

Minutes of the 7 June 2011
Regular Meeting of the Yancey County Board of Commissioners
Held at 7:00 o'clock p.m. in the Yancey County Courtroom
Yancey County Courthouse, Burnsville, North Carolina

Present at the 7 June 2011 meeting of the Yancey County Board of Commissioners were Chairman Johnny Riddle, Commissioner Jill Austin, Commissioner Dale England, Commissioner Michele Presnell, Commissioner Marvin Holland, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, Finance Director Lynne Hensley, Finance Officer Brandi Burleson, Tax Administrator Jeff Boone, Assistant Emergency Management Director Derek Murphy, members of the media, and members of the general public.

Call to Order and Approval of Agenda

Chairman Riddle called the meeting to order, welcomed everyone and asked Commissioner Holland to deliver the invocation. The Board also said the Pledge of Allegiance. Commissioner Austin made a motion to approve the agenda and it was seconded by Commissioner Presnell. The vote to approve was unanimous. (Attachment A)

Approval of the Minutes

The Board next considered the minutes from the April 28th special meeting and the minutes from the May 3rd regular meeting both open and closed session. Commissioner Holland made a motion to approve all of the minutes and the motion was seconded by Commissioner Austin. The vote to approve was unanimous.

Public Comment

The first person to speak before the Board was Bill Grover. He spoke about love. He believes that it is important to love yourself before you can love anyone or anything else. Progressives and intellectuals educated by Harvard and Yale don't love themselves according to him. The next person to speak before the Board was Anthony Robinson who complained about the tax office not giving him credit for paying his taxes on a car. He believes that this is systematic and wants to see an honest tax office. The next person to speak was Mary Weebe, who complained that the County has denied her property rights for years because she owns the land adjacent to Toe River Campground. She believes this is caused in part because there is no communication from the County to her and her family. The next person to speak was Lois Herb who wanted to request the commissioners provide the amount spent on legal expenses in 2004-2006, 2006-2008, and 2008-2010. The next person to speak was Ray Fox. He spoke on behalf of the Yancey-Mitchell Tea Party and wanted to public support the settlement of the Frank and Franklin lawsuit.

Finance Office Report

The Board next heard from Finance Officer Brandi Burleson. Ms. Burleson gave the Board an update on the 2011-2012 fiscal year budget. She stated that 11-12 budget is not quite complete or balanced. There is still about \$150,000 to trim off of the budget but Ms. Burleson stated she is confident that this can be done by the time of the public hearing on June 23, 2011. Ms. Burleson also spoke to the Board about the Juvenile Crime and Prevention Council's (JCPC) funding request. Ms. Burleson informed the Board that the JCPC budget is basically the same as last year but there were cuts at the state level to the program. Upon hearing from Ms. Burleson Commissioner Austin made a motion to authorize the chairman to sign all of the necessary JCPC documents for their funding request. The motion was seconded by Commissioner Presnell and the vote to approve was unanimous (Attachment B). Finance Director Lynne Hensley then addressed the Board about the June 30, 2010 audit comments. Ms. Hensley stated that there were a total of 6 comments in the 2010 audit which is down from 8 comments in 2009 and 9 comments in 2008. Ms. Hensley further updated the Board that progress was being made to address these comments and have them removed from this year's audit (Attachment C).

Community Development Block Grant, Scattered Site Program, Closeout Review

The Board next heard from High Country Council of Governments Director of Planning Phil Trew about the closeout of the Community Development Block Grant (CDBG), Scattered Site Program. Mr. Trew gave an update about the CDBG projects that had been funded this year. Mr. Trew told the Board that each county in the state is given \$400,000 every three years to identify houses that need to be rehabilitated or replaced. In this round of grants they were able to replace or relocate four homes and were able to rehabilitate three homes. Mr. Trew further stated that Yancey County is due for money in 2011 but it will depend upon the state budget and right

now they are waiting on the state budget. Chairman Riddle asked about the contractors who were used for these projects and was told by Mr. Trew that when possible local contractors were used for the repairs and replacements. Mr. Trew also informed the Board that no action was needed by the Board at this time. Chairman Riddle then opened up the public hearing. Bill Grover asked Mr. Trew if this was for renters or for owners only. Mr. Trew stated that this program is only available for owner occupied dwellings. Mr. Benny Riddle asked how the people were selected for this program. Mr. Trew stated that there was a selection committee appointed by the commissioners who deal with folks who have housing issues that select the participants. Mr. Riddle also wanted to know if income plays a part in the selection. Mr. Trew stated that yes income does play a role. The participants must be at 80% of poverty level. Another person asked Mr. Trew what happens to people that might not be able to pay their taxes down the line for this new house or improved house, what happens then? Mr. Trew stated that it was in the agreement that the homeowner signs to pay the taxes so they realize that their taxes will probably go up, at least some. Mr. Trew also stated that this had never been a concern before and the homeowners thus far had never lost their property. Bill Grover then asked about whom to see about this program? Mr. Trew stated that the information is available at the Senior Center, the Department of Social Services, and other agencies that deal with people who would benefit from this program. Betsy Solar stated that she did not like this program because the houses that were provided to the homeowners cost \$100,000 and that was too much in her opinion. She called this another form of socialism of redistributing wealth. Chairman Riddle then closed the Public Hearing with no further comments.

