#### TENTATIVE AGENDA & MEETING NOTICE BOARD OF COUNTY COMMISSIONERS

#### TUESDAY, JANUARY 19, 2016 5:30 P.M.

#### WATAUGA COUNTY ADMINISTRATION BUILDING COMMISSIONERS' BOARD ROOM

TIME	#	TOPIC	PRESENTER	PAGE
5:30	1	CALL REGULAR MEETING TO ORDER		
5.50	1 2	APPROVAL OF MINUTES: December 15, 2015, Regular Meeting December 15, 2015, Closed Session		1
	3	Approval of the January 19, 2016 Agenda		9
5:35	4	NEW RIVER ADVOCATES REQUEST	MS. DEBORAH GREENE	11
5:45	5	APPALACHIAN DISTRICT HEALTH DEPARTMENT ANNUAL REPORT	Ms. BETH LOVETTE	51
5:50	6	CONNECT NC MATTERS A. Report On The Benefits Of The Connect NC Bond B. Consideration Of Proposed Resolution Of Support	Mr. Johnny Burleson Mr. Deron Geouque	79 87
5:55	7	REQUEST FOR SUPPORT OF HOUSE BILL 445	MR. MATTHEW FORD	89
6:00	8	COMMUNITY CARE CLINIC 2015 ANNUAL REPORT	MS. MELISSA SELBY	97
6:05	9	FOREST PLANS REVISION UPDATES	MR. NICHOLAS LARSON	101
6:10	10	<ul> <li>PLANNING AND INSPECTIONS MATTERS <ul> <li>A. Request To Schedule A Public Hearing Allowing Citizen Comment Regarding Proposed Amendments To The Wireless Communications Ordinance</li> <li>B. Request To Schedule A Public Hearing Allowing Citizen Comment Regarding The Closeout of Scattered Site Housing Community Development Block Grant (CDBG) Project #12-C-2431</li> </ul> </li> </ul>	MR. JOE FURMAN	139 153
6:15	11	TAX MATTERS A. Monthly Collections B. Refunds & Releases	MR. LARRY WARREN	155 157
6:20	12	<ul> <li>MISCELLANEOUS ADMINISTRATIVE MATTERS</li> <li>A. Proposed Amendments to the NC Department of Cultural Resources Retention and Disposition Schedule for the Sheriff's Office</li> <li>B. Proposed Lease Renewal for Anne-Marie Park</li> <li>C. Proposed Dates for the Annual Pre-Budget Retreat</li> <li>D. Boards and Commissions</li> <li>E. Announcements</li> </ul>	MR. DERON GEOUQUE	165 299 307 309 367
6:25	13	PUBLIC COMMENT		368
7:25	14	Break		368
7:30	15	CLOSED SESSION Attorney/Client Matters – G. S. 143-318.11(a)(3)		368
7:45	16	Adjourn		

# **AGENDA ITEM 2:**

# **APPROVAL OF MINUTES:**

December 15, 2015, Regular Meeting December 15, 2015, Closed Session



#### MINUTES

#### WATAUGA COUNTY BOARD OF COMMISSIONERS TUESDAY, DECEMBER 15, 2015

The Watauga County Board of Commissioners held a regular meeting, as scheduled, on Tuesday, December 15, 2015, at 5:30 P.M. in the Commissioners' Board Room of the Watauga County Administration Building, Boone, North Carolina.

PRESENT: Jimmy Hodges, Chairman David Blust, Vice-Chairman Billy Kennedy, Commissioner John Welch, Commissioner Perry Yates, Commissioner Stacy "Four" Eggers, IV, County Attorney Deron Geouque, County Manager Anita J. Fogle, Clerk to the Board

Chairman Hodges called the meeting to order at 5:30 P.M.

Commissioner Yates opened the meeting with a prayer and Commissioner Welch led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

Chairman Hodges called for additions and/or corrections to the December 1, 2015, regular meeting and closed session minutes.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve the December 1, 2015, regular meeting minutes as presented.

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VOTE: Aye-5
Nay-0
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Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve the December 1, 2015, closed session minutes as presented.

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VOTE: Aye-5
Nay-0
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#### APPROVAL OF AGENDA

Chairman Hodges called for additions and/or corrections to the December 15, 2015, agenda.

Commissioner Kennedy, seconded by Commissioner Welch, moved to approve the December 15, 2015, agenda as presented.

VOTE: Aye-5 Nay-0

#### **BOARD OF EDUCATION MATTERS**

#### A. Facilities Survey Presentation

Dr. Scott Elliott, Watauga County Schools Superintendent, presented the 2015 Watauga County Schools Capital Improvement Plan and reviewed the school systems future facility needs. Dr. Elliott also introduced Mr. Ron Henries, Board of Education Chairman, Mr. Jay Fenwick, Board of Education member, and the new County Schools Director of Facilities, Mr. Danny Clark.

Chairman Hodges stated that the report would be reviewed in depth during the upcoming Fiscal Year 2016-17 budget planning process.

The report was given for information only; therefore no action is required at this time.

#### **B.** Request for Lottery Funds

Ms. Ly Marze, Finance Director for Watauga County Schools, requested funds from the Education Lottery Fund.

- Provide electronic card access at Bethel, Mabel, Blowing Rock, and Green Valley Schools to ensure safety in the amount of \$90,000 with the project estimated to begin in February 2016 and be completed by April 2016.
- Continue replacement of old carpet and floor tiles and refinish flooring at each of the eight elementary schools to ensure safety in the amount of \$80,000 with the project estimated to begin in February 2016 and be completed by August 2016.
- Install new drop ceilings at Blowing Rock School to provide better acoustics with T-8s in the amount of \$10,000 with the project estimated to begin in January 2016 and be completed in April 2016.
- Replace deteriorated exterior steps at Parkway School that are becoming a safety hazard for students and staff in the amount of \$9,000 with the project estimated to begin in February 2016 and be completed by April 2016.
- Replace deteriorated exterior doors at Blowing Rock and Hardin Park Schools in the amount of \$12,000 with the project estimated to begin in September 2015 and be completed in April 2016.
- Replace dish machines at Green Valley and Parkway Schools in the amount of \$42,000 with the project estimated to begin in December 2015 and be completed in June 2016.

The total amount of funds requested was \$243,000.

Vice-Chairman Blust, seconded by Commissioner Yates, moved to approve the \$243,000 request from the Public School Building Capital Fund Lottery Distribution.

VOTE: Aye-5 Nay-0

# PROPOSED ACCEPTANCE OF FY 2016 SENIOR HEALTH INSURANCE INFORMATION PROGRAM (SHIIP) MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT (MIPPA) GRANT

Ms. Angie Boitnotte, Project on Aging Director, requested the Board accept a Medicare Improvements for Patients and Providers Act (MIPPA) grant from the Senior's Health Insurance Information Program (SHIPP). The grant is in the amount of \$1,131 with no local match required.

Vice-Chairman Blust, seconded by Commissioner Yates, moved to accept the MIPPA grant in the amount of \$1,131 to expand low income subsidy outreach and training for SHIIP coordinators.

VOTE: Aye-5 Nay-0

#### PROPOSED PLAN FOR NEW RIVER WATERSHED

Mr. George Santucci, New River Conservancy, updated the Board on the development of watershed plans for impaired waters in the New River watershed. The State and Environmental Protection Agency (EPA) have funds available to restore these impaired waters. However, to be eligible for this funding a Watershed Plan must be completed. New River Conservancy is seeking to prepare such a plan. The plan would assist Cooperative Extension and possibly Soil and Water in securing funds for projects that Ms. Wendy Patoprsty works on. Mr. Santucci stated that the Town of Blowing Rock has committed \$10,000 and \$50,000 in private funding has been received as well. Funding in the amount of \$20,000 is pending from the Town of Boone.

Mr. Santucci requested \$10,000 and support from the County to prepare a Watershed Plan for the impaired waters in the New River watershed.

Commissioner Kennedy, seconded by Commissioner Welch, moved to approve the request for \$10,000, to be allocated from contingency funds, and to support the development of a Watershed Plan for the impaired waters in the New River watershed.

#### VOTE: Aye-5 Nay-0

#### PROPOSED EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

Mr. Jeff Virginia stated that the North Carolina Department of Public Safety provides grant monies each year for Counties completing certain emergency planning activities. These activities serve as the base amount and amounts to \$20,625 for Watauga County. The optional components for additional funding have not been determined as of yet. The County received a total amount of \$38,000 last year. This is a yearly program in which the County has participated for over thirty (30) years.

Commissioner Yates, seconded by Commissioner Kennedy, moved to approve the submission of the grant application to the North Carolina Department of Public Safety and authorize completion of the required activities to receive the base amount of \$20,625.

#### VOTE: Aye-5 Nay-0

#### TAX MATTERS

#### A. Monthly Collections Report

County Manager Geouque presented the Tax Collections Report for the month of November 2015. This report was presented for information only and, therefore, no action was required.

#### B. Refunds and Releases

The County Manager presented the Refunds and Releases Report for November 2015 for Board approval:

#### TO BE TYPED IN MINUTE BOOK

Commissioner Kennedy, seconded by Commissioner Welch, moved to approve the Refunds and Releases Report for November 2015, as presented.

#### VOTE: Aye-5 Nay-0

#### **BUDGET AMENDMENTS**

Ms. Margaret Pierce, Finance Director, reviewed the following budget amendments:

Account #	Description	Debit	Credit
103300-333000	JCPC Grant		\$3,115
105890-463142	Project Challenge	\$3,115	

The amendment recognizes the additional allocation from the NC Department of Public Safety for Juvenile Crime Prevention Council (JCPC) programs.

103991-399100	Fund Balance Appropriated		\$1,443,552
109800-498021	Transfer to Capital Projects Fund	\$1,443,552	
213980-398100	Transfer from General Fund		\$1,443,552
219930-461202	Recreation-Pool Renovation	\$1,443,552	

The amendment transfers the FY 2015 increase in unassigned fund balance to the Capital Projects fund as approved at the December 1, 2015, Board meeting.

Commissioner Kennedy, seconded by Commissioner Yates, moved to approve the budget amendments as presented by Ms. Pierce.

VOTE: Aye-5 Nay-0

#### **MISCELLANEOUS ADMINISTRATIVE MATTERS**

#### A. Boards and Commissions

#### Parks and Recreation Commission

County Manager Geouque stated that the Seven Devils Town Council nominated Mr. Skip Watts for appointment as a representative on the Watauga County Recreation Commission.

Commissioner Welch, seconded by Commissioner Yates, moved to waive the second reading and appoint Mr. Skip Watts to serve as a Seven Devils representative on the Watauga County Recreation Commission.

#### VOTE: Aye-5 Nay-0

County Manager Geouque stated that the Boone Town Council nominated Mr. Greg Dobbins for appointment as a representative on the Watauga County Recreation Commission.

Commissioner Welch, seconded by Commissioner Yates, moved to waive the second reading and appoint Mr. Greg Dobbins to serve as a Town of Boone representative on the Watauga County Recreation Commission.

#### VOTE: Aye-5 Nay-0

#### Watauga Medical Center Board of Trustees

County Manager Geouque stated that the Watauga Medical Center Board of Trustees recommended Mrs. Kim Miller and Mrs. Jan Winkler for reappointment and Mr. Kent Tarbutton for appointment as Board Trustees. Each of their terms would be effective January 1, 2016, through December 31, 2018.

No action was taken as this was a first reading.

#### **B.** Announcements

County Manager Geouque announced that the January 5, 2016, Board of Commissioners meeting has been cancelled. The next regular meeting of the Board will be on January 19, 2016, at 5:30 P.M.

#### PUBLIC COMMENT

Mr. Frank Packard and Ms. Deborah Greene shared comments regarding the Town of Boone water intake project and the subsequent condemnation of property.

#### **CLOSED SESSION**

At 6:23 P.M., Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to enter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3).

#### VOTE: Aye-5 Nay-0

Commissioner Kennedy, seconded by Commissioner Welch, moved to resume the open meeting at 6:49 P.M.

VOTE: Aye-5 Nay-0

#### **ADJOURN**

Chairman Hodges adjourned the meeting at 6:49 P.M.

VOTE: Aye-5 Nay-0

Jimmy Hodges, Chairman

ATTEST: Anita J. Fogle, Clerk to the Board

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# AGENDA ITEM 3:

# APPROVAL OF THE JANUARY 19, 2015, AGENDA

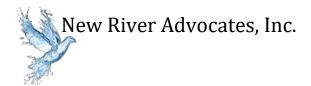
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# **AGENDA ITEM 4:**

# **NEW RIVER ADVOCATES REQUEST**

### **MANAGER'S COMMENTS:**

Ms. Deborah Greene, New River Advocates, Inc. Board Member, will make a formal presentation regarding the Town of Boone's proposed raw water intake.



P.O. Box 44 Todd, N.C. 28684 Phone: (828) 308-1803 Fax: (866) 280-4338

January 11, 2016

Deron Geouque County Manager Watauga County Watauga County Board of Commissioners 14 West King Street, Suite 205 Boone, N.C. 28607 VIA Email: deron.geouque@watgov.org

Re: Request to Present to the Board of Commissioners at the January 19, 2016 meeting

Mr. Geouque:

This letter is a request to make a formal presentation to the Watauga County Board of Commissioners at the January 19, 2016 meeting on the Town of Boone's Proposed Raw Water Intake on the New River at the Ashe/Watauga County line with regard to N.C.G.S. 153A-15 and Petition for Action.

Please acknowledge the receipt of this request and kindly respond in writing to this request once a decision is made.

Respectfully submitted,

Behe (lelous

Deborah B. Greene Member of Board of Directors New River Advocates, Inc.

Cc: Donnie Cooper, Ronnie Cooper and Frank Packard VIA Email Watauga County Board of Commissioners VIA Email Anita Fogle, County Clerk VIA Email

# PETITION FOR ACTION

**PURPOSE**: New River Advocates, Inc. requests the Watauga County Commissioners take action under the authority of N.C.G.S. §153A-14.5, regarding the acquisition of property in Watauga County, by the town of Boone through eminent domain taking of property in Watauga County, by the town of Boone, for the benefit of the town of Boone, in expansion of its Raw Water Intake, over twelve (12) miles outside of its corporate limits at the Ashe/Watauga County line, on the South Fork of the New River, in the Brownwood Community.

Whereas N.C.G.S. §153A-14.5 requires the consent of the County Board of Commissioners in Watauga County, before any municipality, special district or other unit of local government located within Watauga County, acquires by condemnation any real property located in Watauga County and outside of the corporate limits of such

Whereas, the town of Boone is located within Watauga County; and,

Whereas, the town of Boone sought to circumvent the Watauga County Commissioners under N.C.G.S. §153A-14.5, by filing approximately seventeen (17) law suits in Watauga County Superior Court seeking to exercise the power of eminent domain to acquire real property located in Watauga County, miles outside of the town of Boone's corporate limits; and,

Whereas, the town of Boone filed the seventeen (17) law suits on September 16, 2015, claiming the initiation of condemnation proceedings under §N.C.G.S. 40A, Eminent Domain, on September 16, 2015, one day before the ratification of §N.C.G.S. 153A-14.5; and,

Whereas, the town of Boone is defined as a public condemnor as defined by §N.C.G.S. §40A-3; and,

Whereas, the town of Boone, must exercise its power of eminent domain using the procedures under Article 3 of §N.C.G.S. 40A; and,

Whereas, N.C.G.S. §40A-43, under Article 3 of §N.C.G.S. 40A, requires the filing of a Memorandum of Action: *"The condemnor, at the time of filing of the complaint containing the declaration of taking and deposit of estimated compensation, shall record a memorandum of action with the register of deeds in all counties in which the land involved is located and said memorandum shall be recorded among the land records of said county. ..."; and,* 

Whereas, the town of Boone, filed the memorandum of action for the same seventeen (17) properties referenced herein on with the Watauga County Register of Deeds on September 25, 2015 recorded at Book 1825, Page 540 through Book 1825, Pages 729; and,

Now, New River Advocates, Inc. contends the town of Boone failed to initiate the condemnation proceedings on September 16, 2015 by failure to filed the memorandum of action referenced herein until September 25, 2015; and,

Whereas, the property owners do not have the standing to compel the town of Boone to seek the approval of the Watauga County Commissioners required under N.C.G.S. §153A-14.5; and

Whereas, the Watauga County Commissioners do have the standing to compel the town of Boone to seek the approval of the Watauga County Commissioners required under N.C.G.S. §153A-14.5.

Therefore, New River Advocates, Inc., requests the Watauga County Commissioners take the legal action necessary to prevent the town of Boone from seeking final judgement without the approval of the Watauga County Commissioners in violation of N.C.G.S. §153-14.5.

In consideration of this petition, we are submitting copies of the remaining law suits filed by the town of Boone on September 16, 2015 in Watauga County Superior Court along with copies of the Memorandum of Action filed on September 25, 2015 and recorded with the Watauga County Register of Deeds Office.

New River Advocates, Inc.

#### N.C.G.S. §153A-14.5

AN ACT TO REQUIRE CONSENT OF THE COUNTY BOARD OF COMMISSIONERS IN ASHE AND WATAUGA COUNTY FOR PROPERTY LOCATED IN THOSE COUNTIES BEFORE ANY MUNICIPALITY, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT ACQUIRES BY CONDEMNATION ANY REAL PROPERTY LOCATED IN THE SAME COUNTY AND OUTSIDE THE MUNICIPALITY, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 153A of the General Statutes is amended by adding a new section to read:

# "<u>§ 153A-14.5. Consent of board of commissioners necessary before land outside</u> <u>a unit of local government, but within the county where that unit of</u> <u>local government is located, may be condemned by that unit of local</u> <u>government.</u>

(a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other general law or local act conferring the power of eminent domain, before final judgment may be entered in any action of condemnation initiated by a city or town, special district, or other unit of local government, whereby the condemnor seeks to acquire property located in the county where the condemnor is located, but outside the corporate limits of the condemnor, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented by resolution, by majority vote of all members of the Board, to the taking.

(b) In addition to the procedure specified in subsection (a) of this section, the following shall indicate proof that the county board of commissioners of the county where the city or town, special district, or other unit of local government is initiating an action of condemnation has consented to the taking, as required by subsection (a) of this section, with no further approval of the county board of county commissioners required:

- (1) The real property subject to the condemnation action is located in a designated urban growth area or zone of the condemning entity that was approved by a prior action of the county board of commissioners.
- (2) The real property subject to the condemnation is located in an extraterritorial jurisdiction area, as defined in G.S. 160A-360, of the condemning entity that was approved by a prior action of the county board of county commissioners.

(c) This section does not apply as to any condemnation of real property by a city or town, special district, or other unit of local government where the property to

be condemned is within the corporate limits of that city or town, special district, or other unit of local government."

**SECTION 2.** This act applies only to Ashe and Watauga counties. This act is effective when it becomes law and applies to condemnations on or after that date. In the General Assembly read three times and ratified this the 17<sup>th</sup> day of September, 2015.

s/ Philip E. Berger President Pro Tempore Officer of the

Senate

s/ Tim Moore Speaker of the House of Representatives

# History of N.C.G.S. §153A-14.5

House Bill 875 (H875) was introduced to the NC House of Representatives, by Representative Jonathan Jordan, on April 14, 2015, as an bill to amend N.C.G.S. §153A-15.

N.C.G.S. §153A-15 is a local law affecting only 84 of the 100 counties of the State of North Carolina requiring the approval of the county commissioners before a unit of government could acquire property by purchase or condemnation in a county in which the unit of government is not located.

Version 1 of H875 was a bill to amend N.C.G.S. §153A-15 to require the same approval of the county commissions before a unit of government, inside or outside of the county, could acquire property by purchase or condemnation. Version 1 of H875 also applied the law to all counties.

Based on opposition to covering all counties and the essence of time, to cover Ashe and Watauga counties, Version 2 of H875, April 15, 2015, was a bill to add N.C.G.S. §153A-14.5 versus the revision of §153A-15.

H875 passed the NC House and was sent to the NC Senate on April 30, 2015.

H875 passed the first reading of the NC Senate on April 30, 2015 and was referred to the Committee on Rules and Operations of the Senate on April 30, 2015.

H875 sat in the Committee on rules and Operations until September 16, 2015. H875 passed the second and third readings of the NC Senate on September 17, 2015.

H875 was ratified and became session law 2015-240 on September 17, 2015 with an effective date of September 17, 2015.

# Chapter 40A.

#### **Eminent Domain.**

Article 1.

General.

#### § 40A-1. Exclusive provisions.

(a) Notwithstanding the provisions of any local act, it is the intent of the General Assembly that, effective August 15, 2006, the uses set out in G.S. 40A-3 are the exclusive uses for which the authority to exercise the power of eminent domain is granted to private condemnors, local public condemnors, and other public condemnors. Effective August 15, 2006, a local act granting the authority to exercise the power of eminent domain to a private condemnor, local public condemnor, or other public condemnor for a use or purpose other than those granted to it in G.S. 40A-3(a), (b), (b1), or (c) is not effective for that use or purpose. Provided that, any eminent domain action commenced before August 15, 2006, for a use or purpose granted in a local act, may be lawfully completed pursuant to the provisions of that local act. The provisions of this subsection shall not repeal any provision of a local act limiting the purposes for which the authority to exercise the power of eminent domain may be used.

(b) It is the intent of the General Assembly that the procedures provided by this Chapter shall be the exclusive condemnation procedures to be used in this State by all private condemnors and all local public condemnors. All other provisions in laws, charters, or local acts authorizing the use of other procedures by municipal or county governments or agencies or political subdivisions thereof, or by corporations, associations or other persons are hereby repealed effective January 1, 1982. Provided, that any condemnation proceeding initiated prior to January 1, 1982, may be lawfully completed pursuant to the provisions previously existing.

(c) This Chapter shall not repeal any provision of a local act limiting the purposes for which property may be condemned. Notwithstanding the language of G.S. 40A-3(b), this Chapter also shall not repeal any provision of a local act creating any substantive or procedural requirement or limitation on the authority of a local public condemnor to exercise the power of eminent domain outside of its boundaries. (1981, c. 919, s. 1; 2006-224, s. 1; 2006-259, s. 47.)

#### § 40A-2. Definitions.

As used in this Chapter the following words and phrases have the meanings indicated unless the context clearly requires another meaning:

- (1) "Condemnation" means the procedure prescribed by law for exercising the power of eminent domain.
- (2) "Condemnor" means those listed in G.S. 40A-3.

- (3) "Eminent domain" means the power to divest right, title or interest from the owner of property and vest it in the possessor of the power against the will of the owner upon the payment of just compensation for the right, title or interest divested.
- (4) "Judge" means a resident judge of the superior court in the district where the cause is pending, or special judge residing in said district, or a judge of the superior court assigned to hold the courts of said district or an emergency or special judge holding court in the county where the cause is pending.
- (5) "Owner" includes the plural when appropriate and means any person having an interest or estate in the property.
- (6) "Person" includes the plural when appropriate and means a natural person, and any legal entity capable of owning or having interest in property.
- (7) "Property" means any right, title, or interest in land, including leases and options to buy or sell. "Property" also includes rights of access, rights-of-way, easements, water rights, air rights, and any other privilege or appurtenance in or to the possession, use, and enjoyment of land. (1981, c. 919, s. 1.)

# § 40A-3. By whom right may be exercised.

(a) Private Condemnors. - For the public use or benefit, the persons or organizations listed below shall have the power of eminent domain and may acquire by purchase or condemnation property for the stated purposes and other works which are authorized by law.

- (1) Corporations, bodies politic or persons have the power of eminent domain for the construction of railroads, power generating facilities, substations, switching stations, microwave towers, roads, alleys, access railroads, turnpikes, street railroads, plank roads, tramroads, canals, telegraphs, telephones, electric power lines, electric lights, public water supplies, public sewerage systems, flumes, bridges, and pipelines or mains originating in North Carolina for the transportation of petroleum products, coal, gas, limestone or minerals. Land condemned for any liquid pipelines shall:
  - a. Not be less than 50 feet nor more than 100 feet in width; and
  - b. Comply with the provisions of G.S. 62-190(b).

The width of land condemned for any natural gas pipelines shall not be more than 100 feet.

(2) School committees or boards of trustees or of directors of any corporation holding title to real estate upon which any private educational institution is situated, have the power of eminent domain

in order to obtain a pure and adequate water supply for such institution.

- (3) Franchised motor vehicle carriers or union bus station companies organized by authority of the Utilities Commission, have the power of eminent domain for the purpose of constructing and operating union bus stations: Provided, that this subdivision shall not apply to any city or town having a population of less than 60,000.
- (4) Any railroad company has the power of eminent domain for the purposes of: constructing union depots; maintaining, operating, improving or straightening lines or of altering its location; constructing double tracks; constructing and maintaining new yards and terminal facilities or enlarging its yard or terminal facilities; connecting two of its lines already in operation not more than six miles apart; or constructing an industrial siding.
- (5) A condemnation in fee simple by a State-owned railroad company for the purposes specified in subdivision (4) of this subsection and as provided under G.S. 124-12(2).

The width of land condemned for any single or double track railroad purpose shall be not less than 80 feet nor more than 100 feet, except where the road may run through a town, where it may be of less width, or where there may be deep cuts or high embankments, where it may be of greater width.

No rights granted or acquired under this subsection shall in any way destroy or abridge the rights of the State to regulate or control any railroad company or to regulate foreign corporations doing business in this State. Whenever it is necessary for any railroad company doing business in this State to cross the street or streets in a town or city in order to carry out the orders of the Utilities Commission, to construct an industrial siding, the power is hereby conferred upon such railroad company to occupy such street or streets of any such town or city within the State. Provided, license so to do be first obtained from the board of aldermen, board of commissioners, or other governing authorities of such town or city.

No such condemnor shall be allowed to have condemned to its use, without the consent of the owner, his burial ground, usual dwelling house and yard, kitchen and garden, unless condemnation of such property is expressly authorized by statute.

The power of eminent domain shall be exercised by private condemnors under the procedures of Article 2 of this Chapter.

(b) Local Public Condemnors - Standard Provision. - For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following purposes.

(1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subse n ctiois in

addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.

- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities.
- (6) Constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission or agency.
- (7) Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by Chapter 115C of the General Statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this Chapter.

(b1) Local Public Condemnors - Modified Provision for Certain Localities. -For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property or interest therein, either inside or outside its boundaries, for the following purposes.

(1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in

addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.

- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities.
- (6) Constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission or agency.
- (7) Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.
- (10) Engaging in or participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment.
- (11) Establishing access for the public to public trust beaches and appurtenant parking areas.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by Chapter 115C of the General Statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this chapter. This subsection applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island. This subsection, excluding subdivision (11) of this subsection, applies to the Town of Duck.

(c) Other Public Condemnors. - For the public use or benefit, the following political entities shall possess the power of eminent domain and may acquire property by purchase, gift, or condemnation for the stated purposes.

- (1) A sanitary district board established under the provisions of Part 2 of Article 2 of Chapter 130A for the purposes stated in that Part.
- (2) The board of commissioners of a mosquito control district established under the provisions of Part 2 of Article 12 of Chapter 130A for the purposes stated in that Part.
- (3) A hospital authority established under the provisions of Part B of Article 2 of Chapter 131E for the purposes stated in that Part, provided, however, that the provisions of G.S. 131E-24(c) shall continue to apply.
- (4) A watershed improvement district established under the provisions of Article 2 of Chapter 139 for the purposes stated in that Article, provided, however, that the provisions of G.S. 139-38 shall continue to apply.
- (5) A housing authority established under the provisions of Article 1 of Chapter 157 for the purposes of that Article, provided, however, that the provisions of G.S. 157-11 shall continue to apply.
- (6) A corporation as defined in G.S. 157-50 for the purposes of Article 3 of Chapter 157, provided, however, the provisions of G.S. 157-50 shall continue to apply.
- (7) A commission established under the provisions of Article 22 of Chapter 160A for the purposes of that Article.
- (8) An authority created under the provisions of Article 1 of Chapter 162A for the purposes of that Article.
- (9) A district established under the provisions of Article 4 of Chapter 162A for the purposes of that Article.
- (10) A district established under the provisions of Article 5 of Chapter 162A for purposes of that Article.
- (11) The board of trustees of a community college established under the provisions of Article 2 of Chapter 115D for the purposes of that Article.
- (12) A district established under the provisions of Article 6 of Chapter 162A for the purposes of that Article.

A regional public transportation authority established under Article
 26 of Chapter 160A of the General Statutes for the purposes of that Article.

The power of eminent domain shall be exercised by a public condemnor listed in this subsection under the procedures of Article 3 of this Chapter. (1852, c. 92, s. 1; R.C., c. 61, s. 9; 1874-5, c. 83; Code, s. 1698; Rev., s. 2575; 1907, cc. 39, 458, 783; 1911, c. 62, ss. 25, 26, 27; 1917, cc. 51, 132; C.S., s. 1706; 1923, c. 205; Ex. Sess. 1924, c. 118; 1937, c. 108, s. 1; 1939, c. 228, s. 4; 1941, c. 254; 1947, c. 806; 1951, c. 1002, ss. 1, 2; 1953, c. 1211; 1957, c. 65, s. 11; c. 1045, s. 1; 1961, c. 247; 1973, c. 507, s. 5; c. 1262, s. 86; 1977, c. 771, s. 4; 1981, c. 919, s. 1; 1983, c. 378, s. 2; 1983 (Reg. Sess., 1984), c. 1084; 1985, c. 689, s. 10; c. 696, s. 2; 1987, c. 2, s. 1; c. 564, s. 13; c. 783, s. 6; 1989, c. 706, s. 3; c. 740, s. 1.1; 2000-146, s. 8; 2001-36, ss. 1, 3; 2001-478, s. 2; 2001-487, s. 58; 2002-172, s. 4.1; 2003-282, s. 1; 2003-416, s. 2; 2004-203, s. 32(a), (b); 2006-224, s. 2; 2006-259, s. 47; 2014-86, s. 1.)

#### § 40A-4. No prior purchase offer necessary.

The power to acquire property by condemnation shall not depend on any prior effort to acquire the same property by gift or purchase, nor shall the power to negotiate for the gift or purchase of property be impaired by initiation of condemnation proceedings. A potential condemnor who seeks to acquire property by gift or purchase shall give the owner written notice of the provisions of G.S. 40A-6. (1981, c. 919, s. 1; 1997-270, s. 4.)

#### § 40A-5. Condemnation of property owned by other condemnors.

(a) A condemnor listed in G.S. 40A-3(a), (b) or (c) shall not possess the power of eminent domain with respect to property owned by the State of North Carolina or a State-owned railroad as defined in G.S. 124-11 unless the State consents to the taking. The State's consent shall be given by the Council of State, or by the Secretary of Administration if the Council of State delegates this authority to the Secretary. In a condemnation proceeding against State property consented to by the State, the only issue shall be the compensation to be paid for the property.

(b) Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(a), (b) or (c) may condemn the property of a private condemnor if such property is not in actual public use or not necessary to the operation of the business of the owner. Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(b) or (c) may condemn the property of a condemnor listed in G.S. 40A-3(b) or (c) may proposed to be taken is not being used or held for future use for any governmental or proprietary purpose. (1981, c. 919, s. 1; 2000-146, s. 9.)

#### § 40A-6. Reimbursement of owner for taxes paid on condemned property.

(a) An owner whose property is totally taken in fee simple by a condemnor exercising the power of eminent domain, under this Chapter or any other statute, shall be entitled to reimbursement from the condemnor of the pro rata portion of real property taxes paid by the owner that are allocable to a period subsequent to vesting of title in the condemnor, or the effective date of possession of the real property, whichever is earlier.

(b) An owner who meets the following conditions is entitled to reimbursement from the condemnor for all deferred taxes paid by the owner pursuant to G.S. 105-277.4(c) as a result of the condemnation:

- (1) The owner is a natural person whose property is taken in fee simple by a condemnor exercising the power of eminent domain under this Chapter or any other statute.
- (2) The owner also owns agricultural land, horticultural land, or forestland that is contiguous to the condemned property and that is in active production.

The definitions in G.S. 105-277.2 apply in this subsection. (1975, c. 439, s. 1; 1981, c. 919, s. 1; 1997-270, s. 1.)

# § 40A-7. Acquisition of whole parcel or building.

(a) When the proposed project requires condemnation of only a portion of a parcel of land leaving a remainder of such shape, size or condition that it is of little value, a condemnor may acquire the entire parcel by purchase or condemnation. If the remainder is to be condemned the petition filed under the provisions of G.S. 40A-20 or the complaint filed under the provisions of G.S. 40A-41 shall include:

- (1) A determination by the condemnor that a partial taking of the land would substantially destroy the economic value or utility of the remainder; or
- (2) A determination by the condemnor that an economy in the expenditure of public funds will be promoted by taking the entire parcel; or
- (3) A determination by the condemnor that the interest of the public will be best served by acquiring the entire parcel.

(b) Residues acquired under this section may be sold or disposed of in any manner provided for the disposition of property, or may be exchanged for other property needed by the condemnor.

(c) When the proposed project requires condemnation of a portion of a building or other structure, the condemnor may acquire the entire building or structure by purchase or condemnation, together with the right to enter upon the surrounding land for the purpose of removing the building or structure. If the entire building is to be condemned the petition filed under the provisions of G.S. 40A-20, or the complaint

filed under the provisions of G.S. 40A-41 shall include a determination by the condemnor either:

- (1) That an economy in the expenditure of public funds will be promoted by acquiring the entire building or structure; or
- (2) That it is not feasible to cut off a portion of the building or structure without destroying the whole; or
- (3) That the convenience, safety, or improvement of the project will be promoted by acquiring the entire building or structure. Nothing in this subsection shall be deemed to compel the condemnor to condemn the underlying fee of the portion of any building or structure that lies outside the project. (1981, c. 919, s. 1.)

# § 40A-8. Costs.

(a) In any action under the provisions of Article 2 or Article 3 of this Chapter, the court in its discretion may award to the owner a sum to reimburse the owner for charges he has paid for appraisers, engineers and plats, provided such appraisers or engineers testify as witnesses, and such plats are received into evidence as exhibits by order of the court.

(b) If a condemnor institutes a proceeding to acquire by condemnation any property and (i) if the final judgment in a resulting action is that the condemnor is not authorized to condemn the property, or (ii) if the condemnor abandons the action, the court with jurisdiction over the action shall after making appropriate findings of fact award each owner of the property sought to be condemned a sum that, in the opinion of the court based upon its findings of fact, will reimburse the owner for: his reasonable costs; disbursements; expenses (including reasonable attorney, appraisal, and engineering fees); and, any loss suffered by the owner because he was unable to transfer title to the property from the date of the filing of the complaint under G.S. 40A-41.

(c) If an action is brought against a condemnor under the provisions of G.S. 40A-20 or 40A-51 seeking compensation for the taking of any interest in property by the condemnor and judgment is for the owner the court shall award to the owner as a part of the judgment after appropriate finding of fact a sum that, in the opinion of the court based upon its finding of fact, will reimburse the owner as set out in subsection (b). (1981, c. 919, s. 1.)

#### § 40A-9. Removal of structures on condemned land; lien.

At the request of the owner the condemnor shall allow the owner of property acquired by condemnation to remove any timber, building, permanent improvement, or fixture wholly or partially located on or affixed to the property unless such removal would be inconsistent with the purpose for which condemnation is made, and shall specify a reasonable time within which it may be removed. If the report of the commissioners deducted the value of any such property to be removed from the award of compensation and allowed the cost of removal as an element of damages and the owner fails to remove it within the time allowed, the condemnor may remove it and the cost of the removal and storage of the property shall be chargeable against the owner and a lien upon any remainder of the property not acquired by the condemnor to be recovered or foreclosed in the manner provided by law for recovery of debt or foreclosure of mortgages. (1981, c. 919, s. 1.)

#### § 40A-10. Sale or other disposition of land condemned.

When any property condemned by the condemnor is no longer needed for the purpose for which it was condemned, it may be used for any other public purpose or may be sold or disposed of in the manner prescribed by law for the sale and disposition of surplus property. (1981, c. 919, s. 1.)

#### § 40A-11. Right of entry prior to condemnation.

Any condemnor without having filed a petition or complaint, depositing any sum or taking any other action provided for in this Chapter, is authorized to enter upon any lands, but not structures, to make surveys, borings, examinations, and appraisals as may be necessary or expedient in carrying out and performing its rights or duties under this Chapter. The condemnor shall give 30 days' notice in writing to the owner at his last known address and the party in possession of the land of the intended entry authorized by this section.

Entry under this section shall not be deemed a trespass or taking within the meaning of this Chapter, however, the condemnor shall make reimbursement for any damage resulting from such activities, and the owner is entitled to bring an action to recover for the damage. If the owner recovers damages of twenty-five percent (25%) over the amount offered by the condemnor for reimbursement for its activities the court, in its discretion, may award reasonable attorney fees to the owner. (1981, c. 919, s. 1.)

#### § 40A-12. Additional rules.

Where the procedure for conducting an action under this Chapter is not expressly provided for in this Chapter or by the statutes governing civil procedure, or where the civil procedure statutes are inapplicable, the judge before whom such proceeding may be pending shall have the power to make all the necessary orders and rules of procedure necessary to carry into effect the object and intent of this Chapter. The practice in each case shall conform as near as may be to the practice in other civil actions. (1981, c. 919, s. 1.)

#### § 40A-13. Costs and appeal.

In addition to any reimbursement provided for in G.S. 40A-8 the condemnor shall pay all court costs taxed by the court. Either party shall have a right of appeal to the appellate division for errors of law committed in any proceedings provided for in this Chapter in the same manner as in any other civil actions and it shall not be necessary that an appeal bond be posted. (1981, c. 919, s. 1.)

#### §§ 40A-14 through 40A-18. Reserved for future codification purposes.

#### Article 2.

Condemnation Proceedings by Private Condemnors.

#### § 40A-19. Proceedings by private condemnors.

Any private condemnor enumerated in G.S. 40A-3(a), possessing by law the right of eminent domain in this State shall have the right to acquire property required for the purposes of its incorporation or for the purposes specified in this Chapter in the manner and by the special proceedings herein prescribed. (1871-2, c. 138, s. 13; Code, ss. 1943, 2009; 1885, c. 168; 1893, c. 63; 1899, c. 64; 1901, cc. 6, 41, s. 2; 1903, c. 159, s. 16; c. 562; Rev., s. 2579; C.S., s. 1715; 1951, c. 59, s. 1; 1981, c. 919, s. 1.)

#### § 40A-20. Petition filed; contents.

For the purpose of acquiring property a condemnor listed in G.S. 40A-3(a), or the owner of the property sought to be condemned, may present a petition to the clerk of the superior court of any county in which the real estate described in the petition is situated, praying for the appointment of commissioners of appraisal. The petition shall be signed and verified. If filed by the condemnor, it must contain a description of the property which the condemnor seeks to acquire; and it must state that the condemnor is duly incorporated, and that it is its intention in good faith to conduct and carry on the public business authorized by its charter, stating in detail the nature of its public business, and the specific use of the property; and that the property described in the petition is required for the purpose of conducting the proposed business. The petition, if filed by the condemnor, must also contain a statement as to whether the owner will be permitted to remove all or a specified portion of any buildings, structures, permanent improvements, or fixtures situated on or affixed to the land. The petition, whether filed by the condemnor or the owner, must also state the names and places of residence of all other owners, so far as the same can by reasonable diligence be ascertained, or those who claim to be owners of the property. If any such persons are infants, their ages, as near as may be known, must be stated; and if any such persons are incompetents, inebriates or are unknown, that fact must be stated, together with any other allegations and statements of liens or encumbrances on the property which the condemnor or the owner may see fit to make.

Nothing in this section shall in any manner affect an owner's common-law right to bring an action in tort for damage to his property. (1871-2, c. 138, s. 14; Code, s. 1944; 1893, c. 396; Rev., s. 2580; 1907, c. 783, s. 3; C.S., s. 1716; 1981, c. 919, s. 1.)

#### § 40A-21. Notice of proceedings.

Notice of all proceedings brought hereunder shall be filed with the clerk of superior court of each county in which any part of the land is located in the form and manner provided by G.S. 1-116, and the clerk shall index and cross-index this notice as required by G.S. 1-117. In the record of lis pendens and in the judgment docket required by G.S. 7A-109 the clerk shall always index the name of the condemnor as the plaintiff and the name of the property owner as the defendant irrespective of whether the condemning party is the plaintiff or defendant. The filing of such notice shall be constructive notice of the proceeding to any person who subsequently acquires any interest in or lien upon said property, and the condemnor shall take all property condemned under this Article free of the claims of any such person. (1969, c. 864; 1981, c. 919, s. 1.)

#### § 40A-22. Service.

A summons as in other cases of special proceedings, together with a copy of the petition, must be served on all persons whose estates or interests are to be affected by the proceedings, at least 10 days prior to the hearing of the same by the court. (1871-2, c. 138, s. 14; Code, s. 1944; Rev., s. 2581; C.S., s. 1717; 1981, c. 919, s. 1.)

#### § 40A-23. Service where parties unknown.

If the person on whom service of summons and petition is to be made is unknown, or his residence is unknown and cannot by reasonable diligence be ascertained, then service may be made by publishing a notice, stating the time and place within which such person must appear and plead, the object thereof, with a description of the land to be affected by the proceedings, in accordance with the provisions of G.S. 1A-1, Rule 4(j)(9)c. In such cases the State Treasurer shall be served as custodian of the Escheat Fund and may become a party to the action. (Code, s. 1944, subsec. 5; Rev., s. 2582; C.S., s. 1718; 1971, c. 1093, s. 18; 1981, c. 919, s. 1.)

#### § 40A-24. Orders served as in special proceedings in absence of other provisions.

In all cases not herein otherwise provided for, service of orders, notices, and other papers in the special proceedings authorized by this Chapter may be made as in other special proceedings. (Code, s. 1944, subsec. 7; Rev., s. 2583; C.S., s. 1719; 1981, c. 919, s. 1.)

#### § 40A-25. Answer to petition; hearing; commissioners appointed.

On presenting such petition to the clerk of superior court, with proof of service of a copy thereof, and of the summons, all or any of the persons whose estates or interests are to be affected by the proceedings may answer such petition and show cause against granting the prayer of the same. The clerk shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, shall make an order for the appointment of three commissioners and shall fix the time and place for the first meeting of the commissioners. Each commissioner shall be a resident of the county wherein the property being condemned lies who has no right, title, or interest in or to the property condemned, is not related within the third degree to the owner or to the spouse of the owner, is not an officer, employee or agent of the condemnor, and is disinterested in the rights of the parties in every way. (1871-2, c. 138, s. 15; Code, s. 1945; Rev., s. 2584; C.S., s. 1720; 1981, c. 919, s. 1.)

#### § 40A-26. Powers and duties of commissioners.

The commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath that they will fairly and impartially appraise the property in the petition. Any one of them may issue subpoenas, administer oaths to witnesses, and any two of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the clerk or pursuant to adjournment, they shall cause 10 days' notice of such meeting to be given to the parties who are affected by their proceedings, or their attorney or agent. They shall view the premises described in the petition, hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing. After the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, a majority of the commissioners being present and acting, shall ascertain and determine the compensation which ought justly to be made by the condemnor to the owners of the property appraised by them. The commissioners shall determine the compensation to be awarded in accordance with the principles established by Article 4 of this Chapter. They shall report the same to the clerk within 10 days. (1871-2, c. 138, ss. 16-18; Code, s. 1946; 1891, c. 160; Rev., s. 2585; C.S., s. 1721; 1981, c. 919, s. 1.)

#### § 40A-27. Form of commissioners' report.

When the commissioners shall have assessed the compensation, they shall forthwith make and subscribe a written report of their proceedings, in substance as follows:

#### To the Clerk of the Superior Court of :

We, \_\_\_\_, commissioners appointed by the court to assess the damages that have been and will be sustained by \_\_\_\_, the owner of certain property lying in the county

of \_\_\_\_\_, which \_\_\_\_\_ the condemnor proposes to condemn for its use, do hereby certify that we met on \_\_\_\_\_ (or the day to which we were regularly adjourned), and, having first been duly sworn, we visited the premises of the owner, and after taking into full consideration the quality and quantity of the property aforesaid, and all other inconveniences likely to result to the owner, we have estimated and do assess the compensation aforesaid at the sum of \$\_\_\_\_\_.

Given under our hands, the <u>day of</u>, A.D. (R.C., c. 61, s. 17; 1874-5, c. 83; Code, s. 1700; Rev., s. 2586; C.S., s. 1722; 1981, c. 919, s. 1; 1999-456, s. 59.)

#### § 40A-28. Exceptions to report; hearing; when title vests; appeal; restitution.

(a) Upon the filing of the report, the clerk shall forthwith mail copies to the parties. Within 20 days after the filing of the report any party to the proceedings may file exceptions thereto. The clerk, after notice to the parties, shall hear any exceptions so filed and may thereafter direct a new appraisal, modify or confirm the report, or make such other orders as the clerk may deem right and proper.

(b) If no exceptions are filed to the report, and if the clerk's final judgment rendered upon the petition and proceedings shall be in favor of the condemnor, and upon the deposit by the condemnor of the sum adjudged, together with all costs allowed, into the office of the clerk of superior court, then, in that event, all owners who have been made parties to the proceedings shall be divested of the property or interest therein to the extent set forth in the proceedings. A copy of the judgment, certified under the seal of the court, shall be registered in the county or counties where the land is situated, and the original judgment, or a certified copy thereof, or a certified copy of the registered judgment, may be given in evidence in all actions and proceedings as deeds for property are now allowed in evidence.

(c) Any party to the proceedings may file exceptions to the clerk's final determination on any exceptions to the report and may appeal to the judge of superior court having jurisdiction. Notice of appeal shall be filed within 10 days of the clerk's final determination. Upon appeal the clerk shall transfer the proceedings to the civil issue docket of the superior court. A judge in session shall hear and determine all matters in controversy and, subject to G.S. 40A-29 regarding trial by jury, shall determine any issues of compensation to be awarded in accordance with the provisions of Article 4 of this Chapter.

(d) Notwithstanding the filing of exceptions by any party to any orders or final determination of the clerk or the filing of a notice of appeal to the superior court, the condemnor may, at the time of the filing of the report of commissioners, deposit with the clerk of superior court in the proceedings the sum appraised by the commissioners and, in that event, the condemnor may enter, take possession of, and hold said property in the manner and to the extent sought to be acquired by the proceedings until final judgment is rendered on any appeal.

(e) If, on appeal, the judge shall refuse to condemn the property, then the money deposited with the clerk of court in the proceedings, or so much thereof as shall be adjudged, shall be refunded to the condemnor and the condemnor shall have no right to the property and shall surrender possession of the same, on demand, to the owner. The judge shall have full power and authority to make such orders, judgments and decrees as may be necessary to carry into effect the final judgment rendered in such proceedings, including compensation in accordance with the provisions of G.S. 40A-8.

(f) If the amount adjudged to be paid the owner of any property condemned under this Article shall not be paid within 60 days after final judgment in the proceedings, the right under the judgment to take the property shall ipso facto cease and determine, but the claimant under the judgment shall still remain liable for all amounts adjudged against said claimant except the compensation awarded for the taking of the property.

(g) The provisions of this section shall not preclude any injunctive relief otherwise available to the owner or the condemnor. (Code, s. 1946; 1893, c. 148; Rev., s. 2587; 1915, c. 207; C.S., s. 1723; 1951, c. 59, s. 2; 1955, c. 29, s. 1; 1969, c. 44, s. 47; 1971, c. 528, s. 37; 1981, c. 919, s. 1.)

#### § 40A-29. Provision for jury trial on appeal.

In any proceedings under this Article by a condemnor to acquire property, any party to the proceedings shall be entitled on appeal to superior court to have the amount of compensation determined by a jury unless trial by jury has been waived by all parties. A jury shall determine the compensation to be awarded in accordance with the provisions of Article 4 of this Chapter. (1893, c. 148; Rev., s. 2588; C.S., s. 1724; 1957, c. 582; 1971, c. 528, s. 38; 1981, c. 919, s. 1.)

# § 40A-30. Title of infants, incompetents, inebriates, and trustees without power of sale, acquired.

In case any property required by a condemnor shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, incompetent, or inebriate, the superior court shall have power, by a special proceeding, on petition, to authorize and empower such trustee or the general guardian or committee of such infant, incompetent or inebriate, to sell and convey the same to such condemnor, on such terms as may be just. In case any infant, incompetent or inebriate has no general guardian or committee, the court may appoint a special guardian or committee for the purpose of making a sale, release or conveyance, and may require security from the general or special guardian or committee as the court may deem proper. Before any conveyance or release authorized by this section shall be executed, the terms on which it is to be executed shall be reported to the court on oath. If the court is satisfied that the terms are just to the owner of the property, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of the property having legal power to sell and convey the same. (1871-2, c. 138, s. 28; Code, s. 1956; Rev., s. 2590; C.S., s. 1726; 1981, c. 919, s. 1.)

#### § 40A-31. Rights of claimants of fund determined.

If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the property taken, the clerk or the judge on appeal may direct the money to be paid into the court by the condemnor, and may determine who is entitled to the same and direct to whom the same shall be paid, and may order a reference to ascertain the facts on which such determination and order are to be made. (1871-2, c. 138, s. 19; Code, s. 1947; Rev., s. 2591; C.S., s. 1727; 1981, c. 919, s. 1.)

# § 40A-32. Attorney for unknown parties appointed; pleadings amended; new commissioners appointed.

(a) The clerk or the judge on appeal shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent, and shall make an allowance to said attorney for his services which shall be taxed in the bill of costs. In such cases the State Treasurer as custodian of the Escheat Fund shall be notified of the appointment of such an attorney.

(b) The clerk or the judge on appeal shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this Chapter as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; and also to appoint other commissioners in place of any who shall die, refuse or neglect to serve or be incapable of serving. (1871-2, c. 138, s. 20; Code, s. 1948; Rev., s. 2592; C.S., s. 1728; 1981, c. 919, s. 1.)

#### § 40A-33. Change of ownership pending proceedings.

When any proceedings under this Article shall have been commenced, no change of ownership by voluntary conveyance or transfer of the property shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made. (1871-2, c. 138, s. 22; Code, s. 1950; Rev., s. 2594; C.S., s. 1730; 1981, c. 919, s. 1.)

#### § 40A-34. Defective title; how cured.

If at any time after an attempt to acquire title under this Article has commenced it shall be found that the title thereby attempted to be acquired is defective, the condemnor may commence new proceedings to acquire or perfect such title in the same manner as if no previous attempt had been commenced. At any stage in the new proceedings the court may authorize the condemnor, if in possession, to continue in possession, and if not in possession, to take possession and use the property during the pendency and until the final conclusion of the new proceedings. If the condemnor pays into court a sum determined by the court to be adequate compensation for the property, the court, in its discretion, may stay all actions or proceedings against the condemnor for its possession. In every such case the party interested in the property may conduct the proceedings to a conclusion if the condemnor delays or omits to prosecute the same. (1871-2, c. 138, s. 23; Code, s. 1951; Rev., s. 2595; C.S., s. 1731; 1981, c. 919, s. 1.)

#### **§§ 40A-35 through 40A-39. Reserved for future codification purposes.**

#### Article 3.

#### Condemnation by Public Condemnors.

#### § 40A-40. Notice of action.

(a) Not less than 30 days prior to the filing of a complaint under the provisions of G.S. 40A-41, a public condemnor listed in G.S. 40A-3(b) or (c) shall provide notice to each owner (whose name and address can be ascertained by reasonable diligence) of its intent to institute an action to condemn property. (The notice shall be sent to each owner by certified mail, return receipt requested. The providing of notice shall be complete upon deposit of the notice enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service. Notice by publication is not required. Notice to an owner whose name and/or address cannot be ascertained by reasonable diligence is not required in any manner.)

The notice shall contain a general description of the property to be taken and of the amount estimated by the condemnor to be just compensation for the property to be condemned. The notice shall also state the purpose for which the property is being condemned and the date condemnor intends to file the complaint.

(b) In the case of a condemnation action to be commenced pursuant to G.S. 40A-42(a), the notice required by subsection (a) of this section shall substantially comply with the following requirements:

- (1) The notice shall be printed in at least 12 point bold legible type.
- (2) The words "Notice of condemnation" or similar words shall conspicuously appear on the notice.
- (3) The notice shall include the information required by subsection (a) of this section.

- (4) The notice shall contain a plain language summary of the owner's rights, including:
  - a. The right to commence an action for injunctive relief.
  - b. The right to answer the complaint after it has been filed.
- (5) The notice shall include a statement advising the owner to consult with an attorney regarding the owner's rights.

An owner is entitled to no relief because of any defect or inaccuracy in the notice unless the owner was actually prejudiced by the defect or inaccuracy, and the owner is otherwise entitled to relief under Rules 55(d) or 60(b) of the North Carolina Rules of Civil Procedure or other applicable law. (1981, c. 919, s. 1; 1981 (Reg. Sess., 1982), c. 1243, s. 3; 1999-410, s. 1.)

# § 40A-41. Institution of action and deposit.

A public condemnor listed in G.S. 40A-3(b) or (c) shall institute a civil action to condemn property by filing in the superior court of any county in which the land is located a complaint containing a declaration of taking declaring that property therein is thereby taken for the use of the condemnor.

The complaint shall contain or have attached thereto the following:

- (1) A statement of the authority under which and the public use for which the property is taken;
- (2) A description of the entire tract or tracts of land affected by the taking sufficient for the identification thereof;
- (3) A statement of the property taken and a description of the area taken sufficient for the identification thereof;
- (4) The names and addresses of those persons who the condemnor is informed and believes may be or, claim to be, owners of the property so far as the same can by reasonable diligence be ascertained, and if any such persons are infants, incompetents, inebriates or under any other disability, or their whereabouts or names unknown, it must be so stated;
- (5) A statement of the sum of money estimated by the condemnor to be just compensation for the taking; and
- (6) A statement as to whether the owner will be permitted to remove all or a specified portion of any timber, buildings, structures, permanent improvements, or fixtures situated on or affixed to the property.
- (7) A statement as to such liens or other encumbrances as the condemnor is informed and believes are encumbrances upon the property and can by reasonable diligence be ascertained.
- (8) A prayer that there be a determination of just compensation in accordance with the provisions of this Article.

The filing of the complaint shall be accompanied by the deposit to the use of the owner of the sum of money estimated by the condemnor to be just compensation for the taking. Upon the filing of the complaint and the deposit of said sum, summons shall be issued to each owner of the property. The summons, together with a copy of the complaint and notice of the deposit shall be served upon the person named therein in the manner provided for the service of process under the provisions of G.S. 1A-1, Rule 4. The condemnor may amend the complaint and may increase the amount of its deposit with the court at any time while the proceeding is pending, and the owner shall have the same rights of withdrawal of this additional amount as set forth in G.S. 40A-44 of this Chapter. (1935, c. 470, ss. 4, 5; 1947, c. 781; 1971, c. 382, s. 1; 1981, c. 919, s. 1.)

### § 40A-42. Vesting of title and right of possession; injunction not precluded.

- Standard Provision. When a local public condemnor is acquiring (a) (1)property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(1), (8), (9), (10), (12), or (13) title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.
  - (2) Modified Provision for Certain Localities. When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b1)(1), (4), (7), (10), or (11), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13) title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with

the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.

This subdivision applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island.

(b) When a local public condemnor is acquiring property by condemnation for purposes other than for the purposes listed in subsection (a) above, title to the property taken and the right to possession shall vest in the condemnor pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor:

- (1) Upon the filing of an answer by the owner who requests only that there be a determination of just compensation and who does not challenge the authority of the condemnor to condemn the property; or
- (2) Upon the failure of the owner to file an answer within the 120-day time period established by G.S. 40A-46; or
- (3) Upon the disbursement of the deposit in accordance with the provisions of G.S. 40A-44.

(c) If the property is owned by a private condemnor, the vesting of title in the condemnor and the right to immediate possession of the property shall not become effective until the superior court has rendered final judgment (after any appeals) that the property is not in actual public use or is not necessary to the operation of the business of the owner, as set forth in G.S. 40A-5(b).

(d) If the answer raises any issues other than the issue of compensation, the issues so raised shall be determined under the provisions of G.S. 40A-47.

(e) The judge shall enter such orders in the cause as may be required to place the condemnor in possession.

(f) The provisions of this section shall not preclude or otherwise affect any remedy of injunction available to the owner or the condemnor. (1981, c. 919, s. 1; 1989 (Reg. Sess., 1990), c. 871, s. 1; 1998-212, s. 9.10; 2001-36, ss. 2, 3; 2001-239, s. 1; 2001-478, s. 2; 2003-282, s. 2; 2004-203, s. 33; 2009-85, s. 1; 2014-86, s. 2.)

### § 40A-43. Memorandum of action.

The condemnor, at the time of the filing of the complaint containing the declaration of taking and deposit of estimated compensation, shall record a memorandum of action with the register of deeds in all counties in which the land

involved is located and said memorandum shall be recorded among the land records of said county. Upon the amending of any complaint affecting the property taken, the condemnor shall record a supplemental memorandum of action. The memorandum of action shall contain:

- (1) The names of those persons who the condemnor is informed and believes to be or claim to be owners of the property and who are parties to said action;
- (2) A description of the entire tract or tracts affected by said taking sufficient for the identification thereof;
- (3) A statement of the property taken for public use;
- (4) The date of institution of said action, the county in which said action is pending, and such other reference thereto as may be necessary for the identification of said action. (1981, c. 919, s. 1.)

### § 40A-44. Disbursement of deposit.

Where there is no dispute as to title the person named in the complaint may apply to the court for disbursement of the money deposited in the court, or any part thereof, as full compensation, or as a credit against just compensation without prejudice to further proceedings in the cause to determine just compensation. Upon such application, the judge shall order that the money deposited be paid forthwith to the person entitled thereto in accordance with the application. Subject to the provisions of G.S. 40A-68 the judge shall have power to make such orders with respect to encumbrances, liens, rents, taxes, assessments, insurance and other charges, if any, as shall be just and equitable.

No notice to the condemnor of the hearing upon the application for disbursement of deposit shall be necessary. (1981, c. 919, s. 1.)

### § 40A-45. Answer, reply and plat.

(a) Any person whose property has been taken by the condemnor by the filing of a complaint containing a declaration of taking, may within the time set forth in G.S. 40A-46 file an answer to the complaint. No answer shall be filed to the declaration of taking and notice of deposit. Said answer shall contain the following:

- (1) Such admissions or denials of the allegations of the complaint as are appropriate;
- (2) The names and addresses of the persons filing said answer, together with a statement as to their interest in the property taken;
- (3) Such affirmative defenses or matters as are pertinent to the action; and
- (4) A request that there be a determination of just compensation.

(b) A copy of the answer shall be served on the condemnor provided that failure to serve the answer shall not deprive the answer of its validity. The affirmative

allegations of said answer shall be deemed denied. The condemnor may, however, file a reply within 30 days from receipt of a copy of this answer.

(c) The condemnor, within 90 days from the receipt of the answer shall file in the cause a plat of the property taken and such additional area as may be necessary to properly determine the compensation, and a copy thereof shall be mailed to the parties or their attorney; provided, however, the condemnor shall not be required to file a map or plat in less than six months from the date of the filing of the complaint. (1981, c. 919, s. 1.)

### § 40A-46. Time for filing answer; failure to answer.

Any person named in and served with a complaint containing a declaration of taking shall have 120 days from the date of service thereof to file answer. Failure to answer within said time shall constitute an admission that the amount deposited is just compensation and shall be a waiver of any further proceeding to determine just compensation; in such event the judge shall enter final judgment in the amount deposited and order disbursement of the money deposited to the owner. Provided, however, at any time prior to the entry of the final judgment the judge may, for good cause shown and after notice to the condemnor extend the time for filing answer for 30 days. (1981, c. 919, s. 1.)

### § 40A-47. Determination of issues other than damages.

The judge, upon motion and 10 days' notice by either the condemnor or the owner, shall, either in or out of session, hear and determine any and all issues raised by the pleadings other than the issue of compensation, including, but not limited to, the condemnor's authority to take, questions of necessary and proper parties, title to the land, interest taken, and area taken. (1981, c. 919, s. 1.)

### § 40A-48. Appointment of commissioners.

(a) A request to the clerk for the appointment of commissioners to determine compensation for the taking may be made in the answer of the owner, or may be made by motion of either the owner or the condemnor within 60 days after the filing of the answer. After the determination of other issues as provided by G.S. 40A-47, the clerk shall appoint three competent, disinterested persons residing in the county to serve as commissioners. The commissioners shall be sworn and shall go upon the land to appraise the compensation for the property taken and report their findings to the court within a time certain. Each commissioner shall be a person who has no right, title, or interest in or to the property being condemned, is not related within the third degree to the owner or to the spouse of the owner, is not an officer, employee, or agent of the condemnor, and is disinterested in the rights of the parties in every way.

(b) The commissioners shall have the power to inspect the property, hold hearings, swear witnesses, and take evidence as they may, in their discretion, deem

necessary, and shall file with the court a report of their determination of the damages sustained.

(c) The report of commissioners shall be in writing and in a form substantially as follows:

TO THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY We, \_\_\_\_\_ and \_\_\_\_ Commissioners appointed by the Court to assess the compensation to be awarded to \_\_\_\_\_, the owner of property interest in certain land lying in \_\_\_\_\_ County, North Carolina, which has been taken by the \_\_\_\_\_ (condemnor), for public purposes, do hereby certify that we convened, and, having first been duly sworn, visited the premises, and took such evidence as was presented to us, and after taking into full consideration the quality and quantity of the land and all other facts which reasonably affect its fair market value at the time of the taking, we have determined the fair market value of the property taken to be the sum of \$\_\_\_\_\_ and the compensation for the damage to the remainder of the land of the owner by reason of the taking to be the sum of \$\_\_\_\_\_\_ (if applicable). GIVEN under our hands, this the \_\_\_\_\_ day of \_\_\_\_\_\_, \_\_\_\_

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

A copy of the report shall at the time of filing be mailed certified or (d)registered mail by the clerk to each of the parties or to their counsel of record. Within 30 days after the mailing of the report, either the condemnor or the owner, may except thereto and demand a trial de novo by a jury as to the issue of compensation. Upon the receipt of such demand the action shall be placed on the civil issue docket of the superior court for trial de novo by a jury as to the issue of compensation, provided, that upon agreement of both parties trial by jury may be waived and the issue determined by the judge. The report of commissioners shall not be competent as evidence upon the trial of the issue of compensation in the superior court, nor shall evidence of the deposit by the condemnor into the court be competent upon the trial of the issue of compensation. If no exception to the report of commissioners is filed within the time prescribed, final judgment shall be entered by the judge upon a determination and finding by him that the report of commissioners plus interest computed in accordance with G.S. 40A-53 of this Chapter, awards to the property owners just compensation. In the event that the judge is of the opinion and, in his discretion, determines that the award does not provide just compensation, he shall set aside the award and order the case placed on the civil issue docket for determination of the issue of compensation by a jury. (1981, c. 919, s. 1; 1999-456, s. 59.)

### § 40A-49. No request for commissioners.

After the determination of other issues as provided by G.S. 40A-47, if no request has been made for the appointment of commissioners within the time permitted by

G.S. 40A-48(a), the cause shall be transferred to the civil issue docket for trial as to the issue of just compensation. (1981, c. 919, s. 1.)

### § 40A-50. Parties, orders; continuances.

The judge shall appoint an attorney to appear for and protect the rights of any party or parties in interest who are unknown, or whose residence is unknown and who has not appeared in the proceeding by an attorney or agent. The State Treasurer as custodian of the Escheat Fund shall be notified of the appointment of such an attorney. The judge shall appoint guardians ad litem for such parties as are infants, incompetents, or other parties who may be under a disability, and without general guardian, and the judge shall have the authority to make such additional parties as are necessary to the complete determination of the proceeding.

Upon his own motion, or upon motion of any of the parties the judge may, in his discretion, continue the cause until the project is completed or until such earlier time as, in the opinion of the judge, the effect of condemnation upon said property may be determined. The motion may be heard at a hearing pursuant to G.S. 40A-47 or upon the coming on of the cause for trial, and shall be granted upon a proper showing that the effect of condemnation upon the subject property cannot presently be determined. (1981, c. 919, s. 1.)

### § 40A-51. Remedy where no declaration of taking filed; recording memorandum of action.

If property has been taken by an act or omission of a condemnor listed in (a) G.S. 40A-3(b) or (c) and no complaint containing a declaration of taking has been filed the owner of the property, may initiate an action to seek compensation for the taking. The action may be initiated within 24 months of the date of the taking of the affected property or the completion of the project involving the taking, whichever shall occur later. The complaint shall be filed in the superior court and shall contain the following: the names and places of residence of all persons who are, or claim to be, owners of the property, so far as the same can by reasonable diligence be ascertained; if any persons are under a legal disability, it must be so stated; a statement as to any encumbrances on the property; the particular facts which constitute the taking together with the dates that they allegedly occurred, and; a description of the property taken. Upon the filing of said complaint summons shall issue and together with a copy of the complaint be served on the condemnor. The allegations of said complaint shall be deemed denied; however, the condemnor within 60 days of service summons and complaint may file answer thereto. If the taking is admitted by the condemnor, it shall, at the time of filing the answer, deposit with the court the estimated amount of compensation for the taking. Notice of the deposit shall be given to the owner. The owner may apply for disbursement of the deposit and disbursement shall be made in accordance with the applicable provisions of G.S. 40A-

44. If a taking is admitted, the condemnor shall, within 90 days of the filing of the answer to the complaint, file a map or plat of the property taken. The procedure hereinbefore set out in this Article and in Article 4 shall be followed for the purpose of determining all matters raised by the pleadings and the determination of just compensation.

(b) The owner at the time of filing of the complaint shall record a memorandum of action with the register of deeds in all counties in which the property involved is located. The memorandum is to be recorded among the land records of the county. The memorandum of action shall contain:

- (1) The names of those persons who the owner is informed and believes to be or claim to be owners of the property;
- (2) A description of the entire tract or tracts affected by the alleged taking sufficient for the identification thereof;
- (3) A statement of the property allegedly taken; and
- (4) The date on which owner alleges the taking occurred, the date on which said action was instituted, the county in which it was instituted, and such other reference thereto as may be necessary for the identification of said action.

(c) Nothing in this section shall in any manner affect an owner's common-law right to bring an action in tort for damage to his property. (1981, c. 919, s. 1.)

### § 40A-52. Measure of compensation.

The commissioners, jury or judge shall determine the issue of compensation in accordance with the provisions of Article 4 of this Chapter. (1981, c. 919, s. 1.)

### § 40A-53. Interest as a part of just compensation.

To the amount awarded as compensation by the commissioners or a jury or judge, the judge shall add interest at the rate of six percent (6%) per annum on said amount from the date of taking to the date of judgment. Interest shall not be allowed from the date of deposit on so much thereof as shall have been paid into court as provided in this Article. (1981, c. 919, s. 1.)

### § 40A-54. Final judgments.

Final judgments entered in actions instituted under the provisions of this Article shall contain a description of the land affected, together with a description of the property acquired by the condemnor and a copy of said judgment shall be certified to the register of deeds in each county in which the land or any part thereof lies and be recorded among the land records of said county. (1981, c. 919, s. 1.)

### § 40A-55. Payment of compensation.

If there are adverse and conflicting claimants to the deposit made into the court by the condemnor or the additional amount determined as just compensation, on which the judgment is entered in said action, the judge may direct the full amount determined to be paid into said court by the condemnor and may retain said cause for determination of who is entitled to said moneys. The judge may by further order in the cause direct to whom the same shall be paid and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made. (1981, c. 919, s. 1.)

### § 40A-56. Refund of deposit.

In the event the amount of the final judgment is less than the amount deposited by the condemnor pursuant to the provisions of this Article, the condemnor shall be entitled to recover the excess of the amount of the deposit over the amount of the final judgment and court costs incident thereto. In the event there are not sufficient funds on deposit to cover said excess, the condemnor shall be entitled to a judgment for said sum against the person or persons having received said deposit.(1981, c. 919, s. 1.)

### §§ 40A-57 through 40A-61. Reserved for future codification purposes.

### Article 4.

### Just Compensation.

### § 40A-62. Application.

The principles set down in this Article shall govern the determination of compensation to be awarded to the owner by the condemnor for the taking of his property. (1981, c. 919, s. 1.)

### § 40A-63. In general.

The determination of the amount of compensation shall reflect the value of the property immediately prior to the filing of the petition under G.S. 40A-20 or the complaint under G.S. 40A-41 and except as provided in the following sections shall not reflect an increase or decrease due to the condemnation. The day of the filing of a petition or complaint shall be the date of valuation of the interest taken. (1981, c. 919, s. 1.)

### § 40A-64. Compensation for taking.

(a) Except as provided in subsection (b), the measure of compensation for a taking of property is its fair market value.

(b) If there is a taking of less than the entire tract, the measure of compensation is the greater of either (i) the amount by which the fair market value of

the entire tract immediately before the taking exceeds the fair market value of the remainder immediately after the taking; or (ii) the fair market value of the property taken.

(c) If the owner is to be allowed to remove any timber, building or other permanent improvement, or fixtures from the property, the value thereof shall not be included in the compensation award, but the cost of removal shall be considered as an element to be compensated. (1981, c. 919, s. 1; 2001-487, s. 17.)

### § 40A-65. Effect of condemnation procedure on value.

(a) The value of the property taken, or of the entire tract if there is a partial taking, does not include an increase or decrease in value before the date of valuation that is caused by (i) the proposed improvement or project for which the property is taken; (ii) the reasonable likelihood that the property would be acquired for that improvement or project; or (iii) the condemnation proceeding in which the property is taken.

(b) If before completion the project is expanded or changed to require the taking of additional property, the fair market value of the additional property does not include a decrease in value before the date of valuation caused by any of the factors described in subsection (a), but does include an increase in value before the date on which it became reasonably likely that the expansion or change of the project would occur, if the increase is caused by any of the factors described in subsection (a).

(c) Notwithstanding subsections (a) and (b), a decrease in value before the date of valuation which is caused by physical deterioration of the property within the reasonable control of the property owner, and by his unjustified neglect, may be considered in determining value. (1981, c. 919, s. 1.)

### § 40A-66. Compensation to reflect project as planned.

(a) If there is a taking of less than the entire tract, the value of the remainder on the valuation date shall reflect increases or decreases in value caused by the proposed project including any work to be performed under an agreement between the parties.

(b) The value of the remainder, as of the date of valuation, shall reflect the time the damage or benefit caused by the proposed improvement or project will be actually realized. (1981, c. 919, s. 1.)

### § 40A-67. Entire tract.

For the purpose of determining compensation under this Article, all contiguous tracts of land that are in the same ownership and are being used as an integrated economic unit shall be treated as if the combined tracts constitute a single tract.(1981, c. 919, s. 1.)

### § 40A-68. Acquisition of property subject to lien.

Notwithstanding the provisions of an agreement, if any, relating to a lien encumbering the property:

- (1) If there is a partial taking, the lienholder may share in the amount of compensation awarded only to the extent determined by the commissioners or by the jury or by the judge to be necessary to prevent an impairment of his security, and the lien shall continue upon the part of the property not taken as security for the unpaid portion of the indebtedness until it is paid; and
- (2) Neither the condemnor nor owner is liable to the lienholder for any penalty for prepayment of the debt secured by the lien, and the amount awarded by the judgment to the lienholder shall not include any penalty therefor.(1981, c. 919, s. 1.)

### § 40A-69. Property subject to life tenancy.

If the property taken is subject to a life tenancy, the commissioners, the jury, or the judge may include in the judgment a requirement that:

- (1) The award be apportioned and distributed on the basis of the respective values of the interests of the life tenant and remainderman;
- (2) The compensation be used to purchase comparable property to be held subject to the life tenancy;
- (3) The compensation be held in trust and administered subject to the terms of the instrument that created the life tenancy; or
- (4) Any other equitable arrangement be carried out. (1981, c. 919, s. 1.)

### Article 5.

Return of Condemned Property.

### § 40A-70. Return of condemned property.

Whenever a public condemnor listed in G.S. 40A-3(b) or (c) acquires real property by condemnation and thereafter determines that the property is not needed for the purpose for which it was condemned, and the public condemnor still owns the property, the public condemnor may reconvey the property to the original owner upon payment to the public condemnor of the full price paid to the owner when the property was taken by eminent domain, the cost of any improvements, together with interest at the legal rate to the date when the decision was made to offer the return of the property. Unless the public condemnor acquired the entire lot, block, or tract of land belonging to the original owner, the original owner must own the remainder of the original lot, block, or tract of land from which the property was acquired to purchase the property pursuant to this section. The public condemnor shall specify a date by which the property must be reconveyed and the payment made, which may not be less than 30 days after written notification to the original owner that the public condemnor has decided to offer the return of the property. (1991 (Reg. Sess., 1992), c. 980, s. 1.)

### § 40A-71. Reserved for future codification purposes.

- § 40A-72. Reserved for future codification purposes.
- § 40A-73. Reserved for future codification purposes.
- § 40A-74. Reserved for future codification purposes.
- § 40A-75. Reserved for future codification purposes.
- § 40A-76. Reserved for future codification purposes.
- § 40A-77. Reserved for future codification purposes.
- § 40A-78. Reserved for future codification purposes.
- § 40A-79. Reserved for future codification purposes.

Article 6.

Condemnation of Property Encumbered by a Conservation Easement.

### § 40A-80. Applicability of Article; definition.

- (a) Applicability. -
  - (1) The provisions of this Article shall apply only to a condemnation action initiated by a public condemnor, which for purposes of this Article shall be any entity exercising the power of eminent domain under any authority except G.S. 40A-3(a).
  - (2) Except with respect to G.S. 40A-84, the provisions of this Article shall not apply to those circumstances in which: (i) the terms of the conservation easement provide an express exception for uses, purposes, and rights that may be subject to condemnation in the future, or circumstances in which the condemnation action to be taken would not extinguish, restrict, or impair the property rights of the holder of the conservation easement. "Property rights" as used herein shall include the purposes for which the easement was created; and (ii) a local public condemnor or other public condemnor under G.S. 40A-3 is constructing, enlarging, or improving electric distribution systems; gas production, storage, transmission, and

distribution systems; water supply and distribution systems; wastewater collection, treatment, and disposal systems of all types; storm sewer and drainage systems; or trails associated with greenways. In condemnation actions exempt pursuant to this subdivision, a condemnor shall make reasonable efforts, after completion of the project for which the condemnation was undertaken, to return the property to the condition that the property existed in prior to condemnation to the extent practicable.

(b) Definition. - As used in this Article, the term "conservation easement" means a conservation or historic preservation easement that meets all of the following criteria, as each of the criteria are defined under 26 U.S.C. § 170(h): (i) a qualified real property interest, (ii) held by a qualified organization, and (iii) exclusively for conservation purposes. (2009-439, s. 1.)

### § 40A-81. Additional information required in petition or complaint filed.

Any public entity that acts to exercise the power of eminent domain on property encumbered by a conservation easement shall initiate the action as required by this Chapter or Chapter 136 of the General Statutes as applicable. The complaint filed as required by those Chapters also shall include a statement that alleges that there is no prudent and feasible alternative to condemnation of the property encumbered by the conservation easement. (2009-439, s. 1.)

### § 40A-82. Demonstration of no prudent and feasible alternative required in certain actions; judicial determination.

(a) If a holder of a conservation easement contests an action to condemn property encumbered by a conservation easement on the basis that the condemnor failed to sufficiently consider alternatives to the action or that a prudent and feasible alternative exists to the action, the holder of the conservation easement may file an answer to the complaint within 30 days from the date of service of the complaint as to that issue. If the holder of the conservation easement does not assert that the condemnor failed to sufficiently consider alternatives to the action or that a prudent and feasible alternative exists to the action, the holder of the conservation easement may file an answer within 120 days from the date of service of the complaint.

(b) If the holder of a conservation easement contests an action pursuant to subsection (a) of this section, the judge shall hear and determine whether or not a prudent and feasible alternative exists to condemnation of the property. The burden of persuasion on this issue is on the condemnor if the holder of the conservation easement, after discovery, has identified at least one alternative. If no alternative identified by the holder of the conservation easement is adjudged prudent and feasible, then the condemnation action shall proceed under the provisions of Article 3 of this Chapter, or Article 9 of Chapter 136 of the General Statutes, as applicable. If

the judge determines that a prudent and feasible alternative does exist to condemnation of the property, the court shall dismiss the action and award the holder of the conservation easement costs, disbursements, and expenses in accordance with G.S. 40A-8(b) or G.S. 136-119, as applicable, except that attorneys' fees may not be awarded. The procedure for this hearing shall be as set forth in G.S. 40A-47 or G.S. 136-108, as applicable.

(c) A determination as to whether a prudent or feasible alternative exists to condemnation of the property as set forth in subsection (b) of this section shall not be required for actions meeting all of the following criteria:

- (1) The Department of Transportation or the North Carolina Turnpike Authority is the condemnor.
- (2) Prior to filing the condemnation action, a review of the project for which the property is being condemned was conducted that considered the alternatives to the condemnation of the property encumbered by the conservation easement and mitigation measures to minimize the impact. The condemnor shall, in the complaint filed with the court, identify the alternatives and mitigation measures considered with regard to condemnation of the property encumbered by the conservation easement.
- (3) The review was conducted pursuant to any of the following:
  - a. The State Environmental Policy Act (SEPA), G.S. 113A-1, et seq.
  - b. The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321, et seq.
  - c. 49 U.S.C. § 303. (2009-439, s. 1.)

### § 40A-83. Vesting of title and right of possession.

Notwithstanding the provisions of G.S. 40A-42 or G.S. 136-104, title and right to immediate possession of property subject to this Article shall not vest in a condemnor any earlier than any of the following:

- (1) The failure of the easement holder to file an answer within the 30day time period established by G.S. 40A-82(a).
- (2) Determination by the court that no prudent or feasible alternative exists to condemnation of the property pursuant to G.S. 40A-82(b).
- (3) Filing of the complaint and deposit in actions meeting all of the requirements of G.S. 40A-82(c). (2009-439, s. 1.)

### § 40A-84. Compensation for condemnation.

In any action to condemn property encumbered by a conservation easement, the court shall determine just compensation pursuant to Article 4 of this Chapter or in accordance with Chapter 136 of the General Statutes, as applicable, by first

determining the value of the property taken as a whole, unencumbered by the conservation easement, as well as any other, separately owned interest in the property. The court shall allocate the just compensation award between or among any holders of the conservation easement and any owners of the property as provided by the easement agreement or, if the agreement fails to address the issue, as the judge finds equitable based upon evidence to include the opinion of a real estate valuation expert with experience in the valuation of conservation easements. Any party may demand trial by jury on the issue of total just compensation for the taking. (2009-439, s. 1.)

### § 40A-85. Appeal.

The parties shall have a right of appeal as provided in G.S. 40A-13. (2009-439, s. 1.)

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### AGENDA ITEM 5:

### APPALACHIAN DISTRICT HEALTH DEPARTMENT ANNUAL REPORT

### **MANAGER'S COMMENTS:**

Ms. Beth Lovette, Appalachian District Health Director, will present the health department's annual report for Fiscal Year 2014-2015.

The report is for information only; therefore, no action is required.



Appalachian District Health Department

### ANNUAL REPORT

### 2014-2015

52

### PROMOTE. PREVENT. EMPOWER.



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# Message from the Director

Thank you for your support of the Appalachian District Health Department. Did you know the Public Health System in NC is the only system that includes a strong network of accredited services in all 100 counties?

Our Local Public Health Departments in Alleghany, Ashe and Watauga Counties serve residents in 3 different ways which are consistent with state and federal mandates:

1. Clinical Personal Health Care Services: Immunizations, Breast and Cervical Cancer Control, pre-natal care (Ashe and Watauga Counties), primary care for adults and children (Alleghany and Ashe Counties), Nutrition/Diabetes Education, WIC, Lab services, Communicable Disease exams and follow-up and more.

2. **Prevention Activities:** Environmental Health water protection (septic and well permitting) and Food and Lodging inspections and permitting, Emergency Preparedness and Response, Health promotion activities including working to improve access to healthy foods and physical activity, tobacco control and prevention and convening community members for the improvement of the health of our entire population and more.

3. Epidemiology (the study of disease in populations) is carried out through the Community Health Needs Assessment,

tracking and trending of communicable diseases across the District, other analysis of population health data and more.

It is a privilege to work with an amazing team to improve the public's health in Alleghany, Ashe and Watauga Counties. This past year we worked effectively to monitor travelers potentially exposed to the Ebola virus and investigated several communicable disease outbreaks all while health services, please don't hesitate to call any one of our health departments for assistance.

This space is too small for me to share all of our local public health initiatives with you. Please visit www.apphealth.com. Our website offers "breaking news" public health updates, links to restaurant inspections and septic/well permits, information about our services/programs and links to offer

This past year we worked effectively to monitor travelers potentially exposed to the Ebola virus and investigated several communicable disease outbreaks in addition to our routine services.

continuing to provide our routine services. We are also pleased to work within each county to provide health promotion/ prevention activities that help all of our citizens improve their health. If you have a question about public health or public patient or customer feedback or general feedback and an easy way to contact us for questions.

Yours in good health, Beth Lovette

011916 BCC Meeting

# Message from the Board of Health Chairman

It has been my pleasure to serve Alleghany, Ashe and Watauga Counties as Chair of the Appalachian District Board of Health. Our District Health Department is one of six multi-county health departments in North Carolina that take advantage of the cost savings that can be achieved through sharing staff and resources across county lines. A recent study showed that district health departments, on average, receive larger proportions of funding from sources other than your county tax dollars. (Comparing North Carolina's Local Public Health Agencies: The Legal Landscape, the Perspectives, and the Numbers; UNC School of Government, May 2012.) Appalachian District Health Department currently receives only XX% of total funding from county allocations to the District health budget.

Each county appoints one county commissioner to the Board of Health and those three commissioners appoint the other board members as outlined in NC General Statutes. Many thanks to Commissioner Karen Leys, Alleghany; Commissioner Brien Richardson, Ashe; and Commissioner Perry Yates, Watauga for their dedication to the health of the counties they serve. A complete Board of Health member listing, meeting schedules, and minutes can be found at www.apphealth.com/about-us/board-of-health/.

Sincerely, Ken Richardson, Chairman Appalachian District Board of Health



"Health centers are important safety net providers in rural areas. Of the over 22 million Americans who receive care from health centers, approximately a third are rural residents,"

## Federally Qualified Health Center (FQHC)

Appalachian District Health Department and Appalachian Partners in Public Health receive grant to support Primary Healthcare in Alleghany and Ashe Counties.

(SPARTA, NC) --- Appalachian District Health Department with non-profit organization Appalachian Partners in Public Health as its co-applicant is among the newly announced grant recipients, with \$1.19 million awarded to help serve the primary healthcare needs for Alleghany and Ashe Counties. In 2013, Appalachian District Health Department provided over 12,000 medical and dental visits to over 6,500 patients in the district region. High rates of uninsured adults and chronic disease, and the fact that North Carolina chose not expand Medicaid has presented challenges in maintaining the current level of services with increasing costs and reduced funding available to meet these needs.

This funding allows the Appalachian District Health Department to provide primary care with the patient's needs in mind, including medications, behavioral healthcare, and dental services. "The majority of the (co-applicant) governing board members will be patients of the health center. Community health centers are the best model of consumer directed health care and will nicely complement health promotion and preventive services at the health department," said E. Benjamin Money, President and CEO of the NC Community Health Center Association.

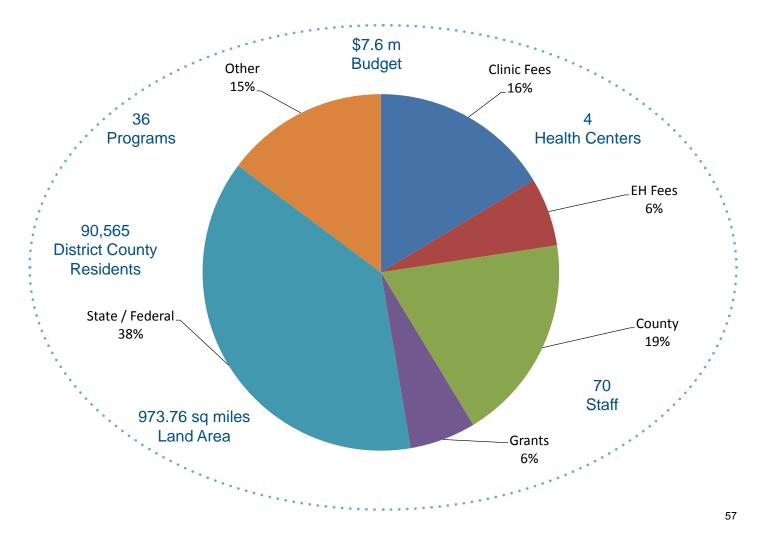
Additional benefits include federal loan repayment for providers, free malpractice insurance, enhanced Medicaid and Medicare reimbursement, and funds to help cover the uninsured patients. It also provides the agency additional opportunities to apply for more grants that are only available to active federally qualified health center sites.

"We are so grateful for this opportunity to partner with Appalachian District Board of Health, the co-applicant non-profit Partners in Public Health and other community stakeholders to serve the needs of Ashe and Alleghany county citizens. In addition to committing ourselves to exceeding customer service expectations and providing quality healthcare, we will be working diligently to fully develop these customer-centered services while continuing to provide population health services like environmental health, communicable disease control, and community health promotion," said Beth Lovette, Health Director.

In the months ahead, the Appalachian District Health Department and Appalachian Partners in Public Health will be joining together with community partners to work towards a comprehensive multi-year plan that will further enhance primary healthcare services including primary care for adults, women and children, dental care, and behavioral health for Ashe and Alleghany counties.

## District at a Glance

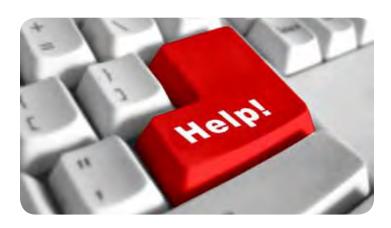
Public health services have been provided in the counties of Alleghany, Ashe and Watauga counties as a District since 1980. Prior to this year the District ranged in size from 2 - 6 counties from 1933. Each of the three counties in the District has its own health department providing local clinic and environmental services. Health promtion, financial and administrative services are provided on a district basis. The financial office is located in Sparta, NC in the local health department and administrative office and health promotion offices are located in the Boone, NC health department. Ashe county consists of three locations with the clinic services in a separate building from the environmental services office. There is also the School Based Health Center which is located at Ashe Middle School.



Fiscal Year 2014-2015 Percent of Revenues

# Technology Updates

The overall state of the Technology systems at the Appalachian District Health Department for 2014 is very good and almost all computer systems have been replaced with new units. The hardware includes approximately 110



computer systems, both desktop and laptop. There are no primary computers that are in need of upgrading, only secondary. Since 2012 a complete overhaul of all systems has been in process.

New server computers have been purchased and half of those are installed and operating. A Printer Management program is being estimated, including

new high volume copiers/printers and a vendor will be selected to assist with money savings in our District printing for supplies, reduced costs per copy, and maintenance.

Our Telecommunications is being evaluated and a upgraded system will be estimated and implemented next year. The Telecommunications will move to VoIP technology. Voiceover IP, or VoIP, is a technology that allows telephone calls to be made over local area networks or the Internet. VoIP systems convert analog voice signals into digital data packets and supports real-time, two-way transmission of conversations using the Internet Protocol

(IP). VoIP is a much more efficient medium to transport voice, and at the very best, will produce a much richer experience for the user when one considers the enhanced features of video and instant messaging. We would be able to connect our District offices with a VoIP system and calls would be considered local instead of long distance between counties. There would be a considerable savings especially when having our conference calls between groups. There



would also be the advantage of connecting to other employees at different locations as if they were in the same building. We could also implement a more centralized reception and scheduling where needed.

