

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 04, 2011

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, in Pittsboro, North Carolina, at 6:00 PM on April 04, 2011.

Present: Chairman Brian Bock; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Absent: Vice Chair Walter Petty

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; and Sandra B. Sublett, Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Cross delivered the invocation after which Chairman Bock invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chairman Bock welcomed those in attendance and called the meeting to order at 6:01 PM. He explained that Commissioner Petty was absent due to his mission work in Haiti.

AGENDA AND CONSENT AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Chairman Bock asked that:

- The March 21, 2011 Regular Minutes be removed from the Consent Agenda and placed on the Regular Agenda for discussion
- Consent Agenda Item #8, Resolution Proclaiming April 30, 2011 as Earth Day in Chatham County be removed from the Consent Agenda, placed on the Regular Agenda, and read in its entirety

Commissioner Kost asked that a discussion regarding surplus copper roofing be added to the Agenda under the Manager’s Reports.

Commissioner Cross moved, seconded by Commissioner Kost, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Approval of Board Minutes for the Regular Meeting held on January 03, 2011, ~~March 21, 2011~~ and Work Sessions held December 13, 2010, February 21, 2011, and March 21, 2011

The March 21, 2011 regular meeting minutes were removed from the Consent Agenda and placed on the Regular Agenda for discussion.

The other minutes were approved. The motion carried four (4) to zero (0).

2. **Tax Releases and Refunds:** Approval of tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

3. **Child Abuse Prevention Month:** Approval of a request to adopt **Resolution #2011-17 Proclaiming April 2011 as Child Abuse Prevention Month**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

4. **Resolution Supporting Public Health Funding through State Local Aid-to-County:** Approval of **Resolution #2011-18 Supporting Public Health Funding Through State Local Aid-to-County**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

5. **Sexual Assault Awareness Month Resolution:** Approval of a request to adopt **Resolution #2011-19 Proclaiming April 2011 as Sexual Assault Awareness Month in Chatham County**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

6. **Funds Acceptance for Health Department:** Approval of a request to accept \$2,308.00 one-time bonus FY10 distribution to the Chatham County Health Department from Federal Title X - Family Planning

The motion carried four (4) to zero (0).

7. **Funds Acceptance for Environmental Health:** Approval of a request to accept \$2,000 awarded to Environmental Health for continuing education training for NC Certified Well Contractors in Chatham County

The motion carried four (4) to zero (0).

8. ~~**Earth Day Proclamation:** Approval of a request to adopt **Resolution #2011-___ Proclaiming April 30, 2011 as Earth Day in Chatham County**~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

9. **Conveyance of Property to Central Carolina Community College (CCCC):** Approval of a request to convey property located in the Business Park in Siler City to CCCC

The motion carried four (4) to zero (0).

10. **Children's Courtyard Bench at Library:** Approval of proposed bench in children's courtyard at the Chatham Community Library

The motion carried four (4) to zero (0).

11. **Resolution Honoring Chatham County's Outstanding Volunteers:** Approval of **Resolution #2011-20 Honoring Chatham County's Outstanding Volunteers**

**Richard Forbis
Forrest Greenslade
Darlene Johns
Cheryl Martin
Peggy Lee Mead
Michelle Morehouse
Roger Person**

The motion carried four (4) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Ron Woodard, 1251 NW Maynard Road, Suite 108, Cary, NC, Director of NC Listen, presented his comments to the Board and provided them in their entirety for the record as follows:

“My name is Ron Woodard and I am Director of North Carolina LISTEN. Our members within Chatham County asked me to speak tonight concerning an earlier resolution.

I urge the Chatham County Commissioners to withdraw the resolution for county government personnel **not** to partner with Immigrations and Customs Enforcement [ICE].

AMERICA ALLOWS MORE LEGAL IMMIGRANTS THAN ANY OTHER COUNTRY. THE ETHNIC GROUP TREATED THE MOST GENEROUSLY WITH LEGAL IMMIGRATION TO AMERICA --- HISPANICS/LATINOS. THE INDIVIDUAL COUNTRY TREATED THE MOST GENEROUSLY WITH LEGAL IMMIGRATION TO AMERICA IS MEXICO.

When local or county government identifies itself as a safe haven for illegal alien immigrants, this just encourages more illegal aliens to come to your area. And why should county government want to thwart federal laws.

In 2010 the Chatham Sheriff's Department joined the ICE Secure Communities program, now used in all 100 counties in NC. This is a step in the right direction.

A NC Civitas statewide poll shows voters overwhelmingly want our immigration laws enforced, and **only** emergency services provided to illegal alien immigrants.

WITH SUCH A HIGH STATE UNEMPLOYMENT RATE, WHY WOULD ANY GOVERNMENT WANT TO ENCOURAGE ILLEGAL IMMIGRANTS TO REMAIN IN OUR STATE? 86% OF ILLEGALS WORK IN NON-AGRICULTURAL JOBS. ILLEGALS ARE TAKING JOBS BELONGING TO AMERICANS. THEY ALSO DRIVE DOWN WAGES OF LOWER SKILLED AMERICAN WORKERS.

THE UNEMPLOYMENT RATE IS MUCH HIGHER FOR LOW-SKILLED WORKERS. IF THERE WERE A LOW-SKILLED WORKER SHORTAGE, WAGES WOULD HAVE RISEN FOR THIS GROUP, BUT JUST THE OPPOSITE HAS HAPPENED. EVEN RAEFORD FARMS HAD NO PROBLEM FINDING AMERICAN WORKERS AT THEIR CHICKEN PLANT AFTER AN ICE WORKPLACE RAID.

CERTAIN SECTORS OF OUR ECONOMY WHO HIRE ILLEGALS, GET SUBSIDIZED LABOR. THEY GET CHEAP LABOR AND THE TAXPAYERS PICKUP THE HEALTH CARE AND OTHER SOCIAL SERVICES COSTS OF THE ILLEGALS. SO CHEAP LABOR REALLY ISN'T CHEAP.

