

May 12, 2010

The Martin County Board of Commissioners met in Regular Session on Wednesday, May 12, 2010 at 7:00 p.m. in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

ASSEMBLY

Chairman Ronnie Smith, Vice Chairman Elmo “Butch” Lilley, Commissioner C. Mort Hurst, Commissioner Tommy W. Bowen and Commissioner Derek Price, County Manager W. Russell Overman, County Attorney J. Melvin Bowen and Clerk to the Board Marion B. Thompson were present.

No one was absent.

Chairman Smith called the meeting to order around 7:00 p. m. The pledge of Allegiance was led by Commissioner Hurst then the invocation was given by Commissioner Bowen.

Chairman Smith introduced the Board of Commissioners and staff. He recognized the elected officials present as well.

AGENDA APPROVAL

After Chairman Smith asked for a motion of approval of the agenda, Commissioner Price made a motion to amend the agenda and add a resolution for approval to Item 3. Commissioner Hurst gave a SECOND. The motion was APPROVED by all. Commissioner Bowen made a MOTION and Commissioner Hurst gave a SECOND to approval the agenda as amended. The MOTION carried.

PUBLIC COMMENTS: No one signed up for public comments.

PRESENTATION – Martin County Citizens Against Annexation

Robert Martin stated that notice was given to the residents that were affected by the annexation on December 2009. In the Town of Williamston’s meeting on March 3, 2010, the City Council voted 4-1 for annexation which will affect 231 residents.

Rodney Ballance explained that the Martin County Citizens Against Annexation had obtained an attorney as there were numerous flaws and omissions in the process. Mr. Balance, on behalf of the citizens against annexation, asked the Commissioners to delay the process. He added that it cost 4.5 million to annex one hundred and thirty (130) families. He also asked the Commissioners to pass the resolution in support of the citizens against annexation. Mr. Ballance stated North Carolina is one out of four states in the nation to allow this type of annexation.

Each board member, in his own way, expressed support of the group. In so doing, Commissioner Price made the MOTION, Commissioner Hurst SECONDED the motion to approve the

resolution of support against forced involuntary annexation. The motion was unanimously APPROVED.

**RESOLUTION OF SUPPORT AGAINST FORCED ANNEXATION
OF MARTIN COUNTY RESIDENTS BY THE TOWN OF WILLIAMSTON**

WHEREAS, the group of citizens of Martin County referred to as “Martin County Citizens Against Annexation” have made it publicly known to the Williamston Town Commissioners that they strongly oppose the intent of the Town of Williamston, NC to involuntarily annex outlying rural areas of Williamston; and

WHEREAS, Martin County Citizens Against Annexation have appeared before the duly elected commissioners of the County of Martin, in the state of North Carolina, to publicly voice their opposition and seek support in their effort to stop said annexation; and

WHEREAS, the Martin County Citizens Against Annexation implore upon the Martin County Commissioners to join in support of citizens who oppose forced involuntary annexation by any entity that shall do so without having been duly elected by the parties being annexed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Martin as follows:

1. All municipalities within Martin County suspend all involuntary annexation of additional territory into their corporate limits until a comprehensive study of the economic impact of such annexation is completed.
2. A process be implemented that allows citizens to vote on the matter of proposed annexation that affects them.
3. That the duly elected State Senators and Representatives be forwarded a copy of this resolution so that they can assist with legislation on the state level.

Adopted this 12th day of May, 2010, by the Martin County Board of Commissioners.

Chairman Smith called a five minute recess.

PRESENTATION – WHS Girls Basketball Championship Team

Wanting to recognize the Williamston High School Girls Basketball Team for their tremendous season, Commissioner Bowen asked that a resolution be prepared and presented to recognize them as being the 2010 1A Eastern Regional Champions. Commissioner Bowen made a MOTION and Commissioner Hurst gave a SECOND to approve and present the following resolution to the 2010 Girls Basketball Team. The motion carried unanimously. Each Commissioner offered congratulatory remarks to all of the athletes.

**RESOLUTION
TO CONGRATULATE THE 2010 WILLIAMSTON HIGH SCHOOL GIRLS BASKETBALL
TEAM AND TO HONOR THE PLAYERS AND COACHES ON AN AMAZING SEASON**

WHEREAS, Coach Hughes Barber, Assistant Coach John Deveaux and the players on the 2010 Williamston High School Girls Basketball Team led the team to the Class 1-A Eastern Regional Conference Girls Championship Game and the Class 1-A North Carolina High School Athletic Association Girls Championship game; and

WHEREAS, they became the *Class 1-A Eastern Regional Conference Girls Champions for 2010*; and

WHEREAS, the talented players of this Championship Team are *Zakkeya Morris, Shataun Slade, Jo'neka Brown, Keyana McCray, Cassie Harrell, Taria Whitley, Dasia Moore, Charnell Jones, T'essence Rodgers, Courtney Wynn, Katie Paschal, Queenie Little, Shakera Norfleet, and Lynn Davis*; and

WHEREAS, throughout the season and during Championship play, the 2010 Williamston High School Girls Basket Team exhibited the tenacity and determination that would lead them on to the State Championship game where they suffered their only loss (29-1), and working together, these girls illustrated that drive, skills, and good sportsmanship can certainly pay off, and they serve as a shining example to other athletes and to Martin County in general; and

WHEREAS, Coaches Hughes Barber and John Deveaux are to be commended for their hard work and dedication, which provided this team of young athletes with achievements they will certainly cherish for the rest of their lives; and

WHEREAS, it is with great pleasure and pride, that Martin County and the Board of Commissioners pause to recognize the accomplishments and dedication of these fine Martin County Athletes and their Coaches and to Congratulate them on their momentous success.

NOW THEREFORE BE IT RESOLVED, by the Martin County Board of Commissioners to congratulate the *2010 Class 1-A Eastern Regional Conference Girls Championship Team* and to honor the Players and Coaches on an amazing season.

PRESENTATION – Katie Paschal

Katie Paschal, as a senior member of the Williamston High School Girls Basketball Team, had a tremendous season and an outstanding career as a Lady Tiger. A MOTION was made by Vice-Chairman Lilley and SECONDED by Commissioner Bowen to present a resolution of congratulation to Katie Paschal for her accomplishments. The motion was unanimously APPROVED.

RESOLUTION CONGRATULATING KATIE PASCHAL

WHEREAS, Katie Paschal is a multi-sport scholar athlete at Williamston High School, participating in basketball and volleyball; and

WHEREAS, During her high school years, Katie was awarded in basketball the NC Preps All State as a Junior, First Team All State as a Senior, Co-Conference Player of the Year in the Four Rivers Conference, played in the NC/SC All Star Classic, NC East/West All Star Game, AAU with Boo Williams and for the Garner Flames and was named Co-Player of the Year in volleyball as well; and

WHEREAS, During her high school career, she helped the Williamston High School Girls Basketball Team win the Class 1-A Eastern Regional Divisional Championship and to reach the Class 1-A NC High School Athletic Association Girls Basketball Championship game, losing their only game of the season to Kernerville McGuinness. Katie led the state in scoring at 33.2 points per game and had 3,160 career points which is 2nd all time in North Carolina; and

WHEREAS, Katie Paschal has won many other honors and has demonstrated her leadership abilities, determination, and knowledge both on and off the court; and

WHEREAS, Katie Paschal will be attending East Carolina University in the fall to further her studies and to play basketball.

NOW, THEREFORE, BE IT RESOLVED that the Martin County Board of Commissioners hereby recognizes the outstanding achievements of Katie Paschal;

AND BE IT FURTHER RESOLVED by the Martin County Board of Commissioners that Katie Paschal be congratulated for her individual contribution and for bringing this honor to herself, Williamston High School and the County of Martin.

PRESENTATION – *It's Your Move Now*

Jarmal and Deeneka Phelps, founders of *It's Your Move Now*, informed the Board of their company's mission. Mr. Phelps explained that *It's Your Move Now* is a critical thinking and life skills program that uses the strategies of chess as well as other strategies to develop a proactive mindset in moving towards the future believing that if you change the mindset you can change the person. Mrs. Phelps added that New Beginning Never Ending caters to ex-offenders and others ages 19-55 and the Future offers hope to children ages 5-18 who are at a high risk of dropping out of school or who have already dropped out.

INTRODUCTION OF NEW EMPLOYEES

The following new full-time employees were introduced at the meeting: Cooperative Extension Director J.B. Coltrain introduced Rhonda Lilley. Susan Davenport, Social Services Director, passed the introductions of James McNally and Jacob Meetze, Jr. to Social Worker Supervisor Nancy Connor. County Manager Russell Overman presented Garland Ed Warren, Water District Manager.

CONSENT AGENDA

Chairman Smith asked for a motion for approval of the consent agenda. Vice-Chairman Lilley made the motion, Commissioner Hurst gave a **SECOND** to approve the following consent agenda items. The motion **CARRIED**.

Minutes for April 14, 2010 Regular Session and Closed Session, April 19, 2010 Special Session, and April 28, 2010 Special Session

Financial Report for April 2010

Refund Request – David Little

David Little had requested a refund for years 2006-2008 for the charge of one trash pick-up that wasn't there. Tax Assessor Hilton Edmondson checked the billing for this parcel and found that Mr. Little had not been double billed in the year 2006 but was doubled billed in the years 2007 and 2008. Tax Assessor Edmondson recommended granting the request with \$150.00 for 2007 and \$162.00 for year 2008 for a total of \$312.00.

Tax Relief Orders for April 2010 in the amount of \$774.63.

Year	Levy	Lname	Fname	Remarks	Value	Total
2009	Cooper	Jeffrey	Scott	Disabled Veteran	14,860	106.99
2009	Scott	Christopher		Error in Value	3,190	26.95
2009	Williams	Edward Lee Jr		Bill of Sale	4,180	30.10
2009	Land	Velverton Gaylord		Error in Landfill		324.00
2009	Little	David Wade		Error in Landfill		162.00
2008	Mangum	William M		Error in Listing	5,860	48.93
2009	Mangum	William M		Error in Listing	5,460	39.04
2008	Shepherd	Yvonne Michelle		Error in Listing	2,375	20.07
2009	Shepherd	Yvonne Michelle		Error in Listing	2,298	16.55
				Total		774.63

Tax Collector's Report for April 2010.

Month	Property Taxes	Property Taxes	MV Taxes	Mv Taxes
	Month to Date	Year to Date	Month to Date	Year to Date
Apr-10	142,377.16	10,926,881.89	96,784.37	1,044,341.14

Albemarle Mental Health – Quarterly Fiscal Monitoring Report

AMHC quarterly fiscal monitoring report is included for information purposes.

Clerk's Report is included each month for informational purposes.

PUBLIC HEARING – To Consider Withdrawal From Albemarle Mental Health Center

Commissioner Price made a MOTION to enter into the Public Hearing to consider withdrawing from Albemarle Mental Health Center and Commissioner Hurst gave a SECOND. The motion was APPROVED unanimously.

There were no comments from the public. Vice Chairman Lilley compared the situation with Albemarle Mental Health Center to a sinking ship. He related it to knowing that you have no choice but to get out or go down with the ship.

At 8:31, Commissioner Price made a MOTION to end the Public Hearing. Commissioner Bowen seconded the motion. The motion was unanimously APPROVED.

Approval to Withdraw from AMHC

Following the Public Hearing, Vice-Chairman Lilley made a MOTION to withdraw membership from AMHC with a SECOND by Commissioner Hurst. The motion carried unanimously.

Resolution Withdrawing Membership from Albemarle Mental Health Center (AMHC)

Commissioner Bowen made a MOTION to adopt the resolution to withdraw membership from AMHC effective July 1, 2010. Commissioner Hurst gave a SECOND. The motion was APPROVED unanimously.

**RESOLUTION WITHDRAWING MEMBERSHIP IN
ALBEMARLE MENTAL HEALTH CENTER &
DEVELOPMENTAL DISABILITIES & SUBSTANCE ABUSE SERVICES**

WHEREAS, Albemarle Mental Health Center Development Disabilities & Substance Abuse Services (AMHC) has experienced past operational and financial difficulties; and

WHEREAS, the North Carolina Department of Health & Human Services' Division of Mental Health, Developmental Disabilities & Substance Abuse Services (DMH/DD/SAS) assumed management responsibility of AMHC in January, 2009; and

WHEREAS, East Carolina Behavioral Health has been providing Local Management Entity (LME) mental health services under contract with DMH/DD/SAS since July 1, 2009 to the citizens of Martin County; and

WHEREAS, AMHC will potentially become a non legal entity and will not be able to provide LME mental health service to the citizens of Martin County sometime after July 1, 2010; and

WHEREAS, it is apparent that the Secretary of the North Carolina Department of Health & Human Services will approve a permanent legal dissolution of AMHC sometime after July 1, 2010.

NOW THEREFORE BE IT RESOLVED that the Martin County Board of Commissioners declares its intent to formally withdraw its membership in AMHC after meeting the requirements of G.S. 122C-115.3b and any other statutory requirements that may be required to facilitate this withdrawal.

BE IT FURTHER RESOLVED that the Martin County Board of Commissioners intend for this withdrawal of membership in AMHC to become effective on July 1, 2010.

Resolution Requesting Membership in East Carolina Behavioral Health LME (ECBH)

ECBH already provides services for Martin County on a contractual basis through NCDHHS. With the need to continue to provide mental health services to the citizens of Martin County, Commissioner Bowen made a MOTION that a resolution be adopted requesting membership with ECBH for mental health services, effective July 1, 2010 and Commissioner Hurst SECONDED the motion. The motion was unanimously APPROVED.

**RESOLUTION REQUESTING MEMBERSHIP IN
EAST CAROLINA BEHAVIORAL HEALTH LME**

WHEREAS, Martin County is currently a member of Albemarle Mental Health Center & Developmental Disabilities & Substance Abuse Services (AMHC); and

WHEREAS, AMHC will potentially become a non legal entity and will not be able to provide Local Management Entity (LME) mental health services to Martin County citizens sometime after July 1, 2010; and

WHEREAS, mental health services will continue to be needed by the citizens of Martin County after the dissolution of AMHC; and

WHEREAS, the North Carolina Department of Health & Human Services' Division of Mental Health, Developmental Disabilities & Substance Abuse Services (DMH/DD/SAS) has contracted with East Carolina Behavioral Health (ECBH) to provide LME services for Martin County; and

WHEREAS, ECBH has established a LME presence under a management contract with DMH/DD/SAS in Martin County since July 1, 2009;

WHEREAS, ECBH has indicated that it is open to establishing a permanent legal contract with Martin County to provide LME mental health services in the county; and

WHEREAS, ECBH will prepare a quantitative mental health needs assessment and prepare a strategic plan to address those mental health needs in Martin County; and

WHEREAS, ECBH is exploring the opportunity to make available to Martin County a seat on ECBH's Board of Directors.

NOW THEREFORE BE IT RESOLVED that the Martin County Board of Commissioners declares its desire to become a member of ECBH and to enter into a formal permanent contract membership arrangement with ECBH to become effective July 1, 2010.

Appointment to ECBH Area Board

Roy Wilson CEO/Area Director, ECBH, asked that the Board appoint one commissioner to the ECBH Area Board. Commissioner Bowen made a MOTION that Vice-Chairman Lilley continue to work as the Board's representative on the mental health services board and Commissioner Hurst concurred with a SECOND. The motion carried.

Authorization to Send Letter Regarding Health Insurance Benefits for AMHC Retirees

Manager Overman reminded the Board that when Tideland Mental Health was dissolved that a number of employees were entitled to or would become entitled to retiree health insurance benefits so funds were transferred to AMHC for that purpose, and with the dissolution of AMHC the retiree benefit still needs to be provided to the eligible employees/retirees. Manager Overman added there has been discussion with legislators about adding them to the state health insurance plan with the funds being provided to the state to cover that cost. Commissioner Hurst made a MOTION to authorize the sending of a letter to our legislative delegation and others within the AMHC catchment area to formally request that the AMHC retirees be added to the state health insurance plan. Commissioner Bowen gave a SECOND. The motion was unanimously APPROVED.

OLD BUSINESS

Bear Grass School Discussion Update

Commissioner Price commented on behalf of the Bear Grass citizens that the Martin County Board of Education had initiated a lease to the Town of Bear Grass. Commissioner Price requested that this matter be left on the agenda until it is resolved.

NEW BUSINESS

Approval of Change Order #2, Water District 2, Phase II

Manager Overman stated that the change order involved a deduction in the amount of \$4,316.21 as a result of two changes. The first was a deduction in the amount of \$6,062.05 for the contractor to provide the water meters and not install them. The second was for an addition in the amount of \$1,745.84 due to a relocation of a fire hydrant on Fire Department Road. The amount of \$604.24 will be recouped from the Griffins Fire Department due to placing the hydrant in their property off of the road. Vice Chairman Lilley made a MOTION to approve Change Order #2, Water District 2, Phase II, Commissioner Bowen gave a Second. The motion unanimously APPROVED.

Consideration of Additional Water Lines, Water District 2, Phase II

Manager Overman explained to the Board that with the progress of the installation of the water lines in the District 2, Phase II project, it is apparent that funds will be available to add some additional water lines. Upon request, Rivers suggested a number of lines they thought would be viable additions to submit to USDA for approval. The cost estimates for this additional work would be between \$450,000.00 and \$500,000.00 with a potential customer base of 110. Manager Overman requested the Board's approval to submit the list of roads to USDA. Commissioner Bowen made a MOTION to grant the request and Vice Chairman Lilley added a SECOND. The motion was unanimously APPROVED.

Highway Highway 171 from Hollow Pond Road to County line

Big Mill Road from Holly Springs Church Road to creek

Nai Rad Lane

Fred Hardison Road

Holly Springs Loop Road to Highway 64

Pine Road and Bay Street

Wynn Lane

Harry Ayers Road from Five Cent Road to Roberson Chapel Road

Harry Ayers Road from Price Road to Bear Grass Road

Price Road

Bobby Roberson Road from Highway 171

Somerset Lane

Ballfield Lane

Audit Contract Approval

The proposed audit contract with Pittard Perry and Crone, Inc for fiscal year ending June 30, 2010 is for \$28,750.00 which is \$250.00 more than last year's amount. Manager Overman stated that this firm does a tremendous job by always being available for the County. He recommended the Board approve the contract. Commissioner Hurst made the MOTION to approve the contract with a SECOND given by Commissioner Bowen. The motion was unanimously APPROVED.

Appointment – Region Q Workforce Development Board

Walter Dorsey, Workforce Development Director, recommended the reappointment of B.J. Whitley, Private Sector-Manpower, and the appointment of Marvin Davis, Economic Development, and Derek Price, Private Sector- Deadwood and Commissioner, to the Region Q Workforce Development Board. Although a third private sector representative and community based organization (CBO) representative is needed, the Region Q Board did not have a formal recommendation. Commissioner Hurst made a MOTION to approve the recommendations of Mr. Dorsey and Commissioner Bowen SECONDED. The motion carried.

Budget Amendment #20, #21, and #22

Budget Ordinance Amendment #20

BE IT ORDAINED by the Board of Commissioners of Martin County, North Carolina, that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2010.

Section 1. To amend the General Fund, the expenditures are to be changed as follows.

	Increase	Decrease
Human Services		
Department of Social Services		
Assistance Program	\$ 10,000	\$ 18,800
Administration	\$ 18,800	
Office of Aging		
Administration and Operations		\$ 975
Transportation		
Martin County Transit	\$ 40,183	\$ 12,159
General Government		
Tax Assessor	\$ 8,073	
Other Human Services		
Office of Juvenile Justice	\$ 6,200	
<u>Public Safety</u>		
Jail (Youth Detention)	\$ 17,000	

This will result in a decrease of \$68,322 in the expenditures of the General Fund. To provide an increase for the revenue above, the following revenues will be changed.

Restricted	\$ 24,273	\$ 975
Sales and Services	\$ 28,024	
Fund Balance Appropriation	\$ 17,000	

Budget Ordinance Amendment #21

BE IT ORDAINED by the Board of Commissioners of Martin County, North Carolina, that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2010.

Section 1. To amend the General Fund, the expenditures are to be changed as follows.

	Increase	Decrease
Public Safety		
Jail	\$36,720	

This will result in an increase of \$36,720 in the expenditures of the General Fund. To provide an increase for the revenue above, the following revenues will be changed.

Fund Balance Appropriation	\$ 36,720
----------------------------	-----------

Budget Ordinance Amendment #22

BE IT ORDAINED by the Board of Commissioners of Martin County, North Carolina, that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2010.

Section 1. To amend the General Fund, the expenditures are to be changed as follows.

	Increase	Decrease
Public Safety		
Emergency Management	\$50,502	\$ 59,634

This will result in a decrease of \$ 9,132 in the expenditures of the General Fund. To provide a decrease in revenue for the above, the following revenues will be changed.

Restricted	\$ 9,132
------------	----------

Section 2. Copies of these budget amendments shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.

Motion by Commissioner Bowen and seconded by Vice Chairman Lilley to adopt the above budget ordinance amendments #20, #21, and #22. The motion was unanimously APPROVED.

Qualified School Construction Bonds

Martin County Schools had already been authorized for \$3,525,984 in Quality School Construction Bonds. Dr. Daly, Martin County School System, requested approval by the Board to make application for the additional \$2,472,576 in Qualified School Construction Bond Revenue available for Martin County Schools. Manager Overman explained that we are not locked into any terms of agreement but we need to reserve the funds. Vice Chairman Lilley made a MOTION and Commissioner Price gave a SECOND to approve the application for the addition funds. The motion was APPROVED by all.

Interlocal Agreement for Self Insurance Fund

Manager Overman stated that Martin County has participated in the North Carolina Association of County Commissioners risk management pools for many years. In the past, the Interlocal agreement that governed our participation in these pools was executed along with an annual form. The Risk Management Board of Trustees has revised the Interlocal agreement and as such we will not have to submit the annual forms any longer. Manager Overman recommended authorizing the Chairman to execute the document and adopting the resolution which is a part of the document. Commissioner Hurst made a MOTION, with a SECOND by Commissioner Bowen to execute the document as presented. The motion carried.

INTERLOCAL AGREEMENT

FOR A GROUP SELF-INSURANCE FUND

FOR RISK SHARING OR GROUP PURCHASE OF COVERAGE

This Agreement is made and entered into by and between all the parties who join together to become Members of the North Carolina Association of County Commissioners Risk Management Agency (hereinafter referred to as the "Risk Pool"). The Risk Pool acts by and through its Board of Trustees as provided herein and as provided within the Bylaws of the Risk Pool. The Risk Pool encompasses the North Carolina Association of County Commissioners Joint Risk Management Agency Workers' Compensation Fund (hereinafter referred to as the "Workers' Compensation Pool"); the North Carolina Association of County Commissioners North Carolina Counties Liability And Property Joint Risk Management Agency (hereinafter referred to as the "Liability and Property Pool"); and the North Carolina Association of County Commissioners Health Insurance Trust (hereinafter referred to as the "Group Benefits Pool"; all three are referred to collectively as "Pools").

ARTICLE I. PURPOSE

1. To carry out the desire of certain counties and governmental entities of the State of North Carolina to create and become the Risk Pool, and to enable these counties to pool the retention of their risks, liabilities or payments, or for the group purchase of coverage, pursuant to the provisions of North Carolina General Statutes 153A-92(d), 153A-445(a)(1) and 160A-460 through 160A-466.

2. To be governed and directed through the efforts of the Risk Pool Board of Trustees, as described in the Bylaws of the Risk Pool, which are incorporated by reference into this Agreement.
3. ***To provide for the discharge, from the assets of the Risk Pool, from funds collected from Members, and through excess or other insurance purchased by the Risk Pool, in accordance with the terms and scope of the contracts of coverage and as determined by the participation of the individual Members of the Risk Pool, of any: a) insurance premiums; b) covered property losses incurred; c) lawful liability claims against any member of the Liability and Property Pool in which awards have been sustained by final judgment or by the rules of the Risk Pool if settlement is made; d) claims for health benefits covered by the plan for members of the Group Benefits Pool and e) lawful workers' compensation claims against members of the Workers' Compensation Pool, when awards have been sustained by final judgment or by the rules of the Risk Pool if settlement is made.***
4. To provide for payment by Members of the Risk Pool of contributions based upon appropriate classifications, rates, experience modifications, or other methodologies, out of a portion of which the Risk Pool will establish and maintain a fund for the payment of covered claims, losses and the administrative costs of operating the Risk Pool.

ARTICLE II. EFFECTIVE DATE, DURATION AND MEMBERSHIP

Any qualifying county or governmental unit that formally applies for membership in the Risk Pool will be admitted and become a Member. This Agreement is effective as of the date the Resolution adopting this Agreement is executed, and the membership application and fully executed Resolution are incorporated by reference into this Agreement. This Agreement replaces all prior Interlocal Agreements and Participation Agreements, is effective from year to year, and shall remain in force unless terminated in writing by the Risk Pool, the Member, or the Board of Trustees as specified herein.

Risk Pool Members may join the Workers' Compensation Pool, Liability and Property Pool and the Group Benefits Pool, or may elect to only join one or two of these offered Pools. Members shall designate the membership election on the Resolution and provide a new, fully executed Resolution if individual Pool membership changes.

Under the plans offered by the Risk Pool, a Member's coverage will be automatically renewed on the termination date of the coverage regardless of whether payment for the subsequent coverage period has been received by the Risk Pool. The continuation of coverage will be pursuant to the same terms and conditions as the expiring coverage and as set forth in this Agreement. Each renewal shall be subject to a recalculation of contributions by the Risk Pool.

ARTICLE III. TERMS AND CONDITIONS

1. The coverage terms, deductibles, conditions, limits of liability, exclusions, exceptions, agreements, requirements for cooperation of Members, subrogation and other terms of membership shall be governed primarily by the Coverage Documents and secondarily by

the Member Guide distributed to the Members.

2. Accurate information is necessary to determine the Group Benefits contribution, including the number of employees, dependents to be covered and the claims experience of the individuals subject to coverage. The Member must provide accurate information as requested within thirty (30) days of the date of the request. If accurate information has not been provided, the Risk Pool has the discretion to adjust the contribution amount accordingly.
3. A Member may be eligible for a multi-pool discount if the Member is a member of two (2) or more Pools. Any Member that has outstanding contributions due to the Risk Pool from the most recent fully completed fiscal year will have their multi-pool discount adjusted by the amount of those outstanding contributions.
4. Changes in funding types, rates and plan specifications will occur only on the Member's renewal date and will remain in effect for the coverage period. However, the Risk Pool reserves the right to make adjustments to the Member's contribution and/or the plan specifications if a material, substantive amendment or modification to the Group Benefits coverage is instituted. It is the responsibility of the Risk Pool to provide notice to the Member sixty (60) days prior to any such contribution change, amendment or modification.
5. Contributions are due on or before the 1st day of each month. If a Member fails to remit the required contribution, the Risk Pool may suspend the payment of the Member's claims in accordance with the Payment Policy adopted by the Board of Trustees. In the event of termination of this Agreement, the Member remains responsible for any contributions payable up to and including the date of termination.
6. All claims for employees and authorized individuals are required to be timely reported to the Claims Administrator. Failure to do so may result in the claim not being reimbursed. Group Benefits claims submitted later than twelve (12) months following the date of termination shall not be paid.
7. The Member shall cooperate with the Risk Pool concerning settlement efforts, litigation or anticipated litigation of any claim. If a claim is made, a lawsuit is filed or court notices are received by a Member or its representative that may fall within the scope of Risk Pool coverage, the Member shall immediately forward to the Risk Pool every document received. Pursuant to the Risk Pool's request and payment by the Risk Pool of reasonable expenses, the Member shall attend hearings, trials and other proceedings if requested and will assist in effecting settlements, in securing and providing evidence, in attaining the attendance of witnesses and in fully cooperating with the Risk Pool and its designee with regard to the defense of the claim.
8. No Member shall make voluntary and direct payment of a claim or a claims-related expense without the prior approval of the Board of Trustees or its designee. Any Member making a voluntary payment or entering into an agreement to pay without approval will be responsible for the claim and any expenses paid or committed, including the cost of a legal defense.
9. The Risk Pool may use and disclose the Personal Health Information of individuals subject to this coverage only in compliance with the HIPAA Privacy Rule and other applicable provisions.

10. This Agreement and coverage with Pool(s) may be canceled by the Risk Pool on the renewal date after providing written notice by certified mail, return receipt requested, to the Member at least sixty (60) days prior to the renewal date. The Risk Pool may also cancel this Agreement and/or the coverage provided at any time pursuant to the following: (a) after giving ten (10) days written notice to the Member in accordance with the terms of the Payment Policy adopted by the Board of Trustees; (b) if the Member reorganizes or dissolves; or (c) if the Member fails to initiate and administer any reasonable loss prevention recommendation submitted by the Risk Pool to the Member.
11. The Member may cancel this Agreement or membership in an individual Pool without penalty on the renewal date of coverage if it provides written, advance notice to the Risk Pool at least sixty (60) days prior to the coverage renewal date. If notice of termination to the Risk Pool is provided less than sixty (60) days before the Member's renewal date, but prior to the renewal effective date, ten percent (10%) of the annual estimated renewal contribution must be paid by the Member. If notice to the Risk Pool is provided after the renewal date, the total annual estimated renewal contribution must be paid by the Member. The Member may file an Appeal with the Board of Trustees, pursuant to Paragraph 12 of this Article, requesting that this Agreement be terminated as to Group Benefits Pool membership at a time other than the renewal date when a substantive amendment or modification to the Group Benefits coverage is instituted.
12. The Member shall have the right to file an Appeal concerning any action taken or decision made by the Risk Pool in accordance with the Appeals Procedures adopted by the Risk Pool, by requesting review by the Risk Pool's Board of Trustees, whose decision will be final. Any Appeal shall be submitted in writing to the Director of Risk Management Services within thirty (30) days of the challenged decision or action.
13. In the interest of providing effective governance, the Member, or at least one of its budgetary contributors, must be a member of the North Carolina Association of County Commissioners (hereinafter "Association").
14. The Association is designated as the Administrator of the Risk Pool unless otherwise designated by the Board of Trustees. As detailed further in the Service Agreement between the Risk Pool and Association, the Administrator supervises all other service contractor(s), deposits all contributions as collected to the bank account(s) designated by the Board of Trustees, and disburses monies as provided by the policies, rules, regulations and Bylaws of the Board of Trustees, and in compliance with the Service Agreement(s) executed with the service contractor(s).
15. In its discretion, the Board of Trustees shall determine and may modify the timing of payments made by Members and the amount of Member contributions to maintain the soundness and financial security of the Risk Pool.
16. A certified public accounting firm shall audit the Risk Pool annually and report to the Board of Trustees as detailed in the Bylaws. The Risk Pool retains the right to audit and review a Member's financial and business records relevant to the subject matter of this Agreement or any dispute regarding this Agreement.
17. Notice: Any written notice to the Risk Pool shall be made by first class mail, postage

prepaid, and delivered to the Director of Risk Management Services, North Carolina Association of County Commissioners, 215 N. Dawson Street, Raleigh, NC 27603.

ARTICLE IV. AMENDMENTS

The Board of Trustees is authorized to make any changes or amendments to this Agreement that would not fundamentally alter the substance of the contemplated Agreement. This Agreement may be substantively amended after adoption of this Agreement by the Members by either 1) approval of the specific amendment by the Board of Trustees and approval in writing by a simple majority of the Members, or 2) approval of the Board of Trustees of a revised Agreement and subsequent presentation to Members for execution of a new Resolution during the renewal period.

ARTICLE V. SEVERABILITY AND CHOICE OF LAW

This Agreement shall be governed by the laws of the State of North Carolina. The Members and the Risk Pool agree that in the event there is a disagreement between them regarding this Agreement, or its terms, any legal action shall be filed in the General Court of Justice, Superior Court Division, Wake County, North Carolina. The Members and the Risk Pool agree that the terms of this Agreement are contractual and not a mere recital, and that its provisions are severable in nature such that if any particular provision is stricken by a Court of competent jurisdiction, no other provision will be affected.

IN WITNESS WHEREOF, the undersigned signify their acceptance of this Agreement by executing this Resolution by action of the Board of Commissioners or other Governing Board:

RESOLUTION TO ADOPT THE INTERLOCAL AGREEMENT AND TO JOIN THE NCACC RISK MANAGEMENT POOL

WHEREAS, (County or local government agency) _____ desires to pool the retention of their risks, liabilities and/or payments, or for the group purchase of coverage, and has completed a Pre-Audit Certification in compliance with N.C.G.S. § 159-28; and

WHEREAS, the North Carolina Counties Risk Management Agency d.b.a. NCACC Risk Management Pools (hereafter called the "Risk Pool"), has been established pursuant to G.S. §153A-445 (a)(1) and G.S. §160-A-460 through §160A-464; and

WHEREAS, it is desirable for _____ (County or local government agency) to join the Risk Pool to obtain the opportunity for risk sharing and/or group purchase of coverage;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners or Governing Board of _____ (County or local government agency) hereby adopts the

foregoing Interlocal Agreement and hereby joins and agrees to participate in the Risk Pool as indicated:

- North Carolina Counties Liability and Property Joint Risk Management Agency d.b.a. NCACC Liability and Property Pool
- North Carolina Workers' Compensation Joint Risk Management Agency d.b.a. NCACC Workers' Compensation Pool
- Health Insurance Trust d/b/a NCACC Group Benefits Pool

BE IT FURTHER RESOLVED that _____ (authorized county or entity official) is duly authorized to execute the application to join the Risk Pool and hereby executes the Agreement on behalf of _____ (County or local government agency) .

Witnessed wherefore, this the _____ day of _____, 20__.

Attest: _____

NORTH CAROLINA
_____ COUNTY

Personally appearing before me this ____ day of _____, 20__,
_____, who, being first duly sworn,
acknowledged the execution of the foregoing Agreement for the purposes
and considerations therein and herein expressed.

My Commission expires: _____
_____ Notary Public

Pre-Audit Certification Pursuant to N.C.G.S. § 159-28

This foregoing Agreement has hereby been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer or Deputy Finance Officer

NORTH CAROLINA
_____ COUNTY

Personally appearing before me this ____ day of _____, 20__, the Finance Officer or Deputy Finance Officer, _____, who, being first duly sworn, acknowledged the execution of the foregoing Agreement for the purposes and considerations therein and herein expressed.

My Commission expires:

Notary Public

Consider Sale of Industrial Park Timber

Manager Overman brought to the Board's remembrance the property the County owns at the Industrial Park at Everetts which includes 129 acres with approximately 79 acres of timberland. Recently, two foresters have suggested consideration of thinning the timber for preservation purposes. Manager Overman agreed with the recommendation. Commissioner Hurst made a MOTION, Vice Chairman Lilley SECONDED the motion. The motion was unanimously APPROVED.

Discussion Timber Method of Removal

Relating to G.S. Chapter 160A-Article 12, Manager Overman understood that the timber must be declared surplus property and then authorized to proceed with the sell, using one of the methods by state statute. Manager Overman suggested taking sealed per /ton bids. Attorney Bowen added that consideration should be given to how the timber is removed with the least amount of damage. He stated that sealed bids are the safest method for preservation. Commissioner Price MOTIONED and Commissioner Bowen SECONDED the use of sealed bids for removal of the excess timber. The Board APPROVED the motion unanimously.

Board Reports

Commissioner Price reported that the BMR Jail expense of operation is a little cheaper than last year. Commissioner Hurst added that Craig Friedman, Jail Director, was doing great getting the prisoners out of the Jail and into the prison system (NCDOC). Commissioner Price commented on the fact of Sheriff Dan Gibbs and his department being open to electronic monitoring and how that has helped to keep the Jail population down.

Commissioner Bowen reported that Martin Enterprise would be doing landscaping on May 13, 2010 should anyone choose to assist them.

CLOSED SESSION

PERSONNEL – G.S. 143-318.11(a)(6)

Around 9:14 p.m., Commissioner Price made a MOTION, with a SECOND by Commissioner Bowen, to go into Closed Session according to G.S. 143-318.11(a)(6) Personnel matters. The motion was unanimously APPROVED.

No action was taken in Closed Session.

ADJOURNMENT

Commissioner Price made a MOTION, with a SECOND by Commissioner Hurst, to go out of Closed Session. The motion was unanimously APPROVED. Closed session ended at 9:21 p.m.

Open Session

Water District Contracts/Agreement

The Board held a general discussion on the contracts/agreements that were signed by Water District I and Water District II patrons before the transfer of the contract to the Town of Williamston from the County.

ADJOURNMENT

With no further business to discuss, Commissioner Price made the MOTION and Commissioner Hurst gave a SECOND to adjourn the meeting at 9:31 p.m. The motion was unanimously APPROVED.

The next regular meeting of the Martin County Board of Commissioners is scheduled for Wednesday, June 9, 2010 at 7:00 p.m. in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

Ronnie Smith, Chairman

Marion B. Thompson, Clerk to the Board