# 10 Key Public Health Actions

The Appalachian District Health Department protects and improves the health of our community by performing these key actions:

#### 1. Monitor

Finds health problems in the community

#### 2. Diagnose

Finds what causes health problems.

#### 3. Inform, Educate, and Empower

Teaches people how to prevent disease and improve health.

#### 4. Mobilize

Works with the community to find and solve health problems.

#### 5. Develop

Makes rules and plans that help individual and community health.

#### 6. Enforce

Makes sure rules are followed so that people are safe and their health is protected.

#### 7. Link

Helps people gain access to the health care services they need.

#### 8. Assure

Makes sure our employees are prepared to do their job well.

#### 9. Evaluate

Makes sure our programs are working and doing a good job.

#### 10. Research

Studies new ways to solve health problems.

# District Health Department Services

Services	Alleghany	Ashe	Watauga
WIC Supplemental Nutrition Program	v	~	~
Prenatal Care		~	~
Family Planning / Women's Health	v	~	~
Communicable Disease Control	V	~	~
Primary Care / Child Health	v	~	
Primary Care / Adult Health	<u> </u>	~	
Diabetes Self Management	v	~	~
Nutrition Consultation	<b>~</b>	~	~
Immunizations	<b>v</b>	~	~
Pregnancy Care Management	<b>~</b>	<b>~</b>	~
Care Coordination for Children	<b>~</b>	<b>~</b>	~
Innovative Approaches for Children w/ Special Healthcare Needs			~
Community Health Needs Assessment	<b>~</b>	<b>~</b>	~
Youth Tobacco Prevention	<b>~</b>	<b>~</b>	~
Positive Parenting Program (Triple P)	<b>v</b>	~	~
Community Health Promotion and Wellness	<b>~</b>	~	~
Northwest Tobacco Prevention	<b>~</b>	<b>~</b>	~
Leading Coalitions for Community Health Improvement	<b>~</b>	<b>~</b>	~
Water Protection (Septic and Well Permitting)	<b>~</b>	<b>~</b>	~
Food and Lodging (Permitting and Inspections)	<b>v</b>	~	~
District Business Office	<b>v</b>		
Emergency Preparedness	<b>v</b>	~	~
Alleghany / Ashe Health Alliance	<b>~</b>	~	
Top Dog Clnic (School Based Health Center), Ashe Middle School		<b>~</b>	

# Allied Health

Every three years, the health department collaborates with local hospitals and community partners to conduct a community health assessment. Appalachian District Health Department recently concluded the 2014-15 community health assessment with over 1,100 completed surveys received from across the District. At the completion of the assessment, community priority areas are set and action plans are developed to work towards improvements in population health. The three priority areas chosen from 2015-2017 are: chronic disease, physical activity and nutrition and substance use and abuse.

To access the reports, please visit: www.apphealth.com/ health-promotion/community-health-reports-2/

Based on the priority areas identified from the community needs assessment, the Health Promotion team works with community partners to implement health interventions to address these needs.



The Health Promotion department addresses these needs through the following grant initiatives:

- Active Routes to School
- Northwest Regional Tobacco Prevention
  - Innovative Approaches
    - Project Lazarus
  - Triple P: Positve Parenting Program

### Active Routes to School

Active Routes to School is a NC Safe Routes to School Project supported by a partnership between the NC Department of Transportation and the NC Division of Public Health. Through this project there are ten Active Routes to School project coordinators working across North Carolina to make it easier for elementary and middle school students to safely walk and bike to school, and at school, by promoting pedestrian and bicycle safety curriculum and increasing physical activity on the school site.

Learn more here about the state-wide initiative:

www.communityclinicalconnections.com/What\_We\_Do/ Active\_Routes\_To\_School/

Active Routes to School in Appalachian District 2014-2015 year:



Alleghany County: All three elementary schools: Sparta School, Piney Creek Elementary, and Glade Creek Elementary participated in Bike to School Day by raising awareness about the importance of physical activity at each school site. The students walked or ran around the track during PE, while wearing their Active Routes to School t-shirt to promote the importance of being physically active. 973 students participated in this event!

**Ashe County:** Active Routes to School Coordinator partnered with Ashe Cooperative Extension After School Program to hold their first bike safety day.

The 4-H LEADS Afterschool Program celebrated this important event by coordinating an event to be held at each of the elementary schools: Westwood Elementary, Blue Ridge Elementary, and Mountain View Elementary. The students participated in various learning stations based on the curriculum, Let's Go NC! Bike and pedestrian safety curriculum. Participants were given a free helmet and t-shirt that asked "Did you walk or bike today?" provided by Active Routes to School. While there, children were instructed on how to correctly fit their new helmets and given more information on how to properly fit a helmet to take home to their parents. The event promoted a more active lifestyle and how to do so safely. 135 students participated.



Watauga County: Hardin Park School participated again this year, in International Walk to School Day in October 2014, and in Bike to School Day in May 2015. The celebration of these events is part of a larger partnership between Hardin Park School, the

Appalachian District Health Department, the Town of Boone, Boone Police Department, Watch For Me NC, and Active Routes to School, a Safe Routes to School project in North Carolina. The goal of this partnership is to increase student health, as well as pedestrian and biker safety to and from school. Each of these events had approximately 200 students to participate!



## Northwest Tobacco Prevention and Control

Northwest Tobacco Prevention and Control expanded the reach of the grant from 5 counties to 10 counties. The ten county region consists of Local Health Director Region 3, which includes the counties: Alleghany, Ashe, Davidson, Davie, Forsyth, Surry, Stokes, Watauga, Wilkes, and Yadkin. There are now 10 Regional Managers thought out the state which effectively covers all 100 counties. Tobacco use remains the number one preventable cause of death and disease in North Carolina and the United States. The good news is we know what works and we are making steady progress in North Carolina and the Appalachian District.

We work on this complex public health problem by building support

### for proven strategies to:

Prevent the initiation of smoking and other tobacco use

- Almost 90% of adult smokers become addicted before the age of 20, thus it is important to reach the youth.
- 5.6% of middle school students use tobacco in the District.
- 18.5% of high school students use tobacco in the District.
- Education in the schools about electronic cigarettes and other tobacco products (traditional cigarettes, spit tobacco, cigars, etc.).
- Electronic cigarette use has doubled in the past year among youth.
- Education about the effect of increasing the unit price of tobacco products on youth initiation and people who seek to quit tobacco use.

### Eliminate exposure to secondhand smoke

#### Help tobacco-users quit:

- Over 150 citizens throughout the district call the North Carolina Quitline
- (1-800-Quit Now) seeking help in quitting the use of tobacco.

• All 3 Health Department Locations advertise the North Carolina Quitline and help promote it to patients seeking to quit.

Identify and eliminate tobacco-related health disparities among N.C. popluations and communities:

• Youth education and educating school staff in the district about the dangers of tobacco use and emerging tobacco products (electronic cigarettes).

• Rural Mountain communities have higher rates of tobacco use when compared with the state average.



### Innovative Approaches

Parents with Children and Youth with Special Health Care Needs (CYSHCN) experience a complex system of services that are challenging to coordinate. The Innovative Approaches Initiative in Watauga County completed its second year of a three-year funding cycle with many proud accomplishments.



The initiative has grown in its scope and participation to strengthen coordination of care for CYSHCN in school, primary and specialist health care, behavioral health services, developmental services, local recreational opportunities, law enforcement interactions, parent advocacy and support. Innovative Approaches also provided # Watauga County families with CYSHCN this year with emergency preparedness training.

For more information please contact: Maria Julian, maria.julian@apphealth.com.

### Project Lazarus

Project Lazarus works within a community to address prescription drug misuse and abuse.



The Project Lazarus model is based on three foundational components: public awareness, coalition action, and data and evaluation.

These foundational components act as the "hub" of the model with other components being the "spokes." The "spokes" include community education, prescriber education, hospital ED polices, diversion control, pain patient support, harm reduction, and addiction treatment. Since this model is intended as a "whole community" approach, we work with coalitions within Alleghany, Ashe, and Watauga Counties to implement the model to reduce overdoses and mortality rates related to prescription drugs. In the past year we have been able to distribute lock boxes, advertise and promote proper disposal of unused or expired prescriptions, and began to establish an additional permanent drop box location for Watauga County.

### **Triple P: Positive Parenting Program**

### Prevention at Its Finest: Positive Parenting Program in the Appalachian District

The evidence-based Positive Parenting Program (Triple P) has helped more than 6 million children and their families in more than 20 countries around the world. Specifically, Triple P is making a difference

in the Appalachian District. Triple P has trained over **100 practitioners** across the District and surrounding counties in all Levels of Triple P. As of June 2015, more than **728 interventions** have been delivered to over **700 families and caregivers** and around **1176 children** have been reached with some level of Triple P intervention. Triple P Marketing Strategy

More than HALF of new moms who filled out the contact info card, requested services.

spots, a positive parenting newspaper (Tippaper), and digital/online adverts. In addition, mementos such as baby bags, pens, mugs, water bottles, tooth brushes and teddy bears were used. The messaging pointed clients towards the Triple P North Carolina website. In rural Appalachia, major barriers

Partnerships throughout the community continue to be fostered as this is a public health population based approach to support positive parenting culture in the High Country.

The Appalachian District Health Department launched the evidence-based Stay Positive Campaign designed to decrease stigma around seeking help for parenting support and increase parental awareness of available around media and communication exist. Over the four month period of this campaign, website traffic from clients in rural Appalachia increased from around 2% to nearly 19%. To further stress the importance of this sort of campaign, there was a decrease from nearly 19% to almost 11% when the Stay Positive Campaign slowed in June 2015. For more information contact: Jennifer Schroeder, jennifer.schroeder@apphealth.com.

parenting programs in the Appalachian District from

February to May 2015. Campaign strategies included

culturally appropriate positive parenting messages

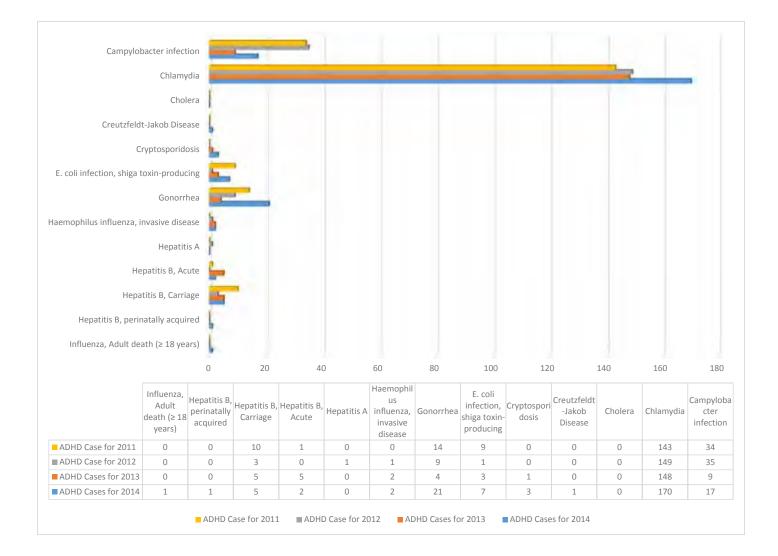
through brochures, billboards, local and regional

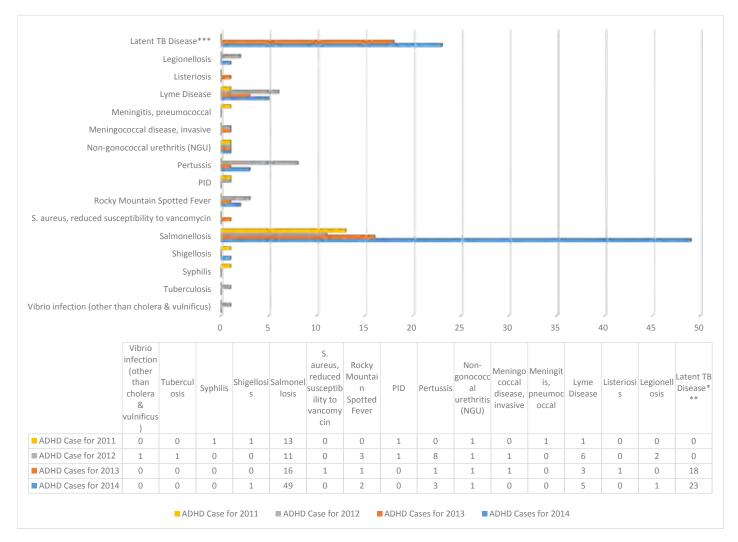
newspapers and magazines, television commercials,

community events, radio commercials and promotional

## Communicable Disease

This report shows the number of probable and confirmed cases of disease in the Appalachian District Health Department counties for the calendar year 2014. Because cases are routinely updated, case number may change. The charts also display trends from 2011 thru 2014.





### **Rabies Statistics**

Note: The total numbers by county in years 2012 and 2013 were cases that met case definition and were reported to CDC. For year 2014, we were able to capture the full amount of surveillance and investigations that include all suspect cases, rabies investigations, and latent tuberculosis disease investigations that required local follow up (i.e. phone calls to patients, contacts to patients and providers and control measures and treatment if necessary).

2013	District Totals
# of bites/ exposure reports	222
# of animals tested positive from reported	14
# of persons recommended Post Exposure Rabies Therapy	29

County	2014	2013	2012
Alleghany	24 reported, 64 investigated	28	24
Ashe	37 reported, 114 investigated	22	53
Watauga	230 reported, 398 investigated	156	157

### Preparedness

There have been several changes and revisions in the work of Preparedness. The Public Health Preparedness and Response Branch have implemented 2 separate assessment reports and each are completed twice a year. The Rubric is an assessment to track ongoing progression toward meeting the CDC's Capabilities and is due every February and September. The Performance Measurement Tracker Report is an assessment to track and facilitate program improvement and organizational learning and is due every March and July.

The Strategic National Stockpile Plan is now called the Medical Countermeasures Plan using the Operational Readiness Review Tool (MCM ORR). This tool replaced the Technical Assistance Review Tool that was previously used to plan how we would dispense medication to a large population in the



event of a public health emergency. The MCM ORR tool guides local health departments to implement the tasks and training requirements of the CDC Capabilities and now mandates that our plans are revised to reflect operational based planning. This will be reviewed at the next State Review in October 2015.

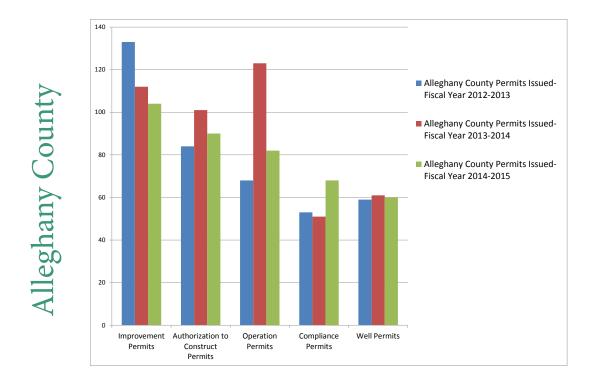


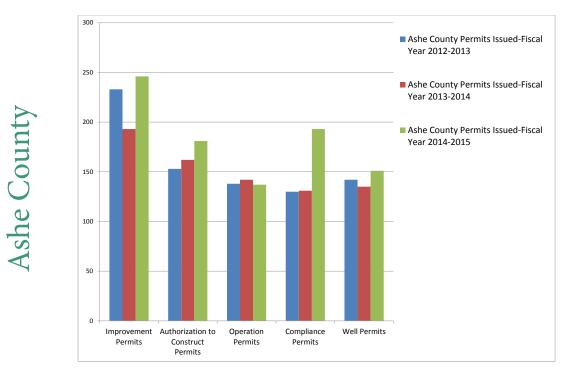
The Appalachian District Health Department has been partnering with county hospitals, EMS, local law enforcement, first responders, communication centers, local emergency management to prepare and train staff for Ebola response. This will be an ongoing partnering relationship to continually keep our communities safe and prepared.

## Environmental Health Well and Septic Permitting

The goal of the Environmental Health program, as with any service of the Appalachian District Health Department, is to promote and protect the public's health. The Environmental Health section does this through the education, inspections and the enforcement of State laws and rules relating to environmental issues which impact human health. The most resource intensive programs are the Food, Lodging & Institution Program and the Water Protection Program. In addition to these, we are also responsible for the following: permitting and/or inspection of migrant housing, child care facilities, public swimming pools, rabies contacts, mosquito/ vector control and mitigation, methamphetamine lab remediation, lead exposure investigations, and inspection of tattoo operations.

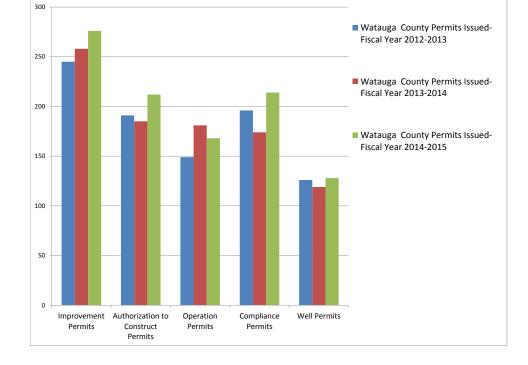
The Environmental Health Section of the North Carolina Division of Public Health provides technical guidance and delegation of authority to the Appalachian District's Environmental Health staff.

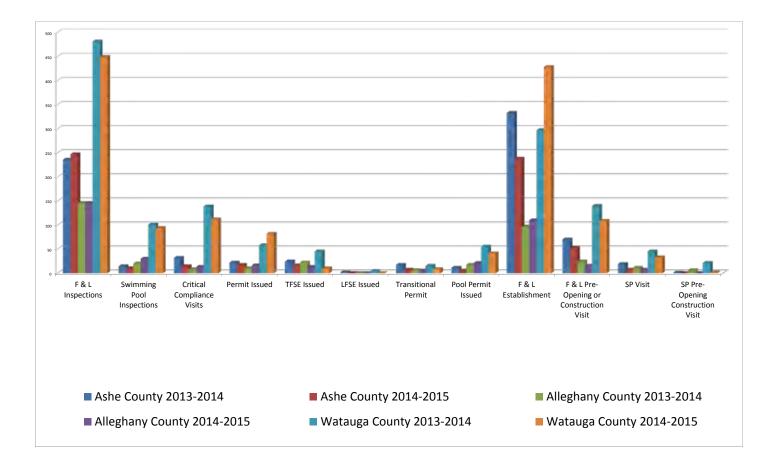




### Well and Septic Permitting



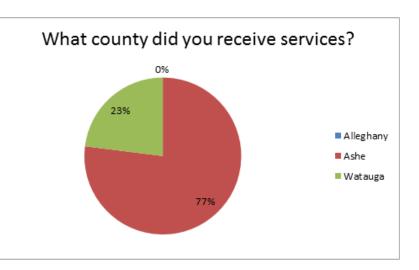


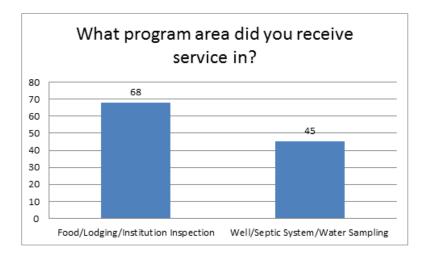


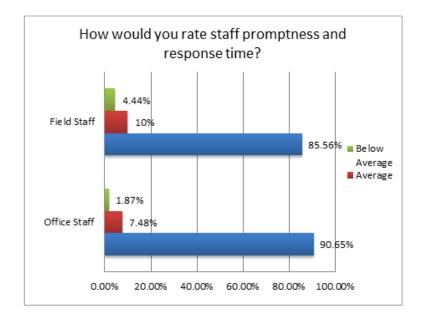
### Food and Lodging Permitting

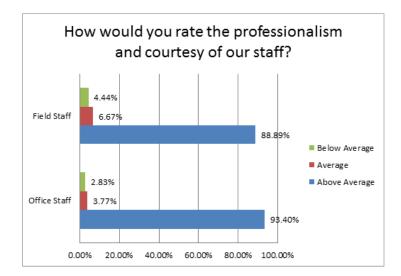
### Environmental Health Data

The EH customer satisfaction online survey began in April 2013. Since then, we have received 113 surveys; of those, 68 were from food and lodging and 45 were from spetic and well permits.









# **Customer Quotes**

"Laurie Phillips and Andy Blethen are both an asset to the community in their efforts to be immediately responsive and in resolving matters."

"Laurie, in the permitting department. Her kind, patient manner and her expertise and knowledge in her field was greatly appreciated!"

"One of the staff went out of his way after hours, on a Friday, to help us resolve a septic issue on site. He is always extremely helpful and courteous to me, my staff, and sub contractors. I hope that you pay him well enough to be sure that he stays at ADHD for a long time!"

" My experience with the Environmental Heath staff at ADHD has always been positive. Jeff Barefoot and Aaron Winters are outstanding, and the office staff is knowledgeable and helpful. Keep up the good work."

"I would like to express my appreciation for the work your staff did helping me process two requests for health department assistance. Your staff was uniformly helpful and professional. First, Tanya, your receptionist and the first individual an applicants meets did an excellent job explaining the forms and helping me complete them. Second, Aaron Winters, the officer I dealt with, was very helpful and responsive. He was patient with someone who had little prior experience with the perking process. I also had a chance to observe that he worked very long hours but none the less always returned my calls and carefully explained the procedures to me. He is an excellent health professional. Finally, your intern, Jon Swaim, helped at several of the inspections. I think he will be a fine addition to your staff. Thanks again."

# Alleghany County

The status of health in Alleghany County is one of community importance since health affects the community in so many ways. Appalachian District Health Department staff, in partnership with the Alleghany Health Advisory Council and Alleghany Memorial Hospital, led the efforts to understand the community health needs in a comprehensive way during the past year.

#### Chronic diseases that claim most lives and cause the most illness call for prevention

The leading cause of death in the county is heart disease, followed by a close second in cancer, with most cancer deaths attributed to lung cancer. If all leading causes of death for the county are combined, over 60% are due to preventable chronic disease. This is important since we know that 3 primary risk factors: poor nutrition, lack of physical activity, and tobacco use are linked to them.

#### Health priorities selected

Health priorities were selected by the Alleghany Health Advisory Council in February, 2015 as described in methods section. These priorities are not all-inclusive, but highlight priority areas this group will be working to better understand and develop community improvement efforts to improve upon them. However, other key areas highlighted in this report will be reviewed as well to make sure all groups working to support health have the ability to also engage.

#### Substance Use and Abuse

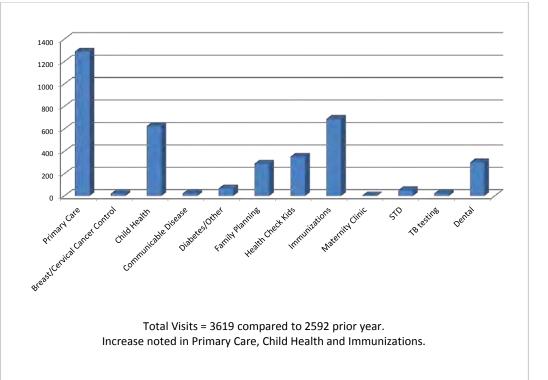
Drugs, alcohol, and tobacco; including misuse or abuse of prescription drugs and use of e-cigarettes or other devices for nicotine delivery

#### Physical activity and nutrition

Access to physical activity or recreation, accessing healthy foods, and making healthy choices for eating healthy and making physical activity easier for all

#### **Chronic Disease Management and Awareness**

Obesity, Heart disease, chronic lower respiratory disease/COPD, stroke, cancer, diabetes, and hypertension



Alleghany Clinic Visits

# Ashe County

The status of health in Ashe County is one of community importance since health affects the community in so many ways. Appalachian District Health Department staff, in partnership with the Ashe Health Alliance and Ashe Memorial Hospital, led the efforts to understand the community health needs in a comprehensive way during the past year.

#### Chronic diseases that claim most lives and cause the most illness call for prevention

The leading cause of death in the county is heart disease, followed by a close second in cancer, with most cancer deaths attributed to lung cancer. If all leading causes of death for the county are combined, over 60% are due to preventable chronic disease. This is important since we know that 3 primary risk factors: poor nutrition, lack of physical activity, and tobacco use are linked to them.

#### Health priorities selected

Health priorities were selected by the Ashe Health Alliance in February, 2015 as described in methods section. These priorities are not all-inclusive, but highlight priority areas this group will be working to better understand and develop community improvement efforts to improve upon them. However, other key areas highlighted in this report will be reviewed as well to make sure all groups working to support health have the ability to also engage.

#### Substance Use and Abuse

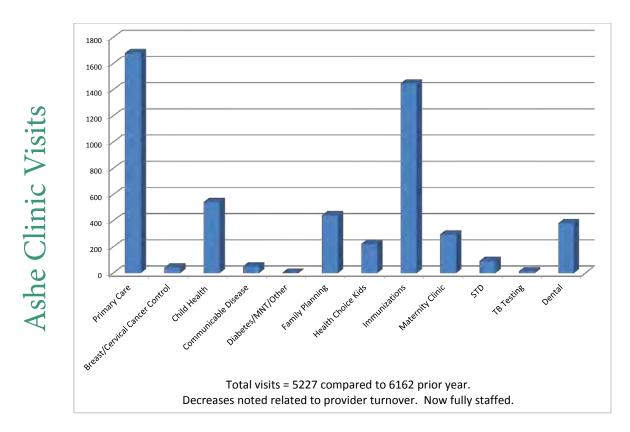
Drugs, alcohol, and tobacco; including misuse or abuse of prescription drugs and use of e-cigarettes or other devices for nicotine delivery.

#### Physical activity and nutrition

Access to physical activity or recreation, accessing healthy foods, and making healthy choices for eating healthy and making physical activity easier for all

#### **Chronic Disease Management and Awareness**

Obesity, Heart disease, chronic lower respiratory disease/COPD, stroke, cancer, diabetes, and hypertension



# Watauga County

The status of health in Watauga County is one of community importance since health affects the community in so many ways. Appalachian District Health Department staff, in partnership with the High Country Visioning Council, Western Youth Network, and Appalachian Regional Healthcare System, led the efforts to understand the community health needs in a comprehensive way during the past year.

#### Chronic diseases that claim most lives and cause the most illness call for prevention

The leading cause of death in the county is heart disease, followed by a close second in cancer, with most cancer deaths attributed to lung cancer. Among cancers, lung cancer is the leading type for new cases and deaths and chronic lower respiratory disease/ COPD is the 3rd leading cause of death. If all causes of death for the county are combined, 62% are due to preventable chronic disease. This is important since we know that 3 primary risk factors: poor nutrition, lack of physical activity, and tobacco use are linked to them.

#### Health priorities selected

Health priorities were selected by the Health Vision Council in February, 2015 as described in methods section. These priorities are not all-inclusive, but highlight priority areas this group will be working to better understand and develop community improvement efforts to improve upon them. However, other key areas highlighted in this report will be reviewed as well to make sure all groups working to support health have the ability to also engage.

#### Substance Use and Abuse

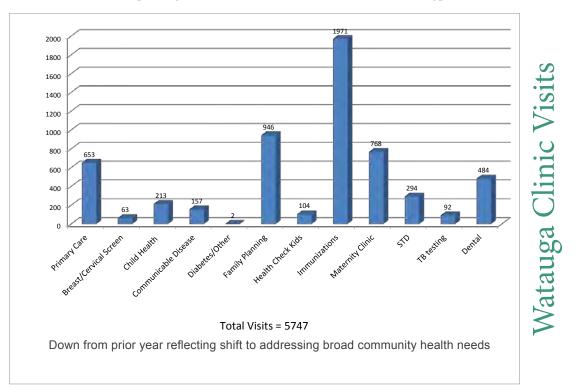
Drugs, alcohol, and tobacco; including misuse or abuse of prescription drugs and use of e-cigarettes or other devices for nicotine delivery

#### Physical activity and nutrition

Access to physical activity or recreation, accessing healthy foods, and making healthy choices for eating healthy and making physical activity easier for all

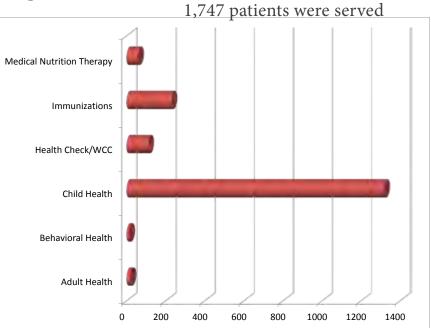
#### **Chronic Disease Management and Awareness**

Obesity, Heart disease, chronic lower respiratory disease/COPD, stroke, cancer, diabetes, and hypertension



# Top-Dog Clinic

School based health centers are considered one of the most effective strategies for delivering preventive care, including mental health services, to adolescents – a population long considered difficult to reach. Top Dog Clinic is a school based health center located at the Ashe County Middle School. It is one of only 52 school based clinics in the state.



# Clinic Customer Satisfaction Surveys

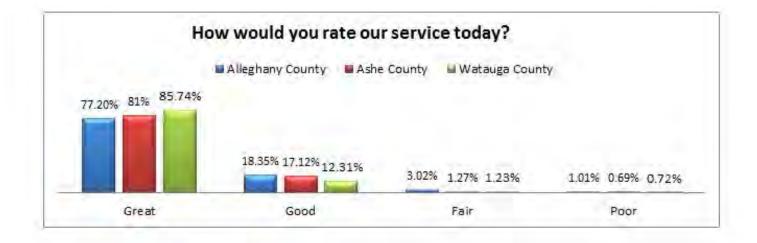
In October 2013, ADHD implemented customer satisfaction surveys to assess services offered. In clinics, IPads were incorporated at check-out in each Health Department for patients to complete. The survey is a total of 9 questions and a Spanish survey is also available that assesses the following areas:

- Reason for visit
- Length of visit
- Rating of services received
- Recognition of staff
- Recommendation of services received to others
- Hours of operation
- Suggestions for improvement

Since 2013, the District has received a total of 3,562 surveys from clinic and WIC services: 1,970 in Ashe, 1,022 in Watauga, and 570 in Alleghany.

Below are the responses for two questions on the survey for clinic: rating of service and recommendation of services to others.

# Clinic Customer Satisfaction Data





# www.apphealth.com

# Alleghany Health Dept

157 Health Services Rd P.O. Box 309 Sparta, NC 28675

Clinic / Environmental Health: (336) 372-5641 Fax: (336) 372-7793

Business Office: (336) 372-8813

WIC / Nutrition (336) 372-5644

Ashe Health Dept

413 McConnell St Jefferson, NC 28640

Clinic: (336) 246-9449

WIC / Nutrition: (336) 246-2013 Fax: (336) 246-8163

Environmental Health: 316 Cherry Drive P.O. Box 208 Jefferson, N.C. 28640

(336) 246-3356 Fax: (336) 846-1039

Top Dog Clinic Ashe Middle School 255 Northwest Lane P.O. Box 178 Warrensville, NC 28643

(336) 384-1625 Fax: (336) 384-1626

### Watauga Health Dept

126 Poplar Grove Connector Boone, N.C. 28607

> Clinic : (828) 264-6635 Fax: (828) 265-3101

Environmental Health: (828) 264-4995 Fax: (828) 264-4997

WIC / Nutrition: (828) 264-6641

# **AGENDA ITEM 6:**

## **CONNECT NC MATTERS**

#### A. Report on the Benefits of the Connect NC Bond

# **MANAGER'S COMMENTS:**

Mr. Johnny Burleson, Senior Associate Vice Chancellor for Advancement, with Appalachian State University, will present the benefits of the Connect NC Bond Proposal and answer any questions the Commissioners may have.

The presentation is for information only; therefore no action is required.

011916 BCC Meeting

# CONNECT NC Investing in our future.

# NORTHWEST REGION

# **Infrastructure Bond**

PROJECT	COUNTY ESTIMATED COS	
Improving Stone Mountain State Park	Alleghany and Wilkes	\$1,388,000
Improving Mount Jefferson State Park	Ashe	\$1,500,000
Improving New River State Park	Ashe	\$675,000
(Improving Grandfather Mountain State Park)	Avery, Watauga and Caldwell	\$1,501,500
Mayland Community College Improvements	Avery and Mitchell	\$4,668,043
Improving Yellow Mountain State Park	Avery and Mitchell	\$2,250,000
N.C. School of Science and Math Technology and Engineering Building	Burke	\$58,000,000
Western Piedmont Community College Improvements	Burke	\$5,099,649
Improving National Guard Facility	Burke	\$23,333,333
Improving South Mountain State Park	Burke	\$2,250,000
Improving Lake James State Park	Burke and McDowell	\$3,021,000
Catawba Valley Community College Improvements	Catawba	\$6,180,268
Appalachian State University College of Nursing and Health Sciences	Watauga	\$70,000,000
Caldwell Community College and Technical Institute	Watauga	<mark>\$5,629,377</mark>
Improving Elk Knob State Park	Watauga	\$900,000
Improving Beech Creek Bog State Natural Area	Watauga	\$600,000
Improving Mount Mitchell State Park	Yancey	\$600,000
McDowell Technical Community College Improvements	McDowell	\$4,598,981
Wilkes Community College Improvements	Wilkes	\$5,243,674



# With funding from the Connect NC Bond,

Appalachian will provide healthcare professionals for North Carolina



Funding from the Connect NC Bond will provide \$70 million for Appalachian to build a facility for the Beaver College of Health Sciences. Since its founding in 2008, the number of students taught by College of Health Sciences faculty has doubled, and Appalachian has entered into an innovative partnership with Wake Forest University to increase access to health care for rural North Carolinians.

"A home for the Beaver College of Health Sciences expands Appalachian's capacity to help provide much-needed health care professionals for our state." – Chancellor Sheri N. Everts

# When is the vote? Tuesday, March 15, 2016

connect.nc.gov

500 copies of this public document were printed at a cost of \$172 or \$.34 per copy. No state funds were used to pay for printing this document.

# The Connect NC Bond will benefit the entire state of North Carolina



#### The \$2 billion Connect NC bond will:

- **Connect** North Carolina to future growth through targeted, long-term investments statewide.
- Support education, parks, safety, recreation, and water and sewer infrastructure investments, which are vital to NC's competitiveness, in 76 counties.
- Allow us to pay for assets that will last for 50 years with 20-year financing. Most of these projects cannot be financed from our annual operating budget, just as most homeowners pay for a house as they use it over time, not the day that they move in.
- Benefit the entire state, without jeopardizing North Carolina's strong credit ratings. The Connect NC bond proposal is well within current debt affordability as determined by the State Treasurer and the nonpartisan Debt Affordability Committee.

"No tax increases are necessary to finance the bond, given our strong revenue growth and ample debt service capacity. We will continue to balance the budget and uphold our position as one of only 10 states to have earned the coveted Triple A bond rating from all three major ratings agencies." – Governor Pat McCrory

> When is the vote? Tuesday, March 15, 2016

> > connect.nc.gov

# NC STATE

# The Connect NC Bond – Key Information

#### Overview

- > The Connect NC Bonds Act is a \$2 billion bond package that citizens across the state will vote on in the primary election March 15, 2016.
- > North Carolina leadership including the Governor, General Assembly and UNC Board of Governors – have approved this bond referendum to support needed statewide capital improvements in education, parks, public safety, recreation, plant sciences, agriculture, and water and sewer infrastructure.
- More than two-thirds of the Connect NC bond will go to fund critical improvements in higher education – including capital projects that focus on STEM education, career readiness, medical sciences and business for the 17 UNC System campuses along with long-needed upgrades to modernize the state's 58 community colleges.
- Projects span from the mountains to the coast and include investments in both rural communities and urban cities – investments across 76 counties in total.
- > No tax increases would be necessary to finance the bond, given the state's strong revenue growth and ample debt service capacity.

#### Why do bonds make sense?

- Long-term financing is the most efficient and effective way to fund critical needs and projects across our state, especially given that interest rates are low.
- > Additionally, North Carolina has an established and successful history of responsibly using long-term financing to support the infrastructure and educational needs or its communities.
- > Most of the identified infrastructure projects cannot be financed from annual operating budgets on either the state or county levels.
- > Bonds will allow North Carolina to pay over 20 to 25 years for assets that will last for at least 50 years and benefit the state much longer. Just as homeowners pay for a house as they use it over time, North Carolinians will pay over time for improvements needed now and moving forward.

#### What would the money be used for?

About two-thirds of the bond would benefit higher education, 16 percent would pay for improvements in parks and in sewer and water infrastructure, 9 percent would go to agricultural projects, 5 percent would be allocated to the North Carolina Zoo and 4 percent would be spent on the National Guard and public safety. More specifics follow.

#### **Connect NC through higher education**

- > The UNC system will receive \$980 million, particularly to build and repair STEM facilities to prepare our students for careers in these high-demand fields that are critical for driving North Carolina's economy.
- > NC State University, the state's leading research university, will receive \$160 million to support two major projects on NC State's Centennial Campus: The Engineering Oval and the Plant Sciences Initiative

These projects will allow North Carolina to remain a national leader in Agriculture and Engineering, and will result in broad economic and quality of life improvements for North Carolinians

> The North Carolina Community College System will receive \$350 million for new construction, much-needed repairs and renovations at all 58 community colleges across the state. These necessary improvements will allow a modern learning environment that meets the demands of a 21st century workforce.

#### **Connect NC through agricultural research**

- > The bond provides \$85 million for the Plant Sciences Initiative Complex at NC State University to establish North Carolina as the world leader in plant sciences research and innovation, spurring economic growth in our state's largest industry, agriculture.
- It also invests \$94 million for an Agriculture and Consumer Sciences Lab Building for veterinary, food, drug and motor fuel testing, advancing our state's food safety and security.

#### **Connect NC through state parks and attractions**

- The bond provides a total of \$75 million to update well-used facilities at 45 treasured state parks available to all citizens.
- It also includes an investment of \$25 million for upgrades to service support facilities, trails and exhibits at the widely renowned North Carolina Zoo.

#### **Connect NC through National Guard facilities**

> The bond includes \$70 million to construct National Guard Regional Readiness Centers in Burke, Guilford and Wilkes Counties allowing the Guard and its members from across the state to more efficiently and effectively train for and respond to state emergencies.

#### Connect NC through improved water and sewer infrastructure

The bond invests \$309.5 million in statewide water and sewer loans and grants to meet the demands of a growing population. Since the passage of the last water and sewer bond in North Carolina, 17 years ago, our state's population has grown by more than 2 million people.

#### 011916 BCC Meeting

# Distribution of Bond Projects by Category and County

University of North Carolina	(Arrest)	A CONTRACTOR DOTATION	ADD 000 000
Appalachian State University	Watauga Pitt	New Health Sciences Building Life Sciences & Biotech, Building	\$70,000,000 \$90,000,000
East Carolina University Fayetteville State University	Cumberland	Lyons Science Bldg, Renovation	\$10,000,000
NC Central University	Durham	New Business School	\$30,000,000
NC State University	Wake	Engineering Building	\$75,000,000
	Guilford	Engineering Building	\$90,000,000
North Carolina A&T University North Carolina School of Science and Math	Burke	North Carolina School of Technology and Engineering	\$58,000,000
UNC – Chapel Hill	Orange	Medical Education Bldg. Replacement	\$68,000,000
UNC – Charlotte	Mecklenburg	New Sciences Building	\$90,000,000
UNC – Greensboro	Guilford	Nursing School Building	\$105,000,000
UNC – Pembroke	Robeson	New Business School	\$23,000,000
UNC – Wilmington	New Hanover	Allied Health and Human Services/ Nursing Building	\$66,000,000
	Jackson	Science/STEM Building	\$110,000,000
Western Carolina University	Forsyth	Sciences Building	\$50,000,000
Winston-Salem State University	Statewide	Capital Repairs and Renovations	\$45,000,000
Various Total for University of North Carolina	Statewide	Capital Repairs and Renovations	\$980,000,000
NC Community Colleges Alamance Community College		New Construction, Repairs, Renovations	\$6,100,339
Asheville-Buncombe Technical Community Co	ollege	New Construction, Repairs, Renovations	\$5,487,535
Beaufort Co. Community College	oliego	New Construction, Repairs, Renovations	\$6,557,819
Bladen Community College		New Construction, Repairs, Renovations	\$6,533,125
Blue Ridge Community College		New Construction, Repairs, Renovations	\$2,966,077
Brunswick Community College		New Construction, Repairs, Renovations	\$2,857,328
Caldwell Community College and Technical In	stitute	New Construction, Repairs, Renovations	\$5,629,337
Cape Fear Community College		New Construction, Repairs, Renovations	\$5,908,685
Carteret Community College		New Construction, Repairs, Renovations	\$2,674,685
Catawba Valley Community College		New Construction, Repairs, Renovations	\$6,180,268
Central Carolina Community College		New Construction, Repairs, Renovations	\$6,307,085
Central Piedmont Community College		New Construction, Repairs, Renovations	\$9,636,457
Cleveland Community College		New Construction, Repairs, Renovations	\$5,467,357
College of the Albermarle		New Construction, Repairs, Renovations	\$6,590,687
Coastal Carolina Community College		New Construction, Repairs, Renovations	\$6,973,103
Craven Community College		New Construction, Repairs, Renovations	\$5,376,640
Davidson County Community College		New Construction, Repairs, Renovations	\$5,820,720
Durham Tech. Community College		New Construction, Repairs, Renovations	\$4,362,997
Edgecombe Community College		New Construction, Repairs, Renovations	\$7,277,875
Fayetteville Tech. Community College		New Construction, Repairs, Renovations	\$10,668,066
Forsyth Tech. Community College		New Construction, Repairs, Renovations	\$5,809,410
Gaston College		New Construction, Repairs, Renovations	\$5,949,907
Guilford Tech. Community College		New Construction, Repairs, Renovations	\$9,519,543
Halifax Community College		New Construction, Repairs, Renovations	\$6,519,080
Haywood Community College		New Construction, Repairs, Renovations	\$2,831,380
Isothermal Community College		New Construction, Repairs, Renovations	\$6,803,668
James Sprunt Community College		New Construction, Repairs, Renovations	\$4,502,677
Johnston Community College		New Construction, Repairs, Renovations	\$3,701,470
Lenoir Community College		New Construction, Repairs, Renovations	\$8,001,502
Martin Community College		New Construction, Repairs, Renovations	\$6,566,722
Mayland Community College		New Construction, Repairs, Renovations	\$4,668,043
McDowell Tech. Community College		New Construction, Repairs, Renovations	\$4,598,981
Mitchell Community College		New Construction, Repairs, Renovations	\$3,218,011
Montgomery Community College		New Construction, Repairs, Renovations	\$6,334,537
Nash Community College		New Construction, Repairs, Renovations	\$7,773,798
Pamlico Community College		New Construction, Repairs, Renovations	\$4,193,233
Piedmont Community College		New Construction, Repairs, Renovations	\$4,850,325
Pitt Community College		New Construction, Repairs, Renovations	\$8,376,397
Randolph Community College		New Construction, Repairs, Renovations	\$5,086,842
Richmond Community College		New Construction, Repairs, Renovations	\$7,229,431
Roanoke-Chowan Community College		New Construction, Repairs, Renovations	\$6,326,517
Robeson Community College		New Construction, Repairs, Renovations	\$7,296,568
Rockingham Community College		New Construction, Repairs, Renovations	\$6,848,392
Rowan-Cabarrus Community College		New Construction, Repairs, Renovations	\$7,211,552
Sampson Community College		New Construction, Repairs, Renovations	\$4,774,533
Sandhills Community College		New Construction, Repairs, Renovations	\$3,816,267
South Piedmont Community College		New Construction, Repairs, Renovations	\$3,189,221
Southeastern Community College		New Construction, Repairs, Renovations	\$6,861,620
Southwestern Community College		New Construction, Repairs, Renovations	\$7,170,597
		New Construction, Repairs, Renovations	\$5,510,980
		New Construction Density Descustions	AT 000 101
Stanly Community College Surry Community College Tri-County Community College		New Construction, Repairs, Renovations New Construction, Repairs, Renovations	\$7,222,184 \$4,5 <b>85</b> ,728

Vance-Granville Community Colleg Wake Tech. Community College Wayne Community College Western Piedmont Community Col Wilkes Community College Wilson Community College <b>Total for NC Community College</b>	lege	New Construction, Repairs, Renovations New Construction, Repairs, Renovations	011916 BCC Meeting \$7,611,910 \$12,595,127 \$5,855,913 \$5,099,649 \$5,243,674 \$6,938,426 <b>\$350,000,000</b>
Local Parks and Infrastructure Dept of Environment and Natural R	esources Statewide	Children with Disabilities and Veterans with	\$3,000,000
Dept of Environmental Quality Total for Local Parks and Infrastr	Statewide	Disabilities Local Parks <i>(Matching Grants)</i> Water/Sewer Loans and Grants	\$309,500,000 <b>\$312,500,000</b>
National Guard and Public Safet National Guard Dept of Public Safety Total for National Guard and Pul	Guilford/Burke/Wilkes Moore	Readiness Centers Samarcand Training Academy	\$70,000,000 \$8,500,000 <b>\$78,500,000</b>
Agriculture NC State University Dept of Agriculture and Consumer Total for Agriculture	Wake Services Wake	Plant Sciences Building (NCDA&CS/NCSU partnership) Veterinary/Food/Drug/Motor Fuels Lab	\$85,000,000 \$94,000,000 <b>\$179,000,000</b>
State Parks and Attractions			
State Parks Cumberland		Carvers Creek	\$5,700,750
State Parks Durham/ Oran	×	Eno River	\$2,830,500
State Parks Washington/ B	Beaufort	Goose Creek	\$1,477,500
State Parks Onslow		Hammocks Beach	\$1,125,000 \$751,500
State Parks Dare State Parks Vance/ Warren		Jockeys Ridge Kerr Lake State Recreation Area	\$3,750,000
State Parks Burke/ McDow		Lake James	\$3,021,000
State Parks Iredell	VGI	Lake Norman	\$2,307,000
State Parks Yancey		Mount Mitchell	\$600,000
State Parks Various		Mountain-To-Sea/Other State Trails	\$4,500,000
State Parks Surry/ Yadkin		Pilot Mountain	\$4,481,850
State Parks Camden		Dismal Swamp	\$990,750
State Parks Watauga		Elk Knob	\$900,000
State Parks Durham/Wake	1	Falls Lake State Recreation Area	\$789,750
State Parks New Hanover		Fort Fisher State Recreation Area	\$1,125,000
State Parks Transylvania		Gorges	\$2,505,750 \$2,100,000
State Parks Stokes State Parks Guilford/ Rock	ingham	Hanging Rock Haw River	\$1,500,000
State Parks Chatham/Wak		Jordan Lake State Recreation Area	\$3,000,000
State Parks Columbus	u .	Lake Waccamaw	\$1,506,000
	/Robeson/ Columbus	Lumber River	\$2,628,750
State Parks Rockingham		Mayo River	\$750,000
State Parks Tyrell/Washing	gton	Pettigrew	\$2,830,500
State Parks Burke		South Mountain	\$2,250,000
State Parks Alleghany/Will	kes	Stone Mountain	\$1,338,000
State Parks Wake		William B. Umstead Yellow Mountain State Natural Area	\$1,725,000 \$2,250,000
State Parks Avery State Parks Watauga		Beech Creek Bog State Natural Area	\$600,000
State Parks New Hanover		Carolina Beach	\$855,000
State Parks Rutherford		Chimney Rock	\$1,500,000
State Parks Wayne		Cliffs of the Neuse	\$692,400
State Parks Gaston		Crowders Mountain	\$750,000
State Parks Chatham		Deep River State Trail	\$1,281,000
State Parks Carteret		Fort Macon	\$135,000
State Parks Watauga		Grandfather Mountain	<mark>(\$1,501,500)</mark> \$651,750
State Parks Bladen State Parks Chatham		Jones Lake Lower Haw River State Natural Area	\$203,250
State Parks Halifax		Medoc Mountain	\$1,383,750
State Parks Gates		Merchants Millpond	\$870,750
State Parks Stanly		Morrow Mountain	\$1,537,500
State Parks Ashe		Mount Jefferson State Natural Area	\$1,500,000
State Parks Ashe		New River	\$675,000
State Parks Harnett		Raven Rock	\$1,125,000
State Parks Bladen		Singletary Lake	\$575,250
State Parks Moore		Weymouth Woods State Natural Area	\$428,250
North Carolina Zoo Randolph Total for State Parks and Attract	tions	Australasia Exhibit Complex/ Africa Pavilion/Related Projects	\$25,000,000 <b>\$100,000,000</b>

**GRAND TOTAL** 

\$2,000,000,0005

# Connect NC for NC State: NC State University Projects

#### Why is the Engineering Oval building considered a critical infrastructure project?

Engineering at NC State is a powerful driver of economic impact for North Carolina and the nation. NC State's engineering graduates not only dominate the state's highly skilled workforce at companies such as Cree, SAS and IBM; they also create jobs by developing new technologies, launching innovative companies and bringing cutting-edge products to market. NC State's College of Engineering is critical in attracting businesses and industries to North Carolina.

NC State has one of the largest and most respected engineering programs in the nation, with more than 9,000 students enrolled in graduate and undergraduate programs ranging from nuclear engineering to computer science.

The new Engineering Oval building on Centennial Campus will enhance the university's ability to continue to attract and support the world's best engineering students and faculty. The building will include more than 100 classrooms and state-of-the-art laboratories to advance research excellence in areas including:

- > Biomanufacturing
- > Advanced manufacturing
- > Rapid prototyping
- > Health systems in engineering
- > Construction engineering and management
- > Environmental engineering
- > Transportation systems

Learn more at www.engr.ncsu.edu/oval

#### Why is the Plant Sciences Initiative considered a critical infrastructure project?

Agribusiness is the No. 1 sector in North Carolina's economy, at \$78 billion per year. Every \$1 spent on agricultural research in North Carolina returns \$19.90 in economic benefit to the state. In addition, over the next 25 years, 84 percent of U.S. agricultural jobs are projected to be in the plant sciences disciplines. That's why NC State's leadership in the plant sciences — we have the largest and best plant breeding program in the world — helps fuel our state's economy.

Plant sciences research at NC State has an impact far beyond North Carolina's borders. The world must double food production in 35 years to feed a population estimated to reach 9 billion. Meanwhile, climates and water sources are changing, and farm acreage continues to shrink. To address these challenges, we need to enlist the best minds from academia and industry, as well as those from traditionally nonagricultural disciplines such as physics, engineering, mathematics and economics.

The Plant Sciences Research Complex will use an interdisciplinary systems approach in a world-class research facility to increase crop yields, diversify nutrition, improve sustainability and extend growing seasons. The complex incorporates key features to make it the premier interdisciplinary plant sciences research center in the nation:

- > Leasable corporate lab suites
- > Leasable startup suites
- > Atrium collaborative space
- > Faculty labs and offices
- > 30,000 square foot rooftop greenhouse
- > Plant processing laboratory for integration with the Golden Leaf Biomanufacturing Training and Education Center
- > Seminar/classroom space

Learn more at cals.ncsu.edu/agcomm/psi

Learn more: connectnc.ncsu.edu



The bond vote is March 15, 2016

# **AGENDA ITEM 6:**

# **CONNECT NC MATTERS**

# B. Consideration of Proposed Resolution of Support

# **MANAGER'S COMMENTS:**

Per Board direction, staff has prepared a draft resolution in support of the Connect NC Bond in the event the Board wishes to adopt.

Staff seeks direction from the Board.

# STATE OF NORTH CAROLINA

COUNTY OF WATAUGA



A Resolution in Support of North Carolina's Connect NC Bond for Referendum

WHEREAS, the North Carolina General Assembly has passed and Governor Pat McCrory has signed a \$2 billion bond initiative to be placed on the North Carolina Primary Election Ballot on March 15, 2016; and

**WHEREAS**, the Connect NC Bond Initiative is intended to connect North Carolina cities and towns in the 21<sup>st</sup> century by upgrading technology, constructing and improving educational facilities, enhancing medical services, supporting our military installations, improving parks and recreational facilities, and building and improving port and rail infrastructure; and

WHEREAS, the County of Watauga will see a direct and indirect impact of over \$8 million in improvements to Caldwell Community College and Technical Institute, Grandfather Mountain State Park, Elk Knob State Park, Beech Creek Bog State Natural Area, and \$70 million in new construction for the Appalachian State University College of Nursing and Health Sciences; and

WHEREAS, these improvements and construction will complement and enhance key elements of the County's economic engine such as Appalachian State University and tourism; and

WHEREAS, these strategic investments, as proposed, are designed to benefit every community across this great State and will create jobs and improve the quality of life and environment for every community across this great State and will create jobs and improve the quality of life and environment for every North Carolinian; and

WHEREAS, the bond proceeds will benefit projects in the northwestern North Carolina High Country Region that includes Alleghany, Ashe, Avery, Mitchell, Watauga, Wilkes and Yancey Counties; and

**NOW, THEREFORE BE IT RESOLVED** that the Watauga County Board of Commissioners support the Connect NC Bond Referendum and encourage the citizens of Watauga County and the State of North Carolina to support this critical referendum with an affirmative vote on March 15, 2016 to help ensure the future long term economic strength of Watauga County and the State of North Carolina.

ADOPTED this the <u>19th</u> day of <u>January</u>, <u>2016</u>.

Jimmy Hodges, Chairman Watauga County Board of County Commissioners

ATTEST:

# **AGENDA ITEM 7:**

# **Request for Support of House Bill 445**

# **MANAGER'S COMMENTS:**

Mr. Matthew Ford will discuss with the Board House Bill 445 that was considered in 2007 and request consideration in passing a resolution in support of the issue.

Staff seeks Board direction.

### Anita.Fogle

From: Sent: To: Subject: Attachments: Deron.Geouque Tuesday, January 12, 2016 8:21 AM Anita.Fogle FW: upcoming agenda H445v1.pdf

Deron Geouque Watauga County Manager 814 West King Street Boone, NC 28607 (P) 828-265-8000 (F) 828-264-3230 Email Deron.Geouque@watgov.org

From: Matthew Ford [mailto:mfmford@gmail.com] Sent: Monday, January 11, 2016 10:39 PM To: Deron.Geouque Subject: upcoming agenda

Dear Watauga County Manager Deron Geouque,

I would like to ask support on a bill from the county commissions to be considered for the upcoming agenda and letter of support sent to Jonathan Jordan who is representing me on a bill attended for long session 2017. I am working this year for support and have meet with Jonathan twice in past months, most recent was right before Thanksgiving holiday. I have support so far from Representative Jon Hardister, Sen. Ted Davis, and Sponsorship with Representative Lucas towards this support. I am good friends with Austin Eggers which he was going to check if he could offer support towards my bill on "release of original birth certificate "for adoptees". Perry Yates made a phone call to Representative Jordan and have been good friend's for years due to working construction with my adopted dad's company (Rannie Ford & Associates). Goals of this bill will be any release more accessible to:

\* open more doors for adoptee's especially over 18 and for adequate health care circumstances of inheritable diseases and especially finding more information to whether cancer, Parkinson's, Lou Gehrig's disease or other diseases which can be hard to treat. One benefit is hopefully putting adoptee's through less standard testing needed to get a diagnosis due to lack of facts of knowing if it runs in their family history. Therefore lessening radiation which researchers have found to increase likelihood of cancer and other diseases.

\* parents names to be release through judge or physician to be able to have contact if so wished, this subject will have to ways (1) some adoptee's will like have the document while taking no further actions (2) others will take it to the other end and see if they can get a "yes" or "no" for birth parents to add closure.

\* One argument made but not very factual I feel by some representative is that if you release biological parents names abortion rates will rise or that mother's will be less likely to want to place children up for adoption. But, in states that have passed such a bill like Alabama, Oregon, New Hampshire abortion rates have decreased and have not affected adoption rates. Where it is an issue where as it should be a document of "Public Record."

\* NC has been a closed state since 1938 and find that most adoptees come from low-income poverty stricken homes and their challenges have motivate to enact to help the population being an adoptee myself but coming from being adopted to a very fortunate family. Others and I have had Confidential Intermediary services challenges in cost being \$400-\$700 a huge cost burden with no guarantee of releasing any communication with biological parents. If not found it was a waste of monies. I had a Private Investigator give me a cost of \$3,900 dollars which is quite a bit of money to find parents once which is beyond reach for many financially. So see where some leniencies could be given in part because aid is not as easy to apply for to cover fees as some webpage's guide people seeking their original birth certificate.

I am asking to be put on the agenda to strengthen my support from my home county. Sterling Carol ( Carroll Leather Goods), Carol Garland ( BB&T), Dale Greene ( Holler & Greene Produce) and Dale Presnell (Boone Drug at Deerfield) are working on letters for me of "good standing" to take with me when Jonathan helps me meet with the committee before long session takes place in Raleigh, NC.

I have contacts in Children's Home Society who helping with revisions as it get closer to 2017 long session. I approach getting on the agenda to get a good list of supports of such a bill. Where majority vote will progress NC forward and strength of support can be the difference of it getting passed to help many individual's. I see and in contact with so many parents searching for their child they gave up in adoption or vice versa and many times social media reveals more than going through proper steps because of restrictions. Thanks for this consideration and time.

Thanks,

Matthew Ford

1447 Friendship Church Road

Boone, NC 28607

mfmford@gmail.com

828-434-0500

1

# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

# Η

HOUSE BILL 445

	Short Title:	Access to Information for Adult Adoptees. (Public)				
	Sponsors:	Sponsors: Representatives Dickson, Crawford, Wilkins, Farmer-Butterfield (Primary Sponsors); Bryant, Carney, Current, Fisher, Glazier, T. Harrell, Harrison Underhill, Wainwright, and Wray.				
	Referred to:	Referred to: Judiciary I.				
		March 5, 2007				
1		A BILL TO BE ENTITLED				
2	AN ACT 7	TO PROVIDE ACCESS TO ANY ADULT ADOPTEE OR ADULT				
3	LINEAL DESCENDANT OF A DECEASED ADOPTEE WHO REQUESTS A					
4	COPY OF THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.					
5	The General Assembly of North Carolina enacts:					
6	SECTION 1. G.S. 48-1-101 is amended by inserting in alphabetical order					
7	the following new subdivisions to read:					
8	"In this Chapter, the following definitions apply:					
9						
10	<u>(*</u>					
11		person who may act as a third party to facilitate contact between an				
12		adult adoptee or the adult lineal descendant of a deceased adoptee and				
13	(*)	the biological parent.				
14	<u>(*</u>					
15 16		parent indicating the biological parent's preference for contact with an				
16		adult adoptee or the adult lineal descendant of a deceased adoptee and				
17	(*	the biological parent.				
18 19	<u>(*</u>	) <u>'Lineal descendant of a deceased adoptee' means any person who</u> descends from the direct line of the adoptee.				
19 20	(*					
20 21	<u>(                                    </u>	providing updated family medical history to the adult adoptee or the				
21		adult lineal descendant of a deceased adoptee.				
22		"				
23 24	SI	ECTION 2. G.S. 48-9-104 reads as rewritten:				
25		Release of identifying information.				
26		is provided in G.S. 48-9-109(2), G.S. 48-9-109(2) or G.S. 48-9-106A, no				
20 27		tity shall release from any records retained and sealed under this Article the				

## General Assembly of North Carolina

name, address, or other information that reasonably could be expected to lead directly to 1 2 the identity of an adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth, 3 or an individual who, but for the adoption, would be the adoptee's sibling or 4 grandparent, except upon order of the court for cause pursuant to G.S. 48-9-105." 5 SECTION 3. G.S. 48-9-105(a) reads as rewritten: 6 "§ **48-9-105**. Action for release of identifying and other nonidentifying 7 information. 8 Any-Notwithstanding G.S. 48-9-106A, any information necessary for the (a) protection of the adoptee or the public in or derived from the records, including medical 9 10 information not otherwise obtainable, may be disclosed to an individual who files a 11 written motion in the cause before the clerk of original jurisdiction. In hearing the 12 petition, the court shall give primary consideration to the best interest of the adoptee, 13 but shall also give due consideration to the interests of the members of the adoptee's 14 original and adoptive family." 15 SECTION 4. G.S. 48-9-106 reads as rewritten: "§ 48-9-106. Release of original certificate of birth. 16 17 Upon Notwithstanding G.S. 48-9-106A, upon receipt of a certified copy of a court 18 order issued pursuant to G.S. 48-9-105 authorizing the release of an adoptee's original 19 certificate of birth, the State Registrar shall give the individual who obtained the order a 20 copy of the original certificate of birth with a certification that the copy is a true copy of 21 a record that is no longer a valid certificate of birth." 22 **SECTION 5.** Article 9 of Chapter 48 of the General Statutes is amended by 23 adding a new section to read: 24 "§ 48-9-106A. Request for access to original certificate of birth; contact preference 25 form; medical history form. 26 Notwithstanding any other provision of law, an adult adoptee who has had an (a) original certificate of birth sealed pursuant to an adoption in this State, or the adult 27 28 lineal descendant of a deceased adoptee, may upon written request to the State 29 Registrar, in a form prescribed by the State Registrar, receive a copy of the original 30 certificate of birth. The adult adoptee or the adult lineal descendant of a deceased adoptee may also receive any evidence of the adoption held with the original record. 31 The copy of the original certificate of birth shall be in a form that clearly indicates the 32 certificate is not a certified copy and that the certificate shall not be used for legal 33 34 purposes. Any procedures, fees, or waiting periods associated with the issuance of a 35 certificate of birth in this State shall apply to an original certificate of birth issued 36 pursuant to this section. 37 (b) A biological parent may at any time request from the State Registrar a contact 38 preference form. When the biological parent requests a contact preference form, the 39 State Registrar shall also provide the biological parent with a medical history form. The 40 contact preference form and the medical history form shall be in a form prescribed by 41 the State Registrar. The contact preference form shall provide the following information 42 to be completed at the option of the biological parent: I would like to be contacted. 43 (1)

# General Assembly of North Carolina

Session 2007

1	(2) I would prefer to be contacted only through a confidential
2	intermediary. I have completed an updated medical history form and
3	have filed the form with the State Registrar.
4	(3) I prefer not to be contacted at this time. If I decide later that I would
5	like to be contacted, I will submit an updated contact preference form
6	to the State Registrar. I have completed an updated medical history
7	form and have filed the form with the State Registrar.
8	If a biological parent files a contact preference form, the form shall accompany an
9	original certificate of birth issued under subsection (a) of this section. If a contact
10	preference form is not filed, no presumption of preference for contact shall exist, and
11	the adult adoptee or the adult lineal descendant of a deceased adoptee may only receive
12	the original certificate of birth in accordance with subsection (a) of this section. When
13	an adoptee is deceased, any declarations of preference contained in a contact preference
14	form shall transfer to the adult lineal descendant of the deceased adoptee.
15	(c) The contact preference form and the medical history form are confidential
16	communications from the biological parent to the person named on the sealed original
17	certificate of birth, and the State Registrar shall place the forms in a sealed envelope
18	upon receipt from the biological parent. The State Registrar shall then match the sealed
19	envelope containing the contact preference form and the medical history form to the
20	sealed original certificate of birth and place the sealed envelope in the file containing
21	the sealed original certificate of birth.
22	(d) The sealed envelope containing the contact preference form and medical
23	history form shall be released to an adult adoptee, or the adult lineal descendant of a
24	deceased adoptee, requesting the original certificate of birth under subsection (a) of this
25	section. The State Registrar shall not retain copies of contact preference forms or
26	medical history forms filed pursuant to this section as those forms are private
27	communications between a biological parent and the individual named on the sealed
28	original certificate of birth.
29	(e) The State Registrar may adopt rules deemed necessary to carry out the
30	provisions of this section.
31	(f) An adoption agency licensed or authorized by the Department to place minors
32	for adoption in this State may use a confidential intermediary who is preapproved by the
33	agency to facilitate contact between an adult adoptee or the adult lineal descendant of a
34	deceased adoptee and the biological parent in accordance with this section. The
35	Division shall provide guidance to adoption agencies in establishing guidelines for
36	confidential intermediaries."
37	<b>SECTION 6.</b> G.S. 48-9-107(a) reads as rewritten:
38	"§ 48-9-107. New birth certificates.
39	(a) Upon Notwithstanding G.S. 48-9-106A, upon receipt of a report of the
40	adoption of a minor from the Division, or the documents required by G.S. 48-9-102(g)
41	from the clerk of superior court in the adoption of an adult, or a report of an adoption
42	from another state, the State Registrar shall prepare a new birth certificate for the
43	adoptee that shall contain the adoptee's full adoptive name, sex, state of birth, and date
44	of birth; the full name of the adoptive father, if applicable; the full maiden name of the

# **General Assembly of North Carolina**

- adoptive mother, if applicable; and any other pertinent information consistent with this
  section as may be determined by the State Registrar. The new certificate shall contain
  no reference to the adoption of the adoptee and shall not refer to the adoptive parents in
  any way other than as the adoptee's parents."
- 5 **SECTION 7.** This act becomes effective January 1, 2008, and applies to requests made on or after that date.

# AGENDA ITEM 8:

# COMMUNITY CARE CLINIC 2015 ANNUAL REPORT

# **MANAGER'S COMMENTS:**

Ms. Melissa Selby, Community Care Clinic Director, will update the Board on the services of the clinic.

The report is for information only; therefore no action is required.

### WATAUGA COUNTY COMMISSIONER'S MEETING

# 1/19/16

### **Community Care Clinic**

#### 2015 Summary of Services

The Community Care Clinic specializes in treating low-income uninsured patients with one or more chronic illnesses, primarily including:

Diabetes, Hypertension, Hyperlipidemia, COPD, Pain, Mental Illness, Hepatitis C

The clinic uses an integrated approach so that all medical providers (primary care, specialty care, mental health) are coordinating the treatment plan.

In 2015 we were recognized as one of the top two performing free and charitable clinics in North Carolina. This was based on our patients making the most significant gain in health outcomes (e.g. blood pressures lowered, blood sugar levels lowered, improved mental health, etc.)

During 2015:

- 1) Provided medical care for 984 low-income patients with no health insurance
- 2) Total of 5,745 patient visits
- 3) Average annual cost of care for each patient was \$452

Based on a map of Watauga County (attached) showing the highest concentration of uninsured people:

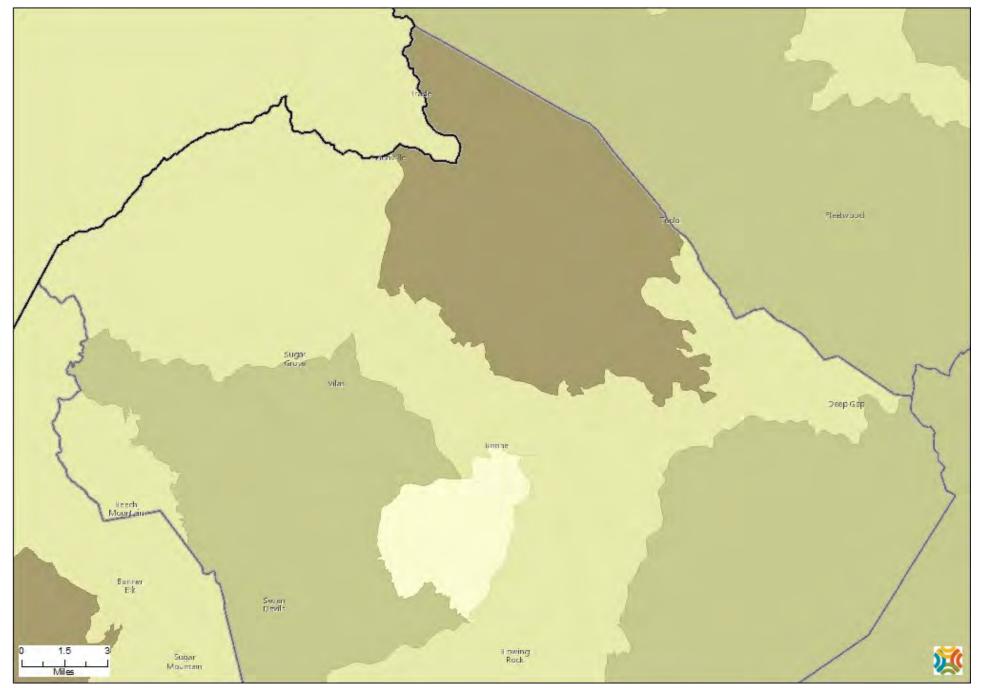
- 1) Opened new satellite clinic in Cove Creek
- 2) Working to identify satellite location in Meat Camp/Todd area

#### Attach map

Lower non-emergent ER visits and hospital admissions/readmissions

10 year anniversary

011916 BCC Meeting



# Watauga County, NC Uninsured Population, Percent by Census Tract

~ ~ ~	~ ~ ~	000		<u> </u>
011	910	BCC	we	eung

Map Legend

Uninsured Population, Percent by Tract, ACS 2009-13

Over 20.0%

- 15.1 20.0%
- 10.1 15.0%
- Under 10.1%
- No Data or Data Suppressed

Community Commons, 4/14/2015

# **AGENDA ITEM 9:**

# FOREST PLANS REVISION UPDATES

# **MANAGER'S COMMENTS:**

Mr. Nicholas Larson, US District Ranger, will review with the Board the Forest Plan Revision.

The report is for information only; therefore no action is required.



# Forest Plan Revision Overview

The U.S. Forest Service is revising the Nantahala and Pisgah National Forests Land and Resource Management Plan.

When revision of the Plan is completed, it will guide management of the Nantahala and Pisgah National Forests for approximately 15 years. The Forest Service published the original Plan in 1987. A significant amendment to the Plan was published in 1994, and similar amendments occurred in subsequent years.

## What are we working on this Fall and Winter?

- Refining the content of the forest plan, based on previous input from the public: having interdisciplinary discussions on forestwide content first; next we will discuss management areas.
- Beginning to prepare the Draft Environmental Impact Statement analysis.
- Working on our required evaluations: Evaluation for lands that may be suitable for inclusion in the National Wilderness Preservation System; Evaluation of eligibility of rivers for inclusion in the National Wild and Scenic River System; Identification of Lands Suitable for Timber Production.
- Involving the public in plan development, through the opportunities identified below.

## How can I provide input before the Draft Environmental Impact Statement release?

There are many ways to be involved in the development of draft plan and EIS. The following are upcoming opportunities:

- Late October Provide input for the next stage of the required Wilderness and Wild and Scenic River evaluation processes. We will share our proposed methodology for the evaluation steps coming next, and a few samples of how that methodology could be applied. We'll ask for input on the processes and for input to consider as we conduct the evaluations. We'll share how we've used the input we've received thus far.
- Early 2016 -Help us refine our forest plan content, during development. We will share preliminary plan content as it is being developed, in order to provide transparent communication about how the plan is developing, and to create opportunities for iterative input.
- Early 2016 Help us create a plan monitoring program. We will work with the public and partners to gather input on monitoring questions, approaches, and partner resources.
- Early 2016 Provide input to alternative development. We will revisit the range of alternatives with the public to ensure we haven't missed anything as we head in to NEPA analysis.
- Spring 2016 Tell us what you think. Release Draft Environmental Impact Statement for formal 90-day NEPA comment period.



# Wilderness Evaluation and Wild & Scenic River Evaluation

**Background:** As part of the Nantahala and Pisgah forest plan revision process, we are beginning the second step of the process to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System. Using our map of inventory areas from the first step of the process which was iteratively developed over a year and a half using public input and the 2015 planning directives, we will evaluate whether each area possesses wilderness characteristics. We must complete this evaluation prior to analyzing the effects of recommending (or not recommending) any such lands for wilderness designation in an Environmental Impact Statement. We are also taking the next evaluation step in a similar process to identify rivers that may be eligible for inclusion in the National Wild and Scenic Rivers System.

**Current Status**: At November public meetings in Asheville and Franklin, we will shared our proposed methodology for the evaluation steps coming next, and a few samples of how that methodology could be applied to both evaluations. We asked for constructive feedback on our draft evaluation questions and for information on the areas and rivers that informs the evaluation.

# Key Messages: Wilderness Evaluation

- We are beginning the second step of the process needed to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System.
- The areas we are evaluating now were identified in the first step, the inventory. The inventory is reflective of the input we heard from the public and is intended to be reasonably broad and inclusive, is consistent with Forest Service policy.
  - The inventory was developed over a year and a half, and was adjusted twice in response to public engagement in Spring and Fall 2014. It was revised again after the release of final agency directives in early 2015.
  - As a result of these adjustments, the October 2015 inventory is broad and inclusive, consistent with Forest Service policy, and includes many but not all of the areas we were recommended to consider by the public.
  - The October inventory is approximately 150,000 acres larger than the first version shared with the public. This increase in acreage is due to the removal of minimum width criteria, removal of road buffers, and the inclusion roads that are gated and closed to the public. Also, consistent with intent of the Eastern Wilderness Act, the updated inventory includes areas that can be passively restored in the future.
  - In no areas in Watauga County are in the inventory, but here are some that are close by and may be in the viewshed of your area(maps are included in this packet):
    - Harper Creek –currently a designated Wilderness Study Area (WSA) (mostly Avery Co)
    - Harper Creek Extension, Sugar Knob mostly to the south of Harper Creek WSA, it's right on the border of Avery/Burke mostly in Burke
    - Lost Cove currently a designated Wilderness Study Area (WSA) (Avery Co)
    - Upper Wilson Creek headwaters of Wilson Creek on Avery/Caldwell line, currently an Inventoried Roadless Area (mostly Avery Co)



- Inclusion in the inventory or the evaluation does not does not bestow special status or designation.
  - Inclusion in the inventory and evaluation simply acknowledges the land meets the criteria for inclusion and thus requires a closer examination of wilderness characteristics.
  - Inclusion in the inventory and evaluation does not mean that the areas will be managed a certain way in the forest plan.
  - Some of the evaluated areas, or portions thereof, may be brought forward for further analysis in the alternatives considered in the plan.
- We are asking the public to provide information about the areas being evaluated.
  - We have developed draft evaluation questions to apply to each area in the inventory to determine whether areas possess characteristics identified in the Wilderness Act of 1964.
  - We have a sample evaluation using these questions to show how the questions could be applied to individual areas.
- As the process progresses, there will be additional opportunities to provide input on the wilderness and wild and scenic river evaluations.
  - Forest leadership recognizes that there continues to be wide range of opinions regarding wilderness designation on the Nantahala and Pisgah NFs.
  - The public input we have received has been very valuable and will continue to inform the consideration of areas in the plan decision.
  - The evaluation will provide information to help determine which areas will be considered further in alternatives developed and analyzed in the Revised Plan's Environmental Impact Statement. Multiple opportunities for the public to engage in special areas evaluation and plan development will be provided.

# Key Messages: Wild and Scenic River Evaluation

- We are beginning to evaluate the second step of the process to identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System.
  - We began looking this process by looking at every named river on the forest. Now, with input from the public and Forest Service specialists, we are taking a look at reduced number of rivers to evaluate whether rivers are free-flowing and contain one or more outstandingly remarkable values.
  - The evaluation will assess whether the river contains unique, rare, or exemplary features that are significant when compared with similar values from other rivers at a regional or national scale.
  - Outstandingly remarkable values of scenery, recreation, geology, fish, wildlife, historic and cultural values, and other similar values will be considered.
  - In no areas in Watauga County are in the inventory, but here are some that are close by and may be in the viewshed of your area:
    - Lost Cove Creek Mostly Avery Co
    - Harpers Creek mostly Avery Co
    - Gragg Prong Creek Avery Co
    - Johns River Caldwell Co



- We are seeking input on Wild and Scenic River evaluations.
  - We have developed draft evaluation questions to apply to each river in the evaluation.
  - We are seeking constructive feedback on our draft evaluation questions.
  - We are seeking information on the rivers that can inform our evaluations.
  - As the process progresses, there will be additional opportunities to provide input on the wilderness and wild and scenic river evaluations.

# Key Messages: Public involvement opportunities

- We are looking for your input.
  - We are looking for input on the evaluation questions themselves and information about the areas or rivers that can inform the evaluation.
  - There is no formal comment period, but input will be most useful if shared with us by December 2015.
  - In late October, we posted information on our website, including required process steps, our draft evaluation questions, and examples of how these questions could be answered. In November, we hosted public meetings in Franklin and Asheville.
- As the process progresses, there will be additional opportunities to provide input on the wilderness and wild and scenic river evaluations.
  - In Winter, we seek input on the development of the monitoring plan.
  - In Spring 2016, we plan to release the draft forest plan, alternatives and draft environmental impact statement (EIS) for a formal 90-day NEPA comment period.



# Frequently asked questions:

### Why are additional wilderness and wild and scenic rivers being considered?

The 2012 Planning Rule requires that we conduct these evaluations as part of a forest plan revision process. Specifically, the Rule states that the Forest Supervisor shall

- Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation, and
- Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review (*source: 2012 Planning Rule, 36 CFR 219.7 (c)(2)*).

All plan revisions or new plans must complete these processes before the Forest Supervisor determines, in the plan decision document, whether to recommend lands for wilderness designation or whether to identify rivers as eligible for future suitability analysis.

### Why has the Forest Service decided that [X, Y, Z area] should be wilderness?

At this point, we are <u>not</u> making any recommendations for the National Wilderness Preservation System. We have addressed the first required step of the wilderness evaluation process by creating an inventory map of areas that need to be further evaluated for wilderness character. Some of the areas evaluated, or portions thereof, may be considered in a forest plan alternative. Areas would only be recommended for wilderness if those areas are included in the final plan (selected alternative) and then subsequently recommended in a Record of Decision. Even after the recommendation is made in the forest plan, the recommendation will go to the Chief of the Forest, and potentially on to the Secretary of Agriculture prior to forwarding to Congress. Only Congress can make a decision to designate wilderness.

Areas identified on the inventory map are not identified for any special status or designation. These areas simply require a closer look during the evaluation stage to see if the land has wilderness character. Inclusion in the inventory and evaluation does not mean that the areas will be managed a certain way in the forest plan.

Forest leadership recognizes that there continues to be wide range of opinions regarding wilderness designation on the Nantahala and Pisgah NFs. The public input we have received has been very valuable and will continue to inform the consideration of areas in the plan decision.

## What does it mean for an area to be included in the wilderness inventory?

Inclusion in the inventory is not a designation that conveys or requires a particular kind of management. Areas included in the inventory may go on to have different types management direction applied to them, depending on the rest of the development of the forest plan.

Only those areas, if any, that are included in the selected alternative and then subsequently recommended in a Record of Decision will be actually recommended for wilderness. Any areas that are recommended will have guidance in the forest plan to retain the wilderness characteristics for which the areas are recognized.



Why is the wilderness inventory different than the last time it was shared with the public? Our inventory was developed over more than a year and a half and has been updated in response to two rounds of public involvement and the release of agency directives in early 2015.

As a result of these adjustments, the October 2015 inventory is more broad and inclusive, consistent with Forest Service policy and the intent of the Eastern Wilderness Act, and reflects many but not all of the areas we were recommended to consider by the public.

The October inventory is approximately 150,000 acres larger than the first version shared with the public. This increase in acreage is due to the removal of minimum width criteria, removal of road buffers, and the inclusion roads that are gated and closed to the public. Also, consistent with intent of the Eastern Wilderness Act, the updated inventory includes areas that can be passively restored in the future. Additional detail on the adjustments that have unfolded over time is available in the detailed process paper found on our website.

### How is the evaluation different than the inventory?

The inventory process is designated to identify and create an inventory of all lands that *may be* suitable for inclusion in the National Wilderness Preservation System.

The evaluation step then evaluates the wilderness characteristics of lands in the inventory by considering criteria from the Wilderness Act of 1964 and informed by the Eastern Wilderness Act of 1975. All areas included in the inventory are evaluated, though the shape of the inventoried areas may be refined in the evaluation step, as more information is learned about each area.

#### What are we asking the public that is different than what we asked previously?

In earlier rounds of public input, we were seeking information about the wilderness inventory and the application of our inventory criteria as we identified which lands to evaluate.

Now we are seeking public input on the evaluation itself: we are looking for input on the questions we are using to evaluate the area's wilderness characteristics, and we are looking for information about the areas that will help us answer the questions.

#### What did you do with the information already provided?

Thank you for the input you have already provided for the process. Using public input to date, we revised the inventory criteria and re-examined specific areas on the inventory. We have also already received some information that will be used in the evaluation. For example, some members of the public already provided us with information that will be considered in the context of the evaluation questions.

## How can I provide input?

## What information will be available for the public this Fall?

In late October, we will share our proposed methodology for the evaluation steps coming next, and a few samples of how that methodology could be applied to both evaluations. We'll ask for constructive feedback on our draft evaluation questions and for information on the areas and rivers that informs the evaluation.



We plan to make the following information available on our website:

- Wilderness inventory and evaluation process:
  - Interactive storyboard and maps
  - PowerPoint describing the process and next steps
  - Detailed process paper with maps and descriptions of the inventory areas
  - Wilderness evaluation draft questions and a sample of how these questions could be applied
  - Blank input forms
- Wild and Scenic River evaluation:
  - o Process powerpoint
  - A list of rivers with potentially outstandingly remarkable values
  - A map of rivers with potentially outstandingly remarkable values
  - Draft eligibility questions and five samples of how these questions could be applied
  - Blank input forms

Input can be shared on input forms and submitted electronically to NCplanrevision@fs.fed.us

Or via postal mail to:

Attn: Forest Plan Revision; 160A Zillicoa Street; Asheville, NC 28801

Our Website has more information regarding Forest Plan Revision:

http://www.fs.usda.gov/detail/nfsnc/home/?cid=STELPRDB5397660



## Forest Plan Revision Overview

The U.S. Forest Service is revising the Nantahala and Pisgah National Forests Land and Resource Management Plan.

When revision of the Plan is completed, it will guide management of the Nantahala and Pisgah National Forests for approximately 15 years. The Forest Service published the original Plan in 1987. A significant amendment to the Plan was published in 1994, and similar amendments occurred in subsequent years.

#### What are we working on this Fall and Winter?

- Refining the content of the forest plan, based on previous input from the public: having interdisciplinary discussions on forestwide content first; next we will discuss management areas.
- Beginning to prepare the Draft Environmental Impact Statement analysis.
- Working on our required evaluations: Evaluation for lands that may be suitable for inclusion in the National Wilderness Preservation System; Evaluation of eligibility of rivers for inclusion in the National Wild and Scenic River System; Identification of Lands Suitable for Timber Production.
- Involving the public in plan development, through the opportunities identified below.

#### How can I provide input before the Draft Environmental Impact Statement release?

There are many ways to be involved in the development of draft plan and EIS. The following are upcoming opportunities:

- Late October Provide input for the next stage of the required Wilderness and Wild and Scenic River evaluation processes. We will share our proposed methodology for the evaluation steps coming next, and a few samples of how that methodology could be applied. We'll ask for input on the processes and for input to consider as we conduct the evaluations. We'll share how we've used the input we've received thus far.
- Early 2016 -Help us refine our forest plan content, during development. We will share preliminary plan content as it is being developed, in order to provide transparent communication about how the plan is developing, and to create opportunities for iterative input.
- Early 2016 Help us create a plan monitoring program. We will work with the public and partners to gather input on monitoring questions, approaches, and partner resources.
- Early 2016 Provide input to alternative development. We will revisit the range of alternatives with the public to ensure we haven't missed anything as we head in to NEPA analysis.
- Spring 2016 Tell us what you think. Release Draft Environmental Impact Statement for formal 90-day NEPA comment period.



# Wilderness Evaluation and Wild & Scenic River Evaluation

**Background:** As part of the Nantahala and Pisgah forest plan revision process, we are beginning the second step of the process to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System. Using our map of inventory areas from the first step of the process which was iteratively developed over a year and a half using public input and the 2015 planning directives, we will evaluate whether each area possesses wilderness characteristics. We must complete this evaluation prior to analyzing the effects of recommending (or not recommending) any such lands for wilderness designation in an Environmental Impact Statement. We are also taking the next evaluation step in a similar process to identify rivers that may be eligible for inclusion in the National Wild and Scenic Rivers System.

**Current Status**: At November public meetings in Asheville and Franklin, we will shared our proposed methodology for the evaluation steps coming next, and a few samples of how that methodology could be applied to both evaluations. We asked for constructive feedback on our draft evaluation questions and for information on the areas and rivers that informs the evaluation.

# Key Messages: Wilderness Evaluation

- We are beginning the second step of the process needed to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System.
- The areas we are evaluating now were identified in the first step, the inventory. The inventory is reflective of the input we heard from the public and is intended to be reasonably broad and inclusive, is consistent with Forest Service policy.
  - The inventory was developed over a year and a half, and was adjusted twice in response to public engagement in Spring and Fall 2014. It was revised again after the release of final agency directives in early 2015.

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- As a result of these adjustments, the October 2015 inventory is broad and inclusive, consistent with Forest Service policy, and includes many but not all of the areas we were recommended to consider by the public.
- The October inventory is approximately 150,000 acres larger than the first version shared with the public. This increase in acreage is due to the removal of minimum width criteria, removal of road buffers, and the inclusion roads that are gated and closed to the public. Also, consistent with intent of the Eastern Wilderness Act, the updated inventory includes areas that can be passively restored in the future.
- In Avery County inventory areas include (maps are included in this packet):
  - Harper Creek currently a designated Wilderness Study Area (WSA)
  - Harper Creek Extension, Sugar Knob mostly to the south of Harper Creek WSA, it's right on the border of Avery/Burke mostly in Burke
  - Lost Cove currently a designated Wilderness Study Area (WSA)
  - Upper Wilson Creek headwaters of Wilson Creek on Avery/Caldwell line, currently an Inventoried Roadless Area
- Inclusion in the inventory or the evaluation does not does not bestow special status or designation.



- Inclusion in the inventory and evaluation simply acknowledges the land meets the criteria for inclusion and thus requires a closer examination of wilderness characteristics.
- Inclusion in the inventory and evaluation does not mean that the areas will be managed a certain way in the forest plan.
- Some of the evaluated areas, or portions thereof, may be brought forward for further analysis in the alternatives considered in the plan.
- We are asking the public to provide information about the areas being evaluated.
  - We have developed draft evaluation questions to apply to each area in the inventory to determine whether areas possess characteristics identified in the Wilderness Act of 1964.
  - We have a sample evaluation using these questions to show how the questions could be applied to individual areas.
- As the process progresses, there will be additional opportunities to provide input on the wilderness and wild and scenic river evaluations.
  - Forest leadership recognizes that there continues to be wide range of opinions regarding wilderness designation on the Nantahala and Pisgah NFs.
  - The public input we have received has been very valuable and will continue to inform the consideration of areas in the plan decision.
  - The evaluation will provide information to help determine which areas will be considered further in alternatives developed and analyzed in the Revised Plan's Environmental Impact Statement. Multiple opportunities for the public to engage in special areas evaluation and plan development will be provided.

# Key Messages: Wild and Scenic River Evaluation

- We are beginning to evaluate the second step of the process to identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System.
  - We began looking this process by looking at every named river on the forest. Now, with input from the public and Forest Service specialists, we are taking a look at reduced number of rivers to evaluate whether rivers are free-flowing and contain one or more outstandingly remarkable values.
  - The evaluation will assess whether the river contains unique, rare, or exemplary features that are significant when compared with similar values from other rivers at a regional or national scale.
  - Outstandingly remarkable values of scenery, recreation, geology, fish, wildlife, historic and cultural values, and other similar values will be considered.
  - In Avery County inventory areas include