

Approved 2/16/2009

**MINUTES
UNION COUNTY BOARD OF COMMISSIONERS
December 15, 2008**

The Union County Board of Commissioners met in a regular meeting on Monday, December 15, 2008, at 7:00 p.m. in the Board Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, NC. The following were:

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

ABSENT: None

ALSO PRESENT: Al Greene, County Manager, Lynn G. West, Clerk to the Board, Matthew Delk, Assistant County Manager, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, members of the press, and interested citizens

OPENING OF MEETING:

The Chairman thanked everyone for attending and called the meeting to order.

Invocation: At the request of the Chairman, Commissioner Baucom presented the invocation.

Pledge of Allegiance: Chairman Openshaw led the body and audience in reciting the Pledge of Allegiance to the American Flag.

Special Recognition: The Chairman stated the first act tonight is to recognize Jerry Simpson on his retirement from Union County service. He asked Commissioner Baucom, who is the Board’s representative on the Agricultural Advisory Board, to make the official recognition. Commissioner Baucom, on behalf of Union County, thanked Mr. Simpson for his work in extension service for the last 32 years with the last ten years being Extension Director in Union County. He assured that the agricultural

community of this county appreciates all the efforts of Mr. Simpson and the citizens of Union County appreciate the positive impact that Mr. Simpson has made on this county during his tenure in Union County.

Special Recognition: Chairman Openshaw asked Commissioner Baucom to join him at the podium where he presented to him a plaque in appreciation for his dedicated and faithful service as Chairman of the Union County Board of Commissioners for the period of December 3, 2007 to December 1, 2008.

PUBLIC HEARING – TOWN OF WINGATE’S ETJ:

The Chairman stated that no one had registered to speak during this public hearing which was advertised to receive public comments on the appointments of two regular members and one alternate member to serve on the Wingate Planning Board and the Wingate Board of Adjustments.

With there being no one wishing to speak, the Chairman closed the public hearing.

Special Recognition: Chairman Openshaw explained that the Union County Tax Administrator’s office received the Joseph B, Hunt Distinguished Jurisdiction Award for medium jurisdictions for 2008. He said this award was presented by the North Carolina Association of Assessing Officers. He recognized John Petoskey and his staff who were present tonight to receive the award. Mr. Petoskey introduced Phil Every and Amy Nicholson who he said had done most of the work on this project.

PUBLIC HEARING – DEBT RESTRUCTURING/REFUNDING BONDS:

The Chairman called to order the public hearing that was advertised to receive comments on the subject of debt restructuring/refunding bonds.. He recognized P. E. Bazemore who deferred his comments to the informal comments’ section of the agenda. The Chairman recognized Don Kerr who had also signed to speak but who stated that he had meant to register to speak on another issue.

The Staff Attorney advised the Chairman to open the floor for comments since the County must certify that this public hearing was held.

At 7:15 p.m., the Chairman of the Board of Commissioners announced that the Board of Commissioners would hear anyone who wished to be heard on the questions of validity of the bond order and the advisability of issuing the General Obligation Refunding Bonds. At the direction of the Chairman, the Clerk to the Board distributed the bond order and the published notice of hearing to all requesting them.

There was no one present who wished to address the Board of Commissioners on the questions of the validity of the bond order and advisability of issuing the General Obligation Refunding bonds.

With there being no person who requested to be heard in connection with the foregoing questions, the Chairman declared the public hearing closed.

CLOSED SESSION:

Chairman Openshaw stated that he hated to keep the public waiting but moved in accordance with General Statutes 143-318.11(a) (2) to go into closed session to consult with an attorney in order to preserve the attorney-client privilege and in accordance with General Statutes 143-318.11(a) (3) to give instructions to an attorney concerning the handling of settlement of the following judicial actions: William J. Nolan, III, Louise Hemphill Nolan, and Hemphill-Nolan Realty Group vs. Union County, North Carolina, and Union County Public Works and pursuant to 143-318.11 (a) 6 to consider the qualifications, competency, performance, character, fitness, conditions of appointment or conditions of initial appointment of an individual public officer or employee or perspective employee. The motion passed unanimously.

At the conclusion of the closed session, the Chairman apologized for keeping the audience waiting. He reconvened the regular session and moved to the Informal Comments' portion of the meeting.

INFORMAL COMMENTS:

He recognized Pinky Marsh who wanted to speak on open government. Mr. Marsh stated that he lives at 1323 Landsford Road, Marshville, NC. He congratulated Mrs. Rogers and Mrs. Kuehler for their recent election to office. Mr. Marsh said that he for one was looking forward to the many great things that both supported during their campaigns; one of which, he wanted to address tonight. He also congratulated Mr. Openshaw for his election as Chairman. He said that the public is now watching with great interest to see how the new board makes Union County a better place to live and to work. Mr. Marsh said that after watching

the campaigns he is very excited about all the emphasis placed on open government and ethical standards. He pointed out that some had accused Commissioners of backroom deals and unethical behavior and since those accusations were made that he had remained hopeful that the new Commissioners would do something about it, if elected and in the majority. Mr. Marsh said that he has been a victim of those backroom deals and now is paying dearly. He further said that with the new emphasis placed on transparent government, he would ask the Commissioners if they had only said those statements to get elected or if they are going to really do what was promised. He, therefore, asked to be placed on the next agenda to share information that the Commissioners and the taxpayers of Union County deserve to hear. He said that the information he wanted to share was not hearsay or false accusations, but is factual information that the Board needs to be aware of as it leads this county. He stressed that he thought the open agenda would allow the taxpayers to realize the sincerity of the corruption and the uphill tasks ahead of this new board. Mr. Marsh noted that some of the Commissioners have visited him personally and in their own admission know that there have been wrong doings to the point that the Commissioners who visited him thought that he was owed damages. He said he was not seeking damages tonight but is requesting the Board's ear to listen to the corruption that has been dealt to him and the higher cost being paid by the taxpayer. He stressed that if the Board decided not to let him on the agenda that he would believe the County is in for the same type of leadership that it has experienced over the last few years. By simply doing nothing, which is the easiest thing to do, it would appear this Board wants to cover up the facts. He said that while some accuse him of being arrogant that most people who realize the extent of this corruption would know it as only frustration. Mr. Marsh asked the Board that they expose it together and take the government back to high-ethical standards by allowing him to be placed on the open agenda.

Mr. Richard Alexander was next recognized to speak on disclosure forms and board criteria. Mr. Alexander thanked the Chairman and Board for allowing him to speak. He said he knew everyone on the Board and that he knows everyone to be fair and believes that the Commissioners also realize that he, too, is an ethical person. He addressed Mrs. Rogers by stating that he had always respected her to do her homework before making a decision and asked her if she had been to a Board of Adjustment meeting and had she read the manual. He said he had read the manual and sat in the Board of Adjustments' meeting as an alternate. He explained his purpose is to address the Board's decision to require financial disclosure and the disqualifying criteria for Board membership. Mr. Alexander first addressed the financial disclosure aspect: financial disclosure will not make a dishonest person honest. He said that as a member of the Board of Adjustments that he did not see how anyone could use their seat for personal gain. He stressed that the job of the Board of Adjustments is to determine if there is any violation of the ordinance or factors by the petitioner. Mr. Alexander said that most cases are cut and dry within the regulations and very little discretion can be asserted by a Board member. He admitted that he did not mind giving a financial disclosure since he had very little assets; however, since any disclosure is public record, this would violate the member's privacy even after his/her service on the Board is completed. He asked would a member be required to update his disclosure daily, weekly, monthly. He pointed out

that financial situations change. Mr. Alexander noted that in North Carolina elected officials are not required to disclose so why volunteers should be required to do so.

He next addressed the disqualifying criteria for Board membership. He said it was his understanding that party officials and the leadership of their subsidies may not serve on the county boards. Mr. Alexander asked if these positions are of political power that would sway their party's position. He emphasized that he thought the integrity of the volunteers should be the priority. Mr. Alexander stated that the Board is deciding to ban good people from boards just because they volunteered to take a position in their political party. He asked about other affiliations and gave examples of his question. He expressed his hope that the Board reconsiders its policy of discrimination because the Board will lose great assets to the boards of this county. He said it is true that he is President of the Union County Republican's men club but is glad that he does not fit into the disqualifying criteria. He noted that he was not a party official and the club is not a subsidiary of the Union County Republican Party but is a stand alone, volunteer service organization where members have similar conservative ideological viewpoints.

The Chairman next recognized Everette Medlin who addressed disclosure forms and the Union County Planning Board. Mr. Medlin thanked the Board for the opportunity to address it. He noted that he is a farmer from the Unionville area and is also the Vice Chairman of the Union County Planning Board and Chairman of the Agricultural Advisory Board. He stated that he wanted to address the changes to the Union County Planning Board and the planned financial disclosure forms. Mr. Medlin explained that the current township plan represents all the citizens of Union County in a fair and equitable manner. He said that while it is not based on population, it is fairly based on landmass or fairly equitable land areas. He explained that while the western area is largely incorporated into cities and towns and are subject to local municipal ordinances, and not subject to the County's Ordinances, the eastern area is largely rural, undeveloped and has fewer incorporated areas so the County's regulations are more prevalent and the representation on the boards is even more important to those residences. He stressed that the township representation insures fairness to all citizens in all parts of Union County. Mr. Medlin said that a reduction in Planning Board size from nine to five members would not allow township representation and would diminish fairness and equality for those citizens in the eastern area of Union County. Mr. Medlin said that contrary to a lot of people's opinion, the board's membership is very diverse. He said that four of the nine who serve are in agriculture, the others members are the attorney on staff for the Sheriff, a surveyor, mortgage broker, commercial real estate broker, and one member sells construction and industrial products and is also a cattle farmer. He reiterated that the Board is diverse but is very well rounded and a very representative group. Mr. Medlin assured that this Board is not part of the real estate food chain. He said his next point is financial disclosure forms. He pointed out that the board members are all successful persons in their fields, experienced, and well qualified – most run their own businesses. He said that financial disclosure forms or conflict of interest forms whichever it is called is going to cause some very well qualified

successful people to choose not to serve on these boards. He said this would be true of all boards. He stressed that volunteers do not want their personal, financial records a matter of public records open to everyone forever. In addition, he stated that financial disclosure forms will drive away ambitious, successful, intelligent well-qualified people and asked if that is what the Commissioners are wanting. Mr. Medlin explained that a person of integrity, if appointed, can determine when a conflict exists. He asked if the Commissioners are going to prohibit a farmer from serving on the Agricultural Advisory Board, medical personnel from serving on health board, etc. He said if the form is required on one board, it should be required for all boards. He asked that the Commissioners let reason prevail in its decision.

The Chairman recognized Robert Allen who wanted to address the Board on the issues of disclosure forms and the Planning Board.

Mr. Allen said that he has had the honor of serving on the Planning Board for some time and enjoys the work of that Board. He said that the disclosure forms do not bother him a great deal but if it is going to happen that it should be applicable only to those who are chosen and not those who apply. He agreed with Mr. Medlin on all the items he addressed but stated that one of his biggest concerns is the impact that reconstituting the Planning Board would have on the Steering Committee. He reminded that the Steering Committee had traditionally been made up of the Planning Board and stated that he had asked Dick Black and Roger with Clarion if the committee could be expanded to reach out in the community and bring in additional talent. He said there are 20 people who constitute that committee and it is extremely diverse. He said to throw this committee out would be a huge injustice to the county. Mr. Allen asked the Commissioners to think about their action and its far-reaching impact.

The next person called upon to speak was Dan Kelly. Mr. Kelly stated that he lives at 1356 Mill Bank Drive, Stallings. He congratulated Chairman Openshaw for his election as Chairman and congratulated Mrs. Kuehler and Mrs. Rogers for their election and for the fresh faces that they present for opportunities. He said as elected officials that this Board has the opportunity to show the people of this county, not only that the Commissioners are going to honor the pledges made during their campaigns, but that the Commissioners are going to honor the oaths of office that were taken two weeks ago. He said he was impressed with the passion that was shown while the members were taking their oaths. Mr. Kelly said that what people will really care about is how the Commissioners act, do they really care, are the members following through, are the Board's actions speaking louder than its words. He said his hope is that within the next two months, the citizens will be able to see it is not a divided board or a divided county.

Bill McGuirt was next recognized to address the issue of the Planning Board. Mr. McGuirt thanked the Commissioners for the opportunity to speak. He said he reviewed the disclosure statement that was on-line by the staff attorney and assured that he did not have a problem with it. Mr. McGuirt said he did not believe there was a lot on the form that is of a personal nature that is not already a public record with the exception of the business that his wife owns. He explained that he does not represent any special interest group. Mr. McGuirt said that as an attorney in private practice before he went back into law enforcement that his practice was representing abused children and the guardian ad litem program. Mr. McGuirt said that with his training that he is very much interested in public administration and the only concern to him was the elimination of the selection of the Planning Board by township. He said he lives in a southern township, outside the City of Monroe, and is an alternate on the Board and is proud to serve. Mr. McGuirt said this is the first time that the people of his area have felt that they had a voice on the Planning Board.

Jim King addressed the disclosure statement and read from an article from the October 3, 2003, local newspaper which was addressing conflict of interest on the Planning Board which stated that there was no North Carolina case law or statute that directly addressed this issue but the County Attorney gave some direction as to how and when a member should recognize a conflict of interest. He explained that when he was on the board it was basically comprised of developers and pointed out that of a seven-member board and two alternates; there were four members involved in real estate. He said that of those who were not – one had recently received an award in another area of the county and was praised for having land development and real estate business within the community when he received the award, yet he was not a developer. Mr. King said another was a real estate agent and her family is involved in real estate and her husband is in the paving business, but she was not a developer either. He said there was a retired electrician who was not in the development business either. He pointed out that of the five who stated they were not in the building-business that three of them had deep connections with that area. Mr. King stressed that rationale is the reason Union County needs disclosure forms.

The next person who the Chairman recognized was Andy Williams to speak to the subject of the Planning Board. Mr. Williams stated that he lives at 4918 Old Marshville Road, Marshville, NC. He first thanked the Board for allowing him the opportunity to speak and stated that he had voluntarily served on the Union County Planning Board for two terms and during one of these terms he represented the Marshville Township. Mr. Williams said he served three terms on the Union County's Parks and Recreation Advisory Board and the Union County Land Use Steering Committee for this one term. He expressed his concern over a couple key issues that are and/or will be discussed tonight or in the near future.

First, he voiced opposition to the Financial Disclosure forms for the Board for the simple reason that he serves on these boards strictly as a volunteer and does not think that if someone is willing to give their time and efforts to serve on boards that they should be required to disclose any personal or financial information. He said if these positions would require the general public to elect the people to serve, then there should be a financial disclosure form in order to obtain these positions. Mr. Williams stressed that final decisions of all the boards on which he has served in the past or ones that he is on, whether monetary or legislative, have come back to the Board of Commissioners. Therefore, he questioned, what would be gained by passing this action? He said it is his opinion that the disclosure form will cause the County to lose a lot of good people who are currently serving on boards and others who might want to get involved. Mr. Williams said that if the only reason for the form is to prove a point by trying to show who does what or who has what, then the Commissioners were chosen for the wrong reason to be a county commissioner.

Secondly, Mr. Williams expressed his opinion about district representation. He said he had supported this for some five or six years when some of this Board's members were campaigning for the first and second times. Mr. Williams expressed his opinion that this type of representation is the best way for the County and for all the citizens who live in the districts to be represented. He said this is his second term on the Planning Board and stressed that he has enjoyed working on the Planning Board with the representatives who have served this term. Mr. Williams said it is far from the truth that the Planning Board is stacked full of home builders or developers. He said there are five members on the current board that he knows who are either directly or indirectly involved in agriculture in the County and the others are a school principal, a law enforcement officer, a citizen, mortgage financial advisor, and local business woman and mother. He asked, if for some reason the Commissioners feel that these representatives should be dismissed, that these citizens be allowed to continue serving on the current Land Use Steering Committee until its work is finished and submitted to the Board of County Commissioners for its final approval. He stressed that these members have given countless volunteer hours to this project and deserve to see this vision for the County is completed.

Finally, Mr. Williams stated that he serves as Vice Chairman for the Union County Parks and Recreation Advisory Board and asked the Commissioners to approve the 2009 Union County PARTF grant. He stated that he believes this is the time to take advantage of the economic downturn based solely on the reason that the County could get funding paid at 50 cents on the dollar and Union County has funds appropriated that could fund this grant application. Mr. Williams said this project could be an economic booster for the County's businesses that could possibly do work on these projects. He issued a charge to the new board to be positive and work together with open minds and take the blinders off and see issues in different ways.

Mark DiBiasio was recognized to speak. He stated that he first wanted to discuss the disclosure statement. He reported that as he had read it on the agenda, he did not have an issue with it. Mr. DiBiasio said he thought it was important and is

something that will lend itself to the transparency that is needed in government. He further stated that he thought that anyone who makes application to serve on one of the major boards should be asked to complete it at the time of application. He said that on the issue of reconstitution of the Planning Board and Board of Adjustment that it was two years ago the same issue was discussed and at that time he was serving on that Planning Board. Mr. DiBiasio said it was discussed at the Board level and again when the 2006 term of Commissioners put forth the change to the current planning board by instituting the township representation method. Mr. DiBiasio said that at that time it was argued that townships were totally unfair representation because not only were they geographically dissimilar in size, the fact was that there were townships with roof tops numbering 900 and townships with 27,000 and 34,000 homes; it was just not a fair representation and he agreed with that view. He urged the Commissioners to put forward the motion as they have it on the agenda tonight and to walk it through the Planning Board and to open up membership to the best in Union County who want to avail themselves to serve with an effort to provide representation from every part of the County. He said on the Board which he served there were seven members who lived in different townships and there were three members who lived in the Sandy Ridge Township. He said he did not think it better to stack a board with farmers than it is to stack it with developers or any one particular background.

Mr. DiBiasio said he thought the Board of Adjustment falls in the same area; people must feel that there is fairness and a lack of conflict when a decision is made. He reminded that the Board of Adjustment makes decisions based on variances and allows cell towers in places where it may not be zoned accordingly. He said that he did not have an issue with keeping the political parties out of the boards. He said if there is a Chairman of a political party that in itself is a political conflict and he/she should not be on a transparent board that is non-biased.

Monroe Mayor Pro-Tem P. E. Bazemore addressed the Commissioners on district representation. He too thanked the Board for allowing him to address it and congratulated the Chairman for his election as Chairman and at the same time extended his sympathy for the added responsibility that comes with that position. He said his point is that when he came to Union County the population was less than 80,000 and there were five commissioners and now 100,000 people have been added to that population and there are still only five county commissioners. He pointed out that the budget and areas of responsibilities have multiplied many times but there are still only five county commissioners. Mr. Bazemore stressed that he did not think it possible for five people to provide the level of governance that Union County needs. He said the Board of Commissioners representing Union County should have at least nine persons on it. He noted that the small county of Montgomery has five county commissioners with district representation and stressed that district representation is important to provide true representation. Mr. Bazemore pointed out that in the eastern section of the County there is no one representing Union County; Commissioner Baucom is out Hwy. 200. He encouraged the Commissioners to give district representation with nine commissioners consideration so that

everyone could have representation; he stated that living in Monroe on South Bragg Street that he did not believe that he was represented by this Board.

The Chairman next recognized Don Kerr. Mr. Kerr thanked the Board for allowing him to address it and stressed that he hoped that privilege would never go away. He gave his address as 9614 Joe Kerr Road, Waxhaw, NC, and provided the information that his family has been on the same plot of land since 1850 and had helped pioneer Union County and develop Union County and perhaps done it too well since it appears that everyone wants to live here. He addressed the method of selecting members of boards and committees and echoed the comments of Messrs. Medlin, Allen, and Bazemore. He said that townships have been the way to select those committee members for a hundred years and the Farm Bureau, one of the older organizations in the County, has used that method, and it has worked very well. Mr. Kerr explained that it forces all of Union County to be represented and no other method can do it so well. He further stated that it is his opinion that the requirement for the disclosure form will cause the county to lose a lot of good members on boards and committees. He said he might not want to complete one because he would not want someone to know how little he owns. Mr. Kerr said he thought it was an invasion of privacy. He pointed out if the person is not trusted, they should not be appointed to the Board.

Chairman Openshaw recognized Marshville's Mayor Frank Deese who gave his address as 314 N. Main Street. Mayor Deese extended an invitation to the Board and viewers to visit Marshville to look at its lights. He stated that at the last meeting there was a lot of discussion about the need for disclosure and the issue of requiring volunteers for county boards to be put under the same scrutiny or even more than elected officials are subject to. He said that as an elected official he expected to be in a glass house and have a certain level of scrutiny but pointed out that he asked for the job and went out and asked individuals to vote for him. He pointed out that the volunteer board members give their time and energy to do something for the County, and he did not believe that these individuals should be subject to the same scrutiny as should the elected officials. Mayor Deese said that as noble as the Commissioners' intention may be, and he was assuming that the Board's intention is to root out unscrupulous people, that it is his opinion that the Board is going about it in the wrong way. He assured there are persons in this county who are trustworthy and of the highest integrity who would do an excellent job on any of these boards but would never volunteer because they would not want their financial statements opened to the public.

Mayor Deese said his other concern is the Board's intentions, as he understands them, to dismiss members of the Planning and Zoning Board and then reappoint new members irrespective of townships. He said in essence the Board would dissolve the district representation by townships with replacement of "at large" members. Mr. Deese said as he understands the rationale it is that the Commissioners want the best minds on the Board. He said his question is: the best minds by whose definition. He asked

what happens when the “best minds” are all from one area and asked if that is fair and equal representation. He then asked what happens when the “best minds” don’t want to disclose their financial information. Mr. Deese asked if the Commissioners then go to the second and third level of “best minds.” He said the idea was great but that in does not make sense to him that the Board of Commissioners would dissolve equal representation for that method. He said at this time the Planning Board and Board of Adjustments have fair and equal representation by township which is something that this County has not had in a very long time, and, sadly, looking at the agenda and the apparent direction of the Board, the County may not have it for any time soon.

Brian Rogers was next recognized to address the Board on disclosure. He congratulated Commissioner Kuehler and Commissioner Rogers and stated that for full disclosure that he and Commissioner Rogers are not related. He gave his address as 2011 Triple Crown Drive. Mr. Rogers said that he had previously served as Chairman on the Board of Adjustment, appointed by Commissioners Sexton, Lane and Stone. He vouched that every member of the Board that he had served with has served honorably and not one person has done anything that would be dishonorable. Mr. Rogers said that before any case is heard the question is asked, “Does anyone on this board have a conflict of interest?” He said the standards of the Board of Adjustment are different in that they are overturned by the Superior Court Judge, and it is the Board of Commissioners’ decision to appoint qualified people to uphold what the ordinance stipulates. He stressed that they do not make zoning laws. He said he had seen it work and people recuse themselves from what they perceive might be a conflict of interest. Mr. Rogers suggested that other Boards look at similar regulations. He said that while the intent might be good, there is no way to make a dishonest person honest. He said he was against it because it could be embarrassing, and it is absolutely none of the business of government what he owns, but agreed that it is in the Board’s prerogative, if it feels that he doesn’t take it seriously to remove him from the board.

He said he thought it ironic and with some hypocrisy that when each of the Commissioners signed up to run for County Commissioners, it was not necessary to disclose what he or she owned or what their family owned. He said that it is necessary for voters to do homework on the Commissioner or rely on what others say. Mr. Rogers said that the Board had the right to change the ordinance to require voting and encouraged the Commissioners to look at that first and commented that he thought restricting party officials was going a bit overboard. He suggested that perhaps the restriction should be on any individual who donated a minimum of \$50 to a Commissioner’s campaign. He said that could be a conflict of interest in that they supported the Commissioner and his/her agenda. He said he thought this proposed action was a disservice to all citizens of Union County and encouraged the Commissioners to rethink their action in that it would deter good people from serving on boards and committees.

The Chairman asked if there were any additional comments. With there being none, he said the next item of business would be additions and deletions to the agenda.

At the request of Commissioner Mills, the Chairman declared a five-minute break. At the conclusion of the break, the Chairman reconvened the meeting.

ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA:

The Chairman stated this item is for additions, deletions and/or adoption of the agenda and asked for comments. He recognized Vice Chairman Rogers who requested to address the item.

Vice Chairman Rogers requested that for Items 11, 21 and 23 the staff's recommended action be removed from the agenda. She explained that she asked for the removal because she is concerned that these are issues that are political in nature and they are in the purview of the Board of Commissioners and she does not want there to be any perception that the County Manager is taking a position one way or the other. She said she thought it was important to let him stay out of those types of issues.

Commissioner Kuehler requested to add to the agenda a settlement on the voting method of the Board.

Commissioner Mills reminded that due to the information that he requested earlier that he would like to have the information from the staff attorney prior to making that decision.

The Vice Chairman replied that her only request is to remove the recommendation of the staff not to remove the item from the agenda. At the request of the Vice Chair and Commissioner Baucom, the Clerk read back the motion of the Vice Chairman.

Commissioner Mills said that he had asked earlier for Mr. Crook to get a clarification on this issue because it was his understanding that the County Manager and/or staff must make a recommendation on all items. He said he did not think the Commissioners could pick and choose items for recommendation.

The Chairman stated that he would entertain an opinion from the counsel. Mr. Crook stated that his comment would be that the Board might want to add this to the agenda for discussion purposes. He said if the Board has questions about the County Manager's authority versus the Board's authority, he would direct those questions to the County Attorney.

The Vice Chairman stated that she is not questioning the lines of authority but noted that the document she received from Mr. Greene that outlined statutorily his responsibilities specified that he is not to take position on political issues. She stressed that she wanted to keep that line clear—not blurred—and pointed out that these particular items are totally within the purview of the Board of County Commissioners and not affecting staff. She stressed that is why she requested that the staff’s recommendation be removed; this is strictly a political and campaign issue. Vice Chairman Rogers reiterated that she did not believe the County Manager needs to be involved in these issues.

The County Manager agreed with the Staff Attorney that those questions should be directed to the County Attorney as opposed to the Staff Attorney. He said that until the attorney is able to research the issue that he had no problem with his recommendations being removed. Mr. Greene said the recommendations have been made and the Commissioners know what these are and that was the purpose of those recommendations.

Commissioner Baucom asked Interim County Attorney Ligon Bundy if he were knowledgeable or in a position to address this question and provide an opinion.

Mr. Bundy said that he was not prepared to address this issue tonight in that this is the first time it has been mentioned and requested time to research it to be able to render a proper opinion.

Commissioner Baucom stated that with that being the case, he moved to table those three agenda items until the next regular meeting of the Board.

Commissioner Kuehler said that she did not think that was appropriate in that the County Manager has stated that the Board has received his recommendations and the question is whether or not to remove these recommendations from the agenda. She noted that the recommendation is in the package. She reiterated the comment of the Vice Chairman that the request is not to remove the items from the agenda but the recommendation.

Commissioner Baucom stated that this action would establish policy and set a precedent and in his opinion that until there is a legal opinion that these agenda items be tabled. He then moved to table these items until an attorney opinion is received. He said that this would be the appropriate, fair, and rationale thing to do at this point.

Commissioner Rogers noted a point of order. She said the motion to table is appropriate if something is going to be taken off the agenda to deal with more urgent business and then it is dealt with separately, but pointed out there is another motion that should be made to take an item off for consideration.

The Staff Attorney stated that Commissioner Rogers might be referring to the motion to defer consideration. He said that the Board has often used as an informal means the term to table which for recording purposes or for procedural purposes is a motion to defer consideration. He said he thought that Mrs. Rogers was right in the distinction but that it has not been recognized in the past.

Chairman Openshaw stated that Mr. Greene has made his statement and Commissioner Rogers has made a statement. He addressed Commissioner Baucom's issue about policy and precedent. He said he agreed with Commissioner Baucom from that perspective; however, he said that for the record he would stipulate that this is not establishing policy or precedent and he would want to honor the Vice Chairman's motion.

Commissioner Mills said that he is requesting that the Board wait until the information requested has been received from the county attorney.

The Chairman stated that he understood and that he thought Commissioner Baucom's concern was to that point. He said if the Board could agree that this action will not be policy until the opinion is received from the attorney nor will it set precedent until the information is received from the attorney he could go forward with the vote.

Commissioner Baucom pointed out that he had a motion on the floor to defer.

The Chairman called for a vote on Commissioner Baucom's motion to defer action on Items 11, 21, and 23. The motion failed by a vote of three to two. Commissioner Baucom and Commissioner Mills voted for the motion and Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted against the motion.

Chairman Openshaw put forth his motion to accept Vice Chair Rogers' motion with the stipulation that this action will not be considered policy nor will it set a precedent until after the opinion of the attorney is received.

Vice Chairman Rogers accepted the amendment to her motion. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted to approve the amended motion. Commissioners Baucom and Mills voted against the motion.

Chairman Openshaw also requested to delete from the Consent Agenda approval of the minutes other than the minutes of the last meeting of December 1, 2008. He apologized for not having had the time to read the other minutes and asked that action on these be deferred until the next meeting. He also asked that Item 6.6b – Manatron, Inc. Agreement Amendment – be pulled from the Consent Agenda and added to the regular agenda.

Commissioner Rogers requested to remove 6.4 – Cooperative Extension – and 6.5 – Adjustments to Pay Grade Assignments – from the Consent Agenda and to add these items to the regular agenda.

Commissioner Mills requested to add Pinky Marsh to the regular agenda as Item 23A.

The Chairman set forth that Consent Items 6.6 would be 23B, 6.4 would be 23C, 6.5 would be 23D, and discussion to eliminate the voting button would be 23E.

Motion was made by Commissioner Mills that the agenda be adopted as amended. The motion passed unanimously.

CONSENT AGENDA:

Motion was made by Commissioner Mills that the items as included on the Consent Agenda as amended be approved. The motion passed unanimously.

Minutes: Approved minutes of December 1, 2008

Revisions to Union County Personnel Resolution: Approved and accepted technical amendment to the Union County Personnel Resolution: Article 1, Section 2, which identifies the coverage of part-time employees, including temporary and seasonal employees, under Article VI, Section 2, 7, 9, 10, 12, Article X and Article XIII as follows:

As approved:

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

SECTION 2

Coverage

Revised December 16, 2005 , May 19,2008

All persons in the County's employ shall be subject to these regulations, except as noted below.

- 1) These regulations shall not apply to elected officials, except as expressly stated herein.
- 2) Except for Article I, III Sections 9, 11, 12, 13, V, VI, VII, X, XI, XII, and XIII these regulations shall not apply to the County Manager, the Assistant County Managers, Department Heads and Supervisors.
- 3) These regulations shall not apply to the County Attorney appointed pursuant to NCGS Sec. 153A-114.
- 4) To the extent that they directly relate to hiring, discharge and supervision, these regulations shall not apply to the employees in the offices of the Sheriff and Register of Deeds.
- 5) To the extent that they conflict with the State Personnel Act, these regulations shall not apply to employees subject to said Act.
- 6) **Except for Articles I, II, III, IV, V, VI Sections 2, 7, 9, 10, 12, X, and XIII these regulations shall not apply to part-time employees, which includes temporary and seasonal employees as defined in Article III, Section 8.**

Revisions to Union County Personnel Resolution: Approve the revised Article VI, Time Away From Work as follows:

As Approved:

Article VI. TIME AWAY FROM WORK

SECTION 1

Holidays

1.1 Purpose

Paid holiday leave provides eligible employees with the ability to celebrate and observe the recognition of person(s) and events(s) significant to United States history and culture with their families.

The County of Union observes the following standard holidays:

1. New Year's Day (January 1)
2. Martin Luther King, Jr. Day (Third Monday in January)
3. Good Friday (Friday before Easter Sunday)
4. Memorial Day (Last Monday in May)
5. Independence Day (July 4)
6. Labor Day (First Monday in September)
7. Veterans' Day
8. Thanksgiving Day (Fourth Thursday in November)
9. Day after Thanksgiving
10. Christmas Eve
11. Christmas Day
12. The Day after Christmas
(When both the day preceding and the day following Christmas Day are workdays)

If a holiday falls on a Saturday or Sunday, the holiday will be observed on Friday or Monday and will be coordinated with federal, state and city holidays whenever possible. When Christmas falls on Tuesday, Wednesday or Thursday the day before and the day after will be observed as holidays.

1.2 Eligibility

Holiday leave is earned by eligible employees who are either a:

- 1) Full time employee, **OR**
- 2) Regular part-time employee.

And who are currently:

- 1) On a pay for work status, **OR**
- 2) On a paid leave status.

The employee must be on pay for work status the day before and the day after the holiday occurs. Pay for work status is defined as a regularly scheduled work day, a scheduled day off, sick leave with pay, vacation with pay, compensatory time off, or use of accrued holiday leave.

1.3 Manner of Holiday Leave Accumulation

- a. Holidays are earned as they occur.
- b. Employees required to work on an observed holiday will be granted holiday leave based on their assigned holiday accrual rate.
- c. Compensation will not be advanced for holiday leave.
- d. Pay in lieu of holiday leave shall not be an option.
- e. Flexible and modified work scheduling shall be suspended during work weeks in which a holiday(s) occurs.

1.4 Maximum Holiday Leave Accumulation

County employees accrue holiday leave within the 12-month period of October 1st through September 30th. This 12-month period is designated as the "Leave Year" for holiday accruals. Employees must use their accrued holiday leave within the designated 12-month period. Each year, at the end of the pay period that includes September 30th, all unused holiday leave will be forfeited.

1.5 Holiday Leave Accrual Rates

For the purposes of determining holiday leave accrual rates, the 40 hour per week (2080 hours annually) work schedule is designated as the basis for the Standard Holiday Accrual Rate. Holiday leave accrual rates for all other annualized work schedules are to be calculated as a percentage differential that is either greater than or less than the Standard Rate.

| <u>Hours Worked Annually</u> | <u>% of Standard</u> | <u>Hours Per Holiday</u> |
|----------------------------------|----------------------|------------------------------|
| 2080 | Standard | 8 |
| 2184 | 105% | 8.4 |
| 1768 | 85% | 6.8 |
| 1560 | 75% | 6 |
| 1352 | 65% | 5.2 |
| 1144 | 55% | 4.4 |

1.6 Requesting Use of Accrued Holiday Leave

- a. Employees should request use of accrued holiday leave in advance of the proposed leave period to give supervisors maximum opportunity to arrange schedules to accommodate the employee's request and adequately staff the workplace.
- b. Supervisors are responsible for ensuring that the business needs of the department are met when considering the request. Supervisors will endeavor to respond to the employee's holiday leave request(s) within ten (10) calendar days of his/her request for use of accrued holiday leave.
- c. The County has the right to require employees to use accrued holiday leave at specified times because of work schedules or budgetary reasons.
- d. If operational needs do not permit the granting of simultaneous requests for holiday leave, preference in granting the request shall be based on the respective seniority of the employees.

- e. Employees are cautioned not to retain excess accumulation of accrued holiday leave until late in the “Leave Year” due to the necessity to keep all County functions in operation. If an employee has excess leave accumulation during the latter part of the leave year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having use of accrued holiday leave approved or in receiving any exception to the maximum accumulation as outlined in Section 1.4.

1.7 Coordination of Holiday Leave

- a. Holidays occurring during vacation leave will be paid and recorded as holidays.
- b. Holiday leave, vacation leave or compensatory time off shall be used to account for an approved absence from a regular work schedule during periods of inclement weather as outlined in this Article.
- c. An employee may request to use accrued holiday leave, vacation leave or compensatory time off for any (otherwise) unpaid leave for established religious holidays, for Parental Involvement in Schools, or Inactive/Active Duty Military Leave.
- d. After having used all eligible sick leave an employee may request to use accrued holiday leave, vacation leave or compensatory time off for a qualified sick leave event under this Article OR a qualified Family and Medical Leave (FML) event.

1.8 Final Disposition of Holiday Leave Benefits

- a. An individual who is separated from employment without failure in performance of duties or personal conduct shall be paid a lump sum payment for unused holiday leave at the time of separation. Payout will not exceed the maximum number of hour’s equivalent to 12 holidays at the employee’s current rate of holiday accrual. The separation must be due to resignation, after having given two-week notice, reduction-in-force, service or disability retirement.
- b. Upon an employee’s death, a sum equal to all unused holiday leave, not to exceed the number of hours equivalent to 12 holidays at the employee’s current rate of holiday accrual shall be paid to their estate.

1.9 Special Provisions for Holiday Leave Accrued Prior to December 16, 2008

Holiday Leave accumulated prior to December 16, 2008, hereinafter referred to as “Pre-Policy Holiday Leave,” shall not be forfeited under Section 1.4 of this Article, nor shall Pre-Policy Holiday Leave be subject to the maximum number of hours limitations on the final disposition of Holiday Leave Benefits in Section 1.8. Beginning January 3, 2009, employees having Pre-Policy Holiday Leave are required to use such accrued leave prior to using accrued Vacation Leave.

Holiday Leave accumulated after December 15, 2008, may be used prior to accrued Pre-Policy Holiday Leave.

SECTION 2

Religious Holiday Leave

2.1 Purpose

Provides unpaid leave from normal work schedules for employees who observe the celebration and remembrance of event(s) or individual(s) associated with the practice of their religious beliefs.

2.2 Eligibility

Any employee of the County may be granted unpaid religious holiday leave.

2.3 Requesting Use of Religious Holiday Leave

- a. Employees should request leave in advance of the proposed leave period to give supervisors maximum opportunity to arrange schedules to accommodate the employee's request and adequately staff the workplace.
- b. Supervisors are responsible for ensuring that the business needs of the department are met when considering the request and determining if the employee's absence would cause undue hardship in conducting departmental business. Supervisors will endeavor to respond to the employee's leave request(s) within ten (10) calendar days of his/her request for use of religious holiday leave.
- c. If operational needs do not permit the granting of simultaneous requests for religious holiday leave, preference in granting the request shall be based on the respective seniority of the employees.

2.4 Coordination of Religious Holiday Leave

An employee may request to use accrued holiday leave, vacation leave or compensatory time off for any (otherwise) unpaid leave for established religious holidays.

SECTION 3

Vacation Leave

3.1 Purpose

The primary purpose of vacation leave is to allow eligible employees a period of uninterrupted time away from their job for rest and renewal.

Vacation leave with pay is a privilege and not an earned right which the eligible employee may demand.

3.2 Eligibility

Vacation leave is earned by eligible employees who are either a:

- 1) Full time employee, **OR**
- 2) Regular part-time employee.

And who are currently:

- 1) On a pay for work status, **OR**
- 2) On a paid leave status.

Pay for work status is defined as a regularly scheduled work day, a scheduled day off, sick leave with pay, vacation with pay, compensatory time off, or use of accrued holiday leave.

3.3 Manner of Vacation Leave Accumulation

- a. For the purpose of earning vacation leave, the twelve (12) month period between January 1 and December 31 is established as the leave year.
- b. The monthly amount earned is equal to one-twelfth of the annual rate for each month the employee works or is on approved leave with pay.
- c. Eligible employees who are on pay status the 15th day of the month shall earn a vacation leave benefit for that month.

- d. Credit for years of aggregate covered service is given beginning the first day of the pay period following the pay period of the employee's anniversary date.

Full Time Employees

Vacation leave is earned on a schedule based upon length of aggregate covered service paid into the Local Governmental Employee's Retirement System or the Law Enforcement Retirement System.

Regular Part-Time Employees

Vacation leave is earned on a schedule based upon the length of aggregate covered service paid into the Local Governmental Employee's Retirement System or the Law Enforcement Retirement System and the percentage of a full-time equivalency (FTE) associated with the position.

3.4 Maximum Vacation Leave Accumulation

Vacation leave may be accumulated without any applicable maximum until the end of the pay period that includes December 31 of each calendar year. On the last day of the pay period that includes December 31, any employee with a vacation leave balance exceeding the maximum hours listed in Section 3.5 shall have the excess accumulation transferred to his/her sick leave balance so that only the maximum limit may be carried forward to the next leave year.

3.5 Vacation Leave Accrual Rates

For the purposes of determining vacation leave accrual rates, the 40 hour per week (2080 hours annually) work schedule is designated as the basis for the Standard Vacation Leave Accrual Rate. Vacation leave accrual rates for all other annualized work schedules are to be calculated as a percentage differential that is either greater than or less than the Standard Rate.

| <u>Hours Worked Annually</u> | <u>% of Standard</u> | <u>Years of Aggregate Covered Service</u> | <u>Hours Granted Each Year</u> | <u>Hours Granted Each Month</u> | <u>Maximum Hours for Roll-Over/ Payout</u> |
|------------------------------|----------------------|---|--------------------------------|---------------------------------|--|
|------------------------------|----------------------|---|--------------------------------|---------------------------------|--|

| | | | | | |
|------|----------|---------------------------|-----|------|-----|
| 2080 | Standard | Less than 2 years | 96 | 8 | 240 |
| 2080 | Standard | 2 but less than 5 years | 112 | 9.3 | 240 |
| 2080 | Standard | 5 but less than 10 years | 136 | 11.3 | 240 |
| 2080 | Standard | 10 but less than 15 years | 160 | 13.3 | 240 |
| 2080 | Standard | 15 but less than 20 years | 184 | 15.3 | 240 |
| 2080 | Standard | 20 years or more | 208 | 17.3 | 240 |

| | | | | | |
|------|------|---------------------------|-----|------|-----|
| 2184 | 105% | Less than 2 years | 101 | 8.4 | 252 |
| 2184 | 105% | 2 but less than 5 years | 118 | 9.8 | 252 |
| 2184 | 105% | 5 but less than 10 years | 143 | 11.9 | 252 |
| 2184 | 105% | 10 but less than 15 years | 168 | 14 | 252 |
| 2184 | 105% | 15 but less than 20 years | 193 | 16.1 | 252 |
| 2184 | 105% | 20 years or more | 219 | 18.2 | 252 |

| | | | | | |
|------|-----|---------------------------|-----|------|-----|
| 1768 | 85% | Less than 2 years | 82 | 6.8 | 204 |
| 1768 | 85% | 2 but less than 5 years | 95 | 7.9 | 204 |
| 1768 | 85% | 5 but less than 10 years | 116 | 9.7 | 204 |
| 1768 | 85% | 10 but less than 15 years | 136 | 11.3 | 204 |
| 1768 | 85% | 15 but less than 20 years | 156 | 13 | 204 |
| 1768 | 85% | 20 years or more | 177 | 14.8 | 204 |

| | | | | | |
|------|-----|---------------------------|-----|------|-----|
| 1560 | 75% | Less than 2 years | 72 | 6 | 180 |
| 1560 | 75% | 2 but less than 5 years | 84 | 7 | 180 |
| 1560 | 75% | 5 but less than 10 years | 102 | 8.5 | 180 |
| 1560 | 75% | 10 but less than 15 years | 120 | 10 | 180 |
| 1560 | 75% | 15 but less than 20 years | 138 | 11.5 | 180 |

| <u>Hours Worked Annually</u> | <u>% of Standard</u> | <u>Years of Aggregate Covered Service</u> | <u>Hours Granted Each Year</u> | <u>Hours Granted Each Month</u> | <u>Maximum Hours for Roll-Over/Payout</u> |
|------------------------------|----------------------|---|--------------------------------|---------------------------------|---|
| 1325 | 65% | Less than 2 years | 62 | 5.2 | 156 |
| 1325 | 65% | 2 but less than 5 years | 73 | 6.1 | 156 |
| 1325 | 65% | 5 but less than 10 years | 88 | 7.3 | 156 |
| 1325 | 65% | 10 but less than 15 years | 104 | 8.6 | 156 |
| 1325 | 65% | 15 but less than 20 years | 120 | 10 | 156 |
| 1325 | 65% | 20 years or more | 136 | 11.3 | 156 |
| 1144 | 55% | Less than 2 years | 53 | 4.4 | 132 |
| 1144 | 55% | 2 but less than 5 years | 60 | 5 | 132 |
| 1144 | 55% | 5 but less than 10 years | 75 | 6.3 | 132 |
| 1144 | 55% | 10 but less than 15 years | 88 | 7.3 | 132 |
| 1144 | 55% | 15 but less than 20 years | 101 | 8.4 | 132 |
| 1144 | 55% | 20 years or more | 114 | 9.5 | 132 |

3.6 Transfer Credits

- a. Eligible employees shall have the aggregate number of service years paid into the Local Governmental Employee's Retirement System or the Law Enforcement Retirement System credited toward the County's schedule for determining vacation rates.
- b. Credit shall not be given for the actual days of vacation earned at any other unit of North Carolina local, municipal, or state government.
- c. Vacation accrual rates or accrued vacation time will not be affected when employees transfer between departments within Union County Government.

3.7 Requesting Use of Vacation Leave

- a. It is the joint responsibility of the department and the employee to ensure that vacation leave is scheduled and taken at a mutually-agreeable time. Employees should request vacation time in advance of the proposed leave period to give supervisors maximum opportunity to arrange schedules to accommodate the employee's request and adequately staff the workplace.
- b. Supervisors are responsible for ensuring that the business needs of the department are met when considering the request. Supervisors shall use discretion in scheduling vacation, based on the occurrence of peak workload periods, employee's length of service and other factors relevant to the operation of the department and the personal circumstances of the employee. Supervisors will endeavor to respond to the employee's vacation leave request(s) within ten (10) calendar days of his/her request(s) for use of vacation.
- c. If operational needs do not permit the approval of simultaneous requests for vacation leave, preference in granting the request shall be based on the respective seniority of the employees.
- d. Vacation leave may be requested by eligible employees after satisfactorily completing three (3) months of initial service subject to the prior approval of the immediate supervisor.
- e. Employees are cautioned not to retain excess accumulation of accrued vacation leave until late in the "Leave Year" due to the necessity to keep all County functions in operation. If an employee has excess leave accumulation during the latter part

of the leave year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having accrued vacation leave approved or in receiving any exception to the maximum accumulation.

3.8 Coordination of Vacation Leave

- a. Pay in lieu of vacation shall not be an option.
- b. The County does not advance vacation time. Employees must have earned vacation leave before the leave may be used.
- c. Vacation leave shall not be used to complete a two week resignation after the last day of actual work.
- d. If an employee is on vacation and becomes hurt or ill, that person may exercise the option to use sick time; the Department Head may request medical verification.
- e. Holidays occurring during vacation leave will be paid and recorded as holidays.
- f. Holiday leave, vacation leave or compensatory time off shall be used to account for an approved absence from a regular work schedule during periods of inclement weather as outlined in this Article.
- g. An employee may request to use accrued holiday leave, vacation leave or compensatory time off for any (otherwise) unpaid leave for established religious holidays, for Parental Involvement in Schools, or Inactive/Active Duty Military Leave.
- h. After having used all eligible sick leave, an employee may request to use accrued holiday leave, vacation leave or compensatory time off for a qualified sick leave event under this Article OR a qualified Family and Medical Leave (FML) event.

3.9 Final Disposition of Vacation Leave Benefits

- a. Individuals who separate from employment without failure in performance of duties or personal conduct shall be paid a lump sum payment for unused vacation leave at the time of separation. Payment shall not exceed the maximum number of hours for payout as specified in Section 3.5. The separation must be due to resignation, after having given two-week notice, reduction-in-force, service or disability retirement.

- b. An employee shall not receive a lump sum payment for vacation leave if each of the following conditions occurs: (1) The employee's separation results from dissolution of a County department by the Board of County Commissioners; (2) The Board contracts with another entity for provision of that department's services; (3) The Board, through contractual provision, requires such entity to offer employment to employees of the dissolved department and to accept transfer of their accrued vacation; and (4) The employee accepts such employment. In this event, the employee's accrued vacation leave will transfer to the new service provider.
- c. Upon an employee's death, a sum equal to all unused vacation leave, not to exceed the maximum number of hours for payout as specified in Section 3.5, shall be paid to their estate.
- d. The last day of actual work is the date of separation.

SECTION 4
Sick Leave

4.1 Purpose

Paid sick leave provides employees protection against loss of income during absences from work due to illness or injury that prevent performance of duties and provides limited paid leave during periods of bereavement. It is intended to cover the needs of the employee and provide a reasonable amount of coverage for situations related to the illness or injury of an immediate family member that requires direct care by the employee. Sick leave is intended to be used only for the purposes set forth herein.

Sick leave with pay is a privilege and not an earned right which the eligible employee may demand.

4.2 Eligibility

Sick leave is earned by eligible employees who are either a:

- 1) Full time employee, **OR**
- 2) Regular part-time employee.

And who are currently:

- 1) On a pay for work status, **OR**
- 2) On a paid leave status.

Pay for work status is defined as a regularly scheduled work day, a scheduled day off, sick leave with pay, vacation with pay, compensatory time off, or use of accrued holiday leave.

4.3 Manner of Sick Leave Accumulation

- a. For the purpose of earning sick leave, the twelve (12) month period between January 1 and December 31 is established as the leave year.
- b. Eligible employees who are on pay status the 15th day of the month shall earn a sick leave benefit for that month.

Full Time Employees

Sick leave is earned at a fixed monthly accrual rate based on the annual number of hours regularly scheduled for work.

Regular Part-Time Employees

Sick leave is earned at a fixed monthly accrual rate based on the annual number of hours regularly scheduled for work as a percentage of full-time equivalency (FTE) associated with the position.

4.4 Maximum Sick Leave Accumulation

The amount of sick leave that may be accumulated is unlimited.

4.5 Sick Leave Accrual Rates

For the purposes of determining sick leave accrual rates, the 40 hour per week (2080 hours annually) work schedule is designated as the basis for the Standard Sick Leave Accrual Rate. Sick leave accrual rates for all other annualized work schedules are to be calculated as a percentage differential that is either greater than or less than the Standard Rate.

| <u>Hours Worked Annually</u> | <u>% of Standard</u> | <u>Sick Hours Per Month</u> |
|----------------------------------|----------------------|---------------------------------|
| 2080 | Standard | 8 |
| 2184 | 105% | 8.4 |
| 1768 | 85% | 6.8 |
| 1560 | 75% | 6 |
| 1325 | 65% | 5.2 |
| 1144 | 55% | 4.4 |

4.6 Sick Leave Transfer from Other Agencies

Unused sick leave earned from another North Carolina Governmental Agency and/or entity, immediately prior to employment with Union County will be accepted and transferred to Union County according to the following provisions:

- a. Verification of unused sick leave must be received in writing by Union County directly from the previous jurisdiction.
- b. The total balance of unused sick leave from the NC local or state government employer of the transferring employee will be verified and recorded by Union County at the time of employment.
- c. Upon the request of the employee, up to twelve (12) sick leave days, at the employee’s current rate of accrual, will be transferred and added to the employee’s active sick leave balance after completion of the initial six (6) month probationary period.
- d. The remaining balance of prior unused sick leave documented at the time of employment will be recorded in the employees permanent personnel file. On the fifth anniversary of employment with Union County, the employee may request that the remaining balance of prior unused sick leave be added to their active sick leave balance.

4.7 Coordination of Sick Leave

- a. Payment for sick leave hours in excess of the employee's scheduled work hours shall not be an option. Sick leave is authorized only for the time off that would fall on a scheduled workday.
- b. Pay in lieu of sick leave shall not be an option.
- c. The County does not advance sick leave.
- d. After having used all eligible sick leave an employee may request to use accrued holiday leave, vacation leave or compensatory time off.
- e. Sick leave cannot be used for vacation purposes. However, sick leave may be used if an employee becomes ill while on vacation leave. A doctor's statement, certifying the dates of illness, will be required in order to make this change upon return to work.
- f. Sick leave used during a vacation leave period does not extend the length of previously authorized vacation leave.

4.8 Requesting Use of Sick Leave

- a. Employees must receive approval from their supervisors to charge absences against accumulated sick leave. To use sick leave, an employee is required:
 - 1) To give at least 30 days advance notice of foreseeable medical needs (e.g., a planned medical treatment) whenever possible to give supervisors maximum opportunity to arrange schedules to accommodate the employee's request and adequately staff the workplace.
 - 2) To notify the appropriate supervisor or their designee of any unplanned sick leave event, as outlined in this section, for which the employee will be absent from work, consistent with department or agency guidelines for such notification.

- b. In the absence of any formal department or agency guideline for notification of an unplanned sick leave event, the employee is required to provide notice of an absence from work due to an unplanned Sick leave event no later than 30 minutes after reporting time of the first full day that the absence occurs. The employee shall notify the supervisor of the nature of the circumstances bringing about the absence and anticipated length of the absence to allow time to reassign specific duties during the employee's absence. Failure to make this notification to the appropriate supervisor or their designee may prohibit the use of sick leave.
- c. In the case of emergency circumstances, it is the responsibility of the employee to notify his/her immediate supervisor as soon as possible.
- d. The employee may be required to provide their supervisor a physician's certification acceptable to the County for the purpose of supporting sick leave use, its continuance, or the employee's ability to return to work.
- e. If the absence exceeds three (3) consecutive work days, the employee is required to submit a FML Request Form to their immediate supervisor. (Administrative Note: The FML Employer Response Form must be completed and returned to the employee within two (2) business days.)
- f. The County may request a periodic report on the employee's status with respect to returning to work. These may be made by telephone, written correspondence or sent by fax.

4.9 Use of Sick Leave

Use of accrued sick leave may be approved for the following reasons:

- a. Illness or injury of the employee that prevents the employee from performing the essential functions of his /her job.
- b. Appointment for medical or dental examination or treatment when such appointment cannot reasonably be scheduled before or after scheduled work hours or on a day off.
- c. Quarantine due to a contagious disease in the employee's immediate family, or exposure to a contagious disease when continuous work might jeopardize the health of others.

- d. Caring for members of immediate family during periods of illness, injury or medical/dental appointments. For purposes of this section, the employee's "immediate family" is defined as the employee's spouse, dependent children, or parents.
- e. The actual period of temporary disability caused or contributed by pregnancy to include: prenatal care, pregnancy related illness, miscarriage, childbirth, and recovery.
- f. For the placement with the employee of a son or daughter for adoption or foster care.
- g. Bereavement
 - i. An employee shall be permitted to use not more than five days of sick leave when an absence is required due to the death of the employee's spouse, parent, child, brother, sister, grandparent, grandparent-in-law, parent-in-law, sister-in-law, brother-in-law, step-parent, step-child, son-in-law, daughter-in-law, grandchild, foster parent, or legal guardian. Employees may be requested to provide proof of relationship or guardianship.
 - ii. An employee shall be permitted to use not more than one day of sick leave for bereavement or funeral attendance due to the death of an extended family member or close personal friend.
 - iii. Accrued holiday leave, vacation leave or compensatory time off may be requested for any additional bereavement time off other than as outlined above.
 - iv. The employee shall provide notice to the immediate supervisor as to the need for and likely length of any such bereavement leave.
 - v. The employee may be required to provide their supervisor adequate proof of the death (e.g. a newspaper obituary).

4.10 Sick Leave Abuse

Acceptable certification or documentation will be required whenever the supervisor has sufficient justification to believe that the employee is abusing sick leave or is using sick leave as it is earned and otherwise does not have a valid reason for requesting sick leave. An attendance record indicating a pattern of excessive use or previous abuse of sick leave is considered sufficient justification.

- a. Abuse of sick leave is defined as the use of sick leave for purposes other than those outlined in this Section.

- b. Supervisors should periodically analyze attendance records for evidence of possible abuse (e.g., patterns of unplanned absences such as frequent absences on Fridays/Mondays, seasonal absences, absences when a vacation request has been denied).
- c. Sick leave should be denied when there is evidence or reason to believe abuse has occurred until or unless the employee provides satisfactory evidence of legitimate use of sick leave.
- d. Abuse of sick leave is subject to the disciplinary provisions of this resolution.

4.11 Final Disposition of Sick Leave Benefits

- a. No employee shall be paid for any accrued or unused sick leave at the time of separation from service.
- b. Employees who are separated from service and are subsequently re-employed with Union County within a three (3) year period and who are otherwise eligible, shall have their unused sick leave balance reinstated.

SECTION 5

Voluntary Shared Leave

5.1 Purpose

Voluntary Shared Leave allows an employee to assist another employee who has a prolonged medical condition and has exhausted all available paid leave that would otherwise force the employee to be placed on Family or Medical Leave without pay status, resulting in a loss of income and benefits.

This policy does not apply to incidental and/or short-term medical conditions. In addition, the policy is not intended to circumvent the requirement of management to have duties performed, or limit management's right to deny a request for leave without pay.

5.2 Eligibility

Shared Leave may be requested by eligible employees who are either a:

- 1) Full time employee, **OR**
- 2) Regular part-time employee.

And who are currently:

- 3) On a pay for work status, **OR**
- 4) On a paid leave status.

Pay for work status is defined as a regularly scheduled work day, a scheduled day off, sick leave with pay, vacation with pay, compensatory time off, or use of accrued holiday leave.

5.3 Qualifying Conditions

Prolonged Medical Condition: A prolonged medical condition is one that requires an employee's absence from duty for a prolonged period (at least 20 consecutive work days).

The 20-day requirement may be satisfied if the employee has had previous absences for the same condition as that for which Shared Leave is currently being requested; or if the employee has had a different but prolonged medical condition within the past 12 months.

In either case, a "Certification of Health Care Provider Form" completed and signed by a health care provider, listing the condition, prognosis, and the estimated time for treatment or recovery is required as part of the application process.

Birth of a Child: The period of actual physical disability as a result of pregnancy and childbirth, as certified by a physician, is a condition covered by this policy. Eligibility also may be extended for complications related to the pregnancy and delivery. Both parents are eligible for Shared Leave for the period of disability of the mother, and the physician's statement must specify the anticipated period of disability.

NOTE: Although an employee may receive up to 12 weeks of Family & Medical Leave for birth, adoption or foster care placement, only the period of actual physical disability as a result of pregnancy or childbirth is covered under the Voluntary Shared Leave Policy. The additional "bonding time" allowed under FMLA is not eligible for Shared Leave coverage.

Non-Qualifying Conditions: Shared Leave will not ordinarily apply to short-term or sporadic conditions or illnesses. Each case must be examined and decided based on its conformity to policy intent, and must be handled consistently and fairly. Examples of non-qualifying conditions include, but are not limited to, conditions such as:

- short-term or sporadic occurrence of allergies
- short-term or sporadic absences due to contagious disease
- short-term or sporadic medical or therapeutic treatments
- an occupational illness or injury covered by the North Carolina Workers' Compensation Act.

5.4 Shared Leave Use

- a. The number of hours of Shared Leave an employee can receive is equal to the projected recovery or treatment period, less the employee's combined holiday, vacation, sick leave and compensatory time balances as of the beginning of the recovery or treatment period.
Program participation is limited to a lifetime maximum of 480 hours (pro-rated for regular part-time employees) and a per-leave-event minimum of 80 hours (pro-rated for regular part-time employees).
- b. The employee must exhaust all accrued compensatory time, holiday, vacation, and sick leave balances before using any donated Shared Leave.
- c. Because an employee remains in pay status while on Shared Leave, he/she continues to accrue vacation and sick leave provided she/he remains in pay status on the 15th day of the month. This leave must be exhausted as it is earned.
- d. During and after the Shared Leave period:
 - Leave transferred under this program is available for use on a current basis, or may be retroactive for up to 30 calendar days from the date the recipient's application is qualified by the Shared Leave Committee. The leave is always applied to the first available unpaid day.
 - Donated leave cannot replace leave already used by the employee.
 - Each department is responsible for initiating personnel actions when a Shared Leave recipient exhausts all leave.
- e. Shared Leave shall not be used on an intermittent basis.

5.5 Application for Shared Leave

An application to receive leave must be reviewed by the employee's Department Head before it is forwarded to the Shared Leave Committee for action. Approval for Shared Leave is not guaranteed.

Employees and their supervisors should review the Family & Medical Leave, Voluntary Shared Leave, and all paid leave policies to understand the applicability of these programs to the employee's specific situation.

In order to apply for Voluntary Shared Leave:

1. The employee must complete and submit to his/her supervisor for review:

- a “Request for Shared Leave Form”,
 - a "Family Medical Leave Request Form," and
 - a “Certification of Health Care Provider Form" completed and signed by a health care provider.
2. The Department Head must:
- determine if the reason for the medical leave request is qualified under the Family and Medical Leave Act,
 - complete “The Union County Response to Employee Request of Family and Medical Leave Form”,
 - review all forms of paid leave available to the employee and verify on the “Request for Shared Leave Form” the amount of voluntary Shared Leave needed to fulfill the employees request, and
 - provide a copy of the response form to the employee and forward the employees request and all required supporting documents to the FML Coordinator for Shared Leave Committee action,
 - confirm that the employee has not abused accrued paid leave as outlined in Section 4.10 Sick Leave Abuse.

An updated “Certification of Health Care Provider Form" is required from the applicant if donations of leave are still being requested 60 days after the "Request for Shared Leave Form" is approved by the Shared Leave Committee.

The recipient is responsible for making sure that all information submitted in their request is complete and concise. If additional information is required, it could cause a delay in the review process.

If the employee’s Shared Leave is denied and the employee’s circumstances change, the employee may reapply for Shared Leave.

5.6 Maximum Limit of Shared Leave Donation

Any employee of Union County may voluntarily donate a portion of their accumulated holiday, vacation or sick leave (not to exceed 40 hours) to the sick leave account of another employee of Union County who is qualified for voluntary Shared Leave.

Any Shared Leave donated and not used by the recipient shall revert to all donors of the leave on a prorated basis.

5.7 Donating Shared Leave

Employees donating leave shall have the complete understanding that once donated, their leave will be deducted from the specified leave account and they will not receive compensation, now or at any time in the future for the donated leave. They shall also understand that if they are in need of Voluntary Shared Leave in the future the same process shall apply.

Employees must maintain a minimum of 80 hours sick leave in their own sick leave account before leave may be donated.

To donate Shared Leave the employee must complete the "Donation of Shared Leave Form."

The FML Coordinator verifies the donation information and completes the transfer process.

The FML Coordinator will send a letter to the donor indicating the number of hours that will be subtracted from their leave balance and added to the recipient's Shared Leave balance.

The FML Coordinator will update the recipient's sick leave balance with donated leave.

If two or more requests for Shared Leave are approved simultaneously, any donated leave will be distributed equally among the recipients.

5.8 Shared Leave Committee

A committee shall be appointed by the County Manager consisting of a minimum of seven (7) appointed members. A minimum of five (5) appointed members are required to establish a quorum and determine eligibility.

The Shared Leave Committee shall review each Shared Leave request to determine if it meets the qualifying requirements for eligibility as follows:

1. Does a prolonged medical condition exist?,
2. Does a physical disability exist as a result of pregnancy and childbirth?,

3. Has the employee exhausted all available forms of paid leave?,
4. Will the circumstances otherwise force the employee to be placed on Family or Medical Leave without pay status or lose employment?,
5. Has the Department Head reviewed the request and supporting documents?

The FML Coordinator will notify the applicant of the Shared Leave Committee's decision regarding eligibility.

Once the request for use of Shared Leave is determined to be qualified, a bulletin shall be posted by the FML Coordinator announcing the need for Voluntary Shared Leave Donations. The bulletin shall describe the general circumstances of the need and the procedures for donating the leave.

SECTION 6

Family and Medical Leave Policy

6.1 Purpose

In accordance with the Family and Medical leave Act of 1993, effective August 5, 1993, and as amended, Union County shall grant each eligible employee leave entitlements consistent with the provisions outlined in the Act. The terms used in this Section which are defined in the Act shall have the meanings assigned to them therein.

6.2 Eligibility

To be eligible for leave under this section, the employee must:

- (1) Have been employed by Union County for at least 12 months; and
- (2) Have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

6.3 Manner of Accumulation

Family and Medical Leave

The eligible employee is entitled to a total of 12 work weeks of unpaid leave during any 12- month period. The term “12-month period” shall be defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave (except that such measure may not extend back before August 5, 1993).

Military Family Leave

Care Giver Leave

The eligible employee is entitled to a combined total of 26 work weeks of unpaid leave during any 12-month period. The term “12-month period” shall be defined as a rolling 12-month period measured backward from the date an employee uses any FML.

Qualifying Exigency Leave

The eligible employee is entitled to a combined total of 12 work weeks of unpaid leave during any 12-month period. The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FML.

6.4 Qualifying Reasons for Family and Medical Leave

Family and Medical Leave shall be granted for the following reasons:

- 1) The birth of a son or daughter, and to care for the newborn child;
- 2) The placement with the employee of a son or daughter for adoption or foster care;
- 3) The care of an employee's spouse, son, daughter, or parent with a serious health condition; or
- 4) A serious health condition that makes the employee unable to perform the essential functions of the employee's job.

6.5 Qualifying Reasons for Military Family Leave

Military Family Leave shall be granted for the following reasons:

- 1) The care of a spouse, son, daughter, parent or next of kin who is a military service member recovering from a serious illness or injury sustained in the line of active duty. Up to 26 weeks may be granted.
- 2) Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Up to 12 weeks may be granted.

6.6 Requesting Use of Family and Medical or Military Family Leave

Pursuant to this Article, it is the duty of each employee to indicate the nature of circumstances bringing about an absence from work. If the absence exceeds three (3) consecutive work days, the employee is required to submit a FML Request Form to their

immediate supervisor. (Administrative Note: The FML Employer Response Form must be completed and returned to the employee within two (2) business days.)

Planned

In cases where the need for leave is foreseeable, such as planned medical treatment, the employee is required to provide the immediate supervisor a FML Request Form and Physician's Certification Form at least thirty (30) days in advance of the date the leave is to begin.

In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department.

Unplanned

In cases when circumstances do not permit a thirty (30) day notification, the employee must provide at least verbal notification to the immediate supervisor within one or two business days of when the need for leave becomes known to the employee. The notice shall be sufficient to make the immediate supervisor aware that the employee needs FML-qualifying leave, and the anticipated timing and duration of the leave.

6.7 Physician's Certification for Medical Leave

Certification of the health care provider of the employee or the employee's ill family member must be submitted to the employee's immediate supervisor within fifteen (15) calendar days of the request for verification on a form prescribed by the County.

The County may require re-certification if:

- 1) Circumstances or length of requested leave described by the original certification have changed significantly,
- 2) The County receives information that casts doubt upon the continuing validity of the certification.

6.8 Coordination of Leave

To the extent the employee has earned and accrued paid sick leave, the employee shall be required to use all accumulated sick leave for any (otherwise) unpaid Family and Medical or Military Family Leave.

Upon use of all earned sick leave, the employee may elect, but is not required to use accrued holiday leave or vacation leave for the remaining balance of any (otherwise) unpaid Family and Medical or Military Family Leave.

When an employee has used all accrued paid sick leave, the employee may then request the use of accrued compensatory time off during the qualified Family and Medical or Military Family Leave event. Compensatory time off is not a form of paid benefit leave. In accordance with the provisions of the Family and Medical Leave Act, any compensatory time off taken during a qualified event shall not be deducted from the employee's remaining balance of Family and Medical or Military Family Leave.

6.9 Maternity

Time taken away from work for maternity-related reasons shall be considered a qualified Family and Medical Leave event.

At any stage of the pregnancy, a supervisor or Department Head may request a doctor's certificate stating that the employee is still permitted and capable to perform all tasks and duties required by their position.

If a pregnant employee holds a position that requires physical demands more strenuous than permitted by her attending physician and therefore cannot perform the tasks and duties of the position for an amount of time greater than is provided through Family and Medical Leave and her accrued paid leave, the County Manager may hold the position open or fill the position with a part time or temporary employee until the full time employee is released by her physician for return to duty.

The employer may require the employee to transfer temporarily, during the period of time that the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. If an alternative position is not available, the employee will be placed on inactive status leave without pay during this time.

While an employee is on certified FML, the County will continue to pay the County's portion of the employee's monthly health insurance premium. The employee will continue to be responsible for any premium for dependent coverage. If the FML is unpaid, the employee shall pay to the County his or her premium for dependent coverage no later than the 20th day of the following month.

6.10 Returning to Work

The County may request a periodic report from the employee or certifying physician regarding the employee's status with respect to returning to work. These may be made by telephone, written correspondence or sent by fax.

Prior to returning to work, each employee shall provide a fitness-for duty certification from the health care provider.

6.11 Failure to Return to Work

Failure to return to work within three (3) consecutive workdays after expiration of the approved Family and Medical or Military Family Leave shall be considered a voluntary resignation.

If an employee fails to return to work after the employee's leave entitlement has been exhausted or expires, the employee shall reimburse the County for the monthly health insurance premiums paid, unless the reason the employee does not return is due to:

- (1) The continuation, recurrence, or onset of a serious health condition which would entitle the employee leave under FMLA; or
- (2) Other circumstances beyond the employee's control.

When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, the employee shall provide medical certification of the employee's or family member's serious health condition.

SECTION 7

Workers' Compensation

Revised July 25, 2005

7.1 Purpose

The North Carolina Workers' Compensation Act provides for the payment of medical expenses related to occupational injury or disease, and wage replacement compensation after an initial waiting period of seven (7) days.

7.2 Medical Treatment

Timely reporting and treatment of an occupational injury or disease is important to the safety and welfare of every employee. Employees should immediately notify their supervisor or the Risk Manager when a job-related injury or disease occurs, without regard to severity.

Medical services for work related injuries or diseases must be obtained from the County's designated and authorized medical provider unless the injury is an emergency and requires immediate attention and a designated provider is not immediately available.

Supervisors shall submit a written "Employee Injury Report" and "Supervisor's Injury Report" to the Risk Manager within 48 hours of being notified by an employee that a job-related injury or disease occurred.

7.3 Wage Replacement

Weekly wage replacement benefits will be paid from the County's Workers' Compensation Program equal to 66 2/3 percent of their average weekly wage calculated on the basis of the past twelve (12) months until the date they are released to return to work by the treating physician. This amount shall not exceed the maximum established by the State law.

During the initial seven-day waiting period, wage replacement benefits will not be paid from the County's Workers' Compensation Program. An employee may elect to receive regular compensation by using accrued sick leave, holiday leave, vacation leave or compensatory time off. If an employee is unable to return to work after the seven-day waiting period, the

employee will be considered to be on leave without pay for the purposes of earning and accruing service credit, retirement contributions, sick leave, vacation leave, or paid holidays.

An employee is considered to be on a leave without pay status beginning with the first scheduled work hour that wages or sick leave is not paid and until the date they are released to return to work by the treating physician. The County shall continue to provide the employer's portion of group medical and dental insurance benefits as required by Federal or State Acts. Payments for dependent insurance coverage, voluntary deductions, and wage garnishments remain the responsibility of the employee.

After the initial seven-day waiting period, accrued leave shall not be paid or substituted for any reason related to time away from work for the treatment of an occupational injury or disease.

After the initial seven-day waiting period, if an employee is released by the treating physician to return to work, the employee may seek necessary intermittent, follow-up medical care for an on the job injury or disease during scheduled work time. The employee shall notify their supervisor on the day a medical or physical therapy appointment is scheduled. Every effort should be made by the employee to schedule appointments that do not unduly disrupt the productive work of the department.

An intermittent, partial day away from work, for the purpose of keeping medical or physical therapy appointments, shall be reported as time worked on the payroll time card and noted by the employee and supervisor as time taken for necessary follow-up medical care for a job related injury or disease.

An intermittent, full day away from work, for the purpose of keeping medical or physical therapy appointments, shall be reported as leave without pay on the payroll time card and noted by the employee and supervisor as time taken for necessary follow-up medical care for a job related injury or disease. If the seven-day waiting period has been met, wage replacement benefits will be paid from the County's Workers' Compensation Program equal to 66 2/3 percent of their average wage calculated on the basis of the past twelve (12) months. This amount shall not exceed the maximum established by the State law.

The employee may be eligible to receive a wage loss payment for the seven-day waiting period from the County's Workers' Compensation Program if the disability exceeds 21 days. If the employee used accrued sick leave, holiday leave, vacation leave or compensatory time off during the seven-day waiting period, the employee may choose to either receive wage replacement benefits from the County's Workers' Compensation Program equal to 66 2/3 percent of their average weekly wage

or elect to have the accrued leave hours or compensatory time off used during the seven-day waiting period credited back to his/her accrual(s).

7.4 Coordination with the FMLA

Time taken away from work, due to a serious health condition, related to an occupational injury or disease shall be designated as qualified medical leave for eligible employees under the Family and Medical Leave Act (FMLA).

The rolling 12-week Family and Medical leave entitlement of eligible employees shall be reduced concurrently with the amount of all paid or unpaid time taken away from work for serious health conditions related to occupational injury or disease.

7.5 Temporary Light Work Assignments

An employee who is temporarily disabled from their regular job as a result of an on-the-job injury may be able to be productive and return to a light work assignment during the temporary disability period.

Where possible, each Department shall provide productive, light work for employees who are temporarily disabled from their regular job for an on-the-job injury. All such light work assignments will be within the physical limitations described by an authorized physician.

- a. The treating physician under the County's Workers' Compensation Program shall be encouraged to release temporarily disabled employees to a light work status and describe the employee's physical limitations in sufficient detail to enable the County to determine a suitable work or task assignment.
- b. The employee's regular work unit shall attempt to provide a work assignment within the physical limitations described by the authorized treating physician.
- c. If the regular work unit is unable to assign suitable work, Risk Management will be contacted to determine if there are suitable work assignments in other work units. If so, the employee may be temporarily assigned to the other work unit. The employee's time sheet will be maintained by his/her regular work unit and coded "MDWC" (Medical Disability Worker's Compensation) and his/her paycheck will continue to be distributed to his/her regular work unit.

- d. The employee continues on his/her regular pay status during the light duty period. The employee's wage and benefit costs continue to be charged in his/her permanent work unit and coded "MDWC" even though he/she may be temporarily assigned to another work unit for light duty work.
- e. If the employee refuses the light duty position, he/she will no longer qualify for indemnity payments from workers' compensation. The employee may not use accrued paid benefit leave if a light duty position has been offered and rejected. An employee is considered to be on a leave without pay status beginning with the first day the light duty position is rejected until the date they are released to return to work by the treating physician. Unpaid Family and Medical leave shall continue to run concurrently with the workers' compensation leave without pay status until either the employee is able to return to the same or substantially equivalent job or until the 12-week Family and Medical Leave entitlement is exhausted.
- f. Upon release to regular work without restrictions, the employee will be returned to his/her permanent work unit and his/her regular job.
- g. Use of temporary light work assignments is not intended to include other sickness or injury experienced away from work by the employee.
- h. Each Department Head shall be responsible for the review and coordination/ implementation of temporary light work assignments.

SECTION 8

Leave Without Pay (Non FMLA)

8.1 Purpose

Leave without pay is an administrative decision and may be granted for up to, but not to exceed, 40 scheduled work hours in a rolling 12-month period, by the Department Head.

Supervisors shall consider the occurrence of peak workload periods, employee's length of service and other factors relevant to the operation of the department and the personal circumstances of the employee when reviewing a leave without pay request.

If operational needs do not permit the approval of simultaneous requests for leave, preference in granting the request shall be based on the respective seniority of the employees.

Supervisors *must* allow leave without pay, if the employee's appearance is compelled by a subpoena or summons for a matter unrelated to their position with Union County.

8.2 Eligibility

All non-exempt full time employees and regular part-time employees.

8.3 Coordination of Leave

Prior to requesting leave without pay, the employee must have exhausted all forms of accrued paid leave which would have otherwise covered the requested leave.

Failure to report for duty at the expiration of an approved leave without pay event shall be considered an involuntary resignation.

A non-exempt employee who is granted leave without pay shall be responsible to pay the prorated premium cost for all employment benefits otherwise paid for by the County. Example: employee and dependent premiums for medical, prescription, and dental insurance coverage.

SECTION 9

Severe Weather and Emergency Conditions

9.1 Purpose

As a local government, the essential services of Union County must be provided even during periods of severe weather or emergency conditions. The County is committed to maintaining full service levels to the extent possible.

9.2 Announcements and Notifications

- a. When conditions warrant, the County Manager will determine and announce all decisions to close, delay, or cancel activities of the County.
- b. When the County's schedule is altered, operational status will be available through news media outlets, the Union County Government Center main telephone number, and via the Internet.
- c. If severe weather or emergency conditions develop during the day, employees will be notified of closings through normal supervisory channels.

9.3 Reporting For Work

All employees are expected to make the necessary advanced preparations and be prepared to report each scheduled workday.

Essential Employees are expected to report for work on their regular schedule in spite of any closing, delay, or cancellation. Generally these employees hold positions designated as “required for the essential operations of the County.” Essential County operations are designated as but not limited to: Sheriff’s Office and Jail, Emergency Communications, Transportation Administration, Emergency Management, Fire Marshal, Social Services Group Home and Emergency Sheltering, Water and Wastewater Field Operations, Property Management, and Fleet Services.

Non-Essential Employees whose presence are not generally required for the essential operations of the County are excused from reporting during an official closing, delay, or cancellation unless they are notified by an appropriate supervisor that they

must report for work to support the necessary operations of County Government in spite of the closing, delay, or cancellation of other activities. Such determinations and notifications are made on a situation-specific basis. Employees are responsible for ensuring they can be reached via valid contact information.

9.4 Compensation and Recording Keeping

Essential Employees who are required to report to work during a period of severe weather or emergency conditions will receive their base rate of pay. FLSA overtime rules apply. Overtime may be compensated as direct pay or compensatory time and requires the approval of the employee's department director prior to overtime being worked.

Non-Essential Employees will not forfeit pay for regularly-scheduled work hours missed due to official closing, delay, or cancellation, nor will they be required to make up the work time or report such time as accrued leave.

When Non-Essential Employees report for work to support the necessary operations of County Government during a period of severe weather or emergency conditions, they will receive their base rate of pay. FLSA overtime rules apply. Overtime may be compensated as direct pay or compensatory time and requires the approval of the employee's department director prior to being worked.

- a. Employees whose shifts or assignments are not affected by the official closing, delay, or cancellation will receive their normal compensation for work performed.

9.5 Inclement Weather Conditions

- a. Employees who do not report to work during periods of inclement weather, when County departments and agencies are operating under a normal work schedule, must account for the absence by using accrued holiday leave, vacation leave or compensatory time off equal to the scheduled workday. In the absence of any formal department or agency guideline for notification of an unplanned leave event, the employee is required to provide notice of an absence from work no later than 30 minutes after reporting time.

- b. The County acknowledges that departments may allow employees to work a flexible schedule. However, when the County is operating on a delayed-opening schedule, all flexible scheduling is suspended. Non-essential employees shall report for work during the hours designated by the County Manager.
- c. If an employee desires to leave work early due to inclement weather conditions, approval must first be obtained from the supervisor prior to leaving the assigned work station. The employee must account for the absence by using accrued holiday leave, vacation leave or compensatory time off equal to the number of hours not worked in the scheduled workday.

SECTION 10

Civil Leave

10.1 Purpose

Civil leave is a non-accruing paid leave for use when an eligible employee is summoned for jury duty.

10.2 Eligibility

Any employee of the County may be granted paid civil leave during scheduled work hours to fulfill a summons to jury duty.

No adverse employment action shall occur as a result of employee use of civil leave.

10.3 Work Related Legal Proceedings

Time spent in legal proceedings by employees acting within the official scope and capacity of their Union County employment is considered time worked and is *not* charged to civil leave or accrued paid leave.

10.4 Non-Work Related Legal Proceedings

Employees may use accrued holiday, vacation leave or compensatory time balances for non-work related legal proceedings that do not qualify for paid civil leave.

10.5 Requesting Use of Civil Leave

Employee Responsibilities

- a. Employees are responsible for giving as much notice as possible to their supervisors in advance of the appearance date required by a summons to jury duty.
- b. Employees are responsible for providing appropriate documentation as directed by their supervisors concerning events and travel time needed.

- c. Employees whose duties under civil leave conclude in time to complete a work shift should either return to work or request approval to charge the remainder of the shift to an appropriate paid leave type such as accrued holiday, vacation leave or compensatory time.

Employer Responsibilities

- a. Supervisors are responsible for permitting employees to use leave in accordance with this section and for establishing appropriate practices for verifying the reasons for use of civil leave.
- b. Whenever possible, agencies should reschedule employees who regularly work an evening or night shift to a day shift schedule during the periods when they are required to appear in legal proceedings.

10.6 Coordination of Civil Leave

- a. The employee is entitled to his/her regular compensation plus any compensation received for jury duty.
- b. The employee must turn over to the County any witness fees or travel allowance awarded for court appearances in connection with official duties.

SECTION 11

Administrative Leave

11.1 Purpose

Union County encourages the donation of blood to the American Red Cross and to hospitals.

11.2 Eligibility

Full-time and regular part-time employees.

11.3 Leave Rate

Up to three (3) paid hours of leave once every two (2) months may be granted.

11.4 Requesting Use of Administrative Leave

This leave may be approved by the supervisor or Department Head providing it does not cause disruption of work in the unit or department.

11.5 Coordination of Administrative Leave

- a. Administrative leave may only be granted for donating blood.
- b. While the County supports other medical donations, those requiring more time than allowed above will require the employee to use accumulated sick leave, holiday leave, vacation leave or compensatory time off.

SECTION 12

Leave for Parental Involvement in Schools

12.1 Purpose

Parent involvement is an essential component of school success and positive student outcomes. §N.C.G.S. 95-28.3 establishes this leave, so that employees may attend or otherwise be involved at his/her child's school.

12.2 Eligibility

Any employee who is a parent, guardian, or person standing in loco parentis of a school-aged child.

12.3 Leave Rate

Up to four (4) unpaid hours of leave per child may be granted each school year.

12.4 Requesting Use of Parental Involvement in Schools Leave

For the purpose of this section, "school" means any (i) public school, (ii) private church school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a course of grade school instruction, (iii) preschool, and (iv) child care facility as defined in G.S. 110-86(3).

- a. Leave for Parental Involvement in Schools under this section is subject to the following conditions:
 - 1) The leave shall be at a mutually-agreed-upon time between the supervisor and the employee.
 - 2) The employee should provide his/her immediate supervisor with a written request for the leave at least 48 hours before the time desired for the leave.
 - 3) The employee may be required to provide written verification from the child's school that the employee attended and was otherwise involved at that school during the time of the leave.
- b. Supervisors shall not take an adverse employment action against an employee who requests or is granted leave under this section.

12.5 Coordination of Parental Involvement in Schools Leave

An employee may request to use accrued holiday leave, vacation leave or compensatory time off for any (otherwise) unpaid leave for Parental Involvement in Schools.

SECTION 13 **Educational Leave**

13.1 Purpose

Education Leave is a "Partnership in Learning." It is a mutually-beneficial learning opportunity agreed upon by the employee and the employer. Education Leave provides the opportunity for employees to enhance their knowledge, skills and abilities in areas identified by the department as critical to existing or future needs.

13.2 Employee Eligibility

To be eligible for Education Leave, employees must demonstrate:

- a. competent performance in all areas of their present job
- b. initiative and success with respect to their self-development
- c. potential for increased responsibilities.

To remain eligible for Education Leave, employees must continue their enrollment and maintain satisfactory performance in their course of study.

13.3 Continuing Education job skill development programs

Education Leave with Pay

Education Leave with pay may be approved when:

- The training is employer-requested or prescribed.
- The training is directly related to job requirements.

An employee may be granted educational leave to participate in a job-related short course, such as an update, not-to-exceed ten (10) consecutive working days. The course must be directly job-related and must be intended to enhance the performance of present job duties. This leave must be approved by the Department Head prior to the commencement of the course.

A written request from the employee to the Department Head must include the details involving cost to the County, nature of training, use of County time, use of County funds, and arrangements for lodging, meals and travel. An employee must also

stipulate, in detail, the anticipated effects on work performance as a direct result of such training. The employee will receive his/her regular compensation during such approved educational leave.

No compensation or reimbursement will be given for unapproved leave.

No compensation or reimbursement will be given if the course is taken for academic credit.

SECTION 14
Military Leave
Revised 10.20.03

Union County is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the County’s policy that no employee will be subjected to any form of discrimination on the basis of his/her membership in or duty to perform service for any of the Uniformed Services of the United States. No employee will be denied reemployment, promotion, or other benefits of employment on the basis of such membership. Furthermore, no employee will be subjected to retaliation or adverse employment action because of his/her rights exercised under this policy.

The County commends the dedication and self sacrifice of the employee Guard and Reserve members to national defense. It recognizes the hardships experienced by these employees and their families for the public good.

Inactive Duty Training Leave (IDT)

14.1 Purpose

Inactive Duty Training Leave provides employees protection against loss of income during absences from work due to regularly scheduled annual military unit training periods, additional military training periods, and equivalent training as may be required by a National Guard or Reserve Military unit.

This section DOES NOT apply to Active Duty Training (ADT) or extended periods of active duty in the uniformed services.

14.2 Eligibility

IDT Leave may be granted to an employee who has a uniformed service obligation in either a National Guard or Reserve Military unit, and is a

- 1) Full time employee, **OR**
- 2) Regular part-time employee.

and who is currently:

- 1) On a pay for work status, **OR**
- 2) On a paid leave status.

Pay for work status is defined as a regularly scheduled work day, a scheduled day off, sick leave with pay, vacation with pay, compensatory time off, or use of accrued holiday leave.

14.3 Manner of Leave Accumulation

- a. For the purpose of using IDT Leave, the twelve (12) month County fiscal period between July 1 and June 30 is established as the leave year.
- b. Eligible employees shall be granted up to ten (10) work days of paid IDT leave in any leave year.
- c. IDT Leave with pay shall only be granted in lieu of a regularly scheduled workday.
- d. The number of hours of IDT Leave granted each day shall equal the number of work hours for which the employee is regularly scheduled on that day.

14.4 Requesting Leave

- a. Employees should request IDT Leave in advance of the proposed leave period to give supervisors maximum opportunity to arrange schedules to accommodate the employee's absence and adequately staff the workplace.
- b. Once orders are received for inactive duty training, the employee shall provide a copy to their immediate supervisor within three (3) working days. The supervisor shall forward a copy of the orders to the Personnel Department.

14.5 Coordination of Leave

- a. If IDT Leave extends beyond ten (10) work days, the employee may request that the work schedule be rearranged to accommodate additional IDT Leave. If the department is unable to grant this request, the employee may elect to use accrued holiday, compensatory time or vacation leave, or be placed on leave without pay status.
- b. While taking IDT Leave, if the employee becomes ill or disabled and is under orders and compensated by the Federal or State Government, he/she is not eligible for paid sick leave from the County during that period.
- c. Payment for IDT Leave hours in excess of the employee's scheduled work hours shall not be an option.
- d. Pay in lieu of IDT Leave shall not be an option.
- e. IDT Leave cannot be used for any other purpose.

Military: Active Duty Leave

14.6 Purpose

To provide for the County's administration of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), enacted October 13, 1994 (Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353), that governs the duty of Union County related to certain rights and benefits of its eligible employees who temporarily leave their jobs as a result of their voluntary or involuntary service in the United States uniformed services.

Active Duty Leave (ADL) may represent a call to active duty status or Active Duty Training Leave required by the employee's membership in a military unit. ADL may include State or Federal orders, or mobilization for Natural Disaster response.

14.7 Eligibility

ADL may be granted to an employee who has a uniformed service obligation in either a National Guard or Reserve Military unit; and is a

- 1) Full-time employee, **OR**
- 2) Regular part-time employee.

and who is currently:

- 3) On a pay for work status, **OR**
- 4) On a paid leave status.

Pay for work status is defined as a regularly scheduled work day, a scheduled day off, sick leave with pay, vacation with pay, or compensatory time off, or use of accrued holiday leave.

14.8 Manner of Leave Accumulation

- a. For the purpose of using ADL, the twelve (12) month County fiscal period between July 1 and June 30 is established as the leave year.
- b. Eligible employees shall be granted up to twenty (20) days of paid leave for any ADL in the leave year.
- c. ADL with pay shall only be granted in lieu of a regularly scheduled workday.
- d. The number of hours of ADL granted each day shall equal the number of work hours for which the employee is regularly scheduled on that day.

14.9 Requesting Leave

- a. Employees must give advance written or verbal notice that he/she will be serving in the uniformed services.
- b. Once orders are received for active military service, the employee shall provide a copy to their immediate supervisor within three (3) days. The supervisor shall forward a copy to the Personnel Department.

- c. Employees may elect to use any accrued holiday, vacation leave or compensatory time off for the period between the date an order is received for active military service and the date they report for duty.
- d. Before the last day of scheduled work, the employee shall report to the Personnel Department for an exit interview on their employment status and benefits.

14.10 Coordination of Leave

- a. If ADL extends beyond twenty (20) work days, the employee may elect to use accrued holiday, compensatory time or vacation leave, or be placed on leave without pay status.
- b. While taking ADL, if the employee becomes ill or disabled, and is under orders and compensated by the Federal or State Government, he/she is not eligible for paid sick leave from the County during that period.
- c. Payment for ADL hours in excess of the employee's scheduled work hours shall not be an option.
- d. Pay in lieu of ADL shall not be an option.
- e. ADL cannot be used for any other purpose.

14.11 Pay Differential

When military service extends beyond the paid ADL granted by the County and the employee elects an unpaid leave status from the County for the remainder of military duty, the employee may be eligible for a wage supplement from the County.

To qualify for the wage supplement, the employee's military base hourly wage must be less than their regular base hourly wage paid by the County.

The difference between the greater County base hourly wage and the lesser Military base hourly wage will be paid as a wage supplement. The wage supplement will be paid for a period, not to exceed six (6) months from the date "active duty" paid leave is exhausted.

The employee shall provide the Personnel Department with copies of all eligible active duty payroll stubs for the qualifying unpaid period of military leave. The wage supplement will begin upon receipt of the first qualifying active duty payroll stub. Direct deposit shall be mandatory.

14.12 Leave Accruals

Employees on pay status while using ADL shall continue to accumulate vacation, sick, and holiday leave.

14.13 Health/Dental Insurance

When an employee's active military duty is for one (1) month or less, the County will continue to pay the employer portion of the medical and dental benefits for employee and dependent coverage. This coverage accounts for the County paid ADL (twenty (20) paid workdays), and for qualifying employees, will extend for the six (6) month wage supplement period of pay.

Service members who are on duty for more than one (1) month, and elect an unpaid leave status for the remainder of military service, may elect to continue the employee/dependent medical and dental coverage for up to 24 months at the employee's expense at 102% of the overall (both employer and employee) premium rate.

If military health coverage is elected for employee and/or dependent(s), upon active duty discharge and return to work, the employee may elect to re-enroll in individual and/or dependent coverage in the employee group plans with no waiting period.

Employees may elect to pay the dependent premiums for the month in which they return to work in order to obtain coverage for that entire month, otherwise coverage will be reinstated upon the date of return to work at a pro-rated premium amount for that month.

Failure to remit premium payment in a timely manner could result in termination of coverage.

14.14 401(k)

County 401(k) contributions will continue while the service member is on active pay status.

If the employee is on an unpaid status, Union County will resume contributions to the employee's 401(k) plan when the employee returns to active pay status from military service. The County will calculate and contribute the employer contributions to the employee's 401(k) account for the period of unpaid military service, not including any interest that would have been earned, upon receipt of the discharge paperwork (DD-214).

The returning employee will have up to three (3) times their period of service or a maximum of five (5) years to make contributions that may have been missed while in military service.

14.15 Retirement

Employee contributions to the Local Government or Law Enforcement Employees' Retirement System continue while the service member is in active pay status.

Employees called to active duty are eligible for free service credit by the North Carolina Local Government or Law Enforcement Employees' Retirement system for any time spent in active duty. Employees will be treated as not having incurred a break in service for vesting and accrual purposes. In order to receive this "free" credit upon return from active duty, the employee must provide a copy of the (DD-214) discharge paperwork to the Retirement System and obtain confirmation from the system.

Confirmation should be provided to the Personnel Department.

SPECIAL NOTICE: Employees may be eligible to purchase credit for prior military service with the Retirement System. It is the employee's responsibility to determine eligibility, complete the required forms, and confirm a purchase of this nature with the Retirement System. In order to receive credit for a purchase of prior military service, the employee must provide a confirmation from the Retirement System of the purchase with an effective date and amount of time purchased. Adjustments made to the employee's vacation accrual rates as a result of a purchase of credit will be effective upon the date the employee successfully delivers the necessary information to the Personnel Department.

14.16 Reemployment

Employees returning from military service are governed by the following provisions for reemployment rights and maintenance of employment benefits:

- Individual must have held a civilian job with the employer;
- Individual must have given advance notice (written or verbal) of their military service to the employer;
- Period of service must not have exceeded five (5) years;
- Separated from military service under honorable conditions; and
- Report for reemployment or request reemployment within certain time periods.

Upon completing service in the uniformed services, the employee must notify Union County of his or her intent to return to employment by either reporting to work or submitting a timely request for reemployment.

Employees returning from military service should report or request reemployment (verbal or written request) within the following time period after the end of service:

- Employees performing military service for fewer than 31 days must report for reemployment on the first regularly scheduled work day following the completion of service and the expiration of a twenty-four (24) hour “rest period” to provide for safe transportation back to the employee’s residence.
- Employees serving more than 30 but less than 181 days must request reemployment within fourteen (14) days after completion of service.
- Employees serving more than 180 days must request reemployment within ninety (90) days after completion of service.

The employee is responsible for returning to work within the time limits defined above and providing (DD-214) discharge paperwork within three (3) days of receipt to their immediate supervisor. The supervisor should forward a copy to the Personnel Department.

Upon returning to work, the employee will report to the Personnel Department for information regarding benefit accruals and reactivation.

The employee will be placed in a position equivalent to the one held prior to military leave, or one of like seniority, status, and pay depending on the length of military service.

Tax Administrator: Sixth Motor Vehicle Billing totaling \$1,133,533.42

Tax Administrator: Fifth Motor Vehicle Release Register totaling \$11,970.96

Tax Administrator: Fifth Motor Vehicle Refund Register totaling \$1,141.08

Tax Administrator: Refunds for November 2008

REFUNDS NOVEMBER 2008

| Acct # | Name | Release # | TOTALS |
|---------------|--|------------------|---------------|
| 2008 | | | |
| 04132011B | MCGINNIS DONALD | 4920 | 194.38 |
| 08168008 | WILLIAMS OREN LEE & RUTH C | 4947 | 388.95 |
| 50087338 | CAROLINA CLASSIC LAWN & LANDSCAPE | 4960 | 31.08 |
| 50075236 | KNIGHT'S LIGHTING | 4970 | 12.29 |
| 50049003 | CATERPILLAR FINANCIAL SERVICES CORP | 4995 | 458.86 |
| 50067126 | PATTY STEVEN R DDS | 5003 | 257.55 |
| 50068159 | PRIVETTE'S UPHOLSTERY | 5011 | 5.48 |
| 50095729 | HOWARD KEVIN MICHAEL | 5030 | 112.98 |

| | | | |
|---------------------|-----------------------|------|-----------------|
| 50068159 | PRIVETTE'S UPHOLSTERY | 5084 | 89.76 |
| Total - 2008 | | | 1,551.33 |

2007

| | | | |
|---------------------|---|------|---------------|
| 07150482 | RITCH BRUCE J & STACY B | 4982 | 197.89 |
| 50097583 | ALLTEL COMMUNICATIONS INC ACA OF THE CAROLINAS | 4998 | 338.68 |
| 50088209 | JERRY E MIRACLE DDS | 4983 | 41.55 |
| 50068159 | PRIVETTE'S UPHOLSTERY | 5012 | 0.97 |
| 50080461 | PRICE BRIAN KEITH & PENNY | 5072 | 18.93 |
| 50068159 | PRIVETTE'S UPHOLSTERY | 5085 | 26.28 |
| 50073937 | HOCKING STEVEN & ALI | 5033 | 105.51 |
| | | | - |
| Total - 2007 | | | 729.81 |

2006

| | | | |
|---------------------|--------------------------------|------|-----------------|
| 50094240 | WESLEY CHAPEL FAMILY DENTISTRY | 4986 | 663.57 |
| 50071767 | GENERAL ELECTRIC CAPITAL CORP | 5001 | 552.32 |
| 50080461 | PRICE BRIAN KEITH & PENNY | 5073 | 17.86 |
| | | | - |
| Total - 2006 | | | 1,233.75 |

2005

| | | | |
|----------|-------------------------------|------|--------|
| 06066127 | KELLY ROBERT & OLGA V | 4953 | 144.65 |
| 50071767 | GENERAL ELECTRIC CAPITAL CORP | 5002 | 599.75 |
| 50080461 | PRICE BRIAN KEITH & PENNY | 5074 | 18.61 |
| | | | - |

| | | | |
|---------------------|--|--|---------------|
| Total - 2005 | | | 763.01 |
|---------------------|--|--|---------------|

2004

| | | | |
|----------|---------------------------|------|---------------|
| 50072183 | HINSON PHILLIP EUGENE | 4984 | 268.58 |
| 50080461 | PRICE BRIAN KEITH & PENNY | 5075 | 12.83 |

| | | | |
|---------------------|--|--|---------------|
| Total - 2004 | | | 281.41 |
|---------------------|--|--|---------------|

2003

| | | | |
|----------|---------------------------|------|---------------|
| 06099127 | GONZALES THOMAS A & WIFE | 4919 | 110.65 |
| 50072183 | HINSON PHILLIP EUGENE | 4985 | 372.93 |
| 50080461 | PRICE BRIAN KEITH & PENNY | 5076 | 11.97 |

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|---------------------|--|--|---------------|
| Total - 2003 | | | 495.55 |
|---------------------|--|--|---------------|

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|---------------------|--|--|-----------------|
| GRAND TOTALS | | | 5,054.86 |
|---------------------|--|--|-----------------|

Tax Administrator: Releases for November 2008

RELEASES NOVEMBER 2008

| Acct # | Name | Release # | Total |
|---------------|--------------------|------------------|--------------|
| 2009 | | | |
| 50100316 | PLOWMAN JERRY LEON | 5082 | 35.63 |

