

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
AUGUST 10, 2007

The Board of Commissioners of the County of Stokes, State of North Carolina, met for a special called session in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building) located in Danbury, North Carolina on Friday, August 10, 2007 at 3:00 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:
County Manager K. Bryan Steen
Clerk to the Board Darlene Bullins
County Attorney Edward Powell
Finance Director Julia Edwards

Chairman Leon Inman called the 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.

CLOSED SESSION

Chairman Inman entertained a motion to enter Closed Session for the following:

- To consult with the county attorney or another attorney employed or retained by the County in order to preserve the attorney-client privilege regarding a claim pursuant to G.S. 143-318.11(a)(3).

Commissioner Lankford moved to enter Closed Session for the following:

- To consult with the county attorney or another attorney employed or retained by the County in order to preserve the attorney-client privilege regarding a claim pursuant to G.S. 143-318.11(a)(3).

Vice Chairman Walker seconded and the motion carried unanimously.

The Board reconvened to the special called session of August 10, 2007.

Fire Protection Services in Stokes County

Chairman Inman stated the Board had been trying to execute an agreement for Fire Services in Stokes County that was in the best interest of the volunteer fire departments and the citizens of Stokes County.

Chairman Inman presented an update of the previous weeks:

- County Manager sent the approved agreement to all volunteer fire departments on June 5th
- Clarification memo regarding the agreement was issued by the County Manager on June 27th
- Volunteer fire departments rejected the agreement
- Commissioner Smith and Chairman Inman met on July 16th with the Stokes County Fire and Rescue Association, Fire Chiefs and Chairman of the Board of Directors from volunteer fire departments to discuss and receive input regarding the agreement
- Information received at the July 16th meeting referred to Item #2 which was modified and forwarded to the volunteer fire departments for review
- At the July 24th meeting of the Fire and Rescue Association, the rewording was rejected

Commissioner Carroll noted that by wanting to abide by the law has resulted in him being portrayed as the bad guy. Commissioner Carroll stated that he took the oath of a commissioner to uphold the laws of the State of North Carolina and he felt that the firefighters who were all law abiding citizens did not want to be a party of violating the law any more than he did.

Commissioner Carroll moved that this Board approve the revised Fire and Rescue Protection and Mutual Aid Agreement presented as Exhibit A-1 which incorporates the following changes from the agreement that was originally agreed to by the Board

Item #2 will now read:

2. Volunteer Fire Department and Rescue Squad, Inc. agrees to develop and submit a proposed budget prior to April 1 of each covered year to the Stokes County Fire Commissioners. The Agency also agrees to submit an audit prior to October 1 of each covered year, to the Stokes County Fire Commissioners and the Stokes County Board of Commissioners along with a copy of the final revised budget detailing any amendments to expenditures and revenues during the prior fiscal year.

Item #3 is modified to read:

3. This agreement shall be renewable on a bi-annual basis upon the mutual written consent of the parties hereto. The amount of compensation shall be determined by the Stokes County Board of Commissioners on an annual basis pursuant to the Local Government Budget and Fiscal Control Act. Payments to the Agency, prorated according to percentage of revenues collected, shall be made each month for services rendered during the previous month.

Item #5 – the following will be added:

It is understood and agreed that the AGENCY is an independent corporation, that the COUNTY is not responsible for the AGENCY's governance and management, and that the COUNTY is not liable for the decisions and actions of the AGENCY. It is expressly understood and agreed that the COUNTY, by entering into this agreement, assumes no responsibility for the AGENCY's debts. It is further understood and agreed that tax revenues shall not be available to fund any of the AGENCY's debt, incurred after July 1, 2007, that is financed unless such debt has been reviewed by the Stokes County Fire Commissioners and a recommendation forwarded to the Stokes County Board of Commissioners for a final decision. (The last sentence will only be included in the departments' contracts that receive more than 50% of their funding from Stokes County Tax Revenues)

Further incorporated in the motion that the revised contract be forwarded to the Fire Departments and Rescue Squads with a request to be signed and returned to the County as soon as possible and notification included that funds cannot be legally disbursed in the absence of a signed agreement. (Commissioner Carroll noted that this revision replaces the contract/agreement that was signed in 2005 and that agreement is no longer acceptable because

it contains provisions that are in conflict with state law particularly G.S.143-318.10-the Open Meetings Law and G.S. 153A-76-the Authority of the Board of County Commissioners)

Commissioner Smith seconded the motion read by Commissioner Carroll and the motion carried unanimously.

(a copy of the revised agreement will be retained by the Clerk to the Board)

Commissioner Carroll moved under the authority of General Statute 153A-76 that this Board of Commissioners declare the document entitled County of Stokes -Fire Commission and Use of Service District Funds, approved by a previous Board of Commissioners on September 3, 2002, is not the policy of the current Board of Commissioners because it contains provisions that are in conflict with state law. Commissioner Lankford seconded and the motion carried unanimously.

Commissioner Carroll moved that this Board, upon verification that the Volunteer Fire Departments and Rescue Squads operating within the Stokes County Fire Service District have agreed to continue their formal relationship with the County as evidenced by signed contracts, appoint a committee to develop a proposed policy, consistent with the laws of the state and the best interest of the citizens of the County, to govern the operations of the Stokes County Fire Service District, to include procedures for the Fire Commission and Guidelines for Use of Service District Funds. This committee will include representatives of the citizens of Stokes County, including representatives of the current Fire Commission and various fire departments and rescue squads; provided that this committee operates in compliance with the North Carolina Open Meeting Law and further provided that final approval of such a policy is solely at the discretion of the Board of Commissioners in accordance with G.S. 153A-76.

Vice Chairman Walker seconded the motion.

The following Board members stated the following:

Commissioner Carroll reiterated the following:

- I am and have always been a supporter of the Voluntary Fire Departments in this county
- I was on the Board of Commissioners that created the Service District over twenty years ago
- I was the Commissioner that pushed to hire the first Stokes County Fire Marshal
- I am a supporter of Voluntary Fire Departments and willing to work with all Departments to serve the public interest
- I am also willing to work with this committee to provide safeguards to protect the interest of the Fire Departments and Rescue Squads
- I will not be apart of any committee or agree to any document/agreement/contract that is in conflict with the laws of this state

Vice Chairman Walker stated that everyone involved has the same goal- to provide the best service to the citizens in Stokes County. Even though there are different opinions regarding certain issues, those issues can be worked out to continue to provide the best service available. Vice Chairman Walker expressed his appreciation for the time and dedication given by the volunteers from the fire departments in Stokes County.

Commissioner Smith also expressed his appreciation for the time and service provided by the volunteer fire departments. Commissioner Smith noted that the revised contract/agreement reflects the sentiment of the comments received at the July 16th meeting. Commissioner Smith agreed that the original contract did not express the wishes of the current Board of Commissioners.

Commissioner Lankford also expressed his appreciation for the services provided by volunteer fire departments along with all the volunteers in Stokes County. Commissioner Lankford noted that without Stokes County volunteers, this County being small and rural and with limited resources, could not provide all the current services received by the citizens in Stokes County.

Chairman Inman reiterated that it was never the intent of this Board to take the Fire Commission and Fire Commissioners out of the budget process as indicated in the first agreement. Also, it was never the intent of this Board for the County Manager to do the Fire Service District's budgets. The County Manager, who is the Budget Officer for Stokes County, can always make a recommendation, but the final decision is made by the Board of Commissioners.

The motion was approved unanimously.

Mr. L. G. Tilley – Fire Commission requested to speak to the Board of Commissioners.

Chairman Inman allowed Mr. Tilley to speak during the special session.

Mr. Tilley stated the following:

- The Fire Commission and Use of Service District Funds document was worked on for several months
- It was never the intent of the Fire Commission to not follow state law
- The document was intended to be a guideline for the fire service district and for all parties involved
- Questioned the Board why changes could not be made to the current document
- Most of the members who are on the Board of Directors for the Fire Departments are not firemen- most are Stokes County citizens who want to do the right thing for the citizens of Stokes County
- The budget process is very detailed and taken very serious
- Fire Departments must justify all requests and to his knowledge, allocations have only been spent for items outlined in their budget
- Fire Departments do raise other funding for items not outlined in their budget
- Expressed concerns over the \$85,000+ being taken out of the Fire District funding for salaries for county employees – funding that should be used to provide fire service protection to Stokes County citizens
- Fire Departments' doors are always open
- Fire Commission has no problems abiding by the law
- Reiterated that the Fire Commission, Fire Association, and Board of Commissioners work together to correct the current document for use of Service District Funds

Adjournment

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 special session. Commissioner Smith seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman