile former employee who was engaged an extended adversarial contest with the Board and its commissioners - - carried with them a question of bias from the outset. Commissioners Mills, Pressley and Baucom committed no crimes nor engaged in the wrongdoing that was the basis for the criminal investigation. As such, it is difficult to conclude that because innocent people were unwilling to reveal the entire scope of an investigation that was based upon allegations that were proven false, they are nonetheless guilty of an ethical breach.

This said, the failure to speak to correct the inadvertent misstatement by Mr. Greene, and then the technically true but potentially misleading assertion by the Commissioners that they had not been "contacted" in the investigation is troublesome. This failure and these statements implicate the candor with which open government must operate. However, the reality is that the retention of and payments to Wyatt & Blake were matters of open public record and were available to any commissioner (or member of the public) who asked. Consequently, while the statements made at the June 16 meeting are troublesome when read broadly, they were made in the context of an investigation which apparently found no criminal wrongdoing, were made by Commissioners who are presumed to be (and in fact were) innocent of all allegations, and were seemingly directed at whether individual commissioners had been "interviewed" by the FBI. Under these circumstances, these statements do not rise to the level of a violation of the Code of Ethics.

Additional Issues

Finally, during the course of this investigation, additional allegations were raised against other Commissioners. The two principal allegations were that (1) a commissioner testified falsely under oath that he was present for a discussion at a closed session when it was later proven that he was not at that session at that time; and, (2) during the course of the inquiry into the sale of CMC-Union, a commissioner failed to reveal that her husband's employer had a financial relationship with one of the potentially involved parties, a relationship which was alleged to be sufficient to cause her recusal from that decision.

Unlike the comments made at the June 16 meeting, these allegations are significantly removed from the main object of this investigation. Moreover, and unlike those

comments, these allegations are not matters of Board record nor are they contained in Board documents or minutes. Consequently, and consistent with the scope of our engagement, these are reported to the Board but have not been investigated.

Whether additional investigations need to be conducted into these allegations are matters left to the Board's discretion. In the exercise of its discretion, however, the Board must seriously consider whether such matters are the proper subject of independent investigations or are more properly handled by their disclosure and debate in the context of the political process. In addition, and to the extent that allegations involve claims of false testimony under oath, referral to and investigation by law enforcement may be more appropriate than an internal investigation commissioned by the Board.

Respectfully submitted this 4th day of June, 2010.

James P. Cooney III
(State Bar No. 12140)
One Wachovia Center, Suite 3500
301 South College Street
Charlotte, NC 28202-6037
Telephone: 704.331.4980

OF COUNSEL:

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
One Wachovia Center, Suite 3500
301 South College Street
Charlotte, NC 28202-6037

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 6/7/10

Action Agenda Item No. 11

(Central Admin. use only)

SUBJECT: Wesley Chapel Volunteer Fire Department (Station #26)
Sewer Capacity Allocation

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):

INFORMATION CONTACT:

Al Greene
Ed Goscicki
Mike Garbark
Jeff Crook

TELEPHONE NUMBERS:

704-292-2625
704-296-4212
704-296-4239
704-283-3673

DEPARTMENT'S RECOMMENDED ACTION: Reuest the Sewer Allocation of 720 gallons per day (gpd) for the Wesley Chapel Fire Station #26 facility expansion and include in the Sewer Allocation Policy adopted by the County Commissioners on September 17, 2007, contingent on the Board of Commisioners approving the project. The Volunteer Fire Department is located on 315 South Waxhaw-Indian Trail Road.

BACKGROUND: As described in section 7.1 of the Sewer Allocation Policy, "Subject to approval by the Board of County Commissioners, additional capacity at treatment facilities, if available, may be allotted to other Government Facilities."

Exhibit 6 of the Sewer Allocation Policy allocates 20,600 gpd spread among five (5) governmental facilities. At this time only one project (Fire Station 18 in Waxhaw) has been constructed utilizing its allocation. A second project (Waxhaw Regional Library) remains in the planning process with expectations of site plan submittals in the near future. The remaining projects have been delayed indefinately creating a small amount of sewer capacity.

The Wesley Chapel Fire Department is currently provided sewer service through an onsite septic system. After consulting with Union County's Environmental Department concerning their proposed expansion, it was determined that the existing septic system could not accommodate the expected sewer discharge nor was the land area large enough to expand the septic tank.

Through the Fire Station's expansion efforts an adjacent parcel of land was acquired to accommodate the facility expansion. This revised parcel now provides access to Union County's sewer system via an existing sewer main extended from Conaway Court. Service through UCPW's system provides the most viable solution to accommodate the facility expansion. Engineering calculations based on the NCDWQ wastewater design flow rates establish 720 gpd as the projected flow.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

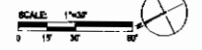
Manager Recommendation:

WESLEY CHAPEL VFD FIRE STATION NO. 26
315 WAXHAW-INDIAN TRAIL ROAD
Wesley Chapel
North Carolina

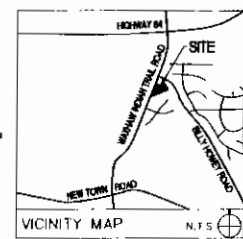
REVISIONS
REV 0 - APPROVED FOR CONSTRUCTION
REV 1 - VARIANCE APPROVED
REV 2 - UCPV COMMENTS

Project Number 109520
Date June 2, 2010
Drawn by: JWG
Checked by: JTL

Utility Plan



C-007



VICINITY MAP
N.T.S.

SURVEY DISCLAIMER
FOR PLANNING SURVEY DATED SEPTEMBER 10, 2007 PROVIDED BY SHAWNEE SURVEYING, INC., 2243 HIGHWAY 74 WEST, HUNTERDON, NORTH CAROLINA, 27586-8800.

LEGEND

| SYMBOL | DESCRIPTION | DETAIL |
|----------|---|-------------------|
| [Symbol] | EXISTING WATER MAIN | -/- |
| [Symbol] | EXISTING SAN. SEW. LINE AND MANHOLE | -/- |
| [Symbol] | PROPOSED WATER LINE | -/- |
| [Symbol] | PROPOSED METER AND MANHOLE PREVENTION DEVICES | 1/COB 1/CLERAL |
| [Symbol] | PROPOSED SANITARY SEWER LINE/LATERAL | 6/COB |
| [Symbol] | PROPOSED CLEANSUIT | -/- |

WATER DISTRIBUTION NOTES

- 1' 6" FIRE LINE; CONTRACTOR IS RESPONSIBLE FOR INSTALLATION.
- 2" DOMESTIC WATER METER INSTALLED BY UNION COUNTY PUBLIC WORKS; CONTRACTOR IS RESPONSIBLE FOR COORDINATING AND PAYING FOR INSTALLATION.
- NO.1 USED
- 2" 3" REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY AS APPROVED BY UNION COUNTY PUBLIC WORKS AND INSTALLED BY CONTRACTOR; PLUMBING CONSTRUCTION ASSEMBLY TO BE INSTALLED ABOVE-GROUND WITHIN PROTECTED ENCLOSURE PER UNION COUNTY PUBLIC WORKS REQUIREMENTS. ENCLOSE TO INCLUDE (DRAW POINTS) FOR DISCHARGE WATER ENCLOSURE TO BE LOCATED OUT OF NETWORK. SEE DETAIL 4/COB
- CONTRACTOR TO LOCATE TIE-INS TO ALL BUILDINGS BASED ON PLUMBING PLANS
- TIE-INS SHALL BE NO TAPS, TIE-INS, TAPPING DEVICES, UNPROTECTED TYPICAL, BRANCHES, FIRE DEPT CONNECTION POINTS, OR OTHER WATER LOGS. APPROPRIATELY CONNECTED TO THE SUPPLY LINE BETWEEN ANY WATER METER AND ITS REQUIRED ENCLOSURE PREVENTER
- TAPPING DEVICES TO BE INSTALLED ON THE FIRE LINE BACKFLOW PREVENTER INSTALL 3/4" CONDUIT FROM FIRE LINE BACKFLOW VALVE TO BUILDING ALARM SYSTEM INSIDE BUILDING; COORDINATE WITH ALARM SYSTEM MANUFACTURER
- EACH UNION COUNTY REQUIRED BACKFLOW PREVENTION ASSEMBLY IS REQUIRED TO BE TESTED BY A UNION COUNTY PUBLIC WORKS APPROVED CONTRACTOR PRIOR TO PLACING THE WATER SYSTEM IN SERVICE.
- CONTRACTOR IS RESPONSIBLE FOR PREPARING ENCLOSURE DRAWINGS AND OBTAINING AN ENCLOSURE PERMIT AS REQUIRED TO CONSTRUCT WATERLINE CONNECTIONS
- LOCATE FIRE DEPARTMENT CONNECTION (ETC) PER FIRE PROTECTION PLANS (IF OTHER) AND FIRE DEPARTMENT REQUIREMENTS
- ALL WATER AND SEWER MAINS SHALL HAVE A MINIMUM HORIZONTAL SEPARATION OF 10 FEET OR VERTICAL SEPARATION OF 18 INCHES. WHERE SUCH SEPARATION IS NOT POSSIBLE, PERIODS (DARKER AREA) PIPE SHALL BE SUBSTITUTED FOR THE STANDARD WATER MAIN AND SEWER MAIN MATERIALS (FOR 10 FEET ON EACH SIDE)
- WHERE WATERLINES CROSS BETWEEN PROCEEDMENTS OR OTHER LOGS, BEARING SURVEYS, DUCTILE IRON PIPE SHALL BE USED FOR THE WATERLINE CROSSING.
- DRAWINGS ARE NOT TO BE LOCATED OVER WATER METERS, METERS WILL NOT BE SET IF WATER METER BOXES, SEWER CLEAN-OUTS, VALVE BOXES OR THEIR APPURTENANCES ARE DAMAGED OR IMPROPERLY POSITIONED
- METAL "RESTRAINT" TYPE BUSTLE ROOM AT ALL POINTS OF THE WITHIN PUBLIC WATER LINE, AND UNDER ALL AREAS WHERE VEHICULAR TRAFFIC WILL BE DIRECTED. REFER TO UNION COUNTY PUBLIC WORKS SPECIFICATIONS FOR DETAILS

FIRE DEPARTMENT CONNECTION (F.D.C.) NOTES:

1. ALL FIRE DEPARTMENT CONNECTIONS SHALL BE PROVIDED A CLEAR SPACE OF 10' FEET HORIZONTALLY AND VERTICALLY IN ALL DIRECTIONS (GAS METERS, ELECTRICAL, PROTECTORS, AND PIPING REQUIRED) CHANGES BE LOCATED WITHIN THIS SPACE.
2. ALL FIRE DEPARTMENT CONNECTIONS SHALL BE READILY ACCESSIBLE AND NOT MORE THAN 10 FEET FROM A STREET, FIRE LINE, OR SIMILAR AREA PROVIDING ACCESS TO FIRE DEPARTMENT APPARATUS. THE AREA BETWEEN THE CONNECTION AND VEHICULAR ACCESS SHALL BE FREE OF OBSTRUCTIONS.
3. THERE SHALL BE AN APPROVED NUMBER FIRE HYDRANT WITHIN TWO HUNDRED FEET OF THE FIRE DEPARTMENT CONNECTION MEASURED ALONG AN APPROVED PATH OF TRAVEL FOR THE FIRE APPARATUS.
4. FOR ADDITIONAL INFORMATION OF FIRE PROTECTION SYSTEM INCLUDING LOCATION OF FIRE DEPARTMENT CONNECTION (ETC), REFER TO FIRE PROTECTION PLANS BY OTHERS.

SANITARY SEWER NOTES

1. CONTRACTOR TO COORDINATE WITH UNION COUNTY PUBLIC WORKS AND PAY FOR DE IN TO UNION COUNTY SANITARY SEWER PROPOSED FOR THIS PROJECT.
2. CONTRACTOR TO LOCATE LATERAL CONNECTIONS TO BUILDING PER PLUMBING PLANS.
3. PLACE CLEAN-OUTS ON SANITARY SEWER LATERALS AS REQUIRED BY PLUMBING CODE.
4. SANITARY SEWER PIPE TO BE PVC UNLESS OTHERWISE NOTED
5. ON-WATERING: THE CONTRACTOR SHALL AT ALL TIMES PROMOTE AND MAINTAIN UNCLE BEN'S AND EQUIPMENT WITH WHICH TO REMOVE AND PROPERLY DISPOSE OF ANY AND ALL WATER EXISTING THE LOCATION OR OTHER PARTS OF THE WORK, AND KEEP ALL EXCAVATIONS DRY UNTIL SUCH TIME AS PIPE LAYING AND GRADING IS COMPLETED AND STRUCTURES TO BE BUILT THEREIN COMPLETED.
6. NO WATER SHALL BE ALLOWED TO FLOW AROUND THE PIPE IN UNCOVERED TRENCHES. WHEN SHALL BE ALLOWED TO FLOW OVER HARDENED SURF THE CONCRETE OR REINFORCING AND SET (MINIMUM 24 HOURS) ALL WATER PUMPED OR DROWNED FROM THE WORK SHALL BE CONTROLLED BY SUCH A MEANS AS TO PREVENT SEWAGE AND OILS FROM TO HAZARDOUS PROPERTY OR OTHER CONSTRUCTION.
7. 1" ROLL OF BASTIC & 6" 8" EXTERNAL JOINT/SEAM WRAP INSTALLED ON EACH MANHOLE SECTION
8. REFER TO UNION COUNTY SPECIFICATIONS AND TO UNION COUNTY WATER & SEWER EXTERIOR PROJECT REGULATION AND EQUIPMENT SHALL BE IN ACCORDANCE WITH UNION COUNTY PUBLIC WORKS SPECIFICATIONS.
9. DO NOT PLANT TREES OVER SEWER MAINS, WATER MAINS, OR WITHIN THEIR COVERTS

NO SEWER CAPACITY REQUESTED:
13 FIRE DEPARTMENT EMPLOYEES + 2 SHERIFF'S OFFICE EMPLOYEES =
14 EMPLOYEES x 50 GPD/EMPLOYEE = 700 GPD REQUESTED



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL EXISTING UTILITIES, CONDUITS OR APPURTENANCES TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND UNION COUNTY PUBLIC WORKS SPECIFICATIONS.

| LOCATION | BOTTOM UTILITY SIZE | TOP ELEVATION | TOP UTILITY SIZE | BOTTOM ELEVATION | SEPARATION (FT) |
|--------------|---------------------|---------------|------------------|------------------|-----------------|
| CROSSING #1 | 8" CBP | 542.33 | 18" STORM | 543.33 | 1.00 |
| CROSSING #2 | 2" 5" PVC | 542.30 | 18" STORM | 543.30 | 1.00 |
| CROSSING #3 | 2" 5" PVC | 538.00 | 18" STORM | 540.12 | 1.46 |
| CROSSING #4 | 8" CBP | 539.02 | 18" STORM | 540.02 | 1.00 |
| CROSSING #11 | 8" PVC | 541.58 | 18" STORM | 543.25 | 1.07 |
| CROSSING #12 | 8" PVC | 541.02 | 18" STORM | 543.25 | 1.63 |
| CROSSING #13 | 8" PVC | 540.25 | 18" STORM | 543.83 | 3.58 |
| CROSSING #14 | 8" PVC | 539.20 | 18" STORM | 542.81 | 4.81 |
| CROSSING #15 | 2" 5" PVC | 541.02 | 8" STORM | 542.52 | 1.00 |

REMOVE AND PILE EXISTING 4" LATERAL FOR LOT #5 AND REMOVE 4" 5" ON BULL HORN ROAD

DEVELOPER TO INSTALL NEW LATERAL FOR LOT #5

6" FIBER ONLY ON USE OR ASSE APPROVED EQUAL REDUCED PRESSURE ASSEMBLY BY DEVELOPER. SEE WATER DISTRIBUTION NOTE 4. SEE DETAIL 1/COB

2" FIBER ONLY ON USE OR ASSE APPROVED EQUAL REDUCED PRESSURE ASSEMBLY BY DEVELOPER. SEE WATER DISTRIBUTION NOTE 4. SEE DETAIL 1/COB

10" 6" FIRE LINE
PROPOSED PRIVATE FIRE HYDRANT, MUST BE PAINTED SILVER

6.50" 4" TIE
2" SERVICE TAP, 2" DOMESTIC METER AND 2" 3" W OF SERVICE TAP, METERS BY NEWBY AT PROWINGME. SEE WATER DISTRIBUTION NOTE 2. SEE DETAIL 1/COB

EXISTING FIRE HYDRANT
EXISTING 1" WATER METER (TO BE REMOVED)

6" PLUS 2" TAP, 2" CV, 2" 60
SEE DETAIL 4.5A/7/COB

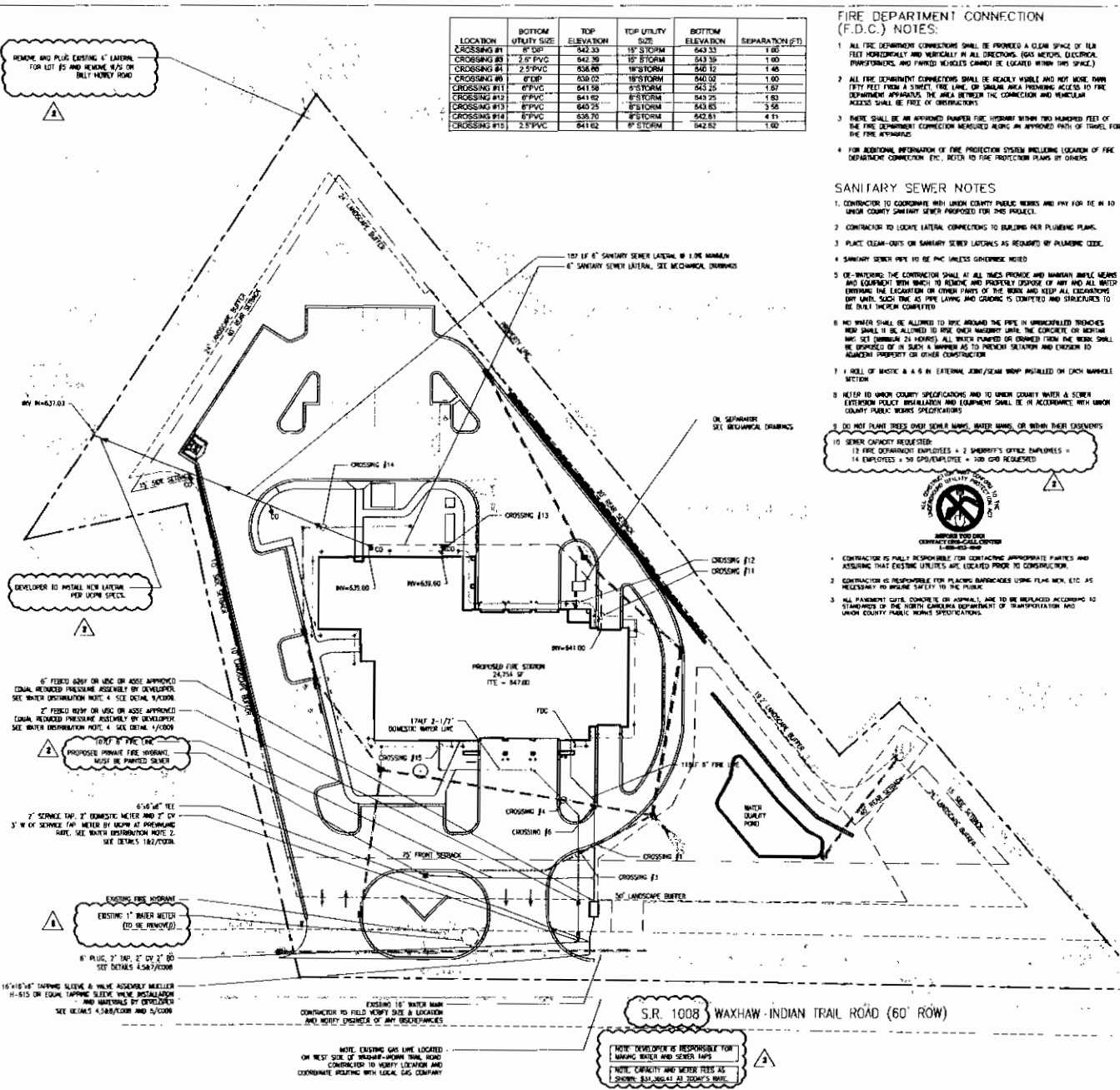
16.50" 4" TAPPING SLEEVE & VALVE ASSEMBLY METERS H-615 OR EQUAL TAPPING SLEEVE VALVE INSTALLATION AND MATERIALS BY OTHERS. SEE DETAILS 4.5A/7/COB AND 4/COB

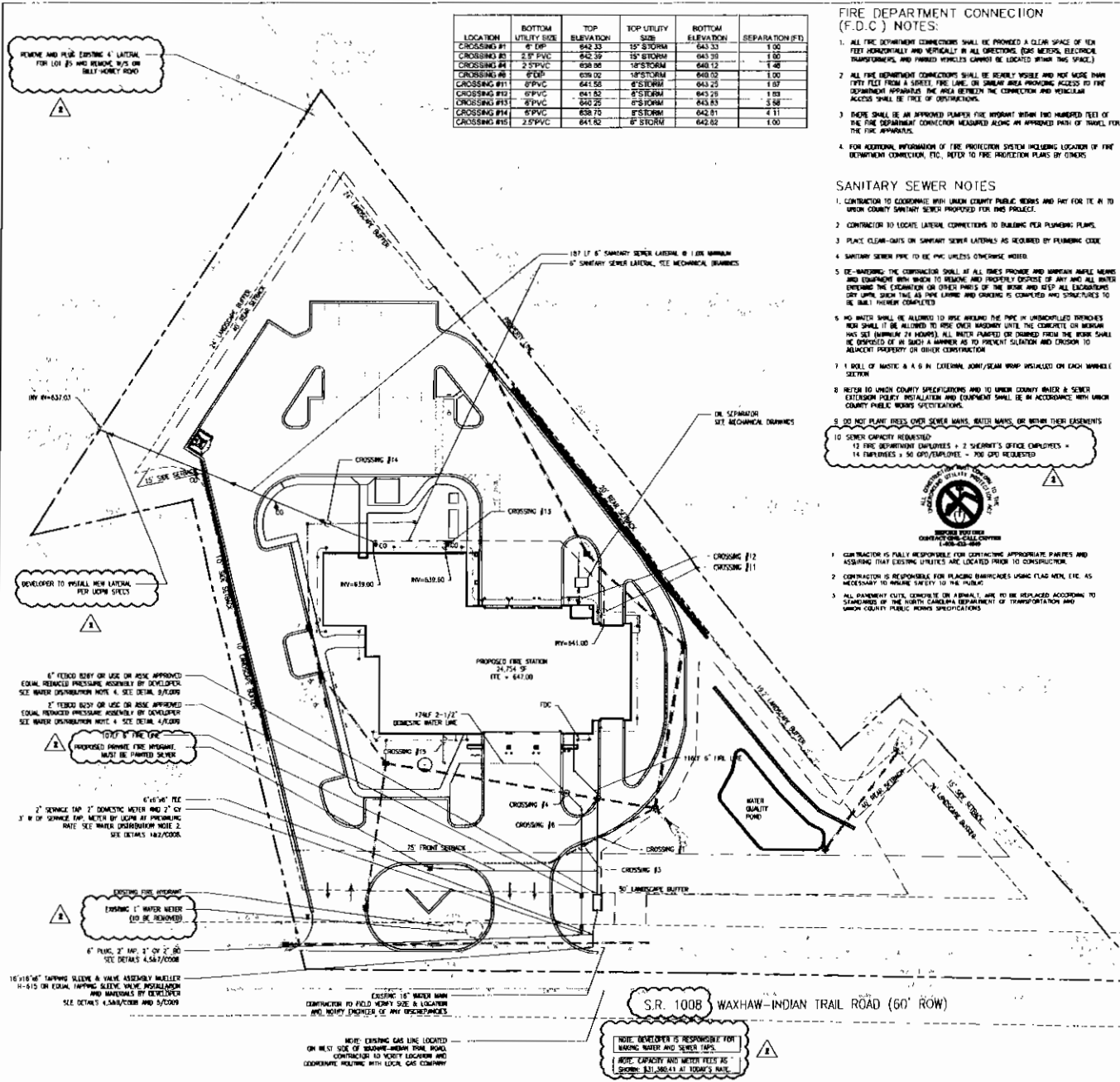
EXISTING 16" WATER MAIN
CONTRACTOR TO FIELD VERIFY SIZE & LOCATION AND NOTIFY ENGINEER OF ANY DISCREPANCIES

NOTE: EXISTING GAS LINE LOCATED ON WEST SIDE OF WAXHAW-INDIAN TRAIL ROAD. CONDUCTOR TO VERIFY LOCATION AND COORDINATE FIELDING WITH LOCAL GAS COMPANY

S.R. 1008 WAXHAW-INDIAN TRAIL ROAD (60' ROW)

NOTE: DEVELOPER IS RESPONSIBLE FOR MAKING WATER AND SEWER TAPS
NOTE: CAPACITY AND METER TIES AS SHOWN. SEE DETAIL 4.5A/7/COB



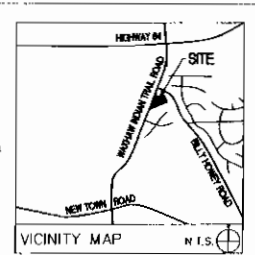


FIRE DEPARTMENT CONNECTION (F.D.C.) NOTES:

1. ALL FIRE DEPARTMENT CONNECTIONS SHALL BE PROVIDED A CLEAR SPACE OF TEN FEET HORIZONTALLY AND VERTICALLY IN ALL DIRECTIONS (E.G. METERS, ELECTRICAL TRANSFORMERS, AND PARKED VEHICLES CANNOT BE LOCATED WITHIN THIS SPACE).
2. ALL FIRE DEPARTMENT CONNECTIONS SHALL BE NEARLY VISIBLE AND NOT MORE THAN FIFTY FEET FROM A STREET FIRE LANE OR SIMILAR AREA PROVIDING ACCESS TO FIRE DEPARTMENT APPROVED. THE AREA BETWEEN THE CONNECTION AND VEHICULAR ACCESS SHALL BE FREE OF OBSTRUCTIONS.
3. THERE SHALL BE AN APPROVED PLUMBER FIRE WATERTIGHT WITHIN TWO HUNDRED FEET OF THE FIRE DEPARTMENT CONNECTION MEASURED ALONG AN APPROVED PATH OF TRAVEL FOR THE FIRE APPROACH.
4. FOR ADDITIONAL INFORMATION OF FIRE PROTECTION SYSTEM INCLUDING LOCATION OF THE FIRE DEPARTMENT CONNECTION, ETC., REFER TO THE PROTECTION PLANS BY OTHERS.

SANITARY SEWER NOTES:

1. CONTRACTOR TO COORDINATE WITH UNION COUNTY PUBLIC WORKS AND PAY FOR IT IN UNION COUNTY SANITARY SEWER PROPOSED FOR THIS PROJECT.
2. CONTRACTOR TO LOCATE LATERAL CONNECTIONS TO EXISTING PEA PLUMBING PLANS.
3. PLUMB CLEARANCES ON SANITARY SEWER LATERALS AS REQUIRED BY PLUMBING CODE.
4. SANITARY SEWER PIPE TO BE PVC UNLESS OTHERWISE NOTED.
5. DE-WATERING: THE CONTRACTOR SHALL AT ALL TIMES PROVIDE AND MAINTAIN ADEQUATE MEANS AND EQUIPMENT WITH WHICH TO REMOVE AND PROPERLY DISPOSE OF ANY AND ALL WATER ENTERING THE LOCATION OR ON OTHER PORTS OF THE WORK AND KEEP ALL EXISTING DRIVE LAMP, STREET LIGHT AS WELL AS SIGN AND OBSCURING IS COMPLETED AND STRUCTURES TO BE BUILT THEREON COMPLETE.
6. NO WATER SHALL BE ALLOWED TO FLOW BEHIND THE PIPE IN UNIDENTIFIED TRENCHES. WHEN SHALL IT BE ALLOWED TO FLOW OVER BASEWAY UNTIL THE CONCRETE OR MASONRY HAS SET (MINIMUM 24 HOURS). ALL WATER PUMPED OR DRAINED FROM THE WORK SHALL BE DISPOSED OF IN SUCH A MANNER AS TO PREVENT POLLUTION AND OBSTRUCTION TO ADJACENT PROPERTY OR OTHER CONSTRUCTION.
7. 1 ROLL OF MASTIC & 6 IN EXTERNAL JOINT/SEAM WRAP INSTALLED ON EACH MANHOLE SECTION.
8. REFER TO UNION COUNTY SPECIFICATIONS AND TO UNION COUNTY WATER & SEWER EXTENSION POLICY, INSTALLATION AND EQUIPMENT SHALL BE IN ACCORDANCE WITH UNION COUNTY PUBLIC WORKS SPECIFICATIONS.
9. DO NOT PLANT TREES OVER SEWER MAINS, SEWER MAINS OR WITHIN THEIR EASEMENTS.
10. SEWER CAPACITY REQUIRED:
12 FIRE DEPARTMENT EMPLOYEES + 2 SHERIFF'S OFFICE EMPLOYEES + 14 EMPLOYEES + 50 CPO/EMPLOYEE + 700 CPO REQUESTED



WATER DISTRIBUTION NOTES:

1. IF THE LINE CONNECTION IS RESPONSIBLE FOR INSTALLATION.
2. IF EXISTING WATER METER INSTALLED BY UNION COUNTY PUBLIC WORKS CONTRACTOR IS RESPONSIBLE FOR EXISTING AND PAYING FOR INSTALLATION.
3. NOT USED.
4. 2" REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY AS REQUIRED BY UNION COUNTY PUBLIC WORKS AND INSTALLED BY CONTRACTOR BEARING CONSTRUCTION RESPONSIBILITY TO BE INSTALLED ABOVE-GROUND WITHIN INSTALLED CROSSING FOR UNION COUNTY PUBLIC WORKS REQUIREMENTS. DISCRETELY TO INCLUDE MAIN PORTS FOR PROPOSED WATER DISTRIBUTION TO BE LOCATED OUT OF SETBACK SEE DETAIL 4/000.
5. CONTRACTOR TO LOCATE TIE-INS TO ALL BUILDINGS BASED ON PLUMBING PLANS.
6. THERE SHALL BE NO TAPS, PIPING BRANCHES, UNAPPROVED BYPASS PIPING, INVERTS, FIRE DEPT CONNECTION PORTS, OR OTHER WATER USING APPROPRIATELY CONNECTED TO THE WATER LINE BETWEEN ANY WATER METER AND ITS REQUIRED BACKFLOW PREVENTER.
7. WATER SWITCHES TO BE INSTALLED ON THE FIRE LINE BACKFLOW PREVENTER INSTALL 3/4" CLEARANCE FROM THE FIRE BACKFLOW PREVENTER BUILDING ALARM SYSTEM INSIDE BUILDING COORDINATE WITH ALARM SYSTEM MANUFACTURER.
8. EACH UNION COUNTY REQUIRED BACKFLOW PREVENTER ASSEMBLY IS REQUIRED TO BE TESTED BY A UNION COUNTY PUBLIC WORKS APPROVED CERTIFIED TESTER PRIOR TO PLACING THE WATER SYSTEM IN SERVICE.
9. CONTRACTOR IS RESPONSIBLE FOR PREPARING ENCROACHMENT DRAWINGS AND OBTAINING AN ENCROACHMENT PERMIT AS REQUIRED TO CONSTRUCT WATER MAIN CONNECTIONS.
10. LOCATE FIRE DEPARTMENT CONNECTION DETAIL PER FIRE PROTECTION PLANS (BY OTHERS) AND FIRE DEPARTMENT REQUIREMENTS.
11. ALL WATER AND SEWER MAINS SHALL HAVE A MINIMUM HORIZONTAL SEPARATION OF 10 FEET ON VERTICAL SEPARATION OF 18 INCHES. WHERE SUCH SEPARATION IS NOT POSSIBLE, PARALLEL DOUBLE MAINS PIPE SHALL BE SUBSTITUTED FOR THE STAMPED WATER MAIN AND SEWER MAIN MANHOLES FOR 10 FEET ON EACH SIDE.
12. WHERE WATERLINES CROSS OVER ROADSWAYS/DRIVEWAYS OR OTHER LOAD BEARING SURFACES, DUCTILE IRON PIPE SHALL BE USED FOR THE WATERLINE CROSSING.
13. INVERTS ARE NOT TO BE LOCATED OVER WATER METERS. METERS WILL NOT BE SET IN WATER METER BOXES, SEWER CLEAN-OUTS, VALVE BOXES OR OTHER UNAPPROVED OR UNDESIRABLE POSITIONS.
14. INSTALL RESTRAINT PIPE DUCTILE IRON AT ALL POINTS OF THE INTERNAL PUBLIC WATER LINE, AND UNDER ALL AREAS WHERE VEHICULAR TRAFFIC WILL BE DIRECTED REFER TO UNION COUNTY PUBLIC WORKS SPECIFICATIONS FOR DETAILS.

Garner & Brown Architects PA
1718 East Boulevard
Charlotte, North Carolina 28203
704.333.1051 fax 704.376.6546

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CONSULTANTS
PERIGON CONSULTING
531 Industrial Drive, Winston-Salem, NC 28105
(703) 246-1282
www.perigon.com

WESLEY CHAPEL VFD FIRE STATION NO. 26
315 WAXHAW-INDIAN TRAIL ROAD
Wesley Chapel North Carolina

REVISIONS
REV 1 - APPROVED FOR CONSTRUCTION
REV 2 - VARIANCE APPROVED
REV 3 - UCM COMMENTS

Project Number 109520
Date June 2, 2010
Drawn by: JWG
Checked by: JTL



C-007

POLICY FOR ALLOCATING WASTEWATER TREATMENT CAPACITY

SEPTEMBER 17, 2007

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1.0 DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in this Policy.

6-Mile Collection System means the wastewater treatment collection system located in west-central Union County which, pursuant to an agreement between Union County and the City of Charlotte dated April 12, 1996, Union County may use to transport up to 3.0 million GPD of wastewater for treatment at the McAlpine Creek Wastewater Treatment Plant owned by Charlotte-Mecklenburg Utilities.

12- Mile WWTP means Union County's 12-Mile Creek Wastewater Treatment Plant located at 3104 Providence Road South.

Accessibility Letter, or Availability Letter, means a letter issued by UCPW that describes the proximity of a proposed Development Project to existing UCPW sewer infrastructure and the requirements for obtaining sewer capacity. Such letter may, but need not, have been issued in response to UCPW's receipt of a Letter of Intent.

Availability Letter has the same meaning as Accessibility Letter.

Capacity at the Treatment Facilities means wastewater treatment capacity at the Treatment Facilities, defined below as the 12-Mile WWTP and Crooked Creek WWTP, collectively.

Capacity at 6-Mile means wastewater treatment capacity available through the 6-Mile Collection System.

Crooked Creek WWTP means Union County's Crooked Creek Wastewater

Treatment Plant located at 4015 Sardis Church Road.

Current Expansion means the current project to expand wastewater treatment capacity at the 12-Mile WWTP from 3.0 to 6.0 million GPD.

Development Project, or Project, means an undertaking involving real property improvements for which connection to either the 12-Mile WWTP, the Crooked Creek WWTP, or the 6-Mile Collection System is requested.

Development Submittal means either: (i) a Letter of Intent; or (ii) other document received by UCPW as part of the required procedures for obtaining a zoning permit, special use permit, conditional use permit, major development permit, or other land development permit.

Effective Date means the date this Policy is adopted by the Union County Board of Commissioners.

Flow Permit means a Sewer Permit issued by NCDWQ authorizing the construction and operation of a wastewater collection system extension for wastewater treatment at the 12-Mile WWTP, Crooked Creek WWTP, or through the 6-Mile Collection System to serve a specified Project. UCPW requires a Flow Permit for connection to its wastewater treatment facilities for all Projects except Tap Only Projects.

Flow Permit Application means a completed application for a Flow Permit submitted to UCPW by an owner or developer in connection with a particular Project that meets all the requirements set forth in the UCPW Extension Policy including, but not limited to, final approval of engineering plans by UCPW, payment of one-half of the capacity fees, and payment of the application fee.

Government Facilities means facilities owned or operated by Union County, Union County Public Schools, or a municipality located within Union County, and facilities funded in whole or in part by Union County.

GPD means gallons per day.

Letter of Intent means a letter of intent to develop property received by the UCPW Director pursuant to Section 2.2 of the UCPW Extension Policy.

Moratorium means the state-imposed moratorium pursuant to which NCDWQ ceased issuing Sewer Permits for the 12-Mile WWTP effective February 7, 2007.

NCDWQ means the North Carolina Division of Water Quality.

Nonresidential Development Projects means all Development Projects other than Residential Development Projects.

Planned Diversion means the proposed diversion by UCPW of not less than 1.03 million GPD of wastewater from the service areas of the Treatment Facilities to the 6-Mile Collection System.

Project has the same meaning as Development Project.

Residential Development Projects means Development Projects for residences such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings including garages, storage buildings, gazebos, etc., and customary home occupations. For purposes of this Policy, a Retirement Community shall not be deemed a Residential Development Project.

Retirement Community means a housing development that is designed for and

restricted to occupancy by households having at least one member who is fifty-five (55) years of age or older, and in which children under eighteen (18) years of age shall not reside for more than ninety (90) days per calendar year.

Sewer Permit means a Flow Permit or Zero Flow Permit issued by NCDWQ.

Tap Only Project means a Project for which a Sewer Permit from NCDWQ is not required pursuant to either G.S. § 143-215.1 or Rule 02T.0113, Chapter 15A, North Carolina Administrative Code.

Treatment Facilities means the 12-Mile WWTP and Crooked Creek WWTP, collectively.

UCPW means the Union County Public Works Department.

UCPW Extension Policy means the Union County Public Works Water and Sewer Extension Policy dated January 6, 1997, as amended.

Zero Flow Permit means a Sewer Permit issued by NCDWQ for construction only of a wastewater collection system extension for wastewater treatment at the 12-Mile WWTP, the Crooked Creek WWTP, or through the 6-Mile Collection System to serve a specified Project, with no authority for operation of the same.

2.0 RECITALS

2.1 The Treatment Facilities are interconnected via the Poplin Road Pump Station, and together they serve the west-central portion of Union County, including but not limited to the towns of Hemby Bridge, Indian Trail, Lake Park, Mineral Springs, Stallings, Waxhaw, Weddington, Wesley Chapel, and immediately surrounding areas. Heavy development in western Union County in recent years

has dramatically increased the demand for wastewater treatment capacity in that part of the County.

- 2.2** Effective February 7, 2007, NCDWQ ceased issuing Sewer Permits for the 12-Mile WWTP pursuant to the state-imposed Moratorium. Consequently, for all Projects within the service areas of the Treatment Facilities, UCPW has temporarily: (i) stopped issuing Accessibility Letters; (ii) stopped accepting new Sewer Permit Applications; (iii) stopped accepting new engineering plans; and (iv) limited authorization for connections for Tap Only Projects.
- 2.3** Following completion of the Current Expansion of the 12-Mile WWTP, permitted wastewater treatment capacity at that plant will increase by 3.0 million GPD, bringing the total Capacity at the Treatment Facilities to 7.9 million GPD. Of this 7.9 million GPD, approximately 6.25 million GPD represents the maximum average monthly flow for the previous 12 months plus the amount of Capacity at the Treatment Facilities needed to satisfy outstanding Flow Permits previously issued by NCDWQ. Thus, the Current Expansion will result in approximately 1.65 million GPD of additional Capacity at the Treatment Facilities.
- 2.4** Pursuant to an agreement between Union County and the City of Charlotte, UCPW may transport 3.0 million GPD of wastewater through the 6-Mile Collection System to Charlotte-Mecklenburg Utilities' McAlpine Creek Wastewater Treatment Plant.
- 2.5** Current average monthly flow for the previous 12 months through the 6-Mile Collection System, together with outstanding Flow Permits previously issued for

that System, account for approximately 1.11 million GPD of Capacity. This leaves an estimated 1.89 million GPD of available Capacity at 6-Mile.

2.6 The Policy set forth herein is intended to provide guidelines for allocating, in a fair, rational, and lawful manner among competing interests: (i) the limited Capacity at the Treatment Facilities that will become available when the Current Expansion is complete and the Moratorium lifted; and (ii) the limited Capacity at 6-Mile. Subject to approval of the County Manager, the Union County Public Works Director may authorize a departure from these guidelines when strict adherence would frustrate the purpose of these guidelines or endanger the health, safety or welfare of the citizens of Union County. The County Manager shall report any such departure to the Board of County Commissioners no later than the Board's next regular meeting.

2.7 Pursuant to G.S. § 153A-283, Union County may in no case be held liable for damages for failure to furnish sewer services, and this Policy creates no legal right to receive, nor any legal duty on the part of Union County or UCPW to provide, any amount of existing or future wastewater treatment capacity at the Treatment Facilities, through the 6-Mile Collection System, or elsewhere.

3.0 SCOPE

This Policy applies to: (i) the allocation of approximately 1.65 million GPD of Capacity at the Treatment Facilities that will be available when the Current Expansion at the 12-Mile WWTP is completed and the Moratorium lifted; and (ii) the allocation of approximately 1.89 million GPD of Capacity at 6-Mile. Except as otherwise stated

herein, this Policy applies to all Development Projects located in areas served by the Treatment Facilities or the 6-Mile Collection System for which the owner or developer requests connection thereto but for which the authorization necessary to do so has not yet been obtained. This Policy does not affect Flow Permits previously issued by NCDWQ.

4.0 PURPOSE

This Policy is intended to establish guidelines for allocating limited wastewater treatment capacity in a fair, rational, and lawful manner, taking into consideration, among other things:

- The need to fulfill outstanding legal obligations Union County may have to provide Capacity at the Treatment Facilities when the Current Expansion at 12-Mile WWTP is complete and the Moratorium is lifted or to provide Capacity at 6-Mile;
- The need to reserve Capacity to serve public school facilities, County Projects, and other Government Facilities;
- The desire to treat alike all Development Projects that are similarly situated as to: (i) type of Project; and (ii) stage of progress in the procedures required for obtaining a Sewer Permit or otherwise connecting to the Treatment Facilities or the 6-Mile Collection System to the extent that UCPW has received written documentation of such progress;
- The desire to promote Nonresidential Development Projects in Union County in order to increase the County's property tax base while imposing fewer demands (than those imposed by Residential Development Projects) on the County's

already overburdened public schools; and

- The need to protect the public health, safety and welfare.

5.0 EFFECTIVE DATE

This Policy shall become effective upon adoption by the Union County Board of Commissioners and may be repealed or modified at any time, without notice.

PART I

ALLOCATION OF CAPACITY: 12-MILE AND CROOKED CREEK WWTPS

6.0 FIRST PRIORITY PROJECTS

When the Current Expansion is complete and the Moratorium has been lifted, Capacity at the Treatment Facilities shall be made available to serve First Priority Projects, described in Sections 6.1 through 6.3 and specifically identified in Exhibits 1 - 3, as set forth below.

6.1 PROJECTS WITH CONTRACTED CAPACITY

A total of 283,176 GPD of Capacity at the Treatment Facilities is hereby reserved in favor of Projects for which the owner or developer has entered into a contract with Union County and provided valuable consideration to Union County, and under which the County has expressly agreed to provide sewer services to that particular Project when it is able to do so. Such contracts are identified in Exhibit 1, attached and incorporated herein by reference. Capacity at the Treatment Facilities shall be available to serve individual Projects contingent upon UCPW's receipt of a Flow Permit for the Project from NCDWQ and subject to the following terms and conditions:

6.1.1 As used in this Section, "Project" means the Project or portion(s) or

phase(s) thereof specifically identified in Exhibit 1.

6.1.2 The amount of Capacity at the Treatment Facilities available to any individual Project may not exceed the lesser of: (i) the amount necessary to fulfill the County's remaining obligation under the contract for that Project; or (ii) the amount stated in the Flow Permit.

6.1.3 Connection to the Treatment Facilities pursuant to this Section shall be subject to all terms and conditions stated in the contract.

6.1.4 It is expressly noted that pursuant to Subsection 2.2.2 of the UCPW Extension Policy, UCPW's response to a Letter of Intent (sometimes referred to as an Accessibility Letter or Availability Letter) does not represent a reservation of Capacity at the Treatment Facilities in favor of the Project. Such response, therefore, confers no contractual rights. Similarly, Capacity at the Treatment Facilities is not reserved and no contractual rights are conveyed pursuant to receipt of an Accessibility Letter or Availability Letter issued in any other context.

6.2 PROJECTS WITH ZERO FLOW PERMITS

A total of 231,135 GPD of Capacity at the Treatment Facilities is hereby temporarily reserved in favor of Projects for which NCDWQ has issued Zero Flow Permits, as shown in Exhibit 2, attached and incorporated herein by reference. Capacity at the Treatment Facilities shall be available to serve individual Projects contingent upon UCPW's receipt of a new Flow Permit Application for the Project within ninety (90) days of the Effective Date, UCPW's

receipt of a Flow Permit for the Project from NCDWQ, and subject to the following terms and conditions:

6.2.1 As used in this Section, "Project" means the Project or portion(s) or phase(s) thereof specifically identified in Exhibit 2.

6.2.2 The amount of Capacity at the Treatment Facilities available to any individual Project may not exceed the lesser of: (i) the amount necessary to satisfy the Project as defined in the Zero Flow Permit or cover letter thereto; or (ii) the amount stated in the Flow Permit.

6.2.3 Failure to submit a new Flow Permit Application to UCPW within ninety (90) days of the Effective Date will result in the loss of any Capacity at the Treatment Facilities reserved in favor of the Project under this Section.

6.3 Projects With Denied Applications

A total of 236,473 GPD of Capacity at the Treatment Facilities is hereby temporarily reserved in favor of Projects: (i) for which NCDWQ denied a Flow Permit Application for the Project pursuant to a letter dated March 22, 2007; and (ii) which are not included in Exhibit 2 as having received a Zero Flow Permit. Such Projects are identified in Exhibit 3, attached and incorporated by reference herein. (A copy of the referenced denial letter from NCDWQ is attached as Exhibit 4.) Capacity at the Treatment Facilities shall be available to serve individual Projects contingent upon UCPW's receipt of a new Flow Permit Application for the Project within ninety (90) days of the Effective Date, UCPW's receipt of a Flow Permit for the Project from NCDWQ, and subject to the

following terms and conditions:

6.3.1 As used in this Section, “Project” means the Project or portion(s) or phase(s) thereof specifically identified in Exhibit 3.

6.3.2 The amount of Capacity at the Treatment Facilities available to any individual Project may not exceed the lesser of: (i) the amount necessary to serve the Project as that Project is defined in the denied Flow Permit Application; or (ii) the amount stated in the Flow Permit.

6.3.3 Failure to submit a new Flow Permit Application within ninety (90) days of the Effective Date will result in the loss of any Capacity at the Treatment Facilities reserved in favor of the Project under this Section.

6.4 CAPACITY LIMITATION FOR ALL FIRST PRIORITY PROJECTS

In no event may any First Priority Project receive any greater Capacity at the Treatment Facilities under Sections 6.1 through 6.3 than the amount necessary to serve the Project or portion(s) or phase(s) thereof described in the contract, Zero Flow Permit, or denied Flow Permit Application.

7.0 SECOND PRIORITY PROJECTS

When the Current Expansion is complete, the Moratorium has been lifted, and Capacity at the Treatment Facilities has been reserved to satisfy all First Priority Projects, remaining Capacity at the Treatment Facilities created by the Current Expansion, if any, shall be made available to serve Second Priority Projects, described in Sections 7.1 and 7.2, as stated below.

7.1 GOVERNMENT FACILITIES

A total of 240,000 GPD of Capacity at the Treatment Facilities is hereby reserved in favor of public school facilities identified in Union County Public Schools' five-year Capital Improvement Plan as shown in Exhibit 5, attached and incorporated herein by reference. An additional 20,600 GPD of Capacity at the Treatment Facilities is hereby reserved in favor of County Projects identified in Union County's five-year Capital Improvement Plan, as shown in Exhibit 6, attached and incorporated herein by reference. Subject to approval by the Board of County Commissioners, additional Capacity at the Treatment Facilities, if available, may be allocated to other Government Facilities. Capacity at the Treatment Facilities shall be available to serve individual Projects contingent upon UCPW's receipt of a Flow Permit for the Project from NCDWQ and subject to the following terms and conditions:

7.1.1 As used in this Section, "Project" means the Project or portion(s) or phase(s) thereof identified in Exhibits 5 or 6 or, for other Government Facilities, the Project or portion(s) or phases(s) thereof specifically approved by the Board of County Commissioners.

7.1.2 The amount of Capacity at the Treatment Facilities available to any individual Project may not exceed the lesser of: (i) the amount necessary to serve the Project; or (ii) the amount stated in the Flow Permit.

7.2 TAP ONLY PROJECTS

A total of 14,250 GPD of Capacity at the Treatment Facilities is hereby reserved in favor of Tap Only Projects. Capacity at the Treatment Facilities shall be

available to serve individual Projects contingent upon UCPW's receipt of a written request for connection to the Treatment Facilities and subject to the following terms and conditions:

7.2.1 Capacity at the Treatment Facilities shall be available to Tap Only Projects on a First Come, First Served basis, based on the date UCPW receives a written request for connection.

7.2.2 There shall be a limit of one connection (or "tap") per parcel.

7.2.3 The parcel for which the tap is sought must have existed on the Effective Date.

7.2.4 The maximum amount of Capacity at the Treatment Facilities available to any individual Tap Only Project shall not exceed 2,000 GPD.

8.0 THIRD PRIORITY PROJECTS

When the Current Expansion Project is complete, the Moratorium has been lifted, and Capacity at the Treatment Facilities has been reserved to satisfy First and Second Priority Projects as set forth above, remaining Capacity at the Treatment Facilities created by the Current Expansion, if any, is hereby temporarily reserved in favor of Projects which fail to qualify as First or Second Priority Projects, but for which UCPW has, between the dates of February 7, 2005, and February 7, 2007: (i) issued an Accessibility Letter; or (ii) received a Development Submittal. A list of Third Priority Projects identified by UCPW is attached as Exhibit 7 and incorporated herein by reference. Capacity at the Treatment Facilities, if any, shall be made available to serve individual Projects contingent upon UCPW's receipt of a Flow Permit Application for the Project within one (1) year from the

Effective Date, UCPW's receipt of a Flow Permit for the Project from NCDWQ, and subject to the following terms and conditions:

- 8.1** As used in Sections 8.2 through 8.6, "Project" means the Project or portion(s) or phase(s) thereof specifically identified in Exhibit 7 or for which an owner or developer has established eligibility for Third Priority status pursuant to Section 8.5.
- 8.2** Nonresidential Projects. Capacity at the Treatment Facilities is hereby temporarily reserved in favor of Nonresidential Third Priority Projects in an amount sufficient to serve all such Projects listed in Exhibit 7 or for which Third Priority status was established pursuant to Section 8.5. Notwithstanding the foregoing, if for any reason Capacity at the Treatment Facilities is insufficient to serve all Nonresidential Third Priority Projects, Capacity at the Treatment Facilities shall be allocated to such Projects on a First Come, First Served basis, based on the date UCPW receives a Flow Permit Application for the Project.
- 8.3** Residential Projects. After Capacity at the Treatment Facilities has been reserved to satisfy Nonresidential Third Priority Projects pursuant to Section 8.2, remaining Capacity at the Treatment Facilities, if any, is hereby temporarily reserved in favor of Residential Third Priority Projects. The maximum amount of Capacity at the Treatment Facilities allocated to any individual Residential Third Priority Project under this Section shall not exceed the greater of: (i) the amount of capacity needed to serve five (5) lots; or (ii) the pro-rated amount of capacity needed to serve the number of lots eligible for Capacity at the Treatment Facilities using the

following formula:

$$\begin{array}{l} \text{[Total number of lots} \\ \text{requested for that Project]} \end{array} \quad \times \quad \begin{array}{l} \text{[Total amount of Capacity at the} \\ \text{Treatment Facilities } \textit{available} \text{ for} \\ \text{all Residential Projects } \div \\ \text{Total amount of Capacity at the} \\ \text{Treatment Facilities } \textit{requested} \text{ for} \\ \text{all Residential Projects]} \end{array}$$

Numbers will be rounded down to the nearest whole number. For example, if (i) a Residential Third Priority Project is shown in Exhibit 7 as requesting Capacity at the Treatment Facilities for 100 lots; (ii) the total Capacity at the Treatment Facilities available for all Residential Third Priority Projects is 300,000 GPD; and (iii) the total Capacity at the Treatment Facilities requested for all Residential Third Priority Projects is 1,400,000 GPD, then the maximum number of lots eligible to receive Capacity at the Treatment Facilities using the above formula is 21 lots, shown as: $100 \times [300,000/1,400,000] = 21$. The number of lots eligible to receive Capacity at the Treatment Facilities under this Section will be determined for individual Projects after all requests for Third Priority status pursuant to Section 8.5 have been resolved. Notwithstanding the foregoing, if for any reason Capacity at the Treatment Facilities is insufficient to provide all Residential Third Priority Projects with Capacity at the Treatment Facilities in the amounts described above, Capacity at the Treatment Facilities shall be allocated to Residential Third Priority Projects on a First Come, First Served basis, based on the date UCPW receives a Flow Permit Application for the Project.

8.4 Failure of the owner or developer of any Third Priority Project to submit a Flow

Permit Application within one (1) year from the Effective Date will result in the loss of any Capacity at the Treatment Facilities reserved in favor of the Project pursuant to Sections 8.2 and 8.3.

- 8.5** The owner or developer of any Project not appearing on Exhibit 7, but for which UCPW has, between the dates of February 7, 2005, and February 7, 2007: (i) issued an Accessibility Letter; or (ii) received a Development Submittal, may within thirty (30) days from the Effective Date submit written documentation of the same to the UCPW Director along with a request for Third Priority status. The Director may ask for additional corroborative evidence in support of the request, and may consider such additional evidence in making his or her determination. If the Director denies the request, or fails to respond within thirty (30) days of receipt of the request, the owner or developer may seek review by the County Manager, whose decision shall be final.
- 8.6** In no event may any Third Priority Project receive any greater Capacity at the Treatment Facilities under Sections 8.2 or 8.3 than the amount necessary to serve the Project or portion(s) or phase(s) thereof described in the Accessibility Letter or Development Submittal or for which Third Priority status was established pursuant to Section 8.5.

9.0 ACCEPTANCE OF ENGINEERING PLANS

Except as provided herein, UCPW shall not accept any new engineering plans for Projects within the service areas of the Treatment Facilities.

- 9.1** For Projects or phases or portions thereof identified in Exhibits 1- 7 or for which

the owner or developer has established Third Priority status pursuant to Section 8.5, UCPW will resume accepting new engineering plans beginning on the Effective Date.

- 9.2** For all other Projects or phases or portions thereof in the service areas of the Treatment Facilities, UCPW will resume accepting new engineering plans when UCPW believes with reasonable certainty that a significant amount of additional wastewater treatment capacity will become available at the Treatment Facilities.

PART II

ALLOCATION OF CAPACITY: 6-MILE COLLECTION SYSTEM

10.0 FIRST PRIORITY PROJECTS

A total of 198,550 GPD of Capacity at 6-Mile is hereby reserved in favor of Projects for which the owner or developer has entered into an ongoing contract with Union County and provided valuable consideration to Union County, and under which the County has expressly agreed to provide sewer services to that particular Project as it is able to do so. These Projects are identified in Exhibit 8, attached and incorporated herein by reference. Capacity at 6-Mile shall be available to serve these Projects contingent upon UCPW's receipt of a Flow Permit for the Project from NCDWQ and subject to the following terms and conditions:

- 10.1** As used in Sections 10.2 through 10.5, "Project" means the Project or portion(s) or phase(s) thereof specifically identified in Exhibit 8.
- 10.2** The amount of Capacity at 6-Mile available to any individual Project may not exceed the lesser of: (i) the amount necessary to fulfill the County's remaining

obligation under the contract for that Project; or (ii) the amount stated in the Flow Permit.

- 10.3** Connection to the 6-Mile Collection System shall be subject to all terms and conditions stated in the contract.
- 10.4** In no event may any First Priority Project receive any greater Capacity at 6-Mile under Sections 10.2 through 10.5, than the amount necessary to serve the Project or portion(s) or phase(s) thereof described in the contract.
- 10.5** It is expressly noted that pursuant to Subsection 2.2.2 of the UCPW Extension Policy, UCPW's response to a Letter of Intent (sometimes referred to as an Accessibility Letter or Availability Letter) does not represent a reservation of wastewater treatment capacity in favor of the Project. Such response, therefore, confers no contractual rights. Similarly, wastewater treatment capacity is not reserved and no contractual rights are conveyed pursuant to receipt of an Accessibility Letter or Availability Letter issued in any other context.

11.0 SECOND PRIORITY PROJECTS

11.1 GOVERNMENT FACILITIES

A total of 10,000 GPD of Capacity at 6-Mile is hereby reserved in favor of Government Facilities, subject to approval by the Board of County Commissioners. Capacity at 6-Mile shall be available to serve individual Projects contingent upon UCPW's receipt of a Flow Permit for the Project. The amount of Capacity at 6-Mile available to any individual Project may not exceed the lesser of: (i) the amount necessary to serve the Project; or (ii) the amount stated in the

Flow Permit.

11.2 TAP ONLY PROJECTS

A total of 14,250 GPD of Capacity at 6-Mile is hereby reserved in favor of Tap Only Projects. Capacity at 6-Mile shall be available to serve individual Projects contingent upon UCPW's receipt of a written request for connection to the 6-Mile Collection System and subject to the following terms and conditions:

11.2.1 Capacity at 6-Mile shall be available to Tap Only Projects on a First Come, First Served basis, based on the date UCPW receives a written request for connection.

11.2.2 There shall be a limit of one connection (or "tap") per parcel.

11.2.3 The parcel for which the tap is sought must have existed on the Effective Date.

11.2.4 The maximum amount of Capacity at 6-Mile available to any individual Tap Only Project shall not exceed 2,000 GPD.

12.0 THIRD PRIORITY PROJECTS

12.1 ACTIVE PROJECTS

A total of 212,735 GPD of Capacity at 6-Mile is hereby temporarily reserved in favor of Projects for which UCPW has, between August 20, 2005 and August 20, 2007: (i) issued an Accessibility Letter; or (ii) received a Development Submittal.

A list of Active Projects identified by UCPW is attached as Exhibit 9 and incorporated herein by reference. Capacity at 6-Mile shall be made available to serve individual Projects contingent upon UCPW's receipt of a Flow Permit

Application for the Project within one (1) year from the Effective Date, UCPW's receipt of a Flow Permit for the Project from NCDWQ, and subject to the following terms and conditions:

- 12.1.1** As used in this Section, "Project" means the Project or portion(s) or phase(s) thereof specifically identified in Exhibit 9 or for which an owner or developer has established eligibility for Active status pursuant to Subsection 12.1.4.
- 12.1.2** The amount of Capacity at 6-Mile available to serve any individual Project may not exceed the lesser of: (i) the amount identified in Exhibit 9 or the amount for which Active status was established pursuant to Subsection 12.1.4; or (ii) the amount stated in the Flow Permit.
- 12.1.3** Failure of the owner or developer of Projects qualifying for Active status pursuant to this Section to submit a Flow Permit Application within one (1) year from the Effective Date will result in the loss of any Capacity at 6-Mile reserved in favor of the Project pursuant to this Section.
- 12.1.4** The owner or developer of any Project not appearing on Exhibit 9, but for which UCPW has, between August 20, 2005 and August 20, 2007: (i) issued an Accessibility Letter; or (ii) received a Development Submittal, may within thirty (30) days from the Effective Date submit written documentation of the same to the UCPW Director along with a request for Active status. The Director may ask for additional corroborative evidence in support of the request, and may consider such additional evidence in

making his or her determination. If the Director denies the request, or fails to respond within thirty (30) days of receipt of the request, the owner or developer may seek review by the County Manager, whose decision shall be final.

12.1.5 In no event may any Active Project receive any greater Capacity at 6-Mile under this Section than the amount necessary to serve the Project or portion(s) or phase(s) thereof described in the contract, Accessibility Letter, or Development Submittal or for which Active status was established pursuant to Subsection 12.1.4.

12.1.6 Notwithstanding any other provision of this Policy to the contrary, no Project may receive Capacity at 6-Mile, without prior approval from the Board of County Commissioners, if such receipt would require construction of a new pump station to divert wastewater from the service areas of the Treatment Facilities or elsewhere into the 6-Mile Collection System. In determining whether to approve a new pump station under this Subsection, the Board shall consider, among other things:

- Overall economic benefit to the County;
 - Impact of the Project on demand for public schools;
 - Impact of the Project on demand for other public goods and services, such as public utilities;
 - Impact of the Project on existing infrastructure, such as roadways;
- and

- Benefits created by Projects providing valuable public services, such as medical clinics.

12.2 PART I THIRD PRIORITY PROJECTS

A total of not less than 1.03 million GPD of Capacity at 6-Mile is hereby reserved to receive wastewater from the Planned Diversion. Once the Planned Diversion is in operation, approximately 1.03 million GPD of the wastewater treatment capacity that becomes available at the Treatment Facilities as a result is hereby reserved in favor of those Third Priority Projects identified under Part I of this Policy, to the extent that the demand for Capacity as reflected on Exhibit 7 or for which Third Priority status was established pursuant to Section 8.5 was not satisfied under Part I. Capacity at the Treatment Facilities shall be available to serve individual Third Priority Projects under this Section contingent upon UCPW's receipt of a Flow Permit Application within one (1) year from completion of the Planned Diversion, UCPW's receipt of a Flow Permit from NCDWQ for the Project, and subject to the following terms and conditions:

12.2.1 As used in this Section, "Project" or "Third Priority Project" has the same meaning as set forth in Section 8.1 (i.e., the Project or portion(s) or phase(s) thereof specifically identified in Exhibit 7 or for which an owner or developer established Third Priority status pursuant to Section 8.5).

12.2.2 Capacity at the Treatment Facilities shall be available to Projects under this Section on a First Come, First Basis, based on the date UCPW receives a Flow Permit Application for the Project.

12.2.3 The amount of Capacity at the Treatment Facilities available to any individual Project under this Section may not exceed the lesser of: (i) the amount necessary to complete the Project as identified in Exhibit 7 or for which Third Priority status was established pursuant to Section 8.5; or (ii) the amount stated in the Flow Permit.

12.2.4 Failure of the owner or developer of a Third Priority Project to submit a Flow Permit Application within one (1) year from completion of the Planned Diversion will result in the loss of any Capacity at the Treatment Facilities created by the Diversion and reserved in favor of the Project pursuant to this Section.

12.2.5 In no event may any Third Priority Project receive any greater Capacity at the Treatment Facilities under this Section than an amount which, when combined with the amount of Capacity at the Treatment Facilities that the Project received pursuant to Section 8.0, constitutes the amount necessary to serve the Project or portion(s) or phase(s) thereof described in the Accessibility Letter or Development Submittal or for which Third Priority status was established pursuant to Subsection 8.5.

13.0 RESERVE CAPACITY

After Capacity at 6-Mile is reserved to satisfy First, Second, and Third Priority Projects pursuant to Sections 10.0 through 12.2, above, any remaining Capacity at 6-Mile (“Reserve Capacity”) is hereby reserved and set aside for future allocation in accordance with a policy to be adopted by the Board of County Commissioners at a later date, which

policy shall, upon adoption, be attached and incorporated by reference herein.

14.0 ACCEPTANCE OF ENGINEERING PLANS

Except as provided herein, UCPW shall not accept any new engineering plans for Projects within the service area of the 6-Mile Collection System.

14.1 For Projects or phases or portions thereof identified in Exhibits 8-9 or for which the owner or developer has established Third Priority status pursuant to Subsection 12.1.4, UCPW will accept new engineering plans beginning on the Effective Date.

14.2 For all other Projects or phases or portions thereof in the service area of the 6-Mile Collection System, UCPW will resume accepting new engineering plans when UCPW believes with reasonable certainty that a significant amount of additional wastewater treatment capacity will become available within the service area.

Adopted this 17th day of September, 2007.

Exhibit 1
Twelve Mile and Crooked Creek
Contracted Capacity

| TREATMENT FACILITY | PROJECT | # LOTS | GPD | TOTAL GPD |
|---------------------------|---------------------|---------------|------------|------------------|
| 12 Mile Creek | Fieldstone Farms | 489 | 139,365 | 253,416 |
| | Cureton 2, 3, & 4 | 180 | 51,300 | |
| | Cureton Retail | -- | 62,751 | |
| Crooked Creek | Industrial Ventures | 82 | 29,760 | 29,760 |
| | | | | 283,176 |

Exhibit 2
Twelve Mile and Crooked Creek
Zero Flow Permits

| TREATMENT FACILITY | PROJECT | PERMIT # | Lots | GPD | TOTAL GPD |
|---------------------------|----------------------------------|-----------------|-------------|------------|------------------|
| 12 Mile Creek | St. Johns Forest 4A | WQ0030316 | 46 | 13,110 | 231,135 |
| | Tuscanny Phase 1A | WQ0029584 | 74 | 21,090 | |
| | Tuscanny Phase 2A | WQ0029458 | 31 | 8,835 | |
| | Briarcrest North Phase 1 | WQ0029391 | 20 | 5,700 | |
| | Briarcrest North Phase 2 | WQ0029838 | 70 | 19,950 | |
| | Sheridan Phase 1 | WQ0029254 | 79 | 22,515 | |
| | Sheridan Phase 2 | WQ0030048 | 43 | 12,255 | |
| | Chestnut Place | WQ0029610 | 13 | 3,705 | |
| | Lawson Phase 2A | WQ0029757 | 50 | 14,250 | |
| | Preserve @ Brookhaven | WQ0031172 | 13 | 3,705 | |
| | Fairhaven Phase 1 | WQ0029278 | 184 | 52,440 | |
| | Wendover @ Curry Place | WQ0029218 | 51 | 14,535 | |
| | Wadsworth Phase 2 | WQ0029745 | 8 | 2,280 | |
| | Deerstyne (Garmons Crossing) | WQ0030201 | 40 | 11,400 | |
| | Twelve Oaks | WQ0030126 | 4 | 1,140 | |
| | Wesley Chase (Laney Subdivision) | WQ0029433 | 12 | 3,420 | |
| | Stonebridge Parcel 5 | WQ0029976 | 23 | 6,555 | |
| | Cureton Phase 3 | WQ0029193 | 32 | 9,120 | |
| | Falcon Place | WQ0030099 | 18 | 5,130 | |
| Crooked Creek | None | -- | -- | -- | -- |

231,135

Exhibit 3
Twelve Mile and Crooked Creek
Denied Applications

| TREATMENT FACILITY | PROJECT | Lots | GPD | TOTAL GPD |
|--------------------|-----------------------------------|------|--------|----------------|
| 12 Mile Creek | Austin Village Phase 3 | 9 | 32,510 | 236,473 |
| | Lowes of Waxhaw | 9 | 46,415 | |
| | Waxhaw Medical Center | 2 | 2,400 | |
| | CHS Cureton-Waxhaw | 4 | 37,000 | |
| | Lawson Phase 4 | 100 | 28,500 | |
| | Tuscanny Phase 2B | 34 | 9,690 | |
| | Chestnut Oaks | 7 | 1,995 | |
| | Village Commons @ Wesley Chapel 2 | 3 | 13,993 | |
| | Old Hickory Phase 6 | 26 | 9,360 | |
| | Auto Bell Newtown Rd. | 2 | 2,300 | |
| | St.John's Forest, Phase 4B | 49 | 13,965 | |
| | Shannon Vista | 1 | 2,720 | |
| | Stonebridge Parcel 7 & 9 | 125 | 35,625 | |
| Crooked Creek | None | -- | -- | — |
| | | | | 236,473 |



Exhibit 4

Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director
Division of Water Quality

March 22, 2007

Christie L. Putnam, P.E., Director
Union County Public Works
400 North Church Street
Monroe, NC 28112-4804

Subject: Project Return
Union County
Wastewater Collection System Extension
Union County

Dear Ms Putman:

This letter is in reference to the request for several non-discharge permits (sewer extensions) to serve the following projects received as listed in the table below are hereby returned. In accordance with North Carolina Administrative Code 15A 2T .0304 (b) the Division has determined that based on requested information provided in your March 13, 2007 letter the treatment system is not capable of accepting the additional waste represented in this permit applications. This is evidenced by flow limit violations that you have reported for the Twelve Mile Creek Wastewater Treatment plant (NC0085359). Further, this decision is based on sanitary sewer overflows at the influent structure of the Twelve Mile Creek WWTP and associated collection system despite the relatively dry weather. The increased flows that would be allowed by these permits, if granted, would serve only to worsen the frequency and severity of violations and could potentially lead to health and environmental impacts.

| Project Name | Date Received | Project Type | Gallons | Project Number |
|-----------------------------------|---------------|--------------|---------|----------------|
| Fieldstone Farms Subdivision | 2/6/07 | Modification | 18,000 | WQ0031192 |
| Shannon Vista Subdivision | 2/7/07 | Modification | 2,720 | WQ0023478 |
| Lawson, Phase 4 Subdivision | 2/6/07 | New | 36,840 | Not assigned |
| Lowe's of Waxhaw (Public) | 2/2/07 | New | 32,375 | Not assigned |
| Lowe's of Waxhaw (Private) | 2/2/07 | New | 14,040 | Not assigned |
| CHS Cureton-Waxhaw | 2/2/07 | New | 37,000 | Not assigned |
| Cureton, Phase I Subdivision | 2/2/07 | Modification | 17,720 | WQ0024444 |
| Stonebridge Parcels 7&9 | 2/2/07 | New | 45,000 | Not assigned |
| Stonebridge, Parcel 5 Subdivision | 2/2/07 | Modification | 8,280 | WQ0024788 |
| Auto Bell Full Service Car Wash | 2/1/07 | New | 2,300 | Not assigned |
| Waxhaw Medical Center | 2/1/07 | New | 2,400 | Not assigned |
| Tuscany Phase IIB | 1/31/07 | New | 12,240 | Not assigned |
| Tuscany, Phase IIA | 1/31/07 | Modification | 7,560 | WQ029458 |
| Wadsworth Subdivision Phase 2 | 1/30/07 | Modification | 2,880 | WQ0029745 |
| Chestnut Oaks | 1/24/07 | Modification | 2,520 | WQ0019104 |
| Sheridan Subdivision-Phase 1 | 1/24/07 | Modification | 28,440 | WQ0029254 |
| Sheridan Subdivision-Phase 2 | 1/24/07 | Modification | 15,480 | WQ0030048 |
| Old Hickory Phase VI | 1/24/07 | New | 9,360 | Not assigned |
| Village Commons at | 1/24/07 | Modification | 13,933 | WQ0029454 |



Raleigh Regional Office
1628 Mail Service Center, Raleigh, NC 27699-1628

Internet <http://h2o.enr.state.nc.us/>
Telephone (919) 571-4700 Fax (919) 571-4718

DENR Customer Service Center
An Equal Opportunity Action Employer

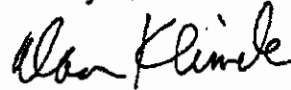
Telephone 1 800 623-7748
50% recycled/10% post-consumer paper

| | | | | |
|------------------------------|---------|--------------|--------|--------------|
| Wesley Chapel, Phase II | | | | |
| Chestnut Place | 1/24/07 | New | 4,680 | WQ0029610 |
| Wendover at Curry Place | 1/24/07 | New | 18,360 | WQ0029218 |
| Fairhaven, Phase I | 1/24/07 | New | 52,820 | WQ0029278 |
| St. John's Forest, Phase 4-B | 1/19/07 | New | 17,640 | Not assigned |
| St. John's Forest, Phase 4-A | 1/19/07 | Modification | 16,560 | WQ0030316 |
| Lawson, Phase 4 Subdivision | 1/16/07 | New | 36,000 | Not assigned |
| Austin Village, Phase III | 2/6/07 | New | 32,510 | Not assigned |

Please be advised that you may reapply for the wastewater collection system extension permit when the improvements to the Twelve Mile Creek Wastewater Treatment plant and associated collection system have been made and the system is no longer under moratorium and thus able to accept additional wastewater.

If you have any questions regarding this matter, please contact Matt Matthews, Point Source Branch Chief at (919) 733-5083, ext. 517.

Sincerely



Alan W. Klimek, P.E.

cc: Mooresville Regional Office
Matt Matthews, PSB
Central Files
PERCS Files

**Exhibit 5
Twelve Mile and Crooked Creek
Public Schools**

| TREATMENT FACILITY | PROJECT | Lots | GPD | TOTAL GPD |
|--------------------|---------------------------------|------|--------|----------------|
| 12 Mile Creek | MS/HS "C" Cuthbertson Rd. | 2 | 38,400 | |
| | ES "K" Rogers Road | 1 | 9,600 | |
| | ES "L" Cuthbertson Road | 1 | 9,600 | |
| | ES "M" Poplin/Unionville-IT Rd. | 1 | 9,600 | |
| | ES "N" Cox Road | 1 | 9,600 | |
| | ES "O" Mineral Springs | 1 | 9,600 | |
| | ES "P" Providence Rd. | 1 | 9,600 | |
| | ES "Q" Hemby Bridge | 1 | 9,600 | |
| | ES "R" Antioch Rd. | 1 | 9,600 | |
| | MS/HS "D" Hemby Bridge | 2 | 38,400 | |
| | MS/HS "E" Sanford Rd. | 2 | 38,400 | |
| | MS/HS "F" Kensington | 2 | 38,400 | |
| | | | | |
| Crooked Creek | ES "J" Stallings | 1 | 9,600 | 9,600 |
| | | | | 240,000 |

Exhibit 6
Twelve Mile and Crooked Creek
Government Facilities

| TREATMENT FACILITY | PROJECT | Lots | GPD | TOTAL GPD |
|---------------------------|----------------------------------|-------------|------------|------------------|
| 12 Mile Creek | EOC/E911 | 1 | 5,000 | 20,600 |
| | SW Regional Library (Weddington) | 1 | 5,000 | |
| | Waxhaw Regional Library | 1 | 5,000 | |
| | Public Works Operations Center | 1 | 5,000 | |
| | Fire Station 18 (Waxhaw) | 1 | 600 | |
| Crooked Creek | None | -- | -- | -- |
| | | | | 20,600 |

**Exhibit 7
Twelve Mile and Crooked Creek
Third Priority Projects**

NONRESIDENTIAL

| TREATMENT FACILITY | PROJECT | Lots | GPD | TOTAL GPD |
|--------------------|--------------------------------|------|---------|----------------|
| 12 Mile Creek | Sun Valley Business Park | 5 | 1,800 | 243,387 |
| | Newtown Gardens | 15 | 20,320 | |
| | Newtown Market | 4 | 2,076 | |
| | Shoppes @ Wesley Chapel 2 | 5 | 7,191 | |
| | Deerstyne Commons | 1 | 30,000 | |
| | Prov Rd Comm 061560056N | 1 | 2,000 | |
| | Gateway | -- | 120,000 | |
| | Prescot Village | -- | 60,000 | |
| Crooked Creek | Auto Bell, Indian Trail | 1 | 735 | 87,893 |
| | Auto Zone, Indian Trail | 1 | 360 | |
| | Sun Valley Marketplace (Lowes) | -- | 50,000 | |
| | Century Contractors Sewer Ext. | 3 | 1,250 | |
| | Indian Trail Town Center | 48 | 30,268 | |
| | Cahill | 2 | 5,280 | |
| | | | | 331,280 |

RESIDENTIAL

| TREATMENT FACILITY | PROJECT | Lots | GPD | TOTAL GPD |
|--------------------|-----------------------------|------|---------|------------------|
| 12 Mile Creek | Jackson Station | 154 | 43,890 | 1,152,825 |
| | Brookhaven Phase 4 | 23 | 6,555 | |
| | Potter Road | 206 | 58,710 | |
| | Bonterra | 659 | 187,815 | |
| | Village @ Sage Croft | 474 | 135,090 | |
| | Quintessa 2 | 115 | 32,775 | |
| | Quintessa West | 246 | 70,110 | |
| | Secrest | 915 | 260,775 | |
| | Fairhaven Phase 2 | 176 | 50,160 | |
| | Prescot Future | 80 | 22,800 | |
| | Longford Village | 41 | 11,685 | |
| | Grover Moore Place | 50 | 14,250 | |
| | Tuscanny 2B | 98 | 27,930 | |
| | Lawson Phase 4 | 304 | 86,640 | |
| | Cureton | 229 | 65,265 | |
| | St. John's Forest, Phase 4B | 25 | 7,125 | |
| | St. John's Forest, Phase 4C | 118 | 33,630 | |
| | Chestnut Oaks | 7 | 1,995 | |
| | Stonebridge Parcel 1 | 68 | 19,380 | |
| | Belshire | 57 | 16,245 | |
| Crooked Creek | Crooked Creek Estates | 50 | 14,250 | 172,995 |
| | Green Meadows 2nd Avenue | 5 | 1,425 | |
| | Indian Trail Town Center | 552 | 157,320 | |
| | | | | 1,325,820 |

Exhibit 8
Six Mile Creek
Contract Capacity

| PROJECT | # LOTS | GPD | TOTAL GPD |
|----------------|---------------|------------|------------------|
| Millbridge | 1,045 | 198,550 | 198,550 |

**Exhibit 9
Six Mile Creek
Active Projects**

NONRESIDENTIAL

| PROJECT | Lots | GPD | TOTAL GPD |
|-----------------------------|-------------|------------|------------------|
| Providence Rd Commercial | -- | 70,855 | |
| Antioch Church/Wedd-Math Rd | -- | 40,740 | |
| | | | 111,595 |

RESIDENTIAL

| PROJECT | Lots | GPD | TOTAL GPD |
|-----------------------------|-------------|------------|------------------|
| Ezzell Valley | 103 | 19,570 | |
| Providence Estates | 40 | 7,600 | |
| Antioch Church/Wedd-Math Rd | 80 | 15,200 | |
| Shadow Lake | 48 | 9,120 | |
| * The Woods | 200 | 38,000 | |
| * The Woods, Amenities | 1 | 2,720 | |
| * Cow Branch | 47 | 8,930 | |
| | | | 101,140 |
| | | | 212,735 |

* See Section 12.1.6 regarding need for approval if receipt of capacity at 6-Mile requires construction of a new pump station.



AGENDA ITEM

12

MEETING DATE 6-2-10

Wesley Chapel Volunteer Fire Department
Station 31 -- 8821 New Town Road
Station 26 -- 315 Waxhaw Indian Trail Road
Waxhaw, NC 28173
Phone: 704-843-0425
Fax: 704-243-3212

To Whom It May Concern:

This letter is in response to a request made to Wesley Chapel VFD to provide a general overview of the specifications of the new 2010 apparatus, currently in production at Pierce Manufacturing, at a cost of \$560,111. Below you will find a brief overview of the specifications for the new apparatus, as well as a comparison to the truck it will be replacing. More in depth specifications for the new apparatus are available upon request. If you have any additional questions, or if there is any other way that I can be of assistance, please feel free to contact me.

New Apparatus:

2010 Pierce Velocity Engine:

- 6 Man Custom Cab
- 1,500 GPM Pump
- 1,000 Gallon Tank (meets standards to be classified as pumper/tanker for ISO)
- Class A and Class B Foam Systems
- On-Board Generator to Power Lights and Power Tools (ex. Sawzall)
- On-Board Hydraulic Pump to Power Extrication Tools for Vehicle Extrication
- 1200 Feet of Large Diameter Hose -- 5 inch
- Contains All Equipment to Meet NFPA Standards to be Classified as a Class A Pumper and for Maximum ISO Points
- Allows for More Firefighters to Respond on Apparatus to Emergency Calls

Apparatus to be Replaced:

1989 Ford FMC Engine:

- 2 Man Commercial Cab
- Manual Transmission
- 1,250 GPM Pump
- 1,000 Gallon Tank
- No Foam System
- No Generator
- No Hydraulic Pump or Vehicle Extrication Tools

Sincerely,

John Rogers
Chief

Wesley Chapel VFD

PLEASE TAKE NOTICE that the Wesley Chapel Volunteer Fire Department, Inc. will hold a public hearing at 12:00 p.m. on Friday, June 18th, 2010. The hearing will be held at Wesley Chapel Volunteer Fire Department, 8821 New Town Road, Waxhaw, North Carolina.

The purpose of the public hearing is to take public comment on a proposal for the Fire Department to finance up to \$411,000.00 for the purchase of one (1) pumper fire truck. The Fire Department expects that the financed property will be located at 8821 New Town Road, Waxhaw, North Carolina.

Anyone wishing to comment on the proposed financing, the location or nature of the project or any other aspect of the proposed undertaking may appear at the public hearing. Interested persons may also submit written comments on the subject of the hearing, or may obtain additional information on the subject of the hearing, from Butch Poyer, 5817 Weddington-Monroe Road, Matthews, NC, 28104.
June 4, 2010

NORTH CAROLINA,
UNION COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by the law to administer oaths, personally appeared Pat Deese who being first duly sworn, deposes and says: that she is Principal Clerk engaged in the publication of a newspaper known as The Enquirer-Journal, published, issued, and entered as second class mail in the City of Monroe in said County and State; that he/she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Enquirer-Journal on the following dates:

June 4, 2010

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 4 day of June 2010
Pat Deese

Sworn to and subscribed before me, this 4 day of June 2010
Butch O. Poyer Notary Public

My commission expires May 11, 2013 Seal

Pumper Fire Truck
Wesley Chapel UFD

Inches: 4 1/4
Monroe, NC Date: June 4, 2010

Account # 07104623

COST \$ 42.29

IN ACCOUNT WITH
THE ENQUIRER-JOURNAL
Post Office Box 5040
500 West Jefferson Street
Monroe, NC 28111-5040

IMPORTANT LEGAL DOCUMENT, PLEASE RETAIN

RESOLUTION APPROVING THE INCURRENCE BY WESLEY CHAPEL
VOLUNTEER FIRE DEPARTMENT, INC., OF UP TO \$411,000.00 IN
INDEBTEDNESS TO FINANCE A PUMPER FIRE TRUCK

WHEREAS, Union County has been advised that Wesley Chapel Volunteer Fire Department, Inc. (the "Department") intends to borrow up to \$411,000 (the "Loan") to finance the purchase of a new pumper fire truck (the "Project"); and

WHEREAS, the Board of Directors of the Department, on behalf of the Board of Commissioners, pursuant to public notice duly given (the "Notice"), held a public hearing on the proposed Loan and Project and considered the comments of persons who requested to be heard; and

WHEREAS, (i) neither the County nor any agency thereof shall be liable in any event for the repayment of the Loan, (ii) the Loan does not constitute an indebtedness of the County or any agency thereof, and (iii) the Loan does not constitute or create in any manner a debt or liability of the County or any agency thereof; and

WHEREAS, the Board desires to approve the Loan and approve the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Union County, North Carolina, as follows:

(1) The publication of the Notice and the designation of the meeting held by the Department on June 18, 2010, as a public hearing on the Loan and the Project is hereby ratified and approved.

(2) The incurrence by the Department of indebtedness of up to \$411,000 to finance the Project is hereby approved.

(3) The Project is hereby approved.

(4) This resolution shall take effect immediately upon its passage.

(5) As represented to the Board of Commissioners by the Treasurer of the Department, approval of this resolution by the Board of Commissioners will not result in a tax increase at this time within the district served by Wesley Chapel Volunteer Fire Department, Inc.

Commissioner _____ moved the passage of the foregoing resolution, and the resolution was passed by the following vote:

AYES:

NAYS:

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 4/2a
(Central Admin. use only)

SUBJECT: Contract Amendment #15 to Agreement with The Keith Corporation for Property Management Services (FY2010-2011)

DEPARTMENT: General Services

PUBLIC HEARING: No

ATTACHMENT(S):

INFORMATION CONTACT:

Barry Wyatt

TELEPHONE NUMBERS:

704-283-3868

DEPARTMENT'S RECOMMENDED ACTION: Approve contract amendment, extending the contract for an additional year through June 30, 2011, and authorize the County Manager to execute the amendment subject to adoption of the FY11 budget and legal review.

BACKGROUND: This contract provides for full-service property management services including operation and maintenance of all facilities; provision of all trouble-calls; maintenance and handyman services needed for HVAC, electrical, lighting, plumbing and other systems; maintaining a comprehensive inspection and preventive maintenance program; maintaining programs for environmental assessment and testing; and fire and life safety programs. In addition, the contract provides funding for subcontracting of housekeeping and landscaping maintenance services.

In 1997, the Board of County Commissioners directed staff to seek proposals for the outsourcing of all Property Management Services.

Working with Centralina Council of Governments, a Request for Proposals (RFP) was developed, mailed to seven firms known to offer Property Management Services, advertised and ultimately the County received three proposals with The Keith Corporation providing the best value at an annual cost of \$473,981 or \$1.95 per square foot for 243,181 square feet of space to be maintained. The other two proposals received were for \$657,794 and \$1,020,943 respectively.

At the time the initial contract was awarded there were no additional costs associated with the contract; existing budgets covered the cost even with an increase in the level of service for

maintenance, housekeeping and landscaping.

Since that time, seven new buildings, an expanded Main Library, a new expanded Animal Shelter, an expanded Waxhaw Library, and an expanded building for School Administration have been added; increasing the square footage maintained by 129% to 556,599.

The Board of County Commissioners created an ad hoc Property Management Review Committee in late 2007. The Committee's members included major "tenants" of County facilities - Social Services, Library, Cooperative Extension and the Sheriff. Additional members included Internal Audit, Finance, General Services and a former employee responsible for garage operations. The Committee's charge from the Commission was "to conduct a thorough review of the services provided by The Keith Corporation and the associated costs." This action represented the policy objectives (or ENDS statement) of the Commission - to ensure that the County's property management functions are effective and efficient - both from a cost and operations perspective.

The Committee held six (6) meetings over a period of about nine (9) months. As the Committee began work, it adopted the following specific objectives to guide them in their work (this is the MEANS):

1. Review current service and quality level standards for landscaping, housekeeping and building maintenance functions ... identify deltas (what we do well and what areas we can improve upon) and validate appropriateness.
2. Review cost components to include direct and non-direct (HR, contracting, work order, property accounting, property management, budget, etc.) elements of pricing.
3. Review pricing allocation methods, identify deltas and validate appropriateness.
4. Review, establish and conduct pricing models to validate pricing.

The Committee also concluded that it would be appropriate to evaluate each of the four components of the County's property management function separately; 1)housekeeping services, 2)landscaping, 3)property maintenance, and 4)property management (the fee associated with managing 1, 2 & 3).

At the Committee's final meeting the following unanimous conclusions regarding the property management functions were reached:

1. The County's housekeeping function, contracted through The Keith Corporation, is cost competitive (about 75 cents per square foot versus \$1.00 per square foot), as benchmarked by in-house cost comparison and the Building Owners and Managers Association (BOMA) costs for the Charlotte region marketplace.
2. The County's landscaping function, contracted through The Keith Corporation, is cost competitive based on the solicitation (by the County's property management agent in consultation with General Services) of landscaping bids from the Charlotte region marketplace.
3. The County's property maintenance function, provided by The Keith Corporation, is cost competitive, as benchmarked by in-house cost comparison.
4. Service and quality level standards for the property management components are usual, customary and reasonable.
5. Finance and General Services should develop and implement allocation methodologies that better approximate benefiting facility costs and are more transparent to the end user.
6. The County should periodically, no less frequently than every three (3) years, conduct a

comprehensive analysis of property management functions.

The Board, in September 2008, unanimously accepted the Committee's findings and extended the property management contract through June 30, 2009.

Since the economic downturn began in September of last year and the need to reduce expenditures escalated, significant reductions in The Keith Corporation contract have occurred. Landscaping services have been reduced, two full-time maintenance positions have been eliminated (in addition to an Assistant Property Manager position eliminated in January 2008), and housekeeping services have gone from five days per week service to three days per week. Savings from these reductions are approximately \$213,300 or 13.8% less than the FY09 approved budget and additional savings of approximately \$130,000 has been realized in the FY10 adopted budget.

FINANCIAL IMPACT: Funding for these services, \$1,256,280.00, is included in the Manager's recommended budget for FY2010-2011 and represents a decrease of \$34,416.00 or 2.7% from the FY10 adopted budget.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

UNION COUNTY - CONTRACT CONTROL SHEET

Routing Order: (1) Department, (2) Attorney, (3) Risk Management, (4) Information Systems, (5) Finance, (6) Clerk, (7) County Manager

DEPARTMENT

A-2509

EVERY FIELD IN THIS SECTION MUST BE COMPLETED

Party/Vendor Name: The Keith Corporation
Party/Vendor Contact Person: Mike Cox Contact Phone: 704-319-8144
Party/Vendor Address to mail contract to (be sure this is accurate or it could delay the processing of this contract):
Address: 5935 Carnegie Boulevard, Suite 200 City: Charlotte State: NC Zip: 28209
Department: General Services Amount: \$1,256,280.00
Purpose: Property Management Services - Amendment 15
Budget Code(s)(put comma between multiple codes): 10542620-5389

Amounts expended pursuant to this Agreement will be more than \$20,000. [Check if applicable]
TYPE OF CONTRACT: (Please Check One) New Renewal Amendment Effective Date: July 1, 2010
If this is a grant agreement, pre-application has been authorized by the Board of Commissioners.
This document has been reviewed and approved by the Department Head as to technical content.
Department Head's Signature: [Signature] Date: 6/1/10

Approval by Board **ATTORNEY** This document has been reviewed and approved by the Attorney and stamp affixed thereto. Yes No
Approval by Manager (less than \$20,000)
Approval by Manager per authorization of Board
Date of Board authorization: _____ Attorney's Signature: [Signature]
Approval by Manager subject to authorization by Board Date: 6/1/10
Date Board authorization requested: 6/21/10
Clerk to confirm authorization given

Use Standard Template **RISK MANAGEMENT**
[Include these coverages: CGL ; Auto ; WC ; Professional ; Property ; Pollution ; Nonprofit ; Technology E&O
OR See Working Copy OR No Insurance Required amendment
Hold Contract pending receipt of Certificate of Insurance
With incorporation of insurance provisions as shown, this document is approved by the Risk Manager:
Risk Manager's Signature: [Signature] Date: 6/2/10

INFORMATION TECHNOLOGY DIRECTOR
(Applicable only for hardware/software purchase or related services)
This document has been reviewed and approved by the Information Systems Director as to technical content.
IT Director's Signature Date: _____

Date Received: _____ **BUDGET AND FINANCE**
Yes No -Sufficient funds are available in the proper category to pay for this expenditure.
Yes No -This contract is conditioned upon appropriation by the Union County Board of Commissioners of sufficient funds for each request for services/goods.
Budget Code: _____ Vendor No.: _____ Encumbrance No.: _____
Notes: _____
Yes No - A budget amendment is necessary before this agreement is approved.
Yes No - A budget amendment is attached as required for approval of this agreement.
Finance Director's Signature: _____ Date: _____

CLERK
Date Received: _____ Agenda Date: _____ Approved by Board: Yes No at meeting of _____
Signature(s) Required: Board Chairman/County Manager Finance Director Clerk
 Attorney Information Tech. Director Other: _____

COUNTY MANAGER
This document has been reviewed and its approval recommended by the County Manager. Yes No
County Manager's Signature: _____ Date: _____

STATE OF NORTH CAROLINA

AMENDMENT #15

COUNTY OF UNION

THIS AMENDMENT, made and entered into as of the ____ day of _____, 2010, by and between UNION COUNTY, a political subdivision of the State of North Carolina whose address is 500 North Main Street, Monroe, NC 28112 (“Union”) and THE KEITH CORPORATION, a corporation authorized to conduct business in North Carolina whose address is 5935 Carnegie Boulevard, Suite 200, Charlotte, NC 28209 (the “Property Manager”).

WITNESSETH:

WHEREAS, Union has contracted with the Property Manager for the provision of property management services for certain of Union’s facilities, as evidenced by that Facility Management Agreement dated January 19, 1998, revised by Amendments dated October 5, 1998, July 8, 1999, July 18, 2000, August 6, 2001, June 21, 2002, July 18, 2003, July 12, 2004, June 22, 2005, June 28, 2006, July 31, 2006, July 24, 2007, June 26, 2008, October 20, 2008, and July 24, 2009 (collectively, the “Agreement”); and

WHEREAS, Union and the Property Manager desire to amend the Agreement pursuant to the terms and conditions herein stated.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein and in the Agreement contained, the parties agree as follows:

1. Delete Section 2 as written and replace with the following:
 2. TERM. The term of this Agreement shall commence February 16, 1998, at 7:00 a.m. and shall continue until June 30, 2011 at 12:00 midnight; unless sooner terminated as provided herein.
2. Section 3(a), BASIC FEE. Delete the first sentence as written and replace with the following:

Union shall pay a Basic Fee of \$11,422 to the Property Manager for the period from July 1, 2010 through June 30, 2011, payments to be made monthly in advance, for the provision of a wide range of property management services such as, but not limited to the following: supervision of all personnel needed for the operations and maintenance of the facilities; monitoring overall facilities performance; arranging and negotiating contracts for goods and services to be provided with respect to the facilities, in conjunction with the Director; coordination of all vendors, suppliers and service providers; provision of all trouble-calls, maintenance and handyman services needed for HVAC, electrical, lighting,

plumbing or other systems; development and implementation of a comprehensive inspection and preventative maintenance program for the facilities and all their systems; developing and implementing programs for environmental assessment and testing, and fire and life safety programs; and the provision of detailed records of costs of services and other record keeping.

3. Delete Exhibit A as written and insert therefor a new Exhibit A, attached and incorporated herein by reference.
4. Delete Exhibit B as written and insert therefor a new Exhibit B attached and incorporated herein by reference.
5. The amounts shown for Basic Fees in Section 2 of this Amendment #15 and for the Cost Reimbursement Fee in the new Exhibit A, incorporated pursuant to Section 3 of this Amendment #15, already reflect any CPI increase authorized by Section 3(d) of the Agreement, ESCALATION CLAUSE, such that no additional CPI adjustment will be made to these amounts prior to July 1, 2011.
6. Except as herein amended, the terms and provisions of the Agreement shall remain in full force and effect.
7. This Amendment shall become effective July 1, 2010.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to be effective as of the day and year first above written.

ATTEST:

UNION COUNTY

By: _____
Clerk to the Board

By: _____
County Manager

ATTEST:

THE KEITH CORPORATION

By: _____

By: _____

Approved as to Legal Form *JZC*

EXHIBIT A

| Cost Reimbursement Fee | Fixed Monthly Cost 7/1/10 - 6/30/11 |
|-------------------------------------|--|
| Janitorial Service | \$40,259.00 |
| Landscape Service | \$10,652.00 |
| Maintenance Staffing | \$37,997.00 |
| Vehicle Cost | \$2,950.00 |
| Office Supplies/Bank Charges | \$510.00 |
| Radios/Phones/Pagers | \$900.00 |
| Computer/Copier | -0- |
| Total Cost Reimbursement Fee | \$93,268.00 |

EXHIBIT B

Facilities Covered by Facilities Management Agreement Between Union County and The Keith Corporation for Property Maintenance

| Facility | Gross Sq. Foot 7/1/10 |
|-------------------------------|--------------------------|
| Government Center | 144,000 |
| Historic Post Office | 24,855 |
| Historic Courthouse | 14,280 |
| Farmer's Market | 2,544 |
| County Garage | 2,400 |
| Patton Avenue | 8,024 |
| Monroe Library | 42,000 |
| Public Schools Administration | 21,830 |
| Group Home | 6,463 |
| Animal Shelter | 11,950 |
| Union Village | 93,355 |
| Waxhaw Library | 2,800 |
| Union West Regional Library | 11,748 |
| Marshville Library | 8,500 |
| Surplus Building | 6,000 |
| Sheriff's Office | 14,500 |
| Agricultural Services Center | 40,350 |
| Judicial Center | 101,000 |
| Total Square Footage | 556,599 |

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 4/2 b
(Central Admin. use only)

SUBJECT: Cox & Company Contract

DEPARTMENT: Social Services **PUBLIC HEARING:** No

ATTACHMENT(S): Contract **INFORMATION CONTACT:**
D. Dontae Latson, Director

TELEPHONE NUMBERS:
704-296-4301

DEPARTMENT'S RECOMMENDED ACTION: Authorize the Manager to renew contract with Cox & Company for \$21,240.

BACKGROUND: The Cox system is an electronic software system that was implemented at Social Services in March, 1996. This system contains a complete client database of all consumers of services at Social Services. The system is used at reception to log clients in. It is also used to key Adult and Child Protective service reports in order to track our response to State mandates of immediate, 24 and 72 hour investigation guidelines that allows Social Services to track outcomes to ensure that we are in compliance with State/Federal rules related to these services. This system also allows staff to key in working time spent in specific programs which is then reported to the State monthly, which then allows for Social Services to receive State/Federal dollars. Adult Services, Work First, Foster Care and Daycare use this software system to complete narratives of the types of services clients are receiving. This agreement is renewed annually and provides Social Services with the software support, new releases, training and updates to State/Federal mandated changes. This software system is critical to the ongoing function of client services and financial support at Social Services.

FINANCIAL IMPACT: 100% County funding.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

UNION COUNTY - CONTRACT CONTROL SHEET

Routing Order: (1) Department, (2) Attorney, (3) Risk Management, (4) Information Systems, (5) Finance, (6) Clerk, (7) County Manager

DEPARTMENT

EVERY FIELD IN THIS SECTION MUST BE COMPLETED

2517

Party/Vendor Name: Cox & Company

Party/Vendor Contact Person: Cathy Phillips Contact Phone: 704-374-1750 ext 21

Party/Vendor Address to mail contract to (be sure this is accurate or it could delay the processing of this contract):

Address: 500 East Moorehead Street Suite 100 City: Charlotte State: NC Zip: 28202

Department: Social Services Amount: \$21,240

Purpose: Software Maintenance

Budget Code(s)(put comma between multiple codes): 10553101-5354-1450

Amounts expended pursuant to this Agreement will be more than \$20,000. [Check if applicable]

TYPE OF CONTRACT: (Please Check One) New Renewal Amendment Effective Date: 7/1/2010

If this is a grant agreement, pre-application has been authorized by the Board of Commissioners.

This document has been reviewed and approved by the Department Head as to technical content.

Department Head's Signature: Date: 6-8-10

Approval by Board **ATTORNEY** This document has been reviewed and approved by the

Approval by Manager (less than \$20,000) Attorney and stamp affixed thereto. Yes No

Approval by Manager per authorization of Board

Date of Board authorization: _____ Attorney's Signature: _____

Approval by Manager subject to authorization by Board Date: _____

Date Board authorization requested: 6/21/10

Clerk to confirm authorization given

Use Standard Template **RISK MANAGEMENT**

[Include these coverages: CGL ; Auto ; WC ; Professional ; Property ; Pollution ; Nonprofit ; Technology E&O

OR See Working Copy OR No Insurance Required

Hold Contract pending receipt of Certificate of Insurance

With incorporation of insurance provisions as shown, this document is approved by the Risk Manager:

Risk Manager's Signature: _____ Date: _____

INFORMATION TECHNOLOGY DIRECTOR

(Applicable only for hardware/software purchase or related services)

This document has been reviewed and approved by the Information Systems Director as to technical content.

IT Director's Signature Date: _____

Date Received: _____ **BUDGET AND FINANCE**

Yes No -Sufficient funds are available in the proper category to pay for this expenditure.

Yes No -This contract is conditioned upon appropriation by the Union County Board of Commissioners of sufficient funds for each request for services/goods.

Budget Code: _____ Vendor No.: _____ Encumbrance No.: _____

Notes: _____

Yes No - A budget amendment is necessary before this agreement is approved.

Yes No - A budget amendment is attached as required for approval of this agreement.

Finance Director's Signature: _____ Date: _____

CLERK

Date Received: _____ Agenda Date: _____ Approved by Board: Yes No at meeting of _____

Signature(s) Required: Board Chairman/County Manager Finance Director Clerk

Attorney Information Tech. Director Other: _____

COUNTY MANAGER

This document has been reviewed and its approval recommended by the County Manager. Yes No

County Manager's Signature: _____ Date: _____

SOFTWARE SUPPORT AGREEMENT
COX & COMPANY

Agreement, made this the 12th day of May, 2010 (herein referred to as the "Effective Date") by and between Cox & Company (herein referred to as the "Company") and County of Union (herein Referred to as the "Licensee").

WITNESSETH:

WHEREAS, the Company is in the business of marketing, installing and supporting data processing systems; and

WHEREAS, Licensee has secured a license to use Cox & Company software, described below, under the terms of the Cox & Company Software License Agreement:

NOW, THEREFORE, with the intention of being legally bound, the parties hereto agree as follows:

The Company agrees to provide Licensee with "Enhanced Support" as outlined in Exhibit B, attached and incorporated herein by reference. If any conflict exists between this Agreement and Exhibit B regarding the provision of support services, then the Company shall provide the higher level of service.

1. The Company will provide the Licensee with the following software support:

New Releases. The Company will provide to the Licensee new releases and upgrades, if any, of the product. The releases will include annual changes required by the state legislature or other state agencies.

Extended Warranty. The Company will correct any errors that prevent the programs from performing as specified in the documentation. This warranty applies only to the original software or to changes made by Company. It does not apply to changes made by the Licensee.

The Company reserves the right to invoice the Licensee for services necessary to resolve matters which are not under the control of the Company.

Telephone Assistance. The Company will provide telephone assistance to Support Co-ordinators, employees designated by the Licensee and accepted by the Company, to answer questions concerning the use and operation of the programs.

Licensee agrees that its personnel will make their best effort at answering questions concerning usage of the software through the software documentation before seeking support or assistance from the Company. This provision does not apply to questions about problems or errors (program bugs) that arise in the use of the system.

CL Link Software. The Company will provide, install, and maintain on Licensee's AS/400 computer its communication software known as CLLink. The purpose of this software is to enable the Company to access the Licensee's system to perform work required by this and other agreements between the two organizations.

Support Tools. At its option, the Company may install on the Licenses's AS/400 computer certain programs to support activities required by this Agreement or provided by the Company, at its option, which are beyond the requirements of this Agreement. Those tools include, but are not limited to, programs which help either the Licensee's or the Company's personnel find and rectify data errors. The Company maintains these programs in libraries separated from the programming available under the terms of the Software License Agreement.

2. Licensee agrees to pay the Company the fees specified for the modules marked with a 'Y' on the attached Exhibit(s) to this Agreement.

3. The Software Support Agreement will begin July 1, 2010, and continue until June 30, 2011. Following approval of this Agreement by Licensee's County Manager, the Company shall invoice Licensee for the Contract amount. Licensee shall pay this amount **no later than 15 days from** receipt of invoice by Licensee's Finance Department.

4. The Exhibit lists the software products covered by this Agreement.

5. Notwithstanding anything contained in this Agreement to the contrary, the Licensee or the Company shall be entitled to terminate this Agreement in the event funds are not budgeted and appropriated for payments due under this Agreement for the fiscal year when due or any portion thereof by giving the other party notice of such termination in writing.

6. Company shall comply with the *Technology Insurance Requirements, attached as Exhibit C and incorporated herein by reference. (*Requirements of the Insurance and Indemnification Addendum)

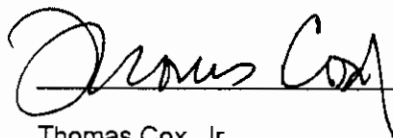
In the event termination occurs under the terms of this section, payments due the Company shall be prorated as of the date of such termination.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement,

Customer: County of Union

COX & COMPANY (Federal ID 56-1776603)

Authorized Signature: _____

Authorized Signature: 

Name: _____

Name: Thomas Cox, Jr.

Title: _____

Title: President

Date: _____

Date: 5-12-10

Licensee: County of Union

Authorized Signature: _____

Name: _____

Title: _____

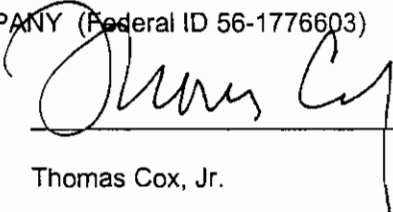
Date: _____

SOFTWARE SUPPORT AGREEMENT

EXHIBIT A

| <u>Description of Software Provided</u> | | <u>Support Fee</u> |
|---|---------------------------|--------------------|
| | ONE/Case | <u>\$ 21,240</u> |
| <u>Y</u> | BASE | 2,100 |
| <u>Y</u> | BASE Plus | 2,800 |
| <u>Y</u> | Child Protective Services | 2,520 |
| <u>Y</u> | Day Care | 2,520 |
| <u>Y</u> | Reception/Records | 1,680 |
| <u>N</u> | Client Statement | 0 |
| <u>N</u> | State Interface | 0 |
| <u>Y</u> | Foster Care | 2,100 |
| <u>Y</u> | Day Sheets | 1,400 |
| <u>Y</u> | Adult Protective Services | 2,520 |
| <u>Y</u> | Adult Services | 1,600 |
| | Telephone | 2,000 |
| OTHER PRODUCTS | | |
| <u>Y</u> | CL Link | <u>N/C</u> |
| <u>N</u> | ONE/Letter | <u> </u> |

IN WITNESS WHEREOF, the parties hereto have executed this Agreement,

| | | |
|-----------------------|------------------------|---|
| Customer: | <u>County of Union</u> | COX & COMPANY (Federal ID 56-1776603) |
| Authorized Signature: | _____ | Authorized Signature:  |
| Name: | _____ | Name: Thomas Cox, Jr. |
| Title: | _____ | Title: President |
| Date: | _____ | Date: <u>5-12-10</u> |

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Signature: _____
 Name: _____
 Title: _____
 Date: _____

ON-GOING SUPPORT

Cox & Company bid gives County the option of choosing from two levels of support. The basic level offers services typically available from software vendors serving the state and local government industry. The enhanced level is more than a maintenance contract. This commitment to "intensive," "no fault" support sets us apart from other software vendors.

Basic Support.

The basic support level We make enhancements to the products to improve them, provide telephone assistance to Site Co-ordinators and install communications software to maintain your system over the telephone lines. We fix problems found in any programming which we have done. Thus, the Support Agreement entitles you to receive full support services, including:

- Error Correction Beyond Warranty.
- License to Use CLLINK to Facilitate Support Activities.
- State-Mandated Changes.
- New Releases.
- Usage Assistance by Telephone.
- Automated Diagnostic Tools.
- Support for User Group meetings.
- Staying Current.
- Periodic Tax/Letters and Case/Notes.
- Tracking of Requests for Client Service.

Enhanced Support - more than a maintenance contract.

In this mode we become true partners with your user departments. We estimate that we offload over 50-90% of the support requirement from in-house information systems staff personnel. We support your user departments in the varied and unpredictable ways that an in-house staff person may be called upon to help. As an example of the kind of support we provide in this mode, here is a sampling of actual items:

- Repairing data from county-caused errors.
- Finding errors regardless of the source.
- Writing ad hoc reports or complex queries.
- Going on-site to train or to figure out problems.
- Representing the county with banks on media exchange issues.
- Looking at county data to figure out why its not getting results expected.
- Dealing with the tapes from state agencies (Tax and DSS).
- Resolving discrepancies with what's on the state tape.
- Resolving the "it doesn't work" requests.
- Taking responsibility for interfaces to other systems.

In this mode, we are always the "catcher" no matter who is "throwing."

Error Correction Beyond Warranty.

Cox & Company warrants that it will correct any defects in workmanship or materials for 90 days after acceptance. We offer extended warranty services under the Software Support Agreement.

During the initial and extended warranty periods, we will correct any errors that prevent the programs from performing as specified in the documentation. This warranty applies only to the original (unmodified) software and to modifications made by our firm. It does not apply to errors created in modifying the software by others.

License to use CLINK to facilitate support activities.

We will provide, install, and maintain on County's machine our communication software known as CL Link. This software lets us access your system over telephone lines to perform work required by the Software Support or other agreements.

State-mandated changes.

Some rule and procedure changes made by the State require programming modifications -- we make these changes under the terms of our Software Support Agreement.

New Releases.

We provide new releases and upgrades of the product. In general, we publish a new release at least twice a year. A release usually involves major new functions or database changes. We also provide any conversion procedures or programs required to convert to the new release.

We also send updates -- not full releases -- to the products at more frequent intervals.

We are happy to make changes to ONE/Tax^x that improve the system for you and for all our clients. Further we commit to re-producing Real Property values within reasonable tolerances for rounding and minor differences in valuation approach.

Since ONE/Tax is a system used by other North Carolina counties, we would expect that the functions defined in the Acceptance document would be consistent with North Carolina law or IAAD standards and would not negatively impact other North Carolina users. We would also expect that the functions included in the Acceptance document would include changes that address "business problems" and that would demonstrably improve overall productivity.

Recovery assistance from County-caused errors.

Our support philosophy is "no fault". We do not care whose fault a problem is but fix the problem and, if necessary, recover data.

Usage Assistance by Telephone.

We will provide telephone assistance to Support Co-ordinators, those in-department employees designated by the County, to answer questions concerning the use and operation of the programs. At the County's option we will provide telephone assistance directly to users (ie, bypassing co-ordinators) for a period after training sessions.

Note that we provide telephone assistance through Cox & Company personnel who are trained and experienced in supporting users directly. Our Support Line personnel handle all communications with Support Co-ordinators.

Support for User Group meeting.

We have not as yet organized product-oriented user's groups but will do so when there is a critical mass of clients in one of the four products we provide.

Until then, we will organize meetings to deal with specific issues. For example, we are scheduling for the end of August a day-long review of the changes we are making to implement the new approach to listing and billing motor vehicles, as mandated by North Carolina GS 105-330. We have confirmed invitations from three North Carolina clients and so far three prospects.

Tracking of Requests for Client Service.

We ask that you request Changes to software and document errors by submitting a Customer Support Request -- we call them CSRs. From those CSRs we maintain a list of work that we are doing for you and other counties. The combined lists include all the items we have been or will be working on for our clients.

At the beginning of each month we send a list of open CSRs and CSRs closed in the period. In this way you know where your request stands.

Find Errors with Support and Diagnostic Tools.

Cox & Company may employ certain programs to provide support activities which are beyond the requirements of the Agreement. Those tools include, but are not limited to, programs which help your personnel find and rectify data errors. We maintain these programs in libraries separated from the programming available to you under the terms of the Software License Agreement.

Staying Current.

We attend seminars conducted by the states in which we have clients and are members of various professional organizations in those states. We are contractually committed to maintain currency of the system for our customers in North Carolina, South Carolina, and Georgia. The changes are incorporated into the software through the release and update processes described above.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 4/20
(Central Admin. use only)

SUBJECT: Contract with Neighborhood Nurses, Inc.

DEPARTMENT: Social Services

PUBLIC HEARING: No

ATTACHMENT(S):
Contract

INFORMATION CONTACT:
D. Dontae Latson, DSS Director

TELEPHONE NUMBERS:
(Latson) 704-296-4301

DEPARTMENT'S RECOMMENDED ACTION: Authorize the Manager to renew contract with Neighborhood Nurses

BACKGROUND: The Union County Department of Social Services contracts with Neighborhood Nurses to provide In-Home services to eligible clients in Union County. DSS is mandated by the North Carolina Department of Human Services to provide In-Home Services by General Statute (143-B-181.1.) These services are provided to aged and disabled adults who are unable to perform essential household and personal care tasks for themselves. The goal of providing these services is for clients to remain home versus having to enter a long term care facility. Service specialization for In-Home services is provided in two areas, home management and personal care. DSS currently contracts with Neighborhood Nurses to coordinate client care, evaluate progress and provide documentation required by State and Federal regulations.

DSS has previously provided In-Home services by using DSS employees. As these employees have gradually left County employment, DSS has turned client caseloads over to the Neighborhood Nurses contract in order to avoid breaks in care, and to privatize the service.

FINANCIAL IMPACT: The total contract amount is \$120,000 of which 90% (\$108,000) is State funding and 10% (\$12,000) is County funding.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

UNION COUNTY - CONTRACT CONTROL SHEET

Routing Order: (1) Department; (2) Attorney; (3) Risk Management; (4) Information Systems; (5) Finance; (6) Clerk; (7) County Manager

DEPARTMENT

EVERY FIELD IN THIS SECTION MUST BE COMPLETED

2518

Party/Vendor Name: Neighborhood Nurses Health Services, Inc.

Party/Vendor Contact Person: Josef Pennigar Contact Phone: 704-292-1234

Party/Vendor Address to mail contract to (be sure this is accurate or it could delay the processing of this contract):

Address: 1821 Rocky River Road North City: Monroe State: NC Zip: 28110

Department: Social Services Amount: \$120,000

Purpose: Provide in-home services to clients

Budget Code(s)(put comma between multiple codes): 105531605384-1501

Amounts expended pursuant to this Agreement will be more than \$20,000. [Check if applicable]

TYPE OF CONTRACT: (Please Check One) New Renewal Amendment Effective Date: 7/1/2010

If this is a grant agreement, pre-application has been authorized by the Board of Commissioners.

This document has been reviewed and approved by the Department Head as to technical content.

Department Head's Signature: *[Signature]* Date: 6-8-10

Approval by Board **ATTORNEY** This document has been reviewed and approved by the Attorney and stamp affixed thereto. Yes No

Approval by Manager (less than \$20,000)

Approval by Manager per authorization of Board

Date of Board authorization: _____ Attorney's Signature: _____

Approval by Manager subject to authorization by Board

Date Board authorization requested: 6/21/10 Date: _____

Clerk to confirm authorization given _____

Use Standard Template **RISK MANAGEMENT**

[Include these coverages: CGL ; Auto ; WC ; Professional ; Property ; Pollution ; Nonprofit ; Technology E&O

OR See Working Copy OR No Insurance Required

Hold Contract pending receipt of Certificate of Insurance

With incorporation of insurance provisions as shown, this document is approved by the Risk Manager:

Risk Manager's Signature: _____ Date: _____

INFORMATION TECHNOLOGY DIRECTOR

(Applicable only for hardware/software purchase or related services)

This document has been reviewed and approved by the Information Systems Director as to technical content.

IT Director's Signature Date: _____

Date Received: _____ **BUDGET AND FINANCE**

Yes No -Sufficient funds are available in the proper category to pay for this expenditure.

Yes No -This contract is conditioned upon appropriation by the Union County Board of Commissioners of sufficient funds for each request for services/goods.

Budget Code: _____ Vendor No.: _____ Encumbrance No.: _____

Notes: _____

Yes No - A budget amendment is necessary before this agreement is approved.

Yes No - A budget amendment is attached as required for approval of this agreement.

Finance Director's Signature: _____ Date: _____

CLERK

Date Received: _____ Agenda Date: _____ Approved by Board: Yes No at meeting of _____

Signature(s) Required: Board Chairman/County Manager Finance Director Clerk

Attorney Information Tech. Director Other: _____

COUNTY MANAGER

This document has been reviewed and its approval recommended by the County Manager. Yes No

County Manager's Signature: _____ Date: _____

STATE OF NORTH CAROLINA

CONTRACT

THIS AGREEMENT AND CONTRACT is made and entered into this 1st day of July 2010, by and between UNION COUNTY DEPARTMENT OF SOCIAL SERVICES (hereinafter referred to as "UCDSS") a North Carolina business and Neighborhood Nurses Health Care Services, Inc a North Carolina corporation, (hereinafter referred to as "NNHCS").

WHEREAS, "UCDSS" has a need for contracting In-Home Aide services provided to clients and;

WHEREAS, NNHCS has employees duly certified to provide these services;

NOW, THEREFORE, in consideration of these premises and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows,

1. NNHCS's Responsibilities. NNHCS agrees to provide qualified In-Home aides to provide the following service on a as needed basis: direct patient care. NNHCS and its servants, agents and employees shall:

- A. Provide in-home aide services as directed by "UCDSS".
- B. Provide all services in accordance with the plan of care established by "UCDSS". NNHCS shall notify "UCDSS" as the client's condition changes, but shall not alter a plan of care with out prior notification by "UCDSS".
- C. Coordinate client care, evaluate progress for those clients under its care, and provide appropriate documentation of such activities.
- D. Provide all services in accordance with: approved policies and procedures; state and federal laws, rules and regulations; and currently approved methods, standards of practice and codes of ethics in the medical service community.
- E. Maintain records and reports which constitute client's records, including notes and personal observations of the client's progress and notification of planned visits.
- F. Maintain the confidentiality of all records and information in accordance with state and federal laws, rules, regulations and policies of "NNHCS".
- G. Maintain on file verification of the qualifications of its personnel, including the following:
 1. Current CNA application and current CNA listing on the NC NA registry.
 2. NNHCS Hands-on-Care employees shall have a baseline skin test for TB. Individuals who test positive must demonstrate non-infectious status prior to assignment in a client's home. A health evaluation will be used for employees with a history of a positive TB skin test. They may obtain verification from a private physician, the local health department or a health nurse employed by the agency. Employees identified by agency Risk assessment, to be at risk for exposure shall be subsequently tested at intervals as prescribed by OSHA Standards.

3. Evidence of Hepatitis B vaccine or appropriate signed release form.
4. Documentation of self skills assessment at hire: verbalized and/or demonstrated to RN Supervisor.
5. Documentation of initial ASHA Bloodborne Pathogens and universal precautions training and HIPPA training.

I. Conduct criminal records checks of all personnel in accordance with North Carolina laws and regulations.

J. Provide services without regard to client's race, religion, sex, age, national origin or disability

K. Maintain responsibility for FICA, state, and federal taxes, workers compensation, professional liability, and unemployment compensation insurance for all of NNHCS's staff.

L. Provide a Drug Free Workplace by pre-employment, periodic random, post accident and reasonable suspicion drug screens.

M. Provide services for "UCDSS" in the following county: Union.

2. **Compensation** "UCDSS" shall pay NNHCS, as sole and exclusive compensation for all Services provided pursuant to this agreement as defined in attachment A.

A. On the 5th and 20th of the following month in which the services were rendered, NNHCS shall submit a statement payable on receipt to "UCDSS" for services rendered. NNHCS agrees that it shall have no rights to or interest in any billings or collections made by "UCDSS" regarding any services or treatments received by any patient directly or indirectly related to the services provided by NNHCS under this agreement.

B. In the event that "UCDSS" does not pay NNHCS upon receipt of the invoice from NNHCS, "UCDSS shall be assessed in addition to the amounts owed for services rendered, interest on any late payments at the rate of 1.5% per month or 18% per annum.

C. "UCDSS" will provide payment for the required attendance in the "UCDSS" orientation/staff meetings/workshops/committee meetings/conferences and team meetings at the contract billable hourly rate.

3. **Terms and Termination** The term of this agreement shall be for ~~July 1, 2000 through June 30, 2010~~ **July 1, 2010 through June 30, 2011**. This agreement may be renewed for additional periods upon consent of both parties. Notwithstanding the above, either party may, in its sole discretion, with or without cause, terminate the agreement at any time upon (30) days written notice to the other party. In addition, NNHCS/UCDSS may terminate this agreement at any time upon the occurrence of any of the following events:

- A. NNHCS/UCDSS fails to maintain the qualifications specified by this agreement. Or
- B. NNHCS fails to maintain professional liability insurance as required by this agreement, or
- C. Upon the bankruptcy, insolvency, or dissolution of NNHCS/UCDSS, or
- D. NNHCS/UCDSS breaches any other term or condition of this agreement and fails to cure such breach within (10) days of receipt or written notice of the breach.

4. Relationship of Parties: UCDSS and NNHCS

- A. NNHCS acknowledges, recognizes and defines itself as being an independent contractor of "UCDSS" and not an employee or agent hereof, and shall at no time hold itself out as an employee or agent of "UCDSS".
- B. 1. Neither party shall solicit any person for employment or services or discuss with any person potential employment or provision of services while such person in an employee on active status with the other party without the express written permission of the employing party.
2. Neither party shall employ or contract for services with any former employees of the other party without that party's express written permission until a period of six (6) months has lapsed from such former employee's last date of employment in active status.
3. The Agency is prohibited from contracting for services with active employees of NNHCS assigned to the Agency by NNHCS through another staffing entity.
4. In the event, section 4.b. 1, 2, and 3 is not adhered to by either party, then the party in violation will be accountable to the other party to the sum of ten thousand dollars US (\$10,000.00).
5. It is agreed that the restrictions hereunder are reasonable and that they place minimal restraints as are necessary to protect both parties.
- C. UCDSS and NNHCS affirm and agree that they are equal employment opportunity employers and are in full compliance with any and all applicable anti-discrimination laws, rules and regulations. UCDSS and NNHCS agree not to harass, discriminate against or retaliate against any staffing employee or other employee of either party because of his or her race, national origin, age, sex, religion, disability, marital status or other category protected by law, nor shall either party cause or request the other party to engage in such discrimination, harassment or retaliation by any staffing employee, UCDSS and NNHCS agree to cooperate in the investigation and resolution of such complaint.

5. Indemnification and Insurance

- A. To the extent allowed by law, UCDSS and NNHCS shall indemnify and hold harmless one another from and against any and all claims, liabilities, damages, penalties, taxes, costs and expenses, including attorneys' fees and costs of any act or omission of the other party or the other party's officers, employees, agents or servants in performing its duties hereunder.
- B. Insurance NNHCS shall procure and maintain insurance of not less than one million dollars (\$1,000,000) per claim and three million dollars (\$3,000,000) aggregate for professional liability, and shall maintain comprehensive general liability and such other insurance as shall be necessary to insure NNHCS and NNHCS's employees against damages arising from the duties and obligations of this agreement. In addition, the NNHCS shall procure and maintain Comprehensive General Liability insurance including personal injury and contractual coverage covering operations and activities under this contract or not less than one million dollars (\$1,000,000) combined single limit per occurrence and three million dollars (\$3,000,000) annual aggregate of Bodily and Personal Injury and Fifty Thousand Dollars (\$50,000) and each occurrence of Property Damage. Copies of certificates and insurance shall be available upon request.

6. Access to Books and Records

NNHCS agrees as follows: Until expiration of five (5) years after furnishing of and service pursuant to this agreement NNHCS shall, upon written request, make available to the Secretary of HHS, the Secretary's duty authorized representative, the Comptroller General, or the Comptroller General's duty authorized representative, this agreement and such books, documents, and records as may be necessary to certify the nature and extent of the cost or value of services to be performed by NNHCS thereunder, including but not limited to the records and reports required to be maintained by the NNHCS.

7. HIPPA Compliance

In addition to and without limitation of the following if and to the extent, and for as long as, required by the provisions of 42 U.S.C. 1171 et seq. Enacted by the Health Portability and Accountability Act of 1996 (HIPPA) and the final regulations promulgated thereafter, as amended from time to time, each party will appropriately safeguard, in accordance with HIPPA, all Protected Health Information (PHI) (as such term is defined in HIPPA) made available to it by, or obtained by it from another party. This section constitutes to contact between parties establishing the permitted and required uses and disclosures of such information.

Without limitations of the provisions of this section each party shall:

- A. Not use or further disclosure of PHI other than permitted or required by this Agreement or by law.
- B. Not use or further disclose of PHI in a manner that would violate the requirements of the applicable law (including but not limited to HIPPA) if done by the other party.
- C. Use appropriate safeguards to prevent the use or disclosure of such PHI other than as provided for or by this agreement.
- D. Immediately report to the other party any use or disclosure of PHI not provided for by this agreement or of which the party becomes aware.
- E. Ensure that any subcontractor or agency to whom the party provides such PHI to agree in writing to the same restrictions and conditions that apply to it with respect to such PHI, provided, however, that the party shall not provide any PHI to any subcontractor or agent without prior written consent of the other party.
- F. Make such PHI available for inspection and copying by the subjects thereof in accordance with applicable law (including but not limited to HIPPA)
- G. Make the party's internal practices, books, records relating to the use and disclosure of such PHI available to the Secretary of the United States Department of Health and Human Services for purposes of determining party's compliance with applicable law (including but not limited to); however that in all events, the party shall immediately notify the other party upon receipt by the party of any such request, and shall provide the other party with a copy thereof and of all material so disclosed.

H. At termination of this Agreement, return or destroy all PHI that the party maintains in any form and retain no copies of such information or, if such return or destruction is not feasible, extend the protections of the contract to the PHI and limited further uses and disclosures to those purposes that make the return or destruction of the PHI feasible.

I. Make available PHI upon request by the other party for inspection and copying in a designated record set, for as long as the information is maintained in the designated record set.

J. Provide upon request by the other party an accounting of disclosure of PHI in the six years prior to the date on which the accounting is required.

K. Incorporate any amendments or corrections to such PHI when notified by the other party thereof.

Without limiting any right or remedy of either party provided elsewhere in this agreement or available under applicable law (including but not limited to HIPAA), either may terminate this agreement without penalty or recourse if the party determines that the other party has violated any material term of this section. In order to assure that this agreement is constant with HIPAA, both parties agree that this section may be amended from time to time upon written notice from other party as to provision required to make this agreement consistent with HIPAA.

8. Miscellaneous

A. Notices. All notices, payments and any other communications required to be in writing shall be given either in person or by registered mail or certified mail, return receipt requested, U.S. postage prepaid, addressed as follows:

Name and Address

Union County Dept. of Social Services
Monroe, NC

Name and Address:

Neighborhood Nurses Healthcare Services Inc.
1821 Rocky River Road North
Monroe, NC 28110

B. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of North Carolina.

C. Waiver. The waiver by either party of a breach of any provision of this agreement shall not operate as a waiver of any subsequent breach thereof.

D. Amendments in Writing: No amendments or waivers of any provision under this agreement, nor consent to any departure from this agreement by either party herein promise shall in any event be effective unless the same shall be in writing by both parties, and that such waiver or consent shall be effective only in instance and for the specific purpose for which it is given.

E. Binding Effect. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

F. Headings. The headings in this agreement are for reference purposes only and shall not affect the meaning of this agreement.

G. Entire Agreement. This agreement includes and incorporates the entire and only agreement of the parties concerning the subject matter. It supersedes all prior negotiations, commitments, understandings or agreements whether they are foregoing, oral or written, concerning the subject matter contained herein.

I. Severability. If any of the terms or provisions of this agreement shall be deemed void as a matter of law or unconstitutional, the remaining terms and conditions, as far as practical and as far as they do not affect the material intent of this agreement shall remain in effect unless terminated in accordance with the terms of this agreement.

IN WITNESS WHEREOF , the parties have caused their duly authorized officials to execute this agreement on the date indicated below.

CLIENT

County: Union

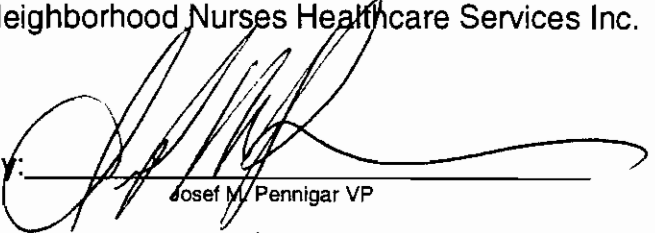
Department: Social Services

Signature: _____
(name & title)

Date: _____

PROVIDER

Neighborhood Nurses Healthcare Services Inc.

By:  _____
Josef M. Pennigar VP

Date: 5-24-10

This Instrument has been pre-audited in the manner required by the local Government Budget and Fiscal Control Act

Finance Director, Union County

Rate Schedule

Union County Department of Social Services
July 1,2010– June 30,2011

A. In-home Aide Services \$3.75/15 min unit
(Level II IHA or Level III IHA)

(with a contract value not to exceed \$120,000.00 from July 1, 2010 to June 30, 2011)

Weekly Overtime reimbursement:

Time-and-one-half (1.5) for all hours worked over forty (40) hours weekly. The weekly period is from Saturday through Friday

Notes: NNHCS will invoice at the above rate for time spent by NNHCS employee in travel as part of his/her principal activity, such as travel between patient visits when scheduled for multiple visits during a workday, must be counted as hours worked

Exhibit One

Union County Department of Social Services In Home Aide Contract Information

In-Home Aide services means the provision of care for persons or assistance to persons by performing home management and/or personal care tasks that are essential to activities of daily living. Such tasks are performed to enable individuals to remain in their own homes when they are unable to carry out these activities for themselves and when no responsible person is available for these tasks.

It is the full responsibility of Neighborhood Nurses Health Care Services, Inc. ("Neighborhood Nurses") to hire qualified in home aides to deliver the contracted services. Persons who are hired must be:

- Non-relatives who are age 18 and over and who are qualified to perform the tasks needed by the client or relative of the client (parents, spouse, child or sibling) age 18 and over who gives up employment or the opportunity for employment in order to perform the services and who are qualified to perform the tasks needed by the client.
- Aides who work with clients whose service is paid for with Home and Community Care Block Grant (HCCBG), Social Service Block Grant (SSBG), or State In-Home funds must have demonstrated competence for the tasks they have been assigned to perform. The files maintained by the employing agency should have written documentation of each aide's competency to perform assigned tasks.
- Aides who perform tasks at Level III Personal Care must be registered as Nurse Aide I (NA Is) and listed on the register maintained by the NC Division of Health Services Regulation (DHSR).
- Aides who perform tasks that would require them to be NA IIs must have documentation that they were competency tested to perform the tasks and were approved by the NC State Board of Nursing to perform the tasks.

Assignment of in-home aides is Neighborhood Nurses' responsibility. Depending on the type of or the funding source the Union County Department of Social Services may have responsibility for assessment of client's needs and eligibility for service.

The need for continuing the In- Home Aide service will be evaluated on a quarterly basis by Neighborhood Nurses. If the client is dissatisfied with the in-home aide or the in-home aide chooses to terminate the agreement, it is the responsibility of Neighborhood Nurses to replace in-home aide within a reasonable time period.

If the client repeatedly requests a new in-home aide Union County Department of Social Services in collaboration with Neighborhood Nurses will evaluate the client's situation and Union County Department of Social Services will determine client's eligibility for continued services. Neighborhood Nurses will provide back up in the event the regular aide(s) is unable to complete the assignment.

Supervision and evaluation of the in-home aide is the responsibility of Neighborhood Nurses and must, at a minimum, comply with requirements for the In-Home Aide Levels being provided. Neighborhood Nurses is required to ensure that the in-home aides have received sufficient training in the level of tasks to be performed before they are allowed to work independently.

Competency testing of each in-home aide must be completed and documented in the employee's record that reflects the levels that the in-home aide is qualified to perform. Individual employee records must be maintained and include documentation of training, supervisory visits, and performance evaluations.

Neighborhood Nurses will provide documentation of aide supervision and competency testing to Union County Department of Social Services annually as part of routine contract monitoring. Neighborhood Nurses will establish and maintain a client record to include, assessment of client's needs, In-Home Aide service plan, signed copy of Client Bill of Rights and authorization for services.

Union County Department of Social Services will provide on-going social work case management including client assessments and evaluation for continuing eligibility. Face to face visits with the client will be made at a minimum on a quarterly basis by Union County Department of Social Services social worker.

Neighborhood Nurses and Union County Department of Social Services representatives will confer monthly or as needed regarding services, delivery, or problems if applicable. For Union County Department of Social Services each client or their representative must be given the name and phone number of their assigned In-Home Aide services social worker and supervisor to have available in case they have any questions or problems. Union County Department of Social Services and Neighborhood Nurses must be aware of and agree to abide by applicable confidentiality guidelines and civil rights compliance.

Neighborhood Nurses is responsible for payment of hours worked by the in-home aide. It is the responsibility of Neighborhood Nurses to bill Union County Department of Social Services for authorized services, using appropriate billing forms and agreed upon processes that include copies of the aide tasks and time sheets. These billing forms should be submitted based on the Union County Department of Social Services time frame for billing. The Union County Department of Social Services will reimburse Neighborhood Nurses for services delivered as authorized.

In-Home Aide services are subject to the North Carolina Wage and Hour Act.

Union County Department of Social Services will monitor Neighborhood Nurses contracts to assure the conditions of the contract on an annual basis or as needed.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 4/2d
(Central Admin. use only)

SUBJECT: Stormwater Management Study for Commercial Development in Unincorporated Areas

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):
Task Order #1

INFORMATION CONTACT:
Edward Goscicki
Amy Helms

TELEPHONE NUMBERS:
704-296-4212
704-283-3520

DEPARTMENT'S RECOMMENDED ACTION: Approve Task Order.

BACKGROUND: Union County currently has no stormwater detention/water quantity requirements for commercial development. Determining if there is a need for this requirement has been discussed at Planning Board meetings. With growing concerns of flooding issues and stormwater management, Public Works is requesting USI to evaluate potential stormwater impacts of future commercial development combined with existing development in the unincorporated areas of Union County. Specifically, the study will evaluate the impacts of future commercial development combined with existing development on the overall major creek systems, as well as the impacts to the drainage system and adjacent properties immediately downstream of the future developed area. If the evaluation indicates that significant impacts may be experienced, then USI will identify and recommend appropriate detention requirements to implement, costs associated with maintenance responsibility of the stormwater detention facilities and required staffing levels to perform reviews, construction and maintenance inspections, and enforcement.

FINANCIAL IMPACT: \$30,000 budgeted in FY 09-10

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable:

Manager Recommendation:

UNION COUNTY – CONTRACT CONTROL SHEET

Routing Order: (1) Department, (2) Attorney, (3) Risk Management, (4) Information Systems, (5) Finance, (6) Clerk, (7) County Manager

DEPARTMENT

EVERY FIELD IN THIS SECTION MUST BE COMPLETED

Party/Vendor Name: US Infrastructure of Carolina, Inc.

Party/Vendor Contact Person: Robert Wilson, PE Contact Phone: 704-342-3007

Party/Vendor Address to mail contract to (be sure this is accurate or it could delay the processing of this contract):
 Address: 1043 E. Morehead Street, Suite 203 City: Charlotte State: NC Zip: 28204

Department: Public Works Amount: 30,000

Purpose: Stormwater Management Study for Commercial Development in Unincorporated Areas; Task Order #1

Budget Code(s)(put comma between multiple codes): 68548101-5381

Amounts expended pursuant to this Agreement will be more than \$20,000. [Check if applicable]

TYPE OF CONTRACT: (Please Check One) New Renewal Amendment Effective Date: _____

If this is a grant agreement, pre-application has been authorized by the Board of Commissioners.

This document has been reviewed and approved by the Department Head as to technical content.

Department Head's Signature: [Signature] Date: 6/8/10

ATTORNEY

Approval by Board

Approval by Manager (less than \$20,000)

Approval by Manager per authorization of Board

Date of Board authorization: _____ Attorney's Signature: _____

Approval by Manager subject to authorization by Board

Date Board authorization requested: _____ Date: _____

Clerk to confirm authorization given

This document has been reviewed and approved by the Attorney and stamp affixed thereto. Yes No

RISK MANAGEMENT

Use Standard Template

[Include these coverages: CGL ; Auto ; WC ; Professional ; Property ; Pollution ; Nonprofit ; Technology E&O

OR See Working Copy OR No Insurance Required

Hold Contract pending receipt of Certificate of Insurance

With incorporation of insurance provisions as shown, this document is approved by the Risk Manager:

Risk Manager's Signature: _____ Date: _____

INFORMATION TECHNOLOGY DIRECTOR

(Applicable only for hardware/software purchase or related services)

This document has been reviewed and approved by the Information Systems Director as to technical content.

IT Director's Signature Date: _____

BUDGET AND FINANCE

Date Received: _____

Yes No -Sufficient funds are available in the proper category to pay for this expenditure.

Yes No -This contract is conditioned upon appropriation by the Union County Board of Commissioners of sufficient funds for each request for services/goods.

Budget Code: _____ Vendor No.: _____ Encumbrance No.: _____

Notes: _____

Yes No - A budget amendment is necessary before this agreement is approved.

Yes No - A budget amendment is attached as required for approval of this agreement.

Finance Director's Signature: _____ Date: _____

CLERK

Date Received: _____ Agenda Date: _____ Approved by Board: Yes No at meeting of _____

Signature(s) Required: Board Chairman/County Manager Finance Director Clerk

Attorney Information Tech. Director Other: _____

COUNTY MANAGER

This document has been reviewed and its approval recommended by the County Manager. Yes No

County Manager's Signature: _____ Date: _____

EXHIBIT A
Task Order No. 1

This Task Order pertains to an Agreement by and between UNION COUNTY ("OWNER") and US INFRASTRUCTURE OF CAROLINA, INC. ("ENGINEER"), dated August 11, 2009 ("the Agreement"). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER: 1

PROJECT NAME: Union County Stormwater Management Study for Commercial Development in Unincorporated Areas

PART 1.0 PROJECT DESCRIPTION:

Currently, Union County does not require stormwater detention for commercial development. The goal of this project is to evaluate the potential stormwater impacts of future commercial development combined with existing development in the unincorporated areas of Union County. For this study, we assume that commercial development includes all non-single family development that includes areas of significant impervious spaces. Specifically, the study will evaluate the impacts of future commercial development combined with existing development on the overall major creek systems, as well as the impacts to the drainage system and adjacent properties immediately downstream of the future developed area. For this study, we assume that major creek systems are the drainage systems that receive more than one (1) square mile and are regulated by guidelines published in Article XXIV Flood Damage Prevention in the Union County Land Use Ordinance. Another goal of this project is to identify and recommend appropriate detention requirements, if the study indicates that significant impacts may be experienced.

PART 2.0 SCOPE OF BASIC SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:

US Infrastructure of Carolina, Inc. (USI) will base the evaluation on the following analysis to be performed:

- Each major creek basin in the county will be evaluated to determine the percentage of the basin that may in the future be developed as commercial, industrial, or institutional use. This analysis will be based on GIS data (landuse, stormwater inventory, FEMA regulatory maps, planimetrics, etc.) provided by Union County. Based on engineering judgment and USI experience, an approximation of the ranges of impacts on peak flow and discharge volume will be made for each basin. An assessment of the potential for increased damage due to the changes in peak flow and discharge volume will be made by reviewing GIS data sources. Potential impacts to channel stability, public facility flooding such as roadways, and building flooding will be generally assessed. Major creek system assessments will include review of GIS data, floodplain study data, and field observations from public right-of-way. Results will be tabulated.**
- A discussion of the impacts of development on existing receiving systems and adjacent properties immediately downstream of areas of commercial development will be provided. Impacts to peak flow and discharge volumes will be approximated based upon engineering**

judgment and USI experience. An assessment of the increased damage due to changes in peak flow and discharge volume will be made by reviewing GIS data and by assessing three categories of downstream development character: 1) those with a low density of commercial development, 2) those with a moderate density of commercial development, and 3) those with a high density of commercial development. Also, an assessment of the same three development intensities on receiving systems immediately downstream will be provided. Impacts to channel stability, public facility flooding such as roadways, and building flooding will be assessed for each case.

- A brief discussion of some of the detention requirements adopted by nearby jurisdictions will be provided for a “reality check” as it relates to potential requirements contemplated.
- A brief discussion of potential appropriate levels of service (2-, 10-, 25-, 50-, and 100-year pre-development targets) for detention facilities will be provided. Consideration to various hypothetical storm events and the relationship of downstream infrastructure and other facilities will be considered.
- A brief discussion of the point in the receiving stream at which the impacts of development and the benefits of detention become less pronounced will be provided.
- A brief discussion of maintenance responsibility (public versus private) will be provided. Included in the discussion will be positive and negative aspects of each approach, and costs associated with maintenance activities.
- A discussion of estimated required staffing levels associated with varying levels of review, construction inspection, periodic maintenance inspection and enforcement will be provided. Approximate costs of staff, vehicles, equipment, etc., will be provided.
- The deliverable will be a bound report with an executive summary, including preliminary recommendation, a discussion of the factors listed above, along with appropriate supporting tables, graphs and maps.
- Time is included for 2 meetings with staff to discuss intermediate findings, and to refine the deliverable. Also included is time to prepare for and attend a maximum of 2 meetings with zoning/county administrative boards or stakeholder groups.

PART 3.0 ADDITIONAL SERVICES, NOT PART OF BASIC SERVICES:

The following services would constitute additional services related to this task order:

- **Studies of specific sites in the county**
- **Stormwater modeling of drainage areas**
- **Development of GIS landuse coverages**
- **Evaluation of Best Management Practice devices related to potential water quality requirements**
- **Additional meetings with zoning/county administrative boards or stakeholder groups**

PART 4.0 OWNER'S RESPONSIBILITIES:

- **Provide data related to the analysis; particularly existing and proposed land use plans**
- **Identify and schedule meetings with appropriate stakeholders**

PART 5.0 PERIODS OF SERVICE:

USI proposes to complete a preliminary deliverable package within 8 weeks of notice to proceed.

PART 6.0 PAYMENTS TO ENGINEER

1. Payment for Basic Services: Compensation for services described in Part 2.0 above shall be based on the hourly rates provided in Part 7.0 below, and the total shall not exceed thirty thousand dollars and zero cents (\$30,000.00). This amount includes reimbursable expenses.
2. Payment for Additional Services: Payment for additional services shall be determined at the time of the request, and shall be agreed to by both parties prior to commencement of work on additional tasks.

PART 7.0 OTHER:

The following rates shall apply:

| CLASSIFICATION | BILLING RATE |
|---------------------------------|---------------|
| Principal | \$160.00/hour |
| Senior Project Manager | \$140.00/hour |
| Project Manager/Senior Engineer | \$130.00/hour |
| Team Leader | \$130.00/hour |
| Senior Project Engineer | \$110.00/hour |
| Project Engineer | \$95.00/hour |
| Design Engineer | \$85.00/hour |
| GIS Analyst | \$85.00/hour |
| Senior Engineering Technician | \$85.00/hour |
| Engineering Technician | \$75.00/hour |
| Construction Inspector | \$65.00/hour |
| Engineering Co-op | \$60.00/hour |
| Clerical | \$60.00/hour |

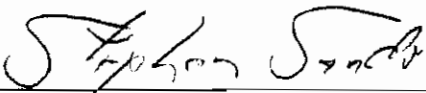
| | |
|----------------|-------------------------|
| Mileage | at current IRS rate |
| Expenses | at cost plus 10 percent |
| Subconsultants | at cost plus 10 percent |

This Task Order is executed this _____ day of _____, 20__.

UNION COUNTY,
NORTH CAROLINA

US INFRASTRUCTURE OF CAROLINA, INC.

By: _____

By:  _____

Name: _____

Name: Stephen Sands, PE

Title: _____

Title: Vice President

Address: 500 N. Main Street
Monroe, NC 28112

Address: 1043 E. Morehead Street, Ste 203
Charlotte, NC 28204

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 4/2e
(Central Admin. use only)

SUBJECT: MOU for 42" Water Main Relocation along SC 5

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):
MOU with SCDOT for Utility
Relocation

INFORMATION CONTACT:
Ed Goscicki

TELEPHONE NUMBERS:
704-296-4212

DEPARTMENT'S RECOMMENDED ACTION: Accept MOU with SCDOT for Utility Relocation of the county's 42" water main and allow County Manager to execute the MOU upon legal review.

BACKGROUND: SCDOT is moving forward with the Catawba River Bridge Replacement Project in Lancaster County. This project will include the construction of a new bridge and a realignment of SC 5 and Steele Hill Road. SCDOT has retained the services of STV/Ralph Whitehead Associates to be the utility coordinator for the project. Based on the proposed alignment, Union County's existing 42" water main will be in conflict with the road construction and must be relocated. The SCDOT encroachment agreement that was executed when the 42" water main was installed in 2004 specifically states that if it should ever become necessary to move or remove the encroaching utility, such moving or removing shall be done on demand of the Department at the expense of the permittee. A meeting was held on April 6, 2010, between SCDOT and Union County staff to discuss the construction project and the utility conflicts. SCDOT was informed that the 42" water main is the primary drinking water supply line for most of Union County and the relocation must be coordinated between all parties. It was agreed at that meeting that SCDOT would incorporate the relocation of the 42" main as part of its Catawba River Bridge Replacement Project and that a Memorandum of Understanding (MOU) must be executed by both parties. The attached MOU outlines the responsibilities of both Union County and SCDOT in completing this project.

FINANCIAL IMPACT: Current funding is available and the total project cost is estimated at \$560,000.00

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**MEMORANDUM OF UNDERSTANDING
FOR IN-CONTRACT UTILITY RELOCATION**

SC Route 5 and Catawba River Bridge Replacement – Lancaster County

In an effort to ensure the successful completion of the replacement of the bridge over the Catawba River on SC 5 in Lancaster County, and in consideration for the mutual promises and commitments set forth below, the South Carolina Department of Transportation (SCDOT) and Union County, North Carolina (Union County) covenant and agree as follows:

This document is to serve as a memorandum of understanding as to the specific responsibilities of Union County and SCDOT in completing this project and associated utility relocation in this manner.

Section I – Definitions

1. The term “Project” shall refer to the engineering, right-of-way acquisition, construction, and inspection services associated with the replacement of the bridge over the Catawba River on SC 5 in Lancaster County.
2. The term “Utility Work” shall include the following items:
 - a. Relocation of existing 42-Inch DIP water main between approximately STA. 157+00 to STA. 168+00 to accommodate SC 5 road improvements.
 - b. Relocation of existing 42-Inch DIP water main between STA. 10+00 to STA. 15+00 to accommodate Steele Hill (S 358) road improvements.

Section II – Agreements by the Parties

1. The Utility Work should be included in SCDOT’s contract for the construction of the Project.
2. Union County will provide SCDOT with a list of approved contractors licensed and qualified to perform the Utility Work. In the event that a list of approved contractors is not provided, the lowest responsive bidder or his/her subcontractor for the highway construction will be used.

Section III – Funding and Payments

1. Union County estimates the total cost of the Utility Work to be approximately \$560,000.
2. Union County will be responsible for 100 % of the cost of all construction items associated with the Utility Work to be performed by the contractor, not-to-exceed \$560,000.
3. Payment in the amount of the estimated \$560,000 must be made from Union County to SCDOT according to the following schedule:
 - a. As requested and approved in monthly payment requests by the contractor.

4. Should the bid items for the Utility Work exceed \$560,000, SCDOT will provide Union County the opportunity to concur with Union County's share of the increased cost. If Union County does not concur with the increased cost, SCDOT will delete the Utility Work from the contract and Union County will be expected to perform all work necessary to relocate its facilities utilizing its own forces or that of a contractor in a timely manner so as not to affect the progress of the Project.

Section IV – SCDOT Responsibilities

1. Include the Utility Work in SCDOT's contract for the construction of the Project. This utility work must be performed within a construction window that runs from November 1 through February 28.
2. Include in the SCDOT contract a specific provision requiring that their Contractor develop a specific sequence of construction for the relocation of the Utility Work, subject to the review and approval of Union County, that maintains the active use of this line throughout the construction period and limits any shutdowns to no more than a two week period.
2. Allow Union County inspectors full access to the site when the Utility Work is underway.
3. Allow Union County the opportunity to review the contractor's pay requests prior to payment and any change orders that affect the cost of the Utility Work.
4. Advance the cost of all construction items associated with the Utility Work to be performed by the highway contractor.

Deleted: 8

Deleted: consecutive hours

Section V – Union County's Responsibilities

1. Provide SCDOT with completed design plans, specifications, and itemized cost estimate covering all construction requirements for the Utility Work to be performed by June 18, 2010.
2. Apply for and receive all necessary permits for the Utility Work.
3. Provide all engineering design services, any additional right-of-way acquisition outside SCDOT's new right-of-way, and construction observation services for the Utility Work.
4. Pay the cost of the Utility Work as detailed in Section III – Funding and Payments.

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Comment [s1]: This date only applies to the design plans, specifications and cost estimate, which will be submitted this week.

Section VI – General Conditions

1. All work covered under this Agreement and performed by the SCDOT contractor shall be performed within SCDOT right-of-way.
2. Upon Union County's acceptance of the Utility Work, or any specific portion thereof, in accordance with the plans and specifications, Union County will assume sole and complete responsibility for the new facility. For purposes of this Agreement, Union County will be considered to have accepted the Utility Work, or any specific portion thereof, by assuming control of the Utility Work and commencing to utilize it.

3. Following acceptance, Union County will have sole responsibility for the operation and maintenance of the Utility Work and sole liability for any claims made by third parties that arise from the design, construction, operation, or maintenance of the Utility Work in its entirety or the portion that has been accepted.
4. All other Union County infrastructure with prior rights, not specifically addressed in this Agreement will be handled under a separate standard Utility Agreement between SCDOT and Union County.
5. After completion of the project, for those portions of the line without prior rights, Union County agrees that if, in the opinion of the State Highway Engineer, it should ever become necessary to move or remove the Utility Work, including any future modification thereto, on account of the change in location of the highway, widening of highway, or for any other sufficient reason, such moving or removing shall be done on demand of SCDOT at the expense of Union County or current owner of the utility.
6. Union County agrees to remove and dispose of, or otherwise handle in a manner approved by the SCDOT, any material (pipe, fittings, etc.) not incorporated into the new waterline installation.

State Highway Engineer, SCDOT

Date

County Manager
Union County, North Carolina

Date

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 4/26
(Central Admin. use only)

SUBJECT: Engineering services for the 42" Waetr Main Relocation along SC 5

DEPARTMENT: Public Works **PUBLIC HEARING:** No

ATTACHMENT(S): Task Order No. 5 **INFORMATION CONTACT:** Ed Goscicki

TELEPHONE NUMBERS:
704-296-4212

DEPARTMENT'S RECOMMENDED ACTION: Accept scope of design services from the engineer and allow County Manager to execute the Task Order upon legal review.

BACKGROUND: SCDOT is moving forward with the Catawba River Bridge Replacement Project in Lancaster County. This project will include the construction of a new bridge and a realignment of SC 5 and Steele Hill Road. SCDOT has retained the services of STV/Ralph Whitehead Associates to be the utility coordinator for the project. Based on the proposed alignment Union County's existing 42" water main will be in conflict with the road construction and must be relocated. The SCDOT encroachment that was executed when the 42" water main was installed in 2004 specifically states that if, it should ever become necessary to move or remove the encroaching utility, such moving or removing shall be done on demand of the Department at the expense of the permitte.

The attached Task Order is for the design of the water main relocation, initial estimated at approximately 2,000 LF, coordination with SCDOT and their design engineer, as well as to permit or provide other information as required by SCDHEC.

FINANCIAL IMPACT: Current funding is available and the engineering fee is based on a Not-to-Exceed amount of \$49,840.00.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

EXHIBIT A TASK ORDER 5

This Task Order pertains to the Multiple Project Agreement for Professional Engineering Services by and between Union County, (“OWNER”), and Olver Incorporated (“ENGINEER”), dated February 19, 2001 (“the Agreement”). Engineer shall perform the services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until both parties have properly signed it. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below:

TASK ORDER NUMBER: 5

PROJECT NAME: 42-inch Water Transmission Main Relocation at SC 5 Highway 5, Lancaster County, South Carolina

PART 1.0 PROJECT DESCRIPTION

Union County Public Works installed a 42-inch transmission main from the Catawba River Water Treatment Plant (CRWTP) to the Sims Road Tank in 2002. A portion of this line, along Highway 5 and Steele Hill Road near the CRWTP must now be relocated due to the design and construction of a SCDOT road project.

This Task Order is to design the water main relocation (approximately 2,000 LF of 42-inch DIP) in conjunction and cooperation with SCDOT and their design engineer as well as to permit or provide information as required by SCDHEC.

PART 2.0 SCOPE OF BASIC SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT

The services to be provided are:

Design and Permitting

1. Olver will prepare drawings and technical specifications for the water main relocation on Highway 5. These documents will be prepared to show the general scope, extent, and character of the work to be furnished and performed by the Contractor. Drawings will be prepared using a scale of 1 inch = 40 feet plan and profile drawings or as required by SCDOT. Technical specifications shall be prepared in conformity with the 16-division format of the Construction Specifications Institute and Union County’s standard specifications.

The engineering costs associated with this effort have been based on approximately 2,000 linear feet of 42-inch. Any changes or modifications in this amount may require equitable adjustment of the Engineer’s fee and schedule.

2. Olver will meet with Union County, SCDOT, and/or their design engineer for an estimated three meetings to coordinate water main design.
3. Olver will assist in preparation of the No-Cost Letter and Encroachment Agreement for SCDOT.
4. Olver will provide the necessary documents for use in filing permit applications (or updates) to SCDHEC.
5. Olver will submit an Opinion of Probable Costs based on Final Design Documents.
6. Olver will assist with preparation of Easements, if required.
7. Olver will assist with bidding, construction administration, and construction observation as required.

PART 3.0 ADDITIONAL SERVICES

Any additional work related to these activities or other activities not specifically noted in Part 2.0 will be considered additional services, including extensive public relations efforts, meetings beyond those scoped, or permits beyond those scoped.

PART 4.0 OWNER'S RESPONSIBILITIES

The County will be responsible for:

1. Identification of a Project Manager.
2. Providing contact information for SCDOT and their design engineer and assisting with coordination with those entities.
3. Application fees for the plan approval process.
4. Timely review and comment on all Engineer submittals and documents.
5. Providing record drawing information for the existing 42-inch water transmission line and assisting in obtaining utility information from other providers.
6. Assisting with permit applications, easement acquisition, advertisement and bidding, construction administration, and testing.

PART 5.0 PERIODS OF SERVICE

The schedule for completion of activities related to this Project will be defined primarily by SCDOT's schedule.

PART 6.0 PAYMENTS TO ENGINEER

Payment for Basic Services: Compensation for the services outlined in Part 2.0 above shall be on the basis of Not-to-Exceed for all work. Thus, the estimated engineering fee associated with this task order shall be as follows:

Engineering Fee – (Not-to-Exceed) \$49,840.00

Execution of this Task Order will serve as the Notice to Proceed.

Payment for Additional Services shall be negotiated upon request and shall be agreed to in writing by the parties.

This Task Order is executed this _____ day of _____ 2010.

| Union County | Olver Incorporated |
|---------------------|--|
| _____ "OWNER" | _____ "ENGINEER" |
| By: _____ | By: <u>Robert C. Sallach</u> |
| Name: _____ | Name: Robert C. Sallach, PE |
| Title: _____ | Title: President |
| Address: _____ | Address: 8720 Red Oak Boulevard |
| _____ | Suite 505 |
| _____ | Charlotte, NC 28217 |



Planning and Construction

116 North Main Street
Monroe, NC 28112
Phone 704 296 5481 Fax 704 296 5482
www.ucps.k12.nc.us

David D. Pope - Superintendent

AGENDA ITEM

4/3a

MEETING DATE 6-21-10

Board of Education
David D. Pope - Chairman
Cathy E. Crowder
Laura Miller
Katherine Marteen Handley
Lyn Parker
David Scholtz
C. J. Wainwright

June 9, 2010

Mr. Al Greene
County Manager, Union County NC
Union County Government Center
500 North Church Street
Monroe, NC 28112

Re: Access Easement for Wet Detention Pond at Sun Valley Middle School

Mr. Greene:

A wet detention pond is being constructed at Sun Valley Middle School as part of the new Additions and Renovations under construction. This device is being provided as per regulations for Phase II Post Construction Storm Water Quality treatment mandated by the Town of Indian Trail and North Carolina State NPDES regulations. The regulations require that an easement be recorded for the property to assure legal access if needed for future maintenance. Since the property is currently assigned to Union County, UCPS is requesting that the County Manager execute the conveyance of this easement. The wet detention pond is being paid for with bond funds authorized for the construction of the Additions and Renovations.

Thank you for your consideration in this matter.

Sincerely,

David D. Pope, AIA
Assistant Director
Planning and Construction
Union County Public Schools

cc: Mr. Don Hughes, AIA, Executive Director, Facilities



Planning and Construction

11550 L. Man. Drive
Monroe, NC 28112
Phone: 704.299.8900 ext. 1125-1127
www.ucps.k12.nc.us

Dr. Ed Dixon, Superintendent

AGENDA ITEM

4/3b

MOTION DATE 6-21-10

Board of Education
11550 L. Man. Drive
Monroe, NC 28112
Phone: 704.299.8900
Fax: 704.299.8900
www.ucps.k12.nc.us

June 7, 2010

Mr. Al Greene
County Manager, Union County NC
Union County Government Center
500 North Church Street
Monroe, NC 28112

Re: Access Easement for Bio-retention Cell Basin at Piedmont High School

Mr. Greene:

A Bio-retention Cell Basin is being constructed at Piedmont High School as part of the new Additions and Renovations under construction. This device is being provided as per regulations for Phase II Post Construction Storm Water Quality treatment mandated by the State of North Carolina. The regulations require that an easement be recorded for the property to assure legal access if needed for future maintenance. Since the property is currently assigned to Union County, UCPS is requesting that the County Manager execute the conveyance of this easement. The Cell Basin is being paid for with bond funds authorized for the construction of the Additions and Renovations.

Thank you for your consideration in this matter.

Sincerely,

David D. Pope, AIA
Assistant Director
Planning and Construction
Union County Public Schools

cc: Mr. Don Hughes, AIA, Executive Director, Facilities



Centralina Council of Governments

RECEIVED
UNION COUNTY
MAY 20 2010

FINANCE OFFICE

MEMORANDUM

TO: Lynn West, Clerk to the Board of County Commissioners

FROM: Gayla S. Woody, Aging Program Administrator

RE: FY 11 HCCBG Funding Plan

DATE: May 18, 2010

Lynn, please find attached the cover letter to the Commissioners and the entire FY 11 HCCBG Funding Plan. I have tagged with an orange note all the places the Chairman of the County Commissioners will need to sign.

I appreciate you putting it on the June 21 Commissioner meeting agenda. If it will go on the Consent Agenda, that would be great. However, I will plan to be present either way.

Let me know if you have questions. Thank you.

Thanks Lynn
Gayla



MEMORANDUM

TO: Union County Board of Commissioners

FROM: Gayla S. Woody, Aging Program Administrator
Centralina Area Agency on Aging

RE: FY 11 Union County Home and Community Care Block
Grant Funding Plan

DATE: May 18, 2010

As the Lead Agency for the Union County Home and Community Care Block Grant Advisory Community, please find attached the completed Funding Plan for Fiscal Year 2011 revenues.

Please note that Union County received a \$20,047 increase from the previous year. We respectfully request approval of the plan as presented.

The Home and Community Care Block Grant Advisory Committee is a great group with which to work and the Community Service Providers in this County do a very good job. This strong collaboration is critical as we plan for older adult consumers.

Thank you for your support and interest in Union County Older Adults.

gsw



Centralina Area Agency on Aging/Ombudsman Program
Midtown Plaza Building - 1300 Baxter Street, Suite 450
PO Box 35008, Charlotte, North Carolina 28235
Phone: 704-372-2416 Fax: 704-347-4710
www.centralina.org

HCCBG Budget

DOA-730
(Rev.4/10)

Home and Community Care Block Grant for Older Adults

County Funding Plan

Identification of Agency or Office with Lead Responsibility for County Funding Plan

County: UNION

July 1, 2010 through June 30, 2011

The agency or office with lead responsibility for planning and coordinating the County Funding Plan recommends this funding plan to the Board of Commissioners as a coordinated means to utilize community-based resources in the delivery of comprehensive aging services to older adults and their families

Centralina Area Agency on Aging

(Name of Agency/Office with lead responsibility)

Gayla S. Woody
Authorized Signature

5/19/10
Date

Gayla S. Woody, Aging Program Administrator

(Type name and title of signatory agent)

HCCBG Budget

DOA-731 (Rev. 04/10)

Home and Community Care Block Grant for Older Adults

County Funding Plan

County _____ Union _____
July 1, 2010 through June 30, 2011

County Services Summary

| Services | A | | | | B | C | D | E | F | G | H | I |
|-------------------------------|---------------------|---------------|---------------|---------------|-------------------------|---------------------|-----------------|------------------|-----------------------------|------------------------------------|-------------------------------|-----------------------------|
| | Block Grant Funding | | | | Required Local Match | Net Service Cost | USDA Subsidy | Total Funding | Projected HCCBG Units | Projected Reimbursement Rate | Projected HCCBG Clients | Projected Total Units |
| | Access | In-Home | Other | Total | | | | | | | | |
| Trans 250 | 111886 | | | ////////// | 12432 | 124318 | 0 | 124318 | 10818 | 11.4918 | 475 | 12001 |
| In-Home I-Home Mgmt 041 | | 94598 | | ////////// | 10511 | 105109 | 0 | 105109 | 5218 | 20.1435 | 72 | 5486 |
| In-Home I-Respite 235 | | 32638 | | ////////// | 3626 | 36264 | 0 | 36264 | 1577 | 22.9917 | 10 | 1686 |
| In-Home II-Personal Care 042 | | 111284 | | ////////// | 12365 | 123649 | 0 | 123649 | 5624 | 21.9845 | 32 | 5870 |
| In-Home II-Personal Care 042 | | 93088 | | ////////// | 10343 | 103431 | 0 | 103431 | 5277 | 19.6003 | 28 | 5277 |
| In-Home II-Respite 236 | | 47774 | | ////////// | 5308 | 53082 | 0 | 53082 | 2326 | 22.8212 | 14 | 2400 |
| In-Home III-Personal Care 045 | | 16815 | | ////////// | 1868 | 18683 | 0 | 18683 | 953 | 19.6044 | 4 | 953 |
| Info & Assist 040 | 34959 | | | ////////// | 3884 | 38843 | 0 | 38843 | na | na | | na |
| Adult Day Care 030 | | | 90401 | | 10045 | 100446 | 0 | 100446 | 3117 | 32.2252 | 15 | 3117 |
| Congregate 180 | | | 42078 | ////////// | 4675 | 46753 | 16500 | 63253 | 7012 | 6.6676 | 120 | 27499 |
| Home Delivered 020 | | | 117156 | ////////// | 13017 | 130173 | 27000 | 157173 | 31134 | 4.1810 | 260 | 44999 |
| | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 146845 | 396197 | 249635 | 792677 | 88074 | 880751 | 43500 | 924251 | #DIV/0! | ////////// | 1030 | #DIV/0! |

Signature, Chairman, Board of Commissioners

Date

| | | |
|--|---|--|
| NAME AND ADDRESS COMMUNITY SERVICE PROVIDER Union County Department of Social Services 1212 West Roosevelt Blvd Monroe, NC 28110 | Home and Community Care Block Grant for Older Adults County Funding Plan | DOA-732 (Rev. 04/10) County Union July 1, 2010 through June 30, 2011 |
| Provider Services Summary | | |

| Services | Ser. Delivery | | A | | | | B | C | D | E | F | G | H | I |
|-------------------------------|---------------|----------|---------------------|---------|--------|------------|-------------|-----------|---------|---------|-------------|-----------------|---------------|-------------|
| | (Check One) | | Block Grant Funding | | | | Required | Net* | USDA | Total | Projected | Projected | Projected | Projected |
| | Direct | Purch. | Access | In-Home | Other | Total | Local Match | Serv Cost | Subsidy | Funding | HCCBG Units | Reimburse. Rate | HCCBG Clients | Total Units |
| In-Home II-Personal Care 042 | | | | 93088 | | ////////// | 10343 | 103431 | 0 | 103431 | 5277 | 19.6003 | 28 | 5277 |
| In-Home III-Personal Care 045 | | | | 16815 | | ////////// | 1868 | 18683 | 0 | 18683 | 953 | 19.6044 | 4 | 953 |
| Adult Day Care 030 | | | | | 90401 | ////////// | 10045 | 100446 | 0 | 100446 | 3117 | 32.2252 | 15 | 3117 |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| Total | //////// | //////// | 0 | 109903 | 90,401 | 200,304 | 22256 | 222560 | 0 | 222560 | ////////// | ////////// | 47 | #DIV/0! |

*Adult Day Care & Adult Day Health Care Net Service Cost

| | ADC | ADHC |
|----------------------------|--------------|------|
| Daily Care | 29.226 | |
| Transportation | 3 | |
| Administrative | | |
| Net Ser. Cost Total | 32.22 | |

Certification of required minimum local match availability. Required local match will be expended simultaneously with Block Grant Funding.


 Authorized Signature, Title
 Community Service Provider

Signature, County Finance Officer Date

Signature, Chairman, Board of Commissioners Date

Services;

Non Unit Services in
 These Columns

| I. Projected Revenues | Grand Total | | Trans 250 | In-Home II- Personal Care 042 | In-Home III- Personal Care 045 | Congregate 180 | Info & Assist 040 | Adult Day Care 030 |
|--|-------------|----------|-----------|-------------------------------------|--------------------------------------|-------------------|----------------------|-----------------------|
| A. Fed/State Funding From the Division of Aging | 200,304 | //////// | 0 | 93,088 | 16,815 | 0 | 0 | 90,401 |
| Required Minimum Match - Cash | //////// | //////// | //////// | //////// | //////// | //////// | //////// | //////// |
| 1) County General Fund | 22,256 | //////// | 0 | 10,343 | 1,868 | 0 | 0 | 10,045 |
| 2) | 0 | //////// | | | | | | |
| 3) | 0 | //////// | | | | | | |
| Total Required Minimum Match - Cash | 22,256 | //////// | 0 | 10,343 | 1,868 | 0 | 0 | 10,045 |
| Required Minimum Match - In-Kind | //////// | //////// | //////// | //////// | //////// | //////// | //////// | //////// |
| 1) | 0 | //////// | | | | | | |
| 2) | 0 | //////// | | | | | | |
| 3) | 0 | //////// | | | | | | |
| Total Required Minimum Match - In-Kind | 0 | //////// | 0 | 0 | 0 | 0 | 0 | 0 |
| B. Total Required Minimum Match (cash + in-kind) | 22,256 | //////// | 0 | 10,343 | 1,868 | 0 | 0 | 10,045 |
| C. Subtotal, Fed/State/Required Match Reven | 222,560 | //////// | 0 | 103,431 | 18,683 | 0 | 0 | 100,446 |
| D. USDA Cash Subsidy/Commodity Valuation | 0 | //////// | | | | 0 | | |
| E. OAA Title V Worker Wages, Fringe Benefits | 0 | //////// | | | | | | |
| Local Cash, Non-Match | //////// | //////// | //////// | //////// | //////// | //////// | //////// | //////// |
| 1) County General Fund | 0 | //////// | | | | | | |
| 2) | 0 | //////// | | | | | | |
| 3) | 0 | //////// | | | | | | |
| 4) | 0 | //////// | | | | | | |
| F. Subtotal, Local Cash, Non-Match | 0 | //////// | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Revenues, Non-Match | //////// | //////// | //////// | //////// | //////// | //////// | //////// | //////// |
| 1) Donations | 0 | //////// | | | | | | |
| 2) State In-Home | 0 | //////// | | | | | | |
| 3) | 0 | //////// | | | | | | |
| G. Subtotal, Other Revenues, Non-Match | 0 | //////// | 0 | 0 | 0 | 0 | 0 | 0 |
| Local In-Kind Resources (Includes Volunteer Resources) | //////// | //////// | //////// | //////// | //////// | //////// | //////// | //////// |
| 1) | 0 | //////// | | | | | | |
| 2) | 0 | //////// | | | | | | |
| 3) | 0 | //////// | | | | | | |
| H. Subtotal, Local In-kind Resources, Non-Ma | 0 | //////// | 0 | 0 | 0 | 0 | 0 | 0 |
| I. Client Program Income | 0 | //////// | 0 | 0 | 0 | 0 | 0 | 0 |
| J. Total Projected Revenues (Sum I C,D,E,F,G | 222,560 | //////// | 0 | 103,431 | 18,683 | 0 | 0 | 100,446 |
| Percent of Grand Total | 100% | | 0.00% | 46.47% | 8.39% | 0.00% | 0.00% | 45.13% |

Services:

| II. Line Item Expense | Grand Total | Admin Cost | Trans 250 | Level II-Personal Care | Level III-Personal Care | Congregate 180 | Info & Assist 040 | Adult Day Care 030 |
|---|-------------------|-------------------|-------------------|------------------------|-------------------------|-------------------|-------------------|--------------------|
| Staff Salary From Labor Distribution Schedule | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Full-time Staff | 7,068 | 0 | 0 | 7,068 | 0 | 0 | 0 | 0 |
| 2) Part-time staff (do not include Title V workers) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| A. Subtotal, Staff Salary | 7,068 | 0 | 0 | 7,068 | 0 | 0 | 0 | 0 |
| Fringe Benefits | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) FICA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2) Health Ins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3) Retirement | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4) Unemployment Insurance | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 5) Worker's Compensation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6) Other (Longevity) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| B. Subtotal, Fringe Benefits | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Local In-Kind Resources, Non-Match | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| C. Subtotal, Local In-Kind Resources Non-Match | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| D. OAA Title V Worker Wages, Fringe Benefits | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Travel | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Per Diem | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2) Mileage Reimbursement | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3) Other Travel Cost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| E. Subtotal, Travel | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| General Operating Expenses | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Service Contracts | 215,492 | 0 | 0 | 96,363 | 18,683 | 0 | 0 | 100,446 |
| 2) Rent, Utilities, Supplies | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3) ARMS COST | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4) Postage, Dues, Subscriptions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 5) Advertising | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6) In Home Aide Level II and III RN assessments | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7) Program Supplies | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 8) Caterer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| F. Subtotal, General Operating Expenses | 215,492 | 0 | 0 | 96,363 | 18,683 | 0 | 0 | 100,446 |
| G. Subtotal, Other Admin. Cost Not Allocated in Lines II.A through F | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| H. Total Proj. Expenses Prior to Admin. Distrib | 222,560 | 0 | 0 | 103,431 | 18,683 | 0 | 0 | 100,446 |
| I. Distribution of Administrative Cost | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| J. Total Proj. Expenses After Admin. Distribu | 222,560 | ////////// | 0 | 103,431 | 18,683 | 0 | 0 | 100,446 |
| | | ////////// | 0 | 103431 | 18683 | 0 | 0 | |

Services:

| | Grand Total | | Trans 250 | e II-Personal Ca | ne III-Personal Ca | Congregate 180 | Info & Assist 040 | Adult Day Care 030 |
|---|-------------|------------|------------|------------------|--------------------|----------------|-------------------|--------------------|
| III. Computation of Rates | | | | | | | | |
| A. Computation of Unit Cost Rate: | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1. Total Expenses (equals line II.J) | 222,560 | ////////// | 0 | 103,431 | 18,683 | 0 | 0 | 100,446 |
| 2. Total Projected Units | ////////// | ////////// | 0 | 5,277 | 953 | 0 | 0 | 3,117 |
| 3. Total Unit Cost Rate | ////////// | ////////// | #DIV/0! | 19.6003 | 19.6044 | #DIV/0! | #DIV/0! | 32.2252 |
| B. Computation of Reimbursement Rate: | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1. Total Revenues (equals line I.J) | 222,560 | ////////// | 0 | 103,431 | 18,683 | 0 | 0 | 100,446 |
| 2. Less: USDA (equals line I.D) | 0 | ////////// | 0 | 0 | 0 | 0 | 0 | 0 |
| Title V (equals line I.E and II.D) | 0 | ////////// | 0 | 0 | 0 | 0 | 0 | 0 |
| Non Match In-Kind (equals line I) | 0 | ////////// | 0 | 0 | 0 | 0 | 0 | 0 |
| 3. Revenues Subject to Unit Reimbursement | 222,560 | ////////// | 0 | 103,431 | 18,683 | 0 | 0 | 100,446 |
| 4. Total Projected Units (equals line III.A.2) | ////////// | ////////// | 0 | 5,277 | 953 | 0 | 0 | 3,117 |
| 5. Total Reimbursement Rate | ////////// | ////////// | #DIV/0! | 19.6003 | 19.6044 | #DIV/0! | #DIV/0! | 32.2252 |
| C. Units Reimbursed Through HCCBG | #DIV/0! | ////////// | #DIV/0! | 5,277 | 953 | #DIV/0! | #DIV/0! | 3,117 |
| D. Units Reimbursed Through Program Income | #DIV/0! | ////////// | #DIV/0! | 0 | 0 | #DIV/0! | #DIV/0! | 0 |
| E. Units Reimbursed Through Remaining Program Income | #DIV/0! | ////////// | #DIV/0! | 0 | 0 | #DIV/0! | #DIV/0! | 0 |
| F. Total Units Reimbursed/Total Projected | #DIV/0! | ////////// | #DIV/0! | 5,277 | 953 | #DIV/0! | #DIV/0! | 3,117 |

| | | | | | |
|---------|---------|---------|---------|---------|---------|
| 0 | 103431 | 18683 | 0 | 0 | 100446 |
| 0 | 5277 | 953 | 0 | 0 | 3117 |
| #DIV/0! | 19.6003 | 19.6044 | #DIV/0! | #DIV/0! | 32.2252 |
| 0 | 103431 | 18683 | 0 | 0 | 100446 |
| #DIV/0! | 5277 | 953 | #DIV/0! | #DIV/0! | 3117 |
| #DIV/0! | 19.6003 | 19.6044 | #DIV/0! | #DIV/0! | 32.2252 |

* The Division of Aging ARMS deducts reported program income from reimbursement paid to providers. Line III.D indicates the number of units that will have to be produced in addition to those stated on line III.C in order to earn the net revenues stated on line I.C.

**Home and Community Care Block Grant for Older Adults
County Funding Plan**

Methodology to Address Service Needs of Low-income Minority Elderly and Rural Elderly

(Older American Act, Section 306 (a) (5) (A) (ii))

Community Service Provider: Union County Department of Social Services

County: Union **July 1, 2010 through June 30, 2011**

The Older Americans Act requires that the service provider attempt to provide services to low-income minority individuals in accordance to their need for aging services. The community service provider shall specify how the service needs of low-income minority elderly and rural elderly will be met through the services identified on the Provider Services Summary (DOA-732). This narrative shall address outreach and service delivery methodologies that will ensure that this target population is adequately served and conform to specific objectives established by the Area Agency on Aging for providing services to low-income minority individuals. Additional pages may be used as necessary.

GOAL:

Union County Department of Social Services seeks to identify all persons age 60 and over in Union County. Union County Department of Social Services defines and assesses the needs of seniors by representation on the HCCBG providers committee. Through the Union County Older Adult Interagency Council there is close communication and cooperation with agencies such as Council on Aging. The department also participates in monthly multidisciplinary team meetings. All these activities assist in reaching low income and minority older adults.

Our agency staff participates in the Senior Center Outreach Program. This program takes information and programs to four outlying communities for a one day a month program. Low income and minorities have been the targeted population.

All Union County Department of Social Services Intake Social Workers are thoroughly familiar with all programs available to serve older persons, especially those who are minority or low income. Intake workers provide information and make referrals as appropriate.

July 1, 2010 through June 30, 2011

Home and Community Care Block Grant for Older Adults

Community Service Provider

Standard Assurances

Union County Department of Social Services agrees to provide services through the Home and Community Care Block Grant, as specified on the Provider Services Summary (DOA-732) in accordance with the following:

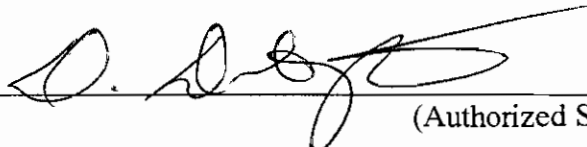
1. Services shall be provided in accordance with requirements set forth in:
 - a) The County Funding Plan;
 - b) The Division of Aging Home and Community Care Block Grant Procedures Manual for Community Service Providers; and
 - c) The Division of Aging Services Standards Manual, Volumes I through IV.

Community service providers shall monitor any contracts with providers of Block Grant services and take appropriate measures to ensure that services are provided in accordance with the aforementioned documents.

2. Priority shall be given to providing services to those older persons with the greatest economic or social needs, with particular attention to low-income minority individuals. The service needs of low-income minority elderly will be addressed in the manner specified on the Methodology to Address Service Needs of Low-Income Minority Elderly format, (DOA-733).
3. The following service authorization activities will be carried out in conjunction with all services provided through the Block Grant:
 - a) Eligibility determination;
 - b) Client intake/registration;
 - c) Client assessment/reassessments and quarterly visits, as appropriate;
 - d) Determining the amount of services to be received by the client; and
 - e) Reviewing cost sharing/voluntary contributions policies with eligible clients.
4. All licenses, permits, bonds, and insurance necessary for carrying out Block Grant Services will be maintained by the community service provider and any contracted providers.

5. As specified in 45 CFR 92.36(b)(11), community service providers shall have procedures for settling all contractual and administrative issues arising out of procurement of services through the Block Grant. Community service providers shall have procedures governing the evaluation of bids for services and procedures through which bidders and contracted providers may appeal or dispute a decision made by the community service provider.
6. Applicant/Client appeals shall be addressed as specified in Section 7 of the Division of Aging Home and Community Care Block Grant Manual for Community Service Providers, dated February 17, 1997.
7. Community service providers are responsible for providing or arranging for the provision of required local match, as specified on the Provider Services Summary, (DOA-732). Local match shall be expended simultaneously with Block Grant funding.
8. Providers expending \$500,000 or more in federal financial assistance through the Home and Community Care Block Grant, or in combination with other federal funding shall receive an annual independent audit which meets the requirements of the Division of Aging Program Audit Guide for Aging Services, applicable North Carolina General Statutes and Local Government Commission requirements, and OMB Circular A-133. For-profit community service providers shall have an annual compliance audit which meets the requirements of A-133. The audit shall be performed within nine (9) months of the close of the provider's fiscal year. Upon completion of the audit, non-profit and for-profit providers shall provide a copy of the audit report and any opinion letter simultaneously to the County and the Area Agency. Federal funds will not reimburse the cost of a single audit if the total of all federal funds expended by the provider is less than \$500,000
9. Compliance with Equal Employment Opportunity and Americans With Disabilities Act requirements, as specified in paragraph fourteen (14) of the Agreement for the Provision of County Aging-Based Services (DOA-735) shall be maintained.

10. Providers In-Home Aide, Home Health, Housing and Home Improvement, and Adult Day Care or Adult Day Health Care shall sign and return the attached assurance to the area agency on aging indicating that recipients of these services have been informed of their client rights, as required in Section 314 of the 2000 Amendments to the Older Americans Act.



(Authorized Signature)

5/3/10
(Date)

**Standard Assurance To Comply with Older Americans Act
Requirements Regarding Clients Rights
For
Agencies Providing In-Home Services through the
Home and Community Care Block Grant for Older Adults**

As a provider of one or more of the services listed below, our agency agrees to notify all Home and Community Care Block Grant clients receiving any of the below listed services provided by this agency of their rights as a service recipient. Services in this assurance include:

- In-Home Aide
- Home Care (home health)
- Housing and Home Improvement
- Adult Day Care or Adult Day Health Care

Notification will include, at a minimum, an oral review of the information outlined below as well as providing each service recipient with a copy of the information in written form. In addition, providers of in-home services will establish a procedure to document that client rights information has been discussed with in-home services clients (e.g. copy of signed Client Bill of Rights statement).


Client Rights information to be communicated to service recipients will include, at a minimum, the right to:

- Be fully informed, in advance, about each in-home service to be provided and any change in service(s) that may affect the wellbeing of the participant;
- Participate in planning and changing any in-home service provided unless the client is adjudicated incompetent;
- Voice a grievance with respect to service that is or fails to be provided, without discrimination or reprisal as a result of voicing a grievance;
- Confidentiality of records relating to the individual;
- Have property treated with respect and;
- Be fully informed both orally and in writing, in advance of receiving an in-home service, of the individual's rights and obligations.

Clients Right will be distributed to, and discussed with, each new client receiving one or more of the above listed services prior to the onset of service. For all existing clients, the above information will be provided no later than the next regularly scheduled service reassessment.

Agency Name: Union County Department of Social Services

Name of Agency Administrator: D. Dontae Latson, Director

Signature:  Date: 3/10/10

(Please return this form to your Area Agency on Aging and retain a copy for your files.)

CLIENT/PATIENT RIGHTS

1. You have the right to be fully informed of all your rights and responsibilities as a client/patient of the program.
2. You have the right to appropriate and professional care relating to your needs.
3. You have the right to be fully informed in advance about the care to be provided by the program.
4. You have the right to be fully informed in advance of any changes in the care that you may be receiving and to give informed consent to the provision of the amended care.
5. You have the right to participate in determining the care that you will receive and in altering the nature of the care as your needs change.
6. You have the right to voice your grievances with respect to care that is provided and to expect that there will be no reprisal for the grievance expressed.
7. You have the right to expect that the information you share with the agency will be respected and held in strict confidence, to be shared only with your written consent and as it relates to the obtaining of other needed community services.
8. You have the right to expect the preservation of your privacy and respect for your property.
9. You have the right to receive a timely response to your request for service.
10. You shall be admitted for service only if the agency has the ability to provide safe and professional care at the level of intensity needed.
11. You have the right to be informed of agency policies, changes, and costs for services.
12. If you are denied service solely on your inability to pay, you have the right to be referred elsewhere.
13. You have the right to honest, accurate information regarding the industry, agency and of the program in particular.
14. You have the right to be fully informed about other services provided by this agency.

| | | |
|-----------------------------------|---|---------------------|
| NAME AND ADDRESS | Home and Community Care Block Grant for Older Adults | |
| COMMUNITY SERVICE PROVIDER | DOA-732 (Rev. 04/10) | |
| TRANSPORTATION & NUTRITION | County Funding Plan | County <u>UNION</u> |
| 610 PATTON AVE | July 1, 2010 through June 30, 2011 | |
| MONROE NC 28110 | Provider Services Summary | |

| Services | Ser. Delivery | | A | | | | B | C | D | E | F | G | H | I |
|--------------------|---------------|--------|---------------------|---------|---------|---------|-------------|-----------|---------|---------|-------------|-----------------|---------------|-------------|
| | (Check One) | | Block Grant Funding | | | | Required | Net* | USDA | Total | Projected | Projected | Projected | Projected |
| | Direct | Purch. | Access | In-Home | Other | Total | Local Match | Serv Cost | Subsidy | Funding | HCCBG Units | Reimburse. Rate | HCCBG Clients | Total Units |
| Trans 250 | | | 111886 | | | | 12432 | 124318 | 0 | 124318 | 10818 | 11.4918 | 475 | 12001 |
| Congregate 180 | | | | | 42078 | | 4675 | 46753 | 16500 | 63253 | 7012 | 6.6676 | 120 | 27499 |
| Home Delivered 020 | | | | | 117156 | | 13017 | 130173 | 27000 | 157173 | 31134 | 4.1810 | 260 | 44999 |
| | | | | | | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| Total | | | 111886 | 0 | 159,234 | 271,120 | 30124 | 301244 | 43500 | 344744 | | | 855 | #DIV/0! |

*Adult Day Care & Adult Day Health Care Net Service Cost

| | ADC | ADHC |
|---------------------|-------|-------|
| Daily Care | _____ | _____ |
| Transportation | _____ | _____ |
| Administrative | _____ | _____ |
| Net Ser. Cost Total | _____ | _____ |

Certification of required minimum local match availability. Required local match will be expended simultaneously with Block Grant Funding.

Annette Sullivan, Director
 Authorized Signature, Title
 Community Service Provider

 Signature, County Finance Officer Date

 Signature, Chairman, Board of Commissioners Date

HCCBG Budget

North Carolina Division of Aging
 Service Cost Computation Worksheet c:732A.xls

DOA-732A

FY 2011

Provider: TRANSPORTATION & NUTRITION

County: UNION

Budget Period: July 1, 2010 through June 30, 2011

Revision ___yes, ___no, revision date _____

Services;

| I. Projected Revenues | Grand Total | | Trans 250 | Congregate 180 | Home Delivered 020 |
|--|----------------|----------|----------------|----------------|--------------------|
| A. Fed/State Funding From the Division of Aging | 271,120 | //////// | 111,886 | 42,078 | 117,156 |
| Required Minimum Match - Cash | //////// | //////// | //////// | //////// | //////// |
| 1) County General Fund | 30,124 | //////// | 12,432 | 4,675 | 13,017 |
| 2) | 0 | //////// | | | |
| 3) | 0 | //////// | | | |
| Total Required Minimum Match - Cash | 30,124 | //////// | 12,432 | 4,675 | 13,017 |
| Required Minimum Match - In-Kind | //////// | //////// | //////// | //////// | //////// |
| 1) | 0 | //////// | | | |
| 2) | 0 | //////// | | | |
| 3) | 0 | //////// | | | |
| Total Required Minimum Match - In-Kind | 0 | //////// | 0 | 0 | 0 |
| B. Total Required Minimum Match (cash + in-kind) | 30,124 | //////// | 12,432 | 4,675 | 13,017 |
| C. Subtotal, Fed/State/Required Match Revenue | 301,244 | //////// | 124,318 | 46,753 | 130,173 |
| D. USDA Cash Subsidy/Commodity Valuation | 43,500 | //////// | | 16,500 | 27,000 |
| E. OAA Title V Worker Wages, Fringe Benefits | 0 | //////// | | | |
| Local Cash, Non-Match | //////// | //////// | //////// | //////// | //////// |
| 1) County General Fund | 189,514 | //////// | 12,936 | 129,105 | 47,473 |
| 2) | 0 | //////// | | | |
| 3) | 0 | //////// | | | |
| 4) | 0 | //////// | | | |
| F. Subtotal, Local Cash, Non-Match | 189,514 | //////// | 12,936 | 129,105 | 47,473 |
| Other Revenues, Non-Match | //////// | //////// | //////// | //////// | //////// |
| 1) Donations | 0 | //////// | | | |
| 2) State In-Home | 0 | //////// | | | |
| 3) | 0 | //////// | | | |
| G. Subtotal, Other Revenues, Non-Match | 0 | //////// | 0 | 0 | 0 |
| Local In-Kind Resources (Includes Volunteer Resources) | //////// | //////// | //////// | //////// | //////// |
| 1) | 0 | //////// | | | |
| 2) | 0 | //////// | | | |
| 3) | 0 | //////// | | | |
| H. Subtotal, Local In-kind Resources, Non-Ma | 0 | //////// | 0 | 0 | 0 |
| I. Client Program Income | 18,650 | //////// | 650 | 7,500 | 10,500 |
| J. Total Projected Revenues (Sum I C,D,E,F,G | 552,908 | //////// | 137,904 | 199,858 | 215,146 |
| Percent of Grand Total | 100% | | 24.94% | 36.15% | 38.91% |

Services:

| fi. Line Item Expense | Grand Total | Admin Cost | Trans 250 | Congregate 180 | Home Delivered 020 |
|---|----------------|------------|----------------|----------------|--------------------|
| Staff Salary From Labor Distribution Schedule | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Full-time Staff | 127,171 | 0 | 48,372 | 39,400 | 39,399 |
| 2) Part-time staff (do not include Title V workers) | 48,727 | 0 | 33,514 | 7,607 | 7,606 |
| A. Subtotal, Staff Salary | 175,898 | 0 | 81,886 | 47,007 | 47,005 |
| Fringe Benefits | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) FICA | 13,456 | 0 | 6,264 | 3,596 | 3,596 |
| 2) Health Ins. | 16,643 | 0 | 9,113 | 3,765 | 3,765 |
| 3) Retirement | 15,601 | 0 | 5,965 | 4,818 | 4,818 |
| 4) Unemployment Insurance | 0 | 0 | | | |
| 5) Worker's Compensation | 0 | 0 | | | |
| 6) Other (Longevity) | 0 | | | | |
| B. Subtotal, Fringe Benefits | 45,700 | 0 | 21,342 | 12,179 | 12,179 |
| Local In-Kind Resources, Non-Match | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) | 0 | 0 | | | |
| 2) | 0 | 0 | | | |
| 3) | 0 | | | | |
| C. Subtotal, Local In-Kind Resources Non-Ma | 0 | 0 | 0 | 0 | 0 |
| D. OAA Title V Worker Wages, Fringe Benefits | 0 | 0 | 0 | 0 | 0 |
| Travel | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Per Diem | 0 | 0 | | | |
| 2) Mileage Reimbursement | 1,846 | 0 | 46 | 900 | 900 |
| 3) Other Travel Cost | 91 | | 91 | 0 | 0 |
| E. Subtotal, Travel | 1,937 | 0 | 137 | 900 | 900 |
| General Operating Expenses | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Service Contracts | 105,239 | | 28,186 | 65,000 | 12,053 |
| 2) Rent, Utilities, Supplies | 7,173 | | 823 | 3,175 | 3,175 |
| 3) ARMS COST | 814 | | 114 | 231 | 469 |
| 4) Postage, Dues, Subscriptions | 3,963 | | 1,982 | 991 | 990 |
| 5) Advertising | 3,827 | | 627 | 1,600 | 1,600 |
| 6) In Home Aide Level II and III RN assessments | 0 | | 0 | 0 | 0 |
| 7) Program Supplies | 8,357 | | 2,807 | 2,775 | 2,775 |
| 8) Caterer | 200,000 | | 0 | 66,000 | 134,000 |
| F. Subtotal, General Operating Expenses | 329,373 | 0 | 34,539 | 139,772 | 155,062 |
| G. Subtotal, Other Admin. Cost Not Allocated in Lines II.A through F | ////////// | ////////// | ////////// | ////////// | ////////// |
| | ////////// | ////////// | ////////// | ////////// | ////////// |
| H. Total Proj. Expenses Prior to Admin. Distr | 552,908 | 0 | 137,904 | 199,858 | 215,146 |
| I. Distribution of Administrative Cost | ////////// | 0 | 0 | 0 | 0 |
| J. Total Proj. Expenses After Admin. Distribu | 552,908 | ////////// | 137,904 | 199,858 | 215,146 |

HCCBG Budget
 Service Cost Computation Worksheet
 Division of Aging

Services:

| III. Computation of Rates | Grand Total | | Trans 250 | Congregate 180 | Home Delivered 020 |
|--|----------------|------------|---------------|----------------|--------------------|
| A. Computation of Unit Cost Rate: | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1. Total Expenses (equals line II.J) | 552,908 | ////////// | 137,904 | 199,858 | 215,146 |
| 2. Total Projected Units | ////////// | ////////// | 12,000 | 27,500 | 45,000 |
| 3. Total Unit Cost Rate | ////////// | ////////// | 11.4920 | 7.2676 | 4.7810 |
| B. Computation of Reimbursement Rate: | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1. Total Revenues (equals line I.J) | 552,908 | ////////// | 137,904 | 199,858 | 215,146 |
| 2. Less: USDA (equals line I.D) | 43,500 | ////////// | 0 | 16,500 | 27,000 |
| Title V (equals line I.E and II.D) | 0 | ////////// | 0 | 0 | 0 |
| Non Match In-Kind (equals line I) | 0 | ////////// | 0 | 0 | 0 |
| 3. Revenues Subject to Unit Reimbursement | 509,408 | ////////// | 137,904 | 183,358 | 188,146 |
| 4. Total Projected Units (equals line III.A.2) | ////////// | ////////// | 12,000 | 27,500 | 45,000 |
| 5. Total Reimbursement Rate | ////////// | ////////// | 11.4918 | 6.6676 | 4.1810 |
| C. Units Reimbursed Through HCCBG | #DIV/0! | ////////// | 10,818 | 7,012 | 31,134 |
| D. Units Reimbursed Through Program Inc | #DIV/0! | ////////// | 57 | 1,124 | 2,511 |
| E. Units Reimbursed Through Remaining P | #DIV/0! | ////////// | 1,126 | 19,363 | 11,354 |
| F. Total Units Reimbursed/Total Projected | #DIV/0! | ////////// | 12,001 | 27,499 | 44,999 |

| | | |
|---------|--------|--------|
| 137904 | 183358 | 188146 |
| 12000 | 27500 | 45000 |
| 11.492 | 6.6676 | 4.181 |
| 124318 | 46753 | 130173 |
| 10818 | 7012 | 31134 |
| 11.4918 | 6.6676 | 4.1811 |

* The Division of Aging ARMS deducts reported program income from reimbursement paid to providers. Line III.D indicates the number of units that will have to be produced in addition to those stated on line III.C in order to earn the net revenues stated on line I.C.

**NC DIVISION OF
 AGING
 COST OF SERVICES
 ATTACHMENT A
 LABOR
 DISTRIBUTION
 SCHEDULE DOA732A1 FY: 2011**

AGENCY
 NAME: UNION TRANSPORTATION & NUTRITION

SERVICES: Non Unit Svcs in These Columns

| STAFF NAME | POSITION | FULL TIME PART TIME | TOTAL SALARY | ADMIN. SALARY | Trans 250 | Congregate 180 | Home Delivered 020 |
|------------|---------------|------------------------|-----------------|------------------|-----------|-------------------|--------------------------|
| SULLIVAN | DIRECTOR | FULL TIME | \$7,053 | | \$7,053 | 0 | \$0 |
| SMITH | ASSOC DIR | FULL TIME | \$4,233 | | 4,233 | 0 | \$0 |
| HOWARD | SCHEDULER | FULL TIME | \$3,528 | | 3,528 | 0 | \$0 |
| PURSER | BILLING REP | FULL TIME | \$3,599 | | 3,599 | 0 | \$0 |
| GAMBLE | DISPATCHER | FULL TIME | \$3,528 | | 3,528 | 0 | \$0 |
| MUNGO | PT BILLING | PART TIME | \$1,694 | | 1,694 | 0 | \$0 |
| NIVEN | PT SUPPORT | PART TIME | \$1,185 | | 1,185 | 0 | \$0 |
| SEABOLT | FT DRIVER | FULL TIME | \$3,156 | | 3,156 | 0 | \$0 |
| KNIGHT | FT DRIVER | FULL TIME | \$2,726 | | 2,726 | 0 | \$0 |
| CLONTZ | FT DRIVER | FULL TIME | \$2,874 | | 2,874 | 0 | \$0 |
| PHILLIPS | FT DRIVER | FULL TIME | \$2,874 | | 2,874 | 0 | \$0 |
| GREENE | FT DRIVER | FULL TIME | \$2,801 | | 2,801 | 0 | \$0 |
| STEGALL | FT DRIVER 85% | FULL TIME | \$2,400 | | 2,400 | 0 | 0 |
| HENSON | FT DRIVER 85% | FULL TIME | \$2,400 | | 2,400 | 0 | 0 |
| ROSELLE | FT DRIVER 85% | FULL TIME | \$2,400 | | 2,400 | 0 | 0 |
| ANDERSON | FT DRIVER 85% | FULL TIME | \$2,400 | | 2,400 | 0 | 0 |
| JOHNSON | FT DRIVER 85% | FULL TIME | \$2,400 | | 2,400 | 0 | 0 |
| PT DRIVERS | PART TIME | PART TIME | \$30,635 | | 30,635 | 0 | 0 |
| GREENE | NUTR COORD | FULL TIME | \$30,500 | | 0 | 15,250 | 15,250 |
| CALDWELL | SITE MGR 50% | FULL TIME | \$11,888 | | 0 | 5,944 | 5,944 |
| HAULK | SITE MGR 50% | FULL TIME | \$12,303 | | 0 | 6,152 | 6,151 |
| MINCEY | SITE MGR 50% | FULL TIME | \$12,054 | | 0 | 6,027 | 6,027 |
| STARNES | SITE MGR 50% | FULL TIME | \$12,054 | | 0 | 6,027 | 6,027 |
| PT OFFICE | PT SUPPORT | PART TIME | \$15,213 | | 0 | 7,607 | 7,606 |
| | | SUBTOTAL FT | 127,171 | 0 | 48,372 | 39,400 | 39,399 |

| | | | | | | | |
|--|--|-------------|---------|---------|----------|----------|----------|
| | | SUBTOTAL PT | 48,727 | 0 | 33,514 | 7,607 | 7,606 |
| | | TOTAL | 175,898 | \$0 | \$81,886 | \$47,007 | \$47,005 |
| | | | | | | | |
| | | PERCENT FT: | 72.30% | #DIV/0! | 59.07% | 83.82% | 83.82% |
| | | PERCENT PT: | 27.70% | #DIV/0! | 40.93% | 16.18% | 16.18% |

**Home and Community Care Block Grant for Older Adults
County Funding Plan**

Methodology to Address Service Needs of Low-income Minority Elderly and Rural Elderly

(Older American Act, Section 306 (a) (5) (A) (ii))

Community Service Provider: TRANSPORTATION & NUTRITION

County: UNION

July 1, 2010 through June 30, 2011

The Older Americans Act requires that the service provider attempt to provide services to low-income minority individuals in accordance to their need for aging services. The community service provider shall specify how the service needs of low-income minority elderly and rural elderly will be met through the services identified on the Provider Services Summary (DOA-732). This narrative shall address outreach and service delivery methodologies that will ensure that this target population is adequately served and conform to specific objectives established by the Area Agency on Aging for providing services to low-income minority individuals. Additional pages may be used as necessary.

GOAL:

To identify and educate the low income minority seniors of the available service and information required to access transportation, therefore increasing participation in Block Grant funded services by:

- a) identifying those areas of the county where low income and minority reside;
- b) work with local agencies currently serving those targeted populations to identify persons with unmet needs;
- c) provide programs and informational brochures to the faith community, Hispanic community, agencies and businesses located in Union County in both English and Spanish.

To work to increase awareness of not only the Hispanic community but all low income/minority persons of the opportunities for participation in both the Congregate and Home Delivered Programs by:

- a) conducting informational programs in areas where targeted groups reside;
- b) working with the faith community to reach seniors that would benefit from participation in the programs;
- c) continue to work to overcome the stigma and convince seniors that the programs are not "welfare" programs which often discourages participation in the services;
- d) continue to recruit and to maintain volunteers for meal delivery due to the cost to the volunteer to provide this service for their community.

July 1, 2010 through June 30, 2011

Home and Community Care Block Grant for Older Adults

Community Service Provider

Standard Assurances

Union County Transportation and Nutrition agrees to provide services through the Home and
(Name of Provider)

Community Care Block Grant, as specified on the Provider Services Summary (DOA-732) in accordance with the following:

1. Services shall be provided in accordance with requirements set forth in:
 - a) The County Funding Plan;
 - b) The Division of Aging Home and Community Care Block Grant Procedures Manual for Community Service Providers; and
 - c) The Division of Aging Services Standards Manual, Volumes I through IV.

Community service providers shall monitor any contracts with providers of Block Grant services and take appropriate measures to ensure that services are provided in accordance with the aforementioned documents.

2. Priority shall be given to providing services to those older persons with the greatest economic or social needs, with particular attention to low-income minority individuals. The service needs of low-income minority elderly will be addressed in the manner specified on the Methodology to Address Service Needs of Low-Income Minority Elderly format, (DOA-733).
3. The following service authorization activities will be carried out in conjunction with all services provided through the Block Grant:
 - a) Eligibility determination;
 - b) Client intake/registration;
 - c) Client assessment/reassessments and quarterly visits, as appropriate;
 - d) Determining the amount of services to be received by the client; and
 - e) Reviewing cost sharing/voluntary contributions policies with eligible clients.
4. All licenses, permits, bonds, and insurance necessary for carrying out Block Grant Services will be maintained by the community service provider and any contracted providers.

5. As specified in 45 CFR 92.36(b)(11), community service providers shall have procedures for settling all contractual and administrative issues arising out of procurement of services through the Block Grant. Community service providers shall have procedures governing the evaluation of bids for services and procedures through which bidders and contracted providers may appeal or dispute a decision made by the community service provider.
6. Applicant/Client appeals shall be addressed as specified in Section 7 of the Division of Aging Home and Community Care Block Grant Manual for Community Service Providers, dated February 17, 1997.
7. Community service providers are responsible for providing or arranging for the provision of required local match, as specified on the Provider Services Summary, (DOA-732). Local match shall be expended simultaneously with Block Grant funding.
8. Providers expending \$500,000 or more in federal financial assistance through the Home and Community Care Block Grant, or in combination with other federal funding shall receive an annual independent audit which meets the requirements of the Division of Aging Program Audit Guide for Aging Services, applicable North Carolina General Statutes and Local Government Commission requirements, and OMB Circular A-133. For-profit community service providers shall have an annual compliance audit which meets the requirements of A-133. The audit shall be performed within nine (9) months of the close of the provider's fiscal year. Upon completion of the audit, non-profit and for-profit providers shall provide a copy of the audit report and any opinion letter simultaneously to the County and the Area Agency. Federal funds will not reimburse the cost of a single audit if the total of all federal funds expended by the provider is less than \$500,000
9. Compliance with Equal Employment Opportunity and Americans With Disabilities Act requirements, as specified in paragraph fourteen (14) of the Agreement for the Provision of County Aging-Based Services (DOA-735) shall be maintained.

10. Providers In-Home Aide, Home Health, Housing and Home Improvement, and Adult Day Care or Adult Day Health Care shall sign and return the attached assurance to the area agency on aging indicating that recipients of these services have been informed of their client rights, as required in Section 314 of the 2000 Amendments to the Older Americans Act.

Annette Sullivan 5-14-10
(Authorized Signature) (Date)

| | | |
|--|---|---|
| NAME AND ADDRESS COMMUNITY SERVICE PROVIDER Council on Aging in Union County PO Box 185 Monroe, NC 28111 | Home and Community Care Block Grant for Older Adults County Funding Plan | DOA-732 (Rev. 04/10) County <u>Union</u> July 1, 2010 through June 30, 2011 |
|--|---|---|

Provider Services Summary

| Services | Ser. Delivery | | A | | | | B | C | D | E | F | G | H | I |
|------------------------------|---------------|----------|---------------------|---------|-------|------------|-------------|-----------|---------|---------|-------------|-----------------|---------------|-------------|
| | (Check One) | | Block Grant Funding | | | | Required | Net* | USDA | Total | Projected | Projected | Projected | Projected |
| | Direct | Purch. | Access | In-Home | Other | Total | Local Match | Serv Cost | Subsidy | Funding | HCCBG Units | Reimburse. Rate | HCCBG Clients | Total Units |
| In-Home I-Home Mgmt 04 | | | | 94598 | | ////////// | 105109 | 199707 | 0 | 199,707 | 5218 | 20.1435 | 72 | 5486 |
| In-Home I-Respite 235 | | | | 32638 | | ////////// | 3626 | 36264 | 0 | 36,264 | 1577 | 22.9917 | 10 | 1686 |
| In-Home II-Personal Care 042 | | | | 111284 | | ////////// | 12365 | 123649 | 0 | 123649 | 5624 | 21.9845 | 32 | 5870 |
| In-Home II-Respite 236 | | | | 47774 | | ////////// | 5308 | 53082 | 0 | 53082 | 2326 | 22.8212 | 14 | 2400 |
| Info & Assist 040 | | | 34959 | | | ////////// | 3884 | 38843 | 0 | 38843 | #DIV/0! | #DIV/0! | | #DIV/0! |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| | | | | | | ////////// | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| Total | //////// | //////// | 34959 | 286294 | 0 | 321,253 | 130291.89 | 451545 | 0 | 451545 | ////////// | ////////// | 128 | #DIV/0! |

*Adult Day Care & Adult Day Health Care Net Service Cost

| | ADC | ADHC |
|---------------------|-----|------|
| Daily Care | | |
| Transportation | | |
| Administrative | | |
| Net Ser. Cost Total | | |

Certification of required minimum local match availability. Required local match will be expended simultaneously with Block Grant Funding.

Linda Smosky 5.
Authorized Signature, Title
Community Service Provider

Signature, County Finance Officer Date

Signature, Chairman, Board of Commissioners Date

Services; **Non Unit Services in
These Columns**

| I. Projected Revenues | Grand Total | In-Home I- Home Mgmt 041 | In-Home I- Respite 235 | In-Home II- Personal Care 042 | In-Home II- Respite 236 | Info & Assist 040 |
|--|----------------|--------------------------------|---------------------------|-------------------------------------|----------------------------|----------------------|
| A. Fed/State Funding From the Division of Aging | 321,253 | 94,598 | 32,638 | 111,284 | 47,774 | 34,959 |
| Required Minimum Match - Cash | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) County General Fund | 35,695 | 10,511 | 3,626 | 12,365 | 5,308 | 3,884 |
| 2) | 0 | | | | | |
| 3) | 0 | | | | | |
| Total Required Minimum Match - Cash | 35,695 | 10,511 | 3,626 | 12,365 | 5,308 | 3,884 |
| Required Minimum Match - In-Kind | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) | 0 | | | | | |
| 2) | 0 | | | | | |
| 3) | 0 | | | | | |
| Total Required Minimum Match - In-Kind | 0 | 0 | 0 | 0 | 0 | 0 |
| B. Total Required Minimum Match (cash + in-kind) | 35,695 | 10,511 | 3,626 | 12,365 | 5,308 | 3,884 |
| C. Subtotal, Fed/State/Required Match Revenue | 356,948 | 105,109 | 36,264 | 123,649 | 53,082 | 38,843 |
| D. USDA Cash Subsidy/Commodity Valuation | 0 | | | | | |
| E. OAA Title V Worker Wages, Fringe Benefits | 23,643 | 9,081 | 10,009 | 709 | 3,844 | |
| Local Cash, Non-Match | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) County General Fund | 0 | | | | | |
| 2) | 0 | | | | | |
| 3) | 0 | | | | | |
| 4) | 0 | | | | | |
| F. Subtotal, Local Cash, Non-Match | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Revenues, Non-Match | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Donations | 0 | | | | | |
| 2) State In-Home | 0 | | | | | |
| 3) United Way | 4,595 | | | | | 4,595 |
| G. Subtotal, Other Revenues, Non-Match | 4,595 | 0 | 0 | 0 | 0 | 4,595 |
| Local In-Kind Resources (Includes Volunteer Resources) | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) | 0 | | | | | |
| 2) | 0 | | | | | |
| 3) | 0 | | | | | |
| H. Subtotal, Local In-kind Resources, Non-Ma | 0 | 0 | 0 | 0 | 0 | 0 |
| I. Client Program Income | 15,000 | 5,400 | 2,500 | 5,400 | 1,700 | 0 |
| J. Total Projected Revenues (Sum I C,D,E,F,G | 400,185 | 119,590 | 48,773 | 129,758 | 58,626 | 43,438 |
| Percent of Grand Total | 100% | 29.88% | 12.19% | 32.42% | 14.65% | 10.85% |

| II. Line Item Expense | Grand Total | Admin Cost | In Home Mgr | In Home Resp | Personal C | In Home Resp | Info & Assist 040 |
|---|----------------|------------|----------------|---------------|----------------|---------------|-------------------|
| Staff Salary From Labor Distribution Schedule | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Full-time Staff | 173,167 | 0 | 40,947 | 10,028 | 59,757 | 28,947 | 33,488 |
| 2) Part-time staff (do not include Title V workers) | 112,960 | 0 | 49,751 | 16,255 | 38,074 | 8,880 | 0 |
| A. Subtotal, Staff Salary | 286,127 | 0 | 90,698 | 26,283 | 97,831 | 37,827 | 33,488 |
| Fringe Benefits | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) FICA | 21,889 | 0 | 6,938 | 2,011 | 7,484 | 2,894 | 2,562 |
| 2) Health Ins. | 23,088 | 0 | 2,708 | 2,023 | 9,918 | 4,883 | 3,556 |
| 3) Retirement | 10,303 | 0 | 2,313 | 1,063 | 3,926 | 1,301 | 1,700 |
| 4) Unemployment Insurance | 918 | 0 | 239 | 165 | 281 | 233 | |
| 5) Worker's Compensation | 6,308 | 0 | 1,373 | 1,294 | 2,344 | 1,297 | |
| 6) Other (Longevity) | 0 | | | | | | |
| B. Subtotal, Fringe Benefits | 62,506 | 0 | 13,571 | 6,556 | 23,953 | 10,608 | 7,818 |
| Local In-Kind Resources, Non-Match | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) | 0 | 0 | | | | | |
| 2) | 0 | 0 | | | | | |
| 3) | 0 | | | | | | |
| C. Subtotal, Local In-Kind Resources Non-Ma | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| D. OAA Title V Worker Wages, Fringe Benefits | 23,643 | 0 | 9,081 | 10,009 | 709 | 3,844 | 0 |
| Travel | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Per Diem | 0 | 0 | | | | | |
| 2) Mileage Reimbursement | 21,647 | | 3,932 | 3,342 | 9,820 | 4,107 | 446 |
| 3) Other Travel Cost | 240 | | 60 | 60 | 60 | 60 | |
| E. Subtotal, Travel | 12,067 | 0 | 3,992 | 3,402 | 60 | 4,167 | 446 |
| General Operating Expenses | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1) Service Contracts | 0 | | | | | | |
| 2) Rent, Utilities, Supplies | 10,269 | | 1,510 | 1,477 | 5,034 | 1,016 | 1,232 |
| 3) ARMS COST | 120 | | 30 | 30 | 30 | 30 | |
| 4) Postage, Dues, Subscriptions | 4,396 | | 708 | 784 | 1,548 | 902 | 454 |
| 5) Advertising | 197 | | | | 197 | | |
| 6) In Home Aide Level II and III RN assessments | 0 | | | | | | |
| 7) Program Supplies | 535 | | | 155 | 225 | 155 | |
| 8) Caterer | 325 | | | 77 | 171 | 77 | |
| F. Subtotal, General Operating Expenses | 15,842 | 0 | 2,248 | 2,523 | 7,205 | 2,180 | 1,686 |
| G. Subtotal, Other Admin. Cost Not Allocated in Lines II.A through F | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| H. Total Proj. Expenses Prior to Admin. Distr | 400,185 | 0 | 119,590 | 48,773 | 129,758 | 58,626 | 43,438 |
| I. Distribution of Administrative Cost | ////////// | 0 | 0 | 0 | 0 | 0 | 0 |
| J. Total Proj. Expenses After Admin. Distribu | 400,185 | ////////// | 119,590 | 48,773 | 129,758 | 58,626 | 43,438 |
| | | | 119590 | 48773 | 129758 | 58626 | 43438 |

HCCBG Budget
 Service Cost Computation Worksheet
 Division of Aging

DOA-732A

| | Grand Total | In-Home I | Home Mgr | Home I-Respite | e II-Personal C | Home II-Respite | Info & Assist 040 |
|--|-------------|------------|------------|----------------|-----------------|-----------------|----------------------|
| III. Computation of Rates | | | | | | | |
| A. Computation of Unit Cost Rate: | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1. Total Expenses (equals line II.J) | 400,185 | ////////// | 119,590 | 48,773 | 129,758 | 58,626 | 43,438 |
| 2. Total Projected Units | ////////// | ////////// | 5,486 | 1,686 | 5,870 | 2,400 | 0 |
| 3. Total Unit Cost Rate | ////////// | ////////// | 21.7992 | 28.9280 | 22.1053 | 24.4274 | #DIV/0! |
| B. Computation of Reimbursement Rate: | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// | ////////// |
| 1. Total Revenues (equals line I.J) | 400,185 | ////////// | 119,590 | 48,773 | 129,758 | 58,626 | 43,438 |
| 2. Less: USDA (equals line I.D) | 0 | ////////// | 0 | 0 | 0 | 0 | 0 |
| Title V (equals line I.E and II.D) | 23,643 | ////////// | 9,081 | 10,009 | 709 | 3,844 | 0 |
| Non Match In-Kind (equals line I) | 0 | ////////// | 0 | 0 | 0 | 0 | 0 |
| 3. Revenues Subject to Unit Reimbursement | 376,543 | ////////// | 110,509 | 38,764 | 129,049 | 54,782 | 43,438 |
| 4. Total Projected Units (equals line III.A.2) | ////////// | ////////// | 5,486 | 1,686 | 5,870 | 2,400 | 0 |
| 5. Total Reimbursement Rate | ////////// | ////////// | 20.1435 | 22.9917 | 21.9845 | 22.8212 | #DIV/0! |
| C. Units Reimbursed Through HCCBG | #DIV/0! | ////////// | 5,218 | 1,577 | 5,624 | 2,326 | #DIV/0! |
| D. Units Reimbursed Through Program Inc | #DIV/0! | ////////// | 268 | 109 | 246 | 74 | #DIV/0! |
| E. Units Reimbursed Through Remaining F | #DIV/0! | ////////// | 0 | 0 | 0 | 0 | #DIV/0! |
| F. Total Units Reimbursed/Total Projected | #DIV/0! | ////////// | 5,486 | 1,686 | 5,870 | 2,400 | #DIV/0! |

| | | | | |
|---------|---------|---------|---------|---------|
| 110509 | 38764 | 129049 | 54782 | 43438 |
| 5486 | 1686 | 5870 | 2400 | 0 |
| 20.1438 | 22.9917 | 21.9845 | 22.8258 | #DIV/0! |
| 105109 | 36264 | 123649 | 53082 | 38843 |
| 5218 | 1577 | 5624 | 2326 | #DIV/0! |
| 20.1435 | 22.9956 | 21.986 | 22.8212 | #DIV/0! |

* The Division of Aging ARMS deducts reported program income from reimbursement paid to providers. Line III.D indicates the number of units that will have to be produced in addition to those stated on line III.C in order to earn the net revenues stated on line I.C.

**NC DIVISION OF AGING
COST OF SERVICES - ATTACHMENT A
LABOR DISTRIBUTION SCHEDULE**

FY: 2011

AGENCY

NAME: Council on Aging in Union County

DOA732A1

SERVICES:

Non Unit Svcs in These Columns

| STAFF NAME | POSITION | FULL TIME PART TIME | TOTAL SALARY | ADMIN. SALARY | In-Home I- Home Mgmt | In-Home I- Respite 235 | In-Home II- Personal Care 042 | In-Home II- Respite 236 | Info & Assist 040 |
|------------|----------------|------------------------|-----------------|------------------|----------------------------|------------------------------|-------------------------------------|-------------------------------|----------------------|
| Smosky | Dire | Full Time | \$31,379 | | \$8,697 | \$3,488 | \$9,997 | \$9,197 | |
| Irish | I&A | Full Time | \$33,488 | | | | | | \$33,488 |
| Finch | HIS Supervisor | Full Time | \$30,000 | | 8,500 | 2,500 | 10,500 | 8,500 | |
| Covington | Aide | Full Time | \$21,100 | | 5,250 | 4,040 | 5,560 | 6,250 | |
| Philemon | Aide | Full Time | \$19,100 | | 9,000 | | 10,100 | | |
| Rivers | Aide | Full Time | \$18,000 | | 4,500 | | 13,500 | | |
| Starnes | Aide | Full Time | \$20,100 | | 5,000 | | 10,100 | 5,000 | |
| Conklin | Aide | Part Time | \$9,000 | | 6,750 | 2,250 | | | |
| Deese | Aide | Part Time | \$10,500 | | 5,250 | | 5,250 | | |
| Hood | Aide | Part Time | \$10,500 | | 5,250 | | 5,250 | | |
| Montgomery | Aide | Part Time | \$11,000 | | 7,500 | | 3,500 | | |
| Rorie | Aide | Part Time | \$9,000 | | 6,750 | | 2,250 | | |
| Vacant | Aide | Part Time | \$12,500 | | 5,000 | 1,500 | 2,500 | 3,500 | |
| Buzyn | Aide | Part Time | \$7,540 | | 1,131 | 5,655 | 754 | | |
| Cargill | Aide | Part Time | \$7,540 | | 7,540 | | | | |
| Wilson | Aide | Part Time | \$7,540 | | | 3,970 | 3,570 | | |
| Craig | Bookkeeper | Part Time | \$7,540 | | 880 | 880 | 3,900 | 1,880 | |
| Kiser | Admin | Part Time | \$10,400 | | 2,700 | 1,000 | 5,700 | 1,000 | |
| Mpelkas | Admin | Part Time | \$9,900 | | 1,000 | 1,000 | 5,400 | 2,500 | |
| | | | \$0 | | | | | | |
| | | | \$0 | | | | | | |
| | | | \$0 | | | | | | |
| | | SUBTOTAL FT | 173,167 | 0 | 40,947 | 10,028 | 59,757 | 28,947 | 33,488 |
| | | SUBTOTAL PT | 112,960 | 0 | 49,751 | 16,255 | 38,074 | 8,880 | 0 |
| | | TOTAL | 286,127 | \$0 | \$90,698 | \$26,283 | \$97,831 | \$37,827 | \$33,488 |
| | | PERCENT FT: | 60.52% | #DIV/0! | 45.15% | 38.15% | 61.08% | 76.52% | 100.00% |
| | | PERCENT PT: | 39.48% | #DIV/0! | 54.85% | 61.85% | 38.92% | 23.48% | 0.00% |

**Home and Community Care Block Grant for Older Adults
County Funding Plan**

Methodology to Address Service Needs of Low-income Minority Elderly and Rural Elderly

(Older American Act, Section 306 (a) (5) (A) (ii))

Community Service Provider: Council on Aging in Union County

County: Union **July 1, 2010 through June 30, 2011**

The Older Americans Act requires that the service provider attempt to provide services to low-income minority individuals in accordance to their need for aging services. The community service provider shall specify how the service needs of low-income minority elderly and rural elderly will be met through the services identified on the Provider Services Summary (DOA-732). This narrative shall address outreach and service delivery methodologies that will ensure that this target population is adequately served and conform to specific objectives established by the Area Agency on Aging for providing services to low-income minority individuals. Additional pages may be used as necessary.

GOAL:

To increase awareness of and access to services and programs available to low income, minority, rural adults age 60 and older to assist them to maintain their independence and quality of life.

Objective:

Market and promote availability of services for this demographic group to hospitals, physicians, pharmacists and other healthcare providers.

Educate low income, minority, rural seniors about services available to assist them .

Strategies:

Publicize services in our newsletter, agency website, newspaper articles, local radio stations, at speaking engagements, in municipal newsletters and at special events

Continue to establish collaborative relationships with minority organizations - churches, civic and social groups and businesses.

Conduct senior outreach events in areas where low income, minority, rural older adults reside .

Network within the Union County Older Adult Interagency Council to keep information flowing

Distribute agency brochures throughout the community.

**Standard Assurance To Comply with Older Americans Act
Requirements Regarding Clients Rights
For
Agencies Providing In-Home Services through the
Home and Community Care Block Grant for Older Adults**

As a provider of one or more of the services listed below, our agency agrees to notify all Home and Community Care Block Grant clients receiving any of the below listed services provided by this agency of their rights as a service recipient. Services in this assurance include:

- In-Home Aide
- Home Care (home health)
- Housing and Home Improvement
- Adult Day Care or Adult Day Health Care

Notification will include, at a minimum, an oral review of the information outlined below as well as providing each service recipient with a copy of the information in written form. In addition, providers of in-home services will establish a procedure to document that client rights information has been discussed with in-home services clients (e.g. copy of signed Client Bill of Rights statement).

Clients Rights information to be communicated to service recipients will include, at a minimum, the right to:

- be fully informed, in advance, about each in-home service to be provided and any change and any change in service(s) that may affect the wellbeing of the participant;
- participate in planning and changing any in-home service provided unless the client is adjudicated incompetent;
- voice a grievance with respect to service that is or fails to be provided, without discrimination or reprisal as a result of voicing a grievance;
- confidentiality of records relating to the individual;
- have property treated with respect; and
- be fully informed both orally and in writing, in advance of receiving an in-home service, of the individual's rights and obligations.

Client Rights will be distributed to, and discussed with, each new client receiving one or more of the above listed services prior to the onset of service. For all existing clients, the above information will be provided no later than the next regularly scheduled service reassessment.

Agency Name: Council on Aging in Union County

Name of Agency Administrator: Linda Smosky

Signature: Linda Smosky Date: 5.10.2010

(Please return this form to your Area Agency on Aging and retain a copy for your files.)

July 1, 2010 through June 30, 2011

Home and Community Care Block Grant for Older Adults

Community Service Provider

Standard Assurances

Council on Aging in Union County agrees to provide services through the Home and
(Name of Provider)

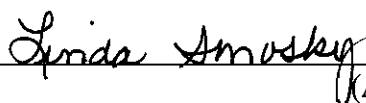
Community Care Block Grant, as specified on the Provider Services Summary (DOA-732) in
accordance with the following:

1. Services shall be provided in accordance with requirements set forth in:
 - a) The County Funding Plan;
 - b) The Division of Aging Home and Community Care Block Grant Procedures Manual for Community Service Providers; and
 - c) The Division of Aging Services Standards Manual, Volumes I through IV.

Community service providers shall monitor any contracts with providers of Block Grant services and take appropriate measures to ensure that services are provided in accordance with the aforementioned documents.

2. Priority shall be given to providing services to those older persons with the greatest economic or social needs, with particular attention to low-income minority individuals. The service needs of low-income minority elderly will be addressed in the manner specified on the Methodology to Address Service Needs of Low-Income Minority Elderly format, (DOA-733).
3. The following service authorization activities will be carried out in conjunction with all services provided through the Block Grant:
 - a) Eligibility determination;
 - b) Client intake/registration;
 - c) Client assessment/reassessments and quarterly visits, as appropriate;
 - d) Determining the amount of services to be received by the client; and
 - e) Reviewing cost sharing/voluntary contributions policies with eligible clients.
4. All licenses, permits, bonds, and insurance necessary for carrying out Block Grant Services will be maintained by the community service provider and any contracted providers.

5. As specified in 45 CFR 92.36(b)(11), community service providers shall have procedures for settling all contractual and administrative issues arising out of procurement of services through the Block Grant. Community service providers shall have procedures governing the evaluation of bids for services and procedures through which bidders and contracted providers may appeal or dispute a decision made by the community service provider.
6. Applicant/Client appeals shall be addressed as specified in Section 7 of the Division of Aging Home and Community Care Block Grant Manual for Community Service Providers, dated February 17, 1997.
7. Community service providers are responsible for providing or arranging for the provision of required local match, as specified on the Provider Services Summary, (DOA-732). Local match shall be expended simultaneously with Block Grant funding.
8. Providers expending \$500,000 or more in federal financial assistance through the Home and Community Care Block Grant, or in combination with other federal funding shall receive an annual independent audit which meets the requirements of the Division of Aging Program Audit Guide for Aging Services, applicable North Carolina General Statutes and Local Government Commission requirements, and OMB Circular A-133. For-profit community service providers shall have an annual compliance audit which meets the requirements of A-133. The audit shall be performed within nine (9) months of the close of the provider's fiscal year. Upon completion of the audit, non-profit and for-profit providers shall provide a copy of the audit report and any opinion letter simultaneously to the County and the Area Agency. Federal funds will not reimburse the cost of a single audit if the total of all federal funds expended by the provider is less than \$500,000
9. Compliance with Equal Employment Opportunity and Americans With Disabilities Act requirements, as specified in paragraph fourteen (14) of the Agreement for the Provision of County Aging-Based Services (DOA-735) shall be maintained.
10. Providers In-Home Aide, Home Health, Housing and Home Improvement, and Adult Day Care or Adult Day Health Care shall sign and return the attached assurance to the area agency on aging indicating that recipients of these services have been informed of their client rights, as required in Section 314 of the 2000 Amendments to the Older Americans Act.



(Authorized Signature)

5.10.2010

(Date)

BUDGET AMENDMENT

BUDGET BOCC and Parks & Recreation REQUESTED BY Kai Nelson
 FISCAL YEAR FY2010 DATE June 21, 2010

INCREASE

DECREASE

Description

Description

Board of County Commissioners

Operating Expenses 10,000

General Fund Contingency 26,500

Parks and Recreation

Operating Expenses 16,500

Explanation: Appropriate General Fund Contingency for expenditures related to agreement with the Town of Weddington in regards to Optimist Park.

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>Board of County Commissioners</u> | | |
| <u>Legal Expenditures</u> | <u>10540100-5382</u> | <u>10,000</u> |
| <u>Parks and Recreation</u> | | |
| <u>Pymts to Other Gov's</u> | <u>10561373-5630</u> | <u>16,500</u> |

| <u>Code</u> | <u>Account</u> | |
|---------------------------------|-----------------------|---------------|
| <u>General Fund Contingency</u> | <u>105920000-5920</u> | <u>26,500</u> |

Total 26,500

Total 26,500

Prepared By aar
 Posted By _____
 Date _____

Number 50

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 21, 2010

Action Agenda Item No. 4/6
(Central Admin. use only)

SUBJECT: Amendment to 2010 Jail Medical Plan

DEPARTMENT: Sheriff

PUBLIC HEARING: No

ATTACHMENT(S):

4.01-G: Administration and Control of Medications, Page 18

2010 Jail Medical Plan
Cover/Signature Sheet

INFORMATION CONTACT:

Lieutenant Jeff Outen

TELEPHONE NUMBERS:

O-704-292-2666

C-704-320-5939

F-704-292-2773

DEPARTMENT'S RECOMMENDED ACTION: To amend policy statement by removing the sentence, "Non-prescription medications may be purchased from Commissary or obtained from Detention Center medical staff by signing up for sick call."

BACKGROUND: Following July 1, 2010, it is the intent of the Union County Sheriff's Office to discontinue the sale of non-prescription medications to inmates through Commissary. The Sheriff also intends to enter into a contract with a private commissary company in 2010 and will disallow non-prescription medications on the menu list. The Sheriff's position is that medications of any kind should be dispensed by Jail medical staff through the established sick call procedure for proper diagnosis and documentation purposes.

FINANCIAL IMPACT: Current prices for non-prescription medications range from .50 -.60 each not including sales tax. Non-prescription medication sales represent a fraction of total commissary sales and are utilized by less than ten percent of the jail population. Inmates are required to submit "Sick Call" forms to medical staff to be seen for their ailment(s). Inmates may be charged a \$10.00 co-pay to be seen by medical staff.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

4.01-G: Administration and Control of Medications

POLICY STATEMENT:

A qualified health care professional will dispense inmate medications in a timely manner and in accordance with orders issued by the prescribing physician or mid-level practitioner. ~~Non-prescription medications may be purchased from Commissary or obtained from Detention Center medical staff by signing up for sick call.~~ A detention officer will accompany the nurse during medication runs for the purpose of supervising inmates and maintaining order and safety.

SPECIFIC PROCEDURES:

Safe and Secure Storage of Prescription Medications

Medications will be stored in a secured area in the medical area where they will be inaccessible to inmates and detention staff. When necessary, the Detention Center physician may authorize an inmate to carry and possess certain medications while incarcerated. Inmates authorized to carry and possess medication within their own housing unit must carry written approval signed by Detention Center medical staff authorizing possession of the medication.

When prescription medications are being dispensed, all medications will be under the exclusive care and control of Detention Center medical staff. Medication and/or unlocked medication carts will not be left unattended at any time.

Inmates Not Allowed To Administer or Dispense Medications

No inmate worker or other inmate will assist with or otherwise participate in dispensing or preparing to dispense inmate medications.

Receiving Inmates with Medications

The admitting detention officer will confiscate all prescription medications from incoming inmates. The medication will be inventoried specifically as to name, quantity, and any other descriptive information. The receiving officer will deliver the medication to the medical staff who will contact the physician prescribing the medication or the pharmacist who prepared the medication to verify that the medication was intended for the inmate.

An inmate will not be allowed to possess non-prescription medications brought into the facility by the inmate without approval in writing by the Detention Center medical staff. This written approval will be maintained in the inmate's booking file. Otherwise, this medication will be inventoried specifically as to name, quantity, and any other descriptive information, and stored with the inmate's property.

Union County Jail Medical Plan

Revised: June 1, 2010

Approved By:

Eddie Cathey
Sheriff of Union County

Phillip Tarte
Union County Health Director

Kim Rogers
Chairwoman, Union County Board of Commissioners

Adopted on _____ by the Union County Board of Commissioners

Lynn West
Clerk to the Union County Board of Commissioners

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**UNION COUNTY
DETENTION CENTER
POLICY & PROCEDURE**

NUMBER: 4.01

RESCINDS: 1

SUBJECT: MEDICAL PLAN FOR THE UNION COUNTY DETENTION CENTER

APPLICABLE STANDARDS: (Prepared in conformity with N.C. General Statute 153A-225(a) and N.C. Administrative Code 10A NCAC 14J .1001)

REVISED: February 2, 2009

APPROVED:

DATE:

4.01: Written Medical Plan Required

POLICY STATEMENT:

The Sheriff will develop a written medical plan that is designed to protect the health and welfare of Detention Center inmates. The plan, at a minimum, will address serious medical, mental health, mental retardation, dental and substance abuse problems of inmates. The plan will be reviewed annually by the Sheriff, Detention Center Physician and Union County Health Director, and adopted by the Union County Board of Commissioners.

SPECIFIC PROCEDURES:

Content of Detention Center Medical Plan

The Detention Center Medical Plan shall address, at a minimum, the following medical services:

- A. Health screening of inmates during intake;
- B. Routine medical care;
- C. Sick call;
- D. Non-emergency services;
- E. Emergency services;
- F. Mental health services;
- G. Substance and chemical abuse services;
- H. Dental care;
- I. Administration, dispersing and controlling medications;
- J. Handling suicidal inmates;
- K. Chronic illnesses and communicable diseases;
- L. Confidentiality of medical records;
- M. Privacy during medical examinations and conferences and
- N. Medical co-payments, if authorized.

The plan must provide for inmates being given a daily opportunity to communicate their health complaints to a health professional or officer and require that qualified health personnel be available to evaluate and provide care for the medical needs of inmates.

The medical plan will prohibit inmates from performing medical functions at the Detention Center and require that detention officers inform inmates about access to health care services.

Involvement of County Health Director and Board of Commissioners

Pursuant to G.S. 153A-225(a) and 10A NCAC 14J.1001(e), and as directed by the Sheriff, the Jail Administrator will be responsible for the annual review of the facility medical plan, including that each policy and procedure of the plan is reviewed and approved by the Sheriff, Health Director, and the local mental health authority indicating review and approval of the plan annually.

After the Union County Health Director has approved it, the Sheriff will request that the Union County Board of Commissioners adopt the Detention Center Medical Plan during a formal commissioners meeting.

A copy of the facility's medical plan is posted in the control room in a conspicuous area to afford officers access to the plan

4.01-A: Health Screening of Inmates During Intake

POLICY STATEMENT:

It is the policy of the Union County Detention Center to conduct a health screening on every inmate during the intake process to determine if the inmate is in need of emergency medical care, or mental health services.

SPECIFIC PROCEDURES:

Screening of Newly Admitted Inmates During Intake

All inmates will be screened during the booking process by Union County Detention Center staff using a standard health screening form. The health screening form has been approved for use by the Union County Health Services staff. The specific questions are asked of each inmate about their past and current medical conditions and the answers are recorded on the form by the intake officer. The intake officer will also make visual observations of the inmate and record the inmate's physical and mental conditions. The inmate and the intake officer will sign the form acknowledging that the answers were those given by the inmate. A copy of the form will be placed in the inmate's medical file and followed up as deemed appropriate with Union County Health Services staff.

Inmates Needing Immediate Medical Care

If during the health screening process, an inmate is deemed to need medical or mental care, the arresting officer will be requested to transport the inmate to the local area hospital. In the event that emergency medical care is needed, EMS will be contacted following the procedures set forth in the Emergency/Non-Emergency Medical and Dental Care section of the Union County Detention Center Medical Plan.

4.01-B: Qualified Medical Personnel

POLICY STATEMENT:

Qualified medical personnel will be available to evaluate inmate medical needs at all times. Inmates will not perform any medical functions at the Detention Center.

SPECIFIC PROCEDURES:

24-Hours Availability of Healthcare Personnel

The Union County Health Department will provide 24-hour medical, emergency, dental and mental health care at the Union County Detention Center. A physician will be available for consultation 24 hours per day and will come to the facility a minimum of one hour per week. A licensed nurse (LPN or RN) will be on-duty at the Detention Center or on call 24 hours per day. A mid-level practitioner will be on site Monday through Friday for 40 hours each week.

Inmates Prohibited from Performing Medical Functions

Inmates will not perform any function in or for the medical unit in the Detention Center, regardless of any license or certification the inmate may hold.

Health Care Professional's Qualifications

Health professionals who are hired under contract to provide medical services to the Union County Detention Center must have and maintain an active NC professional license and be competent.

Exclusive Responsibility for Medical Decisions

Health professionals who provide medical services at the Union County Detention will have the exclusive responsibility for medical decisions. At the same time, however, they will be subject to the same security requirements and procedures as detention officers and civilian staff. The names and numbers of all health care service providers will be clearly posted in the control room for easy access

4.01-C: Routine Medical Care/Sick Call

POLICY STATEMENT:

It is the policy of Union County Detention Center to provide each inmate with regular access to health care services from a qualified provider to screen, refer, and provide basic treatment for ongoing or emerging health care problems. Inmates will be provided an opportunity each day to communicate their medical complaints to a health professional or a detention officer.

DEFINITION:

Sick call is an organized method of treating inmate health problems through a regularly scheduled triage session. It provides inmates with the opportunity to report a medical illness or other health problem, and to receive diagnosis or treatment to alleviate the condition, if reasonably possible.

SPECIFIC PROCEDURES:

Inmates Will Be Informed How To Obtain Medical Care

The Booking Officer, during the booking process, will insure that the inmate is aware of the procedure for obtaining medical care.

Officers Will Respond To Healthcare Complaints

Officers will respond to and take appropriate action when an inmate complains of health problems, including dental needs and mental health problems. If a nurse is unavailable or fails to respond in an appropriate or timely manner, the officer receiving the complaint will inform the Shift Supervisor of the situation. The Shift Supervisor will evaluate the circumstances and, if necessary, make immediate arrangements for medical treatment as provided in the medical plan.

Inmates Allowed To Communicate Healthcare Needs Daily

Inmates will be provided an opportunity to communicate their health complaints daily verbally or by submitting a sick call form according to the following procedure:

A. An inmate will request a Sick Call Request form from an officer and complete the form. If an inmate is illiterate or unable to submit a request, an officer will submit one on the inmate's behalf. The inmate will deposit the Sick Call Request form in the collection box of the respective cell block. These requests will be delivered to medical during the passing of medications.

B. A nurse will collect, evaluate and respond to each complaint. Prior to conducting a face-to-face sick call, the nurse will provide the assisting officer with a list of inmates to be seen and evaluated. Sick call will be conducted on a daily basis.

C. All medical action taken will be documented and signed by the nurse. All sick call forms will be kept and filed.

Nurse Will Conduct Sick Call

A nurse will conduct sick call on a regular, established schedule and will, as soon as possible:

A. Examine the inmate to the extent required to ascertain the nature of the problem;

B. Provide appropriate treatment consistent with standing or verbal orders issued by the Detention Center physician or other supervising medical authority;

C. Schedule the inmate for further examination or treatment by the Detention Center mid-level practitioner, physician, psychiatrist, dentist or other specialist, as appropriate; and

D. Refer the inmate for transfer to the facility clinic or appropriate hospital when necessary.

E. Arrange for immediate transfer to appropriate facility, clinic, or hospital in medical emergencies.

The Shift Supervisor will assign an officer to assist with sick call. The officer will be responsible for safety, security and for handling inmate supervision while the inmate is in the treatment room with the provider.

Review of Sick Call

A physician will review sick call requests and records on a regular basis, Reviews may include:

A. An examination of records;

B. Referrals made by the sick call personnel;

C. Discussion with the staff member who conducted sick call; and

D. Actual examination of the inmate, if necessary.

Detention Center Physician and Specialists Will Be Available

A Detention Center mid-level practitioner and/or physician will be on-call 24-hours-per-day and will be available to respond to inmate medical needs referred by Detention Center nurses and officers. A mid-level practitioner is available Monday through Friday to examine, diagnose, and treat inmates.

A psychiatrist will conduct clinical rounds at the facility at least once weekly and a dentist will be available at least twice monthly. When necessary, inmates will be scheduled for outside treatment and/or seen by medical specialists as determined by the Detention Center physician.

4.01-D:Emergency/Non-Emergency Medical and Dental Care

POLICY STATEMENT:

It is the policy of the Union County Detention Center to provide emergency and non-emergency medical and dental services for inmates that is consistent with community standards of health care. Medical emergencies will be reported to medical staff immediately. Medical staff will respond promptly to all such requests. Until Detention Center medical staff is available, officers will render basic first aid services and other assistance. Inmates will not be escorted to the Detention Center clinic without the expressed permission of on-duty medical staff. Basic first aid kits will be available at various duty stations within the Detention Center.

DEFINITIONS:

A *medical emergency* is any medical event requiring immediate medical intervention including, but not limited to: unconsciousness or semi-consciousness, breathing difficulties and shortness of breath, chest pain, uncontrolled bleeding, head injury, broken bones, burns, uncontrolled pain, severe swelling, mouth or dental injury, severe alcohol or drug-induced intoxication, suicidal or self-destructive behavior, disorientation, exaggerated mood swings, delusions or hallucinations (auditory, visual, tactile, etc.,) intense fear, depression, anxiety or panic, and/or any other symptoms or complaints that indicates an inmate requires immediate medical care.

A *medical non-emergency* is any medical event that does not require immediate medical intervention including, but not limited to, minor aches and pains, insomnia, minor injuries or cuts, non-serious bleeding, skins disorders, mild to moderate depression or anxiety, fever and/or any other symptoms or complaints that do not indicate an inmate requires emergency medical care.

SPECIFIC PROCEDURES:

Sick Call Available For Non-Emergencies

Inmates experiencing medical and dental non-emergencies are provided with a sick call slip and encouraged to sign up for sick call. Officers will notify medical staff if an inmate states he is experiencing medical difficulties, and is requesting immediate medical care, and inform them of the inmate's symptoms or complaint. Medical staff will evaluate the needs of the inmate and determine if the inmate should be seen immediately or wait for sick call.

First Aid During An Emergency

If an inmate is experiencing a medical or dental emergency or complains of symptoms that indicate an emergency, a detention officer will notify Detention Center medical staff

immediately and administer first aid as necessary. Officers are required to administer first aid (including CPR) without unnecessary delay.

The Detention Center clinic is not equipped as a trauma emergency room. Inmates will not be escorted or transported to the Detention Center clinic without the expressed permission of Detention Center medical staff. When it involves a life-threatening emergency, medical staff will respond to the scene of the incident.

Medical Staff Will Evaluate Medical and Dental Need

Medical staff will respond to any report of a medical or dental emergency within the Union County Detention Center, evaluate the situation and render appropriate aid. Under normal circumstances, medical staff will determine if a local Emergency Medical Services provider (rescue squad) should be requested.

Supervisors May Contact EMS

The Shift Supervisor has the authority to request the local Emergency Medical Services provider dispatched to the scene of any incident at any time if he/she feels that outside emergency medical services are necessary.

Master Control Operator Will Notify EMS

The Master Control operator will contact 9-1-1 by telephone and request the local Emergency Medical Services provider. An officer will be assigned to stand by outside the facility until EMS arrives and to escort them to the medical emergency.

Officer to Accompany Inmate to Medical Facility

Whenever an inmate is transported outside this facility, the Shift Supervisor will assign sufficient detention staff to assure the inmate's safety, security and custody.

An officer will remain with the inmate at all times and will maintain proper custody of the inmate. Inmates will be handcuffed or otherwise restrained at all times, if feasible. Restraints should not be removed except by specific order of medical staff, and only if sufficient assistance is available to maintain secure custody of the inmate. If feasible, one type of hard restraint (handcuffs or leg restraints) should be maintained at all times. Officers will inform medical staff of the possible consequences of removing restraints from offenders, persons experiencing psychological emergencies, and inmates who pose an escape risk.

First Aid Kits

First responder kits, primarily for controlling excessive bleeding and protection of employees from blood borne diseases, will be placed in the command area and storage area between the four housing blocks. The Shift Supervisor will assure that medical

supplies are replaced after use.

Automatic External Defibrillator (AED)

An AED is used to treat people with heart attacks. There is an AED located in Master Control and a second AED is located in the medical clinic. Initial training may be provided by the mid-level practitioner or the American Red Cross to medical staff and the detention officers. If an inmate is unconscious with no pulse and no respirations, the AED should be connected immediately.

Notification of Detention Center Administrator

The Detention Center Administrator will be notified if an inmate is transferred to the hospital in critical condition or with a serious injury occurring at the Detention Center.

Report Required

The Shift Supervisor and detention staff involved in an emergency shall submit an incident report to the Detention Center First Sergeant by the next working day. The incident report shall include all information on the incident.

Escorting Officer Will Document Medical Instructions

The officer accompanying an inmate for treatment shall document all verbal instructions, as well as written instructions and ensure the medical records are returned with the inmate from the hospital. These instructions will be followed and immediately forwarded to Detention Center Health Services.

No Fee for Emergency Medical Treatment

An inmate will not be charged a co-payment fee for emergency medical treatment.

Dental Care

The facility will provide for the medical supervision by a licensed dentist to be provided to inmates in need of *emergency dental care treatment/services only*.

PROCEDURES

- A. Dental care services will be limited to emergency dental extractions only;
- B. Access to dental care services:
 1. Should an officer detect or receive a dental complaint from an inmate that he/she is suffering from a dental ailment (e.g., severe swelling of the facial

area or gums, broken or damaged teeth, severe pain), the officer will immediately contact the medical staff and explain the inmate's symptoms so that a determination can be made as to whether the inmate will need to be transported to the dental office for treatment/care.

2. If for any reason, the dentist is not available to provide care for the inmate, the medical unit will contact a local physician instead.

4.01-E: Mental Health Care

POLICY STATEMENT:

The Union County Detention Center will provide treatment, services, and housing for inmates who display or have been diagnosed as having mental health problems. In such cases, mental health care will be provided on a reasonable and cost effective basis, consistent with the facilities that are available.

DEFINITIONS:

Mentally ill: refers to the condition of a person afflicted with mental disease to such an extent that he or she requires care and treatment for his or her own welfare or the welfare of others.

Mentally retarded: refers to the condition of a person afflicted with substantial sub-average general intellectual functioning that is associated with impairment in adaptive behavior.

Mentally impaired inmate: refers to an inmate who is mentally ill or mentally retarded.

SPECIFIC PROCEDURES:

Officers Will Ask Health Questions During Intake

Inmates committed to the Union County Detention Center will be questioned and observed during intake in efforts to identify mentally impaired inmates who may not adapt well to a detention setting or who may be imminently dangerous to themselves or others. Officers will observe inmates throughout their incarceration in an effort to identify possible mental health problems. If an inmate presents an imminent danger to self or others, staff may take appropriate action to ensure the safety of inmates and staff (such as using restraints).

Inmates Given Daily Opportunity to Communicate Mental Health Needs.

Inmates will have the opportunity each day to communicate mental health needs via the sick call request form or verbally to any officer or Detention Center Health Services staff. The nurse will review and follow up on sick call request forms. The complaints and action taken will be kept in a written form.

Routine Mental Health Treatment

Officers will respond to an inmate who has mental health complaints at any time and take appropriate action. If Detention Center Health Services are unavailable, the officer who

receives the complaint will notify the Shift Supervisor who will evaluate the circumstances. If necessary, the Shift Supervisor will make immediate arrangements for medical treatment and evaluation.

Mental Health Screening

On admission, the intake staff will evaluate each inmate with regard to obvious signs of mental illness or retardation. When a staff member suspects an inmate is mentally impaired, they will contact Detention Center Health Services who will assess the situation and, if necessary, contact the on-call physician who will then determine necessary additional measures. Additional diagnostic tests or examinations may be ordered. Pending this review, an inmate demonstrating signs of serious mental illness may be housed in a holding cell, medical cell or transported to a more appropriate facility.

Examples of Acute Mental Illness

Officers should be alert to possible indicators of acute mental illness, including the following:

A. Delusions of grandeur and/or persecution, with hallucinations or a constant attitude of suspicions and hostility;

B. Intense anxiety or exaggerated levels of fear or panic in the absence of any danger;

C. Inappropriate emotional responses, bizarre delusions or unpredictable, hollow giggling;

D. Hallucinations such as hearing, seeing, tasting, or smelling something or someone that is not present at the moment;

E. Extreme depression, withdrawal, neglect of hygiene and appearance, refusal to eat or leave the cell for long periods of time, or periods of uncontrollable crying; and,

F. Exaggerated mood swings from elation and over activity to depression and under activity or a combination or alternation of these.

Inmates exhibiting questionable behavior may be placed on mental health or suicide watch. Inmates exhibiting psychotic or dangerous behavior that appear to originate from mental illness will be referred to medical staff for further evaluation.

Crisis Intervention

When an inmate exhibits behavior that is suicidal, homicidal or otherwise extremely inappropriate, the staff should request medical assistance. As a result of this evaluation

the inmate may be placed on a suicide watch. Under the condition of a suicide watch, inmates are placed on a program intended to reasonably protect the individual from self-destruction.

The on-duty nurse will evaluate the situation and, if necessary, contact the on-call physician or mid-level practitioner. Medical staff will make recommendations concerning the monitoring, observation and handling of the inmate. In no case will these recommendations override security considerations. Any question regarding potential conflicts between these medical recommendations and a possible compromise of security will be resolved by the First Sergeant, Lieutenant or Detention Center Administrator.

If a potential mental health crisis arises after regular operating hours or on weekends or holidays and it is not possible to immediately transfer an inmate to a regular mental health treatment facility, the Shift Supervisor will be notified. While awaiting medical assistance, the inmate may be held in a holding area closely observed by staff.

No Fee for Mental Health Treatment

An inmate will not be charged a co-payment fee for mental health treatment.

4.O1-F: Substance and Chemical Abuse Care

POLICY STATEMENT:

The Union County Detention Center will provide treatment, services, and housing for inmates who display or have been diagnosed as having substance and/or chemical abuse problems. In such cases, care will be provided on a reasonable and cost effective basis, consistent with the facilities that are available.

SPECIFIC PROCEDURES:

Officer Will Screen Inmates Upon Intake

Inmates committed to the Union County Detention Center are questioned and observed during intake in efforts to identify persons who may be suffering from chemical abuse or substance abuse problems. Officers will observe inmates throughout their incarceration in an effort to identify possible problems.

Inmate Will Have an Opportunity to Communicate Needs Daily

Inmates will have the opportunity each day to communicate health needs via the sick call request form or verbally to any officer or Detention Center Health Services staff. The nurse will review and follow up on sick call request forms. Officers will carry out instructions received from Detention Center Health Services. The complaints and action taken will be kept in a written form.

Routine Mental Health Treatment

Officers will respond to an inmate who has mental health complaints at any time and take appropriate action. If Detention Center Health Services are unavailable, the officer who receives the complaint will notify the Shift Supervisor who will evaluate the circumstances. If necessary, the Shift Supervisor will make immediately arrangements for medical treatment and evaluation.

Substance and Chemical Abuse Screening

On admission, the intake staff will evaluate each inmate with regard to obvious signs of chemical and/or substance abuse problems. When a staff member suspects an inmate is a chemical and/or substance user, they will contact Detention Center Health Services who will assess the situation and, if necessary, contact the on-call physician who will then determine necessary additional measures. Additional diagnostic tests or examinations may be ordered. Pending this review, an inmate demonstrating signs of serious illness

may be housed in a holding cell, designated medical housing or transported to a more appropriate facility

Examples of Acute Chemical and/or Substance Abuse Illness

Officers should be alert to possible indicators of acute chemical or substance abuse illness, including the following:

- A. Unconsciousness or semi-consciousness;
- B. Serious drug or alcohol induced intoxication;
- C. Intense anxiety or exaggerated levels of fear or panic in the absence of any real or present danger;
- D. Hallucinations such as hearing, seeing, tasting, or smelling something or someone that is not present at the moment;
- E. Other signs of symptom indicating the need for immediate medical care.

Inmates exhibiting questionable behavior may be placed on medical, mental health or suicide watch. Inmates exhibiting psychotic or dangerous behavior that appear to originate from chemical or substance abuse will be referred for evaluation.

Crisis Intervention

When an inmate exhibits behavior that is extremely inappropriate, the staff should request medical assistance. As a result of this evaluation the inmate may be placed on a special watch. Under the condition of a special watch, inmates are placed on a program intended to reasonably protect the individual.

The on-duty nurse will evaluate the situation and, if necessary, contact the on-call physician. Medical staff will make recommendations concerning the monitoring, observation and handling of the inmate. In no case will these recommendations override security considerations. Any question regarding potential conflicts between these medical recommendations and a possible compromise of security will be resolved by the First Sergeant, Lieutenant or Detention Center Administrator.

If a potential chemical or substance abuse crisis arises after regular operating hours or on weekends or holidays and it is not possible to immediately transfer an inmate to a treatment facility, the Shift Supervisor will be notified. While awaiting medical assistance, the inmate may be held in the medical unit and closely observed by staff.

No Fee for Mental Health Treatment

An inmate will not be charged a co-payment fee for mental health treatment.

4.01-G: Administration and Control of Medications

POLICY STATEMENT:

A qualified health care professional will dispense inmate medications in a timely manner and in accordance with orders issued by the prescribing physician or mid-level practitioner. ~~Non-prescription medications may be purchased from Commissary or obtained from Detention Center medical staff by signing up for sick call.~~ A detention officer will accompany the nurse during medication runs for the purpose of supervising inmates and maintaining order and safety.

SPECIFIC PROCEDURES:

Safe and Secure Storage of Prescription Medications

Medications will be stored in a secured area in the medical area where they will be inaccessible to inmates and detention staff. When necessary, the Detention Center physician may authorize an inmate to carry and possess certain medications while incarcerated. Inmates authorized to carry and possess medication within their own housing unit must carry written approval signed by Detention Center medical staff authorizing possession of the medication.

When prescription medications are being dispensed, all medications will be under the exclusive care and control of Detention Center medical staff. Medication and/or unlocked medication carts will not be left unattended at any time.

Inmates Not Allowed To Administer or Dispense Medications

No inmate worker or other inmate will assist with or otherwise participate in dispensing or preparing to dispense inmate medications.

Receiving Inmates with Medications

The admitting detention officer will confiscate all prescription medications from incoming inmates. The medication will be inventoried specifically as to name, quantity, and any other descriptive information. The receiving officer will deliver the medication to the medical staff who will contact the physician prescribing the medication or the pharmacist who prepared the medication to verify that the medication was intended for the inmate.

An inmate will not be allowed to possess non-prescription medications brought into the facility by the inmate without approval in writing by the Detention Center medical staff. This written approval will be maintained in the inmate's booking file. Otherwise, this medication will be inventoried specifically as to name, quantity, and any other descriptive information, and stored with the inmate's property.

Detention Center Health Services Will Dispense Medications

Prescription medication will be dispensed at least two (2) times daily according to a schedule approved by the Detention Center physician. A Detention Center nurse, pharmacy technician or other member of the Detention Center medical staff will administer all medications. An officer will accompany Detention Center medical staff during every medication call.

Before entering a housing unit, an officer will announce "Medication" to inmates housed in the unit. Before administering medication, the nurse will identify the inmate by his/her wristband and the medication as belonging to the inmate. Medication will be dispensed in an orderly manner. The detention officer is responsible for maintaining order and for taking proper disciplinary action as the situation requires. Any inmate who acts in a disruptive or disorderly manner or who refuses to obey the proper orders of a nurse is subject to disciplinary action.

Medication will be dispensed in strict accordance with orders from the prescribing physician or mid-level practitioner. Medication assigned to one inmate will not be dispensed to another inmate. The inmate is required to take the medication immediately and in the nurse's presence. For oral medication, the nurse will require the inmate to open his/her mouth and show that the medication has been taken. The officer will remain with the nurse at all times and will observe the inmate closely enough to ensure that the medication is being taken and applied correctly.

Special Rules for Dispensing Medication to Aggressive or Assaultive Inmates

If an inmate is known for aggressive or assaultive behavior, two officers will be present before the cell door is opened. One officer will order the inmate to turn around to face the rear of the cell, to extend his hands behind his back and to walk backwards toward the door. The inmate will be handcuffed behind his back before turning around to receive medication. The nurse will positively identify the inmate by checking his wristband and will dispense the medication in accordance with physician's or mid-level practitioner's orders.

If an aggressive or assaultive inmate is physically incapable of walking or being handcuffed behind his back, the officer will order the inmate to lay flat on the bed with his face and frontal body toward the rear wall and to remain in that position until approached from the rear by two officers. The officer will check the inmate's wristband and positively identify the inmate. If the medication is oral, the officer will receive it from the nurse and will provide it to the inmate. The inmate will remain on the bed facing the rear wall until the officers and nurse have retreated from the cell and closed the cell door.

Under special circumstances, officers may be justified in deviating from the procedures stated above if a safer method of delivering medication is available. An officer must be

able to justify deviations from standard procedure.

Releasing Inmates with Medications

An inmate receiving prescription medication at the time of release will be provided (if needed) with a three (3) to five (5) day supply of the prescribed medication(s) upon release or transfer from custody. The inmate will sign an acknowledgement of receipt and understanding form provided by Detention Center Health Services, which will be filed in his inmate medical record. Certain controlled medications may be regulated and cannot be given to an inmate upon release. If the prescription medication is unavailable or regulated, a prescription will be provided so it can be filled at a pharmacy.

4.01-H: Suicidal Inmates

POLICY STATEMENT:

Officers of the Union County Detention Center will be watchful for signs of suicide among inmates and will intervene directly, when possible, in suicide threats or actions. Inmates on suicide watch will be closely supervised. Officers and Detention Center Health Services staff will be trained to recognize the signs of a potentially suicidal inmate and to respond to their needs as required. Officers will screen, supervise and classify inmates in order to reduce the possibility of suicides.

DEFINITIONS:

Suicide: the act or an instance of a person voluntarily and intentionally taking his or her own life.

Self Destructive Behavior. the act of intentionally causing serious injury to ones own self (such as repeatedly striking their own head against a concrete wall or steel doors.)

DISCUSSION:

For most individuals, incarceration is a traumatic experience. Consequently, some individuals taken into custody and confined in a Detention Center may exhibit some form of abnormal behavior.

Suicide attempts may take many forms, however the ultimate goal is to end one's own life. The actual attempt may be planned in advance or the result of an impulse. The inmate may appear normal one time and a few minutes later suicidal or self-destructive. Officers should watch for three basic modes of attempted suicide, as follows:

- A. Suicide — the inmate wishing to take his own life performs the act.
- B. Homicide — The act is performed by a fellow inmate for a variety of reasons, with the knowledge and assistance of the suicidal inmate.
- C. Suicide by "COP" — The suicidal inmate may try to set up a scenario or scheme where officers will be forced to use deadly force because of some action he [the inmate] instigates.

There is no recognized formula for successfully predicting suicide in or out of Detention Center. Medical doctors, psychiatrists and psychologists also lose patients to suicide. The best professionals can do for the suicidal persons is to attempt reasonable intervention. There are many ways to commit suicide. Some of the more common methods include hanging, self-strangulation or over-medication. Officers will use reasonable efforts to detect and intervene in suicide attempts.

SPECIFIC PROCEDURES:

Screening of Newly Admitted Inmates During Intake

All inmates will be screened during the booking process for their potential as a suicide risk. Detention Center Health Services staff will screen and evaluate each inmate for suicide during the health screening process. In addition to visual observations, Detention Center Health Services will verbally question the prisoner to assess the prisoner's physical, mental and emotional condition. If Detention Center Health Services are unable to complete an initial screening, the Booking Officer will record the answers given by the prisoner on the inmate's medical screening form to document the prisoner's medical condition. The prisoner and the booking officer will sign the form acknowledging that the answers were those given by the prisoner. A copy of the form will be placed in the inmate's medical file and followed up as deemed appropriate with mental health officials.

Officers Will Report Suicidal, Self-Destructive or Homicidal Behavior

When an inmate exhibits suicidal, self-destructive or homicidal behavior, the officer observing the behavior will notify his supervisor and Detention Center Health Services. The on-duty nurse will determine if additional support or evaluation is warranted. While awaiting medical assistance, the inmate may be held on suicide watch and observed by staff

Once a medical or psychiatric evaluation is completed, the on-duty Shift Supervisor will be notified by the medical professional if changes in the normal watch procedure are required or recommended. The recommendations of the medical professional will be followed for the period indicated.

Officers and detention staff will be alert to possible indicators of potentially suicidal inmates, by such things as:

- A. Past history of suicide attempts;
- B. Observed behavior and verbal discussion of suicide during the admission process;
- C. Active discussion of suicide plans;
- D. Sudden drastic change in eating, sleeping, or other personal habits;
- E. Recent crisis in personal events, such as extended or life sentencing;
- F. Loss of interest in activities or relationships the inmate had previously engaged in.
- G. Depression, which might be revealed by crying, withdrawal, insomnia, variations in moods, and lethargy (abnormal drowsiness);

H. Giving away personal property;

I. Signs of serious mental health problems such as paranoid delusions or hallucinations;

4.01-I: HIV/AIDS **(Acquired Immune Deficiency Syndrome)**

POLICY STATEMENT:

It is the policy of the Union County Detention Center to provide medical evaluation and care to inmates suspected of having HIV or AIDS.

The Union County Detention Center will operate in a manner that protects the health, safety and welfare of officers and inmates. It will take all steps reasonably necessary to prevent the spread of HIV infection. Officers will receive training on its causes and transmission. This education will emphasize the use of universal safety precautions for preventing the spread of HIV and other bloodborne infections. Detention staff will take special care to preserve and maintain the confidentiality of each inmate's HIV status.

DEFINITIONS:

The following definitions apply to this section, and are relevant to a basic understanding of the threat of AIDS and HIV in the Detention Center setting:

AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME): A diagnosed condition in which a collapse of the body's immune system permits the contraction of infections and other diseases that causes either serious illness or death. The condition is caused by an infection of the human immunodeficiency virus (HIV).

ASYMPTOMATIC: A person is HIV positive but has none of the physical symptoms associated with HIV infection or AIDS.

BLOOD AND BODY FLUIDS: Blood, semen, cervical secretions, saliva, urine, vomit, and breast milk.

HIV (HUMAN IMMUNODEFICIENCY VIRUS): The virus that causes AIDS.

HIV POSITIVE: The HIV test detects antibodies to HIV in a person's blood, which means that at some point the person has been exposed to HIV. A person who is HIV positive may not have any of the physical symptoms associated with AIDS, but he or she remains capable of transmitting the HIV virus to others.

HIV STATUS: The status of a person as either HIV positive or HIV negative. A person's HIV status is determined by HIV testing.

HIV TEST: A test or series of tests used to determine whether a person's blood contains antibodies to HIV. The presence of antibodies means that at some point the person has been exposed to HIV. The HIV test consists of an initial ELISA test and a confirmation test called the Western Blot. In the event of a negative HIV test after a high-risk

exposure, it should be repeated at least twice at three-month intervals.

STD: Sexually Transmitted Diseases include, but are not limited to: HIV infection, gonorrhea, syphilis, Chlamydia, hepatitis B & C, etc.

SYMPTOMATIC: The person is HIV positive and has some of the physical symptoms associated with the disease. These symptoms may include recurrent fevers, fatigue, unexplained weight loss, night sweats, diarrhea and swollen glands.

UNIVERSAL PRECAUTIONS: Infection control procedures, which should be taken to prevent transmitting infections. These procedures include wearing gloves when coming into contact with or handling blood or body fluids. These precautions are necessary, with all persons since their status may not be known.

DISCUSSION:

AIDS or Acquired Immune Deficiency Syndrome is an illness caused by the Human Immunodeficiency Virus (HIV or AIDS virus). The HIV virus is transmitted through unprotected sexual activity with an infected person, inoculation with infected blood or blood products and from an infected woman to her fetus or infant during or after pregnancy. The HIV virus is not transmitted from casual contact, such as touching an infected person or from eating utensils or sharing toilet seats and showers.

SPECIFIC PROCEDURES:

Preliminary Health Screening Form During Intake

If the inmate indicates they are HIV positive, the Booking Officer will instruct the inmate to report the medical condition to Detention Center Health Services during the health screening. If the Booking Officer believes because of his own observations the inmate may have a communicable disease, the Booking Officer will confidentially notify Detention Center Health Services as soon as possible.

Symptoms of AIDS/HIV.

Common symptoms of AIDS/HIV, although similar to many illnesses and infections, may include:

- A. Persistent tiredness
- B. Fever
- C. Weight loss
- D. Diarrhea

- E. Night sweats
- F. Swollen glands

Officers Will Hold HIV Information in Strict Confidence

The Booking officer must maintain the confidentiality of information about HIV obtained during the preliminary health screening. If an inmate discloses the fact that he or she is HIV positive, an officer may not tell another officer of the inmate's condition. This will violate G.S. 130A-143, and may also lead to civil liability for violating the inmate's constitutional right to privacy. It is unlawful to reveal to anyone other than medical staff that an inmate is HIV Positive.

Testing of Inmates for HIV Infection

Inmates will not be tested routinely for HIV infection. Although federal courts have allowed mandatory HIV testing for inmates, North Carolina law prohibits HIV testing without the person's informed consent or by court order. Therefore, except for certain exceptions in state law, inmates will not be tested without their permission.

The Detention Center Health Services physician or mid-level practitioner may request an HIV test for an inmate if, in the physician's or mid-level practitioner's reasonable medical judgment, the test is necessary for the inmate's appropriate medical treatment. Still, the inmate cannot be tested without his or her informed consent.

If the inmate consents to HIV testing, Detention Center Health Services may perform the test. If the inmate refuses consent, the Detention Center physician or mid-level practitioner may obtain a court order to have the inmate tested.

Testing Following Significant Risk of Exposure

The majority of occupational exposures to HIV do not result in the transmission of the disease to the exposed person.

The following procedures will govern the testing of an inmate if any person has been exposed to the inmate's blood or body fluid and the Detention Center physician determines that the exposure poses a significant risk of transmitting HIV:

- A. Spitting generally does not present a significant risk of transmission.
- B. If the Detention Center physician or mid-level practitioner knows the inmate's HIV status, he will release that information to the person exposed in accordance with procedures outlined below.

C. If the Detention Center physician or mid-level practitioner does not know the inmate's status, he may contact the inmates attending physician (if he has one) to determine the inmate's HIV status.

D. If the Detention Center physician or mid-level practitioner cannot determine the inmate's HIV status, he may cause the inmate to be tested as prescribed below.

E. The Detention Center physician or mid-level practitioner will notify the exposed person about the inmate's HIV status.

F. The Detention Center physician or mid-level practitioner will offer HIV testing as soon as possible to the exposed person and at reasonable intervals to determine whether there was a transmission of HIV. (This can also be done by the exposed person's personal physician.) Immediately after a high-risk exposure, physician consultation about the use of antiviral medications as a preventative measure should be considered.

G. If the inmate was HIV infected, the Detention Center physician or mid-level practitioner will instruct the exposed person in the control measures,

H. The Detention Center physician or mid-level practitioner will instruct the exposed person concerning the requirement of confidentiality of the inmate's HIV status.

Inmate Requests to be Tested for HIV

An inmate may request an HIV test through regular sick call procedures with Detention Center Health services. The inmate will be charged the medical co-payment under these circumstances. The inmate will be provided appropriate pre-test counseling and notified of the results. If positive, the inmate will be provided appropriate post-test counseling by Detention Center Health Services or referred to an infectious disease clinic. The counseling will be documented. Detention Center Health Services will inform all known HIV infected inmates that they should follow NC state mandated control measures.

The Union County Health Department may offer free HIV/STD testing to inmates upon request from time to time. Health department staff may visit the Union County Detention Center to provide free testing and to educate inmates about HIV and STDs.

Reporting Requirements

Detention Center Health Services or the facility conducting the HIV testing are responsible for reporting communicable diseases to the local health department as required by state law.

Housing and Classification

The Booking Officer will consider relevant security factors in housing newly admitted inmates, including those inmates known to be HIV infected and asymptomatic.

A. Inmates who are HIV infected and asymptomatic will not be segregated from the general inmate population or transferred to other correctional facilities solely because of their HIV status.

B. Inmates who are HIV infected and asymptomatic may be placed into administrative segregation when necessary to protect an inmate from assaults by other inmates.

C. Inmates who are HIV infected, asymptomatic and are violent, sexually active or who engage in other high-risk behavior will be placed in administrative segregation or transferred to another correctional facility as soon as possible, pursuant to a court order authorizing transfer. Pending transfer, the inmate will be placed in medical segregation immediately.

D. Detention Center Health Services staff may order an HIV infected inmate who is asymptomatic to be placed in medical segregation if they determine that such placement is necessary for the inmate's medical treatment.

Inmates who are HIV infected and symptomatic will be placed in medical segregation.

A. Symptomatic HIV infected inmates may be transferred to another more appropriate facility upon recommendation of the Detention Center Medical services or Detention Staff.

B. HIV-infected inmates who have been recommended for transfer will be placed into medical segregation immediately pending transfer.

HIV-infected inmates in administrative or medical segregation will have reasonable access to all privileges available to other inmates including attorney visits, chaplain visits, commissary, social visitation, mail privileges and other programs or services.

Exposure to Body Fluids or Blood

The following are not normally considered exposures to the HIV virus:

- A. Being in the same room with an HIV infected person;
- B. Talking to or touching an HIV infected person with protection; and
- C. Sharing bathrooms or eating together in the same room.

An officer or inmate who has been exposed to blood or body fluids of an inmate will wash the exposed area with soap and water as soon as possible after the exposure. Outer garments should be removed in as close proximity to the exposure site as possible, handled as least as possible and placed in a Biohazard bag. (Please see Bloodborne

Pathogen policy for more information on this procedure.)

An officer or inmate who has been exposed to the blood or body fluids of any inmate will be encouraged to consult with Detention Center Health Services immediately for an evaluation of the exposure. Documentation of this action, including date and time, should occur.

Any other person exposed to blood or body fluids of an inmate will be encouraged to consult with their private physician, an emergency room, or urgent care immediately and document the action taken including date and time.

Reports Required

An officer will complete a Detention Center incident report within twenty-four (24) hours after being exposed to any blood or body fluids, outlining the facts and circumstances of the incident. This report will be forwarded to the Detention Center Administrator by chain of command. The Designated Officer for our agency will be notified to assist the officer in any way possible.

An officer will complete a worker's compensation report within 24 hours of the incident. If the Officer is not physically able to complete the report, his supervisor will complete the report.

The reports will be stored in a confidential manner and only available to personnel who have a legitimate need to review them.

Medical Referrals

Detention Center Health Services will refer officers and/or inmates to the proper health care agency for testing and/or counseling if it has been determined that the exposure poses a significant risk of contracting HIV. If the Detention Center Health Services staff determines that the exposure provides no significant risk, the officer or inmate may seek medical care at their own personal expense.

Officer(s) and/or inmate(s) involved in a significant exposure incident will be required to follow the procedure outlined in Public Health Code 10A NCAC 41A.0202 (4) (a) (b) (c) which is as follows:

“(4) When health care workers or other persons have a needle stick or nonsexual non-intact skin or mucous membrane exposure to blood or body fluids that, if the source were infected with HIV, would pose a significant risk of HIV transmission, the following shall apply:

- (a) When the source person is known:
 - (i) The attending physician or occupational health care provider responsible for the exposed person, if other than the attending physician of the person whose

blood or body fluids is the source of the exposure, shall notify the attending physician of the source that an exposure has occurred. The attending physician of the source person shall discuss the exposure with the source and shall test the source for HIV infection unless the source is already known to be infected. The attending physician of the exposed person shall be notified of the infection status of the source.

- (ii) The attending physician of the exposed person shall inform the exposed person about the infection status of the source, offer testing for HIV infection as soon as possible after exposure and at reasonable intervals up to one year to determine whether transmission occurred, and, if the source person was HIV infected, give the exposed person the control measures listed in Sub-Items (1)(a) through (c) of this Rule. The attending physician of the exposed person shall instruct the exposed person regarding the necessity for protecting confidentiality.
- (b) When the source person is unknown, the attending physician of the exposed persons shall inform the exposed person of the risk of transmission and offer testing for HIV infection as soon as possible after exposure and at reasonable intervals up to one year to determine whether transmission occurred.
- (c) A health care facility may release the name of the attending physician of a source person upon request of the attending physician of an exposed person.”

The results will not be reported to any member of the agency.

Detention for Communicable Diseases

In accordance with N.C.G.S.15A-534.3, if a judicial official conducting an initial appearance or first appearance hearing finds probable cause that an individual was exposed to the defendant in a manner that poses a significant risk of transmission of the AIDS virus or Hepatitis B, the judicial official shall order the defendant to be detained for a reasonable period of time, not to exceed 24 hours, for investigation and testing by public health officials pursuant to G.S. 130A-144 and G.S, 130A-148. (1989, c. 499.)

N.C.G.S, 15A-534.3 requires judicial officials to order a defendant detained if there is probable cause to believe that the defendant exposed a person to “a significant risk of transmission of HIV.”

The purpose of the detention is to provide time for public health officials to conduct an investigation and for HIV or Hepatitis B testing if required by them. Judicial officials do not have the authority to order HIV or Hepatitis B testing, but only to detain the individual for investigation by public health officials who will determine if testing is required.

Detention Center Health Services staff will notify officials at the Union County Health Department if a defendant is being detained for evaluation and possible testing for HIV or Hepatitis B.

- A. Since the detention is for 24 hours maximum, the Detention Center Health Services staff should notify health department officials as soon as possible.
- B. Public health officials will have reasonable access to the defendant upon their request.
- C. The defendant will be released after 24 hours whether the health department has responded to the notification or not.

Detention Center Health Services staff and Detention staff will refer all questions concerning a defendant's medical status to the Union County Health Department.

Confidentiality of AIDS Information

In accordance with North Carolina law, all information and records, especially medical records that identify an inmate as HIV/Hepatitis B infected, will be strictly confidential. Federal courts have recognized an inmate's right to privacy with regards to the disclosure of sensitive medical information.

The unauthorized release of information about an inmate's HIV status will result in disciplinary action.

Detention Center Health Services Release of Inmate's HIV Status

Under the following circumstances, Detention Center Health Services staff is permitted to release an inmate's HIV status:

- A. Release is made to health care personnel who are providing medical care to the inmate.
- B. Release is made with the inmate's written consent or the written consent of the inmate's guardian.
- C. Release is made pursuant to a subpoena or court order.
- D. Release is otherwise authorized by G.S. 130A-143 or by regulations adopted by the Commission for Public Health.

Detention Center Health Services will release an inmates HIV status to the Director of Health Services for the Division of Prisons and the prison facility administrator when an inmate is transferred to the Department of Corrections.

Staff Work Assignments

There is not a high risk of transmitting or receiving the HIV virus through normal contact in the workplace if personal protective safety equipment and universal safety precautions

are followed. In general, Detention staff will not be excused from working with and directly supervising HIV infected inmates.

Officers who are pregnant or have reason to believe they may be pregnant may be excused from working with HIV-infected inmates if their personal physician states in writing that exposure to those inmates could increase complications for the pregnancy.

A. HIV-infected inmates who are symptomatic sometimes carry a virus (cytomegalovirus) that may cause birth defects if transmitted to a pregnant staff member.

B. The risk is infection with cytomegalovirus, not HIV.

Any officer or employee who refuses to perform assigned duties simply because they must come into contact with an HIV-infected inmate is subject to disciplinary action.

Inmate Participation in Programs

HIV positive inmates have the same access to facility programs and services as other inmates. These inmates have the same visitation and recreational privileges as other inmates housed in the same housing unit under the same classification level.

Detention staff will give consideration to all inmates, including HIV positive inmates, when making work assignments or reviewing inmates for Inmate Worker status. Candidates for inmate worker will be reviewed on a case-by-case basis under set requirements. An HIV positive inmate may not be refused Inmate Worker status based solely on his medical condition. However, HIV positive inmates may be refused if the basis for the refusal is unreasonable fear among other inmates or other legitimate penological concerns.

HIV infected inmates may be denied access to facility programs or services if the Detention Center physician determines that such restrictions are necessary to protect the inmate's health or the health of others.

Safety Equipment

The Union County Detention Center will make the following personal protective equipment available for use by Detention staff:

- A. Disposable latex or nylon gloves;
- B. Pocket Masks with one-way valves for CPR and/or Ambu-Bags;
- C. Coveralls, shoe covers and protective eyewear;
- D. Puncture-resistant containers for holding sharp objects;

- E. Disposable paper towels and cleaning supplies; and
- F. Plastic bags labeled as containers for bio-hazardous waste.

Universal Safety Precautions

Officers will wear disposable gloves whenever they come in contact with blood or body fluids or whenever they reasonably expect to come into contact with blood or body fluids. Once an officer's gloves have been used, they will be thrown away immediately before any other task is performed.

Officers will wear disposable gloves whenever they engage in the following activities:

- A. Conducting cell searches;
- B. Conducting searches of inmates;
- C. Handling disruptive inmates. (Whenever possible)
- D. Any other activity likely to result in exposure to blood and body fluids.

Officers will wear other personal protective equipment (PPE) such as surgical masks or goggles when they reasonably expect to come into contact with spurting or splashing blood, if they have time under the circumstances.

Officers who come into contact with blood or body fluids will wash the affected area thoroughly with warm water and soap as soon as possible after the contact. Officers will wash their hands even if they were wearing gloves and the gloves appear to be intact.

Officers will exercise caution to avoid cuts or punctures with sharp objects including knives, razors, and hypodermic needles.

- A. Officers searching cells shall avoid putting their hands into places they cannot visually inspect. Flashlights and mirrors will be used to assist in searching such places.
- B. Sharp objects will be placed into a puncture resistant container for storage and disposal.

Officers will protect against possible infection by covering cuts, open sores, or breaks in their skin with water-resistant bandages.

Officers will place all contaminated clothing, bedding, or other items that may be cleaned and reused in plastic bags that are marked clearly as contaminated materials (bio-hazard). Normal laundry and dry cleaning procedures are adequate to decontaminate clothing, bedding, and other washable items. Contaminated clothing will be washed at the Detention Center. Employees are prohibited from taking contaminated clothing home to

be washed,

Officers will wear utility gloves and use a disinfectant solution when cleaning areas or surfaces contaminated with blood and/or body fluids.

A. A 1:100 solution of household bleach and water may be used for cleaning objects or areas contaminated with blood or body fluids.

B. The mixed bleach and water solution may only be stored for a maximum of 24 hours before it loses its strength.

C. A hospital grade disinfectant or sanitizing solution may be substituted for bleach and water.

All contaminated items intended for disposal will be placed in plastic bags and clearly marked as bio-hazardous materials with the following exceptions:

A, Sharp objects will be placed in a puncture-resistant container for storage and disposal.

B. All contaminated trash and sharp containers will be properly marked to identify the contents and be placed in the designated "Bio-Hazardous Storage Room"; for pickup by the designated company

C. Mattresses shall be sanitized with a sanitizing solution or a hospital grade disinfectant as required by state standards.

Contaminated disposable materials will be treated as infectious waste and disposed of in Bio Waste containers.

CPR and First Aid

Detention Center Health Services staff and/or officers will provide first aid treatment and, if qualified, administer CPR to inmates during a medical emergency as necessary.

If CPR is required, those involved should use an Ambu-bag or a pocket mask with a one-way valve whenever possible. These devices reduce the risk of transmitting all infectious diseases. Contact with saliva during CPR does not present a significant risk of transmitting HIV.

Refusal by detention staff to provide emergency care, including CPR, to an inmate may result in disciplinary action.

Employee Training

The Union County Sheriff's Office and Detention Center will provide new employees

Bloodborne Pathogen policy training within ten (10) days of beginning work, normally on the first day of work during the Union County Detention Center Orientation. This training will familiarize the officer with their legal responsibilities and the operational procedures of the Union County Detention Center as they relate to AIDS and other communicable diseases.

Within one year of appointment, officers are required to successfully complete the NC. Detention Officer Certification Course (DOCC) that includes legal responsibilities and procedures for handling inmates with AIDS and other communicable diseases.

Officers will receive periodic training containing current information concerning HIV and other communicable diseases.

4.01-J: Other Chronic Illnesses and Communicable Diseases

POLICY STATEMENT:

The Union County Detention Center will take reasonable steps to prevent the spread of communicable diseases and will provide medical evaluation and care to inmates suspected of having a communicable disease. Inmates with a known communicable disease will be isolated if it is reasonably necessary to protect the inmate's health or the health of others. The Union County Sheriff's Office and Detention Center will provide officers training on the causes and methods of transmission of various communicable diseases. This education will emphasize the use of universal safety precautions for preventing the spread of such diseases. The Union County Detention Center will take special care to preserve the confidentiality of information about communicable diseases.

DISCUSSION:

North Carolina General Statute (N.C.G.S.) 153A-225(a)(3) requires the Detention Center medical plan to "provide for the detection, examination and treatment of prisoners who are infected with tuberculosis or venereal diseases." N.C.G.S. 153A-225(a)(1) requires the medical plan to address "avoiding the spread of contagious diseases," which in many cases will mean the separation of infected inmates.

North Carolina State Detention Center Standards 10A NCAC 14J .1001(b) (3) requires the medical plan to address the handling of inmates with known communicable diseases. 10A NCAC 14J .1003 requires each Detention Center to "separate inmates who require medical isolation from other inmates either by housing them in a separate area of the detention center or by transferring them to another facility." Federal law, state law and public health regulations must be obeyed.

SPECIFIC PROCEDURES:

Preliminary Health Screening Form During Intake

If the inmate indicates they have a communicable disease, the Booking Officer will instruct the inmate to report the medical condition to Detention Center Health Services during the health screening. If the Booking Officer believes because of his own observations the inmate may have a communicable disease, the Booking Officer will confidentially notify Detention Center Health Services as soon as possible.

Inmate Requests to be Tested For Communicable Diseases

An inmate may request a communicable disease test through regular sick call procedures with Detention Center Health services. The inmate will be charged the medical co-payment under these circumstances. The inmates will be notified of the results and, if positive, the inmate will be provided appropriate post-test counseling by Detention Center Health Services. The counseling will be documented. Detention Center Health Services will inform all known infected inmates that they should follow NC state mandated control measures. .

The Union County Health Department offers free HIV/STD testing to inmates and the public. Health department staff may visit the Union County Detention Center to provide free testing and to educate inmates about HIV and STDs.

Confidentiality Requirements

The Booking officer must maintain the confidentiality of information about an inmate's medical status obtained during the preliminary health screening. Any information and records, especially medical records that might identify an inmate as having a communicable disease, will be kept strictly confidential. If an inmate discloses the fact that he or she has a communicable disease, an officer will not tell another officer of the inmate's condition. This will violate N.C.G.S. 130A-143, and may also lead to civil liability for violating the inmate's constitutional right to privacy. Public health regulations authorize a local Health Department Director to notify the Sheriff if an inmate has certain communicable diseases. (This does not apply to HIV infection and AIDS.)

The unauthorized release of information about an inmate's medical status may result in disciplinary action.

Reporting Communicable Diseases to Public Health Officials

Detention Center Health Services or the facility conducting the testing is responsible for reporting communicable diseases as required by state law.

Housing and Classification for Inmate Suspected of Having Communicable Disease.

The Booking Officer will consider relevant security factors in housing newly admitted inmates, including those inmates with a communicable disease:

A. Inmates who are infected with a communicable disease but asymptomatic may be placed into medical segregation when necessary to protect or promote their health or

the health of others. Detention Center Health Services will determine if an inmate should be segregated.

B. Inmates who are infected with a communicable disease but are asymptomatic may be placed in administrative segregation when necessary to protect an inmate from assaults by other inmates.

C. Inmates with a communicable disease who are symptomatic or contagious will be housed in medical segregation or transferred to another facility.

Inmates with a communicable disease in administrative or medical segregation will have reasonable access to all privileges available to other inmates including attorney visits, chaplain visits, commissary, social visitation, mail privileges and other programs or services.

Exposure to Body Fluids or Blood

An officer or inmate who has been exposed to blood or body fluids of an inmate will wash the exposed area with soap and water as soon as possible after the exposure. Outer garments should be removed in as close proximity to the exposure site as possible, handled as little as possible and placed in a Biohazard bag. (Please see Bloodborne Pathogen policy for more information on this procedure.)

An officer or inmate who has been exposed to the blood or body fluids of any inmate will be encouraged to consult with Detention Center Health Services immediately for an evaluation of the exposure. Documentation of this action, including date and time, should occur.

Any other person exposed to blood or body fluids of an inmate will be encouraged to consult with their private physician, an emergency room, or urgent care immediately. Documentation of this action, including date and time, should occur.

Reports Required

An officer will complete a Detention Center incident report within twenty-four (24) hours after being exposed to any blood or body fluids, outlining the facts and circumstances of the incident. This report will be forwarded to the Detention Center Administrator by chain of command. The Designated Officer for our agency will be notified to assist the officer in any way possible.

An officer will complete a worker's compensation report within 24 hours of the incident. If an officer is not physically able to complete the report, his supervisor will complete the

report.

The reports will be stored in a confidential manner and only available to personnel who have a legitimate need to review them.

Medical Referrals

Detention Center Health Services will refer officers and/or inmates to the proper health care agency for testing and/or counseling if it has been determined that the exposure poses a significant risk of contracting HIV. If Detention Center Health Services staff determines that the exposure provides no significant risk, the officer or inmate may seek a second opinion at their own personal expense.

Officer(s) and/or inmate(s) involved in a significant exposure incident will be required to follow the procedure outlined in Public Health Code 10A NCAC 41A.0202 (4) (a) (b) (c) which is as follows:

(4) When health care workers or other persons have a needlestick or nonsexual non-intact skin or mucous membrane exposure to blood or body fluids that, if the source were infected with HIV, would pose a significant risk of HIV transmission, the following shall apply:

(a) When the source person is known:

(i) The attending physician or occupational health care provider responsible for the exposed person, if other than the attending physician of the person whose blood or body fluids is the source of the exposure, shall notify the attending physician of the source that an exposure has occurred. The attending physician of the source person shall discuss the exposure with the source and shall test the source for HIV infection unless the source is already known to be infected. The attending physician of the exposed person shall be notified of the infection status of the source.

(ii) The attending physician of the exposed person shall inform the exposed person about the infection status of the source, offer testing for HIV infection as soon as possible after exposure and at reasonable intervals up to one year to determine whether transmission occurred, and, if the source person was HIV infected, give the exposed person the control measures listed in Sub-Items (1)(a) through (c) of this Rule. The attending physician of the exposed person shall instruct the exposed person regarding the necessity for protecting confidentiality.

(b) When the source person is unknown, the attending physician of the exposed persons shall inform the exposed person of the risk of transmission and offer testing for HIV infection as soon as possible after exposure and at reasonable intervals up to one year to determine whether transmission occurred.

- (c) A health care facility may release the name of the attending physician of a source person upon request of the attending physician of an exposed person.

The results will not be reported to any member of the agency.

Detention for Communicable Diseases

In accordance with N.C.G.S. 15A-534.3, if a judicial official conducting an initial appearance or first appearance hearing finds probable cause that an individual was exposed to the defendant in a manner that poses a significant risk of transmission of the AIDS virus or Hepatitis B, the judicial official shall order the defendant to be detained for a reasonable period of time, not to exceed 24 hours, for investigation and testing by public health officials pursuant to G.S. 130A-144 and G.S. 130A-148. (1989, c. 499.)

N.C.G.S. 15A-534.3 requires judicial officials to order a defendant detained if there is probable cause to believe that the defendant exposed a person to “a significant risk of transmission of HIV.”

The purpose of the detention is to provide time for public health officials to conduct an investigation and for HIV or Hepatitis B testing if required by them. Judicial officials do not have the authority to order HIV or Hepatitis B testing, but only to detain the individual for investigation by public health officials who will determine if testing is required.

Detention Center Health Services staff will notify Union County Health Department officials if a defendant is being detained for evaluation and possible testing for HIV or Hepatitis B.

- A. Since the detention is for 24 hours maximum, Detention Center Health Services staff should notify health department officials as soon as possible.

- B. Public health officials will have reasonable access to the defendant upon their request.

- C. The defendant will be released after 24 hours whether the health department has responded to the notification or not.

Detention Center Health Services staff and Detention staff will refer all questions concerning a defendant’s medical status to the Union County Health Department.

Detention Center Health Services Release of Inmate's Communicable Disease Status

Under the following circumstances, Detention Center Health Services staff is permitted to release an inmate's communicable disease status:

A. Release is made to health care personnel who are providing medical care to the inmate.

B. Release is made with the inmate's written consent or the written consent of the inmate's guardian.

C. Release is made pursuant to a subpoena or court order.

D. Release is otherwise authorized by G.S. 130A-143 or by regulations adopted by the Commission for Public Health.

Detention Center Health Services will release an inmate's HIV status to the Director of Health Services for the Division of Prisons and the prison facility administrator when an inmate is transferred to the Department of Corrections.

Safety Equipment

The Union County Detention Center will make the following personal protective equipment available for use by Detention staff:

A. Disposable latex or nylon gloves;

B. Pocket Masks with one-way valves for CPR and/or Ambu-Bags;

C. Coveralls, shoe covers and protective eyewear;

D. Puncture-resistant containers for holding sharp objects;

E. Disposable paper towels and cleaning supplies; and

F. Plastic bags labeled as containers for bio-hazardous waste.

Universal Safety Precautions

Officers will wear disposable gloves whenever they come in contact with blood or body fluids or whenever they reasonably expect to come into contact with blood or body fluids.

Once an officer's gloves have been used, they will be thrown away immediately before any other task is performed.

Officers will wear disposable gloves whenever they engage in the following activities:

- A. Conducting cell searches;
- B. Conducting searches of inmates;
- C. Handling disruptive inmates whenever possible;
- D. Any other activity likely to result in exposure to blood and body fluids.

Officers will wear other personal protective equipment (PPE) such as surgical masks or goggles when they reasonably expect to come into contact with spurting or splashing blood, if they have time under the circumstances.

Officers will not wear protective equipment, other than disposable latex or nylon gloves, while carrying out their regular duties, even those involving direct contact with known HIV infected inmates, unless there is some specific reason to believe that they might come into contact with blood or body fluids.

Officers who come into contact with blood or body fluids will wash the affected area thoroughly with warm water and soap as soon as possible after the contact. Officers will wash their hands even if they were wearing gloves and the gloves appear to be intact.

Officers will exercise caution to avoid cuts or punctures with sharp objects including knives, razors, and hypodermic needles.

A. Officers searching cells shall avoid putting their hands into places they cannot visually inspect. Flashlights and mirrors will be used to assist in searching such places.

B. Sharp objects will be placed into a puncture-resistant container for storage and disposal.

Officers will protect against possible infection by covering cuts, open sores, or breaks in their skin with water-resistant bandages.

Officers will place all contaminated clothing, bedding, or other items that may be cleaned and reused in plastic bags that are marked clearly as contaminated materials (bio-hazard). Normal laundry and dry cleaning procedures are adequate to decontaminate clothing, bedding, and other washable items. Contaminated clothing will be washed at the Detention Center. Employees are prohibited from taking contaminated clothing home to be washed.

Officers will wear utility gloves and use a disinfectant solution when cleaning areas or surfaces contaminated with blood and/or body fluids.

A. A 1:100 solution of household bleach and water may be used for cleaning objects or areas contaminated with blood or body fluids.

B. The mixed bleach and water solution may only be stored for a maximum of 24 hours before it loses its strength.

C. A hospital grade disinfectant or sanitizing solution may be substituted for bleach and water.

All contaminated items intended for disposal will be placed in plastic bags and clearly marked as bio-hazardous materials with the following exceptions:

A. Sharp objects will be placed in a puncture-resistant container for storage and disposal.

B. All contaminated trash and sharp containers will be properly marked to identify the contents and be placed in the designated "Bio-Hazardous Storage Room"; for pickup by the designated company

C. Mattresses and pillows shall be sanitized with a sanitizing solution or a hospital grade disinfectant as required by state standards.

Contaminated disposable materials will be treated as infectious waste and disposed of in Bio-Waste containers.

Cleaning Cells

If physically able, all inmates will be responsible for routine cleaning of their own cells, according to standard procedure. If the inmate is unable to clean his own cell, the cell will be cleaned by an inmate under the supervision of an officer.

When an inmate leaves the Detention Center, the cell and its furnishings, including both sides of the mattress, will be cleaned according to standard procedures and disinfected with a bleach solution [1 part bleach to 9 parts disinfectant water]. Inmates will wear gloves for these cleaning procedures.

Laundry

If clothing or linens are contaminated with blood or other body fluids, those items may be placed in special water-soluble bags for laundering or disposed of in accordance with local or state health regulations. Clothing or facility linens that have not been contaminated will be laundered according to usual laundry procedures. Inmates assigned to the laundry will wear gloves when handling all unwashed laundry.

Uniforms that have become contaminated with blood or body fluids will be removed and cleaned as soon as possible. The Detention Center laundry will launder all contaminated clothing. Officers will not take contaminated clothing home to be washed. If skin under the uniform has been contaminated, it should be washed thoroughly. Blood and body fluids on clothing and unbroken skin are not normally considered to be an exposure to HIV.

CPR and First Aid

Detention Center Health Services staff and/or officers will provide first aid treatment and administer CPR to inmates during a medical emergency as necessary. If CPR is required, those involved should use an Ambu-bag or a pocket mask with a one-way valve whenever possible. These devices reduce the risk of transmitting all infectious diseases. Contact with saliva during CPR does not present a significant risk of transmitting HIV.

Refusal by Detention staff to provide emergency care, including CPR, to an inmate may result in disciplinary action.

Employee Training

The Union County Sheriff's Office and Detention Center will provide officers with Bloodborne Pathogen and Airborne Pathogen training within ten (10) days of beginning work, normally on the first day of work during the Union County Detention Center Orientation. This training will familiarize the officer with their legal responsibilities and the operationally procedures of the Union County Detention Center as they relate to communicable diseases.

Within one year of appointment, officers are required to successfully complete the N.C. Detention Officer Certification Course (DOCC) that includes legal responsibilities and procedures for handling inmates with communicable diseases.

Officers will receive periodic training containing current information concerning HIV and other communicable diseases.

4.01-K: Confidentiality of Medical Records

POLICY STATEMENT:

The medical records of inmates at the Union County Detention Center will be kept confidential as required by law. The records will be stored securely and maintained separately from confinement records, and access to medical records will be controlled and limited. These records will be stored and maintained by Detention Center Health Services in the medical office. When the medical records are not in active use, they will be filed in a manner inaccessible to unauthorized personnel.

DISCUSSION:

NC State Detention Center Standards 10A NCAC 14J .1001(b)(6) provides “the medical plan for each Detention Center must address the maintenance and confidentiality of medical records.” NC State Detention Center Standards 10A NCAC 14J .0101(25) defines a “medical record” as “a record of medical problems, examinations, diagnosis and treatments.” NC State Detention Center Standards 10A NCAC 14J .1002 say that health screening forms “shall be reviewed for the presence of confidential information which cannot be made available to jail officers.

SPECIFIC PROCEDURES:

Contents of Medical Records

A medical record (file) will be created for an inmate whenever the inmate is evaluated or treated by a healthcare professional. Medical records include, but are not necessarily limited to, the following:

- A. Copy of a completed health screening form.
- B. Medical findings, evaluations, treatments, medications and dispositions
- C. Completed records of administered medications
- D. Reports of laboratory, X-ray, and diagnostic studies.
- E. Progress notes

- F. Consent and refusal forms
- G. Release of information forms
- H. Discharge summary of hospitalizations
- I. Special treatment plans, including prescribed diet
- J. Place, date and time of each encounter with a medical professional
- K. The legible signature and title of each document.

Repository of Medical Records

The medical records of inmates will be kept confidential, and they will be stored separately from their confinement records. Detention Center Health Services staff will maintain strict control of all inmate medical records. When not in active use, the medical records of inmates will be stored in a locked file cabinet in the medical clinic. Detention Center Health Services staff shall have access and control of the records and ensure confidentiality as required by law.

N.C.G.S. 153A-222 allows Detention Center inspectors with the North Carolina Detention Center and Detention Division to examine an inmate's medical record unless the inmate objects in writing. The inmate must be informed in writing of his right to object before an inspector can examine the record. If the inmate objects in writing, the inspector(s) will not be allowed to view the inmate's confidential medical record.

Transfer/Release of Inmates with Medications

An inmate receiving prescription medication at the time of release will be provided (if needed) with a three (3) to five (5) day supply of the prescribed medication(s) upon release or transfer from custody. The inmate will sign an acknowledgement of receipt and understanding form, provided by Detention Center Health Services, which will be filed in his inmate medical record. Certain controlled medications may be regulated and cannot be given to an inmate upon release. If the prescription medication is unavailable or regulated, a prescription will be provided so it can be filled at a pharmacy.

Transfer of Inmate Medical Record

If an inmate is transferred to a county or regional detention facility in North Carolina, Detention Center Health Services will provide the transporting officer with copies of the inmate's medical records to deliver to the receiving detention facility. Treating health care providers may share confidential medical information to ensure continuity of medical care.

Transfer of Known HIV-Infected Inmate To The NC Department of Corrections

If a known HIV-infected inmate is transferred to the NC Department of Corrections, Detention Center Health Services will notify the Director of Health Services for the Division of Prisons and the prison facility administrator of the inmate's HIV status.

Retention of Inmate Medical Records

The medical records of an inmate will be retained for 5 (five) years after the inmate's release.

4.01-L: Privacy During Medical Examinations

POLICY STATEMENT:

It is the policy of the Union County Detention Center to conduct medical examinations and interviews in a confidential and private setting. Safety and security will not be jeopardized at any time.

SPECIFIC PROCEDURES:

Inmate Privacy

Inmates will be provided with a confidential and private setting while being examined, treated or interviewed by Detention Center Health Services staff or other medical staff. Officer will provide sufficient privacy during the exam or interview so the inmate will feel free to discuss any medical problem. Safety and security will remain the first priority and will not be jeopardized at any time.

4.01-M: Medical Co-Payments

POLICY STATEMENT:

Inmates receiving self-initiated non-emergency medical care, including dental care, will be assessed a \$10.00 co-payment for each service or visit. This fee will be charged against the inmate's trust fund account. No inmate will be denied medical care, including dental and mental health care, because of an inability to pay. No co-payment fee will be assessed for emergency care, substance abuse treatment, mental health care, pre-natal care, and laboratory tests ordered by medical staff, medications, routine physicals or follow-up visits.

DEFINITIONS:

A medical emergency is any medical event requiring immediate medical intervention including, but not limited to: unconsciousness or semi-consciousness, breathing difficulties and shortness of breath, chest pain, uncontrolled bleeding, head injury, broken bones, burns, uncontrolled pain, severe swelling, mouth or dental injury, severe alcohol or drug-induced intoxication, suicidal or self-destructive behavior, disorientation, exaggerated mood swings, delusions or hallucinations (auditory, visual, tactile, etc.,) intense fear, depression, anxiety or panic, and/or any other symptoms or complaints that indicates an inmate requires immediate medical care.

A medical non-emergency is any medical event that does not require immediate medical intervention including, but not limited to, minor aches and pains, insomnia, minor injuries or cuts, non-serious bleeding, skins disorders, mild to moderate depression or anxiety, and/or any other symptoms or complaints that do not indicate an inmate requires emergency medical care.

SPECIFIC PROCEDURES:

Inmates Will Be Notified of Medical Co-Payment Fee

Inmates will be notified of the medical co-payment fee in one or more of the following ways:

A. Inmates will be informed of the co-payment fee during the booking process and will acknowledge receiving this information by signing a form or;

B. Inmates will receive a copy of the Union County Detention Center Inmate Handbook. It will contain a notice concerning the co-payment fee or;

C. Inmates will be informed of the co-payment fee by Detention Center Health Services staff during the initial intake screening interview or;

D. Signs will be posted in the intake area, screening office, dental office and in the clinic informing inmates concerning the medical co-payment fee or;

E. Sick call slips will include a notice informing inmates of a co-payment fee for non-emergency care or;

F. If an inmate obtains medical care and is assessed a co-payment fee, the inmate will receive a printed receipt once the co-payment is deducted.

Unless there is some compelling evidence to believe otherwise, medical staff and officers may presume that all inmates are aware of the medical co-payment fee.

Indigent Inmates Will Not Be Denied Medical Care

No inmate will be denied medical care because they cannot afford a co-payment. Indigent inmates will be provided emergency and non-emergency medical services, including mental health and dental services, without regard to the ability to pay.

No Co-Payment Will Be Charged for Free Services

No co-payment fee will be assessed for the following medical services:

- A. Initial intake health screening;
- B. Tuberculosis tests;
- C. Over-the-counter or prescription medicine dispersed by the Detention Center Health Services;
- D. Pre-existing condition follow-ups;
- E. Emergency care (medical, mental health or dental;)
- F. Mental health services;
- G. Dental follow-up services;
- H. Substance abuse treatment;
- I. Medical equipment or supplies prescribed by the Detention Center Health Services;
- J. Pre-natal care;
- K. Laboratory tests ordered by the Detention Center Health Services;

L. A physical exam after fourteen (14) consecutive days of confinement;

M. Any physical examination or test required for inmate worker status;

N. Any inmate work-related injury; or

O. Medical services (including dental services) referred by Detention Center Health Services staff to another professional health care provider outside of the Union County Detention Center.

Self-Initiated Non-Emergency Medical Services Requiring Co-Payment Fee

Co-payment fees will be assessed for self-initiated, non-emergency medical care and dental care, including sick call interviews or treatments provided by a nurse.

If the inmate is escorted to the clinic and refuses medical services for any reason, the inmate will be assessed a co-payment fee. An inmate will not be assessed a medical fee if he submits a sick call slip and later refuses to attend sick call.

Detention Center Health Services Will Determine Payment of Fee

Detention Center Health Services staff will evaluate each situation on a case-by-case basis and will determine if an inmate will be assessed a co-payment fee. No fee will be assessed for any emergency or free service. (See above.) Inmates may register complaints through the inmate grievance system.

No fee will be assessed until services have been rendered. Detention Center Health Services staff will notify the Detention Center Administrative Assistant who will deduct co-payment fees from the inmate's trust fund account. The account will be debited even if there are insufficient funds to pay the co-payment fee. An inmate may run a negative balance for co-payment fees. If funds are deposited into the account at a later time or during a subsequent incarceration, the co-payment fee will be recovered. The inmate will receive a printed receipt to show the deduction.

4.01-N: Exercise

POLICY STATEMENT:

It is the policy of the Union County Detention Center to provide exercise pursuant to 10A NCAC 14J .1004.

SPECIFIC PROCEDURES:

Exercise

Pursuant to 10A NCAC 14J .1004, after the fourteenth consecutive day of confinement, each inmate shall be provided opportunities for physical exercise at least three days weekly for a period of one hour each of the days. Physical exercise shall take place either in the confinement unit if it provides adequate space or in a separate area of the jail that provides adequate space. The opportunity for physical exercise shall be documented.



UNION COUNTY
Office of the Tax Administrator
500 N. Main Street, Suite 236
P.O. Box 97
Monroe, NC 28111-0097

AGENDA ITEM

4/7a

MEETING DATE 6-21-10

704-283-3746
704-283-3616 Fax

John C. Petoskey
Tax Administrator

MEMORANDUM

TO: The Board of County Commissioners

FROM: John C. Petoskey
Tax Administrator

DATE: May 28, 2010

RE: **Eleventh** Motor Vehicle Refund Register

I hereby certify the following **Refunds** that were made during the period of **05/01/2010 – 05/31/2010**. The refunds represent releases of both monthly and annual vehicle values and taxes. Should you have any questions, please call.

JCP:jw

(Finance)

Assessor Refund Register for the period 05/01/2010 to 05/31/2010

(Summary)

| ---Bdg No--- | -----Description----- | -Key- | Bill Year | Rate Year | -----Value----- | -----Total----- | -----Tax----- | -----Int----- |
|--------------|---------------------------------------|---------|-----------|-----------|-----------------|-----------------|---------------|---------------|
| 10 | County..... | CN99999 | 2005 | 2005 | 17,040 | 103.08- | | .00 |
| 10 | County..... | CN99999 | 2006 | 2006 | 15,360 | 103.41- | | .00 |
| 10 | County..... | CN99999 | 2007 | 2007 | 41,800 | 367.37 | | 15.32- |
| 10 | County..... | CN99999 | 2008 | 2007 | 20,000 | 142.22- | | 24.24- |
| 10 | County..... | CN99999 | 2009 | 2008 | 40,986 | 272.56- | | .00 |
| 10 | County..... | CN99999 | 2009 | 2009 | 22,220 | 207.11- | | .00 |
| | Net Totals..... | | | | 157,406 | 1,195.75 | | 39.56 |
| 77 | School dist - County..... | SC999 | 2005 | 2005 | 17,040 | 12.84- | | .00 |
| | Net Totals..... | | | | 17,040 | 12.84- | | .00 |
| 32 | Fire Dist - Springs..... | FR015 | 2007 | 2007 | 20,000 | 6.24- | | .68- |
| 39 | Fire Dist - Stallings..... | FR020 | 2007 | 2007 | 8,000 | 2.25 | | .00 |
| 38 | Fire dist - Hemby Bridge.. | FR023 | 2009 | 2009 | 16,920 | 8.34- | | .00 |
| 37 | Fire dist - Wesley Chapel: | FR026 | 2009 | 2009 | 1,810 | .35 | | .00 |
| 34 | Fire Dist - Waxhaw..... | FR028 | 2008 | 2007 | 20,000 | 10.26- | | 1.81- |
| 34 | Fire Dist - Waxhaw..... | FR028 | 2009 | 2008 | 18,350 | 4.55- | | .00 |
| | Net Totals..... | | | | 85,080 | 31.99- | | 2.49 |
| 78 | 220125 Taxes Payable - Marvin..... | MN01000 | 2009 | 2009 | 1,810 | .91- | | .00 |
| 78 | 220130 Taxes Payable - Monroe..... | MN02000 | 2009 | 2009 | 3,490 | 18.72- | | .00 |
| 78 | 220150 Taxes Payable - Waxhaw..... | MN05000 | 2008 | 2007 | 20,000 | 68.00- | | 11.56- |
| 78 | 220150 Taxes Payable - Waxhaw..... | MN05000 | 2009 | 2008 | 18,350 | 62.39- | | .00 |
| 78 | 220110 Taxes Payable - Indian Trail.. | MN06000 | 2007 | 2007 | 8,000 | 12.87- | | .00 |
| 78 | 220110 Taxes Payable - Indian Trail.. | MN06000 | 2009 | 2009 | 0 | 13.25- | | .00 |
| 78 | 220140 Taxes Payable - Stallings..... | MN07000 | 2009 | 2009 | 16,920 | 36.38- | | .00 |
| 78 | 220175 Taxes Payable - Fairview..... | MN09300 | 2007 | 2007 | 0 | 1.54- | | .00 |
| | Net Totals..... | | | | 68,570 | 214.06- | | 11.56- |
| 84 | 220000 NC State Interest..... | NC00000 | 2005 | 2005 | 0 | .00 | | .00 |
| 84 | 220000 NC State Interest..... | NC00000 | 2006 | 2006 | 0 | .00 | | .00 |
| 84 | 220000 NC State Interest..... | NC00000 | 2007 | 2007 | 0 | .00 | | 4.45 |
| 84 | 220000 NC State Interest..... | NC00000 | 2008 | 2007 | 0 | .00 | | 6.61- |
| 84 | 220000 NC State Interest..... | NC00000 | 2009 | 2009 | 0 | .00 | | .00 |
| | Net Totals..... | | | | 0 | .00 | | 11.06- |

MV68GL-OF
(Finance)

--- M O T O R V E H I C L E S Y S T E M ---

---Date--- --Time-- Page
05/28/2010 09:48:36 2

Assessor Refund Register for the period 05/01/2010 to 05/31/2010
(Summary)

Net Grand Totals.....:

1,454.64-

64.67-



UNION COUNTY
Office of the Tax Administrator
500 N. Main Street Suite 236
P.O. Box 97
Monroe, NC 28111-0097

4/76
MEETING DATE

6-21-10

704-283-3746
704-283-3616 Fax

John C. Petoskey
Tax Administrator

MEMORANDUM

TO: The Board of County Commissioners

FROM: John C. Petoskey
Tax Administrator

DATE: May 28, 2010

RE: Eleventh Motor Vehicle Release Register

I hereby certify the following **Releases** were made during the period of **05/01/2010 –05/31/2010**. The releases represent both monthly and annual vehicle values and taxes. Should you have any questions, please call.

JCP:jw

(Finance)

Assessor Release Register for the period 05/01/2010 to 05/31/2010

(Summary)

| ---Bdg No--- | -----Description----- | --Key- | Bill Rate | | -----Total----- | | |
|-----------------|---------------------------------------|---------|-----------|------|-----------------|-----------|-----------|
| | | | Year | Year | --Value-- | ---Tax-- | ---Int--- |
| 10 | County..... | CN99999 | 2006 | 2006 | 17,500 | 111.42- | 35.83- |
| 10 | County..... | CN99999 | 2008 | 2007 | 17,500 | 124.44- | 21.28- |
| 10 | County..... | CN99999 | 2008 | 2008 | 38,050 | 253.03- | 31.62- |
| 10 | County..... | CN99999 | 2009 | 2008 | 13,850 | 92.10- | 7.36- |
| 10 | County..... | CN99999 | 2009 | 2009 | 762,099 | 5,084.56- | 14.38- |
| Net Totals..... | | | | | 848,999 | 5,665.55- | 110.47- |
| Net Totals..... | | | | | 0 | .00 | .00 |
| 32 | Fire Dist - Springs..... | FR015 | 2009 | 2009 | 3,453 | 1.06- | .00 |
| 39 | Fire Dist - Stallings..... | FR020 | 2006 | 2006 | 17,500 | 7.77- | 2.56- |
| 39 | Fire Dist - Stallings..... | FR020 | 2008 | 2008 | 7,600 | 3.08- | .36- |
| 39 | Fire Dist - Stallings..... | FR020 | 2009 | 2009 | 39,014 | 16.84- | .28- |
| 38 | Fire dist - Hemby Bridge.. | FR023 | 2009 | 2009 | 35,528 | 17.53- | .00 |
| 37 | Fire dist - Wesley Chapel: | FR026 | 2009 | 2009 | 44,595 | 8.50- | .02- |
| 34 | Fire Dist - Waxhaw..... | FR028 | 2008 | 2007 | 17,500 | 8.98- | 1.58- |
| 34 | Fire Dist - Waxhaw..... | FR028 | 2008 | 2008 | 17,500 | 4.34- | .77- |
| 34 | Fire Dist - Waxhaw..... | FR028 | 2009 | 2009 | 59,711 | 14.82- | .00 |
| Net Totals..... | | | | | 242,401 | 82.92 | 5.57- |
| 78 | 220125 Taxes Payable - Marvin..... | MN01000 | 2009 | 2009 | 1,312 | .65- | .00 |
| 78 | 220130 Taxes Payable - Monroe..... | MN02000 | 2008 | 2008 | 12,950 | 69.10- | 7.62- |
| 78 | 220130 Taxes Payable - Monroe..... | MN02000 | 2009 | 2009 | 130,593 | 681.43- | 2.38- |
| 78 | 220120 Taxes Payable - Marshville... | MN04000 | 2009 | 2009 | 11,630- | 44.19 | .00 |
| 78 | 220150 Taxes Payable - Waxhaw..... | MN05000 | 2008 | 2007 | 17,500 | 59.50- | 10.19- |
| 78 | 220150 Taxes Payable - Waxhaw..... | MN05000 | 2008 | 2008 | 17,500 | 59.50- | 8.84- |
| 78 | 220150 Taxes Payable - Waxhaw..... | MN05000 | 2009 | 2009 | 52,805 | 179.54- | .00 |
| 78 | 220110 Taxes Payable - Indian Trail.. | MN06000 | 2008 | 2008 | 7,600 | 11.02- | 1.12- |
| 78 | 220110 Taxes Payable - Indian Trail.. | MN06000 | 2009 | 2009 | 90,145 | 130.71- | 1.40- |
| 78 | 220140 Taxes Payable - Stallings..... | MN07000 | 2006 | 2006 | 17,500 | 43.75- | 14.07- |
| 78 | 220140 Taxes Payable - Stallings..... | MN07000 | 2009 | 2009 | 10,607 | 22.81- | .00 |
| 78 | 220160 Taxes Payable - Weddington... | MN08000 | 2009 | 2009 | 47,549 | 14.27- | .00 |
| 78 | 220175 Taxes Payable - Fairview..... | MN09300 | 2009 | 2009 | 3,453 | .52- | .00 |
| 78 | 220165 Taxes Payable - Wesley Chapel: | MN09700 | 2009 | 2009 | 7,845 | 1.71- | .03 |
| 78 | 220135 Taxes Payable - Unionville... | MN09800 | 2009 | 2009 | 32,966 | 6.60- | .00 |
| Net Totals..... | | | | | 438,695 | 1,236.92- | 45.65 |
| 84 | 220000 NC State Interest..... | NC00000 | 2006 | 2006 | 0 | .00 | 4.89 |
| 84 | 220000 NC State Interest..... | NC00000 | 2008 | 2007 | 0 | .00 | 5.78- |

M O T O R V E H I C L E S Y S T E M

Assessor Release Register for the period 05/01/2010 to 05/31/2010

(Summary)

| | | | | | | |
|----|--------|------------------------|-------------------|---|-----------|---------|
| 84 | 220000 | NC State Interest..... | NC00000 2008 2008 | 0 | .00 | 12.01 |
| 84 | 220000 | NC State Interest..... | NC00000 2009 2008 | 0 | .00 | 2.76- |
| 84 | 220000 | NC State Interest..... | NC00000 2009 2009 | 0 | .00 | 19.38- |
| | | Net Totals..... | | 0 | .00 | 44.82- |
| | | Net Grand Totals..... | | | 6,985.39- | 206.51- |



UNION COUNTY
Office of the Tax Administrator
500 N. Main Street, Suite 236
P.O. Box 97
Monroe, NC 28111-0097

704-283-3746
704-292-2588 Fax

John C. Petoskey
Tax Administrator

AGENDA ITEM
4/9C
MEETING DATE 6-21-10

MEMORANDUM

TO: The Board of County Commissioners
FROM: John C. Petoskey
Tax Administrator
DATE: May 28, 2010
RE: **Twelfth** Motor Vehicle Billing

I hereby certify the **Twelfth** Motor Vehicle Billing Motor Vehicle Valuation under the staggered program as required by N.C.G.S.105-330. Attached hereto is a list of the values, rates and taxes for each taxing unit.

JCP: jw

Motor Vehicle Billing Summary for the period 05/01/2010 to 05/31/2010

NOTE: Information for this report is taken from original billing records only
and DOES NOT include any subsequent changes or adjustments to vehicle
situs or value.

| ---Bdg No--- | -----Description----- | ---Key--- | Bill Year | Rate Year | Count | -----Total----- ---Value-- | -----Tax----- |
|--------------|---------------------------------------|-----------|-----------|-----------|--------|-------------------------------|---------------|
| 10 | County..... | CN999999 | 2009 | 2008 | 85 | 873,360 | 5,856.61 |
| 10 | County..... | CN999999 | 2009 | 2009 | 13,781 | 120,665,344 | 802,137.32 |
| Totals..... | | | | | 13,866 | 121,538,704 | 807,993.93 |
| Totals..... | | | | | 0 | 0 | .00 |
| | | | | | | | |
| 32 | Fire Dist - Springs..... | FR015 | 2009 | 2008 | 3 | 20,350 | 12.46 |
| 32 | Fire Dist - Springs..... | FR015 | 2009 | 2009 | 722 | 5,997,397 | 1,835.29 |
| 39 | Fire Dist - Stallings..... | FR020 | 2009 | 2008 | 8 | 98,530 | 42.91 |
| 39 | Fire Dist - Stallings..... | FR020 | 2009 | 2009 | 1,326 | 12,017,857 | 4,878.39 |
| 38 | Fire dist - Hemby Bridge.. | FR023 | 2009 | 2008 | 13 | 107,830 | 54.35 |
| 38 | Fire dist - Hemby Bridge.. | FR023 | 2009 | 2009 | 1,451 | 12,461,705 | 6,143.77 |
| 37 | Fire dist - Wesley Chapel: | FR026 | 2009 | 2008 | 12 | 165,340 | 37.73 |
| 37 | Fire dist - Wesley Chapel: | FR026 | 2009 | 2009 | 1,827 | 22,780,430 | 4,350.35 |
| 34 | Fire Dist - Waxhaw..... | FR028 | 2009 | 2008 | 4 | 53,410 | 13.24 |
| 34 | Fire Dist - Waxhaw..... | FR028 | 2009 | 2009 | 926 | 8,258,621 | 2,048.23 |
| Totals..... | | | | | 6,292 | 61,961,470 | 19,416.72 |
| | | | | | | | |
| 78 | 220125 Taxes Payable - Marvin..... | MN01000 | 2009 | 2008 | 3 | 63,920 | 31.97 |
| 78 | 220125 Taxes Payable - Marvin..... | MN01000 | 2009 | 2009 | 230 | 3,413,638 | 1,707.30 |
| 78 | 220130 Taxes Payable - Monroe..... | MN02000 | 2009 | 2008 | 20 | 226,910 | 659.97 |
| 78 | 220130 Taxes Payable - Monroe..... | MN02000 | 2009 | 2009 | 2,236 | 15,845,194 | 89,215.91 |
| | | MN02220 | 2009 | 2009 | 2 | 7,370 | 51.22 |
| 78 | 220170 Taxes Payable - Wingate..... | MN03000 | 2009 | 2009 | 168 | 920,449 | 3,589.83 |
| 78 | 220120 Taxes Payable - Marshville... | MN04000 | 2009 | 2009 | 179 | 1,154,611 | 4,387.48 |
| 78 | 220150 Taxes Payable - Waxhaw..... | MN05000 | 2009 | 2008 | 4 | 53,410 | 181.59 |
| 78 | 220150 Taxes Payable - Waxhaw..... | MN05000 | 2009 | 2009 | 493 | 5,135,267 | 17,459.77 |
| 78 | 220110 Taxes Payable - Indian Trail.. | MN06000 | 2009 | 2008 | 16 | 142,340 | 231.88 |
| 78 | 220110 Taxes Payable - Indian Trail.. | MN06000 | 2009 | 2009 | 1,907 | 17,477,089 | 25,327.36 |
| 78 | 220140 Taxes Payable - Stallings..... | MN07000 | 2009 | 2008 | 6 | 55,640 | 121.85 |
| 78 | 220140 Taxes Payable - Stallings..... | MN07000 | 2009 | 2009 | 816 | 7,576,180 | 16,289.02 |
| 78 | 220160 Taxes Payable - Weddington... | MN08000 | 2009 | 2008 | 6 | 74,890 | 32.12 |
| 78 | 220160 Taxes Payable - Weddington... | MN08000 | 2009 | 2009 | 560 | 6,524,217 | 1,957.50 |
| 78 | 220115 Taxes Payable - Lake Park.... | MN09000 | 2009 | 2009 | 182 | 1,482,520 | 3,409.86 |
| 78 | 220175 Taxes Payable - Fairview..... | MN09300 | 2009 | 2008 | 1 | 5,560 | 1.11 |
| 78 | 220175 Taxes Payable - Fairview..... | MN09300 | 2009 | 2009 | 170 | 1,587,332 | 237.66 |
| 78 | 220145 Taxes Payable - Hemby Bridge.. | MN09500 | 2009 | 2008 | 1 | 2,440 | 1.22 |
| 78 | 220145 Taxes Payable - Hemby Bridge.. | MN09500 | 2009 | 2009 | 65 | 454,826 | 113.80 |
| 78 | 220165 Taxes Payable - Wesley Chapel: | MN09700 | 2009 | 2008 | 1 | 8,530 | 2.82 |
| 78 | 220165 Taxes Payable - Wesley Chapel: | MN09700 | 2009 | 2009 | 351 | 3,805,096 | 627.18 |

--- M O T O R V E H I C L E S Y S T E M ---

Motor Vehicle Billing Summary for the period 05/01/2010 to 05/31/2010

NOTE: Information for this report is taken from original billing records only
and DOES NOT include any subsequent changes or adjustments to vehicle
situs or value.

| ---Bdg No--- | -----Description----- | --Key-- | Year | Year | Count | -----Total----- | -----Tax----- |
|--------------------|-------------------------------|---------|------|------|-------|-----------------|---------------|
| | | | Year | Year | | Value | |
| 78 220135 | Taxes Payable - Unionville... | MN09800 | 2009 | 2008 | 1 | 16,460 | 6.58 |
| 78 220135 | Taxes Payable - Unionville... | MN09800 | 2009 | 2009 | 347 | 2,691,719 | 537.53 |
| 78 220155 | Taxes Payable - Mnrl Sprngs.. | MN09900 | 2009 | 2009 | 183 | 1,420,935 | 355.51 |
| Totals.....: | | | | | 7,948 | 70,146,543 | 166,538.04 |
| Grand Totals.....: | | | | | | | 993,948.69 |

--- M O T O R V E H I C L E S Y S T E M ---

- Motor Vehicle Special Charge Summary
For the period: 05/01/2010 to 05/31/2010

| Mn Cd | Text | Count | Value | Spc Tax |
|-------|---------------------------|-------|------------|-----------|
| 02000 | Monroe Vehicle Tax \$5.00 | 2,201 | 15,984,870 | 11,005.00 |

- - - E N D - - -

**Year-to-Date Totals for
Tax Bill Releases and Refunds
(Includes Real and Personal Property but not Motor Vehicles)**

| Month | Tax Year 2009 (FY 2009 - 2010) | | | |
|---------------------|-----------------------------------|----------------------|---------------------|----------------------|
| | Releases | Refunds | Discoveries | Rollbacks |
| July | | | | \$32,996.17 |
| August | \$12,769.86 | \$21,223.12 | \$196.50 | \$5,803.85 |
| September | \$178,625.34 | \$29,082.72 | \$122,400.18 | \$0.00 |
| October | \$102,187.83 | \$12,320.71 | \$126,007.46 | \$23,914.09 |
| November | \$22,375.56 | \$6,486.97 | \$47,814.77 | \$8,621.35 |
| December | \$51,439.12 | \$4,025.36 | \$5,652.59 | \$856.37 |
| January | \$42,138.51 | \$4,334.49 | \$62,147.24 | \$32,031.49 |
| February | \$68,173.84 | included in releases | \$63,440.02 | \$2,263.82 |
| March | \$51,828.88 | included in releases | \$40,466.57 | \$3,497.10 |
| April | \$21,607.50 | included in releases | \$25,211.15 | \$10,129.17 |
| May | \$66,237.90 | included in releases | \$39,964.37 | \$224.94 |
| June | | | | |
| Year-to-Date | \$617,384.34 | \$77,473.37 | \$533,300.85 | \$120,338.35 |
| NET | \$694,857.71 | | \$653,639.20 | (\$41,218.51) |

01-13-10
PLH

RELEASES MAY 2010

| # | Name | Release # | Real Value | Pers. Value | UCGT | UCLL | CSGT-999 | HembyGT | StallGT | StallLL | WaxhawGT | WesleyGT | WesleyLL | New SalemFF | StackFF | Totals |
|------------------|---------------------|-----------|------------------|------------------|------------------|-----------------|--------------|---------------|---------------|--------------|-----------------|--------------|-------------|---------------|---------------|------------------|
| 784 | ZAXBY'S | 6452 | | 75,000 | 498.75 | 49.88 | | | | | | | | | | 548.63 |
| 069 | GOPHER HOLE SPOR | 6453 | | 152,960 | 1,017.18 | 101.72 | | | | | | | | | | 1,118.90 |
| 256 | MAKSIMENKO YURIY | 6454 | | 7,220 | 48.01 | 4.80 | | | | | | 1.36 | 0.14 | | | 54.33 |
| 077 | RILEY ROBERT ALBE | 6455 | | 4,320 | 28.73 | 2.87 | | | 1.75 | 0.18 | | | | | | 33.53 |
| 220 | STANTUS KYLE DBA S | 6456 | | 25,000 | 166.25 | 16.63 | | | | | | | | | | 182.88 |
| 656 | AUTOBAHN COLLISIO | 6457 | | 58,120 | 386.50 | 38.65 | | | 23.60 | 2.36 | | | | | | 451.11 |
| 943 | C & P SERVICES OF M | 6458 | | 1,906,100 | 12,675.57 | 1,267.56 | | | | | | | | | | 13,943.13 |
| 057 | FIRETHORNE EAST LI | 6462 | 146,000 | | 970.90 | | | | | | | 27.89 | | | | 998.79 |
| 001 | B & H HOLDINGS LLC | 6463 | 2,128,830 | | 14,156.72 | | | | | | 527.95 | | | | | 14,684.67 |
| 019A | GASKINS CECIL JR & | 6465 | 130,890 | | 870.42 | | | | | | | | | | | 870.42 |
| 001 | SIMPSON J EARL & A | 6466 | 56,320 | | 1,326.21 | | | | | | | | | | | 1,326.21 |
| 019 | MCCALL DWAYNE | 6469 | 37,580 | | 249.91 | | | | | | | | | | 50.00 | 299.91 |
| 019A | LITTLE VICKIE D | 6471 | 24,880 | | 165.45 | | | | | | | | | | 5.00 | 170.45 |
| 556 | ENVIRONMENTAL LEA | 6473 | | 248,800 | 1,654.52 | 165.45 | | | 101.01 | 10.10 | | | | | | 1,931.08 |
| 669 | DEBOIS BRIAN D | 6474 | | 4,270 | 28.40 | 2.84 | | | | | | | | | | 31.24 |
| 013 | MCGINN ANGELL M | 6475 | 307,050 | | 2,041.88 | | | | | | | | | 55.00 | | 2,096.88 |
| 788 | INDUSTRIAL ALLOYS | 6477 | | 308,252 | 2,049.88 | | | 151.97 | | | | | | | | 2,201.85 |
| 8-2009 | | | 2,831,550 | 2,790,042 | 38,335.28 | 1,650.40 | - | 151.97 | 126.36 | 12.64 | 527.95 | 29.27 | 0.14 | 55.00 | 55.00 | 40,944.01 |
| 077 | RILEY ROBERT ALBE | 6459 | | 1,000 | 6.65 | 0.67 | | | 0.41 | 0.04 | | | | | | 7.77 |
| 001 | B & H HOLDINGS LLC | 6464 | 2,661,040 | | 14,156.72 | | | | | | 527.95 | | | | | 14,684.67 |
| 001 | SIMPSON J EARL & A | 6467 | 56,320 | | 1,326.21 | | | | | | | | | | | 1,326.21 |
| 019 | MCCALL DWAYNE | 6470 | 37,580 | | 249.91 | | | | | | | | | | 50.00 | 299.91 |
| 019A | LITTLE VICKIE D | 6472 | 24,880 | | 165.45 | | | | | | | | | | 5.00 | 170.45 |
| 013 | MCGINN ANGELL M | 6476 | 307,050 | | 2,041.88 | | | | | | | | | 55.00 | | 2,096.88 |
| 788 | INDUSTRIAL ALLOYS | 6478 | | 311,207 | 2,069.53 | | | 153.43 | | | | | | | | 2,222.96 |
| -2008 | | | 3,086,870 | 312,207 | 20,016.35 | 0.67 | - | 153.43 | 0.41 | 0.04 | 527.95 | - | - | 55.00 | 55.00 | 20,808.85 |
| 077 | RILEY ROBERT ALBE | 6460 | | 1,360 | 9.67 | 0.97 | | | 0.36 | 0.04 | | | | | | 11.04 |
| 001 | SIMPSON J EARL & A | 6468 | 48,000 | | 924.79 | | | | | | | | | | | 924.79 |
| 788 | INDUSTRIAL ALLOYS | 6479 | | 230,710 | 1,640.58 | | | 86.98 | | | | | | | | 1,727.56 |
| -2007 | | | 48,000 | 232,070 | 2,575.04 | 0.97 | - | 86.98 | 0.36 | 0.04 | - | - | - | - | - | 2,663.39 |
| 077 | RILEY ROBERT ALBE | 6461 | | 1,360 | 8.66 | 0.87 | | | 0.60 | 0.06 | | | | | | 10.19 |
| 786 | INDUSTRIAL ALLOYS | 6480 | | 146,110 | 930.28 | | | 67.80 | | | | | | | | 998.08 |
| -2006 | | | - | 147,470 | 938.94 | 0.87 | - | 67.80 | 0.60 | 0.06 | - | - | - | - | - | 1,008.27 |
| 788 | INDUSTRIAL ALLOYS | 6481 | | 121,326 | 679.43 | | | 84.93 | 49.02 | | | | | | | 813.38 |
| -2005 | | | - | 121,326 | 679.43 | - | | 84.93 | 49.02 | - | - | - | - | - | - | 813.38 |
| ND TOTALS | | | 5,966,420 | 3,603,115 | 62,545.04 | 1,652.91 | 84.93 | 509.20 | 127.73 | 12.78 | 1,055.90 | 29.27 | 0.14 | 110.00 | 110.00 | 66,237.90 |


6-9-10
 764
 472
 472



UNION COUNTY
Office of the Tax Administrator
Collections Division
500 N. Main St. Ste 119
P.O. Box 38
Monroe, NC 28111-0038

AGENDA ITEM
47e
MEETING DATE 6-21-10
704-283-3848
704-283-3897 Fax

TO: Lynn West
Clerk to the Board

FROM: John Petoskey 
Tax Administrator

DATE: June 8, 2010

SUBJECT: Departmental Monthly Report

The collector's monthly/year to date collections report for the month ending May 31, 2010 is attached for your information and review.

Should you desire additional information, I will do so at your request.

Attachment

JP/PH

**MAY 2010
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

| MAY 31, 2010 REGULAR TAX | 2010 | 2009 | 2008 | 2007 |
|------------------------------------|-------------------|-----------------------|-----------------------|-----------------------|
| BEGINNING CHARGE | 183,329.91 | 147,286,597.64 | 143,608,586.92 | 116,289,521.54 |
| DISCOVERIES | 39,964.37 | | | |
| FARM DEFERMENTS | | 87.12 | 87.12 | 50.70 |
| RELEASES | | (40,944.01) | (20,808.85) | (2,663.39) |
| TOTAL CHARGE | 223,294.28 | 147,245,740.75 | 143,587,865.19 | 116,286,908.85 |
| BEGINNING COLLECTIONS | 92,988.15 | 141,745,514.20 | 141,699,092.26 | 115,675,793.33 |
| COLLECTIONS | 16,183.24 | 1,047,631.30 | 142,475.82 | 13,987.25 |
| TOTAL COLLECTIONS | 109,171.39 | 142,793,145.50 | 141,841,568.08 | 115,689,780.58 |
| BALANCE OUTSTANDING | 114,122.89 | 4,452,595.25 | 1,746,297.11 | 597,128.27 |
| PERCENTAGE OF REGULAR | 48.89% | 96.98% | 98.78% | 99.49% |
| MAY 31, 2010 MOTOR VEHICLE | | | | |
| BEGINNING CHARGE | | 9,866,537.94 | 11,731,319.74 | 12,061,421.27 |
| 12TH MOTOR VEHICLE BILLING | | 827,410.65 | | |
| ASSESSOR RELEASE | | (5,235.41) | (393.87) | |
| ASSESSOR REFUND | | (492.91) | (152.48) | (375.86) |
| COLLECTOR RELEASE | | (3,954.95) | (221.58) | |
| COLLECTOR REFUND | | (1,802.20) | (59.11) | |
| REIMBURSEMENTS | | 4,710.39 | 835.28 | 320.43 |
| ADJUSTMENTS | | 16.01 | 0.41 | |
| TOTAL CHARGE | | 10,687,189.52 | 11,731,328.39 | 12,061,365.84 |
| BEGINNING COLLECTIONS | | 8,366,170.52 | 11,523,265.22 | 11,929,916.15 |
| COLLECTIONS | | 732,429.80 | 15,212.88 | 1,869.75 |
| TOTAL COLLECTIONS | | 9,098,600.32 | 11,538,478.10 | 11,931,785.90 |
| BALANCE OUTSTANDING | | 1,588,589.20 | 192,850.29 | 129,579.94 |
| PERCENTAGE OF MOTOR VEHICLE | | 85.14% | 98.36% | 98.93% |
| OVERALL CHARGED | | 157,932,930.27 | 155,319,193.58 | 128,348,274.69 |
| OVERALL COLLECTED | | 151,891,745.82 | 153,380,046.18 | 127,621,566.48 |
| OVERALL PERCENTAGE | | 96.17% | 98.75% | 99.43% |

**MAY 2010
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

| MAY 31, 2010 REGULAR TAX | 2006 | 2005 | 2004 | 2003 |
|------------------------------------|-----------------------|----------------------|----------------------|----------------------|
| BEGINNING CHARGE | 96,272,959.43 | 86,244,000.37 | 75,933,851.11 | 60,651,590.19 |
| DISCOVERIES | | | | |
| FARM DEFERMENTS | | | | |
| RELEASES | (1,008.27) | (813.38) | | |
| TOTAL CHARGE | 96,271,951.16 | 86,243,186.99 | 75,933,851.11 | 60,651,590.19 |
| BEGINNING COLLECTIONS | 95,870,713.79 | 86,007,061.33 | 75,773,412.15 | 60,535,626.80 |
| COLLECTIONS | 1,897.96 | 1,654.84 | 3,374.81 | 1,005.06 |
| TOTAL COLLECTIONS | 95,872,611.75 | 86,008,716.17 | 75,776,786.96 | 60,536,631.86 |
| BALANCE OUTSTANDING | 399,339.41 | 234,470.82 | 157,064.15 | 114,958.33 |
| PERCENTAGE OF REGULAR | 99.59% | 99.73% | 99.79% | 99.81% |
| MAY 31, 2010 MOTOR VEHICLE | | | | |
| BEGINNING CHARGE | 10,333,743.50 | - | - | - |
| 12TH MOTOR VEHICLE BILLING | | | - | - |
| ASSESSOR RELEASE | (119.19) | | - | - |
| ASSESSOR REFUND | (103.41) | | - | - |
| COLLECTOR RELEASE | | | - | - |
| COLLECTOR REFUND | | | - | - |
| REIMBURSEMENTS | 52.36 | | - | - |
| ADJUSTMENTS | | | - | - |
| TOTAL CHARGE | 10,333,573.26 | - | - | - |
| BEGINNING COLLECTIONS | 10,245,802.77 | - | - | - |
| COLLECTIONS | 220.90 | - | - | - |
| TOTAL COLLECTIONS | 10,246,023.67 | - | - | - |
| BALANCE OUTSTANDING | 87,549.59 | - | - | - |
| PERCENTAGE OF MOTOR VEHICLE | 99.15% | | | |
| OVERALL CHARGED | 106,605,524.42 | 86,243,186.99 | 75,933,851.11 | 60,651,590.19 |
| OVERALL COLLECTED | 106,118,635.42 | 86,008,716.17 | 75,776,786.96 | 60,536,631.86 |
| OVERALL PERCENTAGE | 99.54% | 99.73% | 99.79% | 99.81% |

**MAY 2010
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

| MAY 31, 2010 REGULAR TAX | 2002 | 2001 | 2000 | 1999 |
|------------------------------------|----------------------|----------------------|----------------------|----------------------|
| BEGINNING CHARGE | 51,673,845.76 | 48,122,602.16 | 43,552,864.81 | 40,736,778.57 |
| DISCOVERIES | | | | |
| FARM DEFERMENTS | | | | |
| RELEASES | | | | |
| TOTAL CHARGE | 51,673,845.76 | 48,122,602.16 | 43,552,864.81 | 40,736,778.57 |
| BEGINNING COLLECTIONS | 51,589,712.72 | 48,060,771.16 | 43,509,698.24 | 40,698,372.36 |
| COLLECTIONS | 49.96 | 120.26 | 43.98 | 46.53 |
| TOTAL COLLECTIONS | 51,589,762.68 | 48,060,891.42 | 43,509,742.22 | 40,698,418.89 |
| BALANCE OUTSTANDING | 84,083.08 | 61,710.74 | 43,122.59 | 38,359.68 |
| PERCENTAGE OF REGULAR | 99.84% | 99.87% | 99.90% | 99.91% |
| MAY 31, 2010 MOTOR VEHICLE | | | | |
| BEGINNING CHARGE | - | - | - | - |
| 12TH MOTOR VEHICLE BILLING | - | - | - | - |
| ASSESSOR RELEASE | - | - | - | - |
| ASSESSOR REFUND | - | - | - | - |
| COLLECTOR RELEASE | - | - | - | - |
| COLLECTOR REFUND | - | - | - | - |
| REIMBURSEMENTS | - | - | - | - |
| ADJUSTMENTS | - | - | - | - |
| TOTAL CHARGE | - | - | - | - |
| BEGINNING COLLECTIONS | - | - | - | - |
| COLLECTIONS | - | - | - | - |
| TOTAL COLLECTIONS | - | - | - | - |
| BALANCE OUTSTANDING | - | - | - | - |
| PERCENTAGE OF MOTOR VEHICLE | | | | |
| OVERALL CHARGED | 51,673,845.76 | 48,122,602.16 | 43,552,864.81 | 40,736,778.57 |
| OVERALL COLLECTED | 51,589,762.68 | 48,060,891.42 | 43,509,742.22 | 40,698,418.89 |
| OVERALL PERCENTAGE | 99.84% | 99.87% | 99.90% | 99.91% |