A UNC STUDY TRIED TO DO THE EQUIVALENT OF PUTTING LIPSTICK ON A PIG BY PROCLAIMING THAT EVEN THOUGH ILLEGALS COST THE GOVERNMENT MORE THAN THEY PAY IN TAXES, THE ILLEGALS ARE HELPING TO GROW THE ECONOMY, BY WHAT THEY BUY. WELL I COULD ROB A BANK AND BUY MY WIFE A FUR COAT AND A MERCEDES, AND CLAIM I HELPED TO GROW THE ECONOMY. BUT JUST LIKE ILLEGAL IMMIGRATION, IT WOULD BE AGAINST THE LAW AND BAD PUBLIC POLICY.

North Carolina spends over \$800 million each year to educate the dependents of illegal immigrants. A former Wake County Superintendent said it costs nearly twice as much to educate Limited English Proficient students. However our state has struggled even in good times to provide assistance for low performing students who are children of citizens, so **our** students suffer due to illegal immigration. And recent **legal** immigrants often don't get the help they need, when so much is spent to educate the dependents of illegal immigrants.

THE NC HOSPITAL ASSOCIATION ESTIMATES ONE THIRD OF THE UNINSURED population in North Carolina ARE ILLEGALS. Nationwide two-thirds of Illegal immigrants and their dependents are uninsured. THEY ARE THE FASTEST GROWING

GROUP OF THE UNINSURED in the USA, and account for one in six of the uninsured in America.

The total cost to our state government due to illegal immigration is \$1.3 Billion net per year. Because there is not an unlimited amount of tax dollars, every dollar going to illegal immigrants and their dependents is one less dollar going to our own poor citizens.

Concerning illegal immigrants, there is no evidence of any kind of a foster child problem nor the term “tearing families apart” in North Carolina, as a result of a partnership with Immigration and Customs Enforcement. Just as when one changes jobs and may have to move out of state, the family moves together.

Of the diverse group of one million LEGAL immigrants coming to our Country each year, there is no fear or “living in the shadows”. After all, LEGAL immigrants waited their turn and didn’t jump in line in front of others waiting to come to America legally. Legal immigrants actually understand the rule of law.

I expect a County can choose to be part of the solution or look the other way and be part of the problem. I hope Chatham County officials in general look at the issue from the impact of illegal immigration on low-skilled citizens who are unemployed, and the existing fiscal impact of illegal immigration on citizen taxpayers instead of being overly concerned with the frustrations of illegal immigrants. A county which becomes a safe haven for illegal immigrants is also affecting the surrounding counties.

I have other suggested legal actions for local government to take. I can be reached at 919-460-8156 or visit our website at www.nclisten.com THANK YOU.”

Roger King, 3438 Pea Ridge Road, New Hill, NC, stated that he had heard a lot of the different arguments that they have for illegal immigration. He stated that he has traveled quite widely. He has been to Russia and all over. He has met nice people. He has met immigrants, both legal and illegal. They are nice and very hard working. However, if you look at the costs that are incurred from illegals being here, it runs very close to, per heritage, around \$20,000 per year per family. That comes out of our salaries. He stated that he has great empathy for them. If he was them, he would probably want to come here as well. Again, it costs us money. It takes jobs from us. He has heard the argument, “They will do jobs that nobody else will.” Look at the service people for hotels and motels. That is about 50/50 immigrants/non-immigrants. There are people who line up all the time when jobs get freed-up and illegals are caught and moved out. It doesn’t make sense to him, if you are going to give to people, then give it to those that are legal. Why would we want to give money to people who have come here illegally versus people that haven’t come here illegally from other countries. He stated that he is not for either of those, but it doesn’t make any sense to reward those that have done things that are illegal. And do we choose to just enforce those laws that we happen to like or do we enforce all the laws?

Randy Dye, 173 Olde Farm Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I would like to address the issue of the ICE Resolution again. I am passionate on this subject, mostly because it was passed based on one-sided information and the public was not notified of what problems it would cause the people of this county. The unintended consequences of the symbolic nature of this resolution are really what concern me. The ICE resolution sent a message throughout the entire southeast of the United States including south of our border that we were a safe haven for illegal immigration.

These are photos that were published in the Que Pasa newspaper with one of the main target audiences being the human smugglers south of our border. The message it sent to them was loud and clear.

We have also seen in the recently released US census data that NC’s population grew over 16% and Chatham County’s population grew over 31%, while having no significant job increases in our county, but rather several lost jobs because of recent plant closings. We recently had a school built in Siler City which was immediately heavily populated with children that are dependents of illegal aliens, more than 70% in that category. We also have over 80% benefitting from the free lunch program – which is taxpayer paid.

It has been confirmed recently that many illegal female immigrants are coming into the U.S. already pregnant with the intention of delivering their babies on U.S. soil so that they will receive free health care as well as then have a dependent that is a U.S. citizen under a mis-interpretation of the 14th amendment. Because they have little or no financial support the illegal's qualify for welfare, food stamps, free medical care, free education, etc. all at the expense of the hard working citizens who are struggling to feed and educate their own families. Most of these children remain on social services until the age of 19 or longer.

With this type of abuse of our system, the very charitable and giving citizens of the U.S. are losing their liberty to make their own choices on how their money is shared. The entitlements are out of control and this is one large example of a socialist action of spreading wealth. In 2009 illegal immigrants cost NC tax payers 1.3 billion dollars.

Some would have you believe that the illegal aliens are actually good for our country. There is an overwhelming amount of information that disputes those lies. Illegal aliens are causing more problems than benefits, not only in cost to legal citizens and residents, but in the violent crime they bring with them. They also come and take the jobs that pay better than those in their country; jobs that millions of unemployed Americans would be grateful to have.

We are working to get a voter ID bill passed at the General Assembly. I went and viewed for myself the Matricula Consular cards that the Mexican Consulate is giving out all over this state, using resources such as public schools and churches. What is even worse are the Consulate's surrogates that are at the same place at the same time, handing out voter registration forms in Spanish, encouraging them to register to vote illegally. Wachovia Bank was even on site, signing them up for bank accounts using their new Matricula Consular card as ID.

My time is limited at this forum, but I urge the Board of Commissioners to rescind the ICE resolution. It was a bad idea to pass it. It is a bad idea to keep our county agencies' hands tied, prohibiting them from working with other agencies to reduce the problems that illegal aliens are bringing to our county. It is time we recognize that encouraging illegal immigration goes against everything this country stands for as a law abiding nation!

Thank you for your time!"

Robert Sears, 454 Lewter Shop Road, Apex, NC, stated that he is building a house at 338 Lewter Shop Road. He stated that understands that the Commissioners have trouble with having a real job and doing commissioner duties. He stated that he has a solution which is to get rid of one meeting: the Joint Chatham-Cary Subcommittee Meeting. Ever since the waterline was approved to the Western Wake Partners without controlling annexation, both voluntary and involuntary, it is, in his opinion, a complete waste of time. He stated that he told the previous Board two years ago that all they had to do was say if they wanted this waterline, Chatham County controls annexation and all this isn't necessary. Now you have zero leverage, Cary will do whatever they want to do and, once it's Cary, they can put a high-rise building there and there is nothing that can be done about it. Therefore, to him, it is a complete waste of time.

Mr. Sears presented a map and stated that his family owns about a third of that land. He stated that they have been there since before the Civil War and have no intention of moving, but the thing that is going to get them is taxes. He stated that a man who owns land just on the other side of his land, David Farrell, his dad is the reason that Cary came all the way out between Carpenter and Morrisville in the 1970s. He stated that he is retired from the Air Force and has lived by the adage, that as long as he wakes up every day and the country doesn't go broke, he will get paid. He receives about \$39,720 per year. The federal government takes \$5,532.00. His Chatham County taxes this past year were \$3,200.00. Both are \$8,732.00 which is 22% of his money right off the top. What if David Ferrell voluntarily gets Cary to annex over there at that land? What if that sewage line gets near his land? He stated that he is not a tax assessor, but he has a feeling that it is going to suddenly make his land become more valuable. That is something that he doesn't want. His taxes are going to go up. After a while, he might have to sell because he can't afford to live there. Commissioners Petty and Stewart knew the vote was going to be three to two. If one had held out, you would have gotten that. If they said no, you should have said cross your legs till you decide to say yes. He is still astounded by your failure to control annexation.

Tom Glendinning, 160 Eddie Perry Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I am here to request that the Board of Commissioners pass a Resolution Supporting Proportional Budget Cuts for NC Cooperative Extension and NC Agricultural Research Service to the House Standing Committee on Higher Education. I started farming in this County and did that as long as I could afford to. But I wasn’t successful nor rich enough to keep on farming. I support the agriculture as much as I can and the efforts of the Extension Service and the research stations across the State. They add invaluable to the support of agriculture. I know that the agents here basically keep the trade groups growing. The cattle growers and the hay marketing are directly supported by Extension Service on their listing of hay for sale. They work long, hard hours. Basically, in ten years, Extension Service has had an 18% increase in budget while the rest of the State has had a 48% increase in budget. The proposed budget cuts are 20-30% right now. Thirty percent of the present budget of all State departments would reduce their budget back to the 2000 level. However, Extension would suffer greatly and would have to lose positions and support if they did not maintain some of that 18% that they have grown over ten years. In Chatham County, agricultural revenue is \$123,000,000, approximately 25% of the County’s gross product. In the State, the budget to support these things, agricultural research, Cooperative Extension, NC State University (and every university in the North Carolina system), is 1% of the total State budget. Agriculture returns 75 billion dollars to the State economy. I ask that the cuts applied to NCCES, NCARS and State College research be made in proportion to the increases in their budget(s), rather than applying a single cut percentage to all departments of state.”

The resolution is as follows:

Resolution Supporting Proportional Budget Cuts for NC Cooperative Extension and NC Agricultural Research Service to the House Standing Committee on Higher Education

Summary of Facts:

Since 2000, overall state spending rose 48% while NCCES/NCARS budgets increased only 18%. NCCES/NCARS are both a part of the University of North Carolina system, but their budgets are not influenced by any tuition offsets.

NC Extension Agents had been historically some of the lowest paid extension professionals in the Southeastern United States. Even though there are county centers operating in each of NC’s 100 counties plus the Cherokee Reservation, neither NC Cooperative Extension nor NC State University owns offices in each county. These offices are provided by the counties as agreed upon in the Memorandum of Understanding between each of the 100 counties plus the Cherokee Reservation and NC State University. Funding of Cooperative Extension is split roughly 50% state funding and 50% county funding.

In Chatham county, agricultural revenue is \$123,000,000.00 which is approximately 25% of the county’s gross product while providing 20% of the county’s total employment.

In North Carolina, NC Cooperative Extension, NC Agricultural Research Service and the NC Department of Agriculture and Consumer Services represents 1% of the total state budget while supporting and growing the NC agricultural sector which is valued at over 74 billion dollars to the economy of North Carolina.

The Board of Commissioners in Chatham County, NC supports budget cuts to NC Cooperative Extension Service, the NC Agricultural Research Service and NC Department of Agriculture and Consumer Services only in proportion to the increases provided in previous budgets over the past decade.

Richard Bradley, 929 NC 87 North, Pittsboro, NC, asked that the Board support the resolution distributed by Mr. Glendinning. He stated that when he retired from Cooperative Extension, our imports of food in this country was about 18%. Today, our food imports are approximately 36%. Our food costs have gone up in the last six months over 30%. Now, if you think you’ve seen problems, you let that keep going on, let us keep dropping back our food production, and you will see something that you have never before seen in this country. You will not see people in line, behaving, waiting to get a loaf of bread like they were in Russia for years. You will see terrible riots when people cannot get food. What made this country great

were the people who got the research to the farmers. Russia did not do so. When he was working here, he received information from Russia that was good research for producers in this County. It is important that we keep our research going and our ways to get it from the research to the farmer. If they cut like they say they are going to, this will wipe out that system. He stated that he hopes the Board will support that resolution.

MINUTES

March 21, 2011 Regular Board of Commissioners' Minutes:

Commissioner Kost stated that the March 21, 2011 Board of Commissioners' Minutes, under the "Revision to Text Amendment to Section 15.5.6 of the Zoning Ordinance" stated that the public hearing will be continued until April 18th and that should be struck from the record. It should be corrected to read that the item was returned to the Planning Board for consideration.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the March 21, 2011 Regular Minutes as amended. The motion carried four (4) to zero (0).

EARTH DAY PROCLAMATION

Chairman Bock read Resolution Proclaiming April 30, 2011 as Earth Day in Chatham County in its entirety.

Commissioner Kost moved, seconded by Commissioner Stewart, to adopt **Resolution #2011-21 Proclaiming April 30, 2011 as Earth Day in Chatham County**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Chairman Bock explained that the resolution frame is wrapped in an old tee shirt. The lettering is made from old twist-ties wrapped raffia. The border is cut from junk mail taken from a catalog.

BOARD PRIORITIES

Discussion of Draft Policy for Advisory Committees: Discussion and action of Draft Policy for Advisory Committees

Debra Henzey, Director of Community Relations, explained the specifics of the request as follows:

At the Chatham County Board of Commissioners retreat on January 31 and February 1, 2011, the Commissioners asked staff to develop a draft policy for all County-appointed advisory committees and boards to provide consistency in the operations, reporting and accountability. One key point in the discussion was the desire to change the names of all appointed groups to "advisory committees" so that we would no longer use the term "commission" or "board" for the non-mandated, County-appointed advisory committees. If adopted, the draft policy would NOT apply to:

- State-mandated or state-directed boards/committees out of the County's control, such as the Board of Elections, Board of Equalization & Review, Board of Health, or Board of Social Services.
- Regional boards/committees that are jointly determined and have their own bylaws or constitution, such as the Orange-Person-Chatham Mental Health Board.
- Nonprofit boards, such as the Council on Aging, Economic Development Corporation, Chatham Trades and Chatham Transit.

A list of the boards that would apply are:

- Affordable Housing, Ag Advisory, Appearance Commission, Environmental Review Board, Grand Trees, Human Relations, Library, Recreation Advisory Board, Solid Waste Advisory Committee, and Transportation Advisory Board

The Planning Board is optional. All the other boards are optional except those due to state mandates or are non-profits.

If adopted, the policy would replace any separate bylaws for existing advisory committees, except that the provisions could not supersede any existing state or county laws or regulations related to the duties, committee composition or other requirements.

In developing the draft, the major resource included a template developed by faculty at the School of Government at UNC-Chapel Hill, but staff also reviewed, adopted, or proposed policies from the Town of Cary and Orange County. Commissioner Pam Stewart developed an initial draft, which was edited several times after review by the County Manager, other staff and the County Attorney.

Staff Support: Some existing committees have limited or no County staff support. The Commissioners need to consider the impact of the proposed policy on those volunteer committees in terms of meeting proposed new requirements, such as holding new member orientations, developing measurable objectives, posting meeting notices & agendas online further in advance and making annual reports to commissioners on progress made in meeting objectives. Can the committees do this with their own members or how might we find more staff support without adding head count?

Membership: The proposed policy has several possible requirements to consider, including:

- Restricting the number of advisory committees that one person can serve on to ONE unless other qualified candidates are not available?
- Restricting the membership to residents only or can they work or own a business in the county but live elsewhere?
- Should there be a set range or maximum cap for the size of advisory committees in terms of number of members?
- Should there be a consistent length of terms for seats? We currently do not have a consistent set term length for committees. They typically range from 2 to 4 years.
- Should there be a limit on the number of terms served? The policy provides a cap of two terms or six years, whichever is longer. Is this appropriate?
- Should we ensure that terms are staggered, so that no committee loses all of its members at one time? This is a highly recommended best practice based on research.
- Should there be a consistent policy that three meetings missed in 12 months can trigger a recommendation for member removal?

Roles and Officers:

- What role should advisory committees play in assisting any related departments with their mission and/or outreach to the public?
- Who should appoint the advisory committee chairs and how long should the term be? In most localities, one year is the term length. In some localities, committees elect their own chairs. In others, the governing board decides who will chair the advisory committees.
- Should there be a cap on the number of terms that chairs and vice chairs can serve? The policy suggests three one-year terms, but could be adjusted to another cap.
- Should all chairs and other officers of committees take office at the same time, such as December or January? July 1 is another option.

Accountability:

- Do you want annual reports made during a specific time period each year? Do you want to limit to 15 minutes or give a range of time with a higher cap?
- What support may be needed to help committees develop measurable objectives and track results? Some may need considerable assistance with this task, based on past experience.

Procedures & Meetings:

- If an orientation is required for new members, how much help with committees need to develop an orientation if not already developed. Few committees currently offer a formal orientation, especially those with little or no staff support.
- Should committees have a special Chatham County Standard Rules of Procedure to follow or would Robert's Rules of Order suffice? Are there other options?

- Should committees meet at least four times a year? Or should that just be a preference since some may only meet as needed?
- How far in advance should committees post online notices of meetings & agendas? What help will they need help if no staff support to do this?
- Should each committee have a mandated public input period of up to at least 10 minutes or should that be flexible?
- Should you require the Chair or a staff liaison to create an agenda package for each meeting? If so, how far in advance and who should do it if the Chair do not have time?
- Does the Board of Commissioners want to receive and/or approval all advisory committee minutes?
- What help will advisory committees with limited or no staff support need in posting minutes online in a timely manner? Should there be a set deadline for this, such as two weeks after approval?

Subcommittees:

- Does the Board of Commissioners want to be notified of the creation of any subcommittees or should the committee notify the County Manager.... or both? Do members also need to be residents or can they work or own business in county?

The Board discussed and incorporated the following changes:

DRAFT! Chatham County Citizen Advisory Committees Policy
DRAFT!

1. SCOPE OF POLICY

PURPOSE:

This document establishes policies and procedures for the Chatham County Board of Commissioners to make appointments to Chatham County public advisory boards, committees, commissions, and councils (hereinafter referred to as “citizen advisory committees”). It also provides operating procedures and clarifies expectations of the Board of Commissioners for all advisory committees. The intent of this policy is to provide consistency in operations, appointments, accountability and reporting.

The Chatham County Board of Commissioners may appoint a citizen advisory committee whose purpose is to serve in an advisory capacity to the Board of Commissioners (BOC) concerning a variety of topics.

This policy replaces any previously adopted bylaws for specific advisory committees, unless the bylaws are required by statute.

AUTHORITY:

The Chatham County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the County. For statutory boards or committees, authority may include reference to applicable General Statutes.

The Chatham County Board of Commissioners has the responsibility to appoint citizens to serve as members of citizen advisory committees established by the board.

PERIODIC REVIEW:

Periodic review of this policy will be conducted every two (2) years by the Chatham County Board of Commissioners.

2. MEMBERSHIP

QUALIFICATIONS:

For purposes of consistency, all appointments to citizen advisory committees will be made by the Chatham County Board of Commissioners. To qualify for an appointment to the citizen advisory committees, a person must meet the following requirements:

- a. All nominees must complete a Chatham County application form to serve on advisory committees, available on the county website and through the Office of the Clerk to the Board of Commissioners. If a deadline is advertised, submitted applications may be considered after the deadline until all vacancies are filled.
- b. All committee members must meet the qualifications for the specific citizen advisory committee and/or the statutory requirements for an appointed position.
- c. All committee members must be eighteen (18) years of age or older unless applying under a youth-designated position.
- d. All committee members shall be permanent residents of the Chatham County or own real property or maintain a place of business in the Chatham County and shall have good reputations for integrity and community service.
- e. No nominee may currently be a party to nor a legal representative involved in litigation against the Chatham County.
- f. Each nominee must be prepared and committed to participating in CAC work in a manner that enhances relationships between the Chatham County and the community.
- g. Citizen advisory committee members serve the people of Chatham County. As such, their role includes their commitment for full participation in the citizen advisory committee's meetings and activities.
- h. No individual can serve on more than one county advisory committee at a time unless the county has no other qualified nominees for a vacancy. Excluded from this rule are any town or other organizational appointments of a member already serving on another county advisory committee. Anyone appointed to a second committee will only serve in that position until such time as another qualified person has applied and been appointed by the Board of Commissioners.
- i. Specific member expertise or other qualifications for each advisory committee is provided in Addendum A.

EXCEPTIONS:

The Chatham County Board of Commissioners may waive requirements, with the exception of statutory requirements.

COMPOSITION:

- a. The Chatham County Board of Commissioners shall appoint all voting members to citizen advisory committees, unless specified otherwise by statute. The county will strive to have the voting members reflect the cultural, geographic and ethnic diversity of the community.
- b. No committee shall have less than five (5) total voting members. However, the advisory committee may have additional non-voting ex officio members.
- c. If any representative of a Chatham County department is appointed, they shall serve as a nonvoting member of the committee.

SELECTION & APPOINTMENT:

- a. All members of citizen advisory committees serve at the pleasure of the Chatham County Board of Commissioners.
- b. The Chatham County Board of Commissioners will determine if nominees meet the required qualifications. They may choose to assign an individual or group of individuals to review and recommend candidates for advisory committees.
- c. Appointments to citizen advisory boards will be initiated with the nominee's completion of Chatham County advisory committee application form. As noted above, the Chatham County Board of Commissioners may designate other groups or individuals to review applications and recommend nominees, Other entities, such as incorporated towns, also may be responsible to making nominations to some committees.
- d. The advisory committee chairs should notify the Clerk to the Board's Office and the Chair of the Board of Commissioners when a vacancy has not been filled in a timely manner.

TERMS:

- a. Each appointed citizen advisory committee member shall serve a term of three years and hold office until the qualification and appointment of his or her successor or until one year has elapsed since the expiration of the term for which the citizen was appointed, whichever first occurs. No person shall serve as an appointed member of the citizen advisory committee for more than two consecutive terms or more than a period of six years, whichever is longer. A member could return to a committee after a break of one term.
- b. All advisory committees should have staggered terms for its membership. To establish staggered terms for all committees, one-third of the original voting members of the citizen advisory committee shall be appointed as follows: three for a one-year term, three for a two-year term, and three for a three-year term. Thereafter, each new voting member shall serve for a three-year term. No voting member shall serve more than two consecutive term(s).
- c. Citizen advisory committee members whose terms are due to expire may request or be asked to accept reappointment to the position.
- d. Extension of a member's term may be approved by the Chatham County Board of Commissioners if it is determined that it is in the best interest of Chatham County to allow an individual to continue to serve, especially for committees that require specific expertise for its members.

ATTENDANCE:

Committee members are expected to attend meetings on a regular basis. Members should inform the chair of the advisory committee as soon as possible when unable to attend an upcoming meeting, preferably at least 48 hours notice due to quorum considerations. The advisory committee should maintain attendance records, including all regular and special meetings. If a committee member has missed 25% of the advisory committee meetings during a calendar year, the committee chair should make a recommendation to the Chair of the Board of Commissioners on continued service of the member. The member in question will provide an explanation in writing. Based on this information, the Board of Commissioners will make a decision on the member's status.

RESIGNATIONS:

- a. A member of a citizen advisory board shall submit his or her resignation in writing to the chair of the advisory board on which he or she serves, noting the effective date of the resignation.
- b. The Chair will forward a copy of the resignation to Clerk to the Board of Commissioners and to the Chatham County Board of Commissioners.
- c. The Chatham County Board of Commissioners shall recognize the individual's service via letter or certificate. The Deputy Clerk to the Board will handle this responsibility.

VACANCIES:

Upon expiration of the term of service of members or other type of vacancies, including resignations or removal by the Chatham County Board of Commissioners shall have the responsibility of selecting and appointing new members to the committee. The Deputy Clerk to the Board of Commissioners will be responsible for initiating public notices of vacancies as soon as possible, preferably before a seat becomes vacated. The urgency of filling vacancies may vary based on the circumstances.

RELEASE FROM SERVICE:

- a. When it is deemed necessary to release a member from his or her term of appointment on a citizen advisory committee, the affected individual shall be notified by letter.
- b. When a citizen advisory committee has completed its function, the members shall be informed of the termination of the citizen advisory committee by letter or e-mail from the Chatham County Board of Commissioners.

3. ROLES & RESPONSIBILITIES

MEMBERS:

- a. Members shall attend meetings of the citizen advisory committee, serve on subcommittees, and perform other functions as assigned by the citizen advisory committee chair. As noted above, for quorum considerations, if a member is unable to attend citizen advisory committee meetings, the member shall contact the committee chair as soon as possible and at least forty-eight (48) hours before the scheduled meeting.
- c. Upon review of the above matters, the citizen advisory committee shall make recommendations and identify concerns, if any, to the Chatham County Board of Commissioners in writing.

GOVERNING BOARD:

- a. The Chatham County Board of Commissioners will consider the citizen advisory committee's recommendations or concerns.
- b. Should any concerns remain unresolved after a response has been received, the Chatham County Board of Commissioners may request that the matter be referred to the County Manager.
- c. To enhance trust between the Chatham County departments and the community, members of the citizen advisory committee will:
 - If requested, assist any related Chatham County departments in achieving a greater understanding of the nature and causes of community issues, with an emphasis on improving relations between the department and the citizens.
 - Recommend methods to encourage and develop advisory committees.
 - Work throughout the community to gain relevant information about advisory committee issues and communicate these with the Chatham County Board of Commissioners and employees.

CHAIR, VICE CHAIR, AND SECRETARY SELECTION AND RESPONSIBILITIES:

The Chair and any other officers of the citizen advisory committee will be chosen by the advisory committee for a one-year term.

All advisory committee Chairs and Vice Chairs shall be appointed members with at least one year remaining of their terms. The Chair and Vice Chair shall serve no more than three consecutive terms of one-year each, unless authorized otherwise by a vote of the Chatham County Board of Commissioners.

The Chair and the Vice Chair shall assume office when the committee holds its first meeting of the calendar year. At the first citizen advisory committee meeting upon assuming office, the citizen advisory committee Chair shall present members with a copy of the citizen advisory committee's charge, scope, membership roster and a copy of this policy.

- a. The Committee Chair has the following duties as well as any other duties specified by state statute:
 - Calls all meetings.
 - Serves as presiding officer.
 - Participates in voting on advisory committee matters
 - Assists any assigned county staff in developing the committee meeting agenda.
 - Designates and dissolves subcommittees as needed, but the formation of any new subcommittees should be reported to the County Manager and the Board of Commissioners.
 - Appoints subcommittee chairs and members.
 - Works in consultation with any assigned department head or staff liaison
 - Carries out citizen advisory committee assignments as required by the Chatham County Board of Commissioners
 - Conducts citizen advisory committee meetings and presents a report of the proceedings and resulting motions for approval by the advisory committee.
- b. The committee Vice Chair has the following duty:
 - Presides at citizen advisory committee meetings in the absence of the Chair.

- c. The committee Secretary may be a role assigned to one member or rotated among several members. The Secretary has the following duties:
 - Takes (or oversees the taking of) minutes for all committee meetings.
 - Submits minutes to the Chair (or designated person) to be distributed to committee members in advance of CAC meetings.
 - Submits approved committee minutes to the Chatham County Board of Commissioners for review.
 - Assures that other records of the advisory committee, including attendance records, are kept as directed by the Chatham County Board of Commissioners.

ACCOUNTABILITY & REPORTING:

Each advisory committee will establish specific goals, objectives and measures based on the advisory committee's mission and direction from the Chatham County Board of Commissioners. The proposed goals and objectives will be submitted to the Board of Commissioners for review and approval. Progress toward goals and objectives will be reported annually to the Chatham County Board of Commissioners and County Manager. The goals may include short-term and long-term steps and measures, but the intent is to identify measures of progress to report each year and/or barriers preventing the accomplishment of goals. See template as Addendum B to help with development of specific goals and measures.

A template is to be developed.

Each advisory committee should work with the Clerk to the Board's Office to establish a time on the agenda in January or February of each year to make an annual report to the Board of Commissioners, using the reporting template provided as Addendum C. The presentation itself should not exceed fifteen (15) minutes plus time for questions.

All recommendations or reports officially approved by a vote of the committee shall be **transmitted in writing** in a timely manner to the Chatham County Manager who will forward to the Chatham County Board of Commissioners. If there are opposing perspectives to the action or recommendation of the committee, the advisory committee should provide a summary of the opposing viewpoints in its report to the Board of Commissioners.

4. ORGANIZATION

ORIENTATION AND TRAINING:

Chatham County citizen advisory committee members and assigned department staff may need periodic training on state and county goals and priorities as well as relevant statutes and policies, including open meetings, public records, conflicts of interest, and ethics.

- a. Each member shall attend an orientation presented by assigned staff liaison or the committee Chair to familiarize the citizen advisory committee members with the operation of County government, the related departments), and the rules and operating procedures of the citizen advisory committee.
- b. The orientation will be offered when convenient for new appointees, but members are expected to complete the orientation within six weeks after their appointment is effective.

5. MEETINGS

In accordance with the North Carolina General Statutes, all meetings are open to the public as required by the Open Meetings Law.

The members of the citizen advisory committee shall adopt rules and procedures relating to the operation of the committee, as needed. The citizen advisory committee members shall determine the date, time, and place for each meeting.

- a. **Regular Citizen Advisory Committee and Subcommittee Meetings:** The citizen advisory committee convenes upon call of the Chair and meets on regular basis, at least four times a year. The meetings may be held in specified or various locations within the County. Subcommittee meeting dates shall be set by the subcommittee Chairs and shall be scheduled in conjunction with citizen advisory committee meetings.

- b. Special Meetings: A majority of citizen advisory committee members or the Chair may call special meetings at any time for any specific business. Special meetings, such as appeals, are convened at a location selected by the Chair.
- c. Meetings via Teleconference: Teleconference meetings shall be held only in unusual circumstances and shall not replace regularly scheduled committee meetings. No regular meeting or appeal hearing shall be conducted via teleconference. Under no circumstances should a teleconference meeting exceed two hours.
- d. Emergency Meetings: A majority of citizen advisory committee members or the Chair may call a meeting in emergency circumstances by providing telephone notice to media outlets at least one hour prior to the meeting. An emergency situation includes a disaster that severely impairs the public's health or safety. In the event telephone services are not working, notice that the meeting occurred must be given as soon as possible after the meeting.
- e. Meeting Notices: Notice of public citizen advisory committee meetings and agendas shall be made available to all members and interested parties, and to any person who so requests, at least five (5) days in advance of the meeting by email and by posting on the county website. If a staff liaison is not assigned to the committee, dates of meeting for posting on the calendar should be sent to the Chatham County Webmaster.
- f. All meetings should include a period of public input at least ten (10) minutes long. The advisory committee can adopt other rules as needed for this input period.
- g. Agendas:
 - Committee Chairs (and/or committee members) should submit agenda items to the designated person at least five (5) days prior to a scheduled meeting.
 - The agenda must provide a description of each item of business to be transacted or discussed so that interested members of the public will be capable of understanding the nature of each agenda item.
 - As a general rule, only those items appearing on the agenda will be discussed or voted on. However, if an item is raised by a member of the public, the citizen advisory committee may accept testimony and discuss the item so long as no action is taken until a subsequent meeting.
 - With the Chair's agreement, any designated staff liaison will develop and distribute to each member an agenda listing the matters to be considered at upcoming citizen advisory committee meetings. Also, so far as practicable, copies of all written reports that are to be presented to the citizen advisory committee for members' review will be included in this package at least five (5) days before the meeting.
 - All meeting agendas should be posted on the county website and sent out as an e-notice at least two days in advance. If no staff liaison is assigned, the committee Chair should send the agenda to the Chatham County Webmaster at least two days prior to the meeting.
- h. Minutes: The committee's Secretary or other designated person will take minutes of all citizen advisory committee meetings and approved by a vote of committee members. Once minutes are approved by the advisory committee, they should be posted on the Chatham County website on the committee's webpages. If no assigned staff liaison, minutes should be sent to the Chatham County Webmaster for posting within two weeks of approval.
- i. All recommendations and reports of the citizen advisory committee, approved in the form of motions, shall be conveyed in writing exclusively to the Chatham County Board of Commissioners for action. The chair should work with the County Manager to schedule a time on an upcoming Board of Commissioners meeting for the presentation of the recommendations or reports. Approved motions are forwarded to the Chatham County Board of Commissioners for consideration, approval, or denial. Outcomes are reported back to the citizen advisory committee.

6. SUBCOMMITTEES

Subcommittees may be formed by the citizen advisory committee to research and make recommendation on special issues or areas in order to carry out the duties of the citizen advisory committee. All subcommittees shall be reviewed on an annual basis by the advisory committees to determine continued need and realignment with the priorities of the citizen advisory committee.

- a. Except as approved by the County Manager, the majority of members of a subcommittee shall be Chatham County residents and other members should work or own a business in

the county.

- b. Subcommittees are ad hoc and temporary in nature. Approved ad hoc subcommittees must have documented goals, deliverables, and a timeline, and the subcommittee will cease to meet when these are satisfied.
- c. Subcommittee Formation and Operation:
 - A subcommittee can be formed by the Chair of the advisory committee upon notification of the County Manager and the Chatham County Board of Commissioners.
 - Subcommittees shall operate as specified:
 - A member of the subcommittee shall take responsibility for assigning a note taker and for reporting to the full citizen advisory committee the subcommittee's progress toward its stated objectives, including dissenting view points.
 - Subcommittees shall operate by majority vote.
 - Subcommittees may request a technical representative, to be approved by the Chatham County Manager and any related Department Heads.
 - The MIS Department will support necessary and reasonable accommodations for subcommittee members, such as teleconferencing for someone who cannot physically attend due to disability. To make a request for special accommodations, notify the staff liaison or County Manager.
 - Subcommittees shall operate openly as defined by state laws and local policies.
 - Membership on subcommittees shall be voluntary (unpaid) unless policy dictates otherwise.

7. QUORUM

A quorum for a meeting of citizen advisory committees shall consist of one more than half the voting members.

8. VOTING

Decisions are reached by a simple majority vote unless otherwise required by law. All voting will be conducted in open meetings, except when in closed session as defined in the North Carolina Open Meeting Law. No issues can be voted upon unless a quorum is present. Unless statutes specify otherwise, the following applies:

- a. Only appointed members can vote at advisory committee meetings. Appointed members shall not delegate their vote to another member.
- b. Advisory committee members and others voting members appointed by the Chatham County Board of Commissioners may vote at citizen advisory committee meetings.
- c. Committee members holding non-voting seats will not vote in any circumstances.
- d. The Chair of the advisory committee should participate in voting on all issues.
- e. Voting by proxy is not allowed.

9. AUTHORIZED REPRESENTATIVE

The chairs of advisory committees are the official representative of the committees during presentations or comments at public events, including meetings or hearings of the Board of Commissioners. The chairs may designate another committee member to fill this role if needed or also may ask the County Manager, staff liaison or a Department Head to do so.

10. CONFLICT OF INTEREST

During citizen advisory committee meetings, a member shall abstain from voting when he or she has a conflict of interest, as defined by Chatham County's Conflict of Interest Policy shown as Addendum F (MUST BE DEVELOPED).

Members of the public or other committee members have the right to question the conflict of interest of any voting member. The citizen advisory committee Chair should consult with the County Attorney on any potential conflicts of interest.

11. COMPENSATION & TRAVEL

Voting members of the citizen advisory committee are not employees of Chatham County. Appointed advisory committee members shall receive no compensation or employee benefit for

their services. Chatham County does not provide travel expenses without advance approval of the County Manager.

12. LIMITATION OF POWERS

Committees shall operate within the charge given by the Chatham County Board of Commissioners and in compliance with state statutes and county ordinances:

Nothing contained in this statement of policy and procedures shall be construed to be in conflict with any state law or Chatham County ordinance. Should there be an appearance of conflict, the appropriate state law or Chatham County ordinance shall prevail.

Neither the citizen advisory committee, nor any member thereof, shall:

- Incur County expense or obligate the County in any manner.
- Release any written or oral report of any board activity to any individual or body other than the Chatham County Board of Commissioners or the County Manager. Chatham County will issue any press releases related to any reports from the advisory committees, in consultation with the committee Chair.
- Independently investigate citizen complaints against a County department or an employee of the department.
- Conduct any activity that might constitute or be construed as an official governmental review of departmental or employee actions.
- Conduct any activity that might constitute or be construed as establishment of County or department policy.
- Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.

Matters pertaining to discipline of advisory committee members will be the sole responsibility of the Chatham County Board of Commissioners and not the citizen advisory committee. The activities of the citizen advisory committee shall, at all times, be conducted in accordance with all federal, state, and local laws.

ADDENDUM A

THIS SECTION BELOW COULD BE USED TO REFERENCE SPECIFIC REQUIREMENTS FOR EACH ADVISORY COMMITTEE, SUCH AS THE FOLLOWING:

- **Mission, Scope and Goals:** The advisory board's mission, scope, major goals and key functions.
- **Membership:** Specific qualifications (such as expertise or professions), number of members, roles and responsibilities, non-commissioner appointments (such as towns or other boards), and any other issues specific to each committee.
- **Statutory Requirements:** If relevant, reference to any state statutes related to operations and duties of this committee.

ADDENDUM B

TEMPLATE FOR ADVISORY COMMITTEE GOALS, OBJECTIVES & MEASURES

ADDENDUM C

TEMPLATE FOR ADVISORY COMMITTEE ANNUAL REPORT TO THE BOARD OF COMMISSIONS

NOTE: Draft is included as separate document

ADDENDUM D

ADVISORY COMMITTEES CONFLICT OF INTEREST POLICY

MANAGER' S REPORTS

The County Manager reported on the following:

Acceptance of High Bid for Surplus Copper Roofing:

The Chatham County Historic Courthouse suffered devastating damage on March 25, 2010. As a result, the courthouse copper roofing was removed as salvage and has been stored in Greensboro since March 2010.

The Board voted on February 21, 2011 to retain about 10% of the copper surplus and sell the balance. D. H. Griffin reported to Mr. Hughes the stored copper weighed 13,880 pounds. We estimated the copper to sell approximately 12,500.

Advertisement was made in both the Sanford Herald and the Chatham News, as well as posting on the County bid opportunity web page and mailing eleven direct notices. Sealed bids were received on Thursday, March 30, 2011, with three bids received. The highest offer was made by Wise Recycling of Clayton of \$3.46.

Commissioner Kost moved, seconded by Commissioner Cross, to accept the high bid offer made by Wise Recycling of Clayton at \$3.46 per pound and to authorize the County Manager to finalize the details of the sale. The motion carried four (4) to zero (0).

Office of State Fire Marshall:

The County Manager explained the specifics of the response from the Office of the State Fire Marshal on the question of the fire code versus NC Department of Transportation width standards in support of the original decision. He stated that it is their recommendation to appeal it to the Building Code Council.

Commissioner Kost moved, seconded by Commissioner Stewart, to appeal the decision to the Building Code Council. The motion carried four (4) to zero (0).

COMMISSIONERS' REPORTS

Sprott Youth Center:

Commissioner Cross stated that the Sprott Youth Center is coming along well clearing their property in hopes of the deed being taken care of. He stated that Attorney Rose suggested that the Board assign two members to their board of directors. He met with their board of directors on Thursday and they would like him as a Commissioner liaison and former Commissioner Patrick Barnes as construction advisor. He stated that they had already been working with them for a number of years and that they are comfortable with them.

Commissioner Cross moved, seconded by Commissioner Kost, to appoint Commissioner Cross as the Commissioner liaison and former Commissioner Patrick Barnes as construction advisor to the Sprott Youth Center Board of Directors. The motion carried four (4) to zero (0).

Resolution Supporting Proportional Budget Cuts for NC Cooperative Extension and NC Agricultural Research Service to the House Standing Committee on Higher Education

Chairman Bock stated a couple of the Public Input Session speakers talked about the NC Cooperative Extension wanting the Board of Commissioners to support a resolution for the proportional cuts. He stated that if the Board was in support of it, he would be happy to work on the resolution for the next meeting.

By consensus, the Board agreed.

Bookmobile:

Commissioner Kost stated that she had asked that a discussion about the bookmobile and citizen involvement in raising money be placed on either the Regular Agenda or the Work Session at the Board of Commissioners' meeting on April 18th.

American Tobacco Trail:

Commissioner Kost also asked that a discussion regarding the American Tobacco Trail and the parking situation be placed on the April 18th Agenda, stating that this is an issue that she is continuing to hear about from her neighbors.

Cary Land Use Plan:

Commissioner Kost stated that as the Cary Land Use Plan moves forward, the previous subcommittee talked about Chatham County taking the lead on design principles. She stated that she did not hear that mentioned at the last subcommittee meeting. Since she was not allowed to speak, she could not bring it up. She stated that she wants to make sure that staff is working on those design principles as it was an integral part of the next step.

LEED Discussion on Draft Agenda:

Commissioner Kost asked about the LEED discussion for the jail which was removed from the draft agenda and if it was coming to the Board at a later date.

The County Manager explained that it will be a part of the Work Session on April 18th.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 8:03 PM.

Brian Bock, Chairman

ATTEST:

Sandra B. Sublett, CMC, NCCCC, Clerk to the Board
Chatham County Board of Commissioners