

AGENDA
UNION COUNTY BOARD OF COMMISSIONERS
Regular Meeting
Monday, March 2, 2009
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

2. **Public Hearing - Re: Proposed FY 2010 Community Transportation Program**
Application: Total Funding Requests: \$230,678 - Total Local Share: \$32,232
ACTION REQUESTED: Conduct Public Hearing

3. **Public Hearing - Re: Proposed Text Amendments, Sections 21, 23, 27, 29, 31, 33,**
and 35 to Union County Land Use Ordinance
ACTION REQUESTED: Conduct Public Hearing

4. **Informal Comments**

5. **Additions, Deletions and/or Adoption of Agenda**
ACTION REQUESTED: Adoption of Agenda

6. **Consent Agenda**
ACTION REQUESTED: Approve items listed on the Consent Agenda

7. **Public Information Officer's Comments**

Old Business:

8. **Discussion Regarding Limiting the Length of Board Meetings (from February 16, 2009, meeting)**
ACTION REQUESTED: Based on Board discussion from February 16 Meeting, to:
 1. Direct the staff to place time estimates for items on the margin of all future meeting agenda documents.
 2. Establish a rule that, at 10 PM for any regularly scheduled meeting, the Board will either vote to extend the meeting for a specified amount of time or the Board will vote to adjourn and place unfinished items of business on "Old Business" for the next regularly scheduled meeting. If any specified amount of time is exhausted, the Board will again either vote to extend the meeting for a specified amount of time, or will vote

to adjourn and place unfinished items of business on "Old Business" for the next regularly scheduled meeting.

9. **Transportation Advisory Board (TAB)**
ACTION REQUESTED: Discussion and possible action

New Business:

10. **Community Proclamation of American Red Cross Month**
ACTION REQUESTED: Adoption of Proclamation
11. **Resolution in Support of Food and Lodging Fees (Environmental Health)**
ACTION REQUESTED: Consider adopting resolution
12. **Debt Restructuring - Series 2007A and 2007B**
ACTION REQUESTED: Adopt Resolution of the Board of Commissioners of the County of Union, North Carolina, Replacing the Liquidity Facility and Remarketing Agent for the County's Variable Rate General Obligation Bonds, Series 2007A and 2007B Variable Rate General Obligation Bonds
13. **Disposition of County-Owned Property (Belk-Tonawanda Park)**
ACTION REQUESTED: Authorize staff to negotiate the transfer of county-owned property to the City of Monroe in exchange for assurance for the future use of the property
14. **Governance Policy**
ACTION REQUESTED: Discussion and possible action
15. **Personnel Policy Revision**
ACTION REQUESTED: Discussion and possible action
16. **Contract to Audit Accounts**
ACTION REQUESTED: Authorize Chairman to Execute Contract to Audit Accounts for FY 2009 with Potter & Company, P.A.
17. **HDR Engineering, Inc. of the Carolinas (Not to Exceed \$51,934.00) (Task Order #46)**
ACTION REQUESTED: Authorize County Manager to approve Task Order #46
18. **Discussion on Union County Athletic Council (UCAC)**
ACTION REQUESTED: Discussion and possible action
19. **Announcement of Vacancies on Boards and Committees**
 - a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Person Under Age of 18; and 4) 4 Commissioner Appointees
 - b. Adult Care Home Community Advisory Committee (1 Vacancy)
 - c. Historic Preservation Commission (2 Vacancies)
 - d. Parks and Recreation Advisory Board (1 Vacancy)
 - e. Nursing Home Advisory Committee (4 Vacancies)

- f. Planning Board (Vacancies for 3 Regular Members Representing Lanes Creek Township, Monroe Township, Vance Township, and one Alternate member)

ACTION REQUESTED: Announce vacancies

20. **Appointments to Boards and Committees**

- a. Board of Health (Vacancy for a Licensed Optometrist)

- b. Juvenile Crime Prevention Council (JCPC): 1) Chief of Police or Designee; 2) Local Sheriff or Designee; 3) Person Under Age of 18

ACTION REQUESTED: Consider appointments

21. **Manager's Comments**

22. **Commissioners' Comments**

CONSENT AGENDA
Monday, March 2, 2009

1. **Minutes**
ACTION REQUESTED: Approve minutes
2. **FY 2009 Surplus Property Sale**
ACTION REQUESTED: Adopt Resolution Requesting Surplus Property Sale
3. **FY 2010 Community Transportation Program Application** (Public Hearing Held at 7:00 p.m.)
ACTION REQUESTED: Adopt Community Transportation Program Resolution and Authorize County Manager to Approve and Submit Application (Local share of \$32,232 to be provided in FY 2009/2010 Budget)
4. **Contracts Over \$20,000**
 - a. Blessed Assurance Adult Day and Health Care Services, Inc. (Amendment increases current contract to \$50,400)
 - b. Village of Marvin (\$36,042.85) (Parks and Recreation)**ACTION REQUESTED:** Authorize the County Manager to approve Items a-b pending final legal review
5. **Aramark Correctional Services Food Service Contract**
ACTION REQUESTED: Award bid to Aramark Correctional Services and Authorize the County Manager to Approve an Agreement with Aramark for an Initial 16-Month Contract Beginning March 1, 2009, Ending June 30, 2010, in the Amount of \$1,034,805, Pending Approval of the Legal Department
6. **Tax Administrator**
 - a. Departmental Monthly Report for January 2009
ACTION REQUESTED: Approve report
7. **Budget Amendments**
 - a. Social Services: Special Children Adoption Fund - Budget Amendment #26 to Appropriate \$28,500 in Additional Funds for the Special Children Adoption Fund Used to Enhance the Adoption Services Program (State Funds. No County Funding is Required)
 - b. Health Department: Budget Amendment #25 to Appropriate Additional Funding for the Susan G. Komen Grant (No County Funding is Required)
ACTION REQUESTED: Approve Budget Amendments #25 and #26
8. **UCPS Marvin Ridge MS/HS Storm Water Detention Ponds**
ACTION REQUESTED: Adopt CPO #113

**Information Only
No Action Required**

March 2, 2009

1. Report of Health Hazard Sanitary Sewer Tap Allocation

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 2, 2009

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

SUBJECT: FY 2010 COMMUNITY TRANSPORTATION PROGRAM GRANT APPLICATION

DEPARTMENT: TRANSPORTATION **PUBLIC HEARING:** Yes

ATTACHMENT(S):

FY10 SYSTEM DESCRIPTION
FY10 ADMINISTRATIVE BUDGET
FY10 CAPITAL BUDGET
CTP PROGRAM RESOLUTION
CERTIFICATIONS/ASSURANCES
ATTORNEY AFFIRMATION
5333B LABOR WARRANTY
DBE CERTIFICATION
DBE/MBE/WBE/HUB VENDOR
AWARDS
SECTION 5311 TITLE VI REPORT
LOCAL SHARE CERTIFICATION

INFORMATION CONTACT:

ANNETTE SULLIVAN

TELEPHONE NUMBERS:

704-292-2566
704-361-1494

DEPARTMENT'S RECOMMENDED ACTION: Recommend the application be approved for submittal for Administrative and Capital funding assistance for FY 2010

BACKGROUND: The CTP Grant(Section 5311 Program) is intended to provide financial assistance for the support of public transportation services, which are open to the general public on a regular and continuing basis. The 5311 funds can be used for the costs of transit planning activities, transit operations and purchase of capital equipment or facilities to aid in provision of transit services in rural and small urban areas as well as provide funds for state-level administration. This annual grant through NCDOT provides Administrative funding of 80% Federal and 5% State funding of 100% of the Associate Director and Billing Representative's salary and 85% of 80% of the Director's Salary (reduced 20% due to my oversight of the Senior Nutrition Program). The Capital portion of this grant provides 90% reimbursement of the replacement of vehicles in our fleet each year that have met NCDOT's useful life standard (100,000 miles).

FINANCIAL IMPACT: Total of \$230,678 in grant funding with the local matching share being \$32,232.

Legal Dept. Comments if applicable:

Finance Dept. Comments if applicable:

Manager Recommendation:

Aviso de Audiencia Pública
 Este aviso es para informar al público sobre una audiencia pública que se llevará a cabo sobre el proyecto de Programa de Transporte de la Comunidad que se someterá al Departamento de Transportación de Carolina del Norte no más tarde del 01 de Marzo, 2009. La audiencia pública será llevada a cabo el 2 de Marzo, 2009, frente al Consejo de Comisarios del Condado de Unión en la sala de juntas del Consejo de Comisarios situado en el primer piso del Centro de Gobierno del Condado de Unión, 500 North Main Street, Monroe, North Carolina. Personas interesadas en atender las juntas que necesiten ayuda o auxilio o servicios bajo el acto de Amehorars con incapacidad o un interés laboral comiencen con Lynn G. West, Funcionaria del Consejo de Comisarios, al teléfono 704-283-3853, antes del 25 de Febrero, 2009.
 El Programa de Transportación para la Comunidad proporciona asistencia para coordinar programas de transporte ya en existencia y que operan en el Condado de Unión. El programa también proporciona opciones de transporte y servicios para las comunidades en el área de servicio. Estos servicios se proporcionan usando Recursos de Soluciones de Servicio de Buses. Los servicios son pagados por la oficina de Transporte del Condado de Unión.
 La aproximada cantidad total que será pedida para el periodo del 1 de Julio, 2009 al 30 de Junio, 2010:
 Proyecto
 Cantidad Total
 Proporción
 Administración
 \$500,000
 \$2,000,000 (50%)
 Total
 \$2,500,000
 \$2,232,232
 Total de
 Cantidad Pedida
 Porción local
 Esta aplicación puede ser inspeccionada en la oficina de Transporte del Condado de Unión, 610 Patton Avenue, Monroe, North Carolina, 28111-5040.
 Comentarios escritos deben ser dirigidos a Lynn West, Funcionaria del Consejo de Comisarios, Centro de Gobierno del Condado de Unión, 500 North Main Street, Ste. 922, Monroe, N.C. 28112 antes del 25 de Febrero, 2009 al (704) 283-3853.
 Febrero 14, 2009

NORTH CAROLINA,
UNION COUNTY.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths,

personally appeared Pat Deese

who being first duly sworn, deposes and says: that he 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 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:

Feb. 14, 2009

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 I-597 of the General Statutes of North Carolina.

This 14 day of Feb 2009
Pat Deese

Sworn to and subscribed before me, this 14 day of Feb 2009.

Bud P. Clutz Notary Public

My Commission expires: May 11, 2013

Community Transportation Program Inches: 9 1/2 Feb 14 2009
of Commission MONROE, N.C.

Ad# 01581912
ACCOUNT #: 02100167

COST: \$ 94.84

—IN ACCOUNT WITH—

The Enquirer-Journal

P.O. Box 5040
500 W. Jefferson St.
Monroe, N.C. 28111-5040

PUBLIC HEARING NOTICE
 This is to inform the public that a public hearing will be held on the proposed FY 2010 Community Transportation Program Application to be submitted to the North Carolina Department of Transportation on or before March 22, 2009. The public hearing will be held on March 22, 2009, at 7:00 p.m. before the Union County Board of Commissioners in the Commissioners Board Room located on the first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. Those interested in attending the public hearing and needing either auxiliary aids or services under the American with Disabilities Act (ADA) or a language translator should contact Lynn West, Clerk to the Board of Commissioners at 722-2553 before February 25, 2009.
 The Community Transportation Program provides assistance to coordinate existing transportation programs operating in the Union County as well as provides transportation options and services for the communities within the service area. These services are currently provided using Demand Response and Subscription Route services. Services are rendered by Union County Transportation.
 The total estimated amount requested for the period July 1, 2009 through June 30, 2010 is as follows:
 Project:
 Total Amount:
 Local Share:
 Administrative: \$183,238
 Capital (Vehicles & Other): \$47,400
 Operating (Small urban & regional systems): \$27,492 (15%)
 TOTAL: \$332,232
 Total Funding Requests: \$332,232
 Total Local Share: \$183,238
 This application may be inspected at Union County Transportation located at

810 Ration Avenue, Monroe, North Carolina, from 8:00 a.m. to 5:00 p.m. Monday through Friday. Written comments should be directed to Lynn West, Clerk to the Board of Commissioners, Union County Government Center, 500 North Main Street, Room 222, Monroe, North Carolina 28112 before FEBRUARY 25, 2009. Lynn West, Clerk to the Board of Commissioners, February 14, 2009.

NORTH CAROLINA,
 UNION COUNTY.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths,

personally appeared Pat Deese

who being first duly sworn, deposes and says: that he 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 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:

Feb. 14, 2009

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 14 day of Feb 2009
Pat Deese

Sworn to and subscribed before me, this 14 day of Feb 2009.

Beth P. Clifz Notary Public
 My Commission expires: May 11, 2013

Community Transportation Prog. Inches: 9 1/2 Feb. 14, 2009
 MONROE, N.C.

U.C. Bd of Commissioners

Ad# 01581912
 ACCOUNT #: 02100167

COST: \$ 94.84

English

—IN ACCOUNT WITH—

The Enquirer-Journal

P.O. Box 5040
 500 W. Jefferson St.
 Monroe, N.C. 28111-5040

Important Legal Document, Please Retain

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2009 - FY 2010 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation and to provide the necessary assurances.

A motion was made by (*Board Member's Name*) _____ and seconded by (*Board Member's Name or N/A, if not required*) _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

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

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

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

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

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

I (*Certifying Official's Name*)* _____ (*Certifying Official's Title*) _____ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) _____ duly held on the _____ day of _____, 20____.

Signature of Certifying Official

***Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me (*date*) _____

*Notary Public **

Address

My commission expires (*date*) _____



**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 03/02/2009

Action Agenda Item No. 3
(Central Admin. use only)

SUBJECT: Text Amendments - Planning Board and Board of Adjustments

DEPARTMENT: Planning

PUBLIC HEARING: Yes

ATTACHMENT(S):
Proposed Text Amendments Sections
21, 23, 27, 29, 31, 33, and 35.

INFORMATION CONTACT:
Richard Black

TELEPHONE NUMBERS:
(704) 292-2580

DEPARTMENT'S RECOMMENDED ACTION: Hold a public hearing to amend Land Use Ordinance.

BACKGROUND: On December 15, 2008, the Board of Commissioners initiated text amendments to the Land Use Ordinance to reconstitute the Planning Board and the Board of Adjustment, directed the attorney to prepare the amendments, and have Planning staff place the amendments on the next Planning Board's agenda. In the amendment to reconstitute the Planning Board and the Board of Adjustment, the major changes are: (1) Reduces the number of regular members of the Planning Board from nine to seven and the Board of Adjustment from seven to five. (2) Changes the appointment of regular members of the Planning Board from residents of each of the county's nine township to an at large appointment. (3) Removes the prohibition against County Planning Board members serving on a municipal board of adjustment or planning board. (4) Adds completion of a conflict of interest form by all applicants. (5) Prohibits Planning Board and Board of Adjustment members from serving on other county boards which influence land use or property value. (6) Allows no more than one person from a position of leadership in a political party to serve on the Planning Board or the Board of Adjustment at a give time. At their regular scheduled meeting on January 6, 2009, the Planning Board was not able to conduct any business due to a lack of a quorum.

At the February 3, 2009 Planning Board meeting, Planning staff presented the text amendments. Most of the discussion centered around four questions: (1) What happens to disclosure forms of applicants not selected to serve on a board? (2) What are the other Union County advisory boards that members of the Planning Board or the Board of Adjustment can not serve on during their term? (3) How is a position of leadership in a political party defined? and

(4) How is the term " dependent children" in the disclosure form defined? A motion was made and passed unanimously to request clarification of these four questions and report back to the Planning Board before the next meeting. The proposed text amendments were placed on the Planning Board's March 5, 2009 agenda for consideration.

The Board of Commissioners, at their February 16, 2009 meeting, requested an update on the Planning Board and the progress of the proposed text amendments. Staff gave an update on the status of the proposed amendments and identified the four questions needing clarification. The Board of Commissioners provided clarification regarding the questions on other advisory boards and positions of leadership in a political party as follows:

(1) A citizen could only be a member of one of the following advisory boards: Planning Board, Board of Adjustment, Parks and Recreation Board, Union County Partnership for Progress, Historical Preservation Committee, the Library Board, Agricultural Advisory Board, Public Works Advisory Board, and the Board of Equalization and Review.

(2) The positions of political leadership are the Chairman/President and the Vic Chairman/Vice President of any political party, party affiliates, clubs or outside committees.

Regarding the retention of applications and disclosure forms, staff point out that there is a retention and disposition schedule for determining how long those applications and forms are to be kept. The application and disclosure form are both a public record and can be assessed by the public. The disclosure statements of unsuccessful applicants must be kept for two years after the appointment is made to someone else. As to the appointee, the disclosure statement must be retained for one year after his/her term ends.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

Adjustment may and shall be made...
 No person shall be a member...
 and no political party, including politically affiliated committees and organizations shall be allowed to participate in the planning...
 The full text and supporting documents relative to the proposed amendments are available to inspection and study at the Union County Planning Department located at 407 North Main Street, Room #149, Monroe, NC from 8:00 a.m. to 5:00 p.m. Monday through Friday. Anyone having any questions on the above petition or amendments may contact the Planning Department at 704-228-3563.

PUBLICATION NOTICE
 NOTICE IS HEREBY GIVEN that the Union County Board of Commissioners will on Monday, March 2, 2009, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, conduct a public hearing to receive comments from the public on the amendments and petitions set forth below.

TEXT AMENDMENT, UNION COUNTY LAND USE ORDINANCE

SECTION 1
 AMEND subsections (a) and (e) of Section 21 Appointment and Terms of Planning Board Members.
 • Reduce number of regular members from nine to seven.
 • Change the appointment of regular members from residents of each of the county's nine townships at large by the board of commissioners.
 • Add requirement of no more than two members shall reside within the same municipality.
 • Delete requirement of any person serving on a municipal board of adjustment or planning board shall be ineligible to serve as a member of the Union County planning board.

SECTION 2
 AMEND subsection (a) of Section 23 Quorum and Voting.
 • Reduce number of members required for a quorum from five to four members.

SECTION 3
 AMEND Section 27.
 The term of sitting planning board members, both regular and alternate, shall expire at the time of adoption of the referenced changes to Section 21 above and all positions shall be deemed immediately vacant.

In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) three regular members for a term of three years; (ii) two regular members and one alternate for a term of two years; and (iii) two regular members and one alternate for a term of one year.

SECTION 4
 DD: new subsections to section 27.
 All Planning Board applicants must submit a completed county service application and conflict of interest disclosure form to the clerk to the Board of Commissioners.

Members are appointed...

**NORTH CAROLINA,
 UNION COUNTY.**

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Pat Deese

who being first duly sworn, deposes and says: that he 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 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:

Feb. 17, 24, 2009

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 24 day of Feb 2009
Pat Deese

Sworn to and subscribed before me, this 24 day of Feb 2009.

Burr O. Cates Notary Public

My Commission expires: May 11, 2013

Inches: 2.5" Feb 24 2009
 MONROE, N.C.

Ad#
 ACCOUNT #: 02100167

Cost: \$ 498.12

—IN ACCOUNT WITH—

The Enquirer-Journal

P.O. Box 5040
 500 W. Jefferson St.
 Monroe, N.C. 28111-5040

Important Legal Document, Please Retain

Members are appointed at large to allow for the selection of the best talents, ideas, and experience in the county.

Members of the planning board may not serve on any other Union County advisory board during their term.

No more than one person from a position of leadership in a political party, including politically affiliated committees and organizations, shall be allowed to serve on the planning board at a given time.

SECTIONS 5, 6 and 7

These sections combined will have the effect of abolishing the existing Board of Adjustment which has seven regular members and two alternates, and establishing a new Board of Adjustment consisting of five regular members and two alternates, all appointed by the board of commissioners. All regular members and alternates shall reside within the county.

SECTION 8

AMEND subsections (b) and (e) of Section 29:

Board of adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. In order to achieve staggered terms upon initial appointment, members shall be appointed as follows: (i) two regular members shall be appointed for a term of three years; (ii) two regular members and one alternate shall be appointed for a term of two years; and (iii) one regular member and one alternate shall be appointed for a term of one year.

If a regular or alternate member moves outside the county, that shall constitute an immediate resignation from the board, rather than a resignation effective upon the date a replacement is appointed.

SECTION 9

ADD new subsections to Section 29:

All Board of Adjustment applicants must submit a completed county service application and conflict of interest disclosure form to the Clerk to the Board of Commissioners.

Members are appointed at large to allow for the selection of the best talents, ideas, and experience in the county.

Members of the Board of

TEXT AMENDMENT: UNION COUNTY LAND USE ORDINANCE

SECTION 1

AMEND subsections (a) and (e) of Section 21, Appointment and Terms of Planning Board Members, as follows:

- (a) There shall be a planning board consisting of ~~nine~~ seven regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality. ~~One regular member shall be a resident of each of the county's nine townships, and the alternate members may reside anywhere in the county. Any person serving on a municipal board of adjustment or planning board shall be ineligible to serve as a member of the Union County planning board.~~
- (e) If a regular or alternate planning board member ~~moves outside the township he or she represents or if an alternate member~~ moves outside the county, that shall constitute a resignation from the planning board.

Subsections (a) and (e) of Section 21 of the Land Use Ordinance thus read as rewritten:

- (a) There shall be a planning board consisting of seven regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality.
- (e) If a regular or alternate planning board member moves outside the county, that shall constitute a resignation from the planning board.

SECTION 2

AMEND subsection (a) of Section 23, Quorum and Voting, as follows:

- (a) A quorum for the planning board shall consist of ~~five~~ four members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

Subsection (a) of Section 23 of the Land Use Ordinance thus reads as rewritten:

- (a) A quorum for the planning board shall consist of four members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

SECTION 3

AMEND Section 27 as follows:

- (a) Upon adoption by the board of commissioners on ~~April 2, 2007,~~ _____ of an amendment revising Section 21 of the Land Use Ordinance to ~~increase~~ decrease membership on the planning board from ~~seven~~ nine to ~~nine~~ seven regular members appointed at large ~~and to provide for geographical representation by township~~, the terms of sitting planning board members, both regular and alternate, shall expire at the time of such adoption and all positions shall be deemed vacant. Notwithstanding Section 21(b) of the Land Use Ordinance, such members shall not continue to serve until their successors have been appointed. In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) ~~three~~ three regular members ~~and one alternate~~ for a term of three years; (ii) ~~three~~ two regular members and one alternate for a term of two years; and (iii) ~~three~~ two regular members and one alternate for a term of one year. During the first meeting of these newly appointed members at which a quorum is present, the planning board shall elect one of its regular members to serve as chairman and preside over the board meetings and one regular member to serve as vice chairman. Prior to the election of a chairman at such first meeting, the Planning Division Director shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve until new officers are elected the following calendar year pursuant to Section 24 (a).

Newly designated subsection (a) of Section 27 of the Land Use Ordinance thus reads as rewritten:

- (a) Upon adoption by the board of commissioners on _____ of an amendment revising Section 21 of the Land Use Ordinance to decrease membership on the planning board from nine to seven regular members appointed at large, the terms of sitting planning board members, both regular and alternate, shall expire at the time of such adoption and all positions shall be deemed vacant. Notwithstanding Section 21(b) of the Land Use Ordinance, such members shall not continue to serve until their successors have been appointed. In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) three regular members for a term of three years; (ii) two regular members and one alternate for a term of two years; and

(iii) two regular members and one alternate for a term of one year. During the first meeting of these newly appointed members at which a quorum is present, the planning board shall elect one of its regular members to serve as chairman and preside over the board meetings and one regular member to serve as vice chairman. Prior to the election of a chairman at such first meeting, the Planning Division Director shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve until new officers are elected the following calendar year pursuant to Section 24 (a).

SECTION 4

ADD new subsections (b), (c), (d), and (e) to Section 27 to read as follows:

- (b) Regular and alternate members of the planning board shall only be considered for appointment after submitting a completed county service application and conflict of interest disclosure form to the Clerk to the Board of Commissioners. Failure to fully disclose any required information or falsification of information on the application or disclosure form shall constitute good cause for removal pursuant to Section 21(d).
- (c) While a geographic representation of members on the planning board is desirable, the planning board is appointed at large to allow for the selection of the best talents, ideas, and experience in the county.
- (d) Regular and alternate members of the planning board may not serve on any other Union County advisory board during their term.
- (e) Due to the non-partisan nature of the planning board, no more than one person from a position of leadership in a political party, including politically affiliated committees and organizations, shall be allowed to serve on the planning board at a given time.

SECTION 5

ADD a new Section 35 to read as follows:

Upon adoption by the board of commissioners of an amendment to repeal in its entirety subsection (a) of Section 29, Appointment and Terms of Board of Adjustment, the board of adjustment in existence at the time of such adoption shall be immediately abolished.

SECTION 6

REPEAL in its entirety subsection (a) of Section 29, Appointment and Terms of Board of Adjustment, such that the board of adjustment established therein is abolished.

SECTION 7

ADOPT a new subsection (a) of Section 29 to read as follows:

There is hereby established a board of adjustment consisting of five regular members and two alternates, all appointed by the board of commissioners. All regular members and alternates shall reside within the county.

SECTION 8

AMEND subsections (b) and (e) of Section 29 to read as follows:

- (b) Board of adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. In order to achieve staggered terms upon initial appointment following ~~adoption of this ordinance~~, establishment of the board of adjustment, (i) ~~three~~ two regular members shall be appointed for a term of three years; (ii) two regular members and one alternate shall be appointed for a term of two years; and (iii) ~~two~~ one regular ~~members~~ member and one alternate shall be appointed for a term of one year.
- (e) If a regular or alternate member moves outside the county, that shall constitute a resignation from the board, ~~effective upon the date a replacement is appointed.~~

Subsections (b) and (e) of Section 29 of the Land Use Ordinance thus read as rewritten:

- (b) Board of adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. In order to achieve staggered terms upon initial appointment following establishment of the board of adjustment, (i) two regular members shall be appointed for a term of three years; (ii) two regular members and one alternate shall be appointed for a term of two years; and (iii) one regular member and one alternate shall be appointed for a term of one year.
- (e) If a regular or alternate member moves outside the county, that shall constitute a resignation from the board.

SECTION 9

ADD new subsections (h), (i), (j), and (k) to Section 29 to read as follows:

- (h) Regular and alternate members of the board of adjustment shall only be considered for appointment after submitting a completed county service application and conflict of interest disclosure form to the Clerk to the Board of Commissioners. Failure to fully disclose any required information or falsification of information on the application or disclosure form shall constitute good cause for removal pursuant to Section 29(d).
- (i) While a geographic representation of members on the board of adjustment is desirable, the board of adjustment is appointed at large to allow for the selection of the best talents, ideas, and experience in the county.
- (j) Regular and alternate members of the board of adjustment may not serve on any other Union County advisory board during their term.
- (k) Due to the non-partisan nature of the board of adjustment, no more than one person from a position of leadership in a political party, including politically affiliated committees and organizations, shall be allowed to serve on the board of adjustment at a given time.

SECTION 10

AMEND subsection (a) of Section 31, Quorum, as follows:

- (a) A quorum for the board of adjustment shall consist of ~~four~~ three members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

Subsection (a) of Section 31 of the Land Use Ordinance thus reads as rewritten:

- (a) A quorum for the board of adjustment shall consist of three members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

SECTION 11

AMEND subsection (a) of Section 33, Board of Adjustment Officers, as follows:

- (a) Each year during the first meeting at which newly appointed members are seated, the board of adjustment shall elect one of its members to serve as a chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these

capacities until new officers are elected the following year. Vacancies in these offices may be filled for the unexpired terms only.

At the first meeting of the board of adjustment following the effective date of this ordinance or following abolition and re-establishment of the board of adjustment pursuant to Sections 35 and 29, respectively, the board of adjustment shall hold elections for the offices of chairman and vice-chairman. Prior to the election of a chairman at such first meeting, the board of adjustment's attorney shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve as chairman and vice-chairman until new officers are elected the following calendar year.

Subsection (a) of Section 33 of the Land Use Ordinance thus reads as rewritten:

- (a) Each year during the first meeting at which newly appointed members are seated, the board of adjustment shall elect one of its members to serve as a chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities until new officers are elected the following year. Vacancies in these offices may be filled for the unexpired terms only.

At the first meeting of the board of adjustment following the effective date of this ordinance or following abolition and re-establishment of the board of adjustment pursuant to Sections 35 and 29, respectively, the board of adjustment shall hold elections for the offices of chairman and vice-chairman. Prior to the election of a chairman at such first meeting, the board of adjustment's attorney shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve as chairman and vice-chairman until new officers are elected the following calendar year.

SECTION 12

Except as herein amended, the provisions of the Union County Land Use Ordinance shall remain in full force and effect.

Approved following public hearing, this the _____ day of _____, 2009.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 2 March 2009

Action Agenda Item No. 8
(Central Admin. use only)

SUBJECT: Limiting the Length of Board Meetings

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

ATTACHMENT(S):
February 10 Memo from Matthew Delk

INFORMATION CONTACT:
Matthew Delk, Assistant Manager

TELEPHONE NUMBERS:
704-283-3656

DEPARTMENT'S RECOMMENDED ACTION: Based on Board discussion from February 16 Meeting, to:

1. Direct the staff to place time estimates for items on the margin of all future meeting agenda documents.

2. Establish a rule that, at 10 PM for any regularly scheduled meeting, the Board will either vote to extend the meeting for a specified amount of time or the Board or will vote to adjourn and place unfinished items of business on "Old Business" for the next regularly scheduled meeting. If any specified amount of time is exhausted, the Board will again either vote to extend the meeting for a specified amount of time, or will vote to adjourn and place unfinished items of business on "Old Business" for the next regularly scheduled meeting.

BACKGROUND: Please see attached February 10 Memo

FINANCIAL IMPACT: none

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

TO: County Commissioners

FROM: Matthew L. Delk, Assistant County Manager

RE: Limiting the Length of Board Meetings

DATE: February 10, 2009

Recently, Commissioner Baucom inquired whether other Counties were doing anything to limit the length of Commissioner Meetings. I have informally contacted 30 other counties in order to answer this question, and there are many varied methods in place that deal with this issue. Staff met and discussed these methods, and we considered two methods very feasible.

The most feasible option is to list the estimated times on the agenda, as was mentioned in our meeting by Commissioner Rogers. 9 out of the 30 Counties that I spoke with did this. Most everyone pointed out that the times listed were estimates only, and the counties varied regarding who actually made the estimates. In some situations, the initiator of the agenda item requested a certain amount of time, and in others, the time was estimated for them when the agenda was being prepared.

Most of these counties listed a target time on the margin of the agenda (for example, "8:35 PM") instead of listing the time of duration (for example, "15 minutes"). One additional County listed times arbitrarily, only for controversial topics. The staff could begin using this method during the agenda preparation process, at the direction of the Board.

An additional option included listing a time for the meeting to end. One county required a vote at 11:00 PM to extend the length of the meeting for a specific amount of time. If the additional amount of time is then exhausted, it requires another vote. Staff had one reservation about this method. If the meeting is not extended, the meeting would be recessed, and when will the recessed meeting convene again? The staff recommends that if the Board is interested in this option, that the meeting be recessed until the day of the next regularly scheduled meeting. Another feasible option will be add those unfinished agenda items to "Old Business" on the next regularly scheduled agenda.

If you have any questions concerning this information, please feel free to call me at 704-283-3656 (desk) or 704-634-0462 at any time.

I look forward to seeing you next week.

AGENDA ITEM

9
MEETING DATE 3/2/09

TRANSPORTATION ADVISORY BOARD ("TAB")

The Transportation Advisory Board shall investigate, evaluate, advise and make recommendations to the board of commissioners concerning all matters relating to the transportation within the Union County, including but not limited to, the need for the construction, operation, relocation, or improvement of streets, bridges, sidewalks, and bikeways, as well as the possible establishment and improvement of alternative methods of mass transportation.

The Transportation Advisory Board (TAB) shall consist of member appointed by each Town's governing body (elected official or resident of said Town), three members from unincorporated Union County who are located in areas not served by the focus of a municipality; one member of the Chamber of Commerce; one member of the UCPS system; and one member representing parks and greenways. The MPO and RPO commissioner representatives shall act as facilitators. The TAB shall appoint a secretary for the purpose of recording minutes in compliance with the Open Meetings laws. This Board shall work in conjunction with the TCC to establish priorities, examine feasibility of projects, and determine recommendations to be presented to the governing and advisory boards to the Department of Transportation.

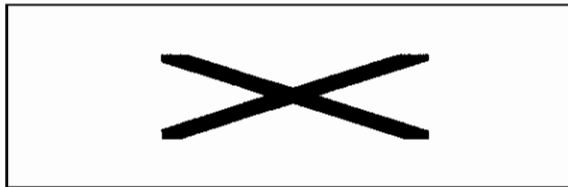
The TAB shall report to the board of commissioners *as requested by the Board* and shall undertake such studies or perform such duties as the Board may request from time to time. The recommendations of TAB, and in consensus with the BOCC, shall be the unified recommendation to the appropriate agencies by the MPO and RPO representatives.

TAB will advise the Board and provide information and comments on major transportation issues; and provide to the Board recommendations regarding the overall planning and programming of transportation improvements in the County, including:

- Identify and prioritize the County's roadway needs and available or possible sources of funding;
- Assist in development and review of the transportation component of the Comprehensive Plan;
- Provide recommendations to the Board regarding Federal and State legislation affecting transportation in Union County;
- Explore and make recommendations on innovative techniques and methods to improve the efficiency and capacity of existing and future transportation systems.
- Work in conjunction with the Union County TCC to establish viable, fundable projects to the State for consideration.

The authority for establishing the Transportation Advisory Board is Title 23 of the United States Code (U.S.C.) 134; Sections 3 (a) (2), 4 (a), 5 (g) (1), and 5 (1) of the Federal Transit Act of 1964, as amended; 49 U.S.C. 1602 (a) (2), 1603 (a), 1604 (g) (1), and 1604 (1); and Chapter 136, Article 3A, Section 136-66.2 (a) (b) of the North Carolina General Statutes.

The TAB has the responsibility for serving as a medium for open discussion and policy development for recommendations made to the general bodies of local government, the TCC, and the boards of the various modes of transportation and as a forum for cooperative and unified transportation planning and decision making for the Metropolitan Planning Organization.



AGENDA ITEM

10
MEETING DATE 3/2/09

March 2009
Union County, NC
Community Proclamation of American Red Cross Month

For more than 125 years, the American Red Cross has been at the forefront of helping Americans prevent, prepare for and respond to large and small disasters. Families and communities depend on the Red Cross in times of need; yet the Red Cross depends on the support of the American people to help sustain the foundation.

Each year, during the month of March, municipalities formally recognize the American Red Cross and its essential humanitarian role in our community. We honor the role of the Union County Chapter's contribution to making Union County, NC a better place. This year we focus on the spirit of the volunteers, donors, partners and employees who support the Red Cross mission of humanitarianism.

For more than 91 years, the Red Cross in Union County has relied on the everyday heroes who donate time, blood or money; heroes who help coordinate blood drives; heroes who respond to victims of house fires; heroes who assist local military families during family crisis; heroes who teach lifesaving skills to adults and children in Union County; heroes who provide canteen services for first responders in Union County. The American Red Cross – Union County Chapter is in one of more than 700 chapters across the country who tirelessly serve their community.

It has been the place where compassionate people freely give their time and talent to help prevent and ease human suffering among friends, neighbors and even strangers.

The citizens of Union County made contributions to fund the cost of providing immediate relief to 224 victims of house fires last year. You gave over 5,000 units of your blood to save the lives of friends, neighbors and strangers. You volunteered your time to help those in need.

In the past year alone, the Union County Chapter responded to 61 local disasters. The Union County Chapter assisted 150 military family members with emergency messaging and facilitated \$9,091 in military emergency aid. The Union County Chapter trained 6,872 people in lifesaving skills such as CPR and first aid and presented preparedness information to 5,073 adults and children. The Union County Chapter works year round to be prepared as Union County's primary disaster shelter agent, participating in drills, resource attainment, and training with local government officials. Red Cross volunteers are the core of the Red Cross, donating their time and energy to selflessly serve those in need; demonstrating the compassion and generosity for which Americans are known.

The Union County Chapter, and its nearly 2,000 volunteers and donors, provide valuable tools and education to individuals, families, workplaces and schools; making us all stronger and more resilient. For the next 125 years and beyond, the Red Cross will meet the needs of the public by fostering volunteers who are professional, prepared and committed to continuing the tradition of providing supreme service delivery to our community.

Therefore, the Union County Board of Commissioners does hereby proclaim March 2009 as American Red Cross Month and urges all Americans to continue to give your time, blood and money to make a difference in the humanitarian fabric of this community. We help each other when we help the Red Cross.

In witness whereof, I have hereunto set my hand this 2nd day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

**UNION COUNTY
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT
Meeting Date: 3-2-09**

Action Agenda Item No. 11
(Central Admin. use only)

SUBJECT: Resolution on Local Fees for Food and Lodging

DEPARTMENT: Health Department **PUBLIC HEARING:** No

ATTACHMENT(S): Resolution in support of local fees for food and lodging

INFORMATION CONTACT: Phillip Tarte

TELEPHONE NUMBERS:
704-296-4801

DEPARTMENT'S RECOMMENDED ACTION: Support and Adoption of Resolution

BACKGROUND: The NCALHD is supporting legislation for local governments to establish fees for the inspection of food and lodging facilities. At it's February meeting, the Union County Board of Health supported a Food and Lodging Resolution. The NCACC, for 09-10 also supports legislation that would provide greater discretion for these fees. Request is to have the Union County Board of Commissioners to support the same local discretion for inspection fees.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**RESOLUTION IN SUPPORT OF LOCAL FEES
FOR FOOD AND LODGING**

WHEREAS, the State of North Carolina mandates that local government provide Food and Lodging support and inspections; and

WHEREAS, the State provides less than \$20,000 per year to Union County in support of Union County's compliance activity; and

WHEREAS, it costs the local taxpayers of Union County upwards of \$750,000 to meet the State mandated requirements of the Food and Lodging Program; and

WHEREAS, the Union County Food and Lodging Program has been 100 percent compliant with the State mandate for consecutive years; and

WHEREAS, the Union County Board of Health believes fee for service funding for Food and Lodging support and inspections would be more equitable than asking county residents to bear the cost of this State mandated service through the use of ad valorem taxes; and

WHEREAS, other State mandated services such as the On-Site Sewage Program are funded using a fee for service approach; and

WHEREAS, Food and Lodging facility owners and operators are the ones who draw financial benefit from such facilities;

THEREFORE, the Union County Board of Commissioners, meeting in regular session, hereby requests the General Assembly to enact legislation empowering local government to enact and collect fees for providing Food and Lodging Support and inspections from such enterprises operating within their boundaries.

This the 2nd day of March, 2009.

Attest:

Lanny Openshaw, Chair
Union County Board of Commissioners

Lynn West, Clerk to the Board

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 2, 2009

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

SUBJECT: Debt Restructuring - Series 2007A and 2007B

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Resolution

INFORMATION CONTACT:
Kai Nelson

TELEPHONE NUMBERS:

704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Resolution of the Board of Commissioners of the County of Union, North Carolina, replacing the Liquidity Facility and Remarketing Agent for the County's Variable Rate General Obligation Bonds, Series 2007A and 2007B Variable Rate General Obligation Bonds

BACKGROUND: At the Commission's November 17 meeting, the Board authorized the County Manager to proceed with the restructuring of the County's 2004, 2005 and 2007 Variable Rate General Obligation Bonds. The Plan contains three components - two of which have been completed with the remaining third component the subject of the attached Resolution.

The first component was the replacement of the liquidity providers and remarketing agents in connection with the Series 2004A, 2004B and 2007C variable rate bonds. This action was accomplished on December 17 with BB&T providing the liquidity and remarketing services. Since the action, the County's variable rate bonds have been trading in the range of 0.38%-1.25%.

The second component relates to the fixed rate refunding of the Series 2005A, 2005B and 2005C variable rate bonds. That action, approved at the Commission's November 26, December 15 and January 20 meetings, is scheduled to price on February 24 and close March 10. Current market conditions (as of February 20) indicate that the transaction's all-in interest rate may come in under 4%. The transaction's final maturity is 2030 and has an average life of about 11 years.

The final component of the debt restructuring plan relates to the replacement of the liquidity provider and remarketing agents in connection with the Series 2007A and 2007B variable rate

bonds (the attached Resolution). The availability of "quality" liquidity for variable rate bonds remains tight and expensive. Additionally, many financial institutions are interested in expanded relationships (treasury management services, trust services, investment banking, investment advisory, deposits, etc.) as a condition of providing liquidity. Most of the services that the County could provide have either been committed or are simply not in the County's best interests (e.g. non-competitive deposits and investments).

Both the County and its financial advisor, First Southwest, contacted numerous financial and investment banking institutions in an effort to secure about \$100 million in liquidity. The County secured commitments from Wachovia/Wells Fargo and Bank of America. Wachovia/Wells provided better terms and pricing.

The attached Resolution replaces Dexia (the current liquidity provider) with Wachovia/Wells Fargo and assigns the remarketing agent services to Wachovia. The closing of the transaction is currently scheduled for March 24 with LGC approval scheduled for March 3.

FINANCIAL IMPACT: County staff, on January 22, shared with the Commission an estimate of \$1.2 million in annual higher costs associated with the restructuring of the County's debt. The current revised estimate, based on the projected refunding debt service and higher liquidity/remarketing fees is approximately \$0.6 million.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

Extract of Minutes of a regular meeting of the Board of Commissioner of the County of Union, North Carolina held at the Union County Government Center, First Floor, Board Room, Monroe, North Carolina, at 7:00 p.m. on March 2, 2009.

* * *

The following members were present:

The following members were absent:

Also present:

* * *

Commissioner _____ moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board of County Commissioners and which was read by title:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, REPLACING THE LIQUIDITY FACILITY AND REMARKETING AGENT FOR THE COUNTY'S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2007A AND 2007B

WHEREAS, the County previously issued its \$65,365,000 principal amount Variable Rate General Obligation Bonds, Series 2007A (the "*2007A Bonds*") and \$39,220,000 principal amount Variable Rate General Obligation Bonds, Series 2007B (the "*2007B Bonds*" and together with the 2007A Bonds, the "*2007 Bonds*");

WHEREAS, Dexia Credit Local, acting through its New York branch, currently provides the liquidity for the 2007 Bonds;

WHEREAS, because of the financial difficulties facing the bank currently providing liquidity, the County has determined it is in its best interest to substitute the liquidity facility for the 2007 Bonds with a liquidity facility provided by Wachovia Bank, National Association ("*Wachovia*");

WHEREAS, Banc of America Securities LLC currently serves as the remarketing agent for the 2007A Bonds and Wachovia currently serves as the remarketing agent for the 2007B Bonds;

WHEREAS, in conjunction with the change of the liquidity facility to Wachovia, the County has determined it is in its best interest to change the remarketing agent for the 2007A Bonds to Wachovia so that all the 2007 Bonds are remarketed by the same financial institution that provides the liquidity facility for the 2007 Bonds;

WHEREAS, the County has requested that the Local Government Commission, or its designee, approve such changes;

WHEREAS, copies of the forms of the following documents (collectively referred to as the "*Documents*") relating to the transactions described above have been filed with the Clerk to the Board:

1. a Standby Bond Purchase Agreement to be dated as of March 1, 2009 among the County, Wachovia and Regions Bank, as paying agent, for the 2007 Bonds;
2. a Remarketing Agreement to be dated as of March 1, 2009 between the County and Wachovia for the 2007A Bonds; and
3. a Remarketing Circular (the "*Remarketing Circular*") with respect to the remarketing of the 2007 Bonds;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA (the "Board"), AS FOLLOWS:

Section 1. The form and content of each of the Documents are hereby in all respects approved and confirmed, and the County Manager or the County Finance Director is hereby authorized, empowered, and directed to execute and deliver each of the Documents for and on behalf of the County, including necessary counterparts, in substantially the form and content presented to the County, but with such changes, modifications, additions or deletions therein as he may deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Documents, the County Manager or the County Finance Director are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Documents as executed. The use of the Remarketing Circular by Wachovia for the remarketing of the 2007 Bonds is hereby in all respects authorized, approved and confirmed.

Section 2. The County Manager or the County Finance Director and the Clerk to the Board, or their respective designees, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by the Documents; except that none of the above is authorized or empowered to do anything or execute any document which is in contravention, in any way, of (1) the specific provisions of this Resolution or the Documents, (2) any agreement to which the County is bound, (3) any rule or regulation of the County or (4) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 3. That the County Manager and the Finance Director are hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, Charlotte, North Carolina, as bond counsel, and First Southwest Company, Charlotte, North Carolina, as financial advisor.

Section 4. All acts of the County Manager or the County Finance Director and the Clerk to the Board that are in conformity with the purposes and intents of this Resolution and in the furtherance of the transactions contemplated by the Documents are in all respects approved and confirmed.

Section 5. If any one or more of the agreements or provisions contained in this Resolution is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and deemed to be separable from the remaining agreements and provisions and in no way will affect the validity of any of the other agreements and provisions hereof.

Section 6. All resolutions or parts thereof of the Board in conflict with the provisions contained in this Resolution are, to the extent of such conflict, hereby superseded and repealed.

Section 7. That this Resolution is effective on the date of its adoption.

On motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution entitled **“A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, REPLACING THE LIQUIDITY FACILITY AND REMARKETING AGENT FOR THE COUNTY’S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2007A AND 2007B”** was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA)
)
COUNTY OF UNION) ss:

I, *Lynn West*, Clerk to the Board of Commissioners of the County of Union, North Carolina, “**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, REPLACING THE LIQUIDITY FACILITY AND REMARKETING AGENT FOR THE COUNTY’S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2007A AND 2007B**” adopted by the Board of Commissioners of the County of Union, North Carolina, at a regular meeting held on the 2nd day of March, 2009.

WITNESS my hand and the corporate seal of the County of Union, North Carolina, this the 2nd day of March, 2009.

Lynn West
Clerk to the Board
County of Union, North Carolina

AGENDA ITEM

13
MEETING DATE 3/2/09



CITY OF MONROE

P.O. BOX 69 – MONROE, NC 28111-0069
PHONE 704-282-4500
FAX 704-283-9098

November 4, 2008

Union County Government Center
500 North Main Street
Monroe, NC 28112

Attention: Mr. Al Greene, County Manager

Subject: Belk-Tonawanda Park—Ownership by City and County

Dear Mr. Greene:

Back in July, Keith Richards, Union County Risk Manager, brought to the attention of City of Monroe Risk Manager Rad Pate that the County had a liability concern over the fireworks show at Belk-Tonawanda Park. County staff pointed out that a portion of the park is owned by Union County. I was not aware of this situation, and asked staff to advise me regarding how this should be addressed.

City staff has discussed Union County concerns along with City of Monroe ownership issues. Several of the issues discussed were:

- The City has performed maintenance on the entire park at its expense for a number of years
- The City has placed insurance on the entire property, accepted full liability, and funded the full cost of insurance for a number of years
- The City has an upcoming storm water capital project (estimated at \$150,000 for material and labor) to install storm water improvements on both the county and city owned portions of the park. This project is a high priority due to potential safety hazards and increased liability.
- The City has additional improvements planned for Belk Tonawanda Park and desires to seek grant funds from the North Carolina PARTF Grant program. A grant requirement is that the applicant must submit deeds indicating city ownership of the property to be improved.

Attention: Mr. Al Greene, County Manager
Subject: Belk Tonawanda Park—Ownership by City and County
October 24, 2008
Page 2 of 2

- The City has held over the past several years the annual “Pigs in the Park” and “4th of July Fireworks Show” along with other events for the benefit and enjoyment of the citizens of Monroe and Union County.

After discussing these issues, the City would like to offer the following proposal to remedy the situation:

PROPOSAL

The City proposes that Union County donate their portion of land owned at Belk-Tonawanda Park to the City of Monroe. The City of Monroe agrees to accept all liability and costs associated with maintenance and repair of Belk-Tonawanda Park, and to continue to provide the park for the joint enjoyment of City and County residents.

JUSTIFICATION

This action by Union County will resolve several liability and maintenance cost issues for the County, and at the same time provide for the continued enjoyment of Belk-Tonawanda Park by citizens of Monroe and Union County.

Thank you for your consideration of this proposal. If you should have any questions or need additional information about this proposal, please do not hesitate to call.

Sincerely,

F. Craig Meadows
City Manager



Belk Tonawanda Park Drainage Improvements "Exhibit A"

Scale: 1" = 60'
Prepared By: DHO
Wormand Street.mxd

GOVERNANCE VISION AND POLICIES FOR UNION COUNTY

MEETING DATE

3/2/09

It is the goal of Union County government to forge a true partnership in governance, one that recognizes political leadership and administrative guidance are mutually dependent on one another. The responsibilities from the commissioners and the manager come from the law, from the managers' professional code, from realistic notions of roles in policy and administration, and from commonly understood expectations of behavior.

There shall be no strict dichotomy in the roles of commissioner and manager. There shall be involvement of both elected and administrative officials at all levels of policy and administration. The commissioners are responsible for setting overall direction of government to include, but not limited to, its purpose, scope, and philosophy. The manager shall bring knowledge and expertise which enhances the commissioners' ability to make informed choices and decisions, and shall be responsible for implementation of said decisions and policies adopted by the commissioners.

Elected officials, having a stake in how its policies are carried out, shall have oversight of the administration and management of the county government. The manager is a valued advisor to the commissioners and shall present policy advice in a balanced and unbiased manner.

A chain-of-command in answering service needs is necessary. While individual direction/tasks from commissioners to employees are not acceptable, commissioners shall have the ability to establish direct contact with employees for routine inquiries or requests that do not affect administrative workloads. This permits commissioners to obtain routine information that may be needed quickly and accurately from the people who are closest to the issues and most informed about the details. *

To these ends, the following policies shall be adopted by the Board of Commissioners:

* Excerpts in this document were based on Bell, Fleming A. III, and Wicker, Warren Jake, 1998. County Government in North Carolina, 4th ed., UNC—Chapel Hill School of Government, as well as Stenberg, Carl W. III, 2007. County and Municipal Government in North Carolina, Article 5: *Leading and Governing in Council-Manager Counties and Cities*, UNC—Chapel Hill School of Government.

1. Values Statement

The values of the Board reflected throughout Board policies are as follows:

As Union County Commissioners, we believe, and together will exemplify, the following values:

- 1.1 We are entrusted to serve the public and are responsible for carrying out the Board and County mission for the benefit of the community
- 1.2 We are committed to providing excellent service and leadership to all residents
- 1.3 All individuals are unique and important, and will be treated with fairness, dignity, and respect
- 1.4 We take pride in our work, leadership, and representation and are accountable and trusted to carry out our responsibilities with honesty and integrity
- 1.5 Initiative, leadership, personal development, and training are vital for us to continuously improve
- 1.6 Open communication, cooperation, and teamwork are shared responsibilities and essential to the successful performance of our work and representation
- 1.7 We are committed to creating an inclusive work environment which reflects and supports the diversity in our community and enriches our perspectives

2. Governing Style

The Board will govern with an emphasis on (a) outward vision, (b) encouragement of variety in viewpoints, (c) strategic leadership, (d) clear understanding of Board and chief executive roles, (e) collective rather than individual decisions, and (f) proactivity rather than reactivity.

Accordingly:

- 2.1 The Board will cultivate a sense of group responsibility. The Board, not the staff, will be responsible for excellence in governing. The Board will be the initiator of policy, not merely a reactor to staff initiatives. The Board may use the expertise of individual members to enhance the ability of the Board as a body, rather than to substitute the individual judgments for the Board's values.
- 2.2 The Board will direct, control, and inspire the government through the careful establishment of written policies reflecting the Board's values and perspectives. The Board's major policy focus will be on the intended results, not on the administrative or programmatic means of attaining those effects. However, the Board will not merely "rubber stamp" staff recommendations, but will carefully vet and deliberate the issues before them.
- 2.3 The Board will further inform itself, individually and collectively, through extensive outreach to determine community wishes and through continuing communication on issues relevant to the County, to include appropriate interaction with Department Heads and staff.
- 2.4 The Board will enforce upon itself the discipline that is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, and respect of roles, decorum, and ensuring the continuance of governance capability.
- 2.5 Continual Board development will include orientation of other members in the government process and periodic Board discussion of process improvement.
- 2.6 The Board will allow no officer, individual, or committee of the Board to hinder or be an excuse for not fulfilling its commitments.

The Union County North Carolina Board of Commissioners Rules of Procedure are hereby incorporated into this Policy by reference.

3. Board Job Description

Specific job outputs of the Board, as an informed agent of the County, are those that ensure appropriate organizational performance.

Accordingly:

- 3.1 The Board will produce the link between the County and the public.
- 3.2 The Board will produce written governing policies, which, at the broadest levels, address each category of organizational decision.
 - 3.2.1 Ends: Organizational products, impacts, benefits, outcomes, recipients, and their relative worth (what good for which recipients at what cost).
 - 3.2.2 Executive Limitations: Constraints on executive authority which establish the prudence and ethics boundaries within which all executive activity and decisions must take place and within the purview of the philosophy of the established policies.
 - 3.2.3 Governance Process: Specification of how the Board conceives, carries out, and monitors its own task.
 - 3.2.4 Board-Appointing Official Linkage: How power is delegated and its proper use monitored; the County Manager role, authority and accountability.
- 3.3. The Board will produce assurance of County Manager performance.

4. Board Members' Code of Conduct

The Board commits itself and its members to ethical, business-like, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

Accordingly:

- 4.1 Members must have loyalty to the position, unconflicted by loyalties and/or ties to staff, other organizations and/or individuals, and any personal interest.
- 4.2 Members must avoid conflict of interest with respect to their fiduciary responsibility
- 4.3 Board members may not attempt to exercise individual authority over the government staff or its processes
 - 4.3.1 Members' interaction with the County Manager or with staff must recognize the lack of authority vested in individuals except when explicitly Board authorized, excluding the purpose of information gathering and educational communication
- 4.4 Members will respect the confidentiality appropriate to issues of a sensitive nature
- 4.5 Members will be properly prepared for Board deliberations

The North Carolina Association of County Commissioners Code of Ethics as Adopted on December 2, 2002 is hereby incorporated into this Policy by reference.

5. Chairperson's Role

The Chairperson assures the integrity of the Board's processes and, secondarily, occasionally represents the Board to outside parties.

Accordingly:

- 5.1 The job result of the Chairperson is that the Board behaves consistently with its own rules and those legitimately imposed upon it from outside the government entity.
 - 5.1.1 Meeting discussion content shall be germane to only those issues on the adopted agenda.
 - 5.1.2 Deliberation will be fair, open, and thorough, but also timely, orderly, and kept to the point.
- 5.2 The authority of the Chairperson consists in making decisions that fall within topics covered by Board policies on Governance Process with the exception of (a) employment or termination of the County Manager and (b) where the Board specifically delegates portions of this authority to others. The Chairperson is authorized to use any reasonable interpretation of the provisions of these policies.
 - 5.2.1 The Chairperson is empowered to chair Board meetings with the commonly accepted power of that position (e.g. ruling, recognizing, etc.)
 - 5.2.2 The Chairperson has no authority to make decisions about policies created by the Board within Ends and Executive Limitations policy areas. Therefore, the Chairperson has no authority to independently supervise the County Manager.
 - 5.2.3 The Chairperson may represent the Board to outside parties in announcing Board-stated positions and in stating Chair decisions and interpretations within the area delegated to him/her.
 - 5.2.4 The Chairperson may delegate this authority, but remains accountable for its use.

6. Unity of Control

Only officially passed motions of the Board are binding on the County Manager

Accordingly:

- 6.1 Decisions and/or instructions of individual Board members, officers, or committees are not binding on the County Manager except in rare instances when the Board has specifically authorized such exercise of authority
- 6.2 In seeking clarification on informational items, statistics, policy, regulations, etc., Board members may directly approach professional staff members to obtain said information, etc. needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

7. Accountability of the County Manager

The County Manager is the Board's primary link to operational achievement and conduct, so that authority and accountability of staff, pursuant to any and all personnel policies that the Board may adopt, is considered the authority and accountability of the County Manager

Accordingly:

- 7.1 The Board, as a whole, will not give direction to a person who reports directly or indirectly to the County Manager. This does not include requests for information or clarification.
- 7.2 The Board, as a whole, will view County Manager performance as identical to organizational performance, so that organizational accomplishment of Board stated ends and avoidance of Board proscribed means will be viewed as successful County Manager performance in this area.
- 7.3 The County Manager serves at the pleasure of the Board
- 7.4 In order to meet citizen and government body expectations, the manager must build a modern organization that has both capacity and competence. This entails implementing and updating business practices and processes for personnel administration, finance, purchasing, payroll, contracting, and other basic local systems. It also involves adept use of management tools like strategic planning, *performance measurement, benchmarking*, and program evaluation to ensure continuous improvement of operations as well as use of technologies like websites and e-government to increase public outreach and access and reduce costs, *careful workforce and succession planning, job sharing, job rotation, etc..*
- 7.5 Governing bodies expect the manager to offer balanced and impartial advice: to present alternatives and provide *all relevant information* that is reasonably available on the different options, assess the *advantages and disadvantages* of each option, explain the *professional reasoning and analysis* that leads him or her to a recommendation, and base that reasoning on *established professional, technical, ethical, or legal principles, not on personal beliefs*, no matter how strongly held

8. Communication and Support to the Board

The County Manager shall not permit the Board to be uninformed or unsupported in its work.

Further, without limiting the scope of the foregoing by this enumeration, he/she shall not:

- 8.1 Neglect to submit monitoring data required by the Board in a timely, accurate, and understandable fashion, directly addressing provisions of Board policies being monitored
- 8.2 Let the Board be unaware of relevant trends, anticipated adverse consequences, threatened or pending lawsuits, material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established
- 8.3 Fail to marshal for the Board as many staff and external points of view, issues, and options as needed for fully informed Board choices, including those which may be contrary to the recommendation of the Manager
- 8.4 Present information in unnecessarily complex or lengthy form or in form that fails to differentiate among information of three types: monitoring, decision preparation, and other
- 8.5 Fail to provide a mechanism for official Board, officer, or committee communications
- 8.6 Fail to deal with the Board as a whole except when (a) fulfilling informal or oral individual requests for information or (b) responding to officers or committees duly charged by the Board. Formal "Requests for Information" should be given to the entire Board
- 8.7 Fail to report in a timely manner an actual or anticipated noncompliance with any policy of the Board
- 8.8 Fail to supply for the consent agenda all items delegated to the Manager yet required by law or contract to be Board-approved, along with the monitoring assurance pertaining thereto
- 8.9 Communicate a position of legislation without first obtaining the concurrence of the Chair of the Board or the Chair's designee
- 8.10 Allow his/her personal opinion on a matter reflect in direction given to staff or when communicated to others. The manager must see that all actions of the board are "faithfully executed" and the Code of Ethics requires him or her to

“uphold and implement” all policies adopted by elected officials

- 8.11 Make any attempt to prohibit or limit contact between elected officials and employees
- 8.12 Fail to respond to individual Board member requests and Board requests within 15 days (unless additional time is explicitly communicated), except as follows:
 - 8.12.1 For Board member requests determined by the Manager to be non-routine and require redirection of staff to the detriment of their normally assigned duties, the Manager shall report to the member that fulfilling the request will require substantive work. Upon receipt of notice by the Manager, the member may place the request on the agenda and seek input from the entire Board on whether to proceed with fulfilling the request.
 - 8.12.2 In the event the Manager determines that an individual or Board request will require more than 15 days to complete, the Manager shall inform the individual or Board of the delay and provide a reasonable and expected completion date for the request

9. Executive Constraint

The County Manager shall not cause or allow any practice, activity, decision, or organizational circumstance which is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics. The Manager shall recognize that the chief function of local government at all times is to serve the best interests of all of the people. The Manager shall keep the community informed on local government affairs; encourage communication between the citizens, elected officials, and all local government officers and staff; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service. The Manager shall not filter information from the organization solely through the Manager’s position. The Manager shall not endanger the organization’s public image or credibility, particularly in ways that would hinder its accomplishment of mission. Said practice, etc. shall result in termination

The ICMA Code of Ethics is hereby incorporated into this Policy by reference

10. Monitoring County Manager Performance

Systematic and rigorous monitoring of the County Manager job performance will be against the expected Manager job outputs: organizational accomplishment of Board policies on Ends and organizational operation within the boundaries established by Board policies in Executive Limitations

Accordingly:

- 10.1 Monitoring is simply to determine the degree to which Board policies are being met. Data which does not do this will not be considered to be monitoring data
- 10.2 The Board will acquire monitoring data by one or more of three methods: (a) by internal report, in which the Manager discloses compliance information to the Board, (b) by external report, in which an external, disinterested third party selected by the Board assessed compliance with Board policies, and (c) by direct Board inspection, in which a designated member or members of the Board assess compliance with the appropriate criteria
- 10.3 In every case, the standard of compliance shall be the reasonable County Manager interpretation of the Board policy being monitored as defined and/or accepted by government management criteria and the North Carolina School of Government.
- 10.4 Performance evaluations shall be conducted bi-annually

11. Treatment of “Consumers” or Taxpayers/Residents

With respect to interactions with residents, the County Manager shall not cause or allow conditions, procedures, or decisions which fail to fulfill reasonable taxpayer expectations for good service, responsive government, are unsafe, undignified, or unnecessarily intrusive. “Consumers” shall also include any persons transacting business or interacting with the County government

Further, without limiting the scope of the foregoing by this enumeration, he/she shall not:

- 11.1 Use forms that elicit information for which there is no clear necessity or policy
- 11.2 Fail to provide appropriate accessibility and privacy in facilities
- 11.3 Fail to establish with “consumers” a clear understanding of what may be expected and what may not be expected from the service offered
- 11.4 Fail to inform “consumers” of this policy, or to provide a way for persons to be heard who believe they have not been accorded a reasonable interpretation of their protections under this policy
- 11.5 Fail to provide correspondence addressed to the Board to each Board member within 3 working days from receipt and respond within 15 working days of receipt. In those individual situations where it is not possible for the Manager to respond completely to an inquiry, sending a response to the originator acknowledging receipt of the inquiry and an explanation of actions being taken and timelines for preparing the complete response is acceptable for complying with this 30 day response time.

12. Treatment of Staff

With respect to the treatment of staff and persons doing work for or on behalf of the County, the Manager may not cause or allow conditions which are unfair, undignified, disorganized, or unclear.

Further, without limiting the scope of the foregoing by this enumeration, he/she shall not:

- 12.1 Operate without written personnel rules which: (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions, such as grossly preferential treatment for personal reasons
- 12.2 Retaliate against any staff member or Department Head for non-disruptive expression of dissent, or cause or instruct any such employee to cease communications with other employees and/or Commissioners.
- 12.3 Fail to acquaint staff with the Manager's interpretation of their protections under this policy
- 12.4 Operate without written employee health and safety policies which (a) ensure that standards, programs, and procedures meet or exceed acceptable industry standards as written in state and federal regulations, and (b) ensure a healthful and safe work environment for all County employees
- 12.5 Allow persons doing work for or on behalf of the County to be paid less than a living wage, to be unable to have the opportunity for health insurance, to not have reasonable time off, and to work in an environment where there is not labor peace
- 12.6 Operate without the use of, at a minimum, annual evaluation forms wherein clear goals and objectives, assessment of performance, career succession, and, if needed, improvement plans exist. These evaluations will be used in determination of raises, promotions, and in the case of a reduction in force or other terminations.

13. Board Committee Principles

Boards and committees, when used, will be assigned so as to reinforce the wholeness of the Board's job and so as never to interfere with delegation from the Board to the County Manager. Boards and committees shall be nonpartisan entities, formed to represent the interests of all citizens within the County.

Accordingly:

- 13.1 Board committees are to help the Board do its job. Committees ordinarily will assist the Board by preparing policy alternatives and implications for Board deliberations.
- 13.2 Board committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the County Manager
- 13.3 Board committees cannot exercise authority over staff. Because the County Manager works for the Board of Commissioners, he/she will not be required to obtain approval of a Board committee before an executive action. If a problem with direction, communication, etc. arises within the functions of a board or committee, said committee shall bring such concerns to the Board of Commissioners for resolution.
- 13.4 Board committees are to avoid over-identification with organizational parts rather than the whole. In keeping with the Board's broader focus, Board committees will normally not have direct dealings with current staff operations other than to receive information and provide comment for Board consideration
- 13.5 Every member of a Board with the potential to affect land use and/or property rights shall complete a "Conflict of Interest" form with the application to serve.
- 13.6 While a geographically representative membership on committees, boards, etc. is desirable, all committees, boards, etc. shall be appointed at-large, with an emphasis on experience and skill-set germane to the Board being populated
- 13.7 No "cross-serving" on committees, boards, etc. shall be allowed on Boards that may affect land use and property value.
- 13.8 Due to the nonpartisan nature of boards and committees, only one appointed or elected official of any political executive board or other structured and/or related organization established within the State or County, shall be eligible to serve on a board

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

SECTION 3

Appointing Authority

Pursuant to North Carolina General Statutes Sec. 153A-76, the Board of Commissioners may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the county government, may impose ex officio the duties of more than one office in a single officer, may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize county government in order to promote orderly and efficient administration of county affairs, subject to the following limitations:

1. The board may not abolish an office, position, department, board, commission, or agency established or required by law.
2. The board may not combine offices or confer certain duties on the same officer when this action is specifically forbidden by law.
3. The board may not discontinue or assign elsewhere a function or duty assigned by law to a particular office, position, department, board, commission, or agency.
4. The board may not change the composition or manner of selection of the local board of education, board of health, board of social services, board of elections, or board of alcoholic beverage control.

In accordance with the provision of North Carolina General Statutes Sec. 153A-82, the County Manager shall, appoint, with the approval of the Board of Commissioners, and suspend and remove all County officers, employees and agents. Excluded from this section are officers, employees and agents who are elected by the people or whose appointment is otherwise provided for by law. As to those officers, employees or agents who are excluded from this section, the County Manager shall recommend individuals for such appointments to the Board of Commissioners.

As such, the Board of Commissioners shall have approval of any and all appointments of Department Heads, Assistant County Managers, and/or additions to legal staff.

SECTION 4

Responsibility of the Board of Commissioners

The Board of Commissioners shall establish personnel policies and rules, including the classification and pay plan and shall make and confirm appointments when so specified, by law, and in accordance with any policies and regulations established by the Board of Commissioners.-

SECTION 5

Responsibility of County Manager

The County Manager shall be responsible to the Board of Commissioners for the administration of the personnel program. This responsibility shall include the duty to direct and supervise the administration of all County offices and departments under the general control of the Board of Commissioners, subject to the general direction and

control of the Board. All such offices and departments supervised by the County Manager shall report to the Board of Commissioners through the County Manager.

The County Manager shall appoint, **with the approval of the Board of Commissioners,** **and** suspend, and remove all County officers and employees, except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall administer all appointments, dismissals, and suspensions in accordance with 153A-82 of the North Carolina General Statutes and the provisions set forth in this personnel resolution.

The County Manager has the responsibility of applying and carrying out this resolution and the policies adopted hereunder.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 2, 2009

Action Agenda Item No. 16
(Central Admin. use only)

SUBJECT: Contract to Audit Accounts

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Contract to Audit Accounts

INFORMATION CONTACT:
Kai Nelson

TELEPHONE NUMBERS:
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Authorize Chairman to Execute Contract to Audit Accounts for FY2009 with Potter & Company, PA

BACKGROUND: In October 2005, the BOCC accepted County Finance's proposal to apply the Government Finance Officer Association's (GFOA) "best practice" recommendations regarding auditing services. GFOA's best practice recommends that auditing services be periodically rotated (at least every 5 years) to ensure audit independence is maximized.

As a result of the Commission's action, the County released a Request for Qualifications to external independent audit firms approved by the Local Government Commission (LGC) to do this type of specialized audit work. The Commission selected Potter and Company, PA to provide the County's auditing services for the period FY2007 through FY2011, subject to the LGC's annual requirement to contract.

The attached LGC contract to audit accounts for the fiscal year ending June 30, 2009, represents Potter's third year of the engagement. The contract price of \$78,750 is 5% greater than FY2008's audit contract in the amount of \$75,000. The \$78,750 is consistent with their five year auditing services proposal.

FINANCIAL IMPACT: \$78,750, a portion of which will be expensed in FY2009 with the balance in FY2010.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

CONTRACT TO AUDIT ACCOUNTS

of Union County
Governmental Unit

On this 3rd day of February, 2009, Potter & Company, P.A.
Auditor

114 North Church Street, Monroe, North Carolina 28112
Mailing Address

_____ , hereinafter referred to as

the Auditor, and Board of Commissioners of Union County, hereinafter referred
Governing Board Governmental Unit
to as the Governmental Unit, agree as follows:

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit for the period beginning July 1, 2008, and ending June 30, 2009. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate discretely presented component units, each major governmental and enterprise fund, and the aggregate remaining fund information (nonmajor government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with Government Auditing Standards if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 and the State Single Audit Implementation Act, the auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the LGC. If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners.
3. *This contract contemplates an unqualified opinion being rendered.* If financial statements are not prepared in accordance with generally accepted accounting principles (GAAP), or the statements fail to include all disclosures required by GAAP, explain that departure from GAAP in the space below: n/a
4. *This contract contemplates an unqualified opinion being rendered.* The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract. The audit will have no scope limitations except: n/a
5. If this audit engagement is subject to the standards for audit as defined in Government Auditing Standards, July 2007 revisions, issued by the Comptroller General of the United States, then the Auditor warrants by accepting this engagement that he has met the requirements for a peer review and continuing education as specified in Government Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report to the Governmental Unit and the Secretary of the Local Government Commission prior to the execution of the audit contract. (See Item 21.)
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted by October 31, 2009.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's system of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU 325 of the AICPA Professional Standards. The Auditor shall file a copy of that report with the Secretary of the Local Government Commission.
8. All local government and public authority contracts for annual or special audits, bookkeeping or other assistance necessary to prepare the Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina require the approval of the Secretary of the Local Government Commission. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the Local Government Commission. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices should be submitted in triplicate to the Secretary of the Local Government Commission. The original and one copy will be returned to the Auditor. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this agreement, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the Local Government Commission, the following fee which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:

Year-end bookkeeping assistance - [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] n/a

Audit - \$78,750

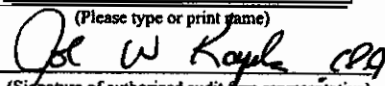
Preparation of the financial statements - n/a
10. After completing his audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, at least, Management's Discussion and Analysis, the financial statements of the governmental unit and all of its component units and notes thereto prepared in accordance with generally accepted accounting principles, combining and supplementary information requested by the client or required for full disclosure under the law, and the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.

11. The Auditor shall file with the Local Government Commission two copies of the report of audit, including one copy of the federal Data Collection Form, if a federal single audit is conducted. In addition, if the North Carolina Office of the State Auditor designates certain programs to be audited as major programs, a turnaround document and a representation letter addressed to the State Auditor shall be submitted to the Local Government Commission. Two copies of the report of audit should be submitted if the audit is performed only under the provisions of the State Single Audit Implementation Act or a financial audit is required to be performed in accordance with Government Auditing Standards. Three copies of the audit should be submitted for Councils of Governments. Two copies of the audit should be submitted for tax levying Municipalities. Otherwise, one copy shall be submitted. Copies of the report shall be filed with the Local Government Commission when (or prior to) submitting the invoice for the services rendered. All copies of the report submitted must be bound. The report of audit, as filed with the Secretary of the Local Government Commission, becomes a matter of public record for inspection and review in the offices of the Secretary by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the Local Government Commission. These audited financial statements are used in the preparation of Official Statements for debt offerings (the auditors' opinion is not included), by municipal bond rating services, to fulfill secondary market disclosure requirements of the Securities and Exchange Commission, and other lawful purposes of the government, without subsequent consent of the auditor.
12. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the Local Government Commission, this agreement may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor.
13. If an approved contract needs to be varied or changed for any reason, the change must be reduced to writing, signed by both parties, preaudited if necessary, and submitted to the Secretary of the Local Government Commission for approval. No change shall be effective unless approved by the Secretary of the Local Government Commission, the Governing Board, and the Auditor.
14. Item 15 may be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 21 of this contract. Engagement letters containing indemnification clauses will not be approved by the Local Government Commission.
15. There are no special provisions except:

n/a
16. A separate contract should not be made for each division to be audited or report to be submitted. A separate contract must be executed for each component unit which is a local government and for which a separate audit report is issued.
17. The contract should be executed and submitted in triplicate to the Secretary of the Local Government Commission. The mailing address is 325 North Salisbury Street, Raleigh, North Carolina 27603-1385. The physical address is 4505 Fair Meadow Lane, Suite 102, Raleigh, North Carolina 27607-6449.
18. Upon approval, the original contract will be returned to the Governmental Unit, a copy will be forwarded to the Auditor, and a copy retained by the Secretary of the Local Government Commission. The audit should not be started before the contract is approved.
19. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the Local Government Commission.
20. If this audit engagement is not subject to Government Auditing Standards, then Item 5 shall be listed as a deleted provision in Item 22. An explanation must be given for deleting this provision.
21. All of the above paragraphs are understood and shall apply to this agreement, except the following numbered paragraphs shall be deleted: (See Item 16.)

Firm Potter & Company, P.A.

By John W. Kapelar, CPA

(Please type or print name)

 (Signature of authorized audit firm representative)

Date 2-3-09

Approved by the Secretary of the Local Government Commission as provided in Article 3, Chapter 159 of the General Statutes or Article 31, Part 3, Chapter 115C of the General Statutes.

For the Secretary, Local Government Commission

(Signature)

Date _____

By _____
 (Please type or print name and title)

(Signature of Mayor/Chairperson of governing board)

Date _____

By _____

(Chair of Audit Committee- please type or print name)

 (Signature of Audit Committee Chairperson)

Date _____

(If unit has no audit committee, this section should be marked "N/A.")

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Kai Nelson

Governmental Unit Finance Officer (Please type or print name)

(Signature)

Date _____

(Preaudit Certificate must be dated.)

Contract Summary of Major Terms and Conditions

3-02-2009

Reference	Vendor Name	Purpose	Payment Terms	Comprehensive Plans	B.A.	S#
Main Agenda Item # 17						
A	HDR Engineering Inc of the Carolinas	<p>Engineering services to assist in the development of a Water Conservation Plan, Task Order # 46.</p> <p>The BOCC directed the development of a Plan at their October 20, 2008 meeting.</p> <p>The Plan will parallel other on-going efforts within the County (e.g., water reclamation, water conservation ordinance, and the Water Allocation Policy) to ensure efficient water use and to protect water resources.</p> <p>Development of Task Order, to include service scope and compensation, completed 11/18/2008. Risk management review completed 11/21/2008. Legal review completed 1/26/2009. Finance review completed 2/19 after receipt of budget transfer.</p>	\$ 51,934.00 Lump sum amount (NTE).	Operating Budget – 2009	n/a	2152

AGENDA ITEM

17

MEETING DATE 3/2/09

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 2, 2009

Action Agenda Item No. 6/2
(Central Admin. use only)

SUBJECT: FY 2009 Surplus Property Sale

DEPARTMENT: General Services

PUBLIC HEARING: No

ATTACHMENT(S):
A - Vehicles

INFORMATION CONTACT:
Barry Wyatt

TELEPHONE NUMBERS:
704-283-3868

DEPARTMENT'S RECOMMENDED ACTION:

1. Declare the vehicles itemized in Attachment A as "Surplus" to the needs of Union County.
2. Authorize the sale of surplus property by the Director at:
 - a. Public auction or,
 - b. Through the County's existing contract with GovDeals, an electronic auction service or,
 - c. Through the largest electronic auction service, eBay; whichever service is deemed by staff to apparently provide the County the highest dollar advantage in returned revenue.
3. Establish the terms of the sale to be:
 - a. All items shall be picked up at 610 Patton Avenue, Monroe, NC.
 - b. Sale to the highest bidder with all sales final.
 - c. All items are sold "as is" and "where is" with no warranty, express or implied, which extends beyond the description of the item.
 - d. Purchasers shall have ten (10) days to pick up items from the day of the final sale.
 - e. Payment shall be by cash, money order or cashier's check.

BACKGROUND:

North Carolina General Statutes allows the disposition of real and personal property by local governments through a variety of means including private negotiation and sale; advertisement for sealed bids; negotiated offer, advertisement, and upset bid; public auction; or exchange. In 2001, the legislature amended the Statutes to provide for disposition of property through electronic auctions.

For many years, Union County has used the traditional public auction for the disposition of surplus personal property with good results; total revenues 2005 - \$144,375, 2006 - \$72,076, and 2007 - \$153,767. With the traditional public auction the auctioneer adds a buyer's premium of seven (7) percent to cover the fee for his services to the price paid to the County for the item sold.

In 2008, the Board of County Commissioners approved a contract with GovDeals, an electronic auction service to dispose of surplus property. Since that time, we have sold numerous items such as computers, office furniture and other miscellaneous items for, in most cases, a higher price than we were getting for items in a public auction even when discounting the 7.5% fee charged by GovDeals for their service. Two real advantages to using an electronic service is that we do not have to store the property for up to a year waiting for a public auction and we receive revenues more quickly. There are hundreds of local governments across the country using either GovDeals or eBay, or both, to dispose of surplus property and we hear great reviews of both services. Because electronic auctions are considered a service, they do not fall under the competitive bidding Statutes.

We have been cautious in selling vehicles through an electronic service and have only tried selling two last year with good results compared to similar vehicles sold at public auction in 2007. As a comparison netting out the service fee for GovDeals electronic sales service the County did better with GovDeals than at public auction:

Public Auction - 1998 Pontiac Bonneville SE - 137,993 miles - \$1,200.00
Electronic Auction - 1998 Pontiac Bonneville SE - 105,681 miles - \$2,643.64
Public Auction - 2001 Dodge Ram 4X4 1500 - 124,450 miles - \$1,900.00
Electronic Auction - 2001 Dodge Ram 4X4 1500 - 120,509 miles - \$2,497.50

An article in the February 9, 2009 NACO County News describes the success that Gwinnett County, Georgia has had selling vehicles on eBay. They cite an example of selling a vehicle on eBay for 35% more than a similar vehicle at public auction the prior year. From the article, it appears that the cost of selling on eBay is less than with GovDeals.

Staff's goal in disposing of surplus property is to bring in as much revenue to the County at possible at the least possible cost. With the Board's approval, we would like to auction two vehicles on GovDeals and two similar vehicles on eBay to compare results with previous public auctions and to compare with NADA and Kelly Blue Book prices for similar vehicles. We will put a reserve price on each vehicle based on previous sales experience and if the bids do not exceed the reserve they will not be sold. After we determine the results of the test we would decide how to best proceed with the sale of the remaining vehicles.

FINANCIAL IMPACT: Estimated to be about \$100,000 in revenue to the County.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**Attachment A
Surplus Vehicles**

	VEH#	Date	ODOM	MAKE	MODEL
1	23-98	2/6/2008	151,929	ford	ranger
2	08-01	4/30/2008	143,631	dodge	RAM1500
3	23-96	5/1/2008	128,449	ford	F-250
4	04-01	5/5/2008	127,250	dodge	RAM1500
5	50-01	5/5/2008	138,453	dodge	RAM1500
6	22-02	6/4/2008	135,078	dodge	RAM3500
7	21-02	6/5/2008	147,636	dodge	RAM3500
8	45-03	6/5/2008	131,205	dodge	RAM3500
9	23-02	6/11/2008	166,212	dodge	RAM3500
10	44-97	7/8/2008	83,139	ford	ranger
11	42-01	7/14/2008	134,060	dodge	RAM1500
12	05-04	7/7/2008	187,483	dodge	caravan
13	08-02	7/29/2008	98,442	ford	crown
14	31-03	7/29/2008	129,157	ford	crown
15	69-99	7/31/2008	110,273	GMC	1500
16	44-02	2/18/2009	144,893	dodge	RAM3500
17	03-01	7/31/2008	133,185	dodge	RAM1500
18	43-01	8/27/2008	127,982	dodge	RAM1500
19	25-03	10/1/2008	126,766	ford	crown
20	15-01	10/1/2008	96,438	ford	crown
21	34-03	10/1/2008	112,013	ford	crown
22	52-01	10/1/2008	126,200	dodge	RAM1500
23	75-00	10/1/2008	155,396	ford	expedition
24	45-01	10/0108	113,036	dodge	RAM1500
25	46-01	10/1/2008	197,619	chev	2500
26	14-01	10/2/2008	104,648	ford	crown
27	55-98	10/22/2008	108,500	chev	lumina
28	38-01	10/22/2008	150,168	dodge	RAM1500
29	10-02	10/22/2008	98,976	ford	crown
30	27-01	10/22/2008	125,529	ford	crown
31	12-02	10/22/2008	91,446	ford	crown
32	35-99	11/18/2008	104,834	dodge	RAM2500
33	25-99	12/30/2008	163,812	ford	ranger
34	35-00	12/30/2008	149,518	dodge	Dakota
35	09-03	1/6/2009	168,000	chev	S-10
36	28-02	2/11/2009	155,234	chev	S-10
37	10-98	1/30/2009	83,521	ford	crown
38	38-97	2/11/2009	99,652	ford	f-150
39	15-98	2/18/2009	108,048	ford	crown
40	36-03	2/18/2009	123,019	ford	crown
41	32-03	2/18/2009	133,948	ford	crown
42	49-99	2/24/2009	118,489	ford	f-150

2/24/2009

RESOLUTION REQUESTING SURPLUS PROPERTY SALE

WHEREAS, the County has certain items of personal property that it is no longer using and is wanting to sell these items to the highest bidder; and

WHEREAS, the Purchasing Agent has developed a list of these items as shown on Attachment "A" for review by the Board of Commissioners for disposal;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Union County Board of Commissioners that the items of personal property included on the list as presented by the Purchasing Agent be declared surplus and sold by the Director at: 1) Public Auction or; 2) Through the County's Existing Contract with GovDeals, an electronic auction service; or; 3) through the largest electronic auction service, eBay; whichever service is deemed by staff to apparently provide the County the highest dollar advantage in returned revenue.

BE IT FURTHER RESOLVED that the Purchasing Agent be authorized to sell said property in either of the methods set forth above and that the Purchasing Agent or his designated agent be authorized to execute any and all documents necessary to transfer title to said property on behalf of Union County.

BE IT FURTHER RESOLVED that the terms of the sale shall be as follows:

1. Sale to the highest bidder with all sales final.
2. All items sold "as is" and "where is" with no warranty, express or implied, which extends beyond the description of the item.
3. Purchasers will have ten (10) days to pick up their items from the day of the final sale at 610 Patton Avenue, Monroe, North Carolina.
4. Payment by cash, money order, or cashier's check.

Adopted this 2nd day of March, 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 2, 2009

Action Agenda Item No. 6/3

(Central Admin. use only)

SUBJECT: FY 2010 COMMUNITY TRANSPORTATION PROGRAM GRANT APPLICATION

DEPARTMENT: TRANSPORTATION **PUBLIC HEARING:** Yes

ATTACHMENT(S):

FY10 SYSTEM DESCRIPTION
FY10 ADMINISTRATIVE BUDGET
FY10 CAPITAL BUDGET
CTP PROGRAM RESOLUTION
CERTIFICATIONS/ASSURANCES
ATTORNEY AFFIRMATION
5333B LABOR WARRANTY
DBE CERTIFICATION
DBE/MBE/WBE/HUB VENDOR
AWARDS
SECTION 5311 TITLE VI REPORT
LOCAL SHARE CERTIFICATION

INFORMATION CONTACT:

ANNETTE SULLIVAN

TELEPHONE NUMBERS:

704-292-2566

704-361-1494

DEPARTMENT'S RECOMMENDED ACTION: Recommend the application be approved for submittal for Administrative and Capital funding assistance for FY 2010

BACKGROUND: The CTP Grant(Section 5311 Program) is intended to provide financial assistance for the support of public transportation services, which are open to the general public on a regular and continuing basis. The 5311 funds can be used for the costs of transit planning activities, transit operations and purchase of capital equipment or facilities to aid in provision of transit services in rural and small urban areas as well as provide funds for state-level administration. This annual grant through NCDOT provides Administrative funding of 80% Federal and 5% State funding of 100% of the Associate Director and Billing Representative's salary and 85% of 80% of the Director's Salary (reduced 20% due to my oversight of the Senior Nutrition Program). The Capital portion of this grant provides 90% reimbursement of the replacement of vehicles in our fleet each year that have met NCDOT's useful life standard (100,000 miles).

FINANCIAL IMPACT: Total of \$230,678 in grant funding with the local matching share being \$32,232.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2009 - FY 2010 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation and to provide the necessary assurances.

A motion was made by (*Board Member's Name*) _____ and seconded by (*Board Member's Name or N/A, if not required*) _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

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

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

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

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

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

I (*Certifying Official's Name*)* _____ (*Certifying Official's Title*) _____ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) _____ duly held on the _____ day of _____, 20____.

Signature of Certifying Official

***Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me (*date*) _____

*Notary Public **

Address

My commission expires (*date*) _____



Contract Summary of Major Terms and Conditions

3-02-2009

Reference	Vendor Name	Purpose	Payment Terms	Comprehensive Plans	B.A.	S#
Consent Agenda Item - Contracts Over \$20,000 (List)						
A	Blessed Assurance Adult Day and Health Care Services, Inc.	<p>Blessed Assurance provides services to eligible adults in a community based setting designed to delay the need for institutionalization, assist adults to be as self-sufficient as possible, and provide relief to primary care givers.</p> <p>This contract amendment increases the number of clients that Blessed Assurance may serve from one to five. The total number of participants in the overall Adult Day Care program remains unchanged.</p>	<p>\$ 50,400.00 Current contract amount is approximately \$10,080 per year. Amended contract will increase the annual estimate to \$50,400. The Adult Day Care program is funded approximately 85% Federal/State and 15% County funds. No additional funds are requested.</p>	<p>Operating Budget – 2009 Operating Budget – Future</p>	n/a	2143
B	Village of Marvin	<p>At the June 16th, 2008 BOCC meeting, the Board approved a grant agreement in the amount of \$36,042.85 for the extension of a portion of the Marvin Greenway Trail. Subsequent to the grant award, Marvin has requested that it be permitted to apply the grant agreement to a different portion of the same proposed trail because the amount of the grant award was less than Marvin requested. The Parks and Recreation Advisory Commission has approved the proposed change.</p>	<p>\$ 36,042.85 Lump sum amount (NTE). Amount rolled and encumbered from FY08 budget.</p>	<p>Operating Budget – 2009 (rolled from FY2008 to FY2009)</p>	n/a	2105

AGENDA ITEM

6/2

MEETING DATE 3/2/09

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 3/2/09

Action Agenda Item No. 6/5
(Central Admin. use only)

SUBJECT: Aramark Correctional Services Food Service Contract

DEPARTMENT: Union County Jail and Nutrition for the Elderly Program
PUBLIC HEARING: No

ATTACHMENT(S):

INFORMATION CONTACT:

Capt. Steve Simpson
Annette Sullivan

TELEPHONE NUMBERS:

704-283-3578
704-400-4584 mobile
704-292-2566
704-361-1494 mobile

DEPARTMENT'S RECOMMENDED ACTION: Award bid to Aramark Correctional Services and authorize the County Manager to approve an agreement with Aramark for an initial 16 month contract beginning March 1, 2009 ending June 30, 2010 in the amount of \$1,034,805, pending approval of the Legal Department.

BACKGROUND: Aramark Correctional Services has held the food services contract for the Jail Inmate Food Service and the Nutrition for the Elderly Program for the past 3 1/2 years. In September 2008, the County formally bid this service and sent the Request for Bids to three known institutional food service providers; Aramark, ABL Mgmt. and Canteen/Trinity Correctional Services. The only bid received was from Aramark. Pricing per meal for this contract is slightly more than 7 percent higher than the expiring contract. According to Aramark, the price increase is due to a combination of higher food and fuel costs and projecting pricing forward for 16 months. After the initial term of the contract, it may be extended for two additional one year periods. Any price increases in contract extensions will be based on the previous year's increase in the Consumer Price Index.

FINANCIAL IMPACT: The estimated 16 month financial impact is \$1,034,805.00 and is comprised of:

Inmate meals for 487 days x 3 meals/day x 230 (May-Oct 2008 average population/meal) x \$2.175 price/ meal = \$730,865.

Nutrition for Elderly meals for 334 days x 1 meal/day x 325 (estimated average meals/day) x \$2.80/meal = \$303,940.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



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
6/6a
MEETING DATE 3/2/09

704-283-3848
704-283-3897 Fax

TO: Lynn West
Clerk to the Board

FROM: John Petoskey *JP*
Tax Administrator

DATE: February 16, 2009

SUBJECT: Departmental Monthly Report

The collector's monthly/year to date collections report for the month ending January 31, 2009 is attached for your information and review.

Should you desire additional information, I will do so at your request.

Attachment

JP/PH

**JANUARY 2009
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

JANUARY 31, 2009 REGULAR TAX	2009	2008	2007	2006
BEGINNING CHARGE		143,663,188.67	116,238,504.21	96,219,464.32
DISCOVERIES	31,289.94	21,965.80		
FARM DEFERMENTS		36,548.99	39,602.31	35,441.77
RELEASES	(31,072.62)	(35,079.60)		
UN/PMT ADJ OF \$1.00 OR LESS		(53.18)	(2.48)	(0.02)
TOTAL CHARGE	217.32	143,686,570.68	116,278,104.04	96,254,906.07
BEGINNING COLLECTIONS		100,403,317.32	114,951,516.85	95,672,352.92
COLLECTIONS	217.32	31,296,583.80	111,435.71	47,854.76
TOTAL COLLECTIONS	217.32	131,699,901.12	115,062,952.56	95,720,207.68
BALANCE OUTSTANDING	(0.00)	11,986,669.56	1,215,151.48	534,698.39
PERCENTAGE OF REGULAR	0.00%	91.66%	98.95%	99.44%
JANUARY 31, 2009 MOTOR VEHICLE				
BEGINNING CHARGE		7,527,995.08	12,061,404.18	10,335,167.29
8TH M/V BILLING		848,935.92		
ASSESSOR RELEASE		(7,803.87)	(1,173.27)	(86.60)
ASSESSOR REFUND		(1,024.74)	(266.47)	(362.11)
COLLECTOR RELEASE		(5,349.63)	(293.53)	
COLLECTOR REFUND		(2,151.64)	(471.76)	
REIMBURSEMENTS		4,049.45	1,193.19	
ADJUSTMENTS		27.66	2.36	
TOTAL CHARGE	-	8,364,678.23	12,060,394.70	10,334,718.58
BEGINNING COLLECTIONS		5,631,420.98	11,671,809.24	10,223,047.49
COLLECTIONS		888,530.56	49,495.14	1,959.59
TOTAL COLLECTIONS	-	6,519,951.54	11,721,304.38	10,225,007.08
BALANCE OUTSTANDING		1,844,726.69	339,090.32	109,711.50
PERCENTAGE OF MOTOR VEHICLE	0.00%	77.95%	97.19%	98.94%
OVERALL CHARGED	217.32	152,051,248.91	128,338,498.74	106,589,624.65
OVERALL COLLECTED	217.32	138,219,852.66	126,784,256.94	105,945,214.76
OVERALL PERCENTAGE	0.00%	90.90%	98.79%	99.40%

**JANUARY 2009
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

JANUARY 31, 2009 REGULAR TAX	2005	2004	2003	2002
BEGINNING CHARGE	86,215,229.67	75,938,655.70	60,651,778.59	51,673,996.14
DISCOVERIES				
FARM DEFERMENTS	34,996.81			
RELEASES				
UN/PMT ADJ OF \$1.00 OR LESS	(0.94)			
TOTAL CHARGE	86,250,225.54	75,938,655.70	60,651,778.59	51,673,996.14
BEGINNING COLLECTIONS	85,927,801.74	75,749,640.21	60,523,731.15	51,583,189.87
COLLECTIONS	41,461.57	2,388.33	902.73	875.45
TOTAL COLLECTIONS	85,969,263.31	75,752,028.54	60,524,633.88	51,584,065.32
BALANCE OUTSTANDING	280,962.23	186,627.16	127,144.71	89,930.82
PERCENTAGE OF REGULAR	99.67%	99.75%	99.79%	99.83%
JANUARY 31, 2009 MOTOR VEHICLE				
BEGINNING CHARGE	10,040,947.83	-	-	-
8TH M/V BILLING		-	-	-
ASSESSOR RELEASE		-	-	-
ASSESSOR REFUND	(375.84)	-	-	-
COLLECTOR RELEASE		-	-	-
COLLECTOR REFUND		-	-	-
REIMBURSEMENTS		-	-	-
ADJUSTMENTS		-	-	-
TOTAL CHARGE	10,040,571.99	-	-	-
BEGINNING COLLECTIONS	9,960,369.82	-	-	-
COLLECTIONS	802.19	-	-	-
TOTAL COLLECTIONS	9,961,172.01	-	-	-
BALANCE OUTSTANDING	79,399.98	-	-	-
PERCENTAGE OF MOTOR VEHICLE	99.21%			
OVERALL CHARGED	96,290,797.53	75,938,655.70	60,651,778.59	51,673,996.14
OVERALL COLLECTED	95,930,435.32	75,752,028.54	60,524,633.88	51,584,065.32
OVERALL PERCENTAGE	99.63%	99.75%	99.79%	99.83%

**JANUARY 2009
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

JANUARY 31, 2009 REGULAR TAX	2001	2000	1999	1998
BEGINNING CHARGE	48,122,732.72	43,553,051.95	40,736,778.57	37,964,034.52
DISCOVERIES				
FARM DEFERMENTS				
RELEASES				
UN/PMT ADJ OF \$1.00 OR LESS				
TOTAL CHARGE	48,122,732.72	43,553,051.95	40,736,778.57	37,964,034.52
BEGINNING COLLECTIONS	48,056,860.88	43,508,653.64	40,697,626.43	37,936,338.49
COLLECTIONS	332.57	51.86		
TOTAL COLLECTIONS	48,057,193.45	43,508,705.50	40,697,626.43	37,936,338.49
BALANCE OUTSTANDING	65,539.27	44,346.45	39,152.14	27,696.03
PERCENTAGE OF REGULAR	99.86%	99.90%	99.90%	99.93%
JANUARY 31, 2009 MOTOR VEHICLE				
BEGINNING CHARGE	-	-	-	-
8TH M/V 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	48,122,732.72	43,553,051.95	40,736,778.57	37,964,034.52
OVERALL COLLECTED	48,057,193.45	43,508,705.50	40,697,626.43	37,936,338.49
OVERALL PERCENTAGE	99.86%	99.90%	99.90%	99.93%

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

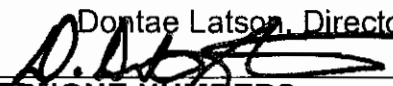
Meeting Date: March 2, 2009

Action Agenda Item No. 6/7a
(Central Admin. use only)

SUBJECT: Budget Amendment - Special Children Adoption Fund

DEPARTMENT: Social Services **PUBLIC HEARING:** No

ATTACHMENT(S):
DCD Letter from NCDHHS dated
February 4, 2009
BA # 26

INFORMATION CONTACT:
Dontae Latson, Director

TELEPHONE NUMBERS:
(704) 296-4301

February 12, 2009

DEPARTMENT'S RECOMMENDED ACTION: Please increase the revenue line 10453160-4445-1508 and the expenditure line 10553160-53991-1508 by \$28,500.00.

BACKGROUND: These funds are to be used to enhance the adoption services program.

FINANCIAL IMPACT: These funds are 100% State funds. No county funding is required.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



North Carolina Department of Health and Human Services
Division of Social Services

325 North Salisbury Street • Raleigh, North Carolina 27603
Courier # 56-20-25

Michael F. Easley, Governor
Dempsey Benton, Secretary

Shery Bradsher Director
(919) 733-3055

February 4, 2009

MEMORANDUM

TO: Roy Young, Director
Union County Department of Social Services

FROM: Amelia Lance, Program Consultant
Adoption Services

RE: Special Children Adoption Fund

We are pleased to inform you that the amount of **\$ 28,500.00** will be sent to your agency from the Special Children Adoption Fund. We understand that this amount will be electronically transferred within the next month. Please understand that the legislation regarding the Special Children Adoption Fund specifically states that the money **"must be used to enhance the adoption services program"**.

Congratulations on your efforts to provide permanency for children. If you have questions, please contact me at Amelia.Lance@ncmail.net or (919) 334-1096.

CC: Faye Love

RECEIVED
FEB 10 2009
DSS ADMINISTRATION



**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 2, 2009

Action Agenda Item No. 6/8
(Central Admin. use only)

SUBJECT: UCPS Marvin Ridge MS/HS Storm Water Detention Ponds

DEPARTMENT: UCPS
Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Capital Project Ordinance Amendment
113

INFORMATION CONTACT:
Dr. Davis
Don Hughes
Kai Nelson

TELEPHONE NUMBERS:

704.283.3647
704.296.5960
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt Capital Project Ordinance Number 113

BACKGROUND: UCPS has requested funding in the amount of \$382,546 for re-design and re-construction of storm water detention ponds at Marvin Ridge. The funds will provide resources to comply with NCDWQ requirements regarding the detention ponds.

UCPS officials have been aware of the potential need to re-construct the ponds and funds are available within the project budget to accommodate the construction award.

FINANCIAL IMPACT: Included in the 2008 CIP with funding coming from the final sale of bonds authorized in the 2006 Bond Referendum.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



UNION COUNTY PUBLIC SCHOOLS

Department of Facilities

116 North Main Street Monroe, North Carolina 28112
704-296-5960 Fax: 704-296-5973

Dr. Ed Davis
Superintendent

L. Dean Arp, Jr., Chairman
John Collins, Vice Chairman

John H. Crowder Carolyn J. Lowder
Laura Minsk Kimberly Morrison-Hansley
John Parker David Scholl
Richard Weiner

18 February 2009

To: Kai Nelson
UC Financial Officer

From: Donald S. Hughes, AIA
Exec. Director of Facilities

RE: Marvin Ridge HS/MS
DWQ EXP No. 07-0665v3

Kai:

As discussed previously NC Division of Water Quality (DWQ) has required UCPS to re-design and re-construct the storm water detention ponds at the above referenced project to incorporate Storm Water Management. The requirements were made well after construction of the school project had begun.

Recently we received a letter from DWQ stipulating their expectations to UCPS for the re-construction of the storm water system indicating that we had to be under construction no later than March 27, 2009 to avoid penalties from the State.

We have received bids to do the work and presented them to the Union County Board of Education at their Work Session on February 17, 2009. The Board awarded the contract to United Construction of Charlotte for \$382,546.00 contingent upon funding from the Board of County Commissioners.

Our intent is to issue the "Notice to Proceed" to the low bidder on March 3, 2009 with a completion date of approximately June 3, 2009.

Your assistance is appreciated.

C: Dr. Mike Webb
David Pope
Teri Lambert

Attachment: DWQ letter, January 27, 2009