

STATE OF NORTH CAROLINA)
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COUNTY OF STOKES)
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OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
DECEMBER 12, 2006

The Board of Commissioners of the County of Stokes, State of North Carolina, met in recessed session (recessed from the December 11, 2006 meeting) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building) located in Danbury, North Carolina on Tuesday, December 12, 2006 at 4:00 pm with the following members present:

Chairman Leon Inman
Vice-Chairman Jimmy Walker
Commissioner Ron Carroll
Commissioner Ernest Lankford
Commissioner Stanley Smith

County Personnel in Attendance:
Clerk to the Board/Interim County Manager Darlene Bullins
Finance Director Julia Edwards

Chairman Leon Inman called the recessed meeting to order.

Commissioner Lankford delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Inman opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

GENERAL GOVERNMENT - GOVERNING BODY- DISTRICTS

Chairman Inman stated that the Board of Commissioners had recessed the December 11th meeting to discuss the following items which were added to the December 11th agenda:

- b. Districts systems for electing Commissioners and School Board members
- c. Board Operations, which include Board procedures, ethics, compensation, and manner of appointment of positions
- d. Resolution of a specific complaint to the Board of Commissioners that has been left unresolved
- e. New and old business - Board Retreat

Commissioner Carroll continued the discussion pertaining to District System for electing Commissioners and School Board members.

Commissioner Carroll noted the following issues:

- Time is appropriate
- Citizens have been thinking about it, discussing it, and are very interested in it
- Give the issue the study it desires
- Start the process in January determining the type of committee, members, what the committee should study, etc.
- Give the committee the time it needs to present a recommendation to the Board which would probably take most of the year
- Hold public hearings in each precinct
- Possibly on the ballot in 2008

Chairman Inman agrees with Commissioner Carroll especially giving the issue the study it desires.

Commissioner Lankford agrees with the concept, meetings, committee, etc, but believes the issue should have a cooling period of 2-3 months - starting in March-April 2007.

Vice Chairman Walker agrees with Commissioner Carroll and Commissioner Lankford but feels the issue should have a cooling period- County has more pressing issues at the present time.

Vice Chairman Walker states he wants what is best for the County.

Commissioner Smith agrees with Commissioner Carroll, also supports public input and the need for the public to know that the issue has not been forgotten.

Chairman Inman noted the possibility of discussing the issue at the next Board Retreat to set a timeline.

GENERAL GOVERNMENT - GOVERNING BODY -RESOLUTION OF COMPLAINT

Commissioner Carroll presented Board members with a copy of the complaint (August 1, 2005) filed by a Commissioner against Vice Chairman Walker alleging that he had violated the Code of Ethics for County Commissioners:

I wish to file a Code of Ethics violation by Vice Chairman Walker according to Section 4.01.

Given that:

1.The Code of Ethics for Stokes County Commissioners clearly states (in the introduction) "PROVIDING FOR TREATMENT OF CITIZENS, EMPLOYEES, DEPARTMENT HEADS, COUNTY MANAGER .AND ELECTED OFFICIALS;"

2. and Vice Chairman Walker was aware of the restrictions in the Code of Ethics by Section 3.01 "All County Commissioners, upon taking their oath of office to their current term, shall submit a signed statement to the County Attorney acknowledging that they have received and read the Stokes County Code of Ethics, that they understand it, and that they are bound by it."

3. Section 14.01 "It shall be the policy of the Stokes County Board of Commissioners to treat the citizens of Stokes County, Stokes County Employees, Stokes County Department Heads, the Stokes County Manager and Stokes County Elected Officials with respect and courtesy.

4. Section 14.03a. states that a complaint by a citizen shall be brought to the Board of Commissioners in closed session.

Section 14.03g. states that a complaint by a County Commissioner shall be brought before the Board of Commissioners in closed session, except in the case of a complaint against a fellow commissioner, which shall be heard in open session. Whether Vice Chairman Walker was bringing a complaint on behalf of a citizen or on behalf of himself Section 14.03 applies and should only be heard in closed session.

I believe that Vice Chairman Walker violated the Code of Ethics Section 14 when he made accusations against a Department Head (Health Department Director) in open session at the July 13, 2005 Health Board meeting and again at the July 25, 2005 Board of Commissioners meeting.

Commissioner Carroll noted that the complaint had not been resolved or dealt with and the minutes reflect no resolution to this complaint.

Commissioner Carroll stated that the Supreme Court ruled in 1968 that any public official has the right to voice a concern about the performance of another public official that is a matter of public concern and that it is a constitutional protected right and no rule of local government can override that.

Commissioner Carroll noted that it was time to resolved the issue due to the fact that the Board that the complaint was filed with did not hear it in a timely matter and the fact that the majority including the person who filed the complaint are no longer serving.

Commissioner Carroll moved that this Board dismiss the complaint at against Vice Chairman Walker with prejudice meaning that it cannot be re-filed.

Commissioner Lankford seconded and the motion carried unanimously.

Commissioner Carroll moved that an addendum be attached to the minutes of August 1, 2005 detailing the action of this Board today so there is a reflection in the minutes that a historian can follow that it was dealt with and resolved.

Commissioner Lankford seconded and the motion carried unanimously.

GENERAL GOVERNMENT - GOVERNING BODY - BOARD OPERATIONS

RULES OF PROCEDURE

Commissioner Carroll requested that the Board discuss the current Rules of Procedures. The Board discussed the following issues:

Rule 6. Regular and Special Meetings.

Regular Meetings. The board shall hold a regular meeting on the second and fourth Monday of each month. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held in the Commissioners' Chambers of the Government Center and shall begin at 7 p. m. The board may change the place or time of a particular regular meeting or all regular meetings within a specified time period by resolution adopted, posted, and noticed no less than seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board.

The Board discussed changing the second Monday meeting time to 1:30 pm and the fourth Monday meeting time to 6:00 pm.

Commissioner Carroll moved to change the Rules of Procedure to reflect:

- (first meeting) Second Monday will be held at 1:30 pm
- (second meeting) Fourth Monday will be held at 6:00 pm
- Planning and Zoning - first Tuesday every other month will be held at 7:00 pm
- Times will be effective January 2007

Commissioner Lankford seconded and the motion carried unanimously.

Rule 4. Organizational Meeting.

The Board discussed having the even numbered year organizational meeting directly following the swearing in ceremony in order for those attending the swearing in ceremony the opportunity to attend the organizational meeting.

- a. **Even-numbered Years.** The board shall hold an organizational meeting at its regular meeting place at 5 pm on the first Monday in December of each even numbered year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the board of county commissioners and other elected county officials and organization of the board for the ensuing year. [The organizational meeting shall be convened and concluded before the regular December meeting is convened.] The clerk to the board of commissioners shall call the meeting to order and shall preside until a chair is elected. As the second order, the board shall elect a chair and vice-chair from among its members. As the third and fourth order, the board may appoint a clerk and an attorney.

Commissioner Lankford moved to change the meeting time of the organizational meeting from 5:00 pm to 10:30 am following the swearing in ceremony.

Commissioner Smith seconded and the motion carried unanimously.

Meetings scheduled at locations with the County - Notice of Scheduled Meetings

The Board discussed the possibility of holding meetings at different locations on both regular meeting days instead of only the second Monday meeting time.

Commissioner Carroll moved to advertise that the Board of Commissioners will conduct its regular meetings in the Commissioners Chamber at the Administrative Building in Danbury, the Board will consider invitations to meet at different locations throughout the County at the invitation of community groups that wish to host a meeting.

Commissioner Lankford seconded and the motion carried unanimously.

Rule 9. Agenda

- A. The chairman and clerk to the board shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least 5 working days before the meeting. Any board member may, by a timely request, have an item placed on the agenda.

The Board discussed changing the day that the agenda is scheduled for delivery to the Board of Commissioners in order to allow more time for items to be placed on in the agenda.

Commissioner Lankford moved to have the agenda delivered on Wednesday prior to the scheduled Monday meeting.

Vice Chairman Walker seconded and the motion carried unanimously.

- C. The Board may, by majority vote, add an item that is not on the agenda.

Commissioner Carroll suggested that any item that is added to the agenda must be added at the time of the approval of the agenda, anything brought up after that motion will be ruled out of order by the Chairman. Also any action item added to the agenda at that time cannot be acted on at that meeting unless it is an emergency item such as a deadline.

The Board discussed the procedure of requesting to add an item to the agenda.

Commissioner Lankford noted that if an item needed to be acted on the same night it was introduced, a motion must be approved by a majority of the Board to waive the rule to allow the Board to vote on the action.

Chairman Inman noted that this could be made at the time of requesting the item to be placed on the agenda.

Commissioner Carroll noted that any item being changed is designed to help the Board function more efficiently, these changes along with other rules can also be altered by the Board at any time.

Commissioner Carroll moved to add to (Item C: The Board may, by majority vote, add an item that is not on the agenda) any item added to the agenda must be added at the time of the adoption of the agenda, any item brought up after that time will be ruled out of order by the Chairman, action items added to the agenda at the time of the meeting cannot be acted on at that meeting unless the Board by majority vote agrees to take action.

Commissioner Lankford seconded and the motion carried unanimously.

Rule 11. Order of Business. At regular meetings, the board shall proceed to business in the following order:

1. Approval of the minutes of the previous meeting.
2. Approval of the Agenda.
3. Scheduled public hearings.
4. Informal public comments.
5. Administrative reports.
6. Committee reports.
7. Unfinished business.
8. Introduction of ordinances, resolutions, and orders.
9. Other new business.

The Board discussed the order of the agenda.

Commissioner Carroll proposed the following order for the agenda:

- **Approval of Agenda**
- **Scheduled Public Hearings**
- **Public Comments**
- **Consent Agenda**
- **Information Agenda**
- **Discussion Agenda**
- **Action Agenda**
- **Closed Session** - if necessary

The Board discussed the following issues regarding the order of the agenda:

- **Information agenda** - presentations only
- **Consent agenda** - Items such as minutes, appointments that have been previously nominated, routine budget amendments that have been approved at a previous meeting
- **Discussion agenda** -Items presented for discussion - action on these items will be handled at the next regular meeting (emergency items or items with deadlines can be considered at that meeting under action items)
- **Action Agenda** -Items that have been previously discussed at a prior meeting or an emergency item

Commissioner Carroll noted that any Commissioner can request that an item be pulled from the Consent agenda for further discussion or formal vote.

Commissioner Carroll moved Rule 11 Order of business be amended to read:

1. **Approval of Agenda**
2. **Scheduled Public Hearings**
3. **Public Comments**
4. **Consent Agenda**
5. **Information Agenda**
6. **Discussion Agenda**
7. **Action Agenda**
8. **Closed Session** - if necessary

Commissioner Lankford seconded and the motion carried unanimously.

Vice Chairman Walker requested that the Board consider if the Chairman sees there is a consensus of the Board, instead of a motion, a second, and discussion, the Chair can use the option "without objection", the motion is approved.

Rule 13. Presiding Officer When the Chair Is in Active Debate. If the chair wishes to become actively engaged in debate on a particular proposal, he or she shall designate another board member or a staff member to preside. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Commissioner Carroll moved to eliminate Rule #13. Commissioner Lankford seconded and the motion carried unanimously.

Rule 14. Action by the Board. The board shall proceed by motion. Any member, including the chair, may make a motion.

Commissioner Carroll noted that having a Discussion Agenda allows members to discuss the agenda item at length, when the item comes back to the Board as an action item, the Chairman should say this item is on the agenda and is ready for action, do I hear a motion. If there is no motion, the Chair moves to the next item. If there is a motion, then there is discussion on the motion.

Commissioner Carroll also suggested to eliminate the second to the motion.

The Chairman can call for the vote following the discussion.

The Board discussed Rule#14.

Commissioner Carroll moved that Rule#14 read as follows: On action items, the Board shall proceed by motion with discussion to follow. Any member including the Chair may make motion. A motion does not require a second. (Rule#14 becomes Rule#13 with the elimination of Rule#13)

Rule 22. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member, who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Commissioner Carroll noted it is very confusing for the Clerk, the public, etc. for a member voting against a motion to say "aye".

Commissioner Carroll moved to add the following to Rule 22: Members voting in favor of the motion say “aye” and those opposed to the motion say “no”.

Vice Chairman Walker seconded and the motion carried unanimously.

OTHER ITEMS DISCUSSED

Commissioner Lankford noted that handouts at a meeting should be for discussion only.

Commissioner Lankford requested that any topic or issue of importance be made available to all Commissioners as soon as possible.

Commissioner Carroll requested that individuals speaking during Public Comments, Public Hearing, etc. be given at least 3 minutes or longer depending on the number of speakers and the topic.

GENERAL GOVERNMENT - GOVERNING BODY - APPOINTMENTS

The Board continued discussion for the appointment to the Health Services Alliance recently vacated by former Commissioner McHugh.

Vice Chairman Walker currently serves as a non-voting member.

The Board discussed the vacancy.

Commissioner Carroll nominated Vice Chairman Walker to serve as the voting member on the Health Services Alliance.

Commissioner Smith nominated Commissioner Carroll to serve as the non-voting member on the Health Services Alliance.

Vice Chairman Walker noted he currently serves on the YVEDDI Board, DSS Board, Stokes Partnership for Children, Health Alliance, and Criminal Justice Council.

Vice Chairman Walker requested if other Board members were interested in one of his appointments, he would be willing to discuss that appointment.

Chairman Inman currently serves on YVEDDI, CenterPoint Human Services, Home Health Advisory Board, PART, and JCPC.

Vice Chairman Walker resigned from the Stokes Partnership for Children and nominated Commissioner Lankford to serve on the Stokes Partnership for Children.

Vice Chairman Walker requested that all Board members be given times and dates of meeting such as Board of Health, DSS Board Meeting, Criminal Justice Council, Health Alliance, JCPC, etc.

GENERAL GOVERNMENT - GOVERNING BODY - CODE OF ETHICS

Commissioner Carroll presented the Board members with a copy of the Code of Ethics for Stokes County School Board members for comparison.

Commissioner Carroll requested that the County Attorney review the Board’s current Code of Ethics and present a written statement of how much is already taken care of by General Statutes and the Oath taken by Commissioners.

County Attorney Edward Powell noted that the current Stokes County Commissioners’ Code of Ethics is a Resolution adopted by the previous Boards of Commissioners and applies to the Boards that adopt it. Like any other Resolution or matter before the Board, changes, additions, and deletions can be made by the Board.

County Attorney Powell noted that the General Assembly in the 2006 Session adopted a broad sweeping State Government Ethics Act that applies to the members of the General Assembly and to the Departments of State Government which becomes effective on January 1, 2007, but does not apply to local government.

Vice Chairman Walker noted that Attorney Fleming Bell-Institute of Government had recommended that the Board did not need a Code of Ethics, which are not enforceable.

Chairman Inman directed Interim County Manager Darlene Bullins to request the County Attorney review the Board's current Code of Ethics and present a written statement of how much is already taken care of by General Statutes and the Oath taken by Commissioners.

GENERAL GOVERNMENT - GOVERNING BODY - BOARD OF COMMISSIONERS' COMPENSATION

Commissioner Carroll requested the current schedule of compensation paid to Board members.

Interim County Manager Darlene Bullins presented the following compensation schedule for County Commissioners:

CHAIRMAN

Regular, Special, Planning, E&R, Budget Work sessions	\$192.27
Recessed Meeting/Full Day Special Outside meeting	\$77.52
Other meetings	\$38.36
Regular, Special, Planning, E&R, Budget Work sessions	\$174.42
Recessed Meeting/Full Day Special Outside meeting	\$70.38
Other meetings	\$35.70

Commissioner Carroll suggested the possibility of a flat amount per pay period.

Commissioner Carroll suggested the following structure for consideration:

\$300 per pay period for Commissioners- Meetings with department heads, community activities, research, calls from citizens, travel etc.(covers all the extras)

\$400 per pay period for Chairman- Meetings with department heads, community activities, research, calls from citizens, etc. (covers all the extras)

\$100 for Regular, Special, Planning, E&R and Budget Work sessions

\$50 for Recessed Meeting

\$30 for Meetings which a Commissioner has been appointed by the

Board of Commissioners that is not compensated for by the respective Board, Council, etc -Travel could be reimbursed outside of the County

Commissioner Carroll noted that the structure should be structured to equal the average of what the average

Commissioner is compensated for in an average year.

The Board discussed the structure submitted by Commissioner Carroll and requested this be presented tonight for informational purposes only.

Commissioner Carroll requested County personnel to analysis the compensation paid to Commissioners, the number of meetings attended, the types of meetings, etc. for the past two years on the present Board for the Board's review.

GENERAL GOVERNMENT - GOVERNING BODY - METHOD OF APPOINTMENTS

Commissioner Carroll presented G.S. 153A-82 which states that the manager shall appoint with the approval of the Board of Commissioners and suspend or remove all county officers, employees, and agents except those who are elected by the people or whose appointment is otherwise provided by law. Per Jim Blackburn, NCACC - the appointment of Planning Director and Economic Development Director has no statutory reference which means that they are appointed by the County Manager, this would also be true for the Assistance Emergency Management Coordinator.

Those deem necessary for appointment by the Board of Commissioners (who serve at the leisure of the Board) would be County Attorney, Clerk to the Board, County Manager, Finance Director, and Emergency Management Coordinator.

Those appointments can be removed at anytime, therefore there is no need in appointing these appointments every year in December.

Commissioner Carroll noted that the Tax Administrator either has a 2 or 4 year appointment. General Statutes states that the Board of Commissioners may remove the Tax Administrator from his office during his term for good cause after giving him notice in writing and an opportunity to appear and be heard at a public session of the Board.

GENERAL GOVERNMENT - GOVERNING BODY - COUNTY MANAGER'S POSITION

The Board discussed the County Manager's vacancy.

Clerk to the Board Darlene Bullins noted that the vacancy had been advertised in the County Lines and is currently on the NCACC website and the County's website.

The Board discussed compensation for the position, advertisement in Winston Salem/Raleigh/Charlotte/Greensboro areas, County Lines, NACO, desired qualities/local government experience, and current job description.

The Board agreed to place the statement - Stokes County is seeking a highly experienced manager and will pay a highly competitive salary on the current job description and that a deadline for applications be set for January 31, 2007.

Finance Director Julia Edwards presented Board members with 2006 County Manager's salary data prepared by NCACC.

Chairman Inman directed the Interim County Manager to proceed with the advertisement for County Manager.

GENERAL GOVERNMENT -GOVERNING BODY - SCHOOL BOND CONSTRUCTION MEETING

Chairman Inman informed the Board of the School Bond Construction Regional Meeting on January 11, 2007 in High Point at 6:00 pm.

Commissioner Carroll noted as an alternative to a statewide bond referendum, the possibility for all Counties in North Carolina to start working to convince State Legislators (under the law which was adopted in the 1930's when the State took over the School Systems) that the State would be responsible for operating expenses and the localities be responsible for facilities. This would enable the County to be able to furnish schools if the State took responsibility of the operating expenses.

GENERAL GOVERNMENT - GOVERNING BODY - BOARD RETREAT

The Board discussed scheduling a Board Retreat.

The Board unanimously agreed to schedule a Board Retreat for Saturday, January 6, 2007 at 9:00 am in the Commissioners Chambers of the Administrative Building.

Chairman Inman directed Board members to inform him of items they wish to be on the agenda.

There being no further business to come before the Board, Chairman Inman entertained a motion to adjourn the meeting.

Commissioner Lankford moved to adjourn the meeting.

Chairman Inman adjourned the meeting.

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman