

AGENDA
UNION COUNTY BOARD OF COMMISSIONERS
Regular Meeting
Monday, December 6, 2010
7:00 P.M.
Commissioners' Board Room, First Floor
Union County Government Center
500 North Main Street
Monroe, North Carolina

www.co.union.nc.us

Convene Board of County Commissioners meeting at 7:00 p.m. – Cynthia A. Coto, County Manager Presiding

1. Opening Ceremonies

- a. Invocation
- b. Pledge of Allegiance

2. Oaths of Office

Commissioner-Elect Todd Johnson
Commissioner-Elect Jerry Simpson
Commissioner-Elect Jonathan Thomas

3. Election of Officers – Cynthia A. Coto, County Manager Presiding

- a. Chair
- b. Vice Chair

4. Oaths of Office

- a. Chair
- b. Vice Chair

5. Approval of Elected Officials' Bonds

- a. Sheriff \$ 5,000
- b. Register of Deeds \$25,000

ACTION REQUESTED: Approve bonds

6. Approval of Employees' Bonds

- a. Finance Director \$ 100,000
- b. Tax Administrator \$ 60,000

ACTION REQUESTED: Approve bonds

7. Informal Comments

ACTION REQUESTED: No action required

8. Additions, Deletions and/or Adoption of Agenda

ACTION REQUESTED: Adoption of Agenda

9. Consent Agenda

ACTION REQUESTED: Approve items listed on Consent Agenda

10. **Appointments of Commissioners to Boards and Committees**
ACTION REQUESTED: Appoint Commissioner-Representatives to the Various Boards and Committees
11. **County Attorney Position**
ACTION REQUESTED: (1) Establish vacancy in County Attorney position; and (2) Appoint an Interim County Attorney
12. **Issue Request for Qualifications (RFQ) for County Attorney**
ACTION REQUESTED: Consider RFQ, provide any revisions, and authorize staff to publish with return date for submittals of December 15, 2010
13. **“Fast Track” of Preparations for the 2011-2012 Fiscal Budget**
ACTION REQUESTED: Request the County Manager develop a proposed budget calendar for consideration by the Board of County Commissions at their regular meeting of December 20, 2010, relating to preparation of the 2011/12 fiscal year budget.
14. **Announcement of Vacancies on Boards and Committees**
 - a. Adult Care Home Advisory Committee (at least 5 Vacancies)
 - b. Agricultural Advisory Board (1 Vacancy Expired in June 2010)
 - c. Juvenile Crime Prevention Council:
 1. Substance Abuse Professional
 2. Two Members under the Age of 18
 3. One Member of Business Community
 4. One Member Representing United Way or Other Non-Profit
 5. One Commissioner Appointee
 - d. Nursing Home Advisory Committee (at least 4 vacancies)
 - e. Parks and Recreation Advisory Committee (1 vacancy for a member with physical disability)
 - f. Planning Board (Four vacancies as follows: One unexpired term for Regular member ending 4/20/2011; Two unexpired terms for regular members ending 4/20/2012; and one unexpired term for regular member ending 4/20/2013)
 - g. Library Board of Trustees - 5 Vacancies as follows:
 - 1) Two (2) At-Large Representatives
 - 2) One (1) Vacancy representing the Monroe Region (City of Monroe and Central Union County)
 - 3) Union West Region – Indian Trail, Stallings, Lake Park, Hemby Bridge
 - 4) Fairview Region – including Unionville and northwestern Union County
 - h. Historic Preservation Committee – (1 Vacancy due to a resignation with the term ending February 2011)
 - i. Animal Care Committee
 - 1) 4 Members at Large
 - 2) 1 Representative from a 501 c(3) Rescue Group
 - 3) 1 Veterinarian
 - 4) 1 Representative from the County Animal Shelter
 - j. Farmers Market Committee (1 Member at large as of December 2010)
 - k. Union County Home and Community Care Block Grant Advisory Committee (5 vacancies for community representatives as of December 2010).
 - l. Social Services Board (1 Vacancy Due to a resignation-Term expires June 2013)
ACTION REQUESTED: Announce vacancies
15. **Manager’s Comments**
16. **Commissioners’ Comments**

CONSENT AGENDA
December 6, 2010

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

2. **Tax Administrator**
 - a. Sixth Motor Vehicle Billing
ACTION REQUESTED: Approve Sixth Motor Vehicle Billing as submitted

3. **Employees' Insurance \$500,000 Coverage**
ACTION REQUESTED: Approve coverage amount

4. **Resolution to Revise the Regular Meeting Schedule of the Board**
ACTION REQUESTED: Adoption of a Resolution to Revise the Regular Meeting Schedule of the Board to add a regular meeting on Monday, December 20, 2010, to delete the regular meeting on Monday, January 3, 2011, and to add a regular meeting on Tuesday, January 4, 2011

AGENDA ITEM.

2

MEETING DATE 12-6-10

**OATH OF OFFICE
UNION COUNTY COMMISSIONER**

I, _____, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, _____, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, _____, do swear that I will well and truly execute the duties of the office of Commissioner for the County of Union according to the best of my skill and ability, according to law; so help me, God.

Union County Commissioner

Sworn to and subscribed before me
this 6th day of December, 2010.



OFFICE OF THE COMMISSIONERS AND MANAGER

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

AGENDA ITEM

4a

MEETING DATE 12-6-10

OATH OF OFFICE

Chairman, Board of Commissioners

I, _____, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Chairman, so help me God.

I, _____, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

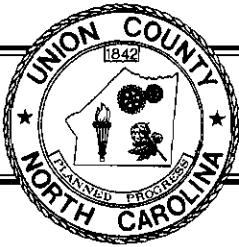
I, _____, do swear that I will well and truly execute the duties of the office of Chairman of the Board of Commissioners for the County of Union according to the best of my skill and ability, according to law; so help me, God.

, Chairman

Sworn to and subscribed before me
this 6th day of December, 2010.

Printed Name of Notary Public

My Commission Expires:



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OATH OF OFFICE Vice Chairman, Board of Commissioners

AGENDA ITEM #

46

MEETING DATE 12/6/10

I, _____, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Vice Chairman, so help me God.

I, _____, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, _____, do swear that I will well and truly execute the duties of the office of Vice Chairman of the Board of Commissioners for the County of Union according to the best of my skill and ability, according to law; so help me, God.

, Vice Chairman

Sworn to and subscribed before me
this 6th day of December, 2010.

Printed Name of Notary Public

My Commission Expires:

**UNION COUNTY
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT
Meeting Date: 12/6/10**

Action Agenda Item No. 5a&b
(Central Admin. use only)

SUBJECT: Elected Officials' Bonds

DEPARTMENT: Risk Management

PUBLIC HEARING: No

ATTACHMENT(S):
none

INFORMATION CONTACT:
Keith Richards, Risk Manager

TELEPHONE NUMBERS:

704-283-3663 - office

704-634-7567 - cell

DEPARTMENT'S RECOMMENDED ACTION: Approve Bond Amounts

BACKGROUND: Elected positions are required by North Carolina General Statute to maintain personal bonds while in office. Individuals are responsible for securing these personal bonds and Union County has undertaken the responsibility for placement of these bonds in a Master Bond and paying premiums for these bonds as an inducement to attract qualified personnel. Bonds are placed by Marsh, Inc. The bond for the Sheriff is \$5,000. The bond for Register of Deeds is \$25,000.

FINANCIAL IMPACT: \$100 for a four year term for the Sheriff. \$88 for the Register of Deeds bond paid annually.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: 12/6/10

Action Agenda Item No. 6a & b
(Central Admin. use only)

SUBJECT: Employee's Bonds

DEPARTMENT: Risk Management **PUBLIC HEARING:** No

ATTACHMENT(S): none **INFORMATION CONTACT:** Keith Richards, Risk Manager

TELEPHONE NUMBERS:
704-283-3663 - office
704-634-7567 - cell

DEPARTMENT'S RECOMMENDED ACTION: Approve Bond Amounts

BACKGROUND: The Finance Director and Tax Administrator are required by North Carolina General Statute to maintain personal bonds. Individuals are responsible for securing these personal bonds and Union County has undertaken the responsibility for placement of these bonds in a Master Bond and paying premiums for these bonds as an inducement to attract qualified personnel. Bonds are placed by Marsh, Inc. The Centralina Council of Governments requires the Finance Director to carry a bond in the amount of \$100,000. The bond for the Tax Administrator is \$60,000.

FINANCIAL IMPACT: \$350 for an annual term for the Finance Director. \$210 for an annual term for the Tax Administrator.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



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

9/2
12/6/10

MEMORANDUM

TO: David Cannon
Finance

FROM: John C. Petoskey
Tax Administrator

DATE: November 5, 2010

RE: **Sixth** Motor Vehicle Billing

I hereby certify the **Sixth** 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

DATE:11/05/10

LEVY TOTALS BY REVENUE UNIT-SUMMARY
11/06/2010 THROUGH 11/06/2010

PAGE 1
PROG# BL2140

REVENUE UNIT DESCRIPTION	CODE	PRINCIPAL TAXES	ASSESSMENTS	LATE LIST PENALTIES	REVENUE UNIT TOTAL	ASV	EXEMPT
UNION COUNTY	001	1,011,601.02			1,011,601.02	152,228,715	109,409.00
VILLAGE OF MARVIN	101	2,163.73			2,163.73	4,326,041	
CITY OF MONROE	200	100,273.28	11,590.00		111,863.28	18,230,134	40,701.00
MONROE DOWNTOWN SERVICE	222	135.80			135.80	67,900	
TOWN OF WINGATE	300	4,393.99			4,393.99	1,131,951	5,310.00
TOWN OF MARSHVILLE	400	3,137.66			3,137.66	780,196	13,730.00
TOWN OF WAXHAW	500	21,885.35			21,885.35	6,453,607	16,720.00
TOWN OF INDIAN TRAIL	600	36,295.88			36,295.88	25,031,209	
TOWN OF STALLINGS	700	25,964.89			25,964.89	12,074,986	
TOWN OF WEDDINGTON	800	3,176.01			3,176.01	10,585,257	
VILLAGE OF LAKE PARK	900	5,584.59			5,584.59	2,428,030	
TOWN OF FAIRVIEW	930	524.14			524.14	2,652,779	
TOWN OF HEMBY BRIDGE	950	3.09			3.09	12,300	
VILLAGE OF WESLEY CHAPEL	970	877.79			877.79	5,319,615	
TOWN OF UNIONVILLE	980	768.98			768.98	3,845,763	1,500.00
TOWN OF MINERAL SPRINGS	990	372.84			372.84	1,490,642	
SPRINGS FIRE TAX	015	2,511.12			2,511.12	8,360,056	
STALLINGS FIRE TAX	020	6,913.22			6,913.22	16,209,461	
HEMBY BRIDGE FIRE TAX	023	8,615.40			8,615.40	18,063,917	
WESLEY CHAPEL FIRE TAX	026	7,052.23			7,052.23	32,351,868	
WAXHAW FIRE TAX	028	3,722.78			3,722.78	10,322,671	31,208.00
*** TOTALS ***		1,245,973.79	11,590.00		1,257,563.79	331,967,098	218,578.00

** NORMAL END OF JOB **

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 12/6/10

Action Agenda Item No. 913
(Central Admin. use only)

SUBJECT: Crime Insurance

DEPARTMENT: Risk Management

PUBLIC HEARING: No

ATTACHMENT(S):
none

INFORMATION CONTACT:
Keith Richards, Risk Manager

TELEPHONE NUMBERS:
704-283-3663 - office
704-634-7567 - cell

DEPARTMENT'S RECOMMENDED ACTION: Approve Policy Limits

BACKGROUND: For all other employee positions not required by General Statute to carry a bond, the County purchases Crime Insurance through Hartford Insurance Company in the amount of \$500,000 with a \$5,000 deductible for most losses. The coverage provides for loss of money, securities or other property by an employee with the intent to cause economic harm and personal profit.

FINANCIAL IMPACT: \$3,003 annual premium

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:



OFFICE OF THE COMMISSIONERS AND MANAGER

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AGENDA ITEM #9/4

AGENDA DATE: 12/6/2010

RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE OF THE UNION COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Union County Board of Commissioners wishes to revise its regular meeting schedule to add a regular meeting on Monday, December 20, 2010, at 7:00 p.m., to delete the regular meeting of Monday, January 3, 2011, and to add a regular meeting on Tuesday, January 4, 2011, at 7:00 p.m.

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

The Board does hereby revise its regular meeting schedule to add a regular meeting on Monday, December 20, 2010, at 7:00 p.m., to delete the regular meeting of Monday, January 3, 2011, and to add a regular meeting on Tuesday, January 4, 2011, at 7:00 p.m. Except as herein amended, the regular meeting schedule of the Union County Board of Commissioners shall remain in full force and effect.

Adopted this the 6th day of December, 2010.

ATTEST:

Lynn G. West, Clerk to the Board

Chair

Commissioner Appointees

	<u>2009-2010 Appointments</u>	<u>2010-2011 Appointments</u>
1. Agricultural Advisory Board	Commissioner Baucom	_____
2. Catawba River Water Supply Project Governing Board*	Commissioner Openshaw Commissioner Mills	_____ _____
3. Centralina Council of Governments	Commissioner Openshaw Alternate: All Commissioners	_____ Alternate: All Commissioners
4. Centralina Economic Development Commission, Inc. Board of Directors	Commissioner Openshaw	_____
5. Commissioner Governance Advisory Committee	Commissioner Kuehler	Question Whether Appointment is Necessary. Committee Has Made Recommendation to BCC
6. Criminal Justice Partnership Program Advisory Board	Commissioner Mills	_____
7. Farmer's Market Committee	Commissioner Baucom	_____
8. Fire Commission	Commissioner Kuehler	_____
9. Health Board	Commissioner Baucom	_____
10. Home and Community Care Block Grant Advisory Committee*	Commissioner Baucom	_____
11. Indigent Health Care Committee*	Commissioner Baucom	_____
12. Job Ready Partnership Council	Commissioner Mills	_____
13. Juvenile Crime Prevention Council	Commissioner Mills	_____
14. Library Board of Trustees	Commissioner Kuehler	_____
15. Local Emergency Planning Committee	Commissioner Kuehler	_____
16. Mecklenburg-Union Metropolitan Planning Organization	Commissioner Kuehler Alternate: Commissioner Rogers	_____ _____

17.	Parks and Recreation Advisory Board	Commissioner Openshaw	_____
18.	Partnership for Children, Inc. Board of Directors (now Union Smart Start)	Commissioner Rogers	_____
19.	Piedmont Area Mental Health, Developmental Disabilities & Substance Abuse Board	Commissioner Mills	_____
20.	Rocky River Rural Planning Organization Transportation Advisory Committee	Commissioner Baucom Alternate: Commissioner Openshaw	_____ _____
21.	Transportation Advisory Board**	Commissioner Openshaw	_____
22.	CMC-Union Board of Directors***	Commissioner Rogers Commissioner Kuehler	_____ _____
23.	CMC-Union Community Trustee Council	Commissioner Openshaw	_____
24.	Yadkin Pee Dee Board of Directors	Commissioner Openshaw	_____
25.	School Liaison	Commissioner Rogers	_____
26.	Library Strategic Plan Steering Committee (Established 10/18/2010)	Commissioner Kuehler Incoming Commissioner****	_____ _____

*Need not include a Commissioner.

**This board is for the Transit System and is made up primarily of contracting agencies and participants of the system. (Annette Sullivan)

***Need not be Commissioner appointees. The Board has traditionally appointed Commissioners.

****When this Committee was established, it was anticipated that there might be two Commissioner appointees. Only one appointment was made on October 18, 2010.

VOTING OBLIGATIONS OF COUNTY COMMISSIONERS APPOINTED TO SERVE ON LOCAL BOARDS

Name of Board/Committee/Council	Authority to Establish Board/Committee/Council	Authority for Members to Include a County Commissioner	Commissioner's Voting Status
1. Agricultural Advisory Board	G.S. § 106-739	Per County Ordinance, members are appointed by BOCC and shall include a County Commissioner	Appointed as a Nonvoting Member
2. Catawba River Water Supply Project Governing Board	G.S. § 153A-278 & G.S. §§ 160A-460 to 464	Per Agreement, members need <u>not</u> include a County Commissioner	Voting Member (inferred from Agreement)
3. Centralina Council of Governments	G.S. § 160A-470	Per Bylaws, a County Commissioner shall represent the County	Voting Member (per Bylaws)
4. Centralina Economic Development Commission, Inc. Board of Directors	Created by Centralina Council of Governments	Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
5. Commissioner Governance Advisory Committee		Per Guidelines, members shall include a County Commissioner to serve as Chairperson	Appointed as a Nonvoting Member
6. Criminal Justice Partnership Program Advisory Board	G.S. § 143B-273.10	Per statute, members shall include a County Commissioner	Voting Member (per Bylaws)
7. Farmer's Market Committee	G.S. § 153A-76	Per BOCC motion, members are appointed by the BOCC and shall include a County Commissioner	May be appointed as a Nonvoting Member
8. Fire Commission	G.S. § 153A-233	Per BOCC Resolution, members shall include a County Commissioner appointed by the BOCC	May be appointed as a Nonvoting Member
9. Health Board	G.S. § 130A-35	Per statute, members are appointed by the BOCC and shall include a County Commissioner	Voting Member (inferred from statutory membership)
10. Home and Community Care Block Grant Advisory Committee	G.S. § 143B-181.1 & 10A NCAC 5G.0201	Per NCAC rule, members are appointed by the BOCC and need <u>not</u> include a County Commissioner	May be appointed as a Nonvoting Member
11. Indigent Health Care Committee	G.S. § 153A-255	BOCC Agenda indicates members need <u>not</u> include a Commissioner but that BOCC may appoint a Commissioner	May be appointed as a Nonvoting Member
12. Job Ready Partnership Council	20 U.S.C. § 6101, et seq.	Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)

13. Juvenile Crime Prevention Council	G.S. § 143B-544	Per statute, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
14. Library Board of Trustees	G.S. § 153A-265	Per Bylaws, members shall include a County Commissioner	Appointed as Nonvoting Member (per Bylaws)
15. Local Emergency Planning Committee	Exec. Order No. 43 (4/7/87) & 42 U.S.C. § 11001	Per statute, members shall include a County Commissioner	Voting Member (per Bylaws)
16. Mecklenburg-Union Metropolitan Planning Organization	G.S. § 136-200.1 & 23 U.S.C. § 134	Per statute, members shall include a County Commissioner	Voting Member (per Bylaws)
17. Parks and Recreation Advisory Board	G.S. § 153A-444 & G.S. § 160A-350 et seq.	Per Resolution, members shall include a County Commissioner	Voting Member (per Resolution, but BOC may modify Resolution)
18. Partnership for Children, Inc. Board of Directors (now Union Smart Start)	G.S. § 143B-168.12.	Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
19. Piedmont Area Mental Health, Developmental Disabilities, & Substance Abuse Board	G.S. § 122C-118.1	Per statute, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
20. Rocky River Rural Planning Organization Transportation Advisory Committee	G.S. § 136-211	Per statute, members shall include a County Commissioner	Voting Member (inferred from MOU)
21. Transportation Advisory Board	G.S. 153A-76	Minutes indicate that membership may be determined by a Grant Agreement and includes a County Commissioner	Uncertain
22. CMC-Union Board of Directors	G.S. § 153A-249 & G.S. §§ 131E-5, et seq.	Per revised Lease, Board appoints two members, need not be Commissioners	Voting Member(s), if appointed (inferred from Bylaws)
23. CMC-Union Community Trustee Council	G.S. § 153A-249 & G.S. §§ 131E-5, et seq.	Per Lease Agreement, members shall include a County Commissioner	Voting Member (stated in Lease)
24. Yadkin Pee Dee Board of Directors		Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2010

Action Agenda Item No. 12
(Central Admin. use only)

SUBJECT: Request for Qualifications for County Attorney

DEPARTMENT: Legal

PUBLIC HEARING: No

ATTACHMENT(S):
Draft RFQ

INFORMATION CONTACT:
Jeff Crook

TELEPHONE NUMBERS:
704-283-3673

DEPARTMENT'S RECOMMENDED ACTION: Consider RFQ, provide any revisions, and authorize staff to publish with return date for submittals of December 15, 2010

BACKGROUND: Pursuant to G.S. 153A-114, "the board of commissioners shall appoint a county attorney to serve at its pleasure and to be its legal adviser." If the Board desires to solicit qualifications for the position of County Attorney, it may utilize a Request for Qualifications process using the attached RFQ form.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

DRAFT
REQUEST FOR QUALIFICATIONS
FOR THE PROVISION OF PROFESSIONAL LEGAL SERVICES
AS UNION COUNTY ATTORNEY

Prior to the appointment of a County Attorney on a contract basis pursuant to N.C.G.S. §153A-114, the Union County Board of Commissioners desires to solicit Qualification Statements from interested persons for the provision of professional legal services. Through a Request for Qualification ("RFQ") process, persons interested in appointment as County Attorney must prepare and submit a Qualification Statement in accordance with the procedure and schedule stated in the attached RFQ. The Board intends to consider persons who possess the professional, financial, and administrative capabilities to provide the proposed services.

The factors to be considered by the Board in its appointment of a County Attorney include, but are not limited to: (i) experience and reputation within the profession; (ii) knowledge of the subject matter to be addressed under contract; (iii) availability and accessibility to accommodate any required meetings of the Commission or County staff; and (iv) such other factors as determined by the Board, in its sole discretion, to be in the best interest of Union County.

The RFQ documents may be downloaded from the County web site at www.co.union.nc.us, or may be obtained by contacting Lynn West, Clerk to the Board of Commissioners, 500 North Main Street, Room 925, Monroe, North Carolina 28112, telephone # 704-283-3853, e-mail -- west@co.union.nc.us.

Completed Qualification Statements must be submitted and received by Ms. West at 500 North Main Street, Room 925, Monroe, North Carolina 28112, on or before 2:00 p.m. on December 15, 2010.

Selection of a County Attorney will be made pursuant to the sole discretion of the Union County Board of Commissioners, and such attorney shall serve at the pleasure of the Board.

Chairman, Union County Board of Commissioners

**REQUEST FOR QUALIFICATIONS
FOR THE PROVISION OF PROFESSIONAL LEGAL SERVICES
AS UNION COUNTY ATTORNEY**

PART 1.0 Services For:

UNION COUNTY BOARD OF COMMISSIONERS

UNION COUNTY, NORTH CAROLINA

PART 2.0 Title:

COUNTY ATTORNEY

PART 3.0 Background:

Union County (est. pop. 200,000) is located in the south-central Piedmont region of North Carolina. For the past decade, Union has been among the fastest growing counties in the nation. Union County government is comprised of the following departments and divisions, each offering its unique services to the citizens of Union County:

- Animal Services
- Board of Elections
- Central Administration/Union County Board of Commissioners
- Cooperative Extension
- Emergency Communications
- Emergency Management
- Environmental Health
- Finance
- Fire Services
- General Services/Purchasing/Garage
- GIS
- Health
- Homeland Security
- Information Systems
- Inspections
- Internal Auditor
- Legal
- Library
- Nutrition
- Parks & Recreation
- Personnel
- Planning
- Public Information

- Public Works
- Register of Deeds
- Risk Management
- Sheriff's Office
- Social Services
- Tax Administration
- Transportation
- Veteran's Services

Pursuant to N.C.G.S. § 153A-114, the Board of Commissioners must appoint a County Attorney to serve as the Board's legal advisor. The exact nature of the County Attorney's duties varies from county to county, as does the amount and method of compensation. The County Attorney is not appointed to a definite term, but instead serves at the pleasure of the Board.

The elected officials, management, department heads, agencies, and statutory boards of Union County receive legal services from several different sources. Through its Legal Department, the County employs a full-time Senior Staff Attorney and Staff Attorney to draft or review all County contracts; provide legal counsel upon request to elected officials and County staff; draft or review County ordinances, resolutions, special legislation, bylaws, forms, policies and procedures; attend regular meetings of the Union County Board of Commissioners and while in attendance, anticipate and respond to questions from the Board, advise as to compliance with open meetings and public records laws, and provide direction as to parliamentary procedure upon request; and to provide other ancillary services. It is anticipated that the County Attorney will work closely with attorneys in the Union County Legal Department.

In addition, the Sheriff employs a full-time Staff Attorney to ensure agency compliance with all federal, state, and county laws and policies of the Sheriff's Office and to act as legal advisor in Agency operations posing particular risks of civil and/or criminal liability to the Sheriff and the County, including high-risk warrant service, major crime investigations, drug interdiction and surveillance operations, significant transitional operations and other significant operations as directed by the Sheriff.

The County also engages attorneys in private practice to provide legal services to the Board of Adjustment and the Department of Social Services, and the Board or County Manager may authorize the engagement of attorneys experienced in specialty areas of the law when deemed in the best interests of the County. The County Attorney may recommend such engagement.

PART 4.0 Duties and Responsibilities:

The County Attorney shall be the statutory legal adviser to the Board of Commissioners and as such, shall perform all legal services assigned by the Board. The County Attorney shall also work closely with the County Manager and Legal Department and shall provide such legal services as may be requested by the County Manager or the Senior Staff Attorney. It is expected that the County Attorney will give priority to the work assigned on behalf of Union County and that he or she will perform all work in a timely manner.

The following is a representative, but non-exhaustive, list of the services to be provided by the County Attorney.

- a. Attendance at regular and special meetings of the Board of Commissioners, if requested;
- b. Consultation with individual commissioners, to the extent authorized by the Board;
- c. Consultation with the County Manager and Senior Staff Attorney upon request;
- d. Handling or oversight of all litigation on behalf of Union County;
- e. Handling of property tax foreclosures;
- f. Requests for pre-clearance from the Department of Justice, as required by statute;
- g. Handling of real property transactions, including title searches and closings; and
- h. Issuance of opinion letters relative to bond transactions.

PART 5.0 Minimum Qualifications:

Interested individuals must meet the following minimum qualifications:

- a. Must be an attorney in good standing licensed to practice law in the State of North Carolina as of the date of appointment;
- b. Must possess J.D. or LLB from an ABA accredited law school;
- c. Must have prior experience in local government law, specifically representing county or municipal government; and
- d. Must have broad general experience in the practice of law, preferably in contracts, labor and employment law, land use, real estate, and constitutional law.

PART 6.0 Content of Submittal:

In response to this Request for Qualifications, each interested individual shall provide the following information:

Qualification Information:

- a. Full Name;
- b. Firm Name (if practicing within a firm), Address and Telephone Number;
- c. Years in practice;
- d. Your (and your firm's) legal specialties or emphases of practice;
- e. A listing of all of your post high school education;

- f. Date of licensure in the State of North Carolina;
- g. A listing of your professional affiliations or membership in any professional societies or organizations;
- h. The number of attorneys employed (if a professional firm) and/or affiliated with your firm;
- i. A listing of all previous public sector entities for which you have provided legal representation, including dates of service and position(s) held;
- j. Your familiarity with Union County and an explanation of how derived;
- k. The relevant legal experience that qualifies you for the position of County Attorney;
- l. Any other relevant legal or work experience that you would like the Board of Commissioners to consider in evaluating your qualifications for the position of County Attorney;
- m. Details regarding any conflict of interest or potential conflict of interest;
- n. A listing of any relative, by blood or marriage, employed by Union County or serving in an elected or appointed capacity;
- o. The name, address and telephone number of three client references that can be contacted by the County;
- p. Your compensation requirements, including an hourly rate and any retainer to be charged the County, and the manner in which travel time will be billed; and
- q. Any additional information that you would like the Board of Commissioners to consider in evaluating your qualifications.

PART 7.0 Method of Evaluation and Selection:

The Board of Commissioners shall determine the relative weight to be assigned to the various selection factors outlined in this RFQ. Selection of a County Attorney will be made by the Board in its sole discretion.

PART 8.0 Submittal Information:

Individuals must submit using the following method:

Direct Delivery sealed and labeled on the outside...

“REQUEST FOR QUALIFICATIONS – PROFESSIONAL LEGAL SERVICES – COUNTY ATTORNEY”

Send or deliver **eight (8) copies** of your submittal to:

Union County
 Attn: Ms. Lynn West, Clerk to the Board of Commissioners
 500 North Main Street, Room 925
 Monroe, North Carolina 28112

ALL submittals are to be received by the Clerk to the Board of Commissioners no later than 2:00 p.m., December 15, 2010. The Commission will evaluate only those submittals received by the deadline.

Questions regarding submittals shall be submitted in writing and may be faxed or e-mailed to the attention of Lynn West, Clerk to the Board, (fax) 704-282-0121, (office) 704-283-3853, west@co.union.nc.us.

Union County assumes no liability or responsibility for the costs incurred by a respondent for any materials, efforts or expenses required to prepare a response or to make any presentation in connection with a response to the Request for Qualifications.

This Request for Qualifications is not an offer, obligation, or agreement to award work to any respondent. No contractual relationship is created by responding to this Request for Qualifications. Union County reserves the right to accept or reject any or all proposals received. The County reserves the right to waive any irregularity, informality, or technicality in proposals received. It is understood and agreed by those submitting a Statement of Qualifications that all information submitted will be public record and subject to public inspection and copying.