AMY Contract

The Board next heard from Dr. Dan Barron, Director of the Avery, Mitchell, and Yancey Regional Library System. Dr. Barron came before the Board to present the contract for the regional library system. Dr. Barron stated that contracts for the library system come up every five years for the last 50 years but a new state law requires new language in the contract and it would be adopted for 10 years instead of five. Dr. Barron further informed the Board that Avery and Mitchell Counties have already adopted the contract. Upon hearing from Dr. Barron, Commissioner Holland made a motion to approve the regional library contract. The motion was seconded by Commissioner England and the vote to approve was unanimous (Attachment D). Dr. Barron further informed the Board that he would like to apologize for the delay in the new library opening and to tell the public that the library is open in the present location for internet access only.

Emergency Management-FEMA Hazard Mitigation Grant Program

The Board next heard from Derek Murphy, Assistant Emergency Management Director, concerning a grant from the Federal Emergency Management Agency to build a new fire station for the Pensacola Volunteer Fire Department. Pensacola's Fire Department has been flooded numerous times over the last several years and this grant would move the fire station to a new location that is not prone to flooding. Because this is a hazard mitigation grant and the purpose is to remove structures from a flood zone when the fire department is moved from that location it will be deeded to the County to maintain it as a "green space". Upon hearing from Mr. Murphy, Commissioner Holland made a motion to approve the hazard mitigation grant application. The motion was seconded by Commissioner England and the vote to approve was unanimous. (Attachment E)

Tax Department

The Board next heard from Tax Administrator Jeff Boone concerning matters in the tax department. The first matter presented by Mr. Boone was a proposal put forth by a company that does business personal property audits. Mr. Boone stated that this company would go out and look for personal property that businesses might have but aren't listed on their tax listing sheets. Commissioner England asked Mr. Boone if this would include small businesses in the County, he stated that he was concerned that this might put a burden on some of the smaller business. Mr. Boone stated that only businesses with \$50,000 or more in inventory would be affected. Mr. Boone also stated that there needs to be something done to increase the tax collection rate and this is one tool to use to do that. Mr. Boone further informed the Board that the company would only be paid if the County was paid and there fee is a one-time 35% of the tax revenue generated. Mr. Boone also informed the Board of another company that is interested in doing business with Yancey County. The name of the company is Zaccheaus Legal Service and they do tax foreclosures. Mr. Boone stated that this was yet another tool to increase collections for the County. This company can do a lot of foreclosures at one time, whereas now only a few can be done at once. Commissioners Austin and England both expressed concerns about it the local

attorneys had been approached about doing these foreclosures. Mr. Boone stated that the local attorneys had indeed been approached about doing foreclosures and none of them were interested in doing them. Although the Board had a favorable opinion of both of these services no action was taken but Mr. Boone was given permission to proceed with talks to both companies.

Committee on Aging

The Board next heard from County Manager Nathan Bennett about the Yancey County Committee on Aging. Mr. Bennett stated that the Board had to approve the budget for the Committee on Aging as it helps the senior center provide the services to senior citizens in the County. Most of the money comes from the Home and Community Care Block Grant. Upon hearing from County Manager Bennett Commissioner England made a motion to approve both budgets for the Yancey Committee on Aging. The motion was seconded by Commissioner Presnell and the vote to approve was unanimous (Attachment F). County Manager Bennett also informed the Board that the Yancey County Senior Center needed to be designated as the Lead Agency for the Home and Community Care Block Grant in order to use the funds appropriated. Commissioner Presnell made a motion for the Yancey County Senior Center to be the Lead Agency for the Home and Community Care Block Grant. The motion was seconded by Commissioner England and the vote to approve was unanimous. County Manager Bennett further informed the Board that they needed to approve the Committee on Aging (Attachment G). Commissioner Presnell made a motion to approve the Committee on Aging as presented. The motion was seconded by Commissioner England and the vote to approve was unanimous.

Board Appointments

Chairman Riddle next asked the Board for consideration of the board appointments that are given to the Board of Commissioners. The first board was the Jury Commission. Commissioner Holland made a motion to reappoint Shirley Bryant to the Jury Commission for a term of two years. The motion was seconded by Commissioner England and the vote to approve was unanimous. The next appointment in consideration was for the Region D Development Corporation. Commissioner England made a motion to reappoint Nathan Bennett, Walter Savage, Ron Deyton, and John Young to this board. The motion was seconded by Commissioner Austin and the vote to approve was unanimous. The next appointments were appointments that, according to the High Country Workforce Development Board, could be made solely by the chairman. Chairman Riddle stated that he had informed the Workforce Development Board that he would like to reappoint Earl Tipton and Wanda Proffitt. The next appointment involved the Yancey County Board of Social Services. According to Chairman Riddle in order for this appointment to be made a resolution has to be passed, to rescind a previous resolution putting additional qualifications on a social services board appointee. Upon hearing from Chairman Riddle, Commissioner Holland made a motion to approve the resolution (Attachment H). The motion was seconded by Commissioner England and the vote to approve was unanimous. Upon passage of the resolution Commissioner Presnell made a motion to appoint Peter Franklin to the Social Services Board of Directors. The motion was seconded by Commissioner Holland and the vote to approve was unanimous among those members voting with Commissioner Austin abstaining from voting. The next appointments that needed to be made were to the Yancey County Public Library Board. Commissioner Holland made a motion to appoint Bunnie McIntosh and Patti McCall to those seats. The motion was seconded by Commissioner Presnell and the vote to approve was unanimous.

County Manager Report

The Board next heard from County Manager Nathan Bennett about a number of issues. Mr. Bennett first updated the Board on the renovations at the former Yancey Medical Center to house the Yancey County Department of Social Services. Mr. Bennett told the Board that bidding had resulted in six proposals and the low bidder was Tyner Construction. Mr. Bennett further stated that the County is looking at ways to reduce costs for this project. County Manager Bennett next made the Board aware of a project that had been proposed by the National Park Service. The National Park Service has approached Yancey, Mitchell, and McDowell Counties about a possibility of a partnership to help operate the visitor center at Crabtree Falls on the Blue Ridge Parkway. Mr. Bennett stated that at this time the Park Service was not asking for any financial contributions but only to staff the visitor center with volunteers and paid staff people from the County. Mr. Bennett stated that the county attorney had not looked over the legal agreement yet due to the death of his father but he would be looking over it soon and more information would be coming in the future. Mr. Bennett reminded the Board of the fireworks celebration on July 2nd on the square. Also, Mr. Bennett informed the Board of the GoldenLeaf

process. The next meeting is an informational session on July 14th at 12:00 o'clock at the Burnsville Town Center. This process will take a year but Mr. Bennett stated that everything went well in the first meeting on May 18th.

Commissioner Comments

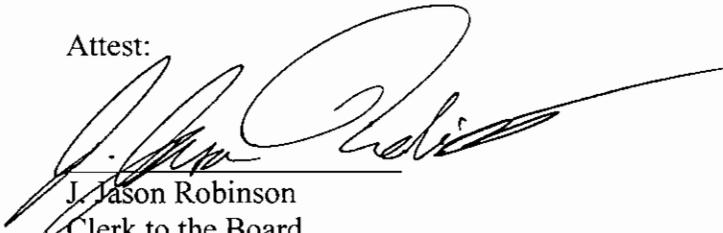
Chairman Riddle then opened up the floor for any of the commissioners who had comments. Commissioner Presnell stated that she was pleased that more microphones were available at the meeting. She also wanted to know if any response had been obtained about the ban on protesting at military funerals. She also stated that she would like to have the meetings recorded. Chairman Riddle stated that he was pleased to be on a five member board, that this was one of the best things that Yancey County has ever done. He further stated that the Board takes all of the board appointments seriously and when an appointment comes up try to check with the members of that board to see who they can work with and see if the individual is willing to serve.

Adjournment

Having no further business Commissioner England made a motion to adjourn and it was seconded by Commissioner Presnell. The vote to adjourn was unanimous.

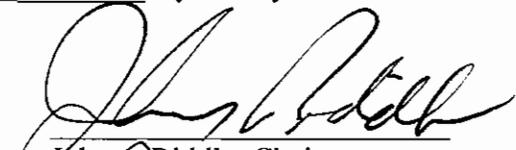
Approved and authenticated on this the 5th day of July 2011.

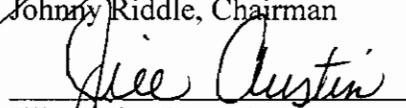
Attest:


J. Jason Robinson
Clerk to the Board

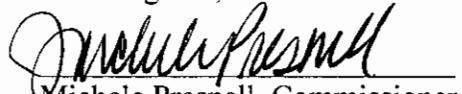
(county seal)

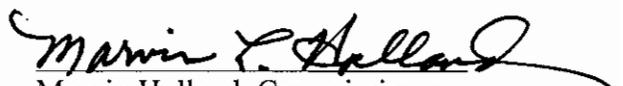



Johnny Riddle, Chairman


Jill Austin, Commissioner


Dale England, Commissioner


Michele Presnell, Commissioner


Marvin L. Holland, Commissioner

COUNTY MANAGER
Nathan Bennett



COMMISSIONERS
Jill Austin
Dale England
Marvin Holland
Michele Presnell
Johnny Riddle

YANCEY COUNTY

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AGENDA YANCEY COUNTY BOARD OF COMMISSIONERS REGULAR BUSINESS MEETING

June 7, 2011

7:00 P.M.

- I. Call to Order and Invocation – Chairman Johnny Riddle
- II. Approval of the Agenda
- III. Approval of Minutes
- IV. Public Comment
- V. Finance Office – Lynne Hensley, Finance Director and Brandi Bureson, Finance Office
 - a. Fiscal Year 2011-12 Budget
 - b. Juvenile Crime Prevention Council (JCPC) Funding Allocation Budgets
 - c. FY 2009-10 Audit Comments Review
- VI. Community Development Block Grant, Scattered Site Program, Closeout Review – Phil Trew, Director of Planning & Development, High Country Council of Governments
 - a. **PUBLIC HEARING**
 - b. CDBG Scattered Site Program, Closeout – Action Related to Public Hearing – Phil Trew
- VII. Avery Mitchell Yancey (AMY) Regional Library – Daniel Barron, Director
 - a. Contract for AMY Regional Library Service
- VIII. Emergency Management – Bill Davis, Director of Emergency Management/E-911
 - a. FEMA Hazard Mitigation Grant Program – Pensacola Fire Department Project
- IX. Tax Department – Jeff Boone, Tax Administrator
 - a. Business Personal Property Audit – Proposal
 - b. Zaccheaus Legal Service
- X. Committee on Aging – Home and Community Care Block Grant Budget, Designation of Lead Agency and Committee for HCCBG
- XI. Board Appointments
 - a. Jury Commission (1 Seat)
 - b. Region D Development Corporation (4 Seats)
 - c. High Country Workforce Development Board (2 Seats)
 - d. Yancey County Department of Social Services Board of Directors (1 Seat)
 - e. Yancey County Public Library Board (2 Seats)
- XII. County Manager Business
 - a. Department of Social Services – Facility Renovation Project – Update
 - b. Blue Ridge Parkway, Crabtree Falls Visitor Center – Joint Operations Agreement
- XIII. Commissioner's Business
- XIV. Adjourn

Attachment B

Yancey County 2011-2012

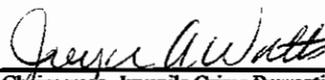
Department of Juvenile Justice and Delinquency Prevention County Funding Allocation

Available Funds: \$ 73,048 Local Match: \$ 17,749 Rate: 20%

A Program Agreement Form for each program listed below is included as an attachment to the Community Prevention and Intervention Plan.

#	Program Provider	DJJDP Funding	LOCAL FUNDING			OTHER State/Federal	Total	% Non-DJJDP Program Revenues
			Local Cash County	Local Cash Other	Local In Kind			
1	JCPC Administrative Funds	\$1,819					\$1,819	0%
2	Juvenile Mediation	\$1,500	\$300				\$1,800	17%
3	4-H Mountain Challenge	\$24,817	\$8,467				\$33,284	25%
4	Project Challenge	\$25,838	\$5,168				\$31,006	17%
5	Counseling for Yancey Youth	\$11,074	\$2,214		\$2,020		\$15,308	28%
6	Crossnore School	\$8,000	\$1,600				\$9,600	17%
7							\$0	#DIV/0!
8							\$0	#DIV/0!
9							\$0	#DIV/0!
10							\$0	#DIV/0!
TOTALS:		\$73,048	\$17,749	\$0	\$2,020	\$0	\$92,817	21%
Unallocated Funds		\$0						

The above plan was derived through a planning process by the Yancey County Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2011-2012.

 5/18/11
 Chairperson, Juvenile Crime Prevention Council (Date)


 Chairperson, Board of County Commissioners (Date)

Attachment C

COUNTY MANAGER
Nathan Bennett



COMMISSIONERS
Jill Austin
Dale England
Marvin Holland
Michele Presnell
Johnny Riddle

YANCEY COUNTY

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Progress Report on June 30, 2010 Audit Comments and Corrective Actions

June 7, 2011

From Compliance Report

2010-1 Segregation of Duties

Response provided by Jeff Boone, Tax Administrator

Over the last several months the Tax Department personnel have been involved in numerous beneficial training sessions presented by the School of Government and by the professional associations. This training is essential to improving day-to-day operations of the department. Fonda Thomas, Tax Collector has completed Fundamentals of Tax Collecting, Debt Set-Off Training, and has attended the 2011 North Carolina Tax Collectors Association Conference. She will be mentored in the near future by a tax collector in another county regarding other collection procedures such as garnishments and attachments. Debbie Robinson, Property Appraiser, has completed training in Property Tax Listing and Accessing, Fundamentals of Real Estate Appraisal IAAO 101- " International Association of Assessing Officers". She will be attending a session on Business Personal Property in June, 2011. Connie Buchanan has attended the continuing education session for Listing and Accessing in her responsibility area for vehicle listing and billing. Jeff Boone has attended, and passed, Property Tax Listing and Accessing in NC, Assessment Administration IAAO 400, and Fundamentals of Real Property Appraisal IAAO 101. He needs only to complete one more class, NC DOR Personal Property Appraisal & Assessment, which will be held in October, 2011. After that certification he will schedule the North Carolina Department of Revenue exam.

After these required training sessions Mr. Boone and Ms. Thomas will begin compiling the Tax Department Policy and Procedures Manual. A comprehensive sample policy from another government has been obtained and a review and updating of job descriptions is underway. Material from the School of Government as well as samples from other governments will be utilized. The Department's goal is to have a completed draft of the Policy and Procedures Manual for the Board's review by January, 2012.

2010-2 Financial Reporting

A review of balance sheet accounts will be completed by Lynne Hensley, Finance Director, and Brandi Burleson, Finance Officer, in the immediate future. Appropriate adjustments, with assistance as need from the audit firm, will be made. This timely review will facilitate the goal of lessening the number of correcting entries necessary following the completion of year-end and the audit process.

2010-3 Fiscal Management

The Board of Commissioners and Management Team continue to demonstrate a commitment to restoring the financial health of Yancey County. An addition to fund balance of \$400,000 set in the current year's budget should be accomplished. The subsequent year's budget, not approved at this date, likewise contains an allocation of \$400,000 to the fund balance line item. The Board's support of tax collection efforts also demonstrates its commitment to this goal. This process must be on-going for a number of fiscal years to meet the fund balance goal set forth as statement #1 under "Fiscal Policy Statements" in the Accounting Policies and Procedures Manual.

2010-4 Property Tax Collections

Response provided by Jeff Boone, Tax Administrator

As referenced in the previous year's comment on tax collections, the Tax Department is continuing to participate in the Debt Set-Off Program, allowing tax payers to establish payment plans, and utilizing an on-line service for property tax payments. In the fall of 2010 a complete audit of the Present Use Value Deferment Program was completed and follow-up letters to those taxpayers are going out in the immediate future. A list of potential taxable property (boats and watercraft) has been received from TEC Data Systems, INC. As referenced in Comment #1 the Department is being trained in garnishment and attachment procedures to utilize as warranted. Additional collection efforts presently include a recommendation for a contractual relationship with a firm specializing in business personal property audits and another firm specializing in foreclosures.

2010-5 Bank Reconciliations

Finance Office staff members have reviewed and reconciled all current fiscal year to date monthly bank account statements. Differences have been identified and appropriate adjustments have been entered and approved. Final reconciliations have been signed and dated by Finance Officer Brandi Burleson and Finance Director Lynne Hensley. Reconciliations will continue to be maintained in a timely fashion and in this manner.

2010-6 Segregation of Duties – Medicaid Cluster

Response provided by Alice Elkins, DSS Director

Using a pre-approved record review form and a pre-determined statistical selection process, the Medicaid Supervisor has implemented a random review process. In March, 2011 approximately 10% of cases, or two cases from each of the five categories (applications pending report; reception log; Family and Children and Medicaid Aid for the Aged, Blind and Disabled mail-in application logs; and a monthly Adjusted Applications Included report) were reviewed. A copy of the review form was placed in each record and an on-going list by date for cases reviewed from each category is being kept. This will continue to be done monthly.

Letter of Comments in Report to Members of the Board

Additionally, we have reviewed the management letter and believe we have addressed most of the referenced items, including a review of those items specific to the Department of Social Services with Ms. Elkins. The comment regarding the project ordinance for the Library Expansion Project will be addressed as we present final budget amendments for the current year. The capital asset recording threshold was increased in the county's Accounting Policies and Procedures Manual adopted in October, 2010.

**THE GREAT STATE OF NORTH CAROLINA
Counties of Avery, Mitchell, Yancey
and the Town of Spruce Pine**

Contract for the AMY Regional Library

WHEREAS, the mission of the Avery-Mitchell-Yancey Regional (AMY) Library is to be an integral part of the lives of the people in the three counties by providing them with excellent educational, recreational, informational and cultural services and;

WHEREAS, recognizing the diverse communities served and the specific individual needs of their residents, four governments and their four libraries collaboratively are committed to the education, economic development and quality-of-life contributions that libraries uniquely are able to provide and;

WHEREAS, this collaboration provides for the most effective and efficient use of local resources for the benefit of their residents and;

WHEREAS, this collaboration provides opportunities for service and resource allocations otherwise beyond the financial and service capacities of the individual governments and libraries;

NOW, THEREFORE, pursuant to resolutions duly adopted by their governing boards, the parties, on this the Fiftieth Anniversary of the original agreement, hereto renew their commitment for the organization of the Avery-Mitchell-Yancey Regional Library upon the terms set forth below therein for a term extending from 1 July 2011 through 30 June 2021.

I. Governments Involved

- a. Avery County
- b. Mitchell County
- c. Yancey County
- d. Town of Spruce Pine

II. Purpose statement

- a. This agreement is to perpetuate excellent library and information services to the residents of the areas included within the jurisdictions of the aforementioned governing bodies through their collaborative and collective efforts under the legal authority of N.C.G.S. 153A-270 and N.C.G.S. 160A, Article 20, Part 1.

III. Board of Trustees

- a. The Board of Trustees shall be the governing body of the Regional Library.
- b. Membership
 - i. There shall be 12 members of the Board of Trustees providing equitable representation of each participating governmental unit.
 1. Avery County: 4 members appointed by the Avery County Board of Commissioners.
 2. Mitchell County: 2 members appointed by the Mitchell County Board of Commissioners.
 3. Yancey County: 4 members appointed by the Yancey County Board of Commissioner.
 4. Spruce Pine: 2 members appointed by the Spruce Pine Board of Alderman.
 - ii. Members shall be appointed from the membership of the local library boards according to bylaws and policies approved by each governing body for that library.
 - iii. Members shall be appointed in staggered terms to promote consistency as well as to accommodate change. Regional Bylaws shall clearly define the

term limits and how staggered terms shall be accomplished among the counties and town. Members shall serve no more than two consecutive terms with no single term longer than three years.

iv. Vacancies on the Board shall be filled with appointments by the appropriate governing body for the length of the term of the member creating the vacancy.

c. Powers and Duties delegated to the Regional Library Board of Trustees by the Counties of Avery, Mitchell, and Yancey and the Town of Spruce Pine.

i. The Board of Trustees shall be delegated the power to adopt bylaws and rules for its own governance.

ii. The Board of Trustees shall be delegated the power to adopt policies for the regional library system's administration and operation.

iii. The Board of Trustees shall be delegated the power to select, appoint, remove, determine salary and other terms of employment of a regional library director.

1. These actions shall require a majority vote of the Board at which a quorum is present.

2. The AMY Regional Library Director shall:

a. Have a valid North Carolina Public Librarian Certificate;

b. Be the chief executive and administrative officer of the AMY Regional Library and function in accordance with the approved policies of the AMY Regional Library Board.

iv. The Board of Trustees shall develop and approve an annual budget which shall:

1. Be administered under the same provisions as units of local government (G.S. 159), with all state funds administered by the regional library and expended throughout the region as described in 07 NCAC 021.0202.

2. Be a composite of the separate budgets of each county library, with an agreed upon amount paid by each county for the materials, salaries, and operating expenses that are shared within the region which shall be sent to the Finance Officer in monthly or quarterly payments as negotiated by the Finance Officer and the local county or town;

3. Include a specified amount of funding for each library's operating costs with gifts, special memorials, endowment and trust income, and appropriations for capital outlay earmarked for the designated purpose.

v. The Board of Trustees shall be delegated the power to appoint a regional finance officer who shall:

1. Ensure expenditure of funds consistent with the budget adopted by the Board;

2. Report directly to the Regional Library Director and at all meetings of the Board.

vi. The Board of Trustees shall be delegated the power to assure compliance with all applicable State and Federal law and eligibility for the receipt of State and Federal Funds.

vii. The Board of Trustees shall be delegated the power to make recommendations to the governing units concerning the construction and improvement of the physical facilities of the libraries within the region; however, construction and facility maintenance shall be responsibility of the local governing unit unless the Regional Board negotiates and approves a collaborative effort.

- viii. The Board of Trustees shall make regular reports related to services and operations to each governing body as conveyed by approved reports of the Regional Library Director.
- ix. The Board of Trustees shall obtain an annual independent audit of regional library accounts consistent with generally accepted accounting principles, and submit a copy of this audit to the State Library of North Carolina.

IV. Terms of Property Ownership

- a. A major benefit of regional cooperation is that scarce resources may be shared among the various county residents without wasteful duplication; however, certain ownership restrictions shall apply:
 - i. All buildings, grounds, and other facilities of each library shall remain the property of their respective county or town.
 - ii. All books, technology, or other resources paid for with local funds shall remain the property of the respective county or town.
 - iii. All books, technology, or other resources paid for with Regional or State funds shall remain the property of the Regional Library System.

V. Insurance Coverage and Indemnification

- a. Insurance Coverage
 - i. The local government units shall maintain insurance coverage for the building and grounds and other facilities for each of their individual libraries including general liability insurance.
 - ii. The Regional Library shall maintain insurance coverage for the contents of the buildings, the Regional Library Office, and the vehicles used to provide service.
- b. Indemnification
 - i. The Regional Library shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, board member, or employee against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the corporation; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of directors who are not at that time parties to the proceeding.

VI. Provisions for Amendment

- a. This agreement can be amended providing that all parties accept those amendments in a regular meeting of those parties.
- b. Recommendations for amendments shall be forwarded to each of the county and town governments in writing with a thirty-day period for consideration given. At the next regular meeting of the county and town boards after this thirty-day period, the amendments shall be voted on by those bodies.
- c. Disagreements related to this agreement shall be resolved first by a committee of representatives from each governmental unit and then by their legal councils if necessary.

VII. Provisions for Withdrawal

- a. A member proposing to withdraw from the AMY Regional Library System shall give written notice on or before July 1 to the Regional Library Board, the other

participating local governmental units and the State Library of North Carolina. The withdrawal shall be effective the following June 30.

- b. Should that member decide within this time period to rescind the proposal, that member shall remain a part of the Regional Library System under the same conditions and requirements as the agreement under which they became a member.
- c. Should that member fully withdraw, the Terms of Property Ownership as stated in Section IV shall apply.
- d. The AMY Regional Library System may be dissolved if three of the four parties withdraw in accordance with the procedures stated above.
- e. As included under NCGS 160A, Article 20, Part 1, Joint Exercise of Power, property purchased by the region is owned jointly as tenants in common by the participating counties; therefore, if the AMY Regional System is dissolved, the counties of Avery, Mitchell, and Yancey and the Town of Spruce Pine shall divide the joint assets equally among themselves.
- f. The distribution of properties and resources jointly owned shall be accomplished by a committee composed of representatives from each governmental unit, the current Regional Library Director, and a representative from the State Library of North Carolina.
- g. After all outstanding debts are resolved, any remaining State or Federal Funds previously distributed to the Regional Library shall be returned to the State Library and remaining funds from local governmental units shall be returned to them. Any land and building property owned by the Regional Library shall be sold and the proceeds distributed to the local governmental units. Other property such as the bookmobile, outreach van, computers and other technology, books, and any other assets shall be sold at auction and the proceeds divided among the units or distributed in some other equitable manner as agreed upon by the committee of representatives.

VIII. Review and Termination.

- a. This agreement shall continue to be in effect for Ten Years from the dated signatures on the contract unless reasonable cause is presented in writing to each of the local governmental units and the State Library of North Carolina.
- b. The agreement may be reviewed at any time by any local governmental body or the Regional Library Board and, if modifications are deemed reasonable and necessary, amendments may be made according to the procedures stated above.
- c. At the end of the ~~five~~^{two}-year agreement period, the Regional Library Board shall review the agreement, recommend any modifications, and submit it for review and renewal to each of the local governmental units which shall review, suggest modifications, and vote to extend or rescind the agreement.
- d. The agreement may be terminated if reasonable cause is presented in writing by a local governmental unit to the other members of the region, the Regional Library Board, and the State Library of North Carolina.
- e. The effective dates for termination shall be the same as a withdrawal from the System.
- f. If the agreement terminates, and no successor agreement is to be executed, the AMY Regional Library System shall be dissolved and joint assets distributed as described above in Section VII.

This AGREEMENT shall be effective upon acceptance by all parties.

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Attest:

AVERY COUNTY

Cindy Tubfill by Kenny R. Pote
Clerk to the Board Board of Commissioners, Chair

MITCHELL COUNTY

Rachyn Young by Arquim B. Miller
Clerk to the Board Board of Commissioners, Chair

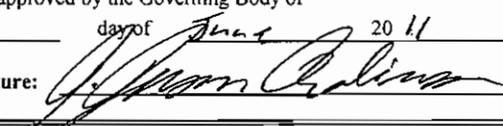
YANCEY COUNTY

Alvin Collins by John H. Hest
Clerk to the Board Board of Commissioners, Chair

TOWN OF SPRUCE PINE

_____ by _____
Clerk to the Board Board of Commissioners, Chair

Attachment E

RESOLUTION	
DESIGNATION OF APPLICANT'S AGENT	
North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization): Pensacola Volunteer Fire Department	Disaster Number:
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): North Carolina Department of Crime Control and Public Safety	
Applicant's Fiscal Year (FY) Start	Month: Day:
Applicant's Federal Employer's Identification Number: 56-1645341	
Applicant's Federal Information Processing Standards (FIPS) Number: 371199	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Bill Davis	Agent's Name Derek Murphy
Organization Yancey County Emergency Management	Organization Pensacola Volunteer Fire Department
Official Position Director	Official Position Chief
Mailing Address 110 Town Square, Room 11	Mailing Address 3266 Bolens Creek Rd
City, State, Zip Burnsville, NC 28714	City, State, Zip Burnsville, NC 28714
Daytime Telephone 828-678-9463	Daytime Telephone 828-284-7865
Facsimile Number 828-682-4301	Facsimile Number
Pager or Cellular Number 828-284-0725	Pager or Cellular Number 828-284-7865
<p>BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.</p>	
<p>PASSED AND APPROVED this <u>7th</u> day of <u>June</u>, 20<u>11</u>.</p>	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title <i>Johnny Riddle, Chairman</i>	Name <i>J. Jason Robinson</i>
Name and Title <i>Jill Austin, Commissioner</i>	Official Position <i>Clerk to the Board of Commissioners</i>
Name and Title <i>Dale England, Commissioner</i>	Daytime Telephone <i>828-682-3971</i>
CERTIFICATION	
<p>I, <u>J. Jason Robinson</u> (Name) duly appointed and <u>Clerk to the Board</u> (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of <u>Yancey County</u> (Organization) on the <u>7th</u> day of <u>June</u>, 20<u>11</u></p>	
Date: <u>6/7/11</u>	Signature: 

Attachment ~~F~~

NAME AND ADDRESS
 COMMUNITY SERVICE PROVIDER
 Yancey Co. COA, INC.
 100 Swiss Avenue, POB 546
 Burnsville, NC 28714

Home and Community Care Block Grant for Older Adults

County Funding Plan
 NON-UNIT
 Provider Services Summary

DOA-732 (Rev. 2/11)
 County YANCEY
 July 1, 2011 through June 30, 2012
 REVISION #1, DATE :02-01-2011

Services	A						B	C	D	E	F	G	H	I
	Ser. Delivery (Check One)		Block Grant Funding				Required	Net*	USDA	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse. Rate	HCCBG Clients	Total Units
P IID	X				1379	//////////	153	1532		1532				
P MED MGMT	X				484	//////////	54	538		538				
IE CGSP-IH	X			2920		//////////		2920		2920	184	15.8474	3	248
						//////////		0		0				
						//////////		0		0				
						//////////		0		0				
						//////////		0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
Total	////////	////////	0	2920	1863	4783	207	4990	0	4990	184	////////	3	248

Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		
Transportation		
Administrative		
Net Ser. Cost Total		

Certification of required minimum local match availability.
 Required local match will be expended simultaneously
 with Block Grant Funding.

Virginia Hollyfield, Director 6-1-11
 Authorized Signature Title Date
 Community Service Provider

Signature, County Finance Officer Date

Signature, Chairman, Board of Commissioners Date

NAME AND ADDRESS
 COMMUNITY SERVICE PROVIDER
 Yancey Co. COA, Inc
 10 Swiss Avenue, POB 546
 Burnsville, NC 28714

Home and Community Care Block Grant for Older Adults

County Funding Plan

Provider Services Summary

DOA-732 (Rev. 2/11)
 County Yancey
 July 1, 2011 through June 30, 2012

REVISION # , DATE :

Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required	Net*	NSIP	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse Rate	HCCBG Clients	Total Units
Transportation		x	7100			//////////	789	7889		7889	1976	3.9924	20	2696
HA - Level I	x			54978		//////////	6109	61087		61087	3841	15.9039	30	5721
Congregate Nut.	x				27490	//////////	3054	30544	5099	35643	5190	5.8852	120	8498
Home Delivered Meals	x				89780	//////////	9976	99756	12599	112355	16546	6.029	150	20999
Sen Ctr Operations	x				14438	//////////	1604	16042		16042			120	
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
						//////////	0	0		0				
Total	//////////	//////////	7100	54978	131708	193786	21532	215318	17698	233016	27553	//////////	440	37914

Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		
Transportation		
Administrative		
Net Ser. Cost Total		

Certification of required minimum local match availability.
 Required local match will be expended simultaneously
 with Block Grant Funding.

Vivian Hollifield, Director 6-1-11
 Authorized Signature, Title Date
 Community Service Provider

 Signature, County Finance Officer Date

 Signature, Chairman, Board of Commissioners Date

Attachment 6



Yancey County Committee On Aging, Inc.

10 Swiss Avenue • Burnsville, North Carolina 28714 • (828) 682-6011 • FAX (828) 682-6107

April 8, 2011

To: Nathan Bennett, County Manager
Johnny Riddle, Chairman, County Commissioners
Michele Presnell, County Commissioner
Dale England, County Commissioner
Marvin Holland, County Commissioner
Jill Austin, County Commissioner

From: Vivian Hollifield, YCCOA Director *wh*

RE: H&CCBG Lead Agency for Yancey County

We are in the process of completing our budget for the FY 2012 and once again are asking for a letter from you designating YCCOA as the Lead Agency for Yancey County for FY 2012.

Attached is our H&CCBG Advisory Committee Board for approval.

Thank you.



Yancey County Committee On Aging, Inc.

10 Swiss Avenue • Burnsville, North Carolina 28714 • (828) 682-6011 • FAX (828) 682-6107

YANCEY COUNTY H&CCBG ADVISORY COMMITTEE BOARD FY 2012

Nathan Bennett
Johnny Riddle
Michele Presnell
Anita Davie
Bryan Peterson
Vacant
Vivian Hollifield
Tres Magner
Anita Buchanan
Lynn Austin
LaCosta Tipton
JoAnna Biddix
Alice Elkins
Harvey Sharpe
Maryallen Estes
Gail Elkins
Paul Helsher
John Brown
Jan Scott
Ellen Murphy
Rachel Stanton

Yancey County Manager
Yancey Co. Commissioners – Chairman
Yancey Co. Commissioner
Area Agency on Aging Director
YCCOA Chairperson
YCCOA Vice-Chairperson
YCCOA Director
NC Cooperative Extension Service
WAMY Community Action
Yancey Co. Transportation Auth. Director
Yancey Co. Health Dept. Director
Yancey Co. Home Health
Yancey Co. Dept. of Social Services Director
Yancey Co. Baptist Association
Senior Tar Heel Legislature Delegate
Senior Tar Heel Legislature Alternate
Senior Citizen- Senior Ctr. Volunteer
Senior Citizen – Senior Ctr. Volunteer
Senior Citizen – Senior Ctr. Volunteer
Heritage Adult Day Retreat
RHA Behavioral Health

Attachment H



RESOLUTION

*Of the Yancey County Board of County Commissioners
Concerning the Appointment of
Peter Franklin to the Yancey County Board of Social Services*

WHEREAS at a specially called meeting of the Yancey County Board of County Commissioners held on 9 May 2011 the commissioners, by majority vote, authorized Johnny Riddle, Chairman of the Yancey County Board of County Commissioners to execute a settlement agreement resolving all issues in civil litigation filed in Frank et al. vs. Savage et al. appearing of record in File Number 09 CvS 21, Office of the Clerk of Superior Court for Yancey County, an executed copy of such settlement agreement being attached hereto as Exhibit "A"; and

WHEREAS the Yancey County Board of County Commissioners is now taking action pursuant to the terms of said settlement agreement to effectuate the terms of said settlement and to appoint Peter Franklin to the Yancey County Board of Social Services.

NOW THEREFORE, BE IT RESOLVED that the Yancey County Board of County Commissioners hereby appoints Peter Franklin to a three-year term on the Yancey County Board of Social Services for the seat now occupied by Judy Buchanan, effective 1 July 2011 and to expire on 30 June 2014.

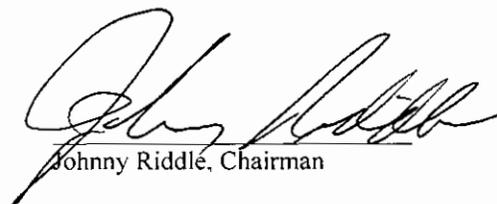
Be it further **RESOLVED** that the additional qualifications for holding the position of member of the Yancey County Board of Social Services as adopted at the 1 December 2008 meeting of the Yancey County Board of County Commissioners, specifically, to wit: "that no person who is an immediate relative of an employee of the Yancey County Department of Social Services, nor any person who has been terminated with his or her employment with the Yancey County Department of Social Services, shall be qualified to serve as a member of the Yancey County Board of Social Services", be and is hereby rescinded as a condition to be appointed to said board, and that the only qualifications to hold such position are those qualifications set forth in NC Gen Stat 108A-3(c).

ADOPTED this the 7th Day of June, 2011.



ATTEST:

J. Jason Robinson,
Clerk to the Board of Commissioners


Johnny Riddle, Chairman