Totals**35.63****2008**

| | | | |
|-----------|---|------|-----------------|
| 04060008B | BOSWELL FRANCES L | 4905 | 683.95 |
| 04306022 | BROOME JAMES EDWIN & WIFE ANNIE B | 4906 | 3,055.35 |
| 04279014 | BROOME JAMES EDWIN & WIFE ANNIE B | 4907 | 1,477.60 |
| 04183006 | PRICE BRENDA C | 4908 | 1,255.19 |
| 02120002B | HORNE RONALD R & JACKIE C HORNE TRUSTEES | 4909 | 113.78 |
| 01069001 | STATON ROBERT DAVIS ET AL | 4910 | 94.56 |
| 04063006 | STARNES THOMAS A ET AL | 4911 | 152.22 |
| 04033022 | FLAG BRANCH BAPTIST CHURCH | 4912 | 1,141.68 |
| 05036015B | TYSON HOMER S & WIFE FRANCES GILBERT | 4913 | 2,853.04 |
| 05036015C | TYSON HOMER S & WIFE FRANCES GILBERT | 4914 | 181.97 |
| 05036015 | TYSON HOMER S & WIFE FRANCES GILBERT | 4915 | 1,911.58 |
| 01234014 | SIMPSON WILLIAM DAVIS & WF PHYLLIS | 4916 | 641.46 |
| 09099004 | BLACKMON MATTIE BELL HEIRS % LOUISE HOOD | 4917 | 163.06 |
| 07144004 | CALLONWOOD LLC | 4918 | 269.89 |
| 08312125B | HONEYCUTT COBY ARNAZ | 4921 | 168.25 |
| 06030008 | NEW TOWNE VILLAGE HOMEOWNERS ASSOC | 4922 | 347.10 |

| | | | |
|-----------|---|------|-----------------|
| 04147005A | GRIFFIN RAY LYNN | 4923 | 135.92 |
| 06207410 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4924 | 812.64 |
| 06207388 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4925 | 116.43 |
| 06207401 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4926 | 41.11 |
| 06207263 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4927 | 4,210.63 |
| 06207436 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4928 | 422.22 |
| 06207371 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4929 | 935.98 |
| 06207225 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4930 | 937.97 |
| 06207372 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4931 | 429.47 |
| 06207123 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4932 | 44.80 |
| 06207191 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4933 | 443.98 |
| 06207374 | THE RESERVE IN UNION COUNTY HOMEOWNERS A | 4934 | 541.32 |
| 07090002A | FUNDERBURK MARY EVELYN B TRUSTEE | 4935 | 293.88 |
| 08312127 | HONEYCUTT COBY ARNAZ | 4939 | 141.51 |
| 08312126 | HONEYCUTT COBY ARNAZ | 4940 | 166.39 |
| 08312126 | HONEYCUTT COBY ARNAZ | 4941 | 173.70 |
| 08312125A | HONEYCUTT COBY ARNAZ | 4942 | 192.32 |
| 08312126A | HONEYCUTT COBY ARNAZ | 4943 | 132.54 |
| 08324001 | HONEYCUTT COBY ARNAZ | 4944 | 48.57 |

| | | | |
|-----------------|--|------|-----------------|
| 08312104 | HONEYCUTT COBY ARNAZ | 4945 | 118.91 |
| 06210232 | CHIMNEYS OF MARVIN HOMEOWNERS ASSOCIATION | 4946 | 8,927.98 |
| 07027026A0 2 | HELMS RHEBA HAYWOOD | 4948 | 146.23 |
| 01093002B | THOMAS WALTER GORDON JR & WF JANET G | 4949 | 30.39 |
| G6078118 | CENTEX HOMES | 4950 | 5,337.31 |
| P6078118 | CENTEX HOMES | 4951 | 100.36 |
| 03135005 | NEWLAND BILLY ROGER & BONNIE L | 4952 | 60.78 |
| 07042037 | DICARLO DIANA L | 4954 | 860.94 |
| 50098536 | CANUP DAVID FRANKLIN JR | 4955 | 43.84 |
| 50098747 | CALLAHAM CONSTRUCTION CORP | 4956 | 142.61 |
| 50099303 | CREATING A PRODUCTIVE ENVIRONMENT | 4957 | 53.44 |
| 50099134 | MUNSHI SHARIF REALTY | 4958 | 457.71 |
| 50099344 | SYNTELLI SOLUTIONS INC | 4959 | 141.63 |
| 50099125 | R & R AUTO SALES | 4961 | 190.91 |
| 50099241 | MY GUY AUTOMOTIVE SERVICES | 4962 | 117.21 |
| 50063322 | MONROE BODY REPAIR | 4963 | 87.25 |
| 50099266 | WILSON LAW FIRM | 4965 | 366.36 |
| 50098756 | DOZCON | 4966 | 193.75 |
| 50069710 | BJ'S CONSTRUCTION CLEANUP | 4967 | 1.48 |
| 50100259 | CROOK GEORGE HOWARD | 4968 | 5.44 |
| 50097208 | FERKO RUTH BARBER & STEPHEN ALBERT FERKO | 4969 | 10.53 |
| 50096458 | WEBB TRUCKING | 4971 | 197.98 |
| 50084492 | ACK TOWING & TRANSPORT INC | 4972 | 422.87 |
| 50091720 | PRINCE WILLIAM ARTHUR JR | 4987 | 29.19 |
| 50099115 | MESSERA KELLY EILEEN | 4988 | 157.00 |
| 50098798 | KESSLER MICHAEL STEVEN | 4989 | 136.39 |

| | | | |
|----------|---|------|---------------|
| 50098894 | LUNSFORD DAVIED DEWAYNE | 4990 | 31.08 |
| 50099080 | DRILLINGS MARC STEVEN | 4991 | 124.39 |
| 50085242 | SPURR ARTHUR T | 4992 | 96.52 |
| 50085748 | DICENZO GUY & NANCY | 4993 | 86.98 |
| 50092377 | TEE'S BARBER SHOP INC | 4994 | 156.78 |
| 50093061 | DCI DRYWALL | 4996 | 74.28 |
| 50097583 | ALLTEL COMMUNICATIONS INC ACA OF THE CAROLINAS | 4997 | 306.38 |
| 50080114 | POPE LARRY & FRANCES H | 4999 | 113.30 |
| 50080112 | POPE LARRY & FRANCES H | 5000 | 56.65 |
| 50098941 | GRACE PROPERTIES OF THE CAROLINAS INC | 5004 | 248.47 |
| 50100466 | ERVIN LEASING COMPANY | 5005 | 10.12 |
| 50080623 | OWENS JAMES | 5006 | 85.84 |
| 50100036 | MERIDIAN 7120 DBA MERIDIAN | 5007 | 243.00 |
| 50069183 | PARKER CATHERINE | 5008 | 52.51 |
| 50091728 | RUSHING RONALD RAY | 5009 | 40.96 |
| 50078870 | NEWTON MARGARET H | 5010 | 50.00 |
| 50083931 | COLORWORKS | 5013 | 92.31 |
| 50100047 | CW CONSTRUCTION & DEVELOPMENT LLC | 5014 | 23.97 |
| 50099410 | CAROLINA TRUGGIES LLC | 5015 | 7.50 |
| 50100589 | LUISA THOMAS JOSEPH | 5016 | 367.61 |
| 50100578 | SMITH SUSAN LEE | 5017 | 46.01 |
| 50076731 | DOUGLAS HARRY D | 5018 | 16.10 |
| 50099461 | DREAM DINNERS | 5019 | 189.70 |
| 50085638 | BIGGERS STACY A & SYLVIA R | 5020 | 6.33 |
| 50081890 | MASTERS DARRELL VINCE | 5022 | 2.19 |
| 50100197 | ARUNDELL DOROTHY G | 5023 | 9.78 |
| 5088606 | MARTIN JOSEPH M | 5024 | 36.06 |
| 50099651 | MIKE MOORE SALES & CONSULTING | 5025 | 436.99 |

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|----------|--------------------------------------|------|----------|
| | LLC | | |
| 50094291 | KIKER CHARLES B | 5026 | 55.01 |
| 50087947 | 4 PAWS GROOMING INC | 5029 | 28.52 |
| 50068006 | A-1 PAVEMENT MARKING INC | 5031 | 320.98 |
| 50100387 | JOHNSON RONNY F | 5034 | 256.16 |
| 50097169 | KING JOE JR | 5035 | 230.98 |
| 50094881 | ASCENSION R FRAMING CORP | 5036 | 420.62 |
| 50082502 | ASSOCIATED FLOORING INC | 5037 | 354.71 |
| 50068685 | FRAZIER JAMES & WIFE DEMETRICA | 5038 | 121.74 |
| 50098440 | MI CLEANERS INC | 5039 | 1,210.50 |
| 50098456 | MY KITCHEN DESIGNS LLC | 5040 | 196.44 |
| 50096510 | CCC | 5042 | 223.15 |
| 50094489 | M M PERFORMANCE | 5043 | 279.56 |
| 50099510 | MIRACLE CLEANING SERVICES | 5044 | 84.85 |
| 50098457 | PAW PAW'S ANTIQUES & COLLECTIBLES | 5045 | 196.44 |
| 50098586 | LOS JARRITOS | 5046 | 602.66 |
| 50094973 | GILBERT S MATTHEW | 5047 | 15.04 |
| 50083983 | MCMANUS CHADRICK BRANNON | 5048 | 29.59 |
| 50095783 | PIERCE GEORGE R | 5049 | 5.74 |
| 50098580 | EUROPEAN CLEANING SERVICE | 5052 | 75.84 |
| 50099165 | SUNBELT MART | 5053 | 469.26 |
| 50092259 | MIKE MELTON ENTERPRISES INC | 5054 | 132.50 |
| 50100423 | THOMAS KIM | 5056 | 9.98 |
| 50098439 | NR & ASSOCIATES LLC | 5057 | 670.40 |
| 50076192 | BUTLER ELIZABETH J | 5058 | 47.53 |
| 50089704 | LOWERY TERRY J | 5059 | 96.60 |
| 50099184 | RIDGELINE ENTERPRISES | 5060 | 196.44 |
| 50080461 | PRICE BRIAN KEITH & PENNY | 5063 | 51.63 |
| 50095867 | MORRIS ALFRED ROE | 5064 | 44.15 |
| 50098190 | PURSER JESSE JAMES | 5065 | 75.40 |

| | | | |
|----------------------|--|------|------------------|
| 50080624 | PAOLI DAVID J & WIFE SHIRLEY F | 5066 | 12.13 |
| 50095116 | SHIPPER'S DEPOT LLC | 5067 | 52.51 |
| 50098679 | ALFREDA UNIQUE BOUTIQUE | 5068 | 196.44 |
| 50093334 | REDDING ROBERT LEE | 5069 | 80.32 |
| 50094528 | D Y E INCORPORATED | 5070 | 265.58 |
| 50099561 | RANDY'S FLOORING | 5071 | 196.44 |
| 50098992 | MAGRANN ASSOCIATES | 5077 | 182.88 |
| 50096100 | TAYLOR INTERIORS | 5078 | 223.15 |
| 50100274 | COLASURDO GARRY P | 5080 | 467.13 |
| 50099088 | PANTHER PROS | 5081 | 182.88 |
| 50094456 | ANDRE'S CABINETRY | 5083 | 39.21 |
| 50070934 | WHITAKER AUDREY MORRIS % R WHITAKER | 5086 | 50.00 |
| 05003001A | BROOKLANDWOOD LLC | 5087 | 1,790.54 |
| 04057002 | SHELDON NANCY C | 5088 | 50.00 |
| Totals - 2008 | | | 56,373.99 |

2007

| | | | |
|---------------|-------------------------------------|------|-----------------|
| 07090002A | FUNDERBURK MARY EVELYN B TRUSTEE | 4936 | 125.19 |
| 50063322 | MONROE BODY REPAIR | 4964 | 102.63 |
| 50070120 | CAMPBELL BOBBY ALLAN | 4973 | 88.42 |
| 50085638 | BIGGERS STACY A & SYLVIA R | 5021 | 7.04 |
| 50094291 | KIKER CHARLES B | 5027 | 116.71 |
| 50068006 | A-1 PAVEMENT MARKING INC | 5032 | 982.81 |
| 50095783 | PIERCE GEORGE R | 5050 | 11.18 |
| 50092259 | MIKE MELTON ENTERPRISES INC | 5055 | 100.01 |
| 50096100 | TAYLOR INTERIORS | 5079 | 202.77 |
| | | | - |
| Totals | | | 1,736.76 |

2006

| | | | |
|-----------|-------------------------------------|------|--------|
| 07090002A | FUNDERBURK MARY EVELYN B TRUSTEE | 4937 | 115.65 |
| 50070120 | CAMPBELL BOBBY ALLAN | 4974 | 80.31 |
| 50094291 | KIKER CHARLES B | 5028 | 104.50 |
| 50095783 | PIERCE GEORGE R | 5051 | 10.51 |
| 50092853 | SOUTHERN SOLUTIONS | 5061 | 199.90 |

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Totals**510.87****2005**

| | | | |
|-----------|-------------------------------------|------|--------|
| 07090002A | FUNDERBURK MARY EVELYN B TRUSTEE | 4938 | 113.60 |
| 50070120 | CAMPBELL BOBBY ALLAN | 4975 | 109.53 |
| 50092853 | SOUTHERN SOLUTIONS | 5062 | 171.70 |

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Totals**394.83****2004**

| | | | |
|----------|----------------------|------|-------|
| 50070120 | CAMPBELL BOBBY ALLAN | 4976 | 72.35 |
|----------|----------------------|------|-------|

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Totals**72.35****2003**

| | | | |
|----------|----------------------|------|-------|
| 50070120 | CAMPBELL BOBBY ALLAN | 4977 | 11.03 |
|----------|----------------------|------|-------|

| | | | | |
|---------------------|----------------------|--|------|------------------|
| | | | | - |
| Totals | | | | 11.03 |
| | | | | |
| 2002 | | | | |
| 50070120 | CAMPBELL BOBBY ALLAN | | 4978 | 81.23 |
| | | | | - |
| Totals | | | | 81.23 |
| | | | | |
| 2001 | | | | |
| 50070120 | CAMPBELL BOBBY ALLAN | | 4979 | 69.55 |
| 50070120 | CAMPBELL BOBBY ALLAN | | | 14.62 |
| Totals | | | | 84.17 |
| | | | | |
| 2000 | | | | |
| 50070120 | CAMPBELL BOBBY ALLAN | | 4980 | 70.99 |
| Totals | | | | 70.99 |
| | | | | |
| 1999 | | | | |
| 50070120 | CAMPBELL BOBBY ALLAN | | 4981 | 80.51 |
| Totals | | | | 80.51 |
| | | | | |
| GRAND TOTALS | | | | 59,452.36 |

Tax Administrator: Late Elderly/Disabled, Use Value and Religious Exemption Applications:

- 02-006-0078 – Douglas, Ernest Calvin – Disability Exclusion
- 04-156-004 – Wilson, Kenneth Worth- Elderly Exclusions
- 05-132-050 – Curtis, Louis Daphine – Elderly Exclusions
- 09-339-021A – Shiloh Baptist Church – Religious Exemption
- 05-039-005 – Tyson, June A. – Present Use Value Untimely Filing
- 05-087-021 – Yarbrough, John R & Claudia – Present Use Value Untimely Filing

Cooperative Extension - Re: Selection and Hiring of New Cooperative Extension Director: Moved to Regular Agenda

Adjustments to Pay Grade Assignments: Moved to Regular Agenda

Contracts Over \$90,000: Authorized the County Manager to approve “a” – Baker & Taylor, Inc., agreement – subject to final legal review:

- a.) Baker & Taylor, Inc. agreement renewal for book leasing program that compliments existing purchase program by providing high demand titles availability to library patrons for an annual amount of \$98,940
- b.) Manatron, Inc. – Moved to Regular Agenda
- c.) Manatron, Inc. – Moved to Regular Agenda

Finance: Approved November Budget Transfer Report

Finance: Report of Contracts Exceeding \$50,000, which require report to the Board of Commissioners pursuant to Manager Delegation Authority for November 2008

- a.) Communications - Motorola – Change Order #3 to original Motorola Contract #1815 for Radio System (\$765,194)
- b.) General Services – Securitas Security Services USA – Amendment #3 – Government Center Security Services – NTE \$51,271
- c.) Health Department – Favorite Healthcare Staffing, Inc. – Temporary staffing Services – NTE \$60,000
- d.) General Services – Tower Engineering Professionals, Inc. – Radio Tower Engineering Services – Task Order #1 – NTE \$90,000
- e.) No purchase order activity greater than \$50,000 during the month of November 2008

Finance: Motor Vehicle Tax Refund Overpayments for November 2008 – approved refunds for November 2008 totaling \$4,418.80

Porter Ridge Athletic Association Grants or 2008 and 2009: Project: Stallings Elementary School Multi-Purpose Field: Approved FY2008 – Modification request to authorize \$43,360 grant for building the Multi-Purpose field at Porter Ridge Elementary School to building it at Stallings Elementary School. The funds have been paid to PRAA, but it was unable to come to closure with building the field at Porter Ridge Elementary School due to problems in providing water for irrigation of the fields. If additional funds are required to complete the updated 2008 project, Porter Ridge will be responsible for providing those funds.

Porter Ridge Athletic Association Grants or 2008 and 2009: Project: Stallings Elementary School Multi-Purpose Field: Approved FY 2009 Request: \$41,542.64 – This is an update (re-submittal) to Porter Ridge Athletic Association’s 2009 Grant Application in which the field is being relocated from Porter Ridge High School to Stallings Elementary School due to water issues.

Union County Public Schools – Property Swap (Re: Elementary School L, Poplin Road: (1) conveyed 2.43 acres (identified on survey as Parcel 2A) to Union County Public School pursuant to G. S. 160A-274; (2) declined right of first refusal on this same property in order that it may be exchanged by UCPS for another parcel to facilitate an entrance drive for elementary school L, Poplin Road; and (3) authorized the County Manager to execute all necessary documents.

Sheriff’s Office: Authorized the purchase of the DORON Precision Systems, Inc., driving simulator equipment using the GSA contract pricing. This is the manufacturer for the selected piece of specialty equipment and cannot be purchased from any other vendor. The cost of \$98,450 will be taken from Federal Forfeiture Funds.

Information Only: Department of Inspection’s Report for the month of November 2008.

PUBLIC INFORMATION OFFICER’S COMMENTS:

The Chairman recognized Mr. Brett Vines, Public Information Officer, for his comments.

Mr. Vines announced that the Veterans Administration has several scholarships available to children of veterans to North Carolina colleges and university. He stressed that with the due date of these scholarships that it is imperative that the students contact the Veterans Services' Office as soon as possible.

He stated that December is a busy time for paying taxes and announced that taxes could now be paid on-line. He stated that there is a convenience fee that goes to the credit card processing company and not to the county.

Mr. Vines also stated there is a link on the web site for anyone who is interested in receiving electronically meeting notices of special meetings. The Chairman pointed out that the electronic meeting notices were to be of all meetings.

The Public Information Officer announced that the Government Center and all Union County government offices will be closed December 24, December 25, and December 26, and also January 1.

The Chairman stated that he forwarded the electronic meeting information to a list that he is on and was surprised to get such enthusiastic responses about making these agendas and announcements available to the public electronically.

APPOINTMENTS OF COMMISSIONERS TO BOARDS AND COMMITTEES:

Chairman Openshaw said that the work of the Community Transportation Improvement Plan Steering Committee has been completed and this item can be removed from the agenda.

He said the next appointment is of a Commissioner to serve on the Piedmont Area Mental Health Development Disabilities and Substance Abuse Board and that he would put the appointment in the name of Commissioner Mills. The Chairman suggested that attendance at these meetings should be rotated among the commissioners.

The Staff Attorney interjected that he would need to study the suggestion because the appointment to that Board is Statutory, and it does require appointment of a County Commissioner in a voting capacity. He said he is not sure that appointment could be rotated absent of someone resigning from the Board and appointment of a new member each time. In response to a question from the Chairman, Mr. Crook stated that it appears that this appointment must be only one Commissioner.

Commissioner Mills agreed that he would do his best to attend these meetings.

Chairman Openshaw stated the Transportation Advisory Board specifies appointment of a local elected official and not necessarily a county commissioner. He said that he would be willing to take that appointment in the mean time but there could be someone from a municipality that would better serve on said board. He announced that if there is an elected official from Monroe, Wingate, Marshville, Unionville and Fairview who wants to participate, he would entertain their requests.

Chairman Openshaw announced that he would continue to fill the seat on the Yadkin Pee Dee Board of Directors.

REQUESTS FOR QUALIFICATIONS FOR LEGAL SERVICES:

The Chairman recognized Commissioner Kuehler for comments. She stated that the Board had put in place an interim County Attorney and is looking to assure that the County has the best possible legal representation. She said this RFQ is an effort to reach out and obtain as many attorneys or firms as possible to apply for this position. Commissioner Kuehler said this process would be similar to the selection of a County Manager.

Commissioner Kuehler moved that the Board of County Commissioners approve the language in the Request for Qualifications for selection of a County Attorney.

The Vice Chairman pointed out that the date for returning the submittals for the RFQ is vacant and asked if the Board needs to make that decision tonight.

The Staff Attorney responded that it would be helpful if the Board would indicate how long it wants the RFQ out before being received.

After brief comments, the Staff Attorney recommended that the RFQ be out at least 30 days. He said that the length required for publication could be at least a week.

The Chairman recommended that the deadline be the first meeting of February. After discussion, the Chairman stated that the deadline date would be around the 24th of January. The staff attorney recommended an outside date be established to allow the staff time to advertise in the necessary publications.

Commissioner Baucom stated that in the draft version of the RFQ that he would like it stated that preference will be given to a Union County attorney.

In response to a request for an opinion from the Staff Attorney as to whether this wording is appropriate, Mr. Crook stated that he thought it would be appropriate if it is the Board's desire.

Commissioner Baucom moved an amendment to the motion that this verbiage be included in the RFQ.

Commissioner Kuehler asked for a better definition of preference.

Commissioner Baucom stressed that he wanted an attorney from Union County to be named the County Attorney.

Commissioner Kuehler stated that she did not disagree but comparatively speaking asked if all things are equal how the determination would be made. He said if all things are equal the local attorney would be given preference.

The Chairman interjected that he did not think this was something that should be put into the publication as he thought it would be self-defeating. He said when the applicants are considered, the Commissioners can weigh the pros and cons of having a local attorney.

Chairman Openshaw called for a vote on the motion for the inclusion of the verbiage in the RFQ declaring a preference for a local attorney. The motion was defeated by a two to three vote. Commissioners Baucom and Mills voted for the motion and Chairman Openshaw, Vice Chairman Rogers and Commissioner Kuehler voted against the motion.

The Chairman called for a vote for the RFQ to be issued and to come back to the Board by the first meeting in February. The motion passed unanimously.

REPORT ON COST/FEASIBILITY OF TELEVISIONING OTHER COUNTY APPOINTED BOARD MEETINGS:

Commissioner Kuehler asked the quality difference between staff filming the meetings and Mr. Coleman filming the meetings. It was noted that there might be some quality difference, but the cost savings would be \$225 per filmed meeting.

The County Manager stated that there would be no problem with filming and broadcasting the meetings of the Planning Board and the Board of Adjustments but it could be a little trickier in filming the Board of Equalization and Review because when it is in session, this board might meet as much as ten hours a week. He said that would require a lot of televising per week.

Mr. Greene said in order to cut down the cost of having Mr. Coleman to televise the meeting, it is the recommendation that this filming operation be by staff although that might be a little low tech in comparison.

Commissioner Mills agreed with the Manager's recommendation and asked Mr. Nelson if funds would be available now or if the televising should be deferred until the next meeting.

Mr. Nelson responded that the Board of Equalization and Review has completed most of its work for this fiscal year so that cost would be in the next fiscal year and if the staff films the Planning Board and Board of Adjustment with the low tech option there would be little additional cost. He said the next budget year would show the increased cost.

The Chairman moved that the County accept the recommendation of the County Manager and film and broadcast the meetings of Board of Adjustments and the Planning Board with the low tech option of the staff filming the meetings for televising. The motion passed unanimously.

RESOLUTION TO NOT CHANGE COMPOSITION OF BOARD:

The Chairman stated the subject of the item and recognized Vice Chair Rogers. The Vice Chair moved that the following resolution be adopted and asked that either the transmittal letter or resolution include additional points of which she wants the General Assembly to be made aware.

**RESOLUTION BY THE UNION COUNTY BOARD OF COMMISSIONERS
REQUESTING THAT THE NORTH CAROLINA GENERAL ASSEMBLY
MAKE NO CHANGES TO THE COMPOSITION OF THE UNION COUNTY BOARD OF COMMISSIONERS**

THAT WHEREAS, the Union County Board of Commissioners met in a regular meeting on Monday, May 19, 2008, and adopted the following motion:

“That the County’s staff be directed to work with the legislators to increase the member of commissioners who serve on the Union County Board of Commissioners up to the number of nine.”

WHEREAS, the Union County Board of Commissioners now desires to rescind this action.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners requests that the North Carolina General Assembly make no changes to the composition of the Union County Board of Commissioners; and

BE IT FURTHER RESOLVED that the Union County Board of Commissioners rescinds the instructions given to staff on May 19, 2008, to work with the legislators to increase the number of Commissioners who serve on the Union County Board of Commissioners up to the number of nine; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of the Union County legislative delegation.

Adopted this 15th day of December, 2008.

Attest

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

The County Manager stated that either method would be proper but noted that if these are points relative to the issue, they should be approved by the Board whether they are included in the resolution or in the letter.

Commissioner Mills stated that he was looking at having this topic on the January 5th work session. He said he understood the Vice Chairman’s point and accepts the votes are there for its adoption but asked if it would be prudent to have the work session prior to the adoption of the resolution.

The Chairman explained that this is a separate issue and is a bookkeeping issue to alter what was requested in the past so this action would wipe the slate clean and would allow the County to start from the beginning and to move forward.

After additional comments, the Vice Chairman restated her motion to approve the resolution as presented.

Commissioner Baucom stated he would be voting against the motion and voiced his opinion that district representation would be good for this diverse county as it would guarantee county-wide representation, and it concerns him that this action indicates that the Board of Commissioners is not interested in district representation but then another item on the agenda indicates there could be interest in the same subject.

Commissioner Kuehler stated that this resolution is not for or against district representation but a statement that the people of Union County deserve the right to decide their own representation and not by a local act pushed upon them by the General Assembly in Raleigh that does not have a clue as to what is going on in Union County. She stressed it is not yes or no for district representation but it is to let the people who know what is best for Union County make the decisions.

Chairman Openshaw made a few comments in which he stated he believed that any change would necessitate a delay until the next meeting.

Vice Chairman Rogers agreed to approve the resolution as submitted and ask that Union County's voters be allowed to vote on whatever the Board decides to do which mirrors the action adopted by the Union County Board of Commissioners on May 7, 2007.

The Chairman then called for a vote on the motion to adopt the resolution. The motion passed by a vote of three to two: Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted in favor and Commissioners Baucom and Mills voted against the motion:

DISCLOSURE STATEMENT:

After recognition from the Chairman, Commissioner Kuehler moved that completion of a disclosure statement requirement/conflict of interest requirement as a service requirement be approved and be required as a precursor to serving on the Planning Board, Board of Adjustments, and the Board of Equalization and Review.

The County Manager explained that Mr. Crook in his background information suggested that there are a few questions in the disclosure form that the Board might need to consider directing the staff to pursue. He asked first if the content of the form is acceptable to the Board and the second question the staff has for the Board is when is the form to be received by the County. Mr. Greene asked if the form is due prior to appointment or after appointment.

Commissioner Kuehler said her motion would be that these forms would be required prior to appointment and not afterwards but noted that she does have some alternate language to add to the form. She said she was unsure whether the County would adopt the requirement for the form and later approve the format of the form or if both need to be adopted simultaneously.

Mr. Greene responded that the staff would need to know the changes. Commissioner Baucom stated that before approval the Board of Commissioners would also need to know what changes she is referencing.

Commissioner Kuehler stated that she would refer back to the draft she submitted to him on December 1 and briefly commented on the changes. She explained that today she had requested Mr. Crook to include language that would classify that to not complete the information truthfully would be a Class I Misdemeanor or possibly a Class H Felony with the stipulation and clause requiring the disclosure forms to be affirmed and signed before a notary.

Mr. Crook responded that he looked into this late today and he did not find that the above would constitute a Class I Misdemeanor under the General Statutes. He said if the Board of Commissioners wants to go that route, it might be possible to adopt a local ordinance to criminalize that action but stressed that he thought it would have to be done by ordinance.

Commissioner Kuehler questioned if a lie on a government form in North Carolina does not hold a criminal penalty. Mr. Crook said that it might depend upon what the document is. He said an oath or an affirmation for an affidavit to appear in court would be a separate statute as well as there is probably a separate statute dealing with real estate documentation but just an affirmation of this type does not have a criminal penalty imposed for falsification of information.

Commissioner Kuehler asked for clarification that for the Board of County Commissioners to impose a Class I Misdemeanor it would have to adopt a County ordinance. The Staff Attorney confirmed that was accurate.

The County Manager addressed the intent to collect disclosure forms prior to appointment. He said he believes that the Board is authorized by Statute to establish and assess the qualifications for appointment but pointed out that it could easily be perceived that rather than assessing qualifications that it is judging the character of the applicants and that is a very thin line. He cautioned the Board to take careful consideration to avoid the perception that it is judging the character or integrity of the applicants rather than their qualifications. In response to a question, he agreed that information requested regarding felony convictions could be defended as a qualification; ownership of real estate and involvement in business activities are questionable as to the qualifications of an individual.

The Chairman stated that it is not necessarily a disqualification but it does inform everyone else what they are dealing with. Chairman Openshaw addressed the comments of the staff attorney and quoted from the State form which is a Statement of Economic Interest which is different and more stringent and strident than the one proposed by this Board and is now in use in Union County: "It is a Class I Misdemeanor to knowingly conceal or fail to disclose required information and a Class H felony to provide false information of a statement." He went on to make reference to the information beneath the oath or affirmation the statement. The Chairman stated that if the individual is signing a document, the least would be perjury if the individual is signing a false document.

Mr. Crook responded that there are Statutes that specifically criminalize this for statement of economic interest but this Statute does not apply to appointees to local boards.

Commissioner Baucom asked the purpose of the form and questioned if it is to determine what an appointee owns to allow the Board of Commissioners to only appoint people who have property or those who have something. He said he is asking the purpose of the disclosure form.

Commissioner Kuehler responded that in some circumstances there are boards that have as much power as the Board of Commissioners. She noted that while Commissioners go through an election process and are picked a part by the press that those appointed members to boards do not have that amount of scrutiny. She said it is her opinion that the citizens need to see who the County is appointing to boards. She noted that the FBI was not in Union County because the County is a model of good governance; they were here because there is a perception of a problem. She stressed that it is time to fix the perception.

Commissioner Baucom stated that for the record he had never spoken to the FBI but had been told that he was investigated by the FBI but assured he had never had a personal inquiry from the FBI. He said he knew of only one person in the last two years that has used a position on any board or committee for personal gain or attempted personal gain.

The Staff Attorney asked that this discussion not be held because reference should not be made to individuals.

Commissioner Baucom further said that this person was probably one that by this disclosure form would be appealing. He asked how the vetting of this disclosure statement is going to have a positive impact by the public and, secondly, where is the significance and importance of having this statement on an application to serve on a board or committee. He next asked if there is any way that Union County could protect the integrity of that information on an applicant.

Mr. Crook responded that as he had indicated in his memo that the disclosure form would be public record for as long as these are required to be maintained by Statute or County ordinance.

Commissioner Baucom stated that if this information cannot be protected, the information should only be required after appointment. He then asked if there have been inquiries to the other 99 counties as to which counties include this requirement.

The County Manager stated that the Assistant Manager had done some work on this and asked Mr. Delk to respond. Mr. Delk stated that Fleming Bell, School of Government at UNC Chapel Hill, has been out of town, and they did not speak until Friday; therefore, research time has been limited. He said he sent out an inquiry on a list serve which went to every town manager, county manager, and assistant county manager in North Carolina. He explained he sent this inquiry out twice and only received two responses. One was just a hello from a former colleague in a northeastern North Carolina town who said his government does not require the information and the other was from a small town that includes the information in the body of the application form and does not require a property listing. Mr. Delk said when he finally talked with Mr. Bell he mentioned Mecklenburg County and Wake County. He said he could not find Mecklenburg County's form but found Wake County's and the information is included within the application form itself. He said he also found the Town of Cary; it is not in the body of its application but has a separate policy passed as a policy statement of the Board.

Commissioner Baucom asked what type of information is requested within the body of the application. Mr. Delk said the information in Wake County's application requests all the personal information and is a computer based form that is done by solicitation and not by invitation of a commissioner. It sets forth the policy and makes the statement that "any county official or

employee that must consider any public matter involving his financial or personal interest or those of his immediately family shall first publicly disclose the nature and extent of such interest and shall abstain from acting thereon unless provisions of state law requires otherwise.” He noted this application does not require the property listing. He said the policy statement from Cary, North Carolina, lists out the Statutory exemptions that the staff attorney has referred to in his package, and it basically reiterates statutory requirements but does not require specific disclosure other than if the matter is before one of the specific boards. Mr. Delk said he understood that Orange County has one but he has been unable to find more than a small number.

Mr. Delk said he thought the distinction between the proposed Union County form and the policies found is that the policies required the disclosure when a matter came up and the responsibility is on the member of the Board to disclose and recuse himself at that time.

Vice Chairman Rogers reminded that the requirement for the form was approved during the last meeting and it was agreed that Union County was going to require disclosure statements; it was not a unanimous vote, but the purpose of the disclosure statement is to encourage honesty and openness in government and to help focus the appointees’ attention on the potential for conflict. She also addressed some of the individuals who spoke during comments and stated that while many called these financial disclosure forms, she stressed that financial information is not what the form requires. She noted that requiring disclosure forms was discussed during the campaign and that she is honoring what she said during that time, which was to include a disclosure statement on various boards. The Vice Chairman stated that it could continue to be discussed but it is not going to be unanimous and the Board needs to move on with action as proposed by Commissioner Kuehler.

Commissioner Kuehler confirmed that her motion is to adopt the form that she submitted and proposed on December 1 with the inclusion of the question concerning a felony conviction and establishing some type of retribution if the statements provided on the form are not truthful, which might require the Board of Commissioners to adopt an ordinance to allow a stronger penalty.

Commissioner Mills said that at the first meeting he had stated that he was not going to fight anyone on this issue but that he wanted it to be done right. He stressed that he thought this had been rushed and it is not right. Commissioner Mills stated that he thought that Mayor Deese made a valid point that prior to a person filing for Office of Commissioner; he/she does not have to submit a disclosure form. He said that the Attorney made a statement that the purpose of requiring the disclosure form though “not as basis for appointment is to encourage honesty and openness in government.” Commissioner Mills said that all want that but as he reported last week that when this was discussed in 2007, the issue came up that there is no enforcement policy, that it

should be applicable across the board for all boards and committees, and a policy in place that would go back to the governance policy. He urged the Board to take the time to adopt this policy in proper form, to establish it, and get a list of all the boards and committees and provide training; he said he was trying to be reasonable but again as he stated last week he was asking the question: do we want the disclosure forms to be used to qualify or disqualify? He said the jest of it is that he does not want the forms to be used to qualify or disqualify somebody from a board. Commissioner Mills commented about the statements made about not allowing those with certain party affiliation and activities to be eligible to serve. He said that the form does not request the information on what party the applicant belongs but does ask about civic or fraternal organizations. Commissioner Mills explained that it is his opinion that a political organization does not qualify under either of those organizations.

The Chairman interjected that Commissioner Mills is not speaking to the Conflict of Interest Form. Commissioner Mills acknowledged that was accurate but that it was part of the application form. He said that a big problem is: Does the Board ask the applicants to submit the Conflict of Interest Form prior to their being appointed? He then stated that if that is true, the information then becomes public record and remains open. Commissioner Mills said that as he understood the information provided by the Staff Attorney the State applicants are protected and their information is not public information, if the individual is not chosen. He pointed out that the County does not have that same luxury and the people who apply are not protected. He encouraged the Commissioners to slow down the process and absorb some of the information heard at the public hearing and get it done right.

Commissioner Baucom read for the record the information requested on the Conflict of Interest Form. He said it is perceived by lots of people that the intent of this form is to eliminate anyone that has worked, used their skills and ability, developed their talents, or acquired stock or real estate. He stressed it appears to too many people that this form is to prevent people from serving on boards and committees who may have the best of expertise, intentions and integrity . He said that requiring this form concerns him. He pointed out that at one time the County wanted to appoint people to serve who had acumen to be successful because they had skills, knowledge, expertise, abilities, and desires to take and move forward. Commissioner Baucom said now the Board is saying that it is not sure that this is the individual that it wants. He emphasized that this fact was very disconcerting to him and that he would vote against the motion.

Commissioner Baucom moved an amendment that any action to require a Conflict of Interest Form only be after an appointment is made. He encouraged the Commissioners to do the honorable and right thing and to not make public the applicant's information.

Vice Chairman Rogers objected to the comment that this form is going to be used to exclude anyone and also objected to the comment that this Board would not be looking at and utilizing the skill set of the developers, the farmers, and the different people who make up this community. She assured that was not the purpose of the form and also objected to the comment about doing the honorable and right thing. The Vice Chairman assured that she was doing the honorable and right thing; she is doing what she said she would do during her campaign and doing what a lot of other counties are also doing. She said it is something that is necessary to be done and she would be voting for this motion. She called for the question.

Commissioner Mills was recognized by the Chairman. He said he realized that the Vice Chairman did campaign on this issue, but again stated that he thought it should be done slowly and correctly. He reminded that there are questions that have not been answered such as enforcement, retroactive or not, only on three boards or on all boards. Commissioner Mills said the proper way would be slow it down and instruct the staff to put a policy together and hold the public hearing where he thought there would be some different comments received. He said it was his opinion that it should be applicable to all boards even if Health and Social Services boards are excluded.

Commissioner Mills moved to defer this item to the staff along with the information assembled for them to come back with some of the answers and a good policy. He assured that he was trying to be reasonable and stressed that he thought some of these questions need to have answers before there could be a good policy.

Commissioner Baucom said that he would accept Commissioner Mills motion as a superseding motion.

The Chairman stated that there would be a public hearing on the establishment of a Conflict of Interest Form because it is a text amendment and secondly there are alterations that he would want to make to this form also. He said it is his opinion that the requirement should be retroactive; he would like to have everyone on the same page at the same time. However, as far as the number of boards required to complete the form, he would recommend that the County start with the Planning Board, Board of Adjustment, Public Works Advisory Board, and there are others things regarding the application, which will be dealt with later. The Chairman explained that the State form requires any real estate disclosure over \$10,000 and provides a list of categories; personal property \$10,000 or more, market value \$10,000 or more, leased or rented, interest in publicly-owned companies, interest in non-publicly owned companies or business entities, vested trusts, each liability of \$10,000 or more and other disclosures that might be omitted from the form. He stressed that the proposed County's form is modest.

Commissioner Mills interjected that the State only requires this form to be completed by members after the person has been appointed to a board.

The Chairman replied that was a decision of the State but it is also the County Board of Commissioners' decision as to when it will require it but acknowledged that this point is a legitimate question. He said it did not matter what other counties have done but it only matters what this county does; he acknowledged that there has to be a first, and someone was the first. He noted that he recognized there are problems and people will talk, but pointed out that former Representative Black is in jail as is his second in command, the Illinois Governor is in all the newspapers and news shows about his alleged corruption. He stressed the reality is that there have been people here, and you can read it in the minutes, who voted for their own projects and the reality is if the boards do not know what the projects are, the board cannot hold someone accountable for what he/she is voting for. He noted that it is difficult to find the ownership interests in LLC's. The Chairman assured that this form does not preclude anybody from serving on a board. He said his amendment to the motion would be that the commissioners must complete the very same form that the other board members are being required to do. Chairman Openshaw noted as has been pointed out the Planning Board gives vested rights; not an elected body, but it bestows legal rights on property. He said there are two key points though – one is the retroactive point or not and the other is the penalty. Commissioner Openshaw said both of these questions will be answered by the Board of Commissioners. He said that this could be adopted now and later it could be amended. He noted that after it is referred to the Planning Board for its review and recommendations, it will be again discussed by the Board of Commissioners after a public hearing is held at that time.

Commissioner Mills interjected that the text amendment would go to the Planning Board for the dissolution of the Planning Board but the form would not go to the Planning Board; this action would be strictly that of the Commissioners. The other Commissioners voiced their agreement with the interpretation of Commissioner Mills. The Chairman stated that personally he was fine with a public hearing on the issue. He said the only thing contentious from his perspective is the penalty. Chairman Openshaw said that it could be passed and amended in the future.

Commissioner Openshaw repeated for clarification that Commissioner Kuehler's original motion was to approve the Conflict of Interest Form as she had presented with the penalty conviction clause and an affirmation statement in front of a Notary clause with legal ramifications for false statements if these are available to the county under the North Carolina law as a precursor for appointment.

Commissioner Kuehler noted that it was the staff attorney's position that a local ordinance would need to be adopted prior to the board being allowed to enforce legal ramifications for executing an incomplete or incorrect Conflict of Interest Form. The Chairman asked Mr. Crook if he needed time to research his position. Mr. Crook stated that was his position and his concern is about whether or not the County has legal authority to adopt such an ordinance to impose penalties for falsifying information on a form.

The Chairman asked Commissioner Kuehler how this would amend her motion. She responded that she is basically moving the approval of the form with those items added and instructions to the attorney to add whatever language that is needed for punishment enforcement available under the North Carolina Statutes.

Commissioner Mills asked if the form would need to come back later to the Board of County Commissioners for final approval.

Mr. Crook stated that the potential penalty is that a member can be removed from an appointed office for cause. He said that is a penalty available for falsifying disclosure forms. The Attorney said he did not find any Statute that would criminalize any untruthful statement even given to a notary. He explained that if the Board wanted to criminalize it, the Board would have to do so by local law which means the Commissioners would have to adopt an ordinance.

The Chairman clarified then that the only penalty now is removal from office for cause.

Commissioner Kuehler responded that if that is the only penalty now available she would accept it but would request the options be studied.

Mr. Crook stated that another question to be answered is whether or not the form would be from this point forward or retroactive for sitting members. He said that is not part of the motion as it was originally stated. He reported that it would not have to be a part of the form but it is a decision that would need to be made at this time.

Commissioner Kuehler amended her motion to include that the requirement for a Conflict of Interest form would be from the time of adoption and not retroactive.

Commissioner Baucom pointed out that there are currently two amendments to the motion on the floor. Commissioner Mills reminded that Commissioner Baucom deferred to his motion. Commissioner Baucom explained that he had agreed for Commissioner Mills' amendment to be voted on first and then, if necessary, his amendment could be voted on.

The Clerk repeated that Commissioner Mills' motion had been to defer this form to the staff along with the information assembled with instructions that they come back with some of the answers and a good policy.

The motion failed by a vote of two to three. Commissioners Baucom and Mills voted for the motion and Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted against the motion.

The Clerk next repeated Commissioner Baucom's motion that the Conflict of Interest form be required of appointees to boards and committees and not of applicants of boards and committees.

Commissioner Mills explained that this motion supports the process followed by the State of North Carolina and he would hate for the disclosure form to be required of applicants. He said he did not want the appearance that these forms are being considered as part of the selection process.

The County Attorney stated his comment was not intended to take sides on the issue but was to point out the legal issues that should be considered.

Commissioner Baucom asked the attorneys present if this form would open the Board to law suits for violation of civil liberties. Mr. Crook replied that it was a fair question and as the County Manager mentioned there is a fine line there and the Board should be careful. He again noted that the State system requires it of all applicants, but the difference is that these are not made public unless the member is appointed.

Commissioner Kuehler stated that although the State does not make it public because they introduced the Ethics Act, they still know the information prior to the appointment. She said that she maintains that this is not a criterion to pick and choose people and she could not see the ACLU coming down unless the Commissioners did not appoint elderly or black; she said she thought business interest would be pushing that a little too much. She said in this area there are some perceptions of conflict of interest whether they are reality or perception; there are issues here and steps need to be taken to fix the issues.

The Chairman called for a vote on the amendment extended by Commissioner Baucom. The motion failed by a vote of two to three. Commissioners Baucom and Mills voted for the amendment and Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted against the motion.

Chairman Openshaw next called for a vote on the original motion of Commissioner Kuehler as amended. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chairman Rogers and Commissioner Kuehler voted for the motion and Commissioner Baucom and Mills voted against the motion.

ADOPTION OF BOND ORDER:

The Chairman announced the next item of business is the Adoption of the Bond Order and recognized Kai Nelson, Finance Director. Mr. Nelson said earlier tonight the Board had a public hearing in connection with the refunding bond order, which represents part of the County’s plan to solve some of the liquidity problems of the various rates. He said this is the second part of the plan; the first was finding additional liquidity providers, which was done in connection with BB&T and that transaction is to be closed Wednesday and Thursday of this week.

Commissioner Mills moved that the Board of Commissioners adopt without change or amendment, and direct the Clerk to the Board to publish a notice of adoption as prescribed by The Local Government Bond Act, the bond order titled, “BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF UNION, NORTH CAROLINA”, which was introduced at the meeting of the Board of Commissioners held on November 26, 2008.

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$80,000,000
GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF UNION, NORTH CAROLINA**

WHEREAS, the County of Union, North Carolina (the “*County*”) has issued (1) \$50,000,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2005A, of which \$44,000,000 is currently outstanding; (2) \$20,000,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2005B, of which \$17,600,000 is currently outstanding; and (3) \$20,000,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2005C, of which \$17,600,000 is currently outstanding (collectively, the “*2005 Bonds*”);

WHEREAS, the Board of Commissioners of the County of Union, North Carolina (the “*Board of Commissioners*”) deems it advisable to refund the 2005 Bonds;

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

Section 1. The Board of Commissioners deems it advisable to refund all of the outstanding aggregate principal amount of the 2005 Bonds.

Section 2. To raise the money required to pay the costs of refunding the 2005 Bonds as set forth above, General Obligation Refunding Bonds of the County are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$80,000,000.

Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Refunding Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County’s debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order is effective on its adoption.

The motion was unanimously adopted.

PRESENTATION FROM PIEDMONT BEHAVIORAL HEALTHCARE:

The Chairman recognized Pam Shipman, Chief Operating Officer at PBH, who updated the Board on the development of a Crisis Center in Union County. She explained that PBH is a public organization that is responsible for mental health services in a five-county area and Union County is in this area. She said that they had received tremendous support from the County Manager and Sheriff Cathey in the planning of this 16-bed center for mental health crisis adults and for those individuals with addiction issues. Ms. Shipman explained that this would divert a lot of people from the emergency room of the hospital and get them directly to care instead of having the long waits previously experienced. She announced that they had closed on the purchase of the medical office building directly across the street from the Emergency Department and that L. B. Smith and Associates, the original architects have been working with PBH for a redesign plan. She said it is hoped these will be in Raleigh by the end of the month, but a 14-week approval delay is anticipated.

In response to a question, Ms. Shipman responded that the staff is not in place at this time as it is a little early to hire these individuals. She said that there would be nursing staff as well as health care tech, counselors, and a psychiatrist on call with visits daily, but noted that Daymark Recovery Services operates a similar 16-bed facility in Kannapolis. She said she could come back later and provide this information.

Commissioner Openshaw stated he thought the Center would be an asset to Union County and thanked Ms. Shipman for her presentation.

ANNUAL FINANCIAL REPORT:

The Chairman recognized Kai Nelson, Finance Director, who explained that he would be asking for two actions from the Board tonight. The first will be acceptance of the audit report and the other will be the adoption of Budget Ordinance Amendment #12 appropriating encumbrances and special purpose amounts as identified in the Annual Finance Report.

Motion was made by Commissioner Baucom that the County adopt Budget Ordinance #12 appropriating encumbrances and special purpose amounts as identified in the Annual Finance Report as submitted to the Board of Commissioners and acceptance of the Annual Finance Report for fiscal year ending June 30, 2008.

BUDGET AMENDMENT

| | | | |
|-------------|----------------|--------------|--------------------------|
| BUDGET | <u>Various</u> | REQUESTED BY | <u>Kai Nelson</u> |
| FISCAL YEAR | <u>FY 2009</u> | DATE | <u>December 15, 2008</u> |

INCREASE

Description

General Fund

Various Dept. Expenditures
(Encumbrances) 1,780,518

Various Dept. Expenditures
(Projects/Program Balances) 625,615

Various Dept. Revenues
(Projects/Prog. Fed./State Grants) (20,052)

Fund Balance Appropriated 2,386,081

DECREASE

Description

(see attached schedule)

(see attached schedule)

(see attached schedule)

Water & Sewer Enterprise

| | | | |
|--|---------|-------------------------|-------|
| <u>Fund</u> | | | |
| Operating & Capital Outlay (Encumbrances) | 269,153 | (see attached schedule) | |
| <hr/> | <hr/> | <hr/> | <hr/> |
| Fund Balance Appropriated | 269,153 | | |
| <hr/> | <hr/> | <hr/> | <hr/> |
| <u>Solid Waste</u> | | | |
| Operating Accounts (Encumbrances) | 13,512 | (see attached schedule) | |
| <hr/> | <hr/> | <hr/> | <hr/> |
| Fund Balance Appropriated | 13,512 | | |
| <hr/> | <hr/> | <hr/> | <hr/> |
| <u>Stormwater Enterprise Fund</u> | | | |
| Operating Accounts (Encumbrances) | 22,201 | (see attached schedule) | |
| <hr/> | <hr/> | <hr/> | <hr/> |
| Fund Balance Appropriated | 22,201 | | |
| <hr/> | <hr/> | <hr/> | <hr/> |

Explanation: To appropriate revenue and fund balance/retained earnings for outstanding contracts, purchase orders and available project/program balances for expenditures, projects and programs of fiscal year 2008 to fiscal year 2009.

DATE _____

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

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

| <u>Code</u> | <u>Account</u> | <u>Amount</u> | <u>Code</u> | <u>Account</u> | <u>Amount</u> |
|--------------------------|----------------|---------------|--------------------------|----------------|---------------|
| (see attached sched.) | | _____ | (see attached sched.) | | _____ |
| | Total | _____ | | Total | _____ |
| | Prepared By | aar | | | |
| | Posted By | _____ | | Number | 12 |

The motion passed unanimously.

Mr. Nelson said that he needed to confer briefly with the Independent Auditor to determine if he has a regulatory responsibility to actually fiscally present the audit. Mr. John Kapelar, partner in the audit firm of Potter & Company, P.A., responded that a formal presentation is not required.

PARKS AND RECREATION DEPARTMENT:

The Chairman announced the next item and recognized County Manager Al Greene. Mr. Greene stated that it is now time for the annual 2009 Park and Recreation Trust Fund Grant applications to be submitted. He explained that the Parks and Recreation Advisory Board recommends authorization to apply for the grant but the grant application has not been developed pending the Commissioners' direction. He said the grant application process is a very time-consuming task. The Manager reported that the maximum amount available is \$500,000 and that Ms. Smith has reported that the estimate for the local share of the passive area of Phase III of the Jesse Helms Park will be approximately \$672,000. He said if the Board approves the filing of the grant application, the funds could be taken from the Capital Reserve Fund without affecting the County's annual tax dollars. He said the negative issue is that Union County is in a financial crunch like the rest of the country and there might be a perception problem even though the local match would come from capital reserve as opposed to annual tax dollars. He noted, however, the project could never be done as cheaply without the grant funds.

Commissioner Baucom asked if approval is given for filing the grant application could the Board make final approval contingent upon another review. He stressed his concern is that this Board does not know the future financial condition of this County. He said that although he hated to see the County not take advantage of an opportunity, sometimes it is not prudent to take advantage of an opportunity.

Mr. Greene responded that he understood the question and believed the answer is that if the financial condition would change to the point the Board would not accept the grant, if it were offered; the staff would recommend that the County not apply for the grant. He explained that to be offered the grant by the State and then reject it, hurts the County's credibility going forward when filing for a future grant.

The Chairman asked if the grant would still qualify if the climbing wall and ground court are removed from the application.

Mrs. Smith said the County would qualify but would not receive as high a score because the County needs three new recreational opportunities shown within its application.

Vice Chairman Rogers asked if there is not a freeze on all capital projects and asked if this application and plan is not considered a capital project.

The County Manager responded that it is a capital project. He said, however, the staff is not asking to spend money but is asking to apply for a grant. He said the freeze imposed is not an absolute freeze but allows the County Manager to override the freeze, when necessary. Mr. Greene said that in cases where it might make sense from a cost-effective standpoint to proceed with capital improvements or when it is absolutely required to do so for health, safety, or welfare reasons, the County could precede with a project. He explained that it is a soft freeze on capital projects depending on circumstances.

The Vice Chairman asked if the \$672,000 is coming from a fund balance that has been reserved for capital purposes. She noted that this would reduce the fund balance to almost \$3 million.

Mr. Nelson said that the Annual Financial Statement indicated that at the end of FY 2008, the County had roughly \$35 million in general fund balance that represented a little over 16.5 percent. He said those funds are in the general fund and the \$4

million that the County Manager is referring to is in a separate fund in the Capital Project Fund. Mr. Nelson said there were actually two fund balances.

In response to a question, Mr. Nelson stated that these funds are in the County's CIP, excluding the Union County Schools, which total \$150,000,000. He further responded said that this phase at Jesse Helms Park is included in the CIP and is included in the Capital Project Ordinance. Mr. Nelson said the grant is an annual offering contingent upon the generosity of the State and Federal governments.

The Vice Chairman asked if the County has ever in the past looked at doing recreation and libraries through voter approved bonds. Mr. Nelson said that part of the \$150 million CIP has anticipated about \$35 million for bonds. Commissioner Mills reported that there was a bond issue for recreation bonds in the mid 1990's that was soundly defeated.

Mrs. Smith briefly spoke on items that could be delayed. Mr. Nelson said that if the County were to receive the grant, it would not be awarded until the end of June. He said that once the County gets into construction, it is about a year or two before completion and the funding could be spread over that time period. He said historically PARTF grants have been available every year and as another grant period comes around, the master plan is used to seek an additional grant.

The Vice Chairman asked about the required match. Mrs. Smith said the PARTF grant requires a dollar for dollar match and the County would need to at least match the \$500,000.

Commissioner Baucom moved that the County staff prepare and submit a PARTF grant application in a reduced amount of the matching dollars of \$500,000 or as close to as is possible.

The Vice Chairman asked if the motion includes encumbering the \$500,000 at this time. Mrs. Smith replied that it is not necessary to encumber the money until the grant is received. Commissioner Baucom clarified that the action of his motion is to give staff latitude to take and move forward as necessary and file the PARTF grant application for the Jesse Helms Park and to bring the grant application to a \$1 - \$1 ratio as near to \$500,000 as is realistically possible. He said he would further authorize the County Manager to execute the grant, if he is satisfied with the application at the time of its completion.

After additional discussion, the motion passed by a unanimous vote.

PUBLIC WORKS DEPARTMENT:

The Chairman announced the next item and recognized the County Manager who explained that 17 a. (1), (2), and (3) are all the related. Mr. Greene explained that item one exempts particular projects from the Competitive Proposal Engineering Provisions of the General Statutes, item two is a recommendation to approve Task Order #21 in an amount not to exceed \$230,255 with Hazen and Sawyer Environmental Engineers & Scientists to provide construction management services in connection with the Twelve Mile Creek Wastewater Treatment Plant reliability improvement projects that were awarded about two months ago, and the third one is similar regarding Hazen and Sawyer to execute Task Order #22 in the lump sum of \$267,030 for construction management services for the Twelve Mile Creek Odor Control Project, which was awarded on September 15, 2008. He summarized that bids have been awarded for two capital projects related to the Twelve Mile Creek Wastewater Treatment Plant provided by Hazen and Sawyer and now the county wishes to hire Hazen and Sawyer to oversee the construction of those two projects, which will be of about 12-months duration and will involve having a resident engineer on site. Mr. Greene said it is first requested that the resolution be adopted exempting the projects from the competitive proposal engineering provisions of the General Statutes and then that Task Orders 21 and 22 be approved.

Motion was made by Commissioner Baucom that the following resolution be adopted:

RESOLUTION TO EXEMPT PARTICULAR PROJECTS FROM THE COMPETITIVE PROPOSAL ENGINEERING PROVISIONS OF G.S 143-64.31

WHEREAS, pursuant to G. S. 143-64.31, it is general public policy to procure professional engineering services through public announcement of the service requirements and selection of an engineer on the basis of qualifications; and

WHEREAS, pursuant to G. S. 143-64.32, the Board of Commissioners in its sole discretion may exempt projects from this procedure upon stating the reasons for exemption and the circumstances attendant thereto; and

WHEREAS, Union County desires to engage Hazen and Sawyer, P. C. (“Hazen and Sawyer”) for the purpose of performing the construction administration services, construction observation services, start-up services, and specialty sub consultant services described in the proposed Task Order #21 (Twelve Mile Creek WWTP Plant Reliability Improvements Construction Management Services), and the proposed Task Order #22 (Twelve Mile Creek WWTP Odor Control Improvements Construction Management Services), which services and attendant deliverables are hereinafter referred to as the “Projects”; and

WHEREAS, the Projects entail a substantial engineering component; and

WHEREAS, Union County desires to exempt the Projects from the statutory qualifications procedure and engage Hazen and Sawyer, because Hazen & Sawyer was the design professional for the Projects and it is believed that to engage another engineer at this stage could be disruptive to the construction, and potentially more expensive and time-consuming.

NOW, THEREFORE, BE IT RESOLVED that pursuant to G. S. 143-64.32 (a) the Union County Board of Commissioners does hereby exempt the Projects from the competitive proposal provisions of G. S. 143.64.31, for the reasons stated above.

The Chairman recognized the Vice Chairman who pointed out the financial impact of item 2 of the contract administration and inspection service is approximately 7.4 percent and on item 3 the financial impact of the contract administration and inspection service is 5.6 percent. She asked why the difference between 5.6 percent and 7.4 percent for the same type projects. Mr. Greene replied that there are industry standards for design work but even those vary depending on the detail and complexity of the work and typically on a construction observation, it is calculated on a budget estimate including the hours involved.

The Chairman explained that the rationale for the exclusion is that Hazen & Sawyer was the design engineer.

The motion to adopt the foregoing resolution passed unanimously.

Commissioner Mills moved that the Hazen and Sawyer Environmental Engineers & Scientists agreement for Twelve Mile Creek WWT Plant Reliability Improvement Construction Management Services (Task Order #21) in the lump sum amount of \$230,266 be approved and authorized the County Manager to execute same. The motion passed unanimously.

Motion was made by Commissioner Mills that the agreement with Hazen and Sawyer Environmental Engineers & Scientists for construction management services for the Twelve Mile Creek Waste Water Treatment Plant Odor Control Improvements (Task Order #22) be approved in the amount of \$267,030 and authorized the County Manager to execute same. The motion was passed unanimously.

YADKIN PEE DEE PLANNING GROUP:

The Chairman recognized Mr. Dale Stewart of Land Design who explained the initiative of the area and City-States report that talked about the dangers of not going green. He said one of the dangers that caught his interest was a listing of some of the penalties for not going green. He said the article encouraged the citizens to take water conservation seriously and urged the establishment of one eight-county water board to look at all relative issues rather than splintered water authorities. He said the efforts that have occurred in the last few years have been the recognition of the ever-increasing need for regional collaboration and certainly Union County has had a great role in that both from the standpoint of working with Lancaster County and more recently its work with Anson County. He said the effort of Yadkin-Pee Dee Water Resources Association has been to consolidate these efforts to work with a number of water providers in the Yadkin-Pee Dee area. He emphasized, however, that collaboration does not exist in the Yadkin basin as it does in the Catawba River Basin. He briefly described some of the goals and concerns of this new group. He distributed the annual report of the North Carolina State Infrastructure Commission, the recently published draft of the Water Allocation Study Commission, and the other is the Annual Report with recommendations Supporting Enhanced Water Efficiency. Mr. Stewart pointed out that the State recognizes the need for collaboration of counties. He stressed that there are a number of recommendations in the study that will affect the long-term water providers not only in the Catawba basin but also in the Yadkin basin.

He said it is anticipated that there will be a public hearing in January and the report will probably be adopted in that month as well by the Environmental Management Commission. Mr. Stewart said that the plan includes everyone in the Yadkin Pee Dee River Basin including Union County and there are recommendations in the plan and the proposed letter submitted to the Board that sets forth two items – a correlation between this document and the work that has just come out of the Water Supply Study Committee and secondly that the Division of Water Quality provides input to the Division of Water Resources, another State agency, to work toward determining what is referred to the minimum safe yield in the Yadkin basin. He said one recommendation that is coming forward in this document is that river basins ought to be managed with a water budget.

Mr. Stewart stated his request is that the Board of Commissioners of Union County adopts the Purpose Statement of the Yadkin-Pee Dee Water Resources Association and approves the issuance of two letters. The first letter supports continued regional collaboration because as this work is completed, it creates trust, communication, and sharing of data and strength of speaking with a common voice. The second letter relates to the Alcoa Re-Licensing Process. Mr. Stewart said that Alcoa was very close to receiving the next 50-year license for operation of the various hydroelectric plants on the Yadkin River. He said the only thing that stopped that process was their lack of a 401 Water Quality Certification for the Yadkin Hydroelectric Project. Mr. Stewart said that currently as a result of the legislature getting involved and Stanly County that process has been put on hold until that water quality certification can be issued. He said this is an opportunity to have the same kind of input as the counties had in

the Duke Power process. He stressed the letter is not in opposition to the license but is simply saying that there are a lot of people who depend on the Yadkin River for water supply and there are some known issues relating to this license and these issues need to be studied more than they have been to this stage.

Commissioner Baucom pointed out that this Board had supported Stanly County's effort last year and asked if the suggested letter is strong enough to support the position of Stanly County. Mr. Stewart said that Stanly briefly identified a number of concerns, some of which had to do with job loss and promises of jobs that are no longer there. The letter being recommended for the Commissioners approval and execution is to address water supply and water quality with its intent being to ask DENR to not issue the 401 Water Quality Certification until those questions have been thoroughly studied. He said the purpose is to request them to make sure that nothing it does in any way will encumber or diminish the dependency of the region on the Yadkin River as a water supply resource. He again stressed the letter is not in opposition but urged that the license only be issued with the right conditions and the right terms.

Chairman Openshaw asked the accuracy of the regional map provided depicting the Yadkin Pee-Dee River Basin. Mr. Stewart said the map is from a GIS database to provide the participants with visual understanding of who all these counties relate to each other in the Yadkin basin. The Chairman stated that he was surprised with the area of Union County that is encompassed in that basin. Mr. Stewart said that he could not vouch for its validity but it did come from a GIS database.

Motion was made by Commissioner Baucom that the Purpose Statement Yadkin Pee Dee Water Resources Association be accepted. The motion passed by a vote of five to zero.

Purpose Statement
Yadkin-Pee Dee Water Resources Association

WHEREAS, the members of the YPDWRA all have a vested interest in the stewardship, utilization, management, and protection of the water resources in the Yadkin-Pee Dee Basin; and

WHEREAS, the economic, social, and environmental sustainability of the Yadkin-Pee Dee Basin is dependent upon an acknowledgement of the need for regional cooperation throughout the Basin, and

WHEREAS, long-term water supply to the region requires a Basin-wide approach to water resources planning and accompanying collaboration.

NOW, THEREFORE, BE IT RESOLVED by the Association members that:

1. Association members will collectively share information and knowledge to promote a better understanding of the Basin and the facilities by which water is supplied in the Basin.
2. Association members will collaborate to seek more assistance from State and Federal regulatory agencies and to speak with a united voice to legal, regulatory, and other matters of common interest to the members.
3. Association members will work collectively to obtain funding and regulatory assistance to more fully characterize the water resources of the Basin.
4. Association members will work collaboratively to identify, develop, manage, and utilize the water resources of the Basin to effectively meet the water supply demands of the population and businesses located in the Basin.
5. Association members will meet regularly and work to identify major water supply issues, identify major threats to the water resources of the Basin and seek to find and implement protection against such threats, and to promote the economic vitality of the Basin by determining how best to manage, share, and distribute water to the region.
6. Association members will work collaboratively with the members of the Yadkin-Pee Dee River Basin Association, some of which are also members of this Association.

Commissioner Baucom further moved that the staff be authorized to provide comments as recommended on behalf of Union County Board of Commissioners addressing the Yadkin Pee Dee River Basin Plan as well as to provide a comment letter on the 401 Water Quality Certification Hydroelectric Project, which is the Alcoa application. With there being no discussion, the motion passed unanimously.

At 11:15 p.m., Chairman Openshaw declared a five-minute recess. At 11:27, the Chairman reconvened the meeting and stated the next item of the agenda.

CONSULTATION ON AMENDMENT TO ALTER CONSERVATION ORDINANCE TO PROVIDE FOR TWO-DAY PER WEEK IRRIGATION SCHEDULE:

The Chairman recognized Commissioner Kuehler who stated that while it would have been thought the proposal for irrigation two days a week for the water customers would be voted on quickly that she had a suggestion that instead of designating two days a week for the users in which they would use 50 percent more water that the irrigation schedule be set as Monday-Thursday; Tuesday – Friday; Wednesday – Sunday with no water being used on Saturday. She said this would create a situation of 33 percent water usage instead of 50 percent.

Commissioner Mills said he thought this would be difficult to enforce.

Commissioner Kuehler suggested that the County should stop and look at some alternatives. She elaborated that her concern is that whatever capacity the County might have is being tied up by people who are not going to use it. Commissioner Kuehler asked how the County is going to be able to provide for the customers currently on the system and have the capacity for those people who are ready to grow.

The County Manager briefly presented his recommendation and that of Scott Honeycutt, Interim Public Works Director, to allow irrigation of lawns two days a week. In response to a question, Mr. Greene assured that there was sufficient water to allow two-day-a-week irrigation at least through spring. He said the only interference he could see would be the Catawba River Drought Management Advisory Group going back to one-day a week watering restrictions.

The Chairman asked what stage of the drought is the county in at this time. Mr. Greene responded that he did not know but thought someone from Public Works could answer. The response was that the County is still in Stage 3.

Chairman Openshaw noted that one-day-a-week irrigation for one customer is 20 percent versus the recommendation Commissioner Kuehler put forth which would be 33 percent.

In response to a question from Commissioner Mills on enforcement of restricting customer irrigation days, Mr. Honeycutt responded that the easiest way would be to put bill inserts in customers' bills notifying them which day that customer is allowed to irrigate. He said that would take 45 days to get in process.

Commissioner Mills again asked how enforcement personnel would know which day a house is authorized to irrigate. Mr. Honeycutt said the irrigation would still be delineated by zones since there are ten billing cycles. He said two days would still represent a geographic billing zone.

Commissioner Mills clarified that his question is how the days as proposed by Commissioner Kuehler would be enforced.

Mr. Honeycutt said that to enforce Commissioner Kuehler's proposal would require additional study at the staff level. In response to another question, he said it would be a challenge but everything is doable. He said it would require a change in the way the meters are read and it might require a new delineation of billing zones.

The County Manager asked Mr. Honeycutt if short of changing meter routes and billing cycles could he and his staff study how to fit ten meter reading routes into six different, fairly equal portions as some of the routes might be larger than others.

Mr. Honeycutt confirmed that some routes are geographically larger.

The Chairman stated another need is that water usage should be equalized to the zones in order to get good data. He said that he would think the zones with the higher density would be smaller geographically. Mr. Honeycutt confirmed that was accurate.

Commissioner Kuehler moved that the County Manager work with the Public Works Department to study possible ways of making the two-day schedule work where the customers are divided into thirds.

The County Manager stated that if that is the consensus of the Board, he and the staff will work to set forth a plan for irrigation two days a week.

There was unanimous agreement that the staff study the request for two-day a week irrigation as presented by Commissioner Kuehler.

PROPOSAL ON STRATEGIC PLANNING PROCESS:

Vice Chairman Rogers moved that the staff be authorized to contract with Wallace, Roberts and Todd as well as Results Management Group to facilitate a strategic planning session of the Board of Commissioners as well as to conduct pre-session interviews as necessary with the proposed date being in January.

The Vice Chairman thanked the County Manager for his work in setting out this plan for a strategic planning session.

The motion passed unanimously.

TEI VENTURES “WILDFIRE CONNECTIONS”:

The County Manager stated that the Assistant County Manager and the Staff Attorney have been working on this resolution and he would defer to Mr. Delk.

Commissioner Baucom moved that the resolution to lease space on exterior of government center for the placement of wireless radio transceivers be adopted and the County Manager be authorized to execute all necessary agreements pertaining thereto.

**RESOLUTION TO LEASE SPACE ON EXTERIOR OF GOVERNMENT CENTER FOR THE
PLACEMENT OF WIRELESS RADIO TRANSCEIVERS**

WHEREAS, Union County owns the building known as the “Union County Government Center” located at 500 North Main Street, Monroe, North Carolina; and

WHEREAS, TEI Ventures, a Delaware LLC d/b/a WildFire Connections (“WildFire”) desires to lease space on the exterior of the Government Center for the attachment of wireless radio transceivers, with the exact location of the space on the Government Center to be determined by the mutual agreement of the County’s Information Systems Director and WildFire; and

WHEREAS, the final amount of space to be leased shall be subject to approval by the County Manager in coordination with the County’s Information Systems Director; and

WHEREAS, the Union County Board of Commissioners finds that the above-described space is surplus to the County’s needs for the next ten (10) years; and

WHEREAS, the County and WildFire have agreed upon a lease, pursuant to which WildFire will lease space on the exterior of the Government Center for the attachment of WildFire’s wireless radio transceivers for a term of ten (10) years; and

WHEREAS, in consideration of leasing space on the exterior of the Government Center, WildFire will, throughout the term of the lease, provide private data connections without charge (except for a one-time installation fee of \$3,000) between the following locations: (i) from the Union County Agri-Services Center, (ii) the building at Jesse Helms Park, the Government Center, and (iii) the tower at the Sheriff's Office complex located at 3344 Presson Road, Monroe, North Carolina; and

WHEREAS, currently the County does not have a private data connection to Jesse Helms Park, and the value of the County of WildFire's provision of such a connection is estimated to be \$459 per month; and

WHEREAS, The County plans to begin, in approximately two years, using the WildFire private data connection to the Agri-Services Center as the County's primary data connection for this building, and the value of doing so is estimated to be \$888 per month; and

WHEREAS, as additional consideration for the lease, WildFire will provide throughout the term of the lease free Wi-Fi Service to the outside, downtown area of the City of Monroe, which service the City has determined will have significant value in marketing downtown Monroe for economic development; and

WHEREAS, North Carolina General Statutes 160A-272 authorizes the County to enter into leases of up to ten (10) years upon resolution of the Board of County Commissioners adopted at a regular meeting after ten (1) days' public notice; and

WHEREAS, The required notice has been published and the Board of County Commissioners is convened in a regular session.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners approves lease of the County property described above to WildFire for a period not to exceed ten (10) years, and authorizes the County Manager to approve and execute any instruments necessary to finalize the lease

The Chairman asked for any questions. The Vice Chairman stated that she was trying to understand the particulars of this proposal. She noted that the County would grant them use of the Government Center and forego the normal rent of approximately \$500 per month and in exchange the County will get a connection at the Jesse Helms Park and then beginning in 2011, Wildfire will take over the \$900 a month line that is at the Ag Center, but the County must pay \$3,000 for the initial installation.

Mr. Delk agreed explaining that the \$3,000 is to pay for the actual radio equipment and the installation and Wildfire would not take over the payment of \$900 for the Ag Center, but in 2011, the County will be able to cancel its current agreement for services. He stressed the big driver for this and the selection of the Company was done through the City of Monroe and talks with the City and this company is how this concept was derived.

Vice Chairman Rogers asked if an analysis had been completed to make sure that the County was coming out financially in the positive versus negative.

Mr. Delk said all of the points had been thoroughly discussed with the IT personnel and the \$3,000 is coming from the IT budget and funds that were budgeted to pay for equipment to link it back to the fiber link. He said Jesse Helms Park must be served when it is opened. He said this is re-routing funds and assured that in 2011 Union County will be coming out better financially.

The Vice Chairman stated as she understood it, the reason the \$900 a month has to be paid through 2011 is because the County has an existing contract. Mr. Delk agreed and explained that there was not a high-speed internet connection to the Ag Center when the center was constructed and the County had to negotiate a contract with Verizon to run the fiber link to the facility and the County had to enter into a long-term agreement.

The motion passed unanimously.

PROPOSED AMENDMENTS TO LAND USE ORDINANCE TO RECONSTITUTE THE PLANNING BOARD AND BOARD OF ADJUSTMENTS:

The Chairman announced the next item and recognized Commissioner Kuehler who moved that the Board send the following text amendments to the Planning Board for its recommendation.

TEXT AMENDMENT: UNION COUNTY LAND USE ORDINANCE

SECTION 1

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

(a) There shall be a planning board consisting of seven ~~nine~~ regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality. ~~One regular member shall be a resident of each of the county's nine townships, and the alternate members may reside anywhere within the county. Any person serving on a municipal board of adjustment or planning board shall be ineligible to serve as a member of the Union County planning board.~~

(b) Planning board regular members as well as alternates shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. On the effective date of this ordinance, the staggered term arrangement previously in effect shall continue and new members shall be appointed, or current members re-appointed, for three year terms as the terms of current members expire.

(e) If a regular or alternate planning board member ~~moves outside the township he or she represents or if an alternate member moves outside the county~~, that shall constitute a resignation from the planning board.

Section 21 of the Land Use Ordinance would thus read as rewritten:

(a) There shall be a planning board consisting of seven regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality.

(b) Planning board regular members as well as alternates shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. On the effective date of this ordinance, the staggered term arrangement previously in effect shall continue and new members shall be appointed, or current members re-appointed, for three year terms as the terms of current members expire.

(e) If a regular or alternate planning board member moves outside the county that shall constitute a resignation from the planning board.

SECTION 2

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

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

SECTION 3

AMEND Section 27 to read as follows:

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

(b) Regular and alternate members of the Planning Board shall only be considered for appointment after submitting a completed county service application and conflict of interest disclosure form to the Clerk to the Board of County Commissioners.

(c) While a geographic representation of members on planning board is desirable, the planning board is appointed at large to allow for the selection of the best talents, ideas and experience in the county.

(d) Regular and alternate members of the Planning Board may not serve on any other Union County advisory board during their term.

(e) Due the non-partisan nature of the board, no more than one person from appointed or elected officials of political parties, including politically affiliated committees and organization shall be eligible to serve

Section 27 of the Land Use Ordinance would thus read as rewritten:

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

(b) Regular and alternate members of the Planning Board shall only be considered for appointment after submitting a completed county service application and conflict of interest disclosure form to the Clerk to the Board of County Commissioners.

- (c) While a geographic representation of members on planning board is desirable, the planning board is appointed at large to allow for the selection of the best talents, ideas and experience in the county.
- (d) Regular and alternate members of the Planning Board may not serve on any other Union County advisory board during their term.
- (e) Due the non-partisan nature of the board, no more than one person from appointed or elected officials of political parties, including politically affiliated committees and organization shall be eligible to serve

TEXT AMENDMENTS to the BOARD OF ADJUSTMENT

AMEND SECTION 29, (a), (b), (e), SECTION 31 (a), New Section 35

Section 29 Appointment and Terms of Board of Adjustment.

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

Section 31 Quorum.

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

New Section 35 of the Land Use Ordinance would thus read as rewritten:

(a) Upon adoption by the board of commissioners of an amendment revising Section 29 of the Land Use Ordinance to decrease membership on the Board of Adjustment from seven to five regular members appointed at large, the terms of sitting Board of Adjustment members, both regular and alternate, shall expire at the time of such adoption and all positions shall be deemed vacant. Notwithstanding Section 29(b) of the Land Use Ordinance, such members shall not continue to serve until their successors have been appointed. In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) two regular members for a term of three years; (ii) two regular members and an alternate for a term of two years; and (iii) one regular member and one alternate for a term of one year. During the first meeting of these newly appointed members at which a quorum is present, the Board of Adjustment shall elect one of its regular members to serve as chairman and preside over the board meetings and one regular member to serve as vice chairman. Prior to the election of a chairman at such first meeting, the Board Attorney shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve until new officers are elected the following calendar year pursuant to Section 33(a).

(b) Regular and alternate members of the Board of Adjustment shall only be considered for appointment after submitting a completed county service application and confidential conflict of interest disclosure form to the Clerk to the Board of County Commissioners.

(c) While a geographic representation of members on Board of Adjustment is desirable, the Board of Adjustment is appointed at large to allow for the selection of the best talents, ideas and experience in the county.

(d) Regular and alternate members of the Board of Adjustment may not serve on any other Union County advisory board during their term.

(e) Due the non-partisan nature of the board, no more than one person from appointed or elected officials of political parties, including politically affiliated committees and organization shall be eligible to serve.

Commissioner Mills said that he remembered that the disclosure form was a part of the campaign but that he did not remember anybody campaigning on taking the Planning Board away from township representation or reducing the number of

persons serving on the board and reducing it to a seven-member board appointed at large. He asked the purpose of this amendment.

Commissioner Kuehler stated that while it may not have been a specific subject, the candidates talked about fair, open, honest representation in the County, and there have been comments that township representation is not fair when there are 900 persons in one township and 28,000 in another township. She stressed that equation is not equal representation. Commissioner Kuehler said earlier that the Planning Board had come back with a recommendation to establish districts using the school districts, which are also skewed at this time as far as numbers in each district, but that she personally is an advocate of it is not where you live, but what you know. She said at this time the County needs the best people on the boards.

Commissioner Mills said that it was thought by the previous board that the Board of Adjustment was doing a great job, but the Planning Board was moved back to how it was originally and that was with townships. He noted that the townships with the larger number of citizens have city planning boards and boards of adjustments, and they are covered. Commissioner Mills said the original intent years ago was that it be established by township representation and the Board made an effort to make sure that the people appointed from townships were not covered by municipal boards. He said under the at large position and no more than two people from any township, there could be two from Weddington, two from Marvin, two from Mineral Springs, two from Waxhaw, and one from Wesley Chapel and all seven members and two alternates from the western portion of the county and the overwhelming majority of those people are already covered by Planning Boards and Boards of Adjustment and; therefore, the remainder of the County would not be represented. He said the effort had been to bring representation back so that all sections of Union County could participate.

Commissioner Mills said that furthermore he does not understand the reasoning for disallowing someone who is active in a community through their political party –whether it is a Democrat or a Republican – from serving on a board or committee. He said a political body appoints the members to a board, and he wonders if the Board of Commissioners could legally disqualify someone from a board for being in a political party hierarchy. Commissioner Mills referred that question to the staff attorney.

Mr. Crook said that he discussed this with the County Attorney and that they do not have an answer for the Commissioners at this time but will say that they have some concerns that they want to look into. He said the Board could direct the text amendment to the Planning Board and if the attorneys have more definitive comments at a later time, it could be removed prior to adoption. He said another point he would address is the provision that a regular member and alternate member cannot serve on any other county advisory board. Mr. Crook explained there is a State Constitutional provision and statute that prevents dual

office holding; a member can hold two appointed offices or an elected and an appointed office only. He noted that advisory boards do not count as an appointed office.

The Vice Chairman responded to Commissioner Mills' point about this not being a campaign issue. She said there was a candidate forum that she attended with the other candidates and that was a question put forth and she responded "at large" to the question. She also stressed that this action only takes the document and sends it to the Planning Board and is not a final document.

Commissioner Baucom asked about the political issue. The Chairman said that was his point and he had said not any more than one, not none. He stressed that he did not think that people in the hierarchy are in positions of leadership within a political party. He said he had previously discussed this when appointments were made and stressed that he did not think any one entity or affiliation should dominate a board and that it is not necessary out of a population of 200,000 people, but agreed that they should not all be excluded.

He said that in using the Board of Adjustment as an example if there is a nine-member board and if there are two who basically choose to go against it, it is basically killed. He noted the Board of Adjustment does not operate by a simple majority but must have a 75 percent majority to get a project passed. He said he would not object to one serving on these boards but does not think there should be more than one.

Mr. Crook asked to make two points. The first is that Union County has special legislation and the Board of Adjustments acts by majority vote and; secondly, at some point the text amendment needs to have firm language. He reviewed the procedure typically used when the Commissioner initiates an amendment that it is sent to staff to develop language that incorporates the terms and then it is sent to the Planning Board so it can act on what is expected to be the amendment. He said if there is anything that is rough in this proposal, he would appreciate clarification and cited as an example the hierarchy questions that have been raised.

The Chairman stated that his comment would be no more than one person from a leadership position of a political party including politically affiliated committees or organizations.

Commissioner Baucom said that he realizes the votes are at the table to do what is being discussed but that his concern is with the wording "while a geographic representation of members on planning board is desirable, the Planning Board is appointed at large to allow the selection of the best talents, ideas, and experience in the County." He requested that it be altered in that he

thinks the wording will be offensive to people in areas where township representation is being removed; it seems that it reads that there is nobody in the township that is qualified. He stressed the language is wrong.

Commissioner Kuehler interjected that she thought that Commissioner Baucom was reading it wrong but perhaps it could be worded better because that is not the intention. She said the intention or the goal is to have everyone in the County feel that they have geographic representation but to that end, the number one decision is to have the best people, regardless of where they live.

Chairman Openshaw agreed that anything that can be done to make the wording more understandable and clear is great. He said in addressing the township issue in terms of county history that he had gone back to the minutes of when the Public Works Advisory Board, the Planning Board, and the Board of Adjustment were appointed and looked at the applications. He reviewed the number of applicants for these boards by townships who applied to serve on boards and committees. Commissioner Openshaw said that the Commissioner Kuehler's point of not limiting the Board to one township is a good one to make sure there is a bigger pool. He said he thought the wording that is troublesome to Commissioner Baucom could be corrected by stopping the sentence at the word desirable. The Chairman agreed this is a sentence that needs additional work and the Board should be cognizant at all times of the rationale to limit the number serving to no more than two from any municipality.

The County Manager explained from the staff's prospective there are a couple of issues that haven't been addressed. One is the concern for continuity on these boards as far as knowledge of the ordinances and noted that the staggered terms work well to provide for continued knowledge of ordinances and processes. He said a second concern is to continue to pull in capable and willing applicants; he said the restructuring of the Boards and the discussions that take place about that tend to turn people off from serving and the County has trouble in getting applicants. He pointed out that there are three members and one alternate on the Planning Board whose terms will be expiring in April; two members and one alternate whose terms will be also be expiring on the Board of Adjustment in April. He suggested that there could be a way to accomplish what the majority of the Board is seeking without a reconstitution of the boards.

Commissioner Mills asked if there are any issues with hearings or cases now before the Board of Adjustments that could be damaged or delayed if that board is reconstituted.

Ligon Bundy, Interim County Attorney, stated there could be a potential issue if the Board of Adjustments has heard a matter and the written order has not been entered. He said as he understands it, the proposed Board action is to refer it to the Planning Board so timing could be addressed.

The Chairman stated that he had received calls about the statement “may not serve on any other advisory board” and he thought he had heard some valid points. He said he thought the boards to which it would be applicable would be the Planning Board, the Board of Adjustments, and the Public Works Advisory Board, if it survived. He said cross serving would basically not be on boards that would have decisions on acquisition of property, etc. He said he would suggest that it would not be applicable to the Agricultural Board, the Historic Preservation Commission, Parks and Recreation, Union County Partnership for Progress, or Library Board.

Commissioner Baucom moved an amendment to Commissioner Kuehler’s motion to remove the Board of Adjustments’ component. He said as he understood it the only change would be to reduce the number from seven to five and two regular members being appointed for two years instead of three. He said this Board was not changed in any way two years ago and as the County Manager pointed out that in March or April natural attrition would allow for a change in membership and it would not impede any actions of that Board.

Commissioner Kuehler stated that she had researched the Board of Adjustments and many in the neighboring counties and municipalities have only five members because it is thought to be a more manageable number and that was the initial reason for her recommended change. She said that the two boards basically serve the same purpose and it would be easier to implement the Conflict of Interest Form.

The Chairman stated any legal issues would be determined in the Planning Board. He said he also researched it from the standpoint of the municipalities and these had five members on their boards and stated he thought that five would be a good number. He said he was also interested in having all the other amendments apply to both boards.

Commissioner Mills said that no changes were made two years ago because it was a fine working board and he thought it was still a good working board.

Commissioner Kuehler commented that she was not looking to throw anybody out but was looking to fix a broken system and do what she said she would do when she was campaigning for the office of County Commissioner. She stressed that if these members now serving want to reapply based on the new rules, she would give them consideration.

The Chairman stated that he would change “e” from *to no appointed or elected officials of political parties or committees, executive hierarchy* to no more than one person from appointed or elected officials of political parties, including politically affiliated committees and organization shall be eligible to serve.

Commissioner Mills noted that it might be necessary to amend the disclosure from to require the applicant to disclose their membership and leadership in a political party.

Commissioner Kuehler said that she agreed that it would be necessary for the application to be amended once the recommendation is received from the Planning Board.

The Chairman called for a vote on Commissioner Baucom’s amendment to the motion to exclude the Board of Adjustment from the reorganization issue. The vote failed by a vote of three to two: Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted against the amendment and Commissioners Baucom and Mills voted for the motion.

At the request of the Chairman, the Clerk read the motion of Commissioner Kuehler to send the proposed Text Amendment to the Planning Board.

The Chairman moved the motion be amended to include his previously stated position of no more than one person from an appointed or elected official of a political party, including politically affiliated committees and organizations shall be eligible to serve.

The Chairman called for a vote on the motion as amended. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted for the motion and Commissioners Baucom and Mills voted against the motion.

**VOTING DELEGATE TO THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS’
LEGISLATIVE GOALS CONFERENCE:**

The Chairman recognized the Assistant County Manager who stated that this is a request for a Commissioner to serve as the voting delegate to the NCACC Legislative Goals Conference to be held January 15-16, 2009 and to authorize the Chairman to appoint a Commissioner or staff representative in case of illness or emergency of appointed delegate.

Motion was made by Commissioner Mills that the Chairman be appointed to serve as voting delegate to the NCACC Legislative Goals Conference. Commissioner Kuehler stated that she planned to attend. Commissioner Mills included her appointment as an alternate within his motion. The motion passed five to zero.

Commissioner Baucom noted that the Chairman has authority to appoint an alternate, if necessary.

DISCUSSION OF GOVERNMENT REPRESENTATION:

Commissioner Kuehler stated that this topic stems from discussion at the last meeting for appointment of a County Representation Committee. She noted that in 2007, the County's voters voted on district representation, which was defeated. However, she noted that since that vote, the issue remains a topic of interest and lots of people have come out and addressed it. She proposed establishing a committee to give this issue a voice with structure rather than individuals stating their own thoughts. Commissioner Kuehler said she thought it would be good to put so many minds and philosophies to work to create a committee to include representation from each municipality and unincorporated Union County to basically investigate all the scenarios for representation in Union County. She said that she would include this on the work session agenda of January 14 so the atmosphere is less formal and the citizens can be given an opportunity to be heard and to go forward.

Motion was made by Commissioner Mills that the recommendation of Commissioner Kuehler be accepted.

The Chairman moved to amend the motion and recommendation of Commissioner Kuehler to change the date to January 13. He explained he had school for new County Chairman in Raleigh on the 14th of January.

Commissioner Mills asked for clarification if the recommendation is to make the appointments on January 13th or to have discussion. Commissioner Kuehler stated that she thought the discussion would begin that day to determine how the task force should come together with an official charge.

The motion passed unanimously.

APPOINTMENT – MR. PINKY MARSH:

The Chairman recognized Mr. Pinky Marsh who was added to the agenda tonight. Mr. Marsh expressed appreciation to the Board for adding him to the agenda tonight and stated that he has been trying to get this problem heard from June 2007. He admitted that he had made accusations against the Board of County Commissioners but has probably made stronger accusations against the Board of Adjustments and Mr. Lee Jensen. He said some of the things he is going to tell are so bad that they should not have happened and should not have escalated to this point. Mr. Marsh said all he wanted was to be heard or be left alone. He said his activity is a bona-fide farm operation and is classified as Agri-tourism. He said even the Federal government recognizes Agri-tourism and a rodeo is a bona-fide farm purpose. He said that some want to say that you have to look at the neighbors and he questioned why would you look at the neighbors – for the hog farm, chicken farm, turkey farm, or when they spread manure on the fields. He said when people move to the country, they move to the country. These people need to understand that you don't move because the cows moo, they are going to moo. When the noise is there, it is going to be there. He asked why Mr. Jensen turned his back on him when he approached him, and he gave him the information. Mr. Marsh said he was curious. He asked Mr. Crook and this Board, who has the right to re-open this meeting when it is closed. He said it was his understanding that when a meeting is closed only the Chairman has the right to open the meeting. Mr. Marsh said that given his chance in the courtroom that not many of the members of the Board of Adjustment would be reapplying for the Board. He said he asked Mr. Jensen to give him all the evidence that was presented for or against him and Mr. Jensen said he had already given it to him. He assured that the only material that had been given to him was what he had submitted to Mr. Jensen. He asked direct questions to Commissioner Mills, Richard Black, and the County Manager.

Mr. Crook, County Attorney, interjected with the opinion that Mr. Marsh should be heard without any comments made by staff or Commissioners.

Mr. Marsh said that when he went down to get the information that Mr. Jensen said that he had his petition but could not find the opposition's petition. He said that Mr. Jensen said that he must have given it to Mr. Sturgis but admitted that he knew the names of some of the names on the petition in opposition. Mr. Marsh said that the issue is that people living in Wingate were being requested to sign a nuisance petition in opposition to the rodeo when the residents live three miles away. He said that there is a petition missing and the opposition was because of discrimination. Mr. Marsh said the Board of Adjustments meeting was closed in April and reopened in May and that he had in black and white that was going to address the Board of Adjustments, which

acts as a court of law, and it never notified him that the meeting was reopened. He assured that he was going to have his day in court, and it was not necessary because the Commissioners' could have recognized the State Statute as the law and left him and his rodeo alone. He said that two years ago he had corporate backers but now as he goes into his third year he cannot get an answer from the County. Mr. Marsh said the farm had been in his family for many generations.

Debra Korb came to his rodeo and wanted to support and advertise the rodeos. He said he told her that at that time he did not want the advertisement. He said that she told him that it would be the biggest industry in Union County that does not require water and sewer services.

He said he went into Mr. Jenson's office and told him that the State does not give him any jurisdiction to restrict farming operations.

Chairman Openshaw addressed Mr. Marsh and stated that Mr. Jenson is not present to respond and would request that he stick to the facts without characterization of employees.

Mr. Marsh said the facts are that he had three choices: (1) Can operate because it is agriculture (2) can mark out 25 acres and deed it to his son and it can be signed off on and nobody else knows it, or (3) notify all 17 surrounding property owners. He said that being the good neighbor that he is, he wanted the neighbors to be notified.

He said Commissioner Lane had even requested him to sign up his rodeo with the County for recreation activities. Mr. Marsh said that he had dreamed big for the rodeo and petting area. He explained that he had planned to help the underprivileged school children and when it got too big for him, he was going to turn it over to Parks and Recreation. He said the County and its delays and denials are causing him to go broke; this did not have to happen. He said the Board is going to have to face him in the courtroom.

SENIOR CITIZENS DEFERRAL:

John Petoskey explained that last year legislation was passed that will go into effect in January that will enable citizens over the age of 65 to defer a portion of their taxes based on their income. He said that at the present time there was an exemption but this is a deferment based on income. Mr. Petoskey said if the income is under \$25,600, the taxpayer can defer the amount of property tax over which it exceeds four percent of the taxpayer's income. He said there is another increment between \$25,600 and

\$38,400 and at that point a taxpayer can defer the amount by which the property taxes exceed five percent of his income. He said as a result of this legislation it requires all software throughout the State to be changed and it requires many changes.

He said he wanted this explained for the citizens who watch this program.

Vice Chairman Rogers asked about the software that must be purchased as well as maintenance of it. She asked if the State provided any assistances to cover the cost or if it were an unfunded mandate. Mr. Petoskey stated that it is an unfunded mandate and the revenue loss is unreimbursed as well. Mr. Petoskey clarified that he must point out that the maintenance amount is a little misleading in that as long as the County has the software it would have to pay for the maintenance. He said it was because the software was so expensive that his department had requested the maintenance be added for an additional two years.

Motion was made by Commissioner Mills that the contracts with Manatron, Inc. to upgrade the property tax collection software for the NC General Statute 106-277 1B “Circuit Breaker” property tax deferral benefit legislation and extend the maintenance support for an additional two years in the amount of \$226,273.23 and to upgrade the property tax (ProVal CAMA upgrade software to a more current release which will improve software interfaces and operation and allow the County’s software version to be more efficiently supported, as well as extend the maintenance support for an additional two years at the cost of \$111,750.00 be approved. The motion passed unanimously.

COOPERATIVE EXTENSION DIRECTOR:

Vice Chairman Rogers asked for clarification on the process by which the Cooperative Extension Director is appointed. She asked if this authority is granted to the County Manager what part of the process is the Board of Commissioners being left out of that it should possibly be involved.

Mr. Delk explained that the Memorandum of Understanding between the State and Union County specifies that the County can elect to have a Commissioner serve on the interview process or it can elect to have the County Manager. If you elect to appoint the County Manager, he can assign a staff person to do it. He said the actual appointment as specified in the MOU is to be made either by the Board of County Commissioners or the County Manager after the person has been vetted through the process.

The Vice Chairman asked if this is a process that the Board of Commissioners should be involved with. Mr. Greene responded that decision is at the discretion of the Board of Commissioners. He said it is worded in this manner because the employment contract with the County Manager gives him the authority to hire county department heads.

Motion was made by Commissioner Baucom that the recommendation be accepted and the County Manager and/or his representatives serve on the interview team for the selection of a new Cooperative Extension Director and the County Manager be authorized to approve or disapprove the final recommended candidate.

ADJUSTMENT TO PAY GRADE ASSIGNMENTS:

The Vice Chairman said she was very familiar with pay grades and adjustments but her question is for Item 3 – Dispatcher (Transportation & Nutrition) from Pay Grade 61 to Pay grade 59 and Item 4 – Bilingual Program Assistant (Transportation Nutrition) from Pay Grade 60 to Pay Grade 56. She asked why there is not a corresponding salary reduction.

Mr. Watson said that typically what happens is that the Pay Grade Assignments are approved by the Board of Commissioners and that establishes the pay plan. It is then in the purview of the County Manager to manage the compensation within the pay range that has been approved by the Board. He said there may be pay decreases when the grade is lowered but these two individuals are low in their compensation schedule and in his conversation with the department head she requested not to reduce these salaries. Mr. Watson said that the shown pay range is the current range. Commissioner Rogers asked if this would be a pay raise for these individuals. Mr. Watson said that it would not be a change in salary but a readjustment on the scale.

Motion was made by Commissioner Mills that the revisions to the 2008-2009 Union County Pay and Classification Plan be approved by adjusting the pay grade assignment for the following job classifications:

1. Purchasing Agent (General Services) from Pay Grade 69 to Pay Grade 73
2. Assistant Director (General Services) from Pay Grade 73 to Pay Grade 75
3. Dispatcher (Transportation & Nutrition) from Pay Grade 61 to Pay Grade 59
4. Bilingual Program Assistant (Transportation & Nutrition) from Pay Grade 60 to Pay Grade 56

The motion passed unanimously.

VOTING METHOD:

Commissioner Kuehler moved that the Board of Commissioners remove the buttons as a means of voting for or against items brought before the Board of Commissioners and to continue voting by a show of hands. The motion passed unanimously.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

The Chairman announced the following vacancies:

- a.) Juvenile Crime Prevention Council (JCPC): 1.) District Attorney or designee; 2.) Substance Abuse Professional; 3.) Two Persons Under Age 18; and 4.) Juvenile Defense Attorney
- b.) Adult Care Home Community Advisory Committee
- c.) Nursing Home Advisory Committee
- d.) Board of Health (Vacancy as of January 208 for a Licensed Optometrist)
- e.) Union County Home and Community Care Block Grant Advisory Committee

MANAGER’S COMMENTS:

Mr. Greene stated he did not have any comments but would be glad to answer any questions.

COMMISSIONERS’ COMMENTS:

Commissioner Kuehler wished everyone a Merry Christmas and expressed her hope that everyone gets to spend their Christmas with people that are important to them.

Vice Chairman Rogers wished everyone a Merry Christmas, Happy Hanukkah, and happy holidays and asked that the Board consider that when there are others here for presentation or items on the agenda and there is a long agenda, these people be moved toward the front of the agenda.

Commissioner Mills wished everyone a Merry Christmas and a Happy New Year. He said the coat drive that he had talked about before was a huge success and wanted to recognize Rae View Elementary that brought in over 400 coats and Marvin Ridge

High School whose students also brought in a large number. He stated that he had cleaned all coats and had taken them to the Christmas Bureau. He said he would still take them and give them to those in needs. He said the Winter Shelter is the next recipient that has asked for coats. He also noted that last week he helped to deliver dictionaries to the third graders at Rae View Elementary from the Rotary Club.

Commissioner Baucom recognized Bob Sabin who was awarded North Carolina Volunteer of the Year Award and was recognized by Governor Mike Easley and last year was the Union County Chamber of Commerce recipient of Volunteer of the Year. He stated the following were recognized December 4th by the Union County Chamber of Commerce: Shellee Comer, owner of Silver Lining Business Woman of the Year; Bill Norwood – Chamber Businessman of the Year; Mumukshu Brahmhatt, Minority Business Person of the Year; Linda Smith, who works with the Union County Schools, was named Chamber Volunteer of the Year, and Clark Goodwin was named to the Business Leadership Hall of Fame.

Commissioner Baucom wished all the citizens a Merry Christmas.

Chairman Openshaw stated that with the economic situation as it is that parents thought their kids were out of the house but they are coming back and in some cases it is the whole family moving in. He said he received a call last week from someone who is using more gallons of water because of their families and asked if there is a means to have an exemption for people with a hardship situation.

He noted that the letters to municipalities requesting to meet with them have been prepared and are on the verge of being mailed.

Lastly, Chairman Openshaw said that he and his wife went to the Christmas Bureau. He complimented the bureau on its organization. He encouraged people who are thinking of making donations to give the Christmas Bureau some consideration.

The Chairman wished everyone a Merry Christmas and happy holidays to all.

Commissioner Rogers moved that the meeting be adjourned at 1:01 a.m. The motion passed unanimously.