



# CountyLines

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## Counties take collective bargaining battle to D.C.



The push to repeal North Carolina's prohibition on collective bargaining for public employees is coming not just at the state level, but also at the federal level. For that reason, opposing federal preemption of state law regulating collective bargaining will be the primary federal issue for the NCACC as county officials prepare to convene in Washington, D.C.,

March 6-10 for the National Association of Counties' 2010 Legislative Conference.

In mid-December, the Association learned of an attempt to amend the U.S. Defense Appropriations Conference Report to include language that would preempt North Carolina's ban on collective bargaining rights for state and local public employees that was enacted

in 1959. The language was not included in the bill – thanks in part to the phone calls made to North Carolina Congressional delegates from county officials – but the threat remains: S1611 and HR413 would provide collective bargaining rights for all public safety officers.

Please see NACo on page 12

## Youth councils pave way for future leaders

By Todd McGee  
Communications Director

Several findings from a survey of North Carolina high school students should get the attention of local government officials, according to Kelly O'Brien, director of the Civic Education Consortium (CEC).

When asked if a government official had ever visited their classroom, only 26 percent of students said yes. Of those students, a higher percentage had a more favorable opinion of government than the 74 percent of respondents who had not been visited by an official. In addition, students who had been visited by a government official were more likely to consider a career in government.

Please see Youth on page 5



U.S. Rep. Heath Shuler (at table, left) and Swain County Board of Commissioners Chairman Glenn Jones sign off on a contract to pay the county \$52 million by Dec. 31, 2020, to settle the 67-year-old North Shore Road Agreement. Looking on (from left to right) are Swain County Commissioners David Monteith, Phil Carson and Genevieve Lindsay, and Citizens for the Economic Future of Swain County members Claude Douthit and Leonard Winchester. Monteith, who wore a black ribbon, was the lone commissioner to vote against the agreement.

Photo courtesy Aaron Morgan/Smoky Mountain Times

## Swain surrenders its right to road

Resolution to controversial 'road to nowhere' nets county \$52 million

By Jason King  
Assistant Communications Director

The controversy over the North Shore Road agreement between Swain County and the United States Government has raged since the pact was signed in 1943. The two sides were among the signees of a contract Feb. 6 that releases the federal government from its responsibility to build the road, but there will likely never be an end to the hard feelings caused when families were forced to leave their homes during the construction

of Fontana Dam and the flooding of its lake.

The hydroelectric energy created by the dam was deemed essential to produce the aluminum needed during World War II, but flooding the land for the lake displaced families and buried most of state Highway 288 – the construction of which was paid for with road bonds assumed by Swain County. In 1943, the county and the National Park Service agreed the federal government would build a road along the north shore of the lake.

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## Fight over roads could still be brewing

It would be tempting to think the battle over funding for secondary roads has ended before it has started. Over the past two months, Department of Transportation Secretary Gene Conti and Governor Beverly Perdue have each told us that they are not in favor of shifting any costs – either maintenance or construction – for secondary roads to counties.

The governor's remarks were made during a Jan. 20 meeting of the Local Government Advisory Council. Perdue told the executive officers of the NCACC and the N.C. League of Municipalities

that the impetus for the discussions did not come from her office, echoing similar comments made by Secretary Conti at the Dec. 17 Board of Directors meeting.

"These movements toward local maintenance money did not come from our team," said Perdue. "They came from the General Assembly."

"That was a piece of legislation introduced by the two senators from Mecklenburg, and we did not support it," said Conti. "We are not about to abandon our responsibility for secondary roads and turn that over to you. That doesn't make common sense and is certainly not practical."



President's Perspective  
by Mary Accor

Mary S. Accor

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# Blackwell steps down from Cumberland County Board

J. Breeden Blackwell, who served as NCACC president in 2004-05 and was awarded the Outstanding County Commissioner Award in 2002, resigned his position on the Cumberland County Board of Commissioners at the end of January in order to accept a position as government relations director with the Cape Fear Valley Health System.



Blackwell

Blackwell was nearing the end of his third term on the Cumberland County board and was serving on the Cape Fear Board of Trustees.

During his term as NCACC president, Blackwell spearheaded the effort to find a successor to Ron Aycock, who retired in 2005 after 28 years as the Association's executive director. The search

brought David F. Thompson, a former county manager in four North Carolina counties, to the position.

Blackwell served several years on the NCACC Risk Management Pools Board of Trustees, and co-chaired an NCACC task force that examined the fiscal relationship between counties and the state. He was also instrumental in working with state leaders during the 2004-05 Base Realignment and Closure Act (BRAC) to maintain North Carolina's strong military presence. He recently served as a member of the Governor's Local Government Advisory Committee.

Blackwell is a retired and award-winning principal. He was inducted into North Carolina's Order of the Long Leaf Pine in 2003.

Two other past NCACC presidents, Danny Wright of Vance County (1997-98) and Bobby Greer of New Hanover County (1998-99), have announced they will not seek re-election in November.

# Bladen, Pasquotank counties mourn following deaths of commissioners

Two sitting county commissioners have passed away.

Margaret Lewis-Moore, who had served on the Bladen County Board of Commissioners since 2000, died Feb. 6 of complications following gastric bypass surgery. She was 55.

Pasquotank County Commissioner Jimmie Harris died Jan. 18 at the age of 66 following a long illness.



Lewis-Moore

Lewis-Moore was a member of the NCACC's Public Education Steering Committee. In August 2009, she completed a two-year term on the NCACC Board of Directors as District 5 Director.

She was also active in the N.C. Association of Black County Officials. More than two years remain in her third term.

Prior to being elected to the Board of Commissioners, Lewis-Moore served on the county Board of Education. She was an award-winning principal and served the school system as a child drop-out prevention coordinator.

Harris served on the Pasquotank County Board of Commissioners from 1980-88 before returning in 2006. He had recently announced plans to seek re-election in November. Harris was a retired farmer who served 20 years as chief of the Providence Volunteer Fire Department. He represented the county's "Northern Outside" district.

At press time for this issue of *CountyLines*, neither county's Democratic Party had recommended a replacement.

## 2009-10 NCACC OFFICERS/BOARD OF DIRECTORS

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**David F. Thompson**, NCACC Executive Director

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13: **Barbara Beatty**, Catawba County

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### COMMITTEE LEADERSHIP AND REPRESENTATIVES

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**Bobby Greer**, Legislative Goals Committee Co-Chair, New Hanover County

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**Chuck McGrady**, Environment Steering Committee Chair, Henderson County

**Viola Harris**, Human Services Steering Committee Chair, Edgecombe County

**Hubert Sealey**, Justice and Public Safety Steering Committee Chair, Robeson County

**Ann Holton**, RMP Board of Trustees Representative, Pamlico County

**Harry Jones**, County Managers' Representative, Mecklenburg County

## Swain

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Construction began and ended in the early 1970s. Seven miles of the proposed 30-mile road were completed (hence "the road to nowhere") before cost concerns and worries about the environmental impact of the road, which would cut through the Great Smoky Mountains National Park, caused construction to stop.

In 2007, following the completion of an environmental impact assessment of the road proposal, the National Park Service deemed construction of the road "unacceptable" and endorsed a monetary settlement, which was also supported by the Board of Commissioners.

With no direct and immediate access to family cemeteries, residents who believe that the road is their birthright will likely never be reconciled by the agreement, but the \$52 million the county will receive over the next 11 years will be a financial windfall. The county has a 2009-10 budget of less than \$11 million.

The agreement immediately provided \$4 million to the Swain County Settlement Trust Fund, a special fund established by legislation in 2008 that will be managed by the Office of the State Treasurer. An additional \$8.8 million will be deposited into the fund by early June. The remaining \$39.2 million will be paid by 2020 as annually appropriated by U.S. Congress.

The county will receive interest and investment income earned by the

## More family ...

We omitted at least one county commissioner whose spouse also holds elected office within the county in the "All in the family" writeup that appeared on the front page of the January issue of *CountyLines*. The wife of Camden County Chairman Phil Faison, Terri, chairs the county Board of Education. "When the phone rings there's only a 50 percent chance it's going to be a problem for me," Phil Faison said.

fund and can only tap into the principal balance of the fund if authorized by a two-thirds vote of citizens.

Commissioners voted 4-1 on Feb. 5 to accept the settlement. David Monteith – a longtime proponent of the road's construction – cast the dissenting vote.

"We can start the healing process now after years of disagreements," Board Chairman Glenn Jones said following the vote.

"It has been evident for years that the North Shore Road would never be constructed," said Rep. Heath Shuler, who worked to secure the settlement funds in Congress. "The interest on these funds alone will greatly increase Swain's annual budget and will help the commissioners in their efforts to create jobs, invest in Swain County schools, and improve the county's infrastructure."



## CountyLines

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## NCACC STAFF NOTES



**Sherida Moss** joined the NCACC Risk Management Pools at the beginning of February as a Customer Service Specialist. In her new role, Moss handles the day-to-day customer service calls for the County Health Plan and is responsible for processing all eligibility and enrollment requests and the administration of COBRA. She previously worked for Ceridian Payroll and Human Resources Services. She can be reached at (866) 237-9163 or [sherida.moss@ncacc.org](mailto:sherida.moss@ncacc.org).

# ABC system reform would put local autonomy, revenues at stake

By **Todd McGee**  
Communications Director

Over the past several months, a small handful of local Alcoholic Beverage Control (ABC) boards have come under scrutiny for perceived ethical issues, including lavish dinners paid by distillers and excessive salaries and benefits for ABC executives. This has led many critics to demand reforms for the system.

With the state expected to face a multi-billion dollar budget deficit for 2010-11 – and beyond – some are looking at the ABC system to see what changes can be made to allow the state to reap more revenues. Among the possibilities is greater control by the state ABC Commission or privatizing the system, which some think could bring greater revenues to the state – particularly a one-time windfall as the state sold off its assets.

Either way you look at it, the ABC system is under the microscope.

“We are very quietly looking at companies that might be able to come in and evaluate the system,” Governor Beverly Perdue told members of her Local Government Advisory Commission on Jan. 20. “I am having somebody look at the system. I understand that this is a state driven by local control. I also understand the state owns the product and the license for the product.”

While recent events have put the ABC system on the front pages of newspapers across the state, the system has actually been the subject of a review for the past few years. In 2008, the General Assembly asked its Program Evaluation Division (PED) to study the current ABC system. The PED released its evaluation in December 2008.

Its study concluded that the state ABC Commission lacked the ability to effectively and efficiently manage the ABC system and made numerous recommendations for improvements, many of which would grant more control and authority to the state ABC Commission.

On Jan. 12, 2009, Governor Perdue

signed an executive order establishing the N.C. Budget Reform and Accountability Commission (BRAC). The mission of BRAC is to review “the services and programs provided by State government” and make sure that “the operations of State government are streamlined and improved to achieve cost savings without sacrificing core missions and services.” The ABC system is one of the issues being studied by BRAC.

In addition to these efforts, Sen. Marc Basnight (Dare County) is organizing a special legislative committee to review the ABC system and make recommendations for reform. He asked the NCACC and the N.C. League of Municipalities to recommend members for the committee, which was to meet in February.

North Carolina’s ABC system is unique in that it is the only system in the nation in which ABC boards are appointed locally to oversee the stores in each jurisdiction. If voters in a city or county approve in a referendum the sale of liquor, then an ABC board is established by the local governing body to oversee the operations of the ABC store. (Some jurisdictions with ABC boards do not have an ABC store but pass an ABC referendum to allow restaurants and other establishments to sell mixed drinks. State law requires that an ABC referendum be approved before a mixed drink referendum is passed.)

While the locals determine if their community will allow the sale of liquor, the state ABC Commission determines which products will be sold, sets the prices and houses the inventory in a state warehouse. The local ABC boards order their products through the warehouse and then pay the distillery directly upon delivery. There are 161 local ABC boards that operate 411 stores in North Carolina. In 2008-09, cities and counties received more than \$46 million in revenues from local ABC boards.

Several bills were introduced in 2009 that would have implemented many of the proposals contained in the PED

report. H768/S839 (Modernization of the ABC System) and H1367 (Modernization of the State’s ABC System) were not heard during the session.

The bills give the state ABC Commission the power to establish performance standards for local ABC boards and the authority to close stores that are not profitable. The bills would also require the local boards to comply with directives issued by the state ABC Commission, and would force separate ABC boards within a county to merge by July 1, 2011, with the result of no more than one ABC board per county. The NCACC and the NCLM oppose the bills because of the usurpation of local control.

Governor Perdue told members of her Local Government Advisory Commission that she was bothered by the ethical issues plaguing the ABC system and that she wanted to address those concerns. She said she would have “slam-dunk” legislation ready for the 2010 short session and that she is willing to consider any alternative, including privatizing the system.

“The overall question of what to do with shedding enterprises that the state needs to shed – I don’t believe any of us, regardless of the political rhetoric around this issue, have the right answers,” Governor Perdue said. “You don’t just shed stuff. We need revenue in this state.”

NCACC Director of Government Relations Kevin Leonard told the NCACC Board of Directors on Feb. 3 that the NCACC will oppose any attempt to either privatize the system or to give more control over the system to the state. He said the Association is working with the NCLM on proposed legislation that would impose more stringent ethics requirements on local ABC board members and would require the state ABC Commission to collect and distribute salary data to all ABC boards and the local appointing authorities so that they can make better informed decisions about salaries and benefits for board members.

“I believe legislation with these types of actions will help address some of the current concerns,” Leonard said. “But I also believe that we will continue to hear – maybe not as loud this session, but likely in future sessions – calls for privatization. It is something we need to keep our eye on.”

If the system were privatized, it is estimated that local governments would lose \$60 million in reoccurring revenues.

## Perspective

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Case closed. Game over. Right? Unfortunately, it is not that easy. And remember this: neither Governor Perdue nor Secretary Conti gets a vote in what decisions the General Assembly makes when they put together a balanced state budget for 2010-11, a point that Governor Perdue acknowledged when she said: “I can’t control everything the General Assembly does.”

S758 (Transfer Secondary Roads to Counties) was introduced by Sens. Dan Clodfelter and Bob Rucho of Mecklenburg County this past spring. Nothing happened to the bill during the long session, but with the state facing continuing budget difficulties, it is expected that the issue is not over.

The Center on Budget Policy and Priorities, a Washington, D.C.-based nonprofit that monitors state and federal budgets, estimates that North Carolina faces a \$4.4 billion budget shortfall for 2010-11. Clearly, the General Assembly faces a difficult task in trying to keep a balanced budget for 2010-11.

It is imperative that we continue to make sure that our legislators know the devastating impacts that would be felt by counties if the state were to shift responsibility for secondary road funding. In 2008-09, nearly \$550 million was budgeted by the Department of Transportation for our secondary road system. If these costs are suddenly shifted to Anson County, it would require an increase in the property tax of 34.7 cents to generate the same amount of revenue. Bertie County would need an increase of 32.4 cents to make up the difference, and Greene County would need an increase of 32.0 cents.

The Association recently updated its spreadsheet that shows a county-by-county impact (visit [www.ncacc.org/documents/transportationcosts\\_0408.pdf](http://www.ncacc.org/documents/transportationcosts_0408.pdf)) if secondary road costs were dumped on counties.

While we certainly appreciate the sentiments expressed by Governor Perdue and Secretary Conti, we cannot take for granted this will not happen. I urge each of you to continue to discuss this issue with your state legislators and make sure they understand how shifting these costs could negatively impact their citizens.

### NCACC Legislative Goal on Transportation Funding

Oppose legislation shifting the state’s existing responsibility for funding transportation construction and maintenance projects to county government.

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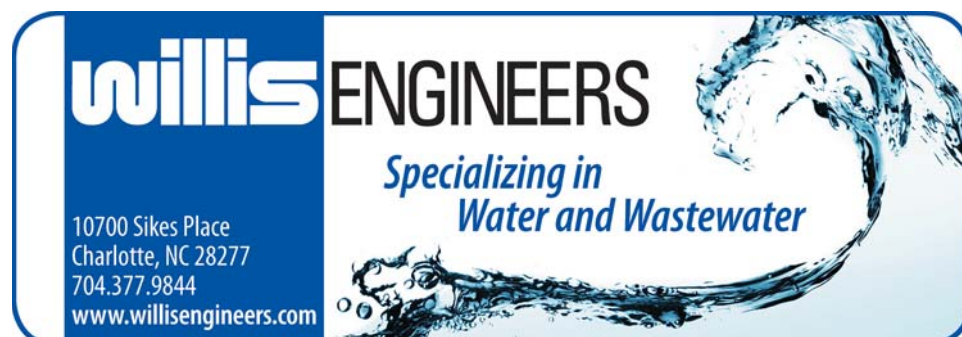
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# No shortage of challenges for Keller

## Criminal justice a lifelong affair for Secretary of Correction

As one of its initiatives, the NCACC strategic goals team charged with “enhancing the state-county relationship through effective communication and the development of a working partnership” is interviewing members of Governor Beverly Perdue’s Cabinet and Council of State. In early February, Information Systems Director Judy Rhyne sat down with Alvin Keller Jr., who in January 2009 was appointed secretary for the North Carolina Department of Correction. Keller has more than 30 years of military, judicial and government experience.

*How has your professional experience prepared you to lead the Department of Correction, and what specific strengths do you bring to the role of secretary?*

“All of my adult career, I have been involved in criminal justice. I graduated from law school in 1974 and began my Marine Corps career. I began serving initially as a prosecutor and then defense counsel and then again as a prosecutor. I eventually was the officer in charge of a small law center and, with time and promotions, had the opportunity to serve



NCACC Second Vice President Kenneth Edge (right), a retired principal from Cumberland County, was reunited with one of his former high school students at the Feb. 3 Board of Directors meeting. Mildred Spearman (center) handles legislative affairs for the Department of Correction under Secretary Alvin Keller (left).

Photo by Jason King

as director of legal services for two of the larger legal centers in the Department of Defense. I served as the chief circuit military judge for the Navy Marine Corps trial judiciary for eight years.”

*In light of the current economic climate, what can counties expect to see from your department in terms of programs and initiatives?*

“We have 71 prison facilities across

the state. We do have a presence in every county with our Division of Community Corrections and Probation Services.

“The population projections are still rising, and so it is reasonable to expect that at some point we will have to address that rise in population with some construction. We are obviously trying to do some things to help drop the number of people who are being confined in our facilities, in particular those who have been confined and are now returning. We certainly like to try to keep those numbers down.

“We attempt to do that by trying to ensure that when an individual leaves a facility, he or she has an opportunity for some form of employment. We have found that if an individual has a job within that first 90 days of being released it greatly increases their chances of not returning.”

*What steps will your administration take to strengthen and improve the existing relationship between your agency and county government in North Carolina?*

“We want to keep an open dialogue, particularly between county governments

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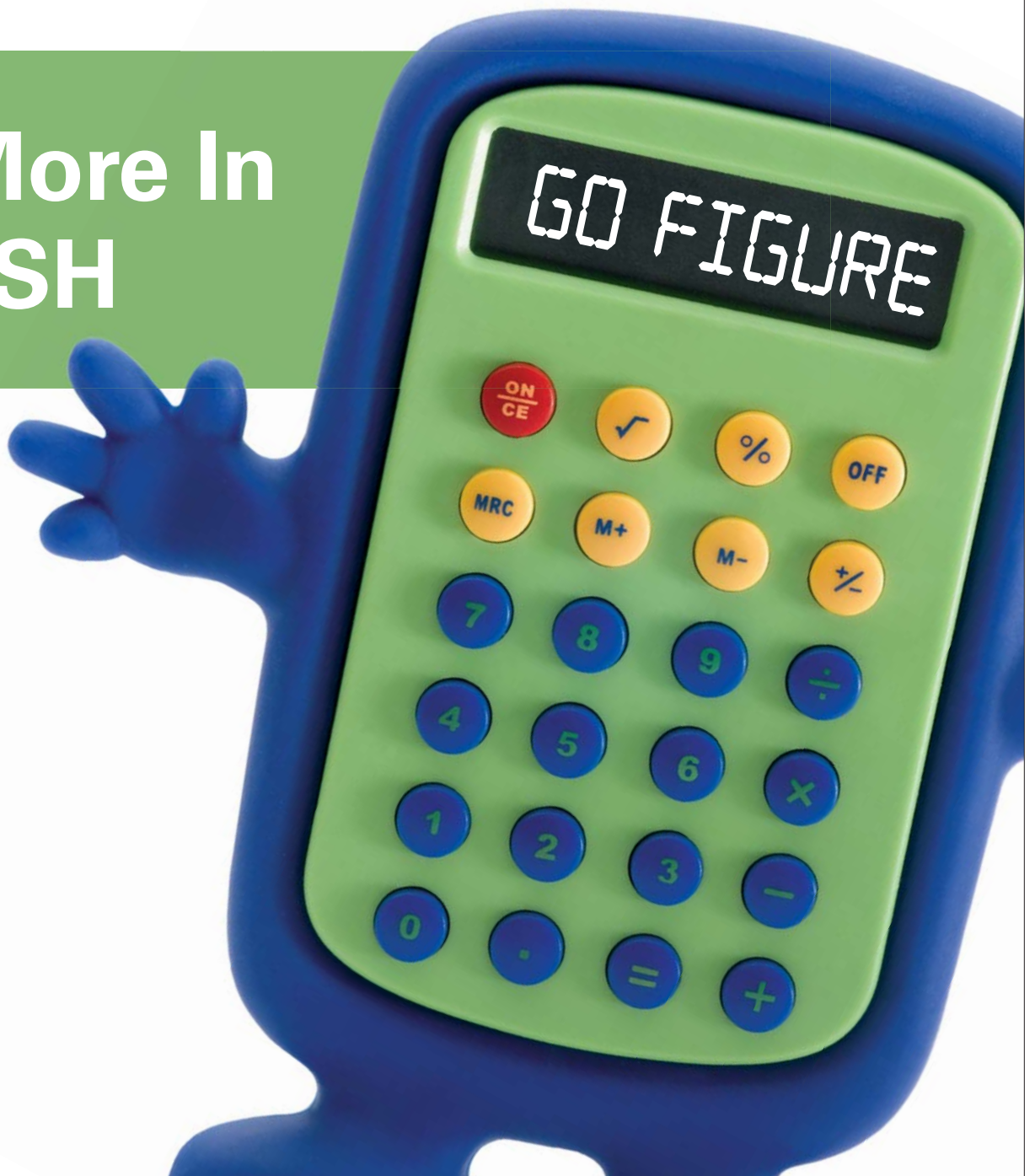
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**Keller**

Continued from page 4

and our local superintendents or administrators of prisons who are in their counties and our judicial district managers on the probation side.

“In this last legislative session we were required to stop the community service work program. There were 127 officers who were assigned to supervise those work crews, and those were the crews who did work in the schools during the summer, and a number of other public service activities. We would certainly be willing to work with you in regards to convincing the Legislature to re-establish those work crews. From the moment those services were terminated, I was getting letters from your members, and I am quite sure the legislators were as well.”

*How do you expect counties to interact and communicate with your administration?*

“E-mail, mail, visits ... we had members of your staff come over and meet with us early on in this administration, and those are the types of things that we want to continue to do. You need to know what issues we have and we need to know your concerns as well.

“The fact that you’re giving me an opportunity to speak to your members and Board of Directors is an excellent opportunity for them to know the current status of the department and put a face to the name and vice versa. I think those

**McMahan voices support for work crews**

Department of Correction Secretary Alvin Keller picked up some support for the Community Service Work Crews program that saw its \$4.8 million in funding eliminated in the state’s 2009-11 budget.

The program provided inmate labor to local governments at no cost. NCACC First Vice President Brian McMahan said the program provided a lot of value to counties and pressed for commissioners to lobby for those funds to be returned to the state budget.

“From a county standpoint, I don’t know how many times we’ve utilized inmate labor on different projects that have great benefit to us as counties and for the community as a whole,” said

McMahan, who chairs the Jackson County Board of Commissioners. “It’s sad to say but a lot of times there are very talented people in [prison] that have a lot of great skills, and it’s good to be able to utilize them.”

The state budget did include a provision to allow the Department of Correction to levy a \$150 per day fee for use of those work crews.

But, Keller said, “when the General Assembly cut those funds, they cut my ability to maintain the 127 supervisors that went along with those crews.”

“I would be interested in working to try to provide that to you again,” McMahan said of the program. “It’s very valuable and offers so many positives on all different levels.”

face-to-face contacts are always important. It is so much easier to pick up the phone once you’ve had those face-to-face contacts and say, ‘Can you help me here?’ And believe me, we are going to need to do that from time to time regarding an issue, a prison, or a probation officer.”

*At the end of your term, what criteria will you use to measure your success as Secretary of Correction?*

“The mission of the agency is public safety, so that is always going to be the

bottom line in determining success. We have 20,000 employees, and they work extremely hard to try to satisfy that mission of public safety. We have 40,000 individuals who are confined and about 117,000 individuals who are on probation. So, public safety will be the measuring stick for all of us.

“Obviously, reductions in prison populations and repeat offenders would come into play as well. The average cost for confining an inmate is roughly \$27,000 per year and you would think

that we could probably educate a number of our students with that amount of money, which is why it is important to ensure that those folks that leave our facilities don’t come back.”

*Considerable media attention was given to the probation system in Durham and Wake counties following the murder of UNC-Chapel Hill student Eve Carson. Is the issue of understaffing isolated to just those counties or is it a statewide problem? How involved are counties with their probation officers?*

“One of the things that came out of that was an attempt to hire more probation officers so that we could reduce the caseload on the probation officers. In addition, we changed the status of probation officers. In the past, there were two or three different categories of probation officers that dealt with varying levels of offenders. For each category, there was a different officer assigned since not all officers could handle all levels of offenders. One of the things we did this year was to collapse the numerous categories to one single category. Of course, what that meant was that the qualifications for each officer had to increase.

“Retention of probation officers is a huge challenge for the department. The job is challenging, and there are safety issues, and we are not paying those officers as much as public safety officers – even though they are college educated. We are losing them to better paying jobs elsewhere. So there lies the challenge for us.”

**Youth**

Continued from page 1

Numbers like these are why O’Brien and the CEC encourage local governments to create Youth Advisory Councils.

“Research tells us having a Youth Advisory Council is a valuable experience for the

young people as well as the adult leaders,” she said Feb. 3 during a presentation to the NCACC Board of Directors. “Young people ultimately realize issues are not black-and-white, they are complex.”



O'Brien

As a part of Cleveland County Commissioner Mary Accor’s presidential initiative on youth, the Association is interested in helping commissioners identify resources for changing the dynamics of youth engagement at the county level. Of particular concern to commissioners, borne out by findings

of the NCACC strategic plan, has been the lack of a pipeline for developing the next generation of county government leaders.

O’Brien provided some guidelines for counties that are considering setting up a Youth Advisory Council. She said it is important to have a separate council for the youth, instead of simply adding a seat on existing committees for a youth representative. Being the lone youth representative on a committee filled with adults can be intimidating, and many youths in these situations do not contribute much to the committee’s deliberations.

She also said it was important to reach out and recruit youths who are not the “usual suspects,” such as Student Body Council presidents or others who are already engaged in civic issues.

“It’s important that you try to involve kids who are not already engaged,” she said. “You want to broaden the net as much as possible. The councils create a pipeline of future leaders. You create a group of people who know what county government does.”

The City of Sanford/Lee County

Youth Council was started in 2007 and is designed to enhance positive public awareness of the services provided by local governments and to encourage students to consider a career in public service, according to Lee County Strategic Initiative Director Lesa Price.

The program included a series of twice-monthly meetings that expose students to the many services and programs offered by city and county governments. Students are often given assignments to complete after sessions.

Youth Council members also serve on various county boards, such as the Board of Health and the Parks and Recreation Commission, and two Youth Council members were selected for a paid 10-week summer internship with the city and county governments. That program was funded through a CEC grant, Price said.

The Catawba County Youth Council started in October 2007 and has 27 members, said Donna Mull of Catawba County Cooperative Extension. The council consists of representatives from each of the county’s public high schools as well as representatives from private

schools and six community organizations, such as Boy Scouts, Girl Scouts and the NAACP, Mull said.

Interested students fill out an application to join, and the officers of the council review the applications and decide which ones to select. Mull said that the number of applications has grown as word about the council spreads.

Mull said this year’s council decided to create three committees – one for elementary children, one for middle school students and one for high school students – that would each come up with an issue to work on for their audience.

“They look at issues in the county they are concerned about and then identify projects they want to work on that address those issues,” said Mull.

This year’s projects include a reading program through the public library for elementary school children, information about teen pregnancy for middle school students and a safe driving program for high school students.

The council meets each month except for the summer, and does not receive any direct funding from local governments.

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# Don't get burned if you lease office space

Fire legal liability is the coverage needed to provide for the financial responsibility to your landlord if in your lease agreement or through common law you are held legally liable for fire damage to property arising out of your actions or inactions.

If a county owns a building and leases space to tenants, requiring them to purchase fire legal liability coverage is the usual solution to protect your interests. This is an often overlooked exposure waiting to surface that is best addressed before fire occurs.

Although a tenant's general liability policy may be providing property damage limits of \$1 million per occurrence, you could still have a problem because the majority of standard liability policies exclude coverage for damage to property in the insured's care, custody or control. Because of this, many public liability insurance policies often will include a small sub-limit amount of fire legal liability as additional ancillary coverage. If more is needed you must request the sub-limit be increased to an amount sufficient to actually cover the total exposure. (The unendorsed NCACC Liability & Property Pool policy provides a sub-limit of \$100,000 per occurrence.)

Fire legal liability addresses the

issue of property damage as a result of a negligent act or omission of the tenant that allows a fire to damage their leased space. An example would be a tenant that leaves a space heater or coffee pot turned on overnight, causing a fire that damages the building.

Although the tenant's general liability policy will cover a lot of the damage to the building, absent adequate fire legal liability limits it will exclude covering the damage to the space actually occupied by the tenant. This, of course, is where the majority of the fire damage is likely to be located.

Such a fire loss should be covered under the county's own property insurance policy, but if possible it is good practice to allocate such costs to the responsible party. The requirement of your tenant to purchase fire legal liability coverage will allow you to do so.

To pursue this option, you should consider the amount of coverage your tenant is required to purchase to protect your interest. Unless the tenant has some

unusual improvements and/or betterments made to their space, the usual answer is determined by figuring the replacement reconstruction cost per square foot for the entire building and then multiplying that figure by the tenant's leased total square footage. This figure should be rounded up to the nearest \$10,000 increment, thereby allowing for a small margin of estimating error and inflation.

In the example given, it would also be normal practice for the insurance carrier of the building owner (e.g. the county) to subrogate against the tenant's insurance carrier to seek reimbursement for paid damages if the cause of the fire is clearly the responsibility of the tenant. Likewise, the reciprocal is true and something to consider as well. The tenant's insurance carrier may seek reimbursement from the landlord's insurance carrier if the tenant suffered damage that came about under some responsibility of the landlord.

Often landlords and tenants will alleviate the issue of assigning responsibility and requiring the purchase of fire legal liability by making each party responsible for their own interests. To accomplish this, their lease agreement should dictate that each party should insure their own property for its respective replace-

ment cost, each will mutually waive and release the other against damage to their respective property caused by the other, regardless of fault, and both agree that the mutual waiver will extend to the interests of the ultimate damaged party, i.e. the respective insurer of both landlord and tenant. This mutual covenant should dictate both landlord and tenant will obtain from their respective property insurer a waiver of the insurance company's right to subrogate against the other.

A waiver of subrogation in the leasing of property costs little or nothing and is a freely accepted alternative indemnity principal in the insurance industry. Although it goes against assigning loss responsibility to a given party, it is usually a less expensive method to address the fire legal liability exposure.

Through the process of reviewing all existing leases where the county is either the landlord or the tenant and then applying these same principals in the negotiation of any future leases, a potential problem may be circumnavigated with a prearranged, agreed upon course of action.

*Michael Kelly serves as Property and Casualty Program Specialist for the NCACC's Risk Management Pools. He writes a regular column on risk management for CountyLines.*

## Managing Your Risk

by Michael Kelly  
NCACC Risk Management



UNC  
SCHOOL OF GOVERNMENT

### LOCAL ELECTED LEADERS

## Academy

### Strategic Leadership Education for County and Municipal Elected Officials

#### Local Finance: Making Sense of Annual Financial Statements

FEBRUARY 24, 2010 ASHEVILLE  
MARCH 3, 2010 KITTY HAWK

This one-day workshop is designed to help county commissioners and city council members understand how to read annual financial statements. Elected officials will learn the right questions to ask and how the decisions they make will affect their community's future. Participants are encouraged to invite their managers, administrators, and finance directors.

The workshop will conclude with a two-hour segment on ethics that meets the new statutory requirement for county and city elected officials.

To register online or to request scholarship information, visit [www.sog.unc.edu/courses/1641/](http://www.sog.unc.edu/courses/1641/), or contact Gail Wilkins at [wilkins@sog.unc.edu](mailto:wilkins@sog.unc.edu) or 919.962.9754.

#### Webinar: Ethics for Local Elected Officials

MARCH 25, 2010 4:00 – 6:00 PM

This two-hour webinar meets the statutory requirements for ethics training for local elected officials.

This interactive program will help county commissioners and city council members think in an organized way about ethical issues that face them in public service. Practical approaches for resolving real-life ethical dilemmas will be discussed, and participants will gain a better understanding of many of the laws that regulate the conduct of public officials.

To register online or for more information, visit [www.sog.unc.edu/programs/ethics/](http://www.sog.unc.edu/programs/ethics/), or contact Gail Wilkins at [wilkins@sog.unc.edu](mailto:wilkins@sog.unc.edu) or 919.962.9754.

An archived version of this webinar will be available for viewing on-demand after the event date.

Visit [www.lela.unc.edu](http://www.lela.unc.edu) for an up-to-date calendar of educational programs offered through the Local Elected Leaders Academy. To learn more, contact Donna Warner at 919.962.1575 or [warner@sog.unc.edu](mailto:warner@sog.unc.edu).

# Health and safety success starts with a plan

By Bob Carruth

Risk Control Manager

*Editor's note: This article is the third in a series that provides a primer for ANSI Z10, the voluntary consensus standard for health and safety management systems approved in 2005. The first two articles appeared in the October and November 2009 issues of CountyLines and are online at [www.ncacc.org/rmp.htm](http://www.ncacc.org/rmp.htm).*

One of the most important parts of any health and safety management system is planning.

In many organizations, health and safety management systems take on one of two forms. In the first model, there is a strong personality system that is led by a designated safety manager or coordinator, who by the power of his/her personality is able to get a health and safety management system moving forward. In this model, many management and tracking tools are established but often are kept separate from other management and business processes in the organization.

The second model is one where there is no designated leader, but the entire health and safety management system is passed to a "safety committee" that is not provided with any additional guidance. Members are usually left to figure out for themselves what should and needs to get done. This model often becomes reactive in nature depending on what is the most current crisis, be it increased employee injuries, an OSHA audit, or whatever is making news at the moment.

For optimum effectiveness, the health and safety management system in an organization must break free of both of these models of management. The first model

only lasts as long as the strong personality remains in place managing the system; the latter model soon crumbles, as those individuals involved in the process usually end their participation, or the process gravitates to the path of least resistance by dealing only with those things easily accomplished (like safety walkthroughs).

There are four basic elements of the planning process:

- **Review information regarding the current health and safety management system:** This consists of a management-driven review of relative information that paints a picture of where the organization is. If no health and safety management system exists in the organization, this will be the "baseline" review. If there is an existing system, the review is done to ensure key items are being considered in the planning process. These include, but are not limited to, other organizational management systems that currently exist; hazards, risks and controls currently in place; resources available to the organization; applicable health and safety standards (not just OSHA); and assessments of the system that have been conducted internally or externally.

- **Assess and prioritize issues:** The important thing in this element is the establishment of the process by which the issues are identified and assessed. Each issue is addressed individually. Two basic questions should be asked: What is the likely outcome of not addressing the issue? How frequently does the situation occur that led to this issue? By answering these questions and others, it should become clear to the management team where the organization should first focus its efforts. As a result of this exercise,

## Access to video library enhanced

For the past several years, the Risk Management Pools have made training videos available to members at no cost. The Web page has now been updated to provide direct access to the vendor's up-to-date catalog of titles. By clicking on the link at the top of the video page ([www.ncacc.org/rmpvideos.html](http://www.ncacc.org/rmpvideos.html)), members can browse the latest DVD and VHS titles. At this time, the process to order videos is the same, however enhancements will be made in the future to eliminate the need to print, manually complete, and fax the form. Members are encouraged to take a look at the videos and see how they can enhance training. If you have questions about the program, contact your regional risk control specialist, or Kathy DeMay at (919) 719-1117 or [kathy.demay@ncacc.org](mailto:kathy.demay@ncacc.org).

every county and organization will end up with slightly different priorities for action.

- **Establish objectives:** Based on the priorities for action determined through the assessment and prioritization process, the logical next step is to turn these identified issues into measurable and achievable objectives. Organizations that have done a thorough job of completing the assessment process can often get sidetracked at this point. The temptation here is to only focus on the "low hanging fruit" that provide quick results but do not address the strategic issues lying beneath the surface. Every effort should be made to make objectives as broad as possible to have the greatest organizational impact. The objectives should be continually updated as new information is provided and improvement in the system is seen.

- **Implement action plans and allocate resources:** Once objectives have been identified, they should be compiled and organized into a formal document. This can provide a quick reference to the organization and become the roadmap for continual improvement. This plan should identify responsibilities, resour-

es, timeframes and intermediate steps. Most importantly, senior management must establish the measurements used to determine successful completion.

No plan will succeed without the commitment of resources. In this time of reduced budgets and revenues, it may be difficult to find money for a new initiative, but resources may include time and staff assignments to address objectives.

The next article will take up the meat and potatoes of the health and safety management system: implementation and operations.

*As Risk Control Manager for the NCACC, Bob Carruth manages the operation of the Risk Control Team for the Risk Management Pools. The team assists members with development of safety policies and programs and identification of liability exposures and controls. Carruth is a Certified Safety Professional and is certified as Associate – Risk Management. A current Cabarrus County commissioner, he serves on the Board of Directors for Piedmont Behavioral Healthcare and the Water & Sewer Authority of Cabarrus County.*

## NCACC district meetings, nine ethics training seminars on tap

Three of the six NCACC district meetings scheduled for this April will include a two-hour seminar on ethics that will help county officials meet a new statutory requirement. Ethics training will also be offered in conjunction with three N.C. League of Municipalities district meetings, the two remaining Local Elected Leaders Academy (LELA) Regional LeaderShops on "Local Finance: Making Sense of Annual Financial Statements," and a School of Government webinar scheduled for March 25.

There is no charge to attend the ethics training seminars held in conjunction with the NCACC and NCLM district meetings, but separate registration is required. The ethics training held during the Regional LeaderShops are for registrants of the LeaderShops.

The NCACC district meetings scheduled for April 13 in Haywood County, April 14 in Cleveland County and April 21 in Beaufort County will include the ethics component. The remaining NCACC district meetings will be held April 8 in Halifax County, April 22 in Duplin County and April 27 in Forsyth

County. The ethics training will be offered from 1:15 – 3:30 p.m. All district meetings will run from 5 – 7:30 p.m. and will include dinner.

The registration form for the NCACC district meetings is available online at [www.ncacc.org/districtmeetings\\_0410.html](http://www.ncacc.org/districtmeetings_0410.html). County and city elected officials who wish to attend an ethics training seminar held in conjunction with an NCACC district meeting must complete the registration form online at [www.ncacc.org/ethicstraining\\_2010.html](http://www.ncacc.org/ethicstraining_2010.html).

NCLM district meetings to be held April 15 in Columbus County, April 15 in Randolph County and April 20 in Johnston County will include the training. The ethics training will be held from 1:15 – 3:30 p.m. County officials who wish to attend an ethics training seminar held in conjunction with an NCLM district meeting must register through the NCLM. For more information on the NCLM offerings, visit [www.nclm.org](http://www.nclm.org).

The School of Government's Regional LeaderShop on "Local Finance: Making Sense of Annual Financial Statements" concludes with ethics training.

The next LeaderShop will be held March 3 in Dare County, followed by a yet-to-be-scheduled March makeup date in Cabarrus County. For more information and to register for a LeaderShop, visit [www.sog.unc.edu/courses/1641/](http://www.sog.unc.edu/courses/1641/). There is a \$175 fee to attend the LeaderShop.

For commissioners who cannot attend a training session in person, the School of Government is hosting an ethics training webinar on March 25 from 4 – 6 p.m. Note that elected officials using this option must have their respective governing boards determine that the webinar is a "qualified source" under G.S. 160A-84(c). For information on the webinar, visit [www.sog.unc.edu/courses/0688/?q=/courses/0688](http://www.sog.unc.edu/courses/0688/?q=/courses/0688). There is a \$95 per site fee, but the number of elected officials who can participate per site is limited only by the size of the office or conference room in which the webinar is being shown.

Those who cannot participate in the March 25 webinar will be able to access and view an archived version. The fee for viewing the archived session is also \$95 per site.

In 2009, the North Carolina General Assembly passed Session Law 2009-403 (H1452), enacting a new Part 3A of Article 5 of Chapter 160A, which requires governing boards of cities, counties, local boards of education, unified governments, sanitary districts and consolidated city-counties to adopt a resolution or policy containing a code of ethics and to receive two hours of ethics training by Jan. 1, 2011. Subsequent training is required of elected officials after each election.

The law states the required training may be provided by the NCACC, the NCLM, the School of Government or other qualified sources at the choice of the governing board.

The School of Government is working with county and municipal officials and NCACC and NCLM representatives to create a template to guide units of local government in developing and adopting a code of ethics. The template is slated to be released at the end of February. For more information on the new ethics requirements, visit [www.ncacc.org/ethics\\_092409.html](http://www.ncacc.org/ethics_092409.html).

# Career Opportunities

**FINANCE DIRECTOR** – Union County is seeking a new Finance Director to guide all aspects of financial management for this growing, well-regarded and financially stable county. Union County encompasses 640 square miles, in south central North Carolina. Its close proximity to Charlotte in Mecklenburg County has helped it blossom to its population of over 190,000 in recent years. The next Director will be a strategic and proven leader with experience in financial and debt management/financing, budget development and administration, financial policy evaluation and development, cash management and investments, information technology, general accounting and financial reporting; local government financial experience preferred. Strong knowledge of general business and audit practices, financial and management reporting, and advanced management techniques is necessary. Demonstrated successful experience interacting with the business and development communities, financial services institutions, and rating and regulatory agencies is essential. Candidate with successful experience in communities obtaining federal, state or private grants will be viewed favorably. The desired candidate will have specific knowledge of regulations impacting public finance as well as knowledge and experience in the requirements of obtaining and maintaining a high credit rating. Experience in serving as a prime spokesperson on business and financial matters, especially working with bond agencies is essential. He/she should possess a minimum of a Bachelor's degree in Accounting, Business or Finance, with an MBA or MPA. Possession of a Certified Public Accountant license, designation as a Certified Local Government Finance Officer or Certified Public Finance Officer is desired. While a special emphasis on local government finance and management is highly desirable, well-qualified financial executive candidates meeting other criteria will be considered. Substantial experience at the Director, and/or Assistant/Deputy Director or Division Manager must be evident for a growing community of at least 100,000+, with preference given to applicants with ten years of urban and/or county experience with similar broad and complex management responsibility. He/she must be a superior communicator, with the ability to discuss complex issues with all levels in the organization, elected officials, the financial community as well as the citizenry. The next Director must be able to demonstrate a record of achievement and innovation that will allow Union County to build upon its strong tradition of providing superior services to its residents and customers. Qualified candidates please submit your résumé online by visiting our website at [www.watersconsulting.com/recruitment](http://www.watersconsulting.com/recruitment). This position is open until filled; however, the first review of applicants will take place March 1st. Résumés will be screened in relation to the criteria outlined in this brochure. A relocation package is available for the selected candidate. For more information please contact Andrea Sims by calling our toll free number 877.356.2924. Starting annual salary from the low-mid \$100's D.O.E.

**LEAD ENVIRONMENTAL HEALTH SPECIALIST** – Caldwell County Health Department seeks the Lead Environmental Health Specialist who will supervise and manage the environmental health programs and staff. Responsible for administering the county's Environmental Health Programs including the supervision, coordination and performance evaluation of the Environmental Health staff. This employee is responsible for ensuring the Environmental Health Programs meet all standards established and mandated by the N.C. Department of Environment and Natural Resources and the local Health Director. This employee gives consultation as needed and provides backup to the staff. Reports to the Health Director. Minimum Education and Experience: Bachelor of Science degree with 30 hours of science and satisfactory completion of the N.C. Centralized Intern Training (CIT) program with ten years experience in environmental health working at the environmental health program specialist level or higher with a minimum of five years in administrative management or supervisory capacity. Advanced training in all program areas. Registered Sanitarian with state certification. Fifteen hours of continuing education per year required for recertification to practice as a registered sanitarian. Salary Grade 75 (\$44,584 – \$74,308). Closing date: March 1 at 5 p.m. Complete Caldwell County Employment Application ([www.caldwellcountync.org](http://www.caldwellcountync.org)) or PD 107 and send, along with certifications verification, to David Hill, PO Box 2200, Lenoir, NC 28645. Caldwell County is a drug free as well as tobacco and smoke free work place. Successful candidate must pass drug test.

**ECONOMIC DEVELOPMENT EXECUTIVE DIRECTOR** – Wilkes County, NC. Population 67,575. Position Description: Supervises the Wilkes Economic Development Corporation, strengthen the local tax base, improve the economic environment of the community, and assists in the retention and expansion of business in Wilkes County, NC. Education and Experience: Bachelor's Degree in a relevant field of study preferred. A minimum of 5 years experience in community and economic development in a senior management position with a record of success in economic development projects. Certification in economic development is preferred. Economic Development Finance Professionals are encouraged to apply. Political astuteness and knowledge of state and federal economic/community development agencies and programs. History of involvement in the community through civic clubs, non-profit agencies, etc. Excellent interpersonal and group facilitation skills. History of strong business retention skills. Compensation and Benefits: Salary: \$70,000 +/- Commensurate with experience. Health Insurance including Dental and Vision. Relocation Assistance. IRA with match. Residency Expectations: Must live in Wilkes County once hired. Submit résumés to: Wilkes Economic Development Corporation, c/o Robin Hamby, 717 Main St., North Wilkesboro, NC 28659 or [rhamby@wilkesedc.com](mailto:rhamby@wilkesedc.com). Résumé packages will be accepted until position is filled.

**FINANCIAL OFFICER** – Wake County. Serve as Financial Officer for Wake County Human Services, a consolidated agency encompassing Public Health, Social Services and Behavioral Health with an annual budget in excess of \$240 million; oversee the financial management of the department which includes budgeting, contracts, grants management and accounts payable while maximizing revenue and reimbursement from complex funding streams; provide direction and guidance to department division heads on the business planning process, special projects and budget/finance issues; work closely with the county's central Budget/Finance offices on Human Services financial issues; supervise Human Services budget and finance staff by coordinating efforts and reviewing work products; take a lead role in the development and execution of the Human Services annual operating budget; serve as a member of the Human Services Executive Team and actively participate in human services and county-wide initiatives; oversee the department's business plan process; represent Human Services department on county-wide project teams and regional boards. Visit [www.wakegov.com](http://www.wakegov.com) (Job #0012/2010). Apply by 2/26/2010. EOE.

**ATTORNEY I** – Haywood County DSS. The Legal Division provides legal representation, counsel, training and support to the Department of Social Services. The work involves preparing cases associated with the Department for trial and presenting these cases in court. This position provides legal advice to the Director of Social Services. The position requires a thorough knowledge of state and federal law and regulations pertaining to County Government, Family and Juvenile law, Child Support, Elder Law, Personnel and torts among others. Applicant must have thorough knowledge of the functions and powers of the Board of Commissioners and Social Services Boards. Knowledge of case, statutory, regulatory and common law. Knowledge of judicial and quasi-judicial procedures regarding the rules of evidence. Ability to perform legal research in accordance with initial guidance as to methods of approach, source materials available, and policy and precedent of the office. Ability to understand and interpret constitutional provisions, statutes, administrative regulations and precedents. Ability to analyze facts, evidence and legal instruments. Ability to express conclusions and arguments clearly and logically in oral and written form. General knowledge of County Government structures and operations. Ability to organize and prepare an extremely large number of cases for trial. Ability to communicate effectively with citizens, employees and County officials in oral and written form. Ability to establish and maintain effective working relationships as necessitated by work assignments. Ability to manage support staff in the Legal Division. Graduation from a recognized accredited school of law. Considerable experience in the general practice of law with at least two years of actual litigation and trial experience. Prefer experience in Family, Juvenile or DSS law. Must have license to practice law in the state of North Carolina. Salary range: \$58,245.17 – \$80,000. Submit NC PD-107 to: Kathi McClure, PHR, Haywood County DSS, 486 E. Marshall St., Waynesville, NC 28786.

# Spreading the word

NCACC Risk Management Pools' series of March regional meetings to cover latest plan improvements and developments

The Association's Risk Management Pools are revving up safety and wellness initiatives for counties and county entities. Pool staff will meet with members during a series of seven regional meetings across the state in March to spread the word about the positive changes being made in the Group Benefits, Workers' Compensation and Liability and Property pools.

In addition to the safety and wellness enhancements in the County Health Plan, the meetings will include an overview of Pool initiatives for 2010-11, a look at marketplace rates and trends, an update on Risk Control services, and a look at national healthcare reform.

Each meeting will begin at 10 a.m. and will end by 2:15 p.m. and will include lunch. Registration begins at 9:30 a.m. For an agenda and registration instructions, visit [www.ncacc.org/rmp/regionalmeetings\\_0310.html](http://www.ncacc.org/rmp/regionalmeetings_0310.html). Dates and

locations are as follows:

- March 15, Jones County Civic Center, 832 NC Hwy 58 South, Trenton
- March 16, Bladen County Public Library, 111 N. Cypress St., Elizabethtown
- March 17, Randolph County Commissioner's Meeting Room, 1st Floor, 725 McDowell Road, Asheboro
- March 25, College of Albemarle Foreman Center, Room 121, 1208 N. Road St., Elizabeth City (Pasquotank County)
- March 26, Franklin County Cooperative Extension Center Annex, 103 S. Bickett Blvd., Louisburg
- March 30, Best Western River Escape Inn, 248 WBI Drive, Dillsboro (Jackson County)
- March 31, J.E. Broyhill Civic Center, 1913 Hickory Blvd., SE, Lenoir (Caldwell)

## Calendar of Events

For a complete listing of events, visit [www.ncacc.org/meetings.htm](http://www.ncacc.org/meetings.htm).

### ▼ MARCH

- 2-3 Climate Change Adaptation Workshop: 'Planning for North Carolina's Future: Ask the Climate Question,' McKimmon Center, N.C. State University, Raleigh
- 3 NCACC Risk Management Pools Board of Trustees meeting, Quorum Center, Raleigh
- 3 Regional LeaderShop: 'Local Finance - Making Sense of Annual Financial Statements' (includes ethics training opportunity), Hilton Garden Inn, Kitty Hawk (Dare County)
- 6-10 NACo Legislative Conference, Marriott Wardman Park Hotel, Washington, D.C.
- 25 Ethics training webinar, [www.sog.unc.edu/courses/0688/?q=/courses/0688](http://www.sog.unc.edu/courses/0688/?q=/courses/0688)
- ▼ APRIL (National County Government Month)
- 7 NCACC Board of Directors meeting, Quorum Center, Raleigh
- 8 NCACC District Meeting, Hilton Garden Inn, Roanoke Rapids (Halifax County)
- 13 NCACC District Meeting (includes ethics training opportunity), Waynesville Inn (Haywood County)
- 14 NCACC District Meeting (includes ethics training opportunity), Don Gibson Theatre, Shelby (Cleveland County)
- 21 NCACC District Meeting (includes ethics training opportunity), Beaufort County Community College Multipurpose Room, Building 10
- 22 NCACC District Meeting, The Bistro at Duplin Winery, Rose Hill (Duplin County)
- 27 NCACC District Meeting, Tanglewood Country Club, Clemmons (Forsyth County)



## ADVERTISING POLICY

The NCACC publishes career opportunities in CountyLines and on its Web site at [www.ncacc.org/classifieds.htm](http://www.ncacc.org/classifieds.htm).

### CountyLines rates (monthly)

\$1.50 per printed line (minimum of \$25 per monthly ad) for North Carolina member counties and county entities; \$3.50 per printed line (minimum \$75) for all others.

### Web site rates (one-time charge)

\$20 per ad (up to 400 words) for N.C. counties and county entities; \$50 per ad for all others. After 400 words, all ads will cost an additional \$5 per every 50 words.

### General information and instructions

Ads published in CountyLines run in one issue only unless otherwise requested by the advertiser. Ads published in CountyLines are posted online at no additional charge and will remain posted on the Web site until the position's closing date or the position is filled, for up to six months. Advertisers are asked to notify the NCACC when their position has been filled. Ads may be submitted, along with billing information, to Jason King via e-mail ([communications@ncacc.org](mailto:communications@ncacc.org)), or faxed to (919) 733-1065. Non-N.C. member counties must provide a credit card number before ads will be posted. **The deadline for advertising in the next issue of CountyLines is Thursday, March 4.** For more information, please call Jason King at (919) 715-0045.

# Perdue voices opposition to secondary roads shift

Governor Beverly Perdue continued her pledge to consult with local governments Jan. 20 when she convened a meeting with members of her Local Government Advisory Committee at the Albert Coates Local Government Center in Raleigh.

The NCACC's executive officers, led by President Mary Accor of Cleveland County, were joined by Commissioners Jennifer Roberts (Mecklenburg County), Ronnie Smith (Martin), Kay Cashion (Guilford) and Breeden Blackwell (Cumberland) in representing the county perspective at the meeting. The executive officers of the N.C. League of Municipalities and several other mayors were in attendance to provide the municipal perspective.

The major focus of the meeting was the state's transportation system. President Accor reiterated to Governor Perdue that counties are opposed to being forced to provide any funds to build or maintain the state's system of secondary roads. She noted that there had been discussion at the General Assembly about this cost shift as a way to relieve the state of some of its fiscal difficulties.

"We remain passionate and vocal in our opposition to shifting any road responsibilities to our counties," Accor said.

Perdue pointed out that her office did not propose shifting any costs to counties for road construction or maintenance, but she also said that counties that have the ability and desire to spend money on roads should have that ability.

"These movements toward local maintenance money did not come from our team," said Perdue. "They came from the General Assembly. I do believe that it is perhaps time for us ... to devise different solutions. One size does not fit all. In urban areas, if there are needs that they want to pay for, whether it's on road



Mecklenburg County Chair Jennifer Roberts makes a point to Governor Beverly Perdue during a Jan. 20 meeting of Perdue's Local Government Advisory Committee. Roberts, Guilford County Commissioner Kay Cashion (left) and Martin County Chairman Ronnie Smith (center) are among the nine county commissioners who serve on the committee.

Photo by Todd McGee

construction projects or maintenance, then I actually do believe it is time that the Big Brother called Raleigh loosen the chains and allow innovation and local decision making.

"For counties that don't have the growth, the wealth or the liquidity to do their own, I do not believe the State of North Carolina can abandon them and say you are on your own. You can't just dump it on local governments that don't have the resources. That is certainly my perspective, and I hope it's the department's perspective. But I can't control everything the General Assembly does. I'm going to ask you all to put the same kind of pressure on your local delegation."

Jim Trogdon, chief operating officer for the N.C. Department of Transportation, discussed his department's efforts to meet the growing and diverse demands

it faces. He reiterated that the DOT is attempting to improve its communications with local governments to better identify transportation needs and priorities.

"Since transportation is vital to the state's economic future, we must be successful, and we can only do so with strong partnerships with your organizations," he said. "We know the importance of collaborating with you."

Trogdon said the gas tax is not providing sufficient revenues to meet demand and that the DOT would like to examine other possible revenue streams. He acknowledged the state has a \$65 billion funding deficit for the next 25 years.

"The old systems that have been used to fund transportation have been great up until this point, but we certainly realize they will not sustain us over the next 20 to 25 years," Trogdon said.

Besides transportation, Governor

Perdue also discussed the current status of the state ABC system. A small handful of local ABC boards have come under fire in recent weeks, leading some observers to believe the system needs to be reformed.

Governor Perdue said she does not yet have the answer to deal with some of the problems that have been reported recently concerning the ABC system, and welcomes input from local officials. Governor Perdue did say she is considering hiring a consultant group to evaluate the ABC system.

"We are very quietly looking at companies that might be able to come in and evaluate the system," Perdue said. "I am having somebody look at the system. I understand that this is a state driven by local control. I also understand the state owns the product and the license for the product."

"I was very distressed to read about a \$100,000 retirement (for a local ABC administrator). I find that to be very egregious. For a system to allow that ... there is something wrong with the system. I believe that 98 percent of the local boards have high standards and ethics and integrity. I don't believe you should throw the whole thing out because of two or three instances."

Perdue did say she felt the salary and ethical issues that have plagued several local boards could be easily fixed and that her focus is on the long term. She said she wants to evaluate the overall system's effectiveness, and that giving the state more control or privatizing the system are options that should be considered.

"The overall question of what to do with shedding enterprises that the state needs to shed - I don't believe any of us, regardless of the political rhetoric around this issue, have the right answers," she said. "You don't just shed stuff. We need revenue in this state."

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## UNC-CH Wicker Scholarship deadline is April 1

If you are a local government employee with a rising high school senior who is accepted this year by UNC-Chapel Hill, consider applying for the Jake Wicker Scholarship.

Each spring the UNC-CH Office of Scholarships seeks freshmen undergraduate applicants for this \$1,000 scholarship.

The student must have at least one parent who has been continuously employed full-time by a North Carolina city or county government for at least

five years prior to Jan. 1, 2010. The scholarship is awarded based on relative financial need and academic promise.

Applications must be received by April 1, 2010. For more information, contact Torie Davis at [torie\\_davis@unc.edu](mailto:torie_davis@unc.edu) or (919) 843-1619.

The scholarship was created by the 1990 Municipal and County Administration class to honor course director Warren Jake Wicker, who served on the School of Government faculty for 48 years.

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**Onslow among counties pursuing quarter-cent sales tax**

Onslow County commissioners voted in January to place a quarter-cent sales tax referendum before voters in May. The additional sales tax is estimated to generate \$4 million in revenue for the county. New Hanover County voters will also weigh in on a quarter-cent sales tax hike on May 4.

Hertford and Randolph counties have placed the quarter-cent sales tax referendum on the ballot for March 2. Robeson County commissioners voted Feb. 1 to put the sales tax before voters on Aug. 3. Robeson commissioners said that if the referendum passes, the revenues would be used to renovate and expand the jail, as well as reduce the property tax rate by 2 cents.

Davie County voters rejected the sales tax referendum on Feb. 2.

Voters in 10 counties have approved quarter-cent sales tax referendums since November 2007, when the General Assembly granted the revenue option to counties.

For a listing of referendum results on the Article 46 quarter-cent sales tax and the 0.4 percent land transfer tax, or to view FAQs on county authority to hold the referendums, visit [www.ncacc.org/revenueoptions.html](http://www.ncacc.org/revenueoptions.html).

**Judge rules against Forsyth County in prayer lawsuit**

A United States district judge ruled Jan. 28 that the Forsyth County Board of Commissioners was in violation of the U.S. Constitution's First Amendment by allowing sectarian prayers before meetings. At issue was the Board of Commissioners' policy, established in March 2007, of allowing prayers before board meetings by local clergy. The commissioners opened the prayers to members of any faith and allowed clergy to sign up on a first-come, first-served basis.

The district court ruling follows a federal magistrate's decision against the county in November 2009.

Several citizens, backed by the American Civil Liberties Union and Americans United for Separation of Church and State, sued the county in 2007. In his ruling, Judge James A. Beaty wrote that the county's policy "has resulted in Government-sponsored prayers that advance a specific faith or belief and have the effect of affiliating the Government with that particular faith or belief." In his ruling, the judge also ordered the county to pay the legal costs for the plaintiffs, which could amount to as much as \$100,000.

The county had yet to decide if it would proceed with an appeal.

**Retirement System Board boosts employer contribution rates**

The Local Government Employee Retirement System Board of Trustees in late January approved an increase in the base employer contribution rate from 4.8 percent of payroll to 6.35 percent for general employees and from 5.27 percent to 6.82 percent of payroll for law enforcement employees. The changes become effective July 1.

**Jones, Lenoir explore 911 merger**

Jones and Lenoir county officials have discussed merging 911 operations. Neither county's board of commissioners have voted on the issue. The merger plan calls for Lenoir County's 911 operations to handle Jones County's 911 calls, and Lenoir officials said they believe that they can handle the additional calls with no additional staff.

Not everyone thinks the merger would be a good idea, though: Jones County Commissioner Sondra Ipock Riggs told the *Kinston Free Press* that the merger would require the county to undergo a costly upgrade of the county's emergency radios in order to become compatible with Lenoir's system.

Camden and Pasquotank counties recently merged 911 operations.

**SOG publishes revised information on county salaries**

The 2010 edition of County Salaries in North Carolina is now available online at [www.sog.unc.edu/pubs/electronicversions/csalindex.htm](http://www.sog.unc.edu/pubs/electronicversions/csalindex.htm). The PDF files, provided through the UNC School of Government, contain information on salaries and benefits for county positions.

**SOG, ICMA publish guide to capital budgeting and finance**

A new book on capital budgeting and finance is now available. "Capital Budgeting and Finance: A Guide for Local Governments," co-published by the School of Government and ICMA, is a comprehensive guide for planning and financing capital projects. It explains capital budgeting approaches and methods, especially for local jurisdictions under 200,000 in population, and serves as a resource for managers, finance and budget officials, planning directors, public works administrators, and other officials involved in decisions to meet public infrastructure and facility needs.

The book may be purchased for \$110 plus sales tax through the SOG Web site, [www.sog.unc.edu](http://www.sog.unc.edu). ICMA members should contact ICMA Press directly to order at the membership rate.



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A MEMBER-DRIVEN ORGANIZATION





School of Government Dean Mike Smith (center) presented 39 county clerks with their North Carolina Certified County Clerk designation certificates Jan. 21.

Photo courtesy Marcia Wilson/Wayne County

### 39 clerks complete requirements and receive new North Carolina Certified County Clerk designation

The inaugural class of graduates of a new certification program developed by the N.C. Association of County Clerks to the Board of County Commissioners with assistance from the UNC School of Government includes 39 clerks representing 35 counties. The School of Government administers the program, and certificates were presented during the 2010 Annual City and County Clerks School.

Certified clerks are required to

complete a number of training hours, as well as experiential and examination components, and obtain municipal clerk certification from the IIMC. Visit [www.nccountyclerks.org](http://www.nccountyclerks.org) for more information on the certification program.

Clerks receiving their certification were: Karen Evans (Alleghany), Bonnie Huntley (Anson), Ann Clark (Ashe), Misty Deanes (Bertie), Debbie Gore and Marjorie Stephenson (Brunswick), Kathy

Hughes (Buncombe), Kay Honeycutt (Cabarrus), Kathy Myers (Caldwell), Ava Gurganus (Camden), Jeanette Deese (Carteret), Sandra Sublett (Chatham), Maria Hass (Cherokee), April Crotts and Kerri Melton (Cleveland), Gwendolyn Bryan (Craven), Anne Burkhart (Davidson), Brenda Hunter (Davie), Effie Varitimidis (Guilford), Andrea Hines (Halifax), Teresa Wilson (Henderson), Linda Revels (Hoke), Jean Moore (Iredell), Paula

Woodard (Johnston), Gaynell Lee (Lee), Linda Hardison (Martin), Kathy Young (Mitchell), Kimberly Hines and Patricia Staton (Pitt), Marian Savage (Richmond), Tina Massey and Pamela McLain (Rockingham), Carolyn Athey (Rowan), Ann Kurtzman (Scotland), Lynn West (Union), Susan Banks and Denise Hogan (Wake), Angelena Kearney-Dunlap (Warren), and State Certification Committee Chair Marcia Wilson (Wayne).

#### Chatham County's Vanderbeck named to e-NC Authority

Chatham County Commissioner Tom Vanderbeck has been appointed by Speaker of the House Joe Hackney to the statewide e-NC Authority Commission. The 15-member commission was created in 2000 to promote enhanced access to the Internet, especially in rural areas.

Commission members are chosen for expertise and leadership in technology, education, public policy, and economic and community development.

"The work of the e-NC Authority Commission is crucial for improving the economic prospects of rural counties like Chatham," Vanderbeck said. "We face huge challenges in Chatham in our effort to obtain reliable and affordable Web access for residents, farmers and other businesses – as well as to meet broadband needs for vital services such as education and healthcare."

Vanderbeck will initially serve a one-year term, but is eligible for a two-year reappointment. NCACC Intergovernmental Relations Director Rebecca Troutman is also a commission member. For more information, visit [www.e-nc.org](http://www.e-nc.org).

#### Guilford County DSS gets a historic new home

The Guilford County Department of Social Services is poised to move into the former Amos Hosiery Mill building, which has been used as a furniture showroom since 2005. The mill building, constructed in 1916, offers 74,000 square feet of office space.

The county eventually plans to move other offices into the building, including the Board of Elections, Tax Department and Register of Deeds.

#### New law enforcement complex on tap in Henderson County

Henderson County commissioners gave their blessing Feb. 1 to a new \$7.4 million law enforcement center, designed by NCACC Associate Member Moseley Architects, to be built adjacent to the 1995 courthouse. During a budget retreat, commissioners also voted to proceed with a \$1.46 million renovation of the Health Department facility that will allow the county to move its planning, code enforcement and engineering offices from its Administration Building into the Health Department building, and move its tax collection operations from the courthouse to the Administration Building.

Commissioners also voiced support for expansion projects at a middle school and a high school despite concerns about the loss of corporate income taxes set aside for school construction. Widely known as the ADM Fund, the state seized the automatic county distribution from the fund in order to help balance the state's 2009-11 budget.

#### Alamance County eyes savings through healthcare center

Alamance County, which runs a self-funded health insurance plan, could realize savings in healthcare costs if a new healthcare center proves effective. The center, which is open 25 hours per week, is staffed through an agreement with the Alamance Regional Medical Center.

County commissioners approved the agreement in December and the center opened in February. The county projects savings of almost \$195,000 annually if 15 percent of the healthcare visits made by county employees are diverted from traditional care facilities to the center.

#### Chatham County rolls out ambitious five-year capital plan

The Chatham County Board of Commissioners on Jan. 22 approved a five-year Capital Improvement Plan that accelerates plans for a new judicial center and moves forward with a new high school, a new jail and a county-owned landfill site study, among other projects.

The high school, which would open in 2015, would have an initial capacity of 800 students with core facilities constructed to accommodate 1,200 students.

Building the new high school in the next five years means a potential property tax increase of \$0.15 as of July 2011, and an increase of approximately \$700 in the school facility impact fee beginning in 2011. All of the other new projects can be funded with existing borrowing capacity, capital reserves, fund balance, specified fees, grants and other revenues, according to Board Chair Sally Kost.

#### Catawba County, UNCC join hands on environmental research

The Catawba County Board of Commissioners signed a memorandum of understanding Jan. 19 with UNC Charlotte for collaboration on environmental and energy research. The memorandum sets the stage for UNCC researchers to install instrumentation and conduct experiments at the Catawba County Eco-Complex.

This effort is an expansion of innovative waste reduction and processing technology demonstrations already under way at the Eco-Complex, which will supply the raw waste materials needed for testing new technologies. The first experiments are planned for this spring.

Among their efforts, researchers will study alternative means of generating energy and fuels from waste products, sustainable waste reduction and waste processing techniques, and emission reduction technologies.

#### SHORTS

**Bertie:** Assistant County Manager and Social Services Director Morris Rascoe was appointed by Governor Beverly Perdue on Jan. 18 to the State Personnel Commission. ... **Chatham:** Exterior renovation of the historic county courthouse began Feb. 1. The building, built in 1881, will receive new windows, wood repair and painting, and brick repair over the next four months. ... **Craven:** Assistant County Manager Ray Moser retired Jan. 29 after 22 years with the county. He joined the county in 1988 as its first human resources director. ... **Harnett:** The Linc Group, an NCACC Associate

Member, is working with the county to reduce utility costs at county facilities. ... **Moore:** Ken Larking began working as assistant county manager in mid-February. He previously served seven years as Yadkinville town manager. ... **Pender:** Tom Collins took over as emergency management director on Feb. 1. For the past 13 years he has served as eastern branch manager for the N.C. Division of Emergency Management. A past president of the N.C. Emergency Management Association, Collins served as emergency management director and fire marshal for nine years in Watauga County.

# EMS administrators' association named NCACC affiliate

You can never have too many friends – or too much expertise. With those thoughts in mind, the NCACC Board of Directors on Feb. 3 approved a request for affiliate status from the N.C. Association of Emergency Medical Services Administrators. NCAEMSA is the 12<sup>th</sup> organization to gain NCACC affiliate status.

Joe Lord, Cleveland County EMS director and chairman of NCAEMSA, presented the request along with NCACC Legislative Counsel Jim Blackburn and Policy Advocate Anthony Allen.

Among other provisions, the NCACC provides to its affiliate groups membership rights on steering committees and the Legislative Goals Committee. Affiliates are obliged to provide advice, information and education to assist Association members and staff to understand technical and other aspects of the subject matter represented by the affiliate.

“The expertise that these folks bring to the table helps us a lot, especially during the goals development process,” Blackburn said.

Each organization will provide support to the other in pursuing legislative objectives.

“There is strength in numbers,” said NCACC First Vice President Brian McMahan of Jackson County. “Having another voice to help us advocate on a position in the General Assembly can't hurt us.”

NCAEMSA was established in 1988 as a nonprofit to help raise professional standards and improve practices used in emergency medical services management by providing guidance, coordination, a forum for exchange of ideas and an informational network for EMS administrators. For more information on NCAEMSA, visit [www.ncaemsa.org](http://www.ncaemsa.org).

## Association to participate in three county appeals

The NCACC Executive Committee has approved participation in three cases now before appellate courts that involve North Carolina counties and present issues of statewide importance. The NCACC will file Amicus Curiae (“friend of the court”) briefs in each case.

Graham County Board of Elections v. Graham County Board of Commissioners involves an appeal by the Board of Commissioners of a grant by a Superior Court judge of a writ of mandamus requiring the county to pay a part-time employee hired by the director of elections after the commissioners had amended the county budget to reduce funding and eliminate the position.

The overriding issue, from the perspective of the county and the Association, is whether the writ of mandamus violated the requirements of the Local

Government Budget and Fiscal Control Act, specifically the provisions of NCGS 159-28, which prevents county agencies or employees from incurring obligations for which funds have not been authorized. An adverse decision upholding the validity of the writ could significantly impair counties' ability to control expenditures in the future.

In Union County Landowners Association v. Union County, the Court of Appeals reversed an earlier decision by a trial court upholding the county's Adequate Public Facilities Ordinance, which is designed to assure coordination of

development with available school facilities made necessary by the development. Union County has petitioned the Supreme Court seeking discretionary review.

To leave the decision of the Court of Appeals in place would hamper counties' ability to control growth through a tool that coordinates approval of development with the availability of infrastructure (in this case, schools).

The case of IBM Credit Corp. v. Durham County involves a dispute over valuation of computers and related items and has been going on for more than eight years.

## NACo

Continued from page 1

The NCACC Board of Directors approved four Congressional issues during its Feb. 3 meeting. Other issues are:

- Support remote sales tax collection;
- Overturn or continue to delay a CMS rule change redefining public hospitals; and
- Increase federal funding for county infrastructure needs.

For more information on these issues, visit [www.ncacc.org/federalissues.html](http://www.ncacc.org/federalissues.html). Conference registrants will receive in the mail a brochure with information on these Congressional issues.

The NCACC has scheduled three events specifically for N.C. attendees. The N.C. Caucus will be held on March 8 from 4 – 5:45 p.m. and will be immediately followed by a reception until 7 p.m. Both events will be held at the host hotel, the Marriott Wardman Park Hotel.

On March 10, the NCACC will sponsor a Congressional breakfast from 8 – 9:30 a.m. at the Capitol Hill Club. All 13 U.S. representatives from North Carolina, as well as Sens. Richard Burr and Kay Hagan, have been invited to attend and speak. Most are expected to attend.

For more information on the conference, visit [www.naco.org](http://www.naco.org).



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