

AGENDA
UNION COUNTY BOARD OF COMMISSIONERS
Regular Meeting
Monday, May 5, 2008
7:00 P.M.
Board Room, First Floor
Union County Government Center
500 North Main Street
Monroe, North Carolina

www.co.union.nc.us

6:15 p.m. - Closed Session

1. **Opening of Meeting**
 - a. Invocation - Reverend Al Lewis, Jr.
 - b. Pledge of Allegiance
2. **Public Hearing - Re: Renaming to Old Stone Forest Drive that Portion of Waxhaw Parkway which is Located in the Unincorporated Area of Union County**
3. **Informal Comments**
4. **Additions, Deletions and/or Adoption of Agenda**
ACTION REQUESTED: Adoption of Agenda
5. **Consent Agenda**
ACTION REQUESTED: Approve items listed on the Consent Agenda
6. **Assistant County Manager's Comments**
7. **Police Week Proclamation 2008**
ACTION REQUESTED: Adopt Proclamation Declaring May 11-17, 2008 as Police Week
8. **Water Conservation Ordinance**
ACTION REQUESTED: Adopt Water Conservation Ordinance as Amended
9. **Wesley Chapel/Weddington Athletic Association**
ACTION REQUESTED: Receive as information
10. **Ordinance Pertaining to Naming Roads in Unincorporated Areas - Re: Renaming to Old Stone Forest Drive that Portion of Waxhaw Parkway which is Located in the Unincorporated Area of Union County**
ACTION REQUESTED: Adopt ordinance

11. **Engagement of Planning Consultant**
ACTION REQUESTED: Authorize attorney to engage planning consultant to serve as expert in the matter of Union County Land Owners Association et al vs. the County of Union in an amount not to exceed \$15,000 and adopt Budget Amendment #48
12. **Fire Services**
 - a. Revision to Section V of "A Resolution of Union County Board of Commissioners Establishing a System of Rural Fire Protection in Union County"
ACTION REQUESTED: Amend Section V of the Resolution by deleting the prohibition of hiring personnel in accordance with the language set out on the agenda abstract
 - b. Resolution to North Carolina Legislature to Increase Maximum Annual Fire Fees
ACTION REQUESTED: Adopt resolution to request authorization to increase the amount of certain fire fees that can be charged by Union County
13. **Public Works Department**
 - a. Water and Sewer Governing Structures
ACTION REQUESTED: Receive information
14. **Water and Sewer Debt Management**
ACTION REQUESTED: Extend effective date of forward starting swap dated October 11, 2005 (subsequently amended and restated on May 3, 2007) with a current effective date of June 16, 2008 to June 15, 2009
15. **Master Agreement to Bill and Collect Current and Subsequent Delinquent Municipal Ad Valorem Taxes**
ACTION REQUESTED: Approve master agreement in concept and authorize Manager to approve agreements with individual municipalities
16. **Announcements of Vacancies on Boards and Committees**
 - a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney
 - b. Adult Care Home Community Advisory Committee
 - c. Union County Home and Community Care Block Grant Advisory Committee (2 Vacancies as of December 2007)
 - d. Nursing Home Advisory Committee
 - e. Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)
 - f. Centralina Council of Governments - Comprehensive Economic Development Commission
 - g. Centralina Workforce Development Board - Vacancies for terms beginning July 1, 2008 representing: Vocational Rehabilitation and Community Based Organizations**ACTION REQUESTED:** Announce vacancies

17. **Appointments to Boards and Committees**

- a. Planning Board - (Vacancies as of April 2008: 1 Member Representing Jackson Township; 1 Member Representing New Salem Township; and 1 Member Representing Sandy Ridge Township)
- b. Farmers Market Committee (1 Vacancy)
- c. Industrial Facilities and Pollution Control Financing Authority (2 Vacancies as of May 2008)

ACTION REQUESTED: Consider appointments

18. **Interim Manager's Comments**

19. **Commissioners' Comments**

CONSENT AGENDA
May 5, 2008

1. **Contracts Over \$5,000**
 - a. Renewal of Agreement with Logan Systems, Inc. to Provide Computerized Indexing and Recording Services for the Register of Deeds' Office (Three-Year Agreement)
 - b. Task Order #8 with McKim & Creed, P.A. for Design and Bidding Services for the Hemby Acres Area Water Main Replacement Project

ACTION REQUESTED: Authorize Interim County Manager to approve Items a - b

2. **Public Works Department**
 - a. Potter Road and Forest Lawn Water Transmission Main Extension
ACTION REQUESTED: 1) Adopt Capital Project Ordinance Amendment #101; 2) Accept bids; 3) Award bid to the low bidder; and 4) Authorize the County Manager to approve the construction agreement (Project was approved as part of the 2005 Master Plan CIP)

3. **Health Department**
 - a. Budget Amendment #45 to Appropriate \$250 in Additional State Funds for Child Health
ACTION REQUESTED: Adopt Budget Amendment #45

4. **Finance Department**
 - a. Corrected March 2008 Releases for a Decrease to Springs Fire District Tax of Two Cents and an Increase to Springs Fire Fee of Two Cents
ACTION REQUESTED: Approve

5. **Sheriff's Office**
 - a. Time Warner Cable Helping Hands Grant
ACTION REQUESTED: Approve Budget Amendment #46 appropriating \$10,000 in grant funds received from Time Warner Cable used for the Helping Hands Hero Program

6. **Amendment to Article III, Section 11 a) and b) of the Union County Personnel Resolution**

ACTION REQUESTED: Accept technical amendment to Union County Personnel Resolution, Article III, Section 11 a) and b) establishing the 207 (k) work period as a 14 consecutive day cycle consistent with the County's payroll processing cycle (Accordingly, the maximum number of hours to be worked before overtime accrues changes from 171 hours to 86 hours)



OFFICE OF THE COMMISSIONERS AND MANAGER

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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Union County Board of Commissioners will hold a special meeting on Monday, May 5, 2008, at 6:15 p.m. in the Commissioners' Conference Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, for the purpose of going into closed session to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3).

Allan Baucom, Chairman
Union County Board of Commissioners



OFFICE OF THE COMMISSIONERS AND MANAGER

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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Union County Board of Commissioners will hold a special meeting on Thursday, May 1, 2008, at 12 o'clock noon in the Conference Room, located on the first floor behind the new Commissioners' Board Room in the Union County Government Center, 500 North Main Street, Monroe, North Carolina, for the purpose of reviewing and discussing items on the agenda for the May 5, 2008, Board of Commissioners' meeting, a draft copy of which is attached to this notice. The Board will be taking no action during this special meeting.

Allan Baucom, Chairman
Union County Board of Commissioners

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ACTION REQUESTED: Amend Section V of the Resolution by deleting the prohibition of hiring personnel in accordance with the language set out on the agenda abstract
 - b. Resolution to North Carolina Legislature to Increase Maximum Annual Fire Fees
ACTION REQUESTED: Adopt resolution to request authorization to increase the amount of certain fire fees that can be charged by Union County
13. **Public Works Department**
 - a. Utilities Allocation for Pilgrim's Pride
ACTION REQUESTED: Approve allocation of water and sewer capacity upon completion of required infrastructure
 - b. Water and Sewer Governing Structures
ACTION REQUESTED: Receive information
14. **Water and Sewer Debt Management**
ACTION REQUESTED: Extend effective date of forward starting swap dated October 11, 2005 (subsequently amended and restated on May 3, 2007) with a current effective date of June 16, 2008 to June 15, 2009
15. **Master Agreement to Bill and Collect Current and Subsequent Delinquent Municipal Ad Valorem Taxes**
ACTION REQUESTED: Approve master agreement in concept and authorize Manager to approve agreements with individual municipalities
16. **Resolution Requesting the Governor of North Carolina to Intervene in and Oppose the Application to the Federal Energy Regulatory Commission by Alcoa for a Fifty Year License to Control the Waters of the Yadkin River and Its Lakes and Tributaries**
ACTION REQUESTED: Discussion and consider adoption of Resolution
17. **Announcements of Vacancies on Boards and Committees**
 - a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney
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ACTION REQUESTED: Authorize Interim County Manager to approve Items a - b

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AGENDA ITEM

2 & 10

MEETING DATE 5-5-08

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:

..... April 15, 2008

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 15th day of April 2008
Pat Deese

Sworn to and subscribed before me, this 15th day of April 2008

Bob P. Chetz Notary Public

My Commission expires: May 11, 2008

Inches: 4 1/4"
MONROE, N.C. April 15 2008

M U.C. Bd. of Commissioners Ad#
ACCOUNT #: 02100167

COST: \$ 42.60

-IN ACCOUNT WITH-

The Enquirer-Journal

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

Important Legal Document, Please Retain

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 7, 2008

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

SUBJECT: Waxhaw Parkway Street Name Change

DEPARTMENT: Communications **PUBLIC HEARING:** Yes

ATTACHMENT(S): **INFORMATION CONTACT:**
Gary J. Thomas

TELEPHONE NUMBERS:
704-283-3550

DEPARTMENT'S RECOMMENDED ACTION: Authorize the Clerk of the Board to advertise a public hearing to consider changing the name of Waxhaw Parkway to Old Stone Forest Drive.

BACKGROUND: There are two sections of road named Waxhaw Parkway that do not connect to one another. One section is located in the town limits of Waxhaw and intersects with Providence Road. The other section is located in the unincorporated area of the County that also intersects with Providence Road. The original plan was to connect both of these sections to make one road; therefore both sections were named the same. Currently, there are duplicated address ranges which exist on both sections, in addition to both intersecting Providence road at different locations (two separate intersections with the same name; Waxhaw Parkway/Providence Road intersection). With this being the case, there is a strong potential of dispatching emergency services to the wrong location which would result in a significant delay in response times. The proposed alignment of any future Waxhaw Parkway by the Town of Waxhaw will not traverse through the Old Stone Forest subdivision (proposed name change). The section of Waxhaw Parkway in the Town of Waxhaw contains commercial development, while the section in the County is residential only. In addition, there are only four homes which are occupied at this time. With all facts considered, I recommend approving the name change from Waxhaw Parkway (section in the county) to Old Stone Forest Drive. This would eliminate the confusion in dispatching emergency services to the wrong location. According to the developer of the residential section, the homeowners are in favor of the name change.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable:

Manager Recommendation:



TOWN OF WAXHAW

Building Inspections • Planning, Zoning and Engineering

P.O. Box 617

316 N. Church St. Waxhaw, N.C 28173

Telephone (704) 843-2195 • Fax (704) 843-2196

www.waxhaw.com

Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

**DIRECTOR OF PLANNING,
ZONING & ENGINEERING**
GREG MAHAR

**DIRECTOR OF
BUILDING INSPECTIONS**
ROBERT L. HARVELL

**TOWN PLANNER /
ZONING ADMINSTRATOR**
BRYAN LIGHTFOOT

**PLANNER / CODE
ENFORCEMENT OFFICER**
CORI HINES

DEPUTY CLERK
WENDY DAVENPORT

ZONING ASSISTANT
LAURA MORTON

March 24, 2008

Mr. Gary Thomas, Director
Union County Emergency Services
500 N. Main St.
Suite 13
Monroe, NC 28112

Subject: Waxhaw Parkway Street Name Change

Dear Mr. Thomas:

Currently there is a safety issue in the Town of Waxhaw.

As we have discussed Waxhaw Parkway has been named in more than one location and the roads currently do not connect. Furthermore, the proposed alignment of any future Waxhaw Parkway extensions may or may not include the portion that traverses through the Old Stone Forest subdivision. This subdivision is not within the Town of Waxhaw town limits and is controlled by Union County. To add to the confusion Waxhaw Parkway intersects with Providence Road inside Waxhaw and the intersection located in the Old Stone Forest subdivision is Waxhaw Parkway and Old Providence-Monroe Rd. In the confusion of an emergency there is a potential for emergency vehicles to be dispatched to the wrong location and have a delay in response time.

We would like to request the portion of Waxhaw Parkway located within the Old Stone Forest subdivision be renamed to a name that will eliminate this potential confusion.

If you should have any questions please feel free to contact me.

Sincerely,

Town of Waxhaw, NC

Gregory J. Mahar
Director Planning, Zoning & Engineering

FAX COVER LETTER
ARROWHEAD DEVELOPMENT, INC.

**6000 Stonepath Lane
Waxhaw, NC 28173
(704) 243-1579**

To: Gary Thomas

From: Becky Papworth

Date: 3/10/08

No. of Pages Including Cover Letter: 4

**Here is the property owner info for Waxhaw Parkway,
Oldstone Forest Phase 2**

**There are only 4 owner occupied houses with Waxhaw
Parkway address. The rest are either vacant lots or vacant
houses not yet sold by the builders. Any other occupied houses
along Waxhaw Parkway have their driveways, mailboxes &
legal address on the side streets. I just found out today the
owner of Lots 35 & 37 –Bill Elliott, who is a builder is also all
for the name change.**

**Hope this info is helpful to you. Please keep us posted & let us
know what the next step is in the process of changing the road
name from Waxhaw Parkway to Oldstone Forest Drive.**

Thank you.



Elizabeth Cooke
04/25/2008 12:39 AM

To west@co.union.nc.us, LynnWest@co.union.nc.us,
LWest@co.union.nc.us
cc
bcc
Subject Police Week Proclamation 2008

AGENDA # 7
MEETING DATE 5-5-08

Lynn

Attached please find a sample of the Police Week Proclamation for 2008

You have filled in the blanks in the past so I did not I have a copy of one if you need the wording that you have used in the past.

Will you add me to the Agenda the first meeting in May. If you need more information let me know.


The Police Week Ceremony will be May 16 at 10:00 in the court yard at the flag poles.

I want to ask the Commissioners to have flags flown at half staff all week not just Peace Officers Memorial Day.

I will give you a call.

Thanks

Elizabeth Cooke
74-609-3478

Plan your next roadtrip with MapQuest.com: America's #1 Mapping Site.  sample proclamation2008.doc

 Union County Sample Police Week Proclamation.doc

Proclamation will be e-mailed or faxed to you once drafted.

Lynn

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 5/5/08

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

SUBJECT: Amendment to Water Conservation Ordinance

DEPARTMENT: Public Works/Legal **PUBLIC HEARING:** No

ATTACHMENT(S): (i) Revised Water Conservation Ordinance showing changes (ii) Clean copy of Revised Water Conservation Ordinance	INFORMATION CONTACT: Jeff Crook Christie Putnam <hr/> TELEPHONE NUMBERS: 704-283-3673 704-292-4210
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DEPARTMENT'S RECOMMENDED ACTION: Adopt Amended and Restated Water Conservation Ordinance

BACKGROUND: During the Board meeting of April 7, 2008, the Board asked that the Water Conservation Ordinance be modified to enable vehicle washing one day per week. The staff attorney suggested a modification to the Ordinance that would enable the County Manager to allow one or more of the prohibited uses one day per week, as had already been done for lawn watering, thus obviating the need for additional modification to the Ordinance. The Board concurred, and the attached draft is provided for your consideration.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

WATER CONSERVATION ORDINANCE

AN ORDINANCE PROVIDING FOR CONSERVATION OF WATER AND RESTRICTIONS ON THE USE OF WATER DURING A WATER SHORTAGE OR IMPENDING WATER SHORTAGE

BE IT ORDAINED by the Union County Board of Commissioners that water conservation is deemed to be necessary when water demand by customers connected to the Union County water system reaches the point where continued or increased demand will equal or exceed the treatment and/or transmission capacity of the system or portions thereof. When water demand results in the condition whereby customers cannot be supplied with adequate water to protect their health, safety, or property, then the demand must be substantially curtailed to relieve the water shortage. The restrictions imposed pursuant to this Ordinance shall apply only to potable water supplied through the Union County water system, and not to reuse or reclaimed water. In addition to the water conservation measures set out herein, Union County may also establish a rate structure that increases the cost for potable water commensurate with the escalation of water shortage conditions.

Article I

Declaration of Water Shortage

Section I: Applicability of Ordinance

In the event (i) it appears there is a sustained demand of 80% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 1 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wataree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain water use restrictions by Union County, then in either such event the Director of the Union County Public Works Department, hereinafter referred to as the "Director," may recommend to the County Manager that water conservation measures be implemented, and the County Manager, following consultation with the Board of Commissioners, may declare a Stage I Water Shortage Condition. The County Manager, following consultation with the Board of Commissioners, may, with or without the recommendation of the Director, declare that a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition exists and require mandatory conservation measures upon occurrence of any conditions precedent for declaring such Condition, as hereinafter set forth. In declaring any Water Shortage Condition pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description. For purposes of this Ordinance, the phrase "following consultation with the Board of Commissioners" shall mean consultation during a regular or special meeting of the Board of Commissioners when possible, but where delay would endanger the public health, safety, or welfare, as determined by the County Manager, such consultation

may be made by the County Manager with members of the Board of Commissioners on an individual basis outside the confines of a formal meeting. The County Manager shall report the declaration of a Water Shortage Condition to the Board at its next regular meeting.

The declaration of a Water Shortage Condition becomes effective immediately upon issuance by the County Manager, unless otherwise stated in such declaration. Upon declaration of any stage of Water Shortage Condition, the County Manager shall issue press releases to local television, radio and/or print media to inform the public of the voluntary and/or mandatory water use restrictions. Upon declaration of a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition, the County Manager shall also cause notice of such restrictions to be either inserted into customers' water bills or separately mailed to customers as soon as reasonably practicable.

Article II
Stage I Water Shortage Condition

Section I

In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply:

- a. An extensive publicity campaign will be initiated using public media to inform the public of an impending or existing water shortage.
- b. Conservation measures will be encouraged and recommended.
- c. Transport of water outside of Union County will be limited.

Section II

In the event a Stage I Water Shortage Condition is declared, the public shall be encouraged to adhere to the following voluntary conservation measures:

- a. Limit car washing to the minimum.
- b. Limit lawn and garden watering to that which is necessary for plants to survive.
- c. Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- d. Do not leave faucets running while shaving or rinsing dishes.
- c. Water shrubbery to the minimum required, reusing household water when

possible.

- f. Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g. Use of showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- h. Limit flushing of toilets by multiple usage.
- i. The use of disposable and biodegradable dishes is encouraged.
- j. The use of flow-restrictive and water-saving devices is encouraged.
- k. Limit hours of operation of water-cooled air conditioners.
- l. All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.
- m. Use only hoses with spring-activated nozzles when watering lawns and gardens.

Section III

The following mandatory water conservation restriction shall apply during a Stage I Water Shortage Condition in addition to the voluntary conservation measures encouraged in Article II, Section II above.

In the event the County Manager issues a declaration of a Stage I Water Shortage Condition, it shall be unlawful for any person, firm or corporation to transport water outside of Union County, where such water has been drawn by tanker truck from a hydrant of the Union County water system; provided, however, that transport outside of Union County shall be allowed for emergency fire protection and for bona fide farm purposes. As used in this Ordinance, the use of water for “bona fide farm purposes” shall include use for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Article III

Stage II Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage II Mandatory Water

Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system in a manner inconsistent with the declaration until such time as the declaration of a Stage II Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage II Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage I Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; (iv) sustained water demand exceeds 90% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (v) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 2 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then upon occurrence of any such event the County Manager may issue a declaration that a Stage II Mandatory Water Shortage Condition exists. Such declaration may prohibit any one or more of the types of water uses regulated under a Stage I, Stage III, or Stage IV Water Shortage Condition, provided that the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address. After consultation with the Board, the County Manager may also take such other measures as deemed necessary to give effect to the intent of this Ordinance.

Article IV

Stage III Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage III Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of a Stage III Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage III Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply

capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage II Mandatory Water Shortage Condition is in effect and the system demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 3 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wataree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage III Mandatory Water Shortage Condition may be declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. ~~To water lawns; provided that the County Manager may allow lawn irrigation of one (1) day per week if stated in the declaration of a Stage III Mandatory Water Shortage Condition (which day may vary for individual customers, as stated in the declaration); and provided further that shrubbery, trees, flowers and vegetable gardens may be watered by hand or by drip irrigation;~~
- b. To conduct residential vehicle washing;
- c. To wash public buildings, sidewalks, and streets, except as required for safety and/or to maintain regulatory compliance;
- d. To use water for dust control during construction;
- e. To conduct flushing or hydrant testing programs, except to maintain water quality or other special circumstances approved by the Director in advance;
- f. To fill new swimming pools; and
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.

Notwithstanding the prohibitions on use stated above, the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may allow one or more such uses one (1) day per week if (i) stated in the original declaration of a Stage III Mandatory Water Shortage Condition, or in any amendment thereto; and (ii) consistent with the Stage 3 Low Inflow Condition declared by Duke Energy Carolinas, LLC, when such Condition is in effect. When allowing one or more such uses one (1) day per week, the County Manager may further regulate usage on the following bases: (i) time of day; (ii) day of week;

(iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address.

Article V

Stage IV Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage IV Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given, as applicable, to water storage levels and available sources of supply, available usable storage on hand, draw-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage III Mandatory Water Shortage Condition is in effect and demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 4 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage IV Mandatory Water Shortage Condition may be declared. In addition to the restrictions for Stage I, Stage II, and Stage III Water Shortage Conditions, the following restrictions shall also apply:

- a. Fire protection shall be maintained by drafting of ponds, rivers, etc..., wherever possible.
- b. The use of throw-away utensils and plates is encouraged and recommended at all eating establishments.
- c. It shall be unlawful to use water supplied by the Union County water system in the following manner:
 - (i) To induce water into any pool;
 - (ii) To use water outside a structure for any use other than an emergency involving a fire;

- (iii) To operate an evaporative air conditioner which recycles water except during operating hours of business; and
- (iv) To use water for road construction practices, i.e. compaction and washing.

Article VI

Section I: Lifting of Restrictions Imposed During a Water Shortage

- a. Water Shortage Conditions will expire when the County Manager, after consultation with the Board of Commissioners and upon recommendation of the Director, deems that the condition which caused the water shortage condition has abated.
- b. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Article VII

Section I: Enforcement

- a. Compliance with the provisions of this Ordinance shall be enforced by personnel of the Union County Public Works Department, hereinafter referred to as "UCPW," independent contractors engaged by UCPW for such purpose, and such other personnel as designated by the County Manager.
- b. The use of water from the Union County water system by a customer in violation of any mandatory water conservation control imposed pursuant to this Ordinance is unlawful. For purposes of this Ordinance, the term "customer" shall mean any person or entity in whose name UCPW maintains an account for water use. Further, the refusal or failure of a customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.
- c. Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to this Ordinance shall be subject to civil penalties as follows: (i) a warning for the first offense; (ii) a civil penalty in the amount of one hundred dollars (\$100) for the second offense; (iii) a civil penalty in the amount of five hundred dollars (\$500) for the third and fourth offenses; and (iv) a civil penalty in the amount of one thousand dollars (\$1,000) for the fifth and each subsequent offense. Each day that a violation of a mandatory water conservation control occurs or continues to occur after

delivery of notice pursuant to subsection (g) below shall be considered to be a separate and distinct offense.

- d. Violations shall be accumulated by customers so long as this Ordinance, in any of its stages, is continuously in effect and until no stage of this Ordinance has been in effect for a period of one (1) calendar year. Violations of any mandatory water conservation control of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- e. Each civil penalty assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill and shall be paid in the same manner as the payment of water bills. A customer's partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this Ordinance, by the due date indicated on the bill may result in the termination of water service.
- f. The violation of any water conservation control or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with county ordinances, including without limitation the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided, however, that no violation of any water conservation control or provision of this Ordinance shall be a basis for imposing any criminal remedy. The Board of Commissioners may release billing information, as such term is defined in N.C.G.S. 132-1.1(c), of customers who violate, or have violated, the provisions of this Ordinance, when the Board in its sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist Union County to maintain the integrity and quality of services it provides.
- g. UCPW shall send notice of violation to the customer by regular U.S. mail at the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered three days from the date mailed. In the event of a fourth or subsequent offense, UCPW shall send notice of intent to terminate water service by certified mail, return receipt requested, to the customer's billing address on file with UCPW.
- h. The notice of violation shall specify the following:
 - (i) The nature of the violation and the date and time it occurred;
 - (ii) The method by which payment of any civil penalty may be paid, including a statement indicating that it will be included on the customer's next water bill;
 - (iii) A warning that additional or continued violations may result in increased penalties, including termination of water service;

- (iv) A warning that failure to pay a water bill, including any civil penalty assessed pursuant to this Ordinance, may result in termination of water service;
- (v) The telephone number at UCPW where the customer may direct any questions or comments; and
- (vi) In the event of notice of intent to terminate water service for violation of this Ordinance in accordance with Article VIII, information about how to appeal a pending termination.

Article VIII

Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four (4) or more violations of any water conservation controls imposed pursuant to this Ordinance. Water service will not be restored at such service connection until the customer pays all the customer's outstanding obligations, including, without limitation, all charges for water service, all civil penalties and other fees charged in accordance with the provisions of this Ordinance, and the current disconnect processing fee. In the event water service is terminated a second time for violations pertaining to use of water obtained by the customer through an irrigation meter, service to such irrigation meter shall remain terminated until no stage of this Ordinance has been in effect for a period of one (1) calendar year.

A customer who receives a notice of violation indicating that the customer's water service is subject to termination pursuant to this Article may appeal the pending termination by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within five (5) business days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within three (3) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the customer.

Article IX

The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems. By January 1, 2008, all irrigation systems equipped with a timer shall be equipped with rain sensors as approved by UCPW. Rain sensors shall be activated to prevent the system from operating after one fourth (1/4) inch of rain has fallen.

Article X

Section I: Severability

If any section, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance may be declared valid once effective.

Article XI

Section I: Effective Date

This Ordinance originally became effective on July 13, 1992. It was subsequently amended and restated effective on the following dates: (i) August 5, 2002; (ii) June 4, 2007; (iii) October 15, 2007; ~~and~~ (iv) November 5, ~~2007-2007~~; and (v) April 7, 2008.

This ~~fifth~~sixth amendment and restatement of this Ordinance shall become effective upon adoption by the Board of Commissioners on ~~April 7, May 5, 2008~~ (the "Effective Date"). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected.

Document comparison done by DeltaView on Tuesday, April 29, 2008 4:25:58 PM

Input:	
Document 1	file://C:/Documents and Settings/crook/My Documents/Documents/Central Administration/Ordinances/Water Conservation/2008 Amendments/Final - UC Legal Draft5 (apvd. by BOC on 4.7.08).doc
Document 2	file://C:/Documents and Settings/crook/My Documents/Documents/Central Administration/Ordinances/Water Conservation/2008 Amendments/Final - UC Legal Draft6 (sent to BOC on 5.5.08).doc
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	12
Deletions	13
Moved from	2
Moved to	2
Style change	0
Format changed	0
Total changes	29

WATER CONSERVATION ORDINANCE

AN ORDINANCE PROVIDING FOR CONSERVATION OF WATER AND RESTRICTIONS ON THE USE OF WATER DURING A WATER SHORTAGE OR IMPENDING WATER SHORTAGE

BE IT ORDAINED by the Union County Board of Commissioners that water conservation is deemed to be necessary when water demand by customers connected to the Union County water system reaches the point where continued or increased demand will equal or exceed the treatment and/or transmission capacity of the system or portions thereof. When water demand results in the condition whereby customers cannot be supplied with adequate water to protect their health, safety, or property, then the demand must be substantially curtailed to relieve the water shortage. The restrictions imposed pursuant to this Ordinance shall apply only to potable water supplied through the Union County water system, and not to reuse or reclaimed water. In addition to the water conservation measures set out herein, Union County may also establish a rate structure that increases the cost for potable water commensurate with the escalation of water shortage conditions.

Article I Declaration of Water Shortage

Section I: Applicability of Ordinance

In the event (i) it appears there is a sustained demand of 80% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 1 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain water use restrictions by Union County, then in either such event the Director of the Union County Public Works Department, hereinafter referred to as the "Director," may recommend to the County Manager that water conservation measures be implemented, and the County Manager, following consultation with the Board of Commissioners, may declare a Stage I Water Shortage Condition. The County Manager, following consultation with the Board of Commissioners, may, with or without the recommendation of the Director, declare that a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition exists and require mandatory conservation measures upon occurrence of any conditions precedent for declaring such Condition, as hereinafter set forth. In declaring any Water Shortage Condition pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description. For purposes of this Ordinance, the phrase "following consultation with the Board of Commissioners" shall mean consultation during a regular or special meeting of the Board of Commissioners when possible, but where delay would endanger the public health, safety, or welfare, as determined by the County Manager, such consultation

may be made by the County Manager with members of the Board of Commissioners on an individual basis outside the confines of a formal meeting. The County Manager shall report the declaration of a Water Shortage Condition to the Board at its next regular meeting.

The declaration of a Water Shortage Condition becomes effective immediately upon issuance by the County Manager, unless otherwise stated in such declaration. Upon declaration of any stage of Water Shortage Condition, the County Manager shall issue press releases to local television, radio and/or print media to inform the public of the voluntary and/or mandatory water use restrictions. Upon declaration of a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition, the County Manager shall also cause notice of such restrictions to be either inserted into customers' water bills or separately mailed to customers as soon as reasonably practicable.

Article II
Stage I Water Shortage Condition

Section I

In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply:

- a. An extensive publicity campaign will be initiated using public media to inform the public of an impending or existing water shortage.
- b. Conservation measures will be encouraged and recommended.
- c. Transport of water outside of Union County will be limited.

Section II

In the event a Stage I Water Shortage Condition is declared, the public shall be encouraged to adhere to the following voluntary conservation measures:

- a. Limit car washing to the minimum.
- b. Limit lawn and garden watering to that which is necessary for plants to survive.
- c. Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- d. Do not leave faucets running while shaving or rinsing dishes.
- e. Water shrubbery to the minimum required, reusing household water when

possible.

- f. Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g. Use of showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- h. Limit flushing of toilets by multiple usage.
- i. The use of disposable and biodegradable dishes is encouraged.
- j. The use of flow-restrictive and water-saving devices is encouraged.
- k. Limit hours of operation of water-cooled air conditioners.
- l. All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.
- m. Use only hoses with spring-activated nozzles when watering lawns and gardens.

Section III

The following mandatory water conservation restriction shall apply during a Stage I Water Shortage Condition in addition to the voluntary conservation measures encouraged in Article II, Section II above.

In the event the County Manager issues a declaration of a Stage I Water Shortage Condition, it shall be unlawful for any person, firm or corporation to transport water outside of Union County, where such water has been drawn by tanker truck from a hydrant of the Union County water system; provided, however, that transport outside of Union County shall be allowed for emergency fire protection and for bona fide farm purposes. As used in this Ordinance, the use of water for “bona fide farm purposes” shall include use for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Article III

Stage II Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage II Mandatory Water

Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system in a manner inconsistent with the declaration until such time as the declaration of a Stage II Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage II Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage I Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; (iv) sustained water demand exceeds 90% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (v) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 2 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wataree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then upon occurrence of any such event the County Manager may issue a declaration that a Stage II Mandatory Water Shortage Condition exists. Such declaration may prohibit any one or more of the types of water uses regulated under a Stage I, Stage III, or Stage IV Water Shortage Condition, provided that the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address. After consultation with the Board, the County Manager may also take such other measures as deemed necessary to give effect to the intent of this Ordinance.

Article IV

Stage III Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage III Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of a Stage III Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage III Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply

capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage II Mandatory Water Shortage Condition is in effect and the system demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 3 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage III Mandatory Water Shortage Condition may be declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. To water lawns; provided that shrubbery, trees, flowers and vegetable gardens may be watered by hand or by drip irrigation;
- b. To conduct residential vehicle washing;
- c. To wash public buildings, sidewalks, and streets, except as required for safety and/or to maintain regulatory compliance;
- d. To use water for dust control during construction;
- e. To conduct flushing or hydrant testing programs, except to maintain water quality or other special circumstances approved by the Director in advance;
- f. To fill new swimming pools; and
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.

Notwithstanding the prohibitions on use stated above, the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may allow one or more such uses one (1) day per week if (i) stated in the original declaration of a Stage III Mandatory Water Shortage Condition, or in any amendment thereto; and (ii) consistent with the Stage 3 Low Inflow Condition declared by Duke Energy Carolinas, LLC, when such Condition is in effect. When allowing one or more such uses one (1) day per week, the County Manager may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address.

Article V
Stage IV Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage IV Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given, as applicable, to water storage levels and available sources of supply, available usable storage on hand, draw-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage III Mandatory Water Shortage Condition is in effect and demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 4 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage IV Mandatory Water Shortage Condition may be declared. In addition to the restrictions for Stage I, Stage II, and Stage III Water Shortage Conditions, the following restrictions shall also apply:

- a. Fire protection shall be maintained by drafting of ponds, rivers, etc..., wherever possible.
- b. The use of throw-away utensils and plates is encouraged and recommended at all eating establishments.
- c. It shall be unlawful to use water supplied by the Union County water system in the following manner:
 - (i) To induce water into any pool;
 - (ii) To use water outside a structure for any use other than an emergency involving a fire;
 - (iii) To operate an evaporative air conditioner which recycles water except during operating hours of business; and

- (iv) To use water for road construction practices, i.e. compaction and washing.

Article VI

Section I: Lifting of Restrictions Imposed During a Water Shortage

- a. Water Shortage Conditions will expire when the County Manager, after consultation with the Board of Commissioners and upon recommendation of the Director, deems that the condition which caused the water shortage condition has abated.
- b. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Article VII

Section I: Enforcement

- a. Compliance with the provisions of this Ordinance shall be enforced by personnel of the Union County Public Works Department, hereinafter referred to as "UCPW," independent contractors engaged by UCPW for such purpose, and such other personnel as designated by the County Manager.
- b. The use of water from the Union County water system by a customer in violation of any mandatory water conservation control imposed pursuant to this Ordinance is unlawful. For purposes of this Ordinance, the term "customer" shall mean any person or entity in whose name UCPW maintains an account for water use. Further, the refusal or failure of a customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.
- c. Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to this Ordinance shall be subject to civil penalties as follows: (i) a warning for the first offense; (ii) a civil penalty in the amount of one hundred dollars (\$100) for the second offense; (iii) a civil penalty in the amount of five hundred dollars (\$500) for the third and fourth offenses; and (iv) a civil penalty in the amount of one thousand dollars (\$1,000) for the fifth and each subsequent offense. Each day that a violation of a mandatory water conservation control occurs or continues to occur after delivery of notice pursuant to subsection (g) below shall be considered to be a separate and distinct offense.

- d. Violations shall be accumulated by customers so long as this Ordinance, in any of its stages, is continuously in effect and until no stage of this Ordinance has been in effect for a period of one (1) calendar year. Violations of any mandatory water conservation control of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- e. Each civil penalty assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill and shall be paid in the same manner as the payment of water bills. A customer's partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this Ordinance, by the due date indicated on the bill may result in the termination of water service.
- f. The violation of any water conservation control or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with county ordinances, including without limitation the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided, however, that no violation of any water conservation control or provision of this Ordinance shall be a basis for imposing any criminal remedy. The Board of Commissioners may release billing information, as such term is defined in N.C.G.S. 132-1.1(c), of customers who violate, or have violated, the provisions of this Ordinance, when the Board in its sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist Union County to maintain the integrity and quality of services it provides.
- g. UCPW shall send notice of violation to the customer by regular U.S. mail at the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered three days from the date mailed. In the event of a fourth or subsequent offense, UCPW shall send notice of intent to terminate water service by certified mail, return receipt requested, to the customer's billing address on file with UCPW.
- h. The notice of violation shall specify the following:
 - (i) The nature of the violation and the date and time it occurred;
 - (ii) The method by which payment of any civil penalty may be paid, including a statement indicating that it will be included on the customer's next water bill;
 - (iii) A warning that additional or continued violations may result in increased penalties, including termination of water service;
 - (iv) A warning that failure to pay a water bill, including any civil penalty assessed pursuant to this Ordinance, may result in termination of water service;
 - (v) The telephone number at UCPW where the customer may direct any questions or comments; and

- (vi) In the event of notice of intent to terminate water service for violation of this Ordinance in accordance with Article VIII, information about how to appeal a pending termination.

Article VIII

Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four (4) or more violations of any water conservation controls imposed pursuant to this Ordinance. Water service will not be restored at such service connection until the customer pays all the customer's outstanding obligations, including, without limitation, all charges for water service, all civil penalties and other fees charged in accordance with the provisions of this Ordinance, and the current disconnect processing fee. In the event water service is terminated a second time for violations pertaining to use of water obtained by the customer through an irrigation meter, service to such irrigation meter shall remain terminated until no stage of this Ordinance has been in effect for a period of one (1) calendar year.

A customer who receives a notice of violation indicating that the customer's water service is subject to termination pursuant to this Article may appeal the pending termination by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within five (5) business days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within three (3) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the customer.

Article IX

The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems. By January 1, 2008, all irrigation systems equipped with a timer shall be equipped with rain sensors as approved by UCPW. Rain sensors shall be activated to prevent the system from operating after one fourth (1/4) inch of rain has fallen.

Article X

Section I: Severability

If any section, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance may be declared valid once effective.

Article XI

Section I: Effective Date

This Ordinance originally became effective on July 13, 1992. It was subsequently amended and restated effective on the following dates: (i) August 5, 2002; (ii) June 4, 2007; (iii) October 15, 2007; (iv) November 5, 2007; and (v) April 7, 2008.

This sixth amendment and restatement of this Ordinance shall become effective upon adoption by the Board of Commissioners on May 5, 2008 (the "Effective Date"). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2008

Action Agenda Item No. 9
(Central Admin. use only)

SUBJECT: Wesley Chapel/ Weddington Athletic Association

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):
WCWAA correspondence

INFORMATION CONTACT:
Christie Putnam

TELEPHONE NUMBERS:
704.296.4212

DEPARTMENT'S RECOMMENDED ACTION: Receive information

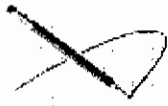
BACKGROUND: The Board received an update on the WCWAA flood analysis at its last meeting. The request from the Board was to receive information from the WCWAA at its May 5 meeting. The response requested is provided.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



Amy M Helms/UnionCounty

04/28/2008 05:10 PM

To Lynn West/UnionCounty@UnionCounty

cc

bcc

Subject Fw: Optimist Park

Lynn,

This is the only correspondence I have had from them concerning the commissioners' May 5th meeting. I am assuming it needs to be added to the agenda. Have you received anything?

Thank you,

Amy Helms

Assistant Director Infrastructure and Environment

-----Forwarded by Amy M Helms/UnionCounty on 04/28/2008 05:08PM -----

To: <AmyMHelms@co.union.nc.us>

From: "Marc Houle" <mhoul@union.nc.us>

Date: 04/28/2008 03:52PM

Subject: Optimist Park

Amy,

We have reviewed the comments from Union County and the State regarding Optimist Park. I would like for Jay and me to be able to meet with you and Christie later this week to review these comments to help clarify some of the outstanding issues. I would like for us to be in agreement on all of these issues prior to meeting with the State. We have been asked to give an update at the Monday May 5 commissioners meeting. I would like to be able to list the items we are in agreement on at that meeting. Let me know if you think this would be productive.

Thanks,

Marc A. Houle, P.E.

Vice President

PUBLIC HEARING NOTICE
 NOTICE IS HEREBY GIVEN THAT the Union County Board of Commissioners will hold a public hearing on Monday, May 5, 2008, in accordance with G.S. 153A-230 for the purpose of receiving public comments relative to renaming Old Stone Forest Drive that portion of Wehway Parkway which is located in the unincorporated area of Union County. THE HEARING is scheduled for 7:00 p.m. on Monday, May 5, 2008, in the Commissioners' Board Room, first floor, Union County Government Center, at 500 North Main Street, Monroe, North Carolina. Any person requesting a sign language interpreter, please call 225-8554 and make a request at least 96 hours in advance. Any other special assistance needed by an individual due to a disability under the American Disability Act should call 288-3870 and make a request at least 96 hours in advance.
 Lynn G. West
 Clerk to the Board
 April 15, 2008

AGENDA ITEM

2 & 10

NORTH CAROLINA,
 UNION COUNTY.

MEETING DATE 5-5-08

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:

April 15, 2008

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 15th day of April 2008

Pat Deese

Sworn to and subscribed before me, this 15th day of April 2008

Butt P. Chetz Notary Public

My Commission expires: May 11, 2008

Inches: 4 1/4"
 MONROE, N.C.

April 15 2008

M U.C. Bd. of Commissioners

Ad#
 ACCOUNT #: 02100167

COST: \$ 42.60

—IN ACCOUNT WITH—

The Enquirer-Journal

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

Important Legal Document, Please Retain

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 7, 2008

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

SUBJECT: Waxhaw Parkway Street Name Change

DEPARTMENT: Communications

PUBLIC HEARING: Yes

ATTACHMENT(S):

INFORMATION CONTACT:

Gary J. Thomas

TELEPHONE NUMBERS:

704-283-3550

DEPARTMENT'S RECOMMENDED ACTION: Authorize the Clerk of the Board to advertise a public hearing to consider changing the name of Waxhaw Parkway to Old Stone Forest Drive.

BACKGROUND: There are two sections of road named Waxhaw Parkway that do not connect to one another. One section is located in the town limits of Waxhaw and intersects with Providence Road. The other section is located in the unincorporated area of the County that also intersects with Providence Road. The original plan was to connect both of these sections to make one road; therefore both sections were named the same. Currently, there are duplicated address ranges which exist on both sections, in addition to both intersecting Providence road at different locations (two separate intersections with the same name; Waxhaw Parkway/Providence Road intersection). With this being the case, there is a strong potential of dispatching emergency services to the wrong location which would result in a significant delay in response times. The proposed alignment of any future Waxhaw Parkway by the Town of Waxhaw will not traverse through the Old Stone Forest subdivision (proposed name change). The section of Waxhaw Parkway in the Town of Waxhaw contains commercial development, while the section in the County is residential only. In addition, there are only four homes which are occupied at this time. With all facts considered, I recommend approving the name change from Waxhaw Parkway (section in the county) to Old Stone Forest Drive. This would eliminate the confusion in dispatching emergency services to the wrong location. According to the developer of the residential section, the homeowners are in favor of the name change.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



TOWN OF WAXHAW

Building Inspections • Planning, Zoning and Engineering

P.O. Box 617

316 N. Church St. Waxhaw, N.C 28173

Telephone (704) 843-2195 • Fax (704) 843-2196

www.waxhaw.com

Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

**DIRECTOR OF PLANNING,
ZONING & ENGINEERING**
GREG MAHAR

**DIRECTOR OF
BUILDING INSPECTIONS**
ROBERT L. HARVELL

**TOWN PLANNER /
ZONING ADMINISTRATOR**
BRYAN LIGHTFOOT

**PLANNER / CODE
ENFORCEMENT OFFICER**
CORI HINES

DEPUTY CLERK
WENDY DAVENPORT

ZONING ASSISTANT
LAURA MORTON

March 24, 2008

Mr. Gary Thomas, Director
Union County Emergency Services
500 N. Main St.
Suite 13
Monroe, NC 28112

Subject: Waxhaw Parkway Street Name Change

Dear Mr. Thomas:

Currently there is a safety issue in the Town of Waxhaw.

As we have discussed Waxhaw Parkway has been named in more than one location and the roads currently do not connect. Furthermore, the proposed alignment of any future Waxhaw Parkway extensions may or may not include the portion that traverses through the Old Stone Forest subdivision. This subdivision is not within the Town of Waxhaw town limits and is controlled by Union County. To add to the confusion Waxhaw Parkway intersects with Providence Road inside Waxhaw and the intersection located in the Old Stone Forest subdivision is Waxhaw Parkway and Old Providence-Monroe Rd. In the confusion of an emergency there is a potential for emergency vehicles to be dispatched to the wrong location and have a delay in response time.

We would like to request the portion of Waxhaw Parkway located within the Old Stone Forest subdivision be renamed to a name that will eliminate this potential confusion.

If you should have any questions please feel free to contact me.

Sincerely,

Town of Waxhaw, NC

A handwritten signature in black ink, appearing to read "Gregory Mahar".

Gregory J. Mahar
Director Planning, Zoning & Engineering

FAX COVER LETTER
ARROWHEAD DEVELOPMENT, INC.

**6000 Stonepath Lane
Waxhaw, NC 28173
(704) 243-1579**

To: Gary Thomas

From: Becky Papworth

Date: 3/10/08

No. of Pages Including Cover Letter: 4

**Here is the property owner info for Waxhaw Parkway,
Oldstone Forest Phase 2**

There are only 4 owner occupied houses with Waxhaw Parkway address. The rest are either vacant lots or vacant houses not yet sold by the builders. Any other occupied houses along Waxhaw Parkway have their driveways, mailboxes & legal address on the side streets. I just found out today the the owner of Lots 35 & 37 –Bill Elliott, who is a builder is also all for the name change.

Hope this info is helpful to you. Please keep us posted & let us know what the next step is in the process of changing the road name from Waxhaw Parkway to Oldstone Forest Drive.

Thank you.

Waxhaw Parkway Extension Potential Alignment Map



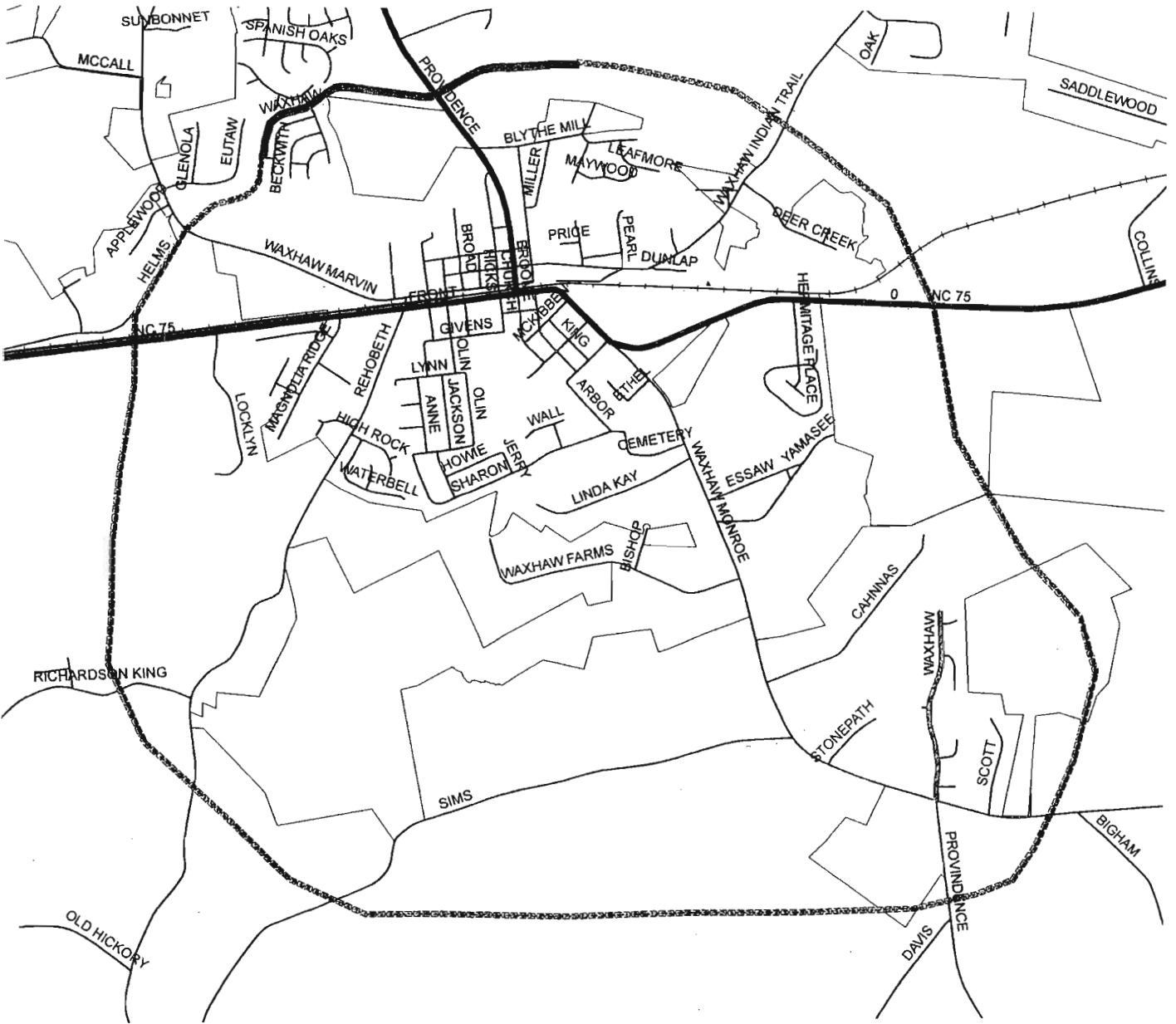
Legend

- Waxhaw Parkway (Waxhaw)
- Waxhaw Parkway (Old Stone Forest)
- Waxhaw PWY Ext. Potential Alignment
- NC 16 & 75
- Mineral Springs
- Waxhaw
- Union County



March 25, 2008

Prepared By:
Waxhaw's Planning, Zoning, & Engineering Department
CUH



Perry, Bundy, Plyler & Long, L.L.P.

Attorneys at Law

316 N. HAYNE STREET
MONROE, NORTH CAROLINA 28112

Mailing Address:

P. O. BOX 7
MONROE, NC 28111-0007

AGENDA ITEM

11

MEETING DATE 5-5-08

TELEPHONE

(704) 289-2519

(704) 283-1590

REAL ESTATE FAX

(704) 282-0105

GENERAL FAX

(704) 261-0083

DONALD C. PERRY
H. LIGON BUNDY
DALE ANN PLYLER
RICHARD G. LONG, JR.*

*CERTIFIED FAMILY FINANCIAL MEDIATOR

April 23, 2008

Mr. Allan L. Baucom, Chairman
Union County Board of Commissioners
C/O Lynn West, Clerk
500 North Main Street, Suite 826
Monroe, NC 28112

Mr. D. Kevin Pressley, Vice-Chairman
Union County Board of Commissioners
C/O Lynn West, Clerk
500 North Main Street, Suite 826
Monroe, NC 28112

Mr. Roger Lane, Commissioner
Union County Board of Commissioners
C/O Lynn West, Clerk
500 North Main Street, Suite 826
Monroe, NC 28112

Mr. A. Parker Mills, Jr., Commissioner
Union County Board of Commissioners
C/O Lynn West, Clerk
500 North Main Street, Suite 826
Monroe, NC 28112

Mr. Alan Oppenshaw, Jr., Commissioner
Union County Board of Commissioners
C/O Lynn West, Clerk
500 North Main Street, Suite 826
Monroe, NC 28112

Re: Union Land Owners Association, et al v. The County of Union
File No: 06 CVS 02726
William J. Nolan, et al v. Union County, et al
File No: 06 CVS 02725

Union County Board of Commissioners
April 23, 2008
Page Two

Gentlemen:

As you know, there are two lawsuits pending against Union County, challenging the validity of the Adequate Public Facilities Ordinance (APFO). The lawsuit is being defended by Mark White, the attorney in Missouri who drafted the Ordinance, and myself. Mark and I believe that, as part of the defense of this lawsuit, it is necessary to hire a Land Use Planner as a consulting expert.

The consultant would be compensated on an hourly basis of \$150 for time actually spent in connection with the matter, and the cost of the services would not exceed \$15,000 without prior authorization. I am proposing that the contract be between the consultant and my law firm.

I am requesting that this matter be placed on the Agenda for the May 6 meeting of the Union County Board of Commissioners for action.

There is a possibility that Mark and I may recommend that additional experts be hired. In that event, I will come back to the Board and request further authority.

Thank you for your assistance in this matter.

Sincerely,

PERRY, BUNDY, PLYLER & LONG, L.L.P.



H. Ligon Bundy

HLB/l
cc: Jeffrey L. Crook
Mark White
Lynn West
Kai Nelson

BUDGET AMENDMENT

BUDGET Board of County Commissioners REQUESTED BY Ligon Bundy
 FISCAL YEAR FY2008 DATE May 05, 2008

INCREASE

Description

Operating Expenses 15,000

DECREASE

Description

Contingency 15,000

Explanation: Appropriate additional for legal expenditures for engagement of planning consultant expert in connection with legal matters.

DATE _____

APPROVED BY _____
 Bd of Comm/County Manager
 Lynn West/Clerk to the Board

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10540100-5382	Legal services	15,000	10592000-5920	Contingency	15,000
Total		15,000	Total		15,000

Prepared By aar
 Posted By _____
 Date _____

Number 48



**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 5/05/08

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

SUBJECT: Proposal to revise Section V of "A Resolution of Union County Board of Commissioners Establishing a System of Rural Fire Protection in Union County."

DEPARTMENT: Homeland Security **PUBLIC HEARING:** No

ATTACHMENT(S): Current Resolution
Proposed revised change to Section V

INFORMATION CONTACT:
Patrick Beekman

TELEPHONE NUMBERS:

292-2670

DEPARTMENT'S RECOMMENDED ACTION: Recommend deleting the following from Section V of the existing resolution: "but no individual fireman or group of fireman shall received any pay or remuneration from said benefits received from the County for the services which they render in their work as volunteer fireman or as part of a volunteer fire department, provided nothing shall prohibit payment of full-time personnel for their services" (see attached proposed revision) and that new contracts between the County and each volunteer fire department for the next FY be prepared to reflect this change.

BACKGROUND: A resolution establishing a system of rural fire protection in Union County was first adopted on April 1981 and then revised in April 7, 1997. Section V of that resolution states, "but no individual fireman or group of fireman shall received any pay or remuneration from said benefits received from the County for the services which they render in their work as volunteer fireman or as part of a volunteer fire department, provided nothing shall prohibit payment of full-time personnel for their services."

A number of fire departments have had to turn to paying for fire man to meet their response obligations in their district as more and more of their fire fighters work outside of their fire districts. Under the current resolution and contracts, these fire departments have had to look to other revenue streams to pay this fireman. At times, this has been difficult for them to find other revenue streams. The staff believes the restriction contained in Section V is no longer needed, and in fact, could hinder the desire for public safety should a department have the need to hire fire fighters to cover periods of the day that volunteer fire fighters are not able to respond to a call in a timely manner yet, not be able to come up with the funds outside of county provided

funds to pay their fire fighters.

The Fire Commission voted unanimously to recommend the Commissioners approve this revision.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

SECTION V.

As of the date of adoption of this Resolution, Union County will offer financial aid for the general maintenance and operation of any volunteer fire department operative in Union County and which is quoted as for said assistance under the terms of the Resolution, but no individual fireman or group of firemen shall receive any pay or remuneration from said benefits received from the County for the services which they render in their work as volunteer firemen or as a part of a volunteer fire department, provided nothing shall prohibit payment of full-time personnel for their services.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: 5/05/08

Action Agenda Item No. 126
(Central Admin. use only)

SUBJECT: Resolution to NC Legislature to increase maximum fire fees

DEPARTMENT: Homeland Security **PUBLIC HEARING:** No

ATTACHMENT(S): Proposed Resolution **INFORMATION CONTACT:** Patrick Beekman

TELEPHONE NUMBERS:
292-2670

DEPARTMENT'S RECOMMENDED ACTION: Approve proposed resolution

BACKGROUND: The Fire Commission approved a motion to request the County Commissioners approve a resolution to the state legislature to increase the maximum residential fire from \$50 to \$100, for tri-level maximum from \$75 to \$150, and a building maximum to increase from \$100 to \$200. They request that this resolution be passed in time for the May 2008 short session. The reason for this request is the rising cost of fire service in areas of the county that do not have the property value to warrant a reasonable fire tax rate.

FINANCIAL IMPACT: Could be an increase to the residences of the affect service districts. This increase could also reduce the amount that the county subsidizes to those fire departments that have needs the exceed their ability to raise funds at the current fire fee amount.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

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

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

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

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

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

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

Adopted this the 5th day of May, 2008.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May, 5, 2008

Action Agenda Item No. 13a
(Central Admin. use only)

SUBJECT: Water and Sewer Governing Structures

DEPARTMENT: Public Works **PUBLIC HEARING:** Choose one....

ATTACHMENT(S): Summary Memo **INFORMATION CONTACT:** Christie Putnam

TELEPHONE NUMBERS: 296.4212

DEPARTMENT'S RECOMMENDED ACTION: Receive Information

BACKGROUND: The Board previously requested information outlining possible governing structures for the Utility System. Provided is a memo summarizing the alternatives available through state regulations and information about each alternative. Further details about any of these provided can be developed at the Board's direction.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

Technical Memorandum

TO: UNION COUNTY – DEPARTMENT OF PUBLIC WORKS

FROM: HDR ENGINEERING, INC. OF THE CAROLINAS

DATE: APRIL 25, 2008

SUBJECT: TASK ORDER #43
EVALUATION OF POTENTIAL FOR FORMATION OF AN ALTERNATIVE
WATER AND WASTEWATER AGENCY

1.0 Purpose

Union County (the County), through its Department of Public Works, currently operates a water and wastewater system throughout much of the county, including various municipalities located within the county. Recently, there has been some suggestion that the County consider reorganization of the governing management structure for the water and wastewater system – so as to enhance flexibility of operations and distribute control more evenly between the County and the various municipalities served. The purpose of this technical memorandum (TM) is to outline the various organizational arrangements that are available to water and wastewater systems in North Carolina, and to present an overview of the advantages and disadvantages of each type.

2.0 Introduction

As water and wastewater systems grow and become more complex, regionalization of these systems becomes more technically feasible. It is appropriate to revisit periodically the institutional management structures in place to manage and operate these changing systems. This TM reviews alternative institutional arrangements for water and wastewater agencies available within the current statutory framework in North Carolina.

Unlike several of its neighboring states, North Carolina stipulates in its Codes of Laws the methods of formation, the powers, and the capabilities for each type of water and wastewater agency that is authorized to operate in the state. In adjoining states, other than the powers given to cities and counties, Water and Sewer Authorities and Districts are formed by special legislation, and therefore each agency is unique.

The organizational structure selected to manage water and wastewater systems has a direct impact within the community served. It also is likely to impact the regulatory agencies, the financial grant and loan agencies, consultants, contractors, and the financial institutions that deal with water and wastewater agencies. The method of management used in North Carolina helps create a consistent approach to water and wastewater management within the state by all affected parties.

3.0 Selecting the Appropriate Water and Wastewater Management Agency

Choice of a water and wastewater management organization must ultimately depend on the communities' needs and preferences. The easiest management system to establish may not necessarily be the one that best serves the intended purpose. Careful research and adequate public discussion are crucial to choosing the most appropriate management unit. Technical, financial, and legal advice should be obtained early in the process to adequately assess the options. Further, it may be advisable to have more than one type of management entity within a county or service area.

Factors to consider in choosing a management entity include:

- the ability to provide policy and management continuity;
- the ability to charge fees for service;
- the ability to compel users of the services to comply with the system's requirements (such as service and inspection requirements);
- the capacity for maintaining adequate financial responsibility;
- the ability to accept and assign liability (some management entities focus all liability in one organization, while others distribute liability among organizations);
- the ability to construct and finance capital improvements; and,
- the ability to hire and retain adequately qualified employees.

Public education and participation in the decision-making process are vital elements of any water and wastewater management program. The public has a vested interest and an important role in water and wastewater management. Technical solutions to water and wastewater problems are often available. Certain social and economic obstacles, however, may limit implementation of technically sound policies and management plans. Members of the public who should be educated about and involved in water and wastewater management include homeowners, developers, public officials, real estate professionals, and the business community. Many of these citizens should also be encouraged to play an expanded role in water and wastewater management decisions. Citizens may not, however, fully understand or appreciate the complexity of water and wastewater management alternatives and problems. Therefore, public support and cooperation requires an educated public.

Water and wastewater management decisions often generate considerable public interest and potential controversy. Public concerns may be based on negative attitudes and incomplete knowledge. Public education and participation programs are most effective when based on adequate understanding of existing public attitudes and knowledge about the technical issues and policy alternatives. Such understanding can be gained through the public participation process itself. Local leaders need different types of information to make water and wastewater management decisions that are acceptable to a majority of local citizens. Decisions are ultimately more acceptable to all parties involved if they fully understand the situation and have opportunities for participation.

4.0 Reference

Driven by the growth and need for regionalization of water and wastewater systems, the Institute of Government at the University of North Carolina undertook comparisons of the alternative institutional arrangements for water and wastewater systems in North Carolina. This analysis is summarized in the document entitled *Outline of Alternative Organizational Arrangements for Providing Water and Sewerage Services in North Carolina*, published by the Institute of Government. It provides detailed

information on the powers, authorities, and duties of the water and wastewater institutional options. A copy of this document is provided for reference in Attachment A of this TM.

5.0 Alternative Institutional Arrangements - Overview

Selecting a management system is as important as choosing appropriate technologies for addressing the community's water and wastewater needs. The reliability, responsibilities, responsiveness, and capabilities of the management entity may ultimately determine the operational success of the system. Table 1 below presents the ten possible governmental/institutional options established in the law for water and/or wastewater management in North Carolina. These ten options are currently used and in-place within the state, so the state agencies having jurisdiction over operations and financing understand the capabilities and responsibilities of each organizational structure. It is theoretically possible that a community could develop and propose special legislation to create its own agency with its own unique capabilities, but experience has shown that both the state legislature and the regulatory agencies are opposed to this local legislation approach.

Each of the ten options has its own organizational structure, powers, and authority. Some options are more appropriate than others for management of systems within the state, depending on the extent of the community's infrastructure assets and the existing governmental agencies located within the service area. These ten alternative arrangements may be divided into two basic categories:

- Direct management by a public agency
- Management by a special governmental unit.

Table 1
Institutional Options for Water and Wastewater Management in North Carolina

<i>Direct Management</i>	<i>Specially Created Governmental Units</i>
City	Sanitary District
County	Water and Sewer Authority
Intergovernmental Contract	Metropolitan Water District
Joint Management Agency	Metropolitan Sewer District
County Service District	
County Water and Sewer District	

6.0 Key Considerations of Alternative Institutional Arrangements

6.1 Direct Management

The direct management category includes six different possibilities. A major advantage of using a city or county government as the management entity is that these units are in place and have broad authority over both the management of water and wastewater systems and the regulation of land use. Of all the management entities discussed herein, only city and county governments have general police powers and the express authority to regulate land use in the form of zoning, subdivision control, building inspections, the establishment of historic districts, and the like. Therefore, if a community's overall growth and planning tools are to be coordinated and consistent, a city or county is best equipped to use water and wastewater systems as a development and planning tool in a manner that is consistent with overall community goals. The issue to be resolved in many cases with cities and counties is developing cooperation within areas of overlapping jurisdiction.

Some of the features of each organization are briefly outlined below.

City or County - Both of these governmental units have the broadest powers as a possible management entity. They may levy property taxes; impose special assessments; issue general obligation and revenue bonds; set fees, rates, charges, and penalties; condemn land; and establish rules and regulations. Both of these governmental units may serve inside, as well as outside, their boundaries. Both have elected governing bodies and, with respect to any given area, would have as strong a financial base as any other alternative.

County governments typically have jurisdiction over a much larger area than cities, and in many cases have superior financial resources. Either of these institutional arrangements are organized by legislation; thus, relatively little effort or time is needed to establish the organization for the fundamental management arrangements.

Intergovernmental Contract - In North Carolina, any two units of government may contract to accomplish jointly what each is authorized to do separately. This flexibility makes it possible for two or more units to share financing and policy making while preserving the advantages of a single management entity. For example, the Intergovernmental Contract that established the Winston-Salem Utilities Commission provides that the City and Forsyth County appoint the Commission's members. The Commission sets policy direction for both planning and operations, and recommends rates, fees, and budgets to the City Council for approval.

Joint Management Agency - The joint management agency is a special form of intergovernmental agreement or contract. In the typical intergovernmental contract, the management staff is employed by one or more of the participating units. In the pure joint management agency, the employees may be attached to the agency, separate from any of the participating units. The main advantage of the joint management agency is that it may make joint action possible. Each of the participating units is sometimes unwilling for the staff to report to another unit but is willing to cooperate if the staff is independent. The direct financial resources of the joint management agency are limited to fees and charges. A joint agency does not have taxing power and may not own real estate. By the same token, it may not issue general obligation bonds. The agreement between Union County and the Lancaster County Water and Sewer District for the construction and operation of the Catawba River Water Treatment Plant and Water Supply Project is an example of a Joint Management Agency.

County Service District - A county service district is simply an area of a county (defined by the county commissioners) that needs some authorized service that the commissioners want to finance with a special property tax. This service is one not needed elsewhere in the county or one needed at a higher level in the designated district than elsewhere in the county. The county service district is not a separate unit of government, and it has no governing body. The services in the district are under the control and direction of the county commissioners. The management team that provides the services is made up of county employees.

County Water and Sewer District – A county water and sewer district is a separate, specially created unit of government governed by the board of county commissioners. The entire district must lie within the county that forms it, and the district's boundary must be defined by a property survey. The sole reason for creating such a unit is to establish a means of issuing general obligation bonds with the vote on bond issuance confined to the district (in contrast to bonds for a county service district, which must be approved by voters in the entire county). Because county commissioners act as the governing body of the district, a county water and sewer district has almost as much flexibility in providing water and wastewater services as does a county government. However, the county's authority to require connections does not extend to a system operated in a district. As an example, Gaston County has created the Gaston County Water and Sewer District so that the county can construct water and sewer systems outside of the municipalities, without taxing the municipal residents.

6.2 Special Governmental Units

General law in North Carolina authorizes the creation of four separate and independent units of government to direct water and wastewater operations. All four special governmental units have the advantage of focus, since water and sewer services are usually their principal functions. As a separate entity, their focus and scope extends to all aspects found in any organization, including human resources, budgeting and accounting, procurement, fleet management, legal, and any other operational component. While this in-house capability to perform these functions may enhance focus, it may also induce inefficiency through a duplication of effort with the city or county that also provides these functions for its operations. These special governmental units center their attention on the single purpose of water and wastewater service. In general, all have more limited financial flexibility and less borrowing capacity than the counties in which they are located. They do not have the authority to regulate land use and development, so coordination of planning may be limited.

Creation of any of the four Special Governmental Units discussed in this section, represent the formation of a new government operating within the area. As such, the existing governments within the area will yield some of their power and authority for water and wastewater management to this new entity. In order to develop an agreement between the participating agencies, a number of issues should be evaluated. Table 2 presents a list of key considerations that should be addressed by each participating governmental unit in the formation of a Special Governmental Unit for the management of water and wastewater.

Table 2

Key Considerations for Formation of Special Governmental Units for Water and Wastewater Management in North Carolina

Organizational

- Scope of Services: For example, the new Agency may be responsible for water supply, water treatment, wastewater treatment, water distribution, and wastewater collection in some or all of the service area. Some functions may remain with the existing agencies. Reclaimed water systems should also be addressed.
- Representation: Where existing agencies appoint Board members, establish the number of representatives from each existing unit.
- Define Service Area.

Assets

- Value and define system assets to be transferred to the new Special Governmental Unit.
- Value and define fleet (rolling stock) assets to be transferred to the new Special Governmental Unit.
- Value and define buildings, yards, or other assets to be transferred to the new Special Governmental Unit.
- Value and define information technology assets to be transferred to the new Special Governmental Unit.

Financial

- Analyze any existing water or wastewater system debt to determine method for payment by, or transfer of debt to, the new Special Governmental Unit.
- Review water and sewer rate structure and determine impacts to each customer class and to system revenues after the new Special Governmental Unit is created.
- Review any existing service or construction contracts for transfer of assignment to the new Special Governmental Unit.

Systems

- Determine any impacts to operations and capital planning for any changes in operations employed by the new Special Governmental Unit after creation.
- Evaluate the Information Technology System including, but not limited to, billing systems, customer information systems, SCADA, CMMS, GIS, or any other system to be used by the new Special Governmental Unit.

Staffing

- Determine the existing staff to be employed by the new Special Governmental Unit with special emphasis on the impacts to compensation, benefits, training, and retirement programs.
- Evaluate staffing requirements of the new Special Governmental Unit to ensure appropriate staffing levels, expertise, and certifications are available.

Customers

- Review billing and customer service policies and procedures and determine the impacts after the new Special Governmental Unit is created.
 - Conduct a Public Education Program to inform the customers of any changes that they will encounter by the creation and operation of the new Special Governmental Unit.
-

Sanitary District (SD) - A sanitary district is formed with the consent of a majority of the real property owners within the district and has an elected governing body. Most districts' major function is to provide water and sewer services, but they also are authorized to provide solid waste collection, fire protection, ambulance and rescue services, and mosquito control. Organization of a large service area is difficult because a petition from the majority of the landowners is required. With an elected board, the sanitary district is politically accountable in the same manner as a city or a county. Its financial resources are typically not as great as those of the county in which it is located. There were numerous sanitary districts formed in the early years of public sewer service, but recent creation of this institutional arrangement is limited. This decrease in the formation of sanitary districts is probably due to the difficulty and expense of identifying and obtaining a petition from the majority of landowners. The Roanoke Rapids Sanitary District in Roanoke Rapids, NC, and the Handy Sanitation District in Denton, NC, are examples of this form of institutional arrangement.

Water and Sewer Authority (WSA) - This entity is created by a resolution of the member governmental units, usually cities and counties, but other entities or non-profit water corporations can be a member. A board whose members are appointed by the creating units governs water and sewer authorities. The number of representatives to the governing board from each member agency is established when the authority is created. An authority does not have general taxing power and may not issue general obligation bonds but may issue revenue bonds. The revenue bonds are authorized based on the pledge of the revenues of the systems. The authority may cover several jurisdictions or portions of jurisdictions. Its financing powers are extensive and include the authority to levy special assessments for improvements. Orange Water and Sewer Authority in Carrboro, NC, and the Water and Sewer Authority of Cabarrus County in Concord are examples of this form of institutional arrangement. A copy of the section of G. S. §162A-3 detailing the creation of an authority is provided in Attachment B.

Metropolitan Water District (MWD) - This district may be created by one or more political subdivisions, usually cities and counties. It may provide both water and wastewater services. It has appointed boards with the power to levy taxes and issue general obligation and revenue bonds; it may not impose special assessments. Like the water and sewer authority, it has no power to regulate land use and is authorized to provide only water and sewer services. The Seagrove-Ulah Metropolitan Water District in Randolph County is an example of this form of institutional arrangement.

Metropolitan Sewer District (MSD) - This agency is formed by cooperating political subdivisions, including unincorporated areas, and may cover more than one county or parts of more than one county. It is essentially the same type of organization as the metropolitan water district except that it may provide only sewer services. Thus, it has truly special-purpose and single-purpose units. In providing sewer services, it has the same powers that metropolitan water districts possess with respect to rates and charges, taxing, and borrowing. The Metropolitan Sewer District of Buncombe County is an example of this form of institutional arrangement.

6.3 Organizational Examples of Special Governmental Units in North Carolina

Table 3 provides a summary outline of several special governmental units operating in North Carolina and how these governing boards are elected/appointed.

Table 3

Organizational Examples of Special Governmental Units in North Carolina

<i>Name</i>	<i>Type</i>	<i>No of Board Members</i>	<i>Elected or Appointed</i>	<i>Notes</i>
Orange Water and Sewer Authority (OWASA)	WSA	9	Appointed	5 by Town of Chapel Hill 2 by Town of Carrboro 2 by Orange County
Water and Sewer Authority of Cabarrus County (WSACC)	WSA	9	Appointed	2 by Cabarrus County 2 by City of Concord 2 by City of Kannapolis 1 by Town of Harrisburg 1 by Town of Mt. Pleasant 1 at-large seat appointed by Cabarrus County upon advisement from other political jurisdictions
Lower Cape Fear Water and Sewer Authority	WSA	13	Appointed 3-year term	1 by Bladen County 4 by Brunswick County 2 by Columbus County 2 by New Hanover County 2 by Pender County 2 by City of Wilmington
Roanoke Rapids Sanitary District	SD	3	Elected	Elected by citizens residing within the district
Handy Sanitation District	SD	5	Elected 4-year term	Elected by citizens residing within the district
Seagrove-Ulah Metropolitan Water District	MWD	N/D	Appointed	N/D - No. of board members not readily available.
Metropolitan Sewer District of Buncombe County (MSD)	MSD	12	Appointed 3-year term	3 by County of Buncombe 3 by City of Asheville 1 by Woodfin Sanitary Water & Sewer District 1 by Town of Biltmore Forest 1 by Town of Black Mountain 1 by Town of Montreat 1 by Town of Weaverville 1 by Town of Woodfin.

6.4 Financial/Legal Implications of Transitioning to a Utility Authority

In the event a city or county utility contemplates altering its organizational and governance structure, it is important to consider the potential financial and legal implications. The County currently operates its Water and Sewer Fund as a self-supporting business entity within the County's Public Works Department. The operations of the Water and Sewer Fund are financed and operated in a manner similar to that of a private business enterprise. The intent is that all costs related to the provision of water and sewer services is financed or recovered through revenues from user charges, capacity fees, and other miscellaneous sources. The cost of providing water and sewer services includes system maintenance, improvements, and expansion. Generally, city and county utilities pay for capital projects with a combination of funding sources, which may include operating reserves, grants, loans, general obligation bonds, and revenue bonds. These funding mechanisms are legal obligations of the issuing entity.

Before altering the organizational and governance structure of the utility fund (e.g., from a County owned and operated enterprise fund to a Water and Sewer Authority), it will be necessary for the County to seek legal advice from its Bond Counsel with regard to the impact on outstanding debt obligations of the Water and Sewer Fund. Obligations such as general obligation bonds and utility system revenue bonds are supported by a pledge of revenues from the issuer of the debt. A change in "ownership" from a County enterprise fund to a utility authority would have a direct impact on the legal obligation(s) of such an entity. Generally, to address this, newly formed utility authorities will void the outstanding debt of the utility fund through a debt issuance by the authority. This refunding of outstanding utility fund debt transitions the legal obligation for the debt from the utility fund to the new authority. Depending on the interest rates available at the time of refunding, the rates and charges of the new authority will likely be impacted. Further, interest rates and the cost of issuance for new debt will likely be impacted by the financial markets' perception of the new authority's credit worthiness as compared to that of the Water and Sewer Fund.

It is important to note that the refunding of utility fund debt can be complicated if a portion of that debt is an allocated share of the proceeds of general obligation bonds. As mentioned, it would be necessary to seek the assistance of the County's Bond Counsel to understand the legal ramifications of transitioning the organizational structure of the Water and Sewer Fund to a utility authority.

7.0 Summary

Regionalization, urbanization, regulations, technology, and system growth indicate a need for sophisticated management of water and wastewater systems. With more stringent quality requirements, technologies that are more complex, a shrinking trained workforce, and greater demands from the public, continually evaluating the best management approach for successfully accomplishing water and wastewater service is prudent. There are a number of institutional arrangements that can be used to this end, depending upon the needs and desires of the county or local community.

Attachment A

Outline of Alternative Organizational Arrangements for Providing Water and Sewerage Services in North Carolina

Adapted from

OUTLINE OF ALTERNATIVE
ORGANIZATIONAL ARRANGEMENTS
FOR PROVIDING WATER AND SEWERAGE
SERVICES IN NORTH CAROLINA

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ORGANIZATIONAL ALTERNATIVES

City or County
Interlocal Contract
Joint Management Agency
County Service District
Sanitary District
Water and Sewer Authority
Metropolitan Water District
Metropolitan Sewerage District
County Water and Sewer District
Private Nonprofit Associations

**CITY OR COUNTY
Organization**

A. Statutory Authorization.

City: G.S. 160A. Art. 16.

County: G.S. 153A. Art. 15.

B. Units that May Join in Creation.

N/A

C. Procedure for Creation.

City—by legislative act.

County—by legislative act.

D. Articles of Incorporation.

Charter/General Law.

E. Jurisdiction or Area of Service.

Boundaries for some purposes, but may provide water and sewer outside.

F. How Composition of Governing Body Determined.

By governing body/legislative act.

G. Who May Be Appointed or Elected.

Elected. Any qualified citizen.

H. Compensation of Board Members.

May be set by governing board.

City: G.S. 160A-64.

County: G.S. 153A-28.

I. Removal of Board Members.

No general law procedure. Some cities have recall provisions in charter.

J. Officers.

City: Mayor, Mayor pro tem, and clerk

County: Chairman, vice chairman, and clerk.

K. Quorum.

City: Majority of all members, plus Mayor, less vacant seats.

County: Majority of all members.

L. Subject to Conditions Set by Organizing Unit(s).

N/A

M. Expenses of Organizing.

City: citizen contributions.

County: N/A.

N. Appointment of Agents and Employees.

By governing board or manager.

O. Extension of Jurisdiction or Service Area..

Service areas not limited. Cities may extend boundaries by annexation.

**INTERLOCAL CONTRACT
Organization**

A. Statutory Authorization.

G.S. 153A-278. G.S. 160A. Art. 20, Part 1.

B. Units that May Join in Creation.

Any city, county, or other unit of local government.

C. Procedure for Creation.

1. Participating units agree to provide service. 2. Agreement must specify certain details set out in G.S. 160A-464, e.g., purpose, duration of agreement, method of financing, etc. 3. Agreement is ratified by resolution of governing body of each unit.

D. Articles of Incorporation.

Terms of agreement.

E. Jurisdiction or Area of Service.

Participating units agree upon area of service.

F. How Composition of Governing Body Determined.

N/A

G. Who May Be Appointed or Elected.

N/A

H. Compensation of Board Members.

N/A

I. Removal of Board Members.

N/A

J. Officers.

N/A

K. Quorum.

N/A

L. Subject to Conditions Set by Organizing Unit(s).

Yes

M. Expenses of Organizing.

Each unit meets its own.

N. Appointment of Agents and Employees.

By each unit for its own.

O. Extension of Jurisdiction or Service Area.

By agreement of parties.

**JOINT MANAGEMENT AGENCY
Organization**

A. Statutory Authorization.

G.S. 160A-461, -462.

B. Units that May Join in Creation.

Any city, county, or other unit of local government.

C. Procedure for Creation.

1. Organizing units agree to provide service. 2. Agreement must specify certain details set out in G.S. 160A-464, e.g., purpose, duration of agreement, method of financing, appointment of personnel, ownership of real property, etc. 3. Agreement is ratified by resolution of governing body of each unit. 4. Joint Management Agency (JMA) is established.

D. Articles of Incorporation.

Only terms of agreement.

E. Jurisdiction or Area of Service.

Organizing units agree upon area of service.

F. How Composition of Governing Body Determined.

Subject to joint agreement if agency has an administrative board.

G. Who May Be Appointed or Elected.

May or may not have an administrative board. Appointments subject to agreement.

H. Compensation of Board Members.

May be set by agreement.

I. Removal of Board Members.

If any, removal provisions set in agreement.

J. Officers.

Set by agreement: 1. Organizing units may agree that JMA appoint, or 2. Units jointly appoint, or 3. One unit appoints and JMA contracts for officers' service.

K. Quorum.

Established by agreement if an administrative board is used.

L. Subject to Conditions Set by Organizing Unit(s).

Yes

M. Expenses of Organizing.

Each unit meets its own.

N. Appointment of Agents and Employees.

Set by agreement: 1. JMA, or 2. Units jointly, or 3. One unit appoints and JMA contracts for services of agents and employees.

O. Extension of Jurisdiction or Service Area.

By agreement of parties.

**COUNTY SERVICE DISTRICT
Organization**

A. Statutory Authorization.

G.S. 153A. Art. 16.

B. Units that May Join in Creation.

Any area within a county designated by the Board of County Commissioners (BCC). Territory within corporate limits of a city or sanitary district may not be included unless governing body of city or sanitary district agrees.

C. Procedure for Creation.

1. BCC prepares report containing (a) map of proposed district, (b) statement that district meets 6 standards described in G.S. 153A-302a (e.g., population and tax value), and (c) plan for providing services. 2. Report is available to public at least 4 weeks before public hearing. 3. Notice of hearing is published and sent to property owners within the proposed district. 4. Public hearing is held. 5. BCC adopts resolution defining district. 6. Resolution takes effect at beginning of a fiscal year commencing after its passage.

D. Articles of Incorporation.

N/A

E. Jurisdiction or Area of Service.

Boundaries set by BCC.

F. How Composition of Governing Body Determined.

BCC is governing body.

G. Who May Be Appointed or Elected.

BCC is governing body.

H. Compensation of Board Members.

N/A

I. Removal of Board Members.

N/A

J. Officers.

Same as BCC.

K. Quorum.

Same as BCC.

L. Subject to Conditions Set by Organizing Unit(s).

Yes. As set by BCC.

M. Expenses of Organizing.

County or district.

N. Appointment of Agents and Employees.

As directed by BCC. County Service District (CSD) personnel are county employees.

O. Extension of Jurisdiction or Service Area.

Yes. Under statutory procedures for enlarging districts. Much like municipal annexation.

**SANITARY DISTRICT
Organization**

A. Statutory Authorization.

G.S. 130A, Art. 2, Part 2.

B. Units that May Join in Creation.

May be created without regard for county, township, or municipal lines, except territory within city may be included only at request of its governing board.

C. Procedure for Creation.

1. Petition by 51% or more of either (1) freeholders or (2) resident freeholders within proposed district is sent to BCC in county where largest portion of land located. Petition sets forth sanitary district (SD) boundaries and objectives. 2. Board of County Commissioners (BCC) chairman notifies Department of Human Resources (DHR) and other BCCs (if any) that petition is received. Requests DHR representative to hold joint hearing with counties involved. 3. Public given notice of joint public hearing. 4. Public hearing held. 5. Commission on Health Services (CHS) adopts resolution to create SD if deemed advisable by CHS and BCC(s).

D. Articles of Incorporation.

Operates under general law.

E. Jurisdiction or Area of Service.

Territory within boundaries set by CHS resolution creating SC. May provide water service and sewer service outside if in county of $\geq 70,000$ population, and by SD in any county "where the service is available"

F. How Composition of Governing Body Determined.

First members elected at meeting or joint meeting of BCC. Successors elected at next general municipal election and thereafter as specified in G.S. 130A-50. SD board may have either three or five members and terms of office may be either two or four years, as determined by BCC(s). Elections are nonpartisan.

G. Who May Be Appointed or Elected.

Elected. Any qualified citizen.

H. Compensation of Board Members.

Same as members of state boards under G.S. 138-5 if district has population under 15,000. If over 15,000, maximum of \$150 per month.

I. Removal of Board Members.

Petition of 25% or more of legal voters in SD filed with BCC, requesting removal for nonfeasance or malfeasance. BCC calls the recall election.

J. Officers. Chairman and secretary elected by SD board.

K. Quorum. No statutory provision. SD board adopts its own rules.

L. Subject to Conditions Set by Organizing Unit(s). N/A

M. Expenses of Organizing. No statutory provision. Usually met by private individuals and county.

N. Appointment of Agents and Employees. By or at direction of SD board.

O. Extension of Jurisdiction or Service Area.

By majority petition of resident freeholders or subject to a referendum on annexation.

**WATER AND SEWER AUTHORITY
Organization**

A. Statutory Authorization. G.S. 162A. Art. 1.

B. Units that May Join in Creation. Any two or more political subdivisions.

C. Procedure for Creation.

1. Prepare resolution of intent to organize an authority and draft articles of incorporation. 2. Publish notice of public hearing on intent. 3. Hold public hearing. 4. Adopt resolutions. 5. File resolutions and proof of notice of hearing with Secretary of State. 6. If all is in order, Secretary of State issues certificate of incorporation.

D. Articles of Incorporation.

Must contain: 1. Name of authority. 2. Statement that it is organized under G.S. Chapter 162A. 3. Names of organizing units. 4. Names and addresses of first persons appointed to authority board by units. 5. Statement that members of authority will be limited to such members as may be appointed by organizing units (optional). May contain any other provision not inconsistent with Chapter 162A.

E. Jurisdiction or Area of Service. None set by statute. Limits, if any, are those set by articles of incorporation.

F. How Composition of Governing Body Determined. By organizing units. Unit, population, assessed value, anticipated use of services, etc. could be considered in determining each unit's representation. Each organizing unit appoints agreed-upon number of members who serve three-year staggered terms. G.S. 162A-5.

G. Who May Be Appointed or Elected. Any qualified citizen. Members of city and county governing boards may hold one appointive office in addition to elected office.

H. Compensation of Board Members. Authority sets per diem not to exceed \$2,000 annually in addition to reimbursement for actual expenses.

I. Removal of Board Members. By governing body appointing the member at any time and with or without cause.

J. Officers. Chairman, vice-chairman, secretary, and treasurer elected by authority. Offices of secretary and treasurer may be combined, and the holder(s) need not be a member of the authority. Terms of office set in bylaws adopted by the authority.

K. Quorum. Majority of all members. Affirmative vote of all members required for any action.

L. Subject to Conditions Set by Organizing Unit(s).

Yes. All organizing units must agree. For example, conditions might cover future areas of service, procedures for review of plant expansion, reserve of water supply or sewage treatment capacity, and any other matter deemed desirable by organizing units. Organizing units may not enlarge the powers of an authority over those set forth in the statutes, but they may in the adoption of the articles of incorporation elect not to use all of them or restrict or prescribe the manner in which the statutory powers exercised.

M. Expenses of Organizing. May be contributed or advanced by the organizing units. Proportion shared by each unit determined by mutual agreement.

N. Appointment of Agents and Employees. By or at direction of authority board.

O. Extension of Jurisdiction or Service Area. By amendment to articles of incorporation, if limited.

**METROPOLITAN WATER AUTHORITY
Organization**

A. Statutory Authorization. G.S. 162A. Art. 4.

B. Units that May Join in Creation. Any two or more political subdivisions within a county, or any political subdivision(s) and any unincorporated area(s) in same county. Subdivisions and areas need not be contiguous.

C. Procedure for Creation. 1. Political subdivision(s) submit resolution(s) outlining need for metropolitan water district (MWD) and requesting its creation to board of county commissioners (BCC). Resolution defines proposed boundaries. If unincorporated area(s) included, a resolution and petition signed by at least 15% of area's resident voters must be filed with BCC. 2. BCC sends resolution and petition to Department of Human Resources (DHR). 3. Public notice of joint public hearing. 4. DHR representative and BCC hold joint public hearing. 5. Commission for Health Services (CHS) adopts resolution creating MWD. 6. Copies of resolution sent to BCC and governing bodies of political subdivisions included in MWD. 7. BCC causes copy of resolution to be published in newspaper for two weeks. 8. Court action enjoining creation of MWD or contesting its validity must be taken within 30 days after first publication of resolution.

D. Articles of Incorporation. Operates under general law.

E. Jurisdiction or Area of Service. Within boundaries. Authority for outside service probable. Within a city with its consent.

F. How Composition of Governing Body Determined. 1. MWD includes unincorporated area. BCC appoints three members and each of the other subdivisions appoints one member. If a city or town has a population larger than total population of remainder of MWD, then it appoints three members. Terms are three years and staggered. 2. MWD within two or more cities. If MWD is wholly within corporate limits of two or more municipalities, each municipality appoints two members, and these members appoint one at-large member. Terms are four years and staggered. 3. MWD includes existing city system and BCC members serve as trustees for systems. If MWD includes a municipality which owns an existing water and sewer system and BCC members are trustees of separate system, there will be a seven-member board made up of three county commissioners, three city council members, and one member (the chairman) appointed by the other six. Term of office for chairman is one year. Other members serve at pleasure of the board from and by which they were appointed.

G. Who May Be Appointed or Elected. Alternate 1. Any qualified voter within MWD. Alternate 2. Qualified voter in appointing municipality. Alternate 3. Member of governing body for six members. Seventh member may be any person within MWD.

H. Compensation of Board Members. Board sets amount not to exceed \$10 per meeting and reimbursement for actual expenses incurred during performance of duty. County commissioners and city council members receive no compensation, but board member elected by them receives compensation fixed by board.

I. Removal of Board Members. By appointing governing body at any time.

J. Officers. Board elects chairman and vice-chairman from members. Appoints secretary and treasurer. The offices of secretary and treasurer may be combined and holder(s) need not be board member(s). Where county commissioners and city council members serve on board, member elected by them is chairman, and secretary and treasurer may not be members of the board.

K. Quorum. Majority of all members.

L. Subject to Conditions Set by Organizing Unit(s). N/A

M. Expenses of Organizing. Advances by political subdivisions for preliminary expenses. May be repaid from bond proceeds or from other available funds.

N. Appointment of Agents and Employees. By or at direction of MWD board.

O. Extension of Jurisdiction or Service Area. Extension of boundaries requires petition, hearing and approval in an election

METROPOLITAN SEWERAGE AUTHORITY Organization

A. Statutory Authorization. G.S. 162A, Art. 5.

B. Units that May Join in Creation. Any two or more political subdivisions in one or more counties, or any political subdivision(s) and any unincorporated area(s) within one or more counties. Subdivisions and areas need not be contiguous.

C. Procedure for Creation. 1. Political subdivision(s) submit resolution(s) outlining need for metropolitan sewerage district (MSD) and requesting its creation to board(s) of county commissioners (BCC). If unincorporated area(s) included, a resolution and petition signed by at least 51% of area's resident freeholders must be filed with BCC(s). Petition and resolution set forth proposed boundaries. 2. BCC(s) notify N.C. Environmental Management Commission (EMC) of receipt and requests joint public hearing with EMC representative and BCC(s). 3. Notice of public hearing. 4. If more than two counties involved, public hearing held in county with largest portion of district. 5. After hearing, if certain determined desirable for public health and welfare, EMC adopts resolution creating MSD. 6. Copies of EMC resolution sent to BCC(s) and governing bodies of political subdivisions. 7. BCC(s) causes copy of EMC resolution to be published in newspaper for two successive weeks. 8. Court action enjoining creation of MSD or contesting its validity must be taken within 30 days after first publication of resolution.

D. Articles of Incorporation. Operates under general law.

E. Jurisdiction or Area of Service. Within and outside boundaries. Only with a city's consent if city is outside district.

F. How Composition of Governing Body Determined. 1. MSD includes unincorporated area. (a) If MSD is within one county, BCC appoints three members and each of the other subdivisions appoints one member. If a city or town has a population larger than the total population of remainder of MSD, then it appoints three members. Terms are three years and staggered. (b) If MSD is within two counties, BCC in county with largest portion of district appoints two members and other BCC appoints one member. Other subdivisions appoint one member each, except if a city or town has a population larger than the total population of remainder of MSD, then it appoints the three members. Terms are three years and staggered. (c) If MSD lies in three or more counties, BCC of each county appoints one member. Other subdivisions appoint one member each, except if a city or town has a population larger than the total population of the remainder of MSD, then it appoints three members. Terms are three years and staggered. 2. MSD within two or more cities. Each city appoints two members, and these members of the MSD board appoint one additional member. Terms are four years and staggered.

G. Who May Be Appointed or Elected. Any qualified voter resident of the appointing political subdivision.

H. Compensation of Board Members. Board sets amount not to exceed limits set in G.S. 93B-5(a) per meeting attended, plus reimbursement for actual expenses incurred during performance of duties.

I. Removal of Board Members. Removal for cause by appointing governing body.

J. Officers. Board elects chairman and vice-chairman from members. Appoints secretary and treasurer. The offices of secretary and treasurer may be combined and holder(s) need not be board member(s).

K. Quorum. Majority of all members.

L. Subject to Conditions Set by Organizing Unit(s). N/A

M. Expenses of Organizing. Advances by political subdivisions. May be repaid from bond proceeds or from other available funds.

N. Appointment of Agents and Employees. By or at direction of MSD board.

O. Extension of Jurisdiction or Service Area. By petition from 51% of voters, hearing, and approval by Environmental Management Commission.

**COUNTY WATER AND SEWER DISTRICT
Organization**

A. Statutory Authorization.

G.S. 162A, Art. 6.

B. Units that May Join in Creation.

Any single county.

C. Procedure for Creation.

By board of county commissioners: 1. Notice and hearing. 2. Determination of need and feasibility. 3. Adoption and publication of resolution. 4. Challenge to creation must be within 30 days of publication.

D. Articles of Incorporation.

No.

E. Jurisdiction or Area of Service.

Territory of district as established. Must be within county.

F. How Composition of Governing Body Determined.

Board of county commissioners is governing body.

G. Who May Be Appointed or Elected.

Board of county commissioners is governing body.

H. Compensation of Board Members.

Set by governing body.

I. Removal of Board Members.

Members are commissioners.

J. Officers.

Same as board of commissioners.

K. Quorum.

Majority of members.

L. Subject to Conditions Set by Organizing Unit(s).

N/A

M. Expenses of Organizing.

By county or district.

N. Appointment of Agents and Employees.

By governing board or under its policies.

O. Extension of Jurisdiction or Service Area.

By annexation.

**PRIVATE NONPROFIT ASSOCIATIONS
Organization**

A. Statutory Authorization.

G.S. 55A.

B. Units that May Join in Creation.

Natural person(s).

C. Procedure for Creation.

Preparation and filing of articles of incorporation with Secretary of State.

D. Articles of Incorporation.

Yes

E. Jurisdiction or Area of Service.

As set in articles of incorporation.

F. How Composition of Governing Body Determined.

As set in articles of incorporation.

G. Who May Be Appointed or Elected.

As set in articles of incorporation.

H. Compensation of Board Members.

As set in articles of incorporation or by directors in bylaws.

I. Removal of Board Members.

As set in articles of incorporation.

J. Officers.

As set in articles of incorporation.

K. Quorum.

As set in articles of incorporation.

L. Subject to Conditions Set by Organizing Unit(s).

N/A

M. Expenses of Organizing.

By the corporation.

N. Appointment of Agents and Employees.

By directors or under their policies.

O. Extension of Jurisdiction or Service Area.

By amendment of articles of incorporation.

Summary of Powers Available to Different Organizational Arrangements Used In Providing Water and Sewerage Services In NC

	City/ County	Interlocal Contract	Joint Management Agency	County Service District	Sanitary District	Water and Sewer Authority	Metropolitan Water District	Metropolitan Sewerage District	County Water and Sewer District	Private Nonprofit Associations
General corporate powers: own property, sue, be sued, etc.	Yes	Yes; can hold legal title	Yes; cannot hold legal title	No	Yes subject to approval	Yes	Yes	Yes	Yes	Yes
Own, extend, operate W/S systems	Yes	By units	Yes; cannot hold legal title	County	Yes	Yes	Not sewers in MSD	Sewers only	Yes	Yes
Acquire W/S systems by purchase, lease, gift, etc.	Yes	By units	Yes; cannot hold legal title	County	Yes	Yes	Not sewers in MSD	Sewers only	Yes	Yes
Construct W/S systems	Yes	Under contract	Yes	County	Yes	Yes	Not sewers in MSD	Sewers only	Yes	Yes
Require installation of W/S in new subdivisions	Yes	Yes	No	County	No	No	No	No	No	No
Contract with local governments	Yes	Yes	Yes	County	Yes	Yes	Yes	Yes	Yes	Yes
Eligible for state and federal grants	Yes	To units	Yes	County	Yes	Yes	Yes	Yes	Yes	Some
Issue revenue bonds	Yes	By units	No	County	Yes	Yes	Yes	Yes	Yes	Yes
Establish rates and charges	Yes	By units	Yes	County	Yes	Yes	Yes	Yes	Yes	Yes
Rates regulated by Utilities Commission	No	No	No	No	No	No	No	No	No	No
Levy property taxes	Yes	Most units	No	County	Yes	No	Yes	Yes	Yes	No
Issue general obligation bonds	Yes	Most units	No	County	Yes	No	Yes	Yes	Yes	No
Impose special assessments for extensions of lines	Yes	Most units	No	County	If pop >15,000	Yes	No	No	Yes	No
Power of condemnation	Yes	Most units	No	County	Yes	Sometimes need approval	Yes	Yes	Yes	Yes
Regulate land subdivision	Yes	City or county	No	County	No	No	No	No	No	No
Zoning power	Yes	City or county	No	County	Conditional	No	No	No	No	No
General police powers	Yes	City or county	No	County	No	No	No	No	No	No
Provide other public services	Yes	Yes	Dependent on agreement	Specific	Specific	No	No	Specific	No	Yes
Require connections	Yes	City or county	City or county	County	Conditional	No	No	Yes	No	No

Source: Wicker, Warren Jake, 1998 Outline of Alternative Organizational Arrangements for Providing Water and Sewerage Services in North Carolina. Institute of Government, UNC-CH.

Attachment B

Procedures for Creation of Water or Sewer Agencies in North Carolina

1. Water and Sewer Authority
2. County Water and Sewer Districts
3. Sanitary Districts
4. Metropolitan Water Districts
5. Metropolitan Sewer Districts

1. Procedure for Creation of a Water and Sewer Authority

§ 162A-3. Procedure for creation; certificate of incorporation; certification of principal office and officers.

(a) The governing body of a single county or the governing bodies of any two or more political subdivisions may by resolution signify their determination to organize an authority under the provisions of this Article. Each of such resolutions shall be adopted after a public hearing thereon, notice of which hearing shall be given by publication at least once, not less than 10 days prior to the date fixed for such hearing, in a newspaper having a general circulation in the political subdivision. Such notice shall contain a brief statement of the substance of the proposed resolution, shall set forth the proposed articles of incorporation of the authority and shall state the time and place of the public hearing to be held thereof. No such political subdivision shall be required to make any other publication of such resolution under the provisions of any other law.

(a1) If an authority is organized by three or more political subdivisions, it may include in its organization nonprofit water corporations. The board of directors of a nonprofit water corporation must signify the corporation's determination to participate in the organization of the authority by adopting a resolution that meets the requirements of subsection (b) of this section. The nonprofit water corporation is not subject to the notice and public hearing requirements of subsection (a) of this section. For all other purposes of this Article, the nonprofit water corporation shall be considered to be a political subdivision.

(a2) If an authority is organized by three or more political subdivisions, it may include in its organization the State of North Carolina. The State of North Carolina is not subject to the notice and public hearing requirements of subsection (a) of this section. For purposes of this Article, the State of North Carolina shall be a political subdivision and its governing body shall be the Council of State.

(b) Each such resolution shall include articles of incorporation which shall set forth:

- (1) The name of the authority;
- (2) A statement that such authority is organized under this Article;
- (3) The names of the organizing political subdivisions; and
- (4) The names and addresses of the first members of the authority appointed by the organizing political subdivisions.

(c) A certified copy of each of such resolutions signifying the determination to organize an authority under the provisions of this Article shall be filed with the Secretary of State of North Carolina, together with proof of publication of the notice of hearing on each of such resolutions. If the Secretary of State finds that the resolutions, including the articles of incorporation, conform to the provisions of this Article and that the notices of hearing were properly published, he shall file such resolutions and proofs of publication in his office and shall issue a certificate of incorporation under the seal of the State and shall record the same in an appropriate book of record in his office. The issuance of such certificate of incorporation by the Secretary of State shall constitute the authority a public body and body politic and corporate of the State of North Carolina. Said certificate of incorporation shall be conclusive evidence of the fact that such authority has been duly created and established under the provisions of this Article.

(d) When the authority has been duly organized and its officers elected as herein provided the secretary of the authority shall certify to the Secretary of State the names and addresses of such officers as well as the address of the principal office of the authority. (1955, c. 1195, s. 3; 1971, c. 892, s. 1; 1991, c. 516, s. 1; 2001-224, s. 1; 2002-76, s. 1.)

2. Procedure for Creation of a County Water and Sewer District

§ 162A-87. Creation of district; standards; limitation of actions.

(a) Following the public hearing, the board of commissioners may, by resolution, create a county water and sewer district if the board finds that:

- (1) There is a demonstrable need for providing in the district water services, or sewer services, or both;
- (2) The residents of all the territory to be included in the district will benefit from the district's creation; and
- (3) It is economically feasible to provide the proposed service or services in the district without unreasonable or burdensome annual tax levies.

Territory lying within the corporate limits of a city or town may not be included in the district unless the governing body of the city or town agrees by resolution to such inclusion. Otherwise, the board of commissioners may define as the district all or any portion of the territory described in the notice of the public hearing.

(b) Upon adoption of a resolution creating a county water and sewer district, the board of commissioners shall cause the resolution to be published once in each of two successive weeks in the newspaper in which the notices of the hearing were published. In addition, the commissioners shall cause to be published with the resolution a notice in substantially the following form:

"The foregoing resolution was adopted by the _____ County Board of Commissioners on _____ and was first published on _____.

Any action or proceeding questioning the validity of this resolution or the creation of the _____ Water and Sewer District of _____ County or the inclusion in the district of any of the territory described in the resolution must be commenced within 30 days after the first publication of the resolution.

Clerk, _____ County Board of
Commissioners"

Any action or proceeding in any court to set aside a resolution creating a county water and sewer district, or questioning the validity of such a resolution, the creation of such a district, or the inclusion in such a district of any of the territory described in the resolution creating the district must be commenced within 30 days after the first publication of the resolution and notice. After the expiration of this period of limitation, no right of action or defense founded upon the invalidity of the resolution, the creation of the district, or the inclusion of any territory in the district may be asserted, nor may the validity of the resolution, the creation of the district, or the inclusion of the territory be open to question in any court upon any ground whatever, except in an action or proceeding commenced within that period.

Notwithstanding any other provision of this section, in the case of any county water and sewer districts created under G.S. 162A-86(b1):

- (1) A resolution may cover the creation of more than one district;
- (2) The board of commissioners shall cause the resolution to be published once in the newspaper in which the notice of the hearing was published; and
- (3) References in this subsection to "30 days" are instead "21 days". (1977, c. 466, s. 1; 1979, c. 624, s. 4; 1993 (Reg. Sess., 1994), c. 696, s. 2; c. 714, s. 2.)

3. Procedure for Creation of a Sanitary District

§ 130A-48. Procedure for incorporating district.

A sanitary district shall be incorporated as follows. Either fifty-one percent (51%) or more of the resident freeholders within a proposed sanitary district or fifty-one percent (51%) or more of the freeholders within a proposed sanitary district, whether or not the freeholders are residents of the proposed sanitary district, may petition the county board of commissioners of the county in which all or the largest portion of the land of the proposed district is located. This petition shall set forth the boundaries of the proposed sanitary district and the objectives of the proposed district. For the purposes of this Part, the term "freeholder" shall mean a person holding a deed to a tract of land within the district or proposed district, and also shall mean a person who has entered into a contract to purchase a tract of land within the district or proposed district, is making payments pursuant to a contract and will receive a deed upon completion of the contractual payments. The contracting purchaser, rather than the contracting seller, shall be deemed to be the freeholder. The county tax office shall be responsible for checking the freeholder status of those persons signing the petition. That office shall also be responsible for confirming the location of the property owned by those persons. Upon receipt of the petition, the county board of commissioners, through its chairperson, shall notify the Department and the chairperson of the county board of commissioners of any other county or counties in which any portion of the proposed district lies of the receipt of the petition. The chairperson shall request that the Department hold a joint public hearing with the county commissioners of all the counties in which a portion of the district lies concerning the creation of the proposed sanitary district. The Secretary and the chairperson of the county board of commissioners shall name a time and place within the proposed district to hold the public hearing. The chairperson of the county board of commissioners shall give prior notice of the hearing by posting a notice at the courthouse door of the county and also by publication at least once a week for four successive weeks in a newspaper published in the county. In the event the hearing is to be before a joint meeting of the county boards of commissioners of more than one county, or in the event the land to be affected lies in more than one county, publication and notice shall be made in each of the affected counties. In the event that all matters pertaining to the creation of this sanitary district cannot be concluded at the hearing, the hearing may be continued at a time and place within the proposed district named by the Department. (1927, c. 100, ss. 2-4; 1951, c. 178, s. 1; 1957, c. 1357, s. 1; 1959, c. 1189, s. 1; 1965, c. 135; 1967, c. 24, s. 21; 1973, c. 476, s. 128; 1975, c. 536; 1983, c. 891, s. 2; 2002-159, s. 55(f).)

4. Procedure for Creation of a Metropolitan Water District

§ 162A-33. Procedure for creation; resolutions and petitions for creation; notice to and action by Commission for Public Health; notice and public hearing; resolutions creating districts; actions to set aside proceedings.

Any two or more political subdivisions in a county, or any political subdivision or subdivisions, including any existing water or sewer district, and any unincorporated area or areas located within the same county, which political subdivisions or areas need not be contiguous, may petition the board of commissioners for the creation of a metropolitan water district under the provisions of this Article by filing with the board of commissioners:

- (1) A resolution of the governing body of each such political subdivision stating the necessity for the creation of a metropolitan water district under the provisions of this Article in order to preserve and promote the public health and welfare within the area of the proposed district, and requesting the creation of a metropolitan water district having the boundaries set forth in said resolution, and
- (2) If any unincorporated area is to be included in such district, a petition, signed by not less than fifteen per centum (15%) of the voters resident within such area, defining the boundaries of such area, stating the necessity for the creation of a metropolitan water district under the provisions of this Article in order to preserve and promote the public health and welfare within the proposed district, and requesting the creation of a metropolitan water district having the boundaries set forth in such petition for such district.

If any water district, sewer district or special purpose district shall encompass wholly or in part within its boundaries a city or town, no such water district, sewer district or special purpose district may petition for inclusion within a metropolitan water district unless the governing body of such city or town shall approve such petition or shall also petition for its inclusion within such metropolitan water district.

Upon the receipt of such resolutions and petitions requesting the creation of a metropolitan water district, the board of commissioners, through its chairman shall notify the Department of Environment and Natural Resources of the receipt of such resolutions and petitions, and shall request that a representative of the Department of Environment and Natural Resources hold a joint public hearing with the board of commissioners concerning the creation of the proposed metropolitan water district. The Secretary of Environment and Natural Resources and the chairman of the board of commissioners shall name a time and place within the proposed district at which the public hearing shall be held. The chairman of the board of commissioners shall give prior notice of such hearing by posting a notice at the courthouse door of the county and also by publication in a newspaper circulating in the proposed district at least once a week for four successive weeks, the first publication to be at least 30 days prior to such hearing. In the event all matters pertaining to the creation of such metropolitan water district cannot be concluded at such hearing, such hearing may be continued to a time and place within the proposed district determined by the board of commissioners with the concurrence of the representative of the Department of Environment and Natural Resources.

If, after such hearing, the Commission for Public Health and the board of commissioners shall deem it advisable to comply with the request of such resolutions and petitions, and determine that the preservation and promotion of the public health and welfare in the area or areas described in such resolutions and petitions require that a metropolitan water district should be created and established, the Commission for Public Health shall adopt a resolution to that effect, defining the boundaries of such district and declaring the territory within such boundaries to be a metropolitan water district under the name and style of "____ Metropolitan Water District of ____ County"; provided that the Commission for Public Health may make minor deviations in the boundaries from those prescribed in the resolutions and petitions upon the Commission for Public Health determining that such deviations are advisable in the interest of the public

health, provided no such district shall include any political subdivision which has not petitioned for inclusion as provided for in this Article.

The Commission for Public Health shall cause copies of the resolution creating the metropolitan water district to be sent to the board of commissioners and to the governing body of each political subdivision included in the district. The board of commissioners shall cause a copy of such resolution of the Commission for Public Health to be published in a newspaper circulating within the district once in each of two successive weeks, and a notice substantially in the following form shall be published with such resolution:

"The foregoing resolution was passed by the Commission for Public Health on the ____ day of ____, ____, and was first published on the ____ day of ____, ____.

Any action or proceeding questioning the validity of said resolution or the creation of the metropolitan water district therein described must be commenced within 30 days after the first publication of said resolution.

Clerk, Board of Commissioners
for _____ County."

Any action or proceeding in any court to set aside a resolution creating a metropolitan water district or to obtain any other relief upon the ground that such resolution or any proceeding or action taken with respect to the creation of such district is invalid, must be commenced within 30 days after the first publication of the resolution and said notice. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the resolution or the creation of the metropolitan water district therein described shall be asserted, nor shall the validity of the resolution or of the creation of such metropolitan water district be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

Notwithstanding the provisions of G.S. 160-2(6), after the creation of a water district pursuant to the provisions of this Article a municipality or other political subdivision which owns or operates an existing water system or sewer system may lease, contract, assign or convey such system or systems to the district under and subject to such terms and conditions and for such considerations as it may deem advisable for the general welfare and benefit of its citizens. (1971, c. 815, s. 3; 1973, c. 476, s. 128; 1985, c. 462, s. 16; 1989, c. 727, s. 219(40); 1989 (Reg. Sess., 1990), c. 1004, s. 19(b); 1997-443, s. 11A.123; 1999-456, s. 59; 2007-182, s. 2.)

5. Procedure for Creation of a Metropolitan Sewer District

§ 162A-66. Procedure for creation; resolutions and petitions for creation; notice to and action by the Environmental Management Commission; notice and public hearing; resolutions creating districts; actions to set aside proceedings.

Any two or more political subdivisions in one or more counties, or any political subdivision or subdivisions and any unincorporated area or areas located within one or more counties, which political subdivisions or areas need not be contiguous, may petition for the creation of a metropolitan sewerage district under the provisions of this Article by filing with the board or boards of commissioners of the county or counties within which the proposed district will lie:

- (1) A resolution of the governing body of each such political subdivision stating the necessity for the creation of a metropolitan sewerage district under the provisions of this Article in order to preserve and promote the public health and welfare within the area of the proposed district, and requesting the creation of a metropolitan sewerage district having the boundaries set forth in said resolution, and
- (2) If any unincorporated area is to be included in such district, a petition, signed by not less than fifty-one per centum (51%) of the qualified voters resident within such area, defining the boundaries of such area, stating the necessity for the creation of a metropolitan sewerage district under the provisions of this Article in order to preserve and promote the public health and welfare within the proposed district, and requesting the creation of a metropolitan sewerage district having the boundaries set forth in such petition for such district.

Upon the receipt of such resolutions and petitions requesting the creation of a metropolitan sewerage district, the board or boards of commissioners, through the chairman thereof, shall notify the North Carolina Environmental Management Commission of the receipt of such resolutions and petitions, and shall request that a representative of the Environmental Management Commission hold a joint public hearing with the board or boards of commissioners concerning the creation of the proposed metropolitan sewerage district. The chairman of the Environmental Management Commission and the chairman or chairmen of the board or boards of commissioners shall name a time and place within the proposed district at which the public hearing shall be held; provided, however, that where a proposed district lies within more than one county, the public hearing shall be held in the county within which the greater portion of the proposed district lies. The chairman or chairmen of the board or boards of commissioners shall give prior notice of such hearing by posting a notice at least 30 days prior to the hearing at the courthouse of the county or counties within which the district will lie and also by publication at least once a week for four successive weeks in a newspaper having general circulation in the proposed district, the first publication to be at least 30 days prior to such hearing. In the event all matters pertaining to the creation of such metropolitan sewerage district cannot be concluded at such hearing, such hearing may be continued to a time and place within the proposed district determined by the board or boards of commissioners with the concurrence of the representative of the Environmental Management Commission.

If, after such hearing, the Environmental Management Commission and the board or boards of commissioners shall deem it advisable to comply with the request of such resolutions and petitions, and determine that the creation of a metropolitan sewerage district would preserve and promote the public health and welfare in the area or areas described in such resolutions and petitions, the Environmental Management Commission shall adopt a resolution to that effect, defining the boundaries of such district and declaring the territory within such boundaries to be a metropolitan sewerage district under the name and style of "_____ Metropolitan Sewerage District of _____ [County] [Counties]"; provided, that the Environmental Management Commission may make minor deviations in the boundaries from those prescribed in the resolutions and petitions upon determination by the Environmental

Management Commission that such deviations are advisable in the interest of the public health, and provided no such district shall include any political subdivision which has not petitioned for inclusion as provided in this Article.

The Environmental Management Commission shall cause copies of the resolution creating the metropolitan sewerage district to be sent to the board or boards of commissioners and to the governing body of each political subdivision included in the district. The board or boards of commissioners shall cause a copy of such resolution of the Environmental Management Commission to be published in a newspaper circulating within the district once in each of two successive weeks, and a notice substantially in the following form shall be published with such resolution:

The foregoing resolution was passed by the North Carolina Environmental Management Commission on the _____ day of _____, _____, and was first published on the _____ day of _____, _____.

Any action or proceeding questioning the validity of said resolution or the creation of the metropolitan sewerage district therein described must be commenced within 30 days after the first publication of said resolution.

Clerk, Board of Commissioners for
_____ County.

Any action or proceeding in any court to set aside a resolution creating a metropolitan sewerage district, or to obtain any other relief upon the ground that such resolution or any proceeding or action taken with respect to the creation of such district is invalid, must be commenced within 30 days after the first publication of the resolution and said notice. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the resolution or the creation of the metropolitan sewerage district therein described shall be asserted, nor shall the validity of the resolution or of the creation of such metropolitan sewerage district be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period. (1961, c. 795, s. 3; 1973, c. 512, s. 1; c. 822, s. 4; c. 1262, s. 23; 1977, c. 764, s. 1; 1999-456, s. 59.)

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2008

Action Agenda Item No. 14

(Central Admin. use only)

SUBJECT: Extend Effective Date of Swap Agreement

DEPARTMENT: Finance

PUBLIC HEARING: Choose one....

ATTACHMENT(S):
Correspondence to Local Government
Commission

INFORMATION CONTACT:
Kai Nelson

TELEPHONE NUMBERS:

704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Extend effective date of forward starting swap dated October 11, 2005 (subsequently amended and restated on May 3, 2007) with a current effective date of June 16, 2008 to June 15, 2009

BACKGROUND: Periodically, the County updates its Water and Sewer 5-year CIP and the financial feasibility plan that supports the CIP. The CIP contains a substantial equity contribution in the form of capacity fees and current revenues from rates as well as debt issuance.

In 2005, following the adoption of the CIP and financial feasibility, the County entered into an interest rate lock of 3.603% to fund approximately \$20MM of debt issuance in late FY2007. Ultimately the County was able to secure a \$15MM low interest (@ 2.265%) State revolving loan which negated the need for the issuance of debt in late FY2007. As a result, the BOCC and LGC approved a one-year extension of the effective date of the swap to June 2008 at a new interest rate of 3.6133%.

June 2008 is approaching and it appears yet another extension is in order. A combination of factors, the stellar financial performance of the utility in combination with a slowly maturing capital program, has contributed to extending the date in which debt issuance is necessary.

Given the current status the Water and Sewer CIP, our recommendation is to extend the effective date of the lock-in rate. Should the CIP cash flows accelerate and the County experienced the need for construction cash, the County could issue the debt in an unhedged mode pending the swap's new effective date.

FINANCIAL IMPACT: Delaying the effective date of the forward starting swap and its

commensurate debt issuance has the effect of pushing out to later fiscal years debt service payments.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



UNION COUNTY FINANCE DEPARTMENT

500 NORTH MAIN STREET, SUITE 901, MONROE, N.C. 28112
PHONE: (704) 283-3813 FAX: (704) 225-0664

April 22, 2008

Mr. Vance Holloman, Deputy Treasurer
North Carolina Department of
State Treasurer
325 N. Salisbury Street
Raleigh, North Carolina 27603.1385

Re: Delay of Forward Starting Synthetic Fixed Interest Rate Swap - \$20 million

Dear Vance:

This letter is to request the Local Government Commission's approval of a one year extension of our forward starting fixed rate swap that has a starting date of June 16, 2008. The swap had an original starting date of June 21, 2007 that was delayed for one year. The swap was entered in order for Union County to lock in existing low rates in 2005 and reduce its exposure to higher rates when the water and sewer revenue bond debt was scheduled to be issued. Last year the County was fortunate to receive a low interest State revolving loan to continue its capital program and the capital program has not matured as fast as expected. Additionally, the utility fund's financial performance continues to exceed expectations generating significant cash which has been reinvested in plant additions and expansions. As a result the County does not yet need to issue the water and sewer revenue bonds associated with this swap.

The current terms of the swap have the County paying 3.6133% and receiving 70% of one-month LIBOR with a final term of June 1, 2034. When amended, the fixed rate is expected to increase less than 15 basis points and the final maturity will remain the same.

The County requests approval of this amendment by the Local Government Commission. Please call if you have any questions. Thank you for your consideration of our proposed amendment.

Sincerely,

Kai Nelson
Union County Finance Director

Attachment: Proposed Agenda item

**LOCAL GOVERNMENT COMMISSION AGENDA
MAY 1, 2007**

**Union County Swap Amendment
(Amendment to Forward Starting Synthetic Fixed Interest Rate Swap – Revenue Bonds)**

The County requests approval to delay the swap starting date an additional year to June 16, 2009 while amortizing the debt over the original term with a final maturity of June 1, 2034. Due to delays in construction spending, better than anticipated operating results and the receipt of a low interest revolving loan, the County does not need to issue debt at this time. In October 4, 2005, a forward starting synthetic fixed interest rate swap (the "Original 2007 Swap") associated with up to \$20,000,000 of Water and Sewer Revenue bonds expected to be issued in May/June 2007 was approved for Union County to lock-in the existing rates and reduce its exposure to potentially higher rates in 2007. In 2007 the LGC, at the request of the County, amended the starting date of the Original 2007 Swap to June 16, 2008 (the "2008 Amended Swap"). Under the 2008 Amended Swap the County will receive 70% of LIBOR and pay 3.6133%. The County is requesting an amendment to the 2008 Amended Swap in which it will extend the effective date of the 2008 Amended Swap until June 15, 2009 (the "2009 Amended Swap"). The fixed rate of the 2009 Amended Swap transaction is expected to increase less than 15 basis points, but approval for a fixed payor rate up to 3.80% is being requested. All other terms will remain the same except the amortization on \$20,000,000 will now be adjusted to amortize from 6/1/2010 (rather than 6/1/2009); initial payment dates will be December 1, 2009. The final maturity will remain the same at June 1, 2034. The County would rather do this than terminate or issue the debt earlier than it needs the money and desires to continue its hedge against exposure to potentially higher rates in 2009.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: 5/5/08

Action Agenda Item No. 15
(Central Admin. use only)

SUBJECT: Interlocal Tax Billing and Collection Agreement

DEPARTMENT: Tax Administration **PUBLIC HEARING:** No

ATTACHMENT(S): Memo to Board
Copy of Interlocal Agreement

INFORMATION CONTACT: John Petoskey
Vann Harrell

TELEPHONE NUMBERS:
704-283-3748
704-283-3591

DEPARTMENT'S RECOMMENDED ACTION: Approve as requested pending formal approval from county legal staff

BACKGROUND: NCGS 153-445(a)(1) and Article 20 of Chapter 160A

FINANCIAL IMPACT: County will retain a collection fee equal to 1.5% of all funds collectd on behalf of the towns as allowed by the NCGS

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



UNION COUNTY
Office of the Tax Administrator
Collections Division
407 N. Main Street
P.O. Box 38
Monroe, NC 28111-0038

704-283-3848
704-283-3897 Fax

MEMORANDUM

TO: Union County Board of Commissioners

FROM: John Petoskey, Tax Administrator
Vann Harrell, Collections Division Mgr.

CC: Dick Black, Interim County Manager
Kai Nelson, Finance Director
Jeff Crook, Sr. Staff Attorney

DATE: April 22, 2008

RE: Interlocal Tax Billing and Collection Agreement

The Union County Tax Administrator's office has been approached by multiple municipalities in regards to the County collecting property taxes on behalf of the respective towns. Agreements of this nature are common throughout the state with some counties collecting taxes on behalf of all the towns and municipalities within their county. This is the first opportunity that we have had to form this partnership with our communities and we feel that it would be beneficial with some of the recent legislative changes regarding property taxes. We currently have this relationship in a limited capacity by collecting motor vehicle taxes for the towns as required by state statute. By assuming this additional responsibility, the county will retain a 1.5% collection assistance fee in accordance with state statutes to help cover the town's portion of the billing and collection expenses associated with the town ad valorem taxes.

Attached you will find a copy of the proposed Interlocal Agreement that has been jointly composed by the Tax Collection and Finance Departments. We are requesting that this agreement be adopted as the standard agreement by the Board of County Commissioners pending the final approval of county legal staff as related to the form and language of the agreement. In addition, we are requesting that the county manager be granted the authority to execute this agreement immediately on behalf of the County once the interested parties have obtained final approval from their respective governing bodies.

STATE OF NORTH CAROLINA

COUNTY OF UNION

INTERLOCAL AD VALOREM TAX BILLING AND COLLECTION AGREEMENT

THIS AGREEMENT is made as of the _____ day of _____, 2008, by and between the **TOWN OF <<Insert Name>>**, a municipal corporation organized under the laws of the State of North Carolina ("Town"), and **UNION COUNTY**, a political subdivision of the State of North Carolina ("County").

W I T N E S S E T H:

WHEREAS, the Town of <<Insert Name>> and Union County have the power pursuant to General Statute §153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to jointly exercise any function which they have been granted the power to exercise alone, or to contract with the other for the exercise of any governmental function which they have been granted the power to exercise alone, and to enter into contracts or agreements to specify the details of these joint undertakings; and

WHEREAS, the Town of <<Insert Name>> desires for Union County, by and through its duly appointed Tax Administrator, to list and assess municipal properties, both personal and real, for the purpose of levying ad valorem taxes; and

WHEREAS, the Town of <<Insert Name>> desires for Union County, by and through its duly appointed Tax Administrator to bill and collect current and subsequent delinquent municipal ad valorem taxes by methods set forth in Article 26 of Chapter 105 of the North Carolina General Statutes; and

WHEREAS, the Town of <<Insert Name>> by action of the Town Council dated the _____ day of _____, requested the County to list, assess, bill, and collect current and subsequent delinquent municipal ad valorem taxes; and

WHEREAS, Union County, by action of the Board of County Commissioners, dated the _____ day of _____, has agreed to list, assess, bill, and collect current and subsequent delinquent municipal ad valorem taxes;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants of the parties as set forth herein, the Town of <<Insert Name>> and Union County agree that the Agreement is stated in its entirety as follows:

- 1. LISTING, ASSESSING, BILLING, AND COLLECTION OF TOWN AD VALOREM TAXES:** The County shall serve as the tax collector for the Town in the listing, assessing, billing, and collection of ad valorem taxes, special district levies, and fees beginning with the fiscal year which commences on July 1, 2008. The County will not be responsible for the collection of any delinquent ad valorem taxes, special assessments, special district levies or fees for any years prior to the commencement date of this Agreement. The Town agrees to fully cooperate with the County in the listing, assessing, billing, and collection process, including any assistance needed in determining situs issues and in

discovering property which should have been listed for taxation pursuant to N.C.G.S § 105-312.

2. **MOTOR VEHICLE TAXES AND FEES:** The responsibility of the County to list, assess, bill, and collect ad valorem taxes on registered motor vehicles, as defined in N.C.G.S. §105-330.3(a)(1), and the fees paid by the Town for such services, as well as the fee for collection of any annual license tax imposed pursuant to N.C.G.S. §160A-213, shall remain the same as set forth in N.C.G.S. §105-330.5(b) and shall continue to be handled without changes to the current process unless deemed necessary by the County. The County will also be responsible for the listing, assessing, billing, and collection of unregistered vehicles as defined in N.C.G.S. §105-330.3(a)(2), and the fee for such services shall be calculated in the same manner as set forth in paragraph 8.
3. **BILLING AND COLLECTION OF OTHER FEES AND SPECIAL ASSESSMENTS:** This Agreement acknowledges that the Town has the authority to levy miscellaneous fees and other special assessments upon the residents and businesses within its jurisdiction that can potentially be added to the ad valorem tax bill. However, the Town, in accordance with this Agreement, shall not levy any new miscellaneous fees or special assessments with the expectation that said fees or special assessments will be added to the ad valorem tax bill without prior consultation with the County Tax Administrator for the purpose of ensuring proper billing protocol is followed and software capabilities for handling such fees and special assessments are reviewed and deemed adequate. Any such fees or special assessments levied in accordance with State law shall be subject to a separate addendum to this Agreement with a separately negotiated billing and collection fee schedule.
4. **COUNTY AUTHORITY:** The County shall have all of the authority as set forth in the Machinery Act (N.C.G.S. §105-271 through 395.1) and other statutory provisions in the process of listing, assessing, billing, and collecting Town ad valorem taxes, fees, and special assessments.
5. **ALLOCATION OF RECEIPTS:** At the end of each calendar month, the County will analyze the month's deposit of funds collected to determine the dollar amount of ad valorem taxes and miscellaneous fees which are allocable to the Town. On or before the tenth (10th) day of the next month, the County will remit to the Town, via electronic funds transfer (EFT), the Town's share of the ad valorem taxes and miscellaneous fees collected for the previous month. Any discrepancies that are found after the remittance date will be adjusted in the next remittance date for the Town.

In addition, for the months of November, December, and January, on the sixteenth (16th) day of each month, the County will remit to the Town, via EFT, funds collected and allocable to the Town during the first fifteen (15) of each month. The remittance of funds collected and allocable to the Town from the sixteenth (16th) day to the end of each month during these same months shall be remitted in the manner described in the previous paragraph.
6. **MONTHLY COLLECTION REPORTS AND ANNUAL SETTLEMENT:** A collection report detailing all ad valorem taxes and miscellaneous fees

collected, discovered, and released will be provided to the Town on or before the fifteenth (15th) day of each month for the period ending with the last calendar day of the previous month (see attached Exhibit A as to the form of the monthly collection report). The annual settlement required under N.C.G.S. §105-373 will be provided to the Town on or before the last day of July for the previous fiscal year during which collections were made (see attached Exhibit B as to the form of the annual settlement).

7. **PRIORITY OF ALLOCATION FOR PARTIAL PAYMENTS:** If a partial payment of a tax bill is made, the County will apply that payment in accordance with its standard priority schedule. Any tax due to the Town after applying the priority schedule shall be deposited to the benefit of the Town in accordance with paragraph 5.
8. **FEES TO BE PAID BY THE TOWN TO THE COUNTY:** The Town will compensate the County for the services provided in this Agreement on a percentage rate equal to one and one-half percent (1.5%) of the total amount of ad valorem taxes, penalty, and interest collected by the county on behalf of the Town in accordance with this Agreement. In addition to the above fee, the Town will compensate the County for collection of any miscellaneous fees and special assessments as required by any associated addendums in accordance with paragraph 3 of this Agreement. The County will calculate the fees to be paid pursuant to this paragraph and deduct the same from the County remittance to the Town made on the tenth (10th) day of each month pursuant to paragraph 5.
9. **TOWN ANNEXATIONS:** In the event the Town annexes property at any time other than July 1 of a given year, the County shall not be responsible for collecting prorated ad valorem taxes resulting from the annexation. The Town shall be responsible for notifying the County at a reasonable time prior to any annexation in order to allow the County sufficient time to assess and bill the ad valorem taxes resulting from the annexation.
10. **TERMINATION:** The Town or the County shall have the right to terminate this Agreement effective July 1 of each year, beginning with July 1, 2009. The decision to terminate shall be made by the respective governing bodies of the Town and the County. Notice to terminate must be given in writing no later than March 1 of any year.
11. **MISCELLANEOUS:**
 - (a) All decisions involving discoveries, garnishments, attachments, and other collection proceedings are delegated to the County. The County agrees to use its best efforts in accurately listing, assessing, billing, and collecting Town ad valorem taxes and any associated miscellaneous fees. The County will not be held to a higher standard for collection than it has for collecting County ad valorem taxes.
 - (b) The Tax Collector of the County is, by this Agreement, designated as the Tax Collector for the Town. All duties of the Town Tax Collector for the collection of the ad valorem taxes and miscellaneous fees to be

collected by the County, pursuant to N.C.G.S. §105-349 through 378, are transferred to the County Tax Collector.

- (c) The Town shall adopt the same schedule of discounts, if any, as adopted by the County pursuant to the provision of N.C.G.S. §105-360(c), and shall adopt a resolution directing the Town not to collect minimal ad valorem taxes pursuant to N.C.G.S. §105-321(f).
- (d) This Agreement may be amended in writing at any time by mutual agreement of the parties.

This Agreement is executed in duplicate originals as of the day and year first above stated by authority duly granted by the <<Insert Town Name>> Town Council and the Union County Board of Commissioners.

Attest:

Town Clerk

[SEAL]

Attest:

Clerk to the Board of Commissioners

[SEAL]

Town of <<Insert Name>>

By: _____
Town Manager

Union County

By: _____
County Manager

This instrument has been pre-audited in the manner required by the local government Budget and Fiscal Control Act

Director of Finance, Town of <<Insert Name>>

Director of Finance, Union County

Approved as to form:

Staff Attorney

EXHIBIT A

**FEBRUARY 2008
PERCENTAGE FOR REGULAR TAXES FOR SAID TOWN**

FEBRUARY 29, 2008 REGULAR TAX	2008	2007	2006	2005
BEGINNING CHARGE	109360.51	116,229,525.23	96,170,979.40	86,170,790.64
DISCOVERIES	110473.25	168.65		
FARM DEFERMENTS		13,952.43	12,492.62	12,197.56
RELEASES		(10,708.46)	(1,360.79)	(1,201.11)
TOTAL CHARGE	219,833.76	116,232,937.85	96,182,111.23	86,181,787.09
BEGINNING COLLECTIONS	3881.69	108,038,315.56	95,314,898.77	85,782,782.39
COLLECTIONS	8052.9	2,866,223.61	73,198.87	19,674.79
TOTAL COLLECTIONS	11,934.59	110,904,539.17	95,388,097.64	85,802,457.18
BALANCE OUTSTANDING	207,899.17	5,328,398.68	794,013.59	379,329.91
PERCENTAGE OF REGULAR	5.43%	95.42%	99.17%	99.56%

EXHIBIT A

**FEBRUARY 2008
PERCENTAGE FOR REGULAR TAXES FOR SAID TOWN**

FEBRUARY 29, 2008 REGULAR TAX	2004	2003	2002	2001
BEGINNING CHARGE	75,924,147.55	60,653,392.42	51,674,762.82	48,122,816.89
DISCOVERIES				
FARM DEFERMENTS	10,876.73			
RELEASES	(1,134.08)			
TOTAL CHARGE	75,933,890.20	60,653,392.42	51,674,762.82	48,122,816.89
BEGINNING COLLECTIONS	75,704,347.32	60,508,852.04	51,576,682.76	48,052,659.72
COLLECTIONS	5,915.57	2,448.78	752.34	911.57
TOTAL COLLECTIONS	75,710,262.89	60,511,300.82	51,577,435.10	48,053,571.29
BALANCE OUTSTANDING	223,627.31	142,091.60	97,327.72	69,245.60
PERCENTAGE OF REGULAR	99.71%	99.77%	99.81%	99.86%

EXHIBIT A

**FEBRUARY 2008
PERCENTAGE FOR REGULAR TAXES FOR SAID TOWN**

FEBRUARY 29, 2008 REGULAR TAX	2000	1999	1998	1997
BEGINNING CHARGE	43,553,122.94	40,736,859.08	37,964,034.52	35,335,292.87
DISCOVERIES				
FARM DEFERMENTS				
RELEASES				
TOTAL CHARGE	43,553,122.94	40,736,859.08	37,964,034.52	35,335,292.87
BEGINNING COLLECTIONS	43,506,034.55	40,695,931.83	37,935,181.32	35,315,962.80
COLLECTIONS	560.61	363.42	240.39	236.07
TOTAL COLLECTIONS	43,506,595.16	40,696,295.25	37,935,421.71	35,316,198.87
BALANCE OUTSTANDING	46,527.78	40,563.83	28,612.81	19,094.00
PERCENTAGE OF REGULAR	99.89%	99.90%	99.92%	99.95%



UNION COUNTY
Office of the Tax Administrator
Collections Division
407 N. Main Street
P.O. Box 38
Monroe, NC 28111-0038

704-283-3848
704-283-3897 Fax

EXHIBIT B

PRELIMINARY REPORT FOR FISCAL YEAR 2006-2007

TO: Union County Board of Commissioners

FROM: John C. Petoskey, Tax Administrator
Vann Harrell, Assistant Collector of Revenue

CC: Richard Black, County Manager
Kai Nelson, Finance Director

RE: Annual Settlement

DATE: July 26, 2007

In accordance with N.C.G.S 105-373(a)(1), I respectfully submit the following Report:

Attached to this Report are discs containing (1) a list of the persons owning real property whose taxes for 2006 remain unpaid along with the principal amount owed by each person, (2) a list of the persons not owning real property whose personal property taxes for 2006 remain unpaid along with the principal amount owed by each taxpayer, (3) a list of unpaid 2006 registered motor vehicle taxes, (4) a list of persons with unpaid delinquent real and personal property taxes, and (5) a list of persons with unpaid delinquent registered motor vehicle taxes.

We respectfully request that this list of personal property owners be declared insolvent under the guidelines of N.C.G.S 105-373(a)(2) and allowed as a credit to the Collector in this settlement. However, these accounts will remain in the hands of the Collector for further collection activities pursuant to the North Carolina General Statutes.

In compliance with N.C.G.S. 105-373(a)(3), attached hereto is a report entitled "Settlement for Current Real Estate and Personal Property Taxes for Fiscal Year 2006-2007" dated July 13, 2007 setting forth my full settlement for all real and personal property taxes in my hands for collection for the fiscal year 2006-2007.

In compliance with N.C.G.S. 105-373(a)(4)(b), attached hereto is a report entitled "Fiscal year 2006-2007 Settlement for Delinquent Real and Personal Property Taxes for Tax Years 1996-2005" dated July 13, 2007 setting forth my full settlement for all delinquent real and personal property taxes collected during the fiscal year 2006-2007.

In compliance with N.C.G.S 105-373(a)(3), attached hereto is a report entitled "Settlement for Current Motor Vehicle Taxes for Fiscal Year 2006-2007" dated July 13, 2007 setting forth my full settlement for all registered motor vehicle taxes in my hands for collection for the fiscal year 2006-2007.

In compliance with N.C.G.S. 105-373(a)(4)(b), attached hereto is a report entitled "Fiscal year 2006-2007 Settlement for Delinquent Registered Motor Vehicle Taxes for Tax Years 2003-2005" dated July 13, 2007

setting forth my full settlement for all delinquent registered motor vehicle taxes collected during the fiscal year 2006-2007

Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary as prescribed and allowed by law.

Respectfully Submitted,

John C. Petoskey, Tax Administrator

SWORN TO AND SUBSCRIBED BEFORE ME, this _____ day of July, 2007.

My Commission expires:

Notary Public



UNION COUNTY
Office of the Tax Administrator
Collections Division
407 N. Main Street
P.O. Box 38
Monroe, NC 28111-0038

704-283-3848
704-283-3897 Fax

**SETTLEMENT FOR CURRENT REAL AND PERSONAL PROPERTY TAXES
FOR FISCAL YEAR 2006-2007**

TO: Union County Board of Commissioners
FROM: John C. Petoskey, Tax Administrator
Vann Harrell, Assistant Collector of Revenue
CC: Richard Black, County Manager
Kai Nelson, Finance Director
DATE: July 26, 2007

CHARGES TO TAX COLLECTOR

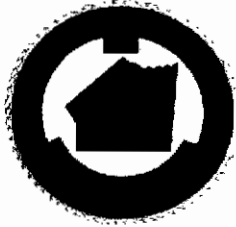
- | | | |
|----|--|-----------------|
| 1. | Total amount of all taxes, fire fees, & late list penalties
Placed in the Tax Collector's hands for collection for
The year: | \$96,815,836.17 |
| 2. | All interest, costs, and fees collected by the Tax Collector | \$ 214,625.81 |

TOTAL: **\$97,030,461.98**

CREDITS TO TAX COLLECTOR

- | | | |
|----|---|-----------------|
| 1. | All sums deposited by the Tax Collector to the credit
Of the taxing unit or received for by the proper official: | \$94,640,518.57 |
| 2. | Releases allowed by the governing body: | \$ 712,238.81 |
| 3. | The principal amount of taxes constituting liens
Against real property: | \$ 1,202,589.24 |
| 4. | The principal amount of taxes determined to be
Insolvent and to be allowed as credits to the Tax
Collector by the governing body: | \$ 471,230.85 |
| 5. | Small under/over payments write-off (<\$1.00): | \$ 129.90 |
| 6. | \$5.00 minimum bill write-offs: | \$ 3,754.61 |

TOTAL: **\$97,030,461.98**



UNION COUNTY
Office of the Tax Administrator
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407 N. Main Street
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704-283-3897 Fax

FISCAL YEAR 2006-2007
SETTLEMENT FOR DELINQUENT REAL AND PERSONAL PROPERTY
TAXES FOR YEARS 1996 - 2005

TO: Union County Board of Commissioners
FROM: John C. Petoskey, Tax Administrator
Vann Harrell, Assistant Collector of Revenue
CC: Richard Black, County Manager
Kai Nelson, Finance Director
DATE: July 26, 2007

CHARGES TO TAX COLLECTOR

1.	Total amount of delinquent taxes placed in the Tax Collector's hands for collection for this year:	\$ 2,857,963.93
2.	All interest, costs, and fees collected by the Tax Collector	\$ 107,456.36
	TOTAL:	<u>\$ 2,965,420.29</u>

CREDITS TO TAX COLLECTOR

1.	All sums deposited by the Tax Collector to the credit Of the taxing unit or receipted for by the proper official:	\$ 1,697,404.82
2.	Releases allowed by the governing body:	\$ 49,428.78
3.	Write-offs allowed by governing body:	\$ 12.70
4.	The principal amount of taxes constituting liens Against real and personal property:	\$ 1,218,573.99
	TOTAL:	<u>\$ 2,965,420.29</u>



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**FY 06-07 Breakdown of Settlement for Delinquent Real and Personal Property
 Taxes for Tax Years 1996-2005**

Charges to the Collector					
	Beginning Balance	Levy Added	Supplementals	Total Balance	
2005	\$ 1,362,506.32	\$219,410.72	\$ -	\$ 1,581,917.04	
2004	\$ 418,949.23	\$205,171.60	\$ -	\$ 624,120.83	
2003	\$ 226,668.51	\$ 36,263.38	\$ -	\$ 262,931.89	
2002	\$ 138,341.96	\$ 1,273.80	\$ -	\$ 139,615.76	
2001	\$ 83,954.97	\$ -	\$ -	\$ 83,954.97	
2000	\$ 51,969.81	\$ -	\$ -	\$ 51,969.81	
1999	\$ 44,593.21	\$ -	\$ -	\$ 44,593.21	
1998	\$ 32,298.27	\$ -	\$ -	\$ 32,298.27	
1997	\$ 20,642.15	\$ -	\$ -	\$ 20,642.15	
1996	\$ 15,920.00	\$ -	\$ -	\$ 15,920.00	
Totals	\$ 2,395,844.43	\$462,119.50	\$ -	\$ 2,857,963.93	

Credits to the Collector						
	Sums Deposited	Releases	Write-offs	Balance of credits to Collector	Principal amount outstanding	
2005	\$ 1,074,454.75	\$ 27,516.59	\$ 4.90	\$ 1,101,976.24	\$ 479,940.80	
2004	\$ 361,002.73	\$ 15,175.38	\$ 1.97	\$ 376,180.08	\$ 247,940.75	
2003	\$ 98,634.68	\$ 5,153.69	\$ 2.36	\$ 103,790.73	\$ 159,141.16	
2002	\$ 34,319.54	\$ 822.48	\$ 2.30	\$ 35,144.32	\$ 104,471.44	
2001	\$ 11,167.14	\$ 48.14	\$ 0.45	\$ 11,715.73	\$ 72,239.24	
2000	\$ 3,179.09	\$ 96.53	\$ 0.72	\$ 3,276.34	\$ 48,693.47	
1999	\$ 2,885.88	\$ 115.97	\$ -	\$ 3,001.85	\$ 41,591.36	
1998	\$ 2,719.64	\$ -	\$ -	\$ 2,719.64	\$ 29,578.63	
1997	\$ 1,129.93	\$ -	\$ -	\$ 1,129.93	\$ 19,512.22	
1996	\$ 455.08	\$ -	\$ -	\$ 455.08	\$ 15,464.92	
Totals	\$ 1,589,948.46	\$ 49,428.78	\$ 12.70	\$ 1,639,389.94	\$1,218,573.99	

* The dollar amounts shown are not reflective of interest amount shown collected on previous page

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2008

Action Agenda Item No. 16a-g

(Central Admin. use only)

SUBJECT: Announcements of Vacancies on Boards and Committees

DEPARTMENT: Board of
Commissioners

PUBLIC HEARING: No

ATTACHMENT(S):

INFORMATION CONTACT:

Lynn G. West
Clerk to the Board of Commissioners

TELEPHONE NUMBERS:

704-283-3853

DEPARTMENT'S RECOMMENDED ACTION: Announce vacancies on Boards and Committees

BACKGROUND:

- a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney
- b. Adult Care Home Community Advisory Committee
- c. Union County Home and Community Care Block Grant Advisory Committee (2) Vacancies as of December 2007)
- d. Nursing Home Advisory Committee
- e. Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)
- f. Centralina Council of Governments - Comprehensive Economic Development Commission
- g. Centralina Workforce Development Board - Vacancies for terms beginning July 1, 2008 representing: Vocational Rehabilitation and Community Based Organizations

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable:

Manager Recommendation:

Contract Summary of Major Terms and Conditions

5-05-2008

Reference	Vendor Name	Purpose	Payment Terms	Comprehensive Plans	Budget Amend.	S#	
Consent Agenda Item - Contracts Over \$5,000 (List)							
A	Logan Systems, Inc.	Renewal of agreement to provide computerized indexing and recording services for the Register of Deeds Office (3 year agreement).	\$ 27,000	Public retrieval system (year 1, \$2,250/month; year 2, \$2,300/month; year 3, \$2,350/month).	Operating Budget – 2008 Operating Budgets - Future	n/a	1929
			7,500	Plat scanning and retrieval (year 1-3, \$625/month).			
			244,500	Per records / service charges for indexing / scanning / recording (FY08-09 annual estimate).			
			<u>\$ 279,000</u>	Estimated annual amount (for FY08-09).			
B	McKim & Creed, P.A.	Design and bidding services for the Hemby Acres area water main replacement project (Task Order # 8).	\$ 59,000	Lump sum amount (NTE).	CIP2006 Capital Project Ordinance	n/a	1930

AGENDA ITEM # 5/12/08
 MEETING DATE 5-5-08

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 5/5/08

Action Agenda Item No. 5/2a
(Central Admin. use only)

SUBJECT: Potter Road and Forest Lawn Water Transmission Main Extension

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):
Engineers Bid Report
Bid Tabulation

INFORMATION CONTACT:
Christie Putnam

TELEPHONE NUMBERS:
(704) 296-4212

DEPARTMENT'S RECOMMENDED ACTION: Accept the low bidder and authorize award of the construction contract, and authorize the county manager to execute the construction agreement upon legal review.

BACKGROUND: This project was approved as part of the 2005 Master Plan CIP. The project consists of approximately 27,455 LF of 16-inch water line, and 5,805 LF of 12-inch water line with valves, hydrants and appurtenances.

FINANCIAL IMPACT: \$2,970,336.57

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

April 28, 2008

Mr. Scott Huneycutt
Monroe County Public Works
400 N. Church Street
Monroe, NC 28112-4804

Subject: Potter Road & Forest Lawn Dr.
Water Transmission Main Extension
H & S File 30806-002 (G)

Dear Mr. Huneycutt:

We have completed our review and checking of the bids received on April 23, 2008 for the Potter Road & Forest Lawn Water Transmission Main Extension . There were quite a few mathematical errors noted, but none of the errors changed the order of bids received. These errors are noted on the attached Certified Bid Tabulation enclosed.

The low bidder for the project is State Utility Contractors, Inc.

We have discussed the bid errors with Scott Little of State Utility Contractors, Inc., and State Utility Contractors, Inc. is agreeable to the corrected amount of \$2,970,336.57 and accepts this amount as the bid amount for the project.

Hazen and Sawyer recommends Union County Public Works accepts the bid amount of \$2,970,336.57 by State Utility Contractors, Inc for the Potter Road & Forest Lawn Drive Project.

If we may be of further assistance, or if there are any questions regarding this matter, please contact me at 704-357-3150.

Sincerely,

Hazen and Sawyer, P.C.



Kenneth DeFabio
Senior Field Coordinator

Cc: Mr. Scott Little, State Utility Contractor, Inc.

O:\30806-002\Correspondence

ENGINEERING REPORT FOR BIDS

ON

**UNION COUNTY
POTTER ROAD AND FOREST LAWN DRIVE
WATER TRANSMISSION MAIN EXTENSION**

April 28, 2008

- I. DATE AND TIME OF BID OPENING: April 23, 2008, at 2:00 p.m.
- II. LOCATION OF BID OPENING: Union County Public Works Conference Room
- III. REPORT SUBMITTED TO: County Commissioners, Union County, North Carolina
- IV. DESCRIPTION OF PROJECT:

Project consists of approximately 27,455 LF of 16-inch, and 5,805 LF of 12-inch water lines, fittings, valves, hydrants and appurtenances, road bores, creek crossings, and field work items.

- V. ADVERTISEMENT FOR BIDS:

The "Advertisement for Bids" for the project was placed in the following publications:

1. Enquirer-Journal

Drawings and specifications were available for public review during the advertisement period at the following locations:

1. Hazen and Sawyer, P.C., 4944 Parkway Plaza Boulevard, Suite 375, Charlotte, North Carolina.
2. Union County Public Works Department, 500 North Main Street, Monroe, North Carolina.

In response to the Advertisement for Bids, sixteen (16) contractors requested and received drawings and specifications. Twelve (12) bids were received. The Bids were all publicly opened and read aloud at the date, time, and place specified above.

VI. SUMMARY OF BID OPENINGS

The Total Bid for each Bidder for the Potter Road and Forest Lawn Drive Water Main Extensions is listed in order in which they rank:

Contractor	Address	Total Amount of Bid
State Utility Contractors, Inc.	4417 Old Charlotte Highway Monroe, NC 28110 (704) 289-6400	1. Subtotal amount (\$2,761,746.70) entered by Contractor; should be \$2,764,746.70. 2. Payment Item 31 - Contractor entered \$110,469.87; should be \$110,589.87. 3. Total - \$2,967,216.57 entered by Contractor; should be \$2,970,336.57.
Davis Grading, Inc.	3404 W. Zion Church Road Shelby, NC 28150 (704) 434-9697	\$3,029,362.78
Advanced Development Concepts, LLC	P.O. Box 3248 Mathews, NC 28106 (704) 708-4663	4. Payment Item 9A - \$32,453.65 entered by Contractor; should be \$32,453.85. 5. Subtotal - \$2,825,427.33 entered by Contractor; should be \$2,825,427.98. 6. Payment Item 31 - \$113,017.09 entered by Contractor; should be \$113,017.12. 7. Total - \$3,033,206.42 entered by Contractor; should be \$3,033,207.10.
CM1 Contracting, Inc.	P.O. Box 688 Concord, NC 28026 (704) 283-0200	\$3,094,341.02
Propst Construction Co., Inc.	P.O. Box 688 Concord, NC 28026 (704) 782-2135	8. Subtotal - \$3,079,396.00 entered by Contractor; should be \$3,078,995.50. 9. Payment Item 31 - \$126,775.80 entered by Contractor; should be \$126,759.82. 10. Total - \$3,296,172.00 entered by Contractor; should be \$3,305,755.32.
D.S. Utilities, Inc.	1644 Holy Trinity Church Rd. Little Mountain, SC 29075 (803) 345-9106	11. Payment Item 27 - \$3,415.00 entered by Contractor; should be \$3,450.00. 12. Subtotal \$3,252,296.65 entered by Contractor; should be \$3,252,331.65. 13. Payment Item 31 - \$132,695.87 entered by Contractor; should be \$132,697.27. 14. Total - \$3,460,092.52 entered by Contractor; should be \$3,460,128.92.
Dawn Development Co., Inc.	1815 N. Rocky River Rd. Monroe, NC 28110 (704) 296-9620	\$3,563,331.47
Buckeye Construction, Inc.	654 Buckeye Cove Rd. Canton, NC 28716 (828) 648-4511	\$3,580,755.97.
R.H. Price, Inc.	P.O. Box 1709 Mathews, NC 28106 (704) 395-0672	15. Payment Item 11J - \$11,000.00 entered by Contractor; should be \$13,200.00. 16. Payment Item 11K - \$11,400.00 entered by Contractor; should be \$9,500.00. 17. Subtotal - \$3,378,245.00 entered by Contractor; should be \$3,378,545.00. 18. Payment Item 31 - \$138,929.80 entered by Contractor; should be \$138,941.80. 19. Total - \$3,622,174.80 entered by Contractor; should be \$3,622,486.80.

Sanders Utility Construction Co., Inc.	6801 Brookshire Blvd. Charlotte, NC 28216 (704) 399-5600	\$3,743,074.42
Dellinger, Inc.	2631 Old Charlotte Hwy. Monroe, NC 28110 (704) 283.7551	20. Payment Item 3B - \$185,250.00 entered by Contractor; should be \$184,300.00. 21. Payment Item 28 - \$35,000.00 entered by Contractor; should be \$35,100.00. 22. Subtotal - \$3,755,208.25 entered by Contractor; should be \$3,754,358.25. 23. Payment Item 31 - \$153,692.33 entered by Contractor; should be \$153,654.33. 24. Total - \$4,005,900.58 entered by Contractor; should be \$4,005,012.58.
B.R.S.	P.O. Box 456 Riehfild, NC 28137 (704) 463-1355	\$4,681,674.04.

For comparison, Hazen and Sawyer's estimate for the project was \$3,534,259.00. Hazen and Sawyer's estimate is approximately 15% higher than the average of the three low bidders. In reviewing the bids received, the cost difference is reflected primarily in the pipe cost items, which is approximately 25% lower than Hazen and Sawyer's estimate.

VI. DESCRIPTIONS OF IRREGULARITIES

Note:

For the contingency items, five (5) of the Contractors used 4% of the sub-total for calculation of this item. Seven (7) of the Contractors used 4% of the sub-total plus the mobilization for calculation of this item.

Since the method of calculation for contingencies was not defined in the payment item description, corrections for this item was calculated using the same method of calculation the Contractor used.

The method of calculation used does not affect the order of the bids.


Contractor	Description of Irregularities
State Utility Contractors, Inc.	(1) Subtotal – Contractor entered \$2,764,746.70; should be \$2,764,746.70. (2) Payment Item 31 – Contingency – Contractor entered \$110,469.87; should be \$110,589.87. (3) Total – Contractor entered \$2,967,216.57; should be \$2,970,336.57.

Contractor	Description of Irregularities
Advanced Development Concepts	(4) Payment Item 9A – Contractor entered \$32,453.65; should be \$32,453.85. (5) Subtotal – Contractor entered \$2,825,427.33; should be \$2,825,427.98. (6) Payment Item 31 – Contractor entered \$113,017.09; should be \$113,017.12. (7) Total – Contractor entered \$3,033,206.42; should be \$3,033,207.10.
Propst Construction Co., Inc.	(8) Subtotal – Contractor entered \$3,079,396.00; should be \$3,078,995.50. (9) Payment Item 31 – Contractor entered \$126,775.80; should be \$126,759.82. (10) Total – Contractor entered \$3,296,172.00; should be \$3,305,755.32.
DS Utilities, Inc.	(11) Payment Item 27 – Contractor entered \$3,415.00; should be \$3,450.00 (12) Subtotal – Contractor entered \$3,252,296.65; should be \$3,252,331.65 (13) Payment Item 31 – Contractor entered \$132,695.87; should be \$132,697.27 (14) Total – Contractor entered \$3,460,092.52; should be \$3,460,128.92.
R.H. Price, Inc.	(15) Payment Item 11J – Contractor entered \$11,000.00; should be \$13,200.00. (16) Payment Item 11K – Contractor entered \$11,400.00; should be \$9,500.00. (17) Subtotal – Contractor entered \$3,378,245.00; should be \$3,378,545.00 (18) Payment Item 31 – Contractor entered \$138,929.80; should be \$138,941.80. (19) Total – Contractor entered \$3,622,174.80; should be \$3,622,486.80.
Dellinger, Inc.	(20) Payment Item 3B – Contractor entered \$185,250.00; should be \$184,300.00. (21) Payment Item 28 – Contractor entered \$35,000.00 should be \$35,100.00. (22) Subtotal – Contractor entered \$3,755,208.25; should be \$3,754,358.25. (23) Payment Item 31 – Contractor entered \$153,692.33; should be \$153,654.33. (24) Total – Contractor entered \$4,005,900.58; should be \$4,005,012.58.

Should you have any questions concerning the bids received or our recommendations, please do not hesitate to contact us. We look forward to continued work on this important project for Union County.

Respectfully submitted,

HAZEN AND SAWYER, P.C.

A handwritten signature in black ink, appearing to read "Ben Thompson", written in a cursive style.

Benjamin Thompson, P.E.
Associate

Pay Item Number	Item Description	Estimated Quantity	Unit of Measure	State Utility Contractors		Davis Grading, Inc		Advanced Development		CMI Contracting, Inc.		Proper Construction Co., Inc		DS Utilities, Inc.	
				Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$
1	Ductile Iron Waterline														
A	18-inch DIP Pipe	25,113	LF	\$81.50	\$1,290,219.50	\$51.40	\$1,290,808.20	\$62.08	\$1,307,885.04	\$51.40	\$1,290,808.20	\$55.00	\$1,381,215.00	\$64.25	\$1,613,619.25
B	12-inch DIP Pipe	8,293	LF	\$40.80	\$314,366.80	\$40.73	\$215,883.89	\$39.51	\$209,126.43	\$40.34	\$213,519.87	\$40.00	\$211,720.00	\$50.50	\$287,296.50
C	8-inch DIP Pipe	0	LF	\$32.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$48.75	\$0.00
2	Restrained Joint DIP														
A	18-inch DIP Pipe	2,342	LF	\$63.90	\$148,951.20	\$65.50	\$153,401.00	\$70.45	\$164,953.90	\$62.85	\$192,883.70	\$110.00	\$257,620.00	\$17.00	\$180,334.00
B	12-inch DIP Pipe	511	LF	\$50.00	\$25,550.00	\$49.85	\$25,473.35	\$48.63	\$24,747.73	\$51.33	\$27,762.63	\$57.00	\$29,127.00	\$60.88	\$30,992.15
C	8-inch DIP Pipe	330	LF	\$40.00	\$13,200.00	\$39.50	\$13,035.00	\$42.34	\$13,912.20	\$36.99	\$12,208.70	\$38.00	\$12,540.00	\$48.60	\$15,378.00
3	Gate Valves														
A	24-inch Isolation Gate Valve w/ 5' dia. Manhole	1	EA	\$19,500.00	\$19,500.00	\$21,800.00	\$21,800.00	\$18,091.51	\$18,091.51	\$17,000.00	\$17,000.00	\$23,000.00	\$23,000.00	\$21,400.00	\$21,400.00
B	18-inch Gate Valve	19	EA	\$4,350.00	\$82,650.00	\$4,600.00	\$87,400.00	\$4,733.21	\$89,930.99	\$3,275.00	\$71,725.00	\$6,000.00	\$114,000.00	\$4,800.00	\$91,200.00
C	18-inch Isolation Gate Valve w/ 4' dia. Manhole	1	EA	\$9,090.00	\$9,090.00	\$12,800.00	\$12,800.00	\$8,839.40	\$8,839.40	\$6,500.00	\$6,500.00	\$9,000.00	\$9,000.00	\$8,800.00	\$8,800.00
D	12-inch Gate Valve	5	EA	\$1,800.00	\$7,800.00	\$1,680.00	\$8,430.00	\$1,441.61	\$7,208.05	\$1,300.00	\$6,500.00	\$2,000.00	\$10,000.00	\$1,765.00	\$8,825.00
E	8-inch Gate Valve	8	EA	\$625.00	\$4,850.00	\$950.00	\$5,700.00	\$760.38	\$4,682.78	\$925.00	\$4,950.00	\$1,200.00	\$7,200.00	\$1,120.00	\$6,780.00
4	1-inch Air Release Valve Assemblies w/Manhole	20	EA	\$1,900.00	\$38,000.00	\$2,300.00	\$46,000.00	\$1,517.57	\$28,351.40	\$1,625.00	\$32,500.00	\$2,250.00	\$45,000.00	\$2,340.00	\$46,800.00
5	Fire Hydrant Assemblies	35	EA	\$4,300.00	\$150,500.00	\$3,159.00	\$110,565.00	\$2,774.25	\$97,088.75	\$2,808.00	\$101,580.00	\$4,000.00	\$140,000.00	\$3,315.00	\$116,025.00
6	Remove Existing Fire Hydrant Assemblies	7	EA	\$425.00	\$2,875.00	\$300.00	\$2,100.00	\$815.34	\$5,707.38	\$600.00	\$4,200.00	\$1,000.00	\$7,000.00	\$475.00	\$3,325.00
7	Remove Existing Valve / Blow-off Assembly														
A	P24 13x50 12" to 8" Line	1	EA	\$525.00	\$525.00	\$200.00	\$200.00	\$1,118.13	\$1,118.13	\$600.00	\$600.00	\$300.00	\$300.00	\$1,155.00	\$1,155.00
B	P28 23x68 12" Line	1	EA	\$525.00	\$525.00	\$200.00	\$200.00	\$1,118.13	\$1,118.13	\$600.00	\$600.00	\$350.00	\$350.00	\$1,155.00	\$1,155.00
8	Connect to Existing Water Line														
A	P1 0+00 18-inch to 24-inch Line - Curb Tee	1	EA	\$17,250.00	\$17,250.00	\$7,670.00	\$7,670.00	\$8,626.56	\$8,626.56	\$9,000.00	\$9,000.00	\$12,000.00	\$12,000.00	\$8,135.00	\$8,135.00
B	P2 26+25 8-inch to 8-inch - Tee & 90 Bends	1	EA	\$6,000.00	\$6,000.00	\$3,000.00	\$3,000.00	\$3,921.30	\$3,921.30	\$1,450.00	\$1,450.00	\$3,000.00	\$3,000.00	\$2,470.00	\$2,470.00
C	P3 35+45 8-inch to 8-inch - Tee & 90 Bends	1	EA	\$8,000.00	\$8,000.00	\$3,000.00	\$3,000.00	\$3,921.30	\$3,921.30	\$1,450.00	\$1,450.00	\$3,000.00	\$3,000.00	\$2,470.00	\$2,470.00
D	P10 290+03 18-inch to 8-inch - Tee & 90 Bends	1	EA	\$4,500.00	\$4,500.00	\$2,000.00	\$2,000.00	\$5,438.99	\$5,438.99	\$2,300.00	\$2,300.00	\$3,000.00	\$3,000.00	\$2,255.00	\$2,255.00
E	P21 292+20 18-inch to 8-inch - Tee & 90 Bends	1	EA	\$4,500.00	\$4,500.00	\$3,000.00	\$3,000.00	\$5,438.99	\$5,438.99	\$2,300.00	\$2,300.00	\$3,000.00	\$3,000.00	\$2,255.00	\$2,255.00
F	P21 274+65 18-inch to 18-inch Line - Curb Tee & 90 Bends	1	EA	\$11,000.00	\$11,000.00	\$5,300.00	\$5,300.00	\$7,433.97	\$7,433.97	\$7,700.00	\$7,700.00	\$10,000.00	\$10,000.00	\$5,955.00	\$5,955.00
G	P23 20+85 12-inch to 8-inch Curb Tee w/Reducer & 90s	1	EA	\$7,600.00	\$7,600.00	\$2,450.00	\$2,450.00	\$4,547.48	\$4,547.48	\$2,800.00	\$2,800.00	\$4,000.00	\$4,000.00	\$2,125.00	\$2,125.00
H	P24 13+50 12-inch to 8-inch Line - Straight Tee w/Reducer	1	EA	\$2,100.00	\$2,100.00	\$1,500.00	\$1,500.00	\$3,244.84	\$3,244.84	\$600.00	\$600.00	\$3,000.00	\$3,000.00	\$1,185.00	\$1,185.00
I	P28 11+02 8-inch Line to 8-inch Line - Straight Tee w/Reducer	1	EA	\$2,850.00	\$2,850.00	\$1,800.00	\$1,800.00	\$3,940.68	\$3,940.68	\$1,200.00	\$1,200.00	\$3,500.00	\$3,500.00	\$1,415.00	\$1,415.00
J	P28 17+30 8-inch Line to 8-inch Line - Straight Tee w/Reducer	1	EA	\$2,850.00	\$2,850.00	\$1,500.00	\$1,500.00	\$3,940.68	\$3,940.68	\$1,200.00	\$1,200.00	\$3,500.00	\$3,500.00	\$1,415.00	\$1,415.00
K	P28 23+68 12-inch Line - Straight Tee	1	EA	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00	\$3,610.97	\$3,610.97	\$600.00	\$600.00	\$3,000.00	\$3,000.00	\$1,120.00	\$1,120.00

Union County, North Carolina - Potter Road and Forest Lawn Drive
 Water Transmission Main Extension
 April 23, 2008

30806-002
 CERTIFIED BID TABULATION

Pay Item Number	Item Description	Estimated Quantity	Unit of Measure	Shirley Contractors		Davis Gading, Inc		Advanced Development		CM Contracting, Inc.		Prepal Construction Co., Inc		DS Utilities, Inc.	
				Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$
9	Water Service Connections (New)														
A	Long Side Connection Without Meter Installation	51 EA		\$925.00	\$47,175.00	\$850.00	\$43,250.00	\$835.35	\$42,583.85	\$1,200.00	\$61,200.00	\$7,500.00	\$37,500.00	\$770.00	\$39,270.00
B	Short Side Connection Without Meter Installation	58 EA		\$575.00	\$33,350.00	\$594.00	\$34,452.00	\$536.67	\$31,128.86	\$975.00	\$58,650.00	\$875.00	\$50,750.00	\$520.00	\$30,160.00
10	Water Service Reconnections (Existing)														
A	Long Side Connection to Existing Meter (Type A)	13 EA		\$500.00	\$6,500.00	\$475.00	\$6,175.00	\$446.54	\$5,805.02	\$925.00	\$12,025.00	\$7,300.00	\$29,900.00	\$470.00	\$6,110.00
B	Short Side Connection to Existing Meter (Type B)	24 EA		\$480.00	\$11,520.00	\$475.00	\$11,400.00	\$420.84	\$10,100.56	\$925.00	\$22,200.00	\$540.00	\$13,200.00	\$415.00	\$9,960.00
C	Short Side Connection without Meter Installation (Type C)	2 EA		\$800.00	\$1,600.00	\$594.00	\$1,188.00	\$792.17	\$1,584.34	\$1,100.00	\$2,200.00	\$900.00	\$1,800.00	\$710.00	\$1,420.00
11	Road Crossings - Bore and Jack (Not Incl. Corner Pipe)														
A	P2 13+00 24" dia x I = 0.334'	45 LF		\$225.00	\$10,125.00	\$675.00	\$30,375.00	\$288.83	\$13,057.35	\$225.00	\$10,125.00	\$230.00	\$9,800.00	\$225.00	\$11,825.00
B	P3 20+25 18" dia x I = 0.250'	35 LF		\$175.00	\$6,125.00	\$975.00	\$34,125.00	\$208.74	\$7,305.90	\$180.00	\$6,300.00	\$200.00	\$7,000.00	\$250.00	\$8,750.00
C	P3 35+45 18" dia x I = 0.250'	35 LF		\$175.00	\$6,125.00	\$975.00	\$34,125.00	\$179.37	\$6,277.95	\$180.00	\$6,300.00	\$200.00	\$7,000.00	\$250.00	\$8,750.00
D	P8 09+50 24" dia x I = 0.334'	180 LF		\$225.00	\$40,500.00	\$290.00	\$52,200.00	\$208.46	\$37,502.85	\$225.00	\$40,500.00	\$220.00	\$39,600.00	\$208.00	\$37,440.00
E	P10 127+00 24" dia x I = 0.334'	80 LF		\$225.00	\$18,000.00	\$200.00	\$16,000.00	\$200.28	\$16,022.40	\$225.00	\$18,000.00	\$220.00	\$17,600.00	\$225.00	\$19,500.00
F	P11 136+00 24" dia x I = 0.334'	55 LF		\$225.00	\$12,375.00	\$200.00	\$11,000.00	\$193.08	\$10,617.45	\$225.00	\$12,375.00	\$220.00	\$11,900.00	\$225.00	\$12,750.00
G	P12 144+00 24" dia x I = 0.334'	110 LF		\$225.00	\$24,750.00	\$200.00	\$22,000.00	\$193.89	\$21,327.90	\$225.00	\$24,750.00	\$220.00	\$22,400.00	\$225.00	\$24,750.00
H	P12 146+70 24" dia x I = 0.334'	32 LF		\$225.00	\$7,200.00	\$675.00	\$21,600.00	\$207.12	\$6,627.84	\$225.00	\$7,200.00	\$220.00	\$7,040.00	\$225.00	\$10,400.00
I	P18 202+80 24" dia x I = 0.334'	75 LF		\$225.00	\$16,875.00	\$200.00	\$15,000.00	\$248.10	\$18,607.50	\$225.00	\$16,875.00	\$220.00	\$16,500.00	\$225.00	\$24,375.00
J	P21 273+80 24" dia x I = 0.334'	80 LF		\$225.00	\$18,000.00	\$675.00	\$24,300.00	\$209.28	\$16,738.56	\$225.00	\$18,000.00	\$220.00	\$17,600.00	\$225.00	\$19,500.00
K	P22 1+10 20" dia x I = 0.281'	50 LF		\$195.00	\$9,750.00	\$975.00	\$33,750.00	\$185.58	\$9,279.00	\$200.00	\$10,000.00	\$210.00	\$10,500.00	\$225.00	\$11,250.00
L	P23 20+40 20" dia x I = 0.281'	30 LF		\$195.00	\$5,850.00	\$200.00	\$6,000.00	\$132.74	\$3,982.20	\$200.00	\$6,000.00	\$210.00	\$6,300.00	\$225.00	\$6,750.00
M	P25 11+00 20" dia x I = 0.281'	32 LF		\$195.00	\$6,240.00	\$200.00	\$6,400.00	\$214.24	\$6,855.68	\$200.00	\$6,400.00	\$210.00	\$6,720.00	\$225.00	\$7,125.00
N	P26 17+00 20" dia x I = 0.281'	32 LF		\$195.00	\$6,240.00	\$200.00	\$6,400.00	\$182.12	\$5,827.84	\$200.00	\$6,400.00	\$210.00	\$6,720.00	\$225.00	\$7,125.00
12	Creek Crossings - Bore & Jack (Not Incl. Corner Pipe)														
A	P4 45+00 24" dia x I = 0.334' (80)	1 LS		\$28,500.00	\$28,500.00	\$68,000.00	\$68,000.00	\$81,370.84	\$81,370.84	\$100,000.00	\$100,000.00	\$30,000.00	\$30,000.00	\$44,000.00	\$44,000.00
B	P14 176+80 24" dia x I = 0.334' (80)	1 LS		\$28,500.00	\$28,500.00	\$68,000.00	\$68,000.00	\$81,370.84	\$81,370.84	\$100,000.00	\$100,000.00	\$30,000.00	\$30,000.00	\$44,000.00	\$44,000.00
C	P16 182+40 24" dia x I = 0.334' (70)	1 LS		\$28,500.00	\$28,500.00	\$62,000.00	\$62,000.00	\$83,370.84	\$83,370.84	\$92,000.00	\$92,000.00	\$35,000.00	\$35,000.00	\$47,000.00	\$47,000.00
13	Dry Bore (Without Casing Pipe)														
A	18" Line	100 LF		\$180.00	\$18,000.00	\$70.00	\$7,000.00	\$152.85	\$15,285.00	\$150.00	\$15,000.00	\$100.00	\$10,000.00	\$145.00	\$14,500.00
B	12" Line	100 LF		\$125.00	\$12,500.00	\$70.00	\$7,000.00	\$127.85	\$12,785.00	\$125.00	\$12,500.00	\$100.00	\$10,000.00	\$115.00	\$11,500.00
14	Asphalt Saw Cut Remove and Replacement (Roads)	371 LF		\$55.00	\$20,405.00	\$25.00	\$9,275.00	\$27.12	\$10,171.52	\$34.00	\$12,614.00	\$49.00	\$18,440.00	\$63.50	\$23,587.50
15	Driveway Remove & Replace														
A	Concrete	228 LF		\$84.00	\$19,152.00	\$30.00	\$6,840.00	\$64.86	\$14,768.08	\$34.00	\$7,722.00	\$50.00	\$11,350.00	\$57.50	\$13,050.00
B	Asphalt	161 LF		\$35.00	\$5,635.00	\$20.00	\$3,220.00	\$53.70	\$8,635.70	\$14.00	\$2,254.00	\$30.00	\$4,830.00	\$23.60	\$3,779.60
C	Gravel	869 LF		\$10.00	\$8,690.00	\$8.00	\$6,952.00	\$9.88	\$8,563.72	\$2.75	\$2,365.75	\$8.00	\$6,952.00	\$20.00	\$17,380.00

Pay Item Number	Item Description	Estimated Quantity	Unit of Measure	State Utility Contractors		Davis Deding, Inc		Advanced Development		GM Contracting, Inc.		Pregal Construction Co., Inc		DS Utilities, Inc.	
				Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$
16	Stone														
A	Stabilization Stone	100	TON	\$28.00	\$2,800.00	\$38.00	\$3,800.00	\$30.00	\$3,000.00	\$28.00	\$2,800.00	\$31.00	\$3,100.00	\$20.00	\$2,000.00
B	Stone Blasting #57	200	TON	\$29.00	\$5,800.00	\$38.00	\$7,600.00	\$30.00	\$6,000.00	\$28.00	\$5,600.00	\$31.00	\$6,200.00	\$20.00	\$4,000.00
	Sedimentation & Erosion														
17	Soil Fencing	20,850	LF	\$2.90	\$59,865.00	\$2.40	\$49,980.00	\$1.85	\$38,572.50	\$2.50	\$52,125.00	\$2.80	\$58,380.00	\$2.50	\$51,825.00
18	Stone Check Dams	106	EA	\$70.00	\$7,420.00	\$125.00	\$13,250.00	\$81.50	\$8,642.18	\$80.00	\$8,480.00	\$40.00	\$4,240.00	\$135.00	\$14,310.00
19	Inlet Protection	50	EA	\$100.00	\$5,000.00	\$150.00	\$7,500.00	\$85.20	\$4,260.00	\$100.00	\$5,000.00	\$50.00	\$2,500.00	\$105.00	\$5,250.00
20	Outlet Protection	4	EA	\$225.00	\$900.00	\$225.00	\$900.00	\$244.97	\$979.88	\$175.00	\$700.00	\$90.00	\$360.00	\$185.00	\$740.00
21	Stabilized Outlet	9	EA	\$100.00	\$900.00	\$150.00	\$1,350.00	\$425.15	\$3,826.35	\$125.00	\$1,250.00	\$90.00	\$810.00	\$128.00	\$1,152.00
22	Curb Inlet Sediment Control	4	EA	\$125.00	\$500.00	\$200.00	\$800.00	\$116.86	\$467.44	\$150.00	\$600.00	\$80.00	\$320.00	\$105.00	\$420.00
23	Erosion Control Matting	15,375	SY	\$2.50	\$44,587.50	\$2.00	\$30,750.00	\$1.74	\$26,752.50	\$2.00	\$30,750.00	\$2.50	\$38,437.50	\$2.25	\$34,593.75
24	Construction Entrance	8	EA	\$850.00	\$6,800.00	\$3,500.00	\$28,000.00	\$1,315.00	\$10,520.00	\$2,000.00	\$16,000.00	\$1,200.00	\$9,600.00	\$1,100.00	\$8,800.00
25	Temporary Fencing														
A	Barbed Wire Fence / Hog Wire Fence	1,000	LF	\$6.00	\$6,000.00	\$5.00	\$5,000.00	\$4.32	\$4,320.00	\$4.00	\$4,000.00	\$5.00	\$5,000.00	\$4.00	\$4,000.00
B	Orange Construction Barrier Fence	1,000	LF	\$4.00	\$4,000.00	\$3.00	\$3,000.00	\$2.04	\$2,040.00	\$1.50	\$1,500.00	\$3.00	\$3,000.00	\$2.00	\$2,000.00
26	Permanent Fencing														
A	Barbed Wire Fence / Hog Wire Fence	1,000	LF	\$8.00	\$8,000.00	\$5.00	\$5,000.00	\$5.89	\$5,890.00	\$5.00	\$5,000.00	\$7.00	\$7,000.00	\$7.50	\$7,500.00
B	Wood Fence	100	LF	\$19.00	\$1,900.00	\$18.00	\$1,800.00	\$13.81	\$1,381.00	\$19.00	\$1,900.00	\$20.00	\$2,000.00	\$14.20	\$1,420.00
27	Concrete Throat Blocking & Mass Concrete	15	CY	\$300.00	\$4,500.00	\$140.00	\$2,100.00	\$164.27	\$2,464.05	\$200.00	\$3,000.00	\$100.00	\$1,500.00	\$230.00	\$3,450.00
28	Sidewalk - Remove/Replace in Place	130	CY	\$300.00	\$39,000.00	\$225.00	\$29,250.00	\$242.49	\$31,523.70	\$380.00	\$49,400.00	\$250.00	\$32,500.00	\$315.00	\$40,950.00
29	Curb - Remove/Replace in Place	2,100	LF	\$26.00	\$54,600.00	\$18.00	\$37,800.00	\$20.16	\$42,336.00	\$20.00	\$42,000.00	\$20.00	\$42,000.00	\$23.25	\$48,825.00
	Sub-Total			Sub - Total	\$2,784,748.70	Sub - Total	\$2,887,233.44	Sub - Total	\$2,828,427.88	Sub - Total	\$2,917,635.50	Sub - Total	\$3,078,965.50	Sub - Total	\$3,292,331.85
30	Mobilization (3% Max)				\$85,000.00		\$38,000.00		\$84,762.50		\$50,000.00		\$90,000.00		\$65,100.00
31	Contingency Allowance 4%				\$110,589.87		\$116,129.34		\$113,017.12		\$116,705.42		\$126,799.82		\$132,897.27
32	Soils Testing Allowance				\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00
	Total			Total	\$2,970,338.57	Total	\$3,026,362.78	Total	\$3,035,207.10	Total	\$3,094,341.02	Total	\$3,305,765.32	Total	\$3,460,128.82

CERTIFICATION
The Bids Tabulated herein were opened and read at 2:00 p.m. local time on April 23, 2008 in the Union County Public Works Department, 500 N. Main Street Monroe, North Carolina

In checking of the bid amounts, the following errors were found

- (1) \$2,761,748.70 entered by contractor, should be \$2,784,748.70
- (2) \$110,468.87 entered by contractor, should be \$110,589.87
- (3) \$2,987,248.87 entered by contractor, should be \$2,870,398.87
- (4) \$32,483.65 entered by contractor, should be \$32,623.25
- (5) \$2,835,427.33 entered by contractor, should be \$2,828,427.88
- (6) \$113,017.09 entered by contractor, should be \$113,017.12
- (7) \$3,035,208.42 entered by contractor, should be \$3,035,207.10
- (8) \$3,078,965.50 entered by contractor, should be \$3,078,965.50
- (9) \$126,775.80 entered by contractor, should be \$126,799.82
- (10) \$3,298,172.00 entered by contractor, should be \$3,295,755.32
- (11) \$2,415.00 entered by contractor, should be \$5,450.00
- (12) \$3,252,298.25 entered by contractor, should be \$3,352,331.55
- (13) \$132,488.87 entered by contractor, should be \$132,897.27
- (14) \$3,450,062.52 entered by contractor, should be \$3,460,128.82

Union County, North Carolina - Potter Road and Forest Lawn Drive
Water Transmission Main Extension
April 23, 2016

Fig./Item Number	Item Description	Estimated Quantity	Unit of Measure	Dawn Development		Backhoe Const. Co., Inc.		H. R. Price, Inc.		Sandus Utility Const Co., Inc.		DeBorger, Inc.		B.R.S., Inc.	
				Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$
1	Flange Iron Waterstop														
A	18-inch DIP Pipe	25,112 LF		363.03	\$1,997,940.16	583.70	\$1,999,696.10	309.50	\$1,745,353.30	361.00	\$1,597,006.00	365.00	\$1,632,345.00	594.96	\$2,373,178.88
B	12-inch DIP Pipe	5,293 LF		348.11	\$2,546,646.23	349.70	\$2,613,062.10	358.50	\$3,092,640.50	347.00	\$3,248,771.00	352.00	\$3,275,236.00	578.30	\$4,252,783.80
C	8-inch DIP Pipe	0 LF		\$37.00	\$0.00	\$37.30	\$0.00	\$49.00	\$0.00	\$38.00	\$0.00	\$47.00	\$0.00	\$72.30	\$0.00
2	Regrout Joint (DIP)														
A	18-inch DIP Pipe	2,342 LF		\$68.10	\$225,096.20	89.90	\$313,917.60	582.00	\$1,922,044.00	586.00	\$2,011,412.00	380.00	\$1,877,360.00	312.00	\$295,092.00
B	12-inch DIP Pipe	511 LF		395.21	\$222,041.81	365.50	\$233,479.50	371.00	\$338,281.00	349.00	\$308,680.00	385.00	\$323,215.00	1193.00	\$582,833.00
C	8-inch DIP Pipe	330 LF		143.07	\$47,213.10	145.20	\$47,916.00	159.00	\$52,480.00	143.00	\$47,190.00	159.00	\$52,480.00	178.00	\$58,740.00
3	Riser Valves														
A	18-inch Bellows Gate Valve w/ 4" dia. Manhole	1 EA		\$25,000.00	\$25,000.00	\$15,072.00	\$15,072.00	\$20,000.00	\$20,000.00	\$21,339.00	\$21,339.00	\$19,000.00	\$19,000.00	\$18,750.00	\$18,750.00
B	18-inch Gate Valve	18 EA		16,000.00	\$114,000.00	\$4,375.00	\$78,750.00	19,500.00	\$104,500.00	16,500.00	\$123,500.00	19,700.00	\$184,300.00	15,175.00	\$198,125.00
C	18-inch Bellows Gate Valve w/ 4" dia. Manhole	1 EA		\$18,000.00	\$18,000.00	\$5,867.30	\$5,867.30	\$8,500.00	\$8,500.00	\$13,465.00	\$13,465.00	\$14,000.00	\$14,000.00	\$7,100.00	\$7,100.00
D	12-inch Gate Valve	5 EA		\$1,600.00	\$8,000.00	\$1,608.00	\$8,040.00	\$1,400.00	\$7,000.00	\$1,865.00	\$9,325.00	\$3,000.00	\$15,000.00	\$1,450.00	\$7,250.00
E	18-inch Gate Valve	6 EA		\$1,200.00	\$7,200.00	\$944.50	\$5,667.00	\$800.00	\$4,800.00	\$1,238.00	\$7,428.00	\$1,200.00	\$7,200.00	1923.00	\$3,230.00
4	14-inch Air Release Valve Assemblies w/ Manhole	25 EA		\$2,500.00	\$62,500.00	\$2,781.00	\$69,525.00	\$1,300.00	\$32,500.00	\$2,172.00	\$54,300.00	\$4,500.00	\$112,500.00	\$2,225.00	\$55,625.00
5	Fire Hydrant Assemblies	35 EA		\$5,000.00	\$1,750,000.00	\$3,384.00	\$1,183,400.00	\$3,000.00	\$1,050,000.00	\$3,424.00	\$1,198,400.00	\$4,200.00	\$1,470,000.00	\$2,600.00	\$910,000.00
6	Remove Existing Fire Hydrant Assemblies	7 EA		\$2,000.00	\$14,000.00	\$340.00	\$2,380.00	\$1,000.00	\$7,000.00	\$1,100.00	\$7,700.00	\$450.00	\$3,150.00	1873.00	\$4,025.00
7	Remove Existing Valve Box Assembly														
A	12x16 12" x 12" 12" Valve	1 EA		\$1,500.00	\$1,500.00	\$337.00	\$337.00	\$1,000.00	\$1,000.00	\$1,300.00	\$1,300.00	\$1,500.00	\$1,500.00	\$323.00	\$323.00
B	12x16 12" x 12" Valve	1 EA		\$1,500.00	\$1,500.00	\$337.00	\$337.00	\$1,000.00	\$1,000.00	\$1,300.00	\$1,300.00	\$800.00	\$800.00	\$375.00	\$375.00
8	Connect to Existing Water Line														
A	18" 10-00 18-inch to 20-inch Line - Curb Tee	1 EA		\$5,000.00	\$5,000.00	\$7,440.00	\$7,440.00	\$12,000.00	\$12,000.00	\$12,877.00	\$12,877.00	\$10,000.00	\$10,000.00	\$11,100.00	\$11,100.00
B	12" 20-20 12-inch to 18-inch Tee & 90 Bends	1 EA		\$3,200.00	\$3,200.00	\$4,830.00	\$4,830.00	\$3,800.00	\$3,800.00	\$2,994.00	\$2,994.00	\$3,000.00	\$3,000.00	\$3,450.00	\$3,450.00
C	12" 30-45 12-inch to 8-inch Tee & 90 Bends	1 EA		\$3,200.00	\$3,200.00	\$4,830.00	\$4,830.00	\$3,500.00	\$3,500.00	\$2,994.00	\$2,994.00	\$4,000.00	\$4,000.00	\$3,450.00	\$3,450.00
D	12" 20-45 12-inch to 8-inch Tee & 90 Bends	1 EA		\$4,730.00	\$4,730.00	\$4,353.00	\$4,353.00	\$3,000.00	\$3,000.00	\$7,291.00	\$7,291.00	\$3,000.00	\$3,000.00	\$4,025.00	\$4,025.00
E	12" 20-72 12-inch to 6-inch Tee & 90 Bends	1 EA		\$4,730.00	\$4,730.00	\$3,923.00	\$3,923.00	\$3,000.00	\$3,000.00	\$7,291.00	\$7,291.00	\$3,000.00	\$3,000.00	\$4,825.00	\$4,825.00
F	12" 20-90 12-inch to 10-inch Curb Tee & 90 Bends	1 EA		\$8,525.00	\$8,525.00	\$12,545.00	\$12,545.00	\$7,900.00	\$7,900.00	\$6,828.00	\$6,828.00	\$8,000.00	\$8,000.00	\$4,000.00	\$4,000.00
G	12" 20-95 12-inch to 6-inch Curb Tee w/Reducer & 90	1 EA		\$3,990.00	\$3,990.00	\$7,044.00	\$7,044.00	\$4,000.00	\$4,000.00	\$3,073.00	\$3,073.00	\$2,000.00	\$2,000.00	\$1,375.00	\$1,375.00
H	12" 20-10-00 12-inch to 8-inch Line - Straight line w/Reducer	1 EA		\$2,770.00	\$2,770.00	\$1,459.00	\$1,459.00	\$1,750.00	\$1,750.00	\$1,328.00	\$1,328.00	\$2,000.00	\$2,000.00	\$1,375.00	\$1,375.00
I	12" 20-11-00 12-inch to 8-inch Line - Straight line w/Reducer	1 EA		\$4,275.00	\$4,275.00	\$1,218.00	\$1,218.00	\$1,600.00	\$1,600.00	\$3,433.00	\$3,433.00	\$2,000.00	\$2,000.00	\$2,150.00	\$2,150.00
J	12" 20-12-00 12-inch to 8-inch Line - Straight line w/Reducer	1 EA		\$4,275.00	\$4,275.00	\$1,218.00	\$1,218.00	\$1,600.00	\$1,600.00	\$3,433.00	\$3,433.00	\$2,300.00	\$2,300.00	\$2,150.00	\$2,150.00
K	12" 20-13-00 12-inch Line - Straight line	1 EA		\$2,830.00	\$2,830.00	\$1,210.00	\$1,210.00	\$1,800.00	\$1,800.00	\$1,400.00	\$1,400.00	\$3,200.00	\$3,200.00	\$1,490.00	\$1,490.00

Page Number	Item Description	Estimated Quantity	Unit of Measure	Dawn Development		Buckeye Const. Co., Inc.		E. R. Price, Inc.		Sandart Utility Const Co., Inc.		Deffinger, Inc.		B.R.S., Inc.	
				Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$
9	Water Service Connections (New)														
A	Long Side Connection With/ w/ Meter Installation	51 EA		\$1,500.00	\$76,500.00	\$1,438.00	\$73,988.00	\$1,700.00	\$86,700.00	\$2,800.00	\$127,500.00	\$1,800.00	\$91,800.00	\$1,250.00	\$63,750.00
B	Short Side Connection Without Meter Installation	59 EA		\$1,250.00	\$72,625.00	\$1,075.00	\$63,425.00	\$800.00	\$47,200.00	\$700.00	\$40,600.00	\$1,100.00	\$64,900.00	\$1,050.00	\$60,975.00
10	Water Service Reconnections (Existing)														
A	Long Side Connection to Existing Meter (Type A)	13 EA		\$7,300.00	\$94,900.00	\$598.00	\$7,774.00	\$1,350.00	\$17,550.00	\$2,400.00	\$31,200.00	\$1,200.00	\$15,600.00	\$775.00	\$10,075.00
B	Short Side Connection to Existing Meter (Type B)	24 EA		\$1,250.00	\$30,000.00	\$595.00	\$14,280.00	\$350.00	\$8,400.00	\$594.00	\$14,256.00	\$850.00	\$20,400.00	\$605.00	\$14,520.00
C	Short Side Connection/ New Meter Installation (Type C)	2 EA		\$1,250.00	\$2,500.00	\$1,153.00	\$2,306.00	\$1,300.00	\$2,600.00	\$785.00	\$1,570.00	\$1,100.00	\$2,200.00	\$825.00	\$1,650.00
11	Wood Casings - Base and Jack (Not Incl. Cement Pipe)														
A	2" dia. 12' x 12'	45 LF		\$175.00	\$7,875.00	\$343.00	\$15,435.00	\$220.00	\$9,900.00	\$365.00	\$11,825.00	\$350.00	\$15,750.00	\$250.00	\$11,250.00
B	2" dia. 12' x 12'	35 LF		\$130.00	\$4,550.00	\$254.00	\$8,890.00	\$160.00	\$5,600.00	\$250.00	\$8,750.00	\$300.00	\$10,500.00	\$183.00	\$6,405.00
C	2" dia. 12' x 12'	28 LF		\$130.00	\$3,640.00	\$254.00	\$7,112.00	\$160.00	\$4,480.00	\$250.00	\$7,000.00	\$300.00	\$8,400.00	\$183.00	\$5,124.00
D	2" dia. 12' x 12'	180 LF		\$175.00	\$31,500.00	\$339.50	\$61,110.00	\$220.00	\$39,600.00	\$365.00	\$65,700.00	\$350.00	\$63,000.00	\$250.00	\$45,000.00
E	2" dia. 12' x 12'	80 LF		\$175.00	\$14,000.00	\$341.50	\$27,320.00	\$220.00	\$17,600.00	\$265.00	\$21,200.00	\$350.00	\$28,000.00	\$250.00	\$20,000.00
F	2" dia. 12' x 12'	50 LF		\$175.00	\$8,750.00	\$341.75	\$17,087.50	\$220.00	\$11,000.00	\$265.00	\$13,275.00	\$350.00	\$17,500.00	\$250.00	\$12,500.00
G	2" dia. 12' x 12'	110 LF		\$175.00	\$19,250.00	\$340.00	\$37,400.00	\$220.00	\$24,200.00	\$265.00	\$29,150.00	\$350.00	\$38,500.00	\$250.00	\$27,500.00
H	2" dia. 12' x 12'	32 LF		\$375.00	\$12,000.00	\$344.00	\$11,008.00	\$220.00	\$7,040.00	\$265.00	\$8,480.00	\$350.00	\$11,200.00	\$250.00	\$8,000.00
I	2" dia. 12' x 12'	75 LF		\$175.00	\$13,125.00	\$341.00	\$25,575.00	\$220.00	\$16,500.00	\$265.00	\$19,875.00	\$350.00	\$26,250.00	\$250.00	\$18,750.00
J	2" dia. 12' x 12'	80 LF		\$175.00	\$14,000.00	\$341.50	\$27,320.00	\$220.00	\$17,600.00	\$265.00	\$21,200.00	\$350.00	\$28,000.00	\$250.00	\$20,000.00
K	2" dia. 12' x 12'	50 LF		\$190.00	\$9,500.00	\$298.00	\$14,900.00	\$190.00	\$9,500.00	\$265.00	\$13,275.00	\$335.00	\$16,750.00	\$250.00	\$12,500.00
L	2" dia. 12' x 12'	30 LF		\$150.00	\$4,500.00	\$298.00	\$8,940.00	\$190.00	\$5,700.00	\$265.00	\$7,950.00	\$335.00	\$10,050.00	\$250.00	\$7,500.00
M	2" dia. 12' x 12'	30 LF		\$190.00	\$5,700.00	\$294.00	\$8,820.00	\$190.00	\$5,700.00	\$265.00	\$7,950.00	\$335.00	\$11,050.00	\$250.00	\$7,500.00
N	2" dia. 12' x 12'	30 LF		\$190.00	\$5,700.00	\$294.00	\$8,820.00	\$190.00	\$5,700.00	\$265.00	\$7,950.00	\$335.00	\$11,050.00	\$250.00	\$7,500.00
12	Wood Casings - Base and Jack (Not Incl. Cement Pipe)														
A	2" dia. 12' x 12'	1 LS		\$20,000.00	\$20,000.00	\$52,500.00	\$52,500.00	\$32,000.00	\$32,000.00	\$72,000.00	\$72,000.00	\$40,000.00	\$40,000.00	\$88,400.00	\$88,400.00
B	2" dia. 12' x 12'	1 LS		\$20,000.00	\$20,000.00	\$52,500.00	\$52,500.00	\$32,000.00	\$32,000.00	\$72,000.00	\$72,000.00	\$40,000.00	\$40,000.00	\$88,400.00	\$88,400.00
C	2" dia. 12' x 12'	1 LS		\$17,500.00	\$17,500.00	\$48,040.00	\$48,040.00	\$32,000.00	\$32,000.00	\$63,000.00	\$63,000.00	\$45,000.00	\$45,000.00	\$79,580.00	\$79,580.00
13	Chimney (Without Cement Pipe)														
A	12" Chimney	100 LF		\$140.00	\$14,000.00	\$142.00	\$14,200.00	\$90.00	\$9,000.00	\$268.00	\$26,800.00	\$100.00	\$10,000.00	\$95.00	\$9,500.00
B	12" Chimney	100 LF		\$140.00	\$14,000.00	\$136.50	\$13,650.00	\$90.00	\$9,000.00	\$255.00	\$25,500.00	\$95.00	\$9,500.00	\$70.00	\$7,000.00
14	Asphalt Saw Cut Patch and Replacement (Road)	311 LF		\$50.00	\$15,550.00	\$59.30	\$18,447.30	\$56.00	\$17,356.00	\$60.00	\$18,660.00	\$50.00	\$15,550.00	\$36.00	\$11,196.00
15	Driveway Remove & Replace														
A	Concrete	228 LF		\$50.00	\$11,400.00	\$89.20	\$20,317.60	\$90.00	\$20,340.00	\$63.00	\$14,361.00	\$75.00	\$17,175.00	\$45.00	\$10,260.00
B	Asphalt	151 LF		\$35.00	\$5,275.00	\$38.00	\$5,738.00	\$40.00	\$6,040.00	\$58.00	\$8,754.00	\$40.00	\$6,040.00	\$25.00	\$3,775.00
C	Gravel	660 LF		\$18.00	\$11,880.00	\$7.20	\$4,752.00	\$9.00	\$5,940.00	\$25.00	\$16,500.00	\$18.00	\$11,880.00	\$5.00	\$3,300.00

Pay Item Number	Item Description	Estimated Quantity	Unit of Measure	Dunn Development		Buckeye Canal, Co., Inc.		H. R. Price, Inc.		Sanders Utility Const Co., Inc.		Dellinger, Inc.		W.R.S., Inc.	
				Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$
16	Stone														
A	Substation Stone	100	TDN	\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$35.00	\$3,500.00	\$22.00	\$2,200.00	\$0.00	\$0.00
B	Stone Bedding #57	200	TDN	\$32.00	\$6,400.00	\$30.00	\$6,000.00	\$30.00	\$6,000.00	\$32.00	\$6,400.00	\$22.00	\$4,400.00	\$0.00	\$0.00
	Sedimentation & Erosion														
17	Silt Fencing	20,850	LF	\$3.00	\$61,950.00	\$2.35	\$48,927.50	\$3.00	\$61,950.00	\$3.00	\$61,950.00	\$2.50	\$51,825.00	\$2.55	\$52,857.50
18	Stone Check Dam	100	EA	\$50.00	\$5,000.00	\$60.00	\$7,000.00	\$40.00	\$4,000.00	\$100.00	\$10,000.00	\$185.00	\$18,500.00	\$75.00	\$7,500.00
19	Inlet Protection	50	EA	\$280.00	\$14,000.00	\$177.00	\$8,850.00	\$100.00	\$5,000.00	\$100.00	\$5,000.00	\$1,650.00	\$82,500.00	\$100.00	\$5,000.00
20	Outlet Protection	4	EA	\$250.00	\$1,000.00	\$100.00	\$400.00	\$200.00	\$800.00	\$100.00	\$400.00	\$300.00	\$1,200.00	\$100.00	\$400.00
21	Stabilized Outlet	9	EA	\$100.00	\$900.00	\$89.25	\$803.25	\$75.00	\$675.00	\$80.00	\$720.00	\$400.00	\$3,600.00	\$125.00	\$1,225.00
22	Carb Inlet Sediment Control	4	EA	\$100.00	\$400.00	\$57.00	\$228.00	\$100.00	\$400.00	\$250.00	\$1,000.00	\$200.00	\$800.00	\$100.00	\$400.00
23	Erosion Control Matting	15,375	SY	\$3.00	\$46,125.00	\$2.20	\$33,825.00	\$2.00	\$30,750.00	\$4.75	\$72,431.25	\$2.75	\$42,281.25	\$2.00	\$30,750.00
24	Construction Entrance	8	EA	\$800.00	\$6,400.00	\$1,750.00	\$14,000.00	\$800.00	\$7,200.00	\$500.00	\$4,000.00	\$1,500.00	\$12,000.00	\$1,800.00	\$12,000.00
25	Temporary Fencing														
A	Barbed Wire Fence / Hog Wire Fence	1,000	LF	\$7.00	\$7,000.00	\$8.10	\$8,100.00	\$3.00	\$3,000.00	\$9.00	\$9,000.00	\$2.80	\$2,800.00	\$2.00	\$2,000.00
B	Orange Construction Barrier Fence	1,000	LF	\$7.00	\$7,000.00	\$3.20	\$3,200.00	\$3.00	\$3,000.00	\$6.00	\$6,000.00	\$24.00	\$24,000.00	\$2.00	\$2,000.00
26	Permanent Fencing														
A	Barbed Wire Fence / Hog Wire Fence	1,000	LF	\$7.00	\$7,000.00	\$5.70	\$5,700.00	\$7.00	\$7,000.00	\$9.00	\$9,000.00	\$3.50	\$3,500.00	\$4.00	\$4,000.00
B	Wood Fence	100	LF	\$20.00	\$2,000.00	\$10.25	\$1,025.00	\$15.00	\$1,500.00	\$20.00	\$2,000.00	\$29.00	\$2,900.00	\$15.00	\$1,500.00
27	Concrete Thurst Blocking & Misc Concrete	15	CY	\$200.00	\$3,000.00	\$180.00	\$2,700.00	\$300.00	\$4,500.00	\$250.00	\$3,750.00	\$450.00	\$6,750.00	\$160.00	\$2,400.00
28	Subsoil - Remove/Replace in Place	130	CY	\$350.00	\$45,500.00	\$728.00	\$94,640.00	\$350.00	\$45,500.00	\$231.00	\$30,030.00	\$270.00	\$35,100.00	\$180.00	\$23,400.00
29	Curb - Remove/Replace in Place	2,100	LF	\$7.00	\$14,700.00	\$33.75	\$70,875.00	\$25.00	\$52,500.00	\$25.00	\$52,500.00	\$30.00	\$63,000.00	\$70.00	\$147,000.00
	Sub-Total			Sub - Total	\$3,320,870.53	Sub - Total	\$3,389,917.30	Sub - Total	\$3,376,843.00	Sub - Total	\$3,484,040.20	Sub - Total	\$3,784,988.25	Sub - Total	\$4,209,080.50
30	Mobilization (2% Max)				\$99,026.12		\$43,502.00		\$95,000.00		\$104,548.38		\$87,000.00		\$130,981.52
31	Contingency Allowance 4%				\$132,834.82		\$117,326.77		\$138,941.80		\$143,579.70		\$183,054.33		\$174,642.02
32	Soils Testing Allowance				\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00
	Total			Total	\$3,563,731.47	Total	\$3,540,755.37	Total	\$3,622,884.80	Total	\$3,742,074.42	Total	\$4,008,012.86	Total	\$4,661,674.04

CERTIFICATION
 The Bids Tabulated herein were opened and read at 2:00 p.m. local time, on April 23, 2008 in the Union County Public Works Department, 800 N. Main Street Monroe, North Carolina

- (1) \$11,000.00 entered by contractor, should be \$13,200.00
- (16) \$11,400.00 entered by contractor, should be \$9,500.00
- (17) \$3,378,243.00 entered by contractor, should be \$3,378,945.00
- (18) \$136,829.30 entered by contractor, should be \$136,841.80
- (19) \$3,822,174.80 entered by contractor, should be \$3,822,488.80
- (20) \$185,280.00 entered by contractor, should be \$184,300.00
- (21) \$35,000.00 entered by contractor, should be \$35,100.00

- (22) \$2,355,208.18 entered by contractor, should be \$3,784,358.25
- (23) \$163,992.33 entered by contractor, should be \$153,854.33
- (24) \$4,003,900.36 entered by contractor, should be \$4,003,012.58

Benjamin Thompson
 Benjamin Thompson, P.E.
 Associate
 HAZEN and GAWYER, P.C.
 4/29/08

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2008

Action Agenda Item No. 5/3a
(Central Admin. use only)

SUBJECT: ADDITIONAL CHILD HEALTH FUNDING

DEPARTMENT: HEALTH

PUBLIC HEARING: No

ATTACHMENT(S):
NC Dhhs Funding Authorization

INFORMATION CONTACT:
Phillip Tarte

TELEPHONE NUMBERS:
704-296-4801

DEPARTMENT'S RECOMMENDED ACTION: Accept \$250.00 in additional Child Health funding from the State.

BACKGROUND: The State has offered Union County an additional \$250.00 in funding for the Child Health program.

FINANCIAL IMPACT: No financial impact to the county.

Increase revenue:
10451150-4345-1327 \$250.00

Increase expenditures:
10451150-5260-1327 \$250.00

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

UNION
07/08

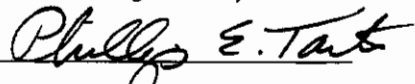
Previous Amount: 0.00

<u>Description</u>	<u>Activity</u>	<u>Fund</u>	<u>RCC</u>	<u>FRC</u>	<u>Total</u>
Child Health	351	1531	5301	00	250.00

Total this Revision: 250.00

Total after Revision: 250.00

Received and Agreed to by:


Local Health Director


Local Finance Officer Deputy



North Carolina Department of Health and Human Services
Division of Public Health • Administrative, Local, and Community Support Section

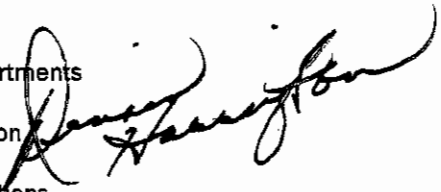
1931 Mail Service Center • Raleigh, North Carolina 27699-1931
5605 Six Forks Road, 1st Floor, Budget Office, Raleigh, NC 27609-3811

Tel 919-707-5070 • Fax 919-870-4832

Michael F. Easley, Governor
Dempsey Benton, Secretary

Leah Devlin, DDS, MPH
State Health Director

MEMORANDUM

DATE: 3/27/08
TO: Local Health Departments
FROM: Dennis E. Harrington 
SUBJECT: Funding Authorizations

Attached is the DPH aid-to-county funding authorization by health department for SFY 07-08. This funding authorization lists the individual activity allocation.

Please sign the funding authorization signature line and return to the DPH Budget Office, 1931 MSC, Raleigh, NC 27699-1931.

If you have questions, please call your Administrative Consultant or Kathy Blackley in the budget office at 919-707-5082.



Corrected MARCH 2008 Releases		as Reported and	as	
YEAR/DESCRIPTION		Approved	corrected	Difference
		4/7/2008	4/21/2008	
2008				
UCGT		19,817.94	19,817.94	-
UCLL		135.11	135.11	-
WESLEY CH GT		10.32	10.32	-
BAKERS FIRE FEE		3.70	3.70	-
SANDY RIDGE FIRE FEE		4.89	4.89	-
TOTAL - 2008		19,971.96	19,971.96	-
2007				
UCGT		10,955.58	10,955.58	-
UCLL		100.81	100.81	-
HEMBY BRIDGE GT		88.08	88.08	-
HEBMY BRIDGE LL		0.17	0.17	-
SPRINGS		56.55	56.53	(0.02)
SPRINGS LL		1.15	1.15	-
STALLINGS GT		7.01	7.01	-
STALLINGS LL		0.33	0.33	-
WAXHAW GT		34.08	34.08	-
WAXHAW LL		-	-	-
WESLEY CH GT		44.53	44.53	-
WESLEY CH LL		0.69	0.69	-
SPRINGS FIRE FEE		-	0.02	0.02
ALLENS FIRE FEE		105.00	105.00	-
BAKERS FIRE FEE		110.88	110.88	-
NEW SALEM FIRE FEE		65.00	65.00	-
PROVIDENCE FIRE FEE		50.00	50.00	-
UNIONVILLE FIRE FEE		36.44	36.44	-
WINGATE FIRE FEE		100.00	100.00	-
TOTAL - 2007		11,756.30	11,756.30	-
2006				
UCGT		1,018.21	1,018.21	-
UCLL		6.95	6.95	-
NEW SALEM FIRE FEE		4.44	4.44	-
BAKERS FIRE FEE		-	-	-
STACK FIRE FEE		-	-	-
TOTAL - 2006		1,029.60	1,029.60	-
2005				
UCGT		505.79	505.79	-
UCLL		-	-	-
COUNTY SCHOOL GT		63.22	63.22	-
NEW SALEM FIRE FEE		4.10	4.10	-
BAKERS FIRE FEE		-	-	-
STACK FIRE FEE		-	-	-
TOTAL - 2005		573.11	573.11	-
2004				
UCGT		516.03	516.03	-

Corrected MARCH 2008 Releases				
YEAR/DESCRIPTION		as Reported and Approved	as corrected	Difference
UCLL		-	-	-
CSGT - 999		68.80	68.80	-
CS LL - 999		-	-	-
NEW SALEM FIRE FEE		4.00	4.00	-
BAKERS FIRE FEE		-	-	-
TOTAL - 2004		588.83	588.83	-
Grand Totals - All Years		33,919.80	33,919.80	-

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 05/05/08

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

SUBJECT: Time Warner Cable Helping Hands Grant

DEPARTMENT: Sheriff's Office **PUBLIC HEARING:** No

ATTACHMENT(S):
Original check from Time Warner
Cable in the amount of \$10,000.
Check # 0002185735.

INFORMATION CONTACT:
Captain Steve Simpson

TELEPHONE NUMBERS:
704-283-3578
704-400-4584

DEPARTMENT'S RECOMMENDED ACTION: Accept check in the amount of \$10,000 from Time Warner Cable to be used as part of the Helping Hands Hero Grant recently received by the Sheriff's Office.

BACKGROUND: The Sheriff's Office recently applied for a grant through Time Warner Cable that would provide funds for a bicycle safety program. Our office received funds in the amount of \$10,000 to be used to purchase the necessary equipment to promote the program. An enclosed trailer, bicycles, helmets etc. will be purchased with the grant funds obtained.

FINANCIAL IMPACT: N/A.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

BUDGET AMENDMENT

BUDGET Sheriff REQUESTED BY Steve Simpson
 FISCAL YEAR FY2008 DATE May 05, 2008

INCREASE

Description

Operating Expenses 10,000

Misc Revenue 10,000

DECREASE

Description

Explanation: Appropriate funds for grant received from Time Warner Cable; used for the Helping Hands Hero Program

DATE _____ APPROVED BY _____
 Bd of Comm/County Manager
 Lynn West/Clerk to the Board

FOR POSTING PURPOSES ONLY

<u>DEBIT</u>			<u>CREDIT</u>		
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
<u>10-543130-5290-1059</u>	<u>Tools and Supplies</u>	<u>10,000</u>	<u>10-443130-4840-1059</u>	<u>Misc Revenue</u>	<u>10,000</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	-	_____	_____	_____
_____	_____	-	_____	_____	_____
_____	_____	_____	_____	_____	_____
	Total	<u>10,000</u>		Total	<u>10,000</u>
	Prepared By	<u>JLL</u>			
	Posted By	_____			
	Date	_____		Number	<u>46</u>

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2008

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

SUBJECT: Union County Personnel Resolution: Article III

DEPARTMENT: Personnel

PUBLIC HEARING: No

ATTACHMENT(S):
Article III, Section II a) and b)
Current and Amended

INFORMATION CONTACT:
Mark Watson

TELEPHONE NUMBERS:
704-283-3869

DEPARTMENT'S RECOMMENDED ACTION: Accept technical amendment to Union County Personnel Resolution: Article III, Section 11 a) and b).

BACKGROUND: The work schedules of law enforcement officers are subject to Section 207(k) of the Fair Labor Standards Act (FLSA). Section 207(k) establishes the maximum number of hours that can be worked before overtime begins to accrue. The employer is responsible for setting the work period, with all time worked by an employee during this period totaled and overtime, if any, calculated accordingly.

Currently Article III Section II, establishes the 207(k) work period as a 28 consecutive-day cycle in which 171 hours must be worked before overtime is accrued.

The proposed change to Article III, Section II establishes the 207(k) work period as a 14 consecutive-day cycle consistent with the county's payroll processing cycle. Accordingly, the maximum number of hours to be worked before overtime accrues changes from 171 to 86.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

ARTICLE III. THE PAY PLAN

CURRENT

SECTION 11

Overtime

(a) Overtime for employees other than law enforcement and detention employees is defined as time worked over 40 hours in a given seven-day work week beginning Friday midnight. All overtime worked in every department must have the prior approval of the County Manager, except in cases where emergency situations occur. Accounting for overtime for all departments shall be done on the official payroll time cards. Overtime for law enforcement and detention employees, however, shall be based on a 28-day cycle with overtime being any hours worked in excess of 171 hours for law enforcement and detention employees during the cycle. All overtime shall be paid or compensated for in accordance with the FLSA.

(b) The payment in cash for overtime will be made only for hours worked over and above a 40- hour, seven day work week for other than law enforcement and dentition employees. Overtime payment for covered nonexempt law enforcement and detention employees will be made only for hours worked over and above 171 hours during a 28-day cycle.

PROPOSED AMENDMENT

SECTION 11

Overtime

(a) Overtime for employees other than law enforcement and detention employees is defined as time worked over 40 hours in a given seven-day work week beginning Friday midnight. All overtime worked in every department must have the prior approval of the County Manager, except in cases where emergency situations occur. Accounting for overtime for all departments shall be done on the official payroll time cards. Overtime for law enforcement and detention employees, however, shall be based on a 14-day cycle with overtime being any hours worked in excess of 86 hours for law enforcement and detention employees during the cycle. All overtime shall be paid or compensated for in accordance with the FLSA.

(b) The payment in cash for overtime will be made only for hours worked over and above a 40- hour, seven day work week for other than law enforcement and dentition employees. Overtime payment for covered nonexempt law enforcement and detention employees will be made only for hours worked over and above 86 hours during a 14-day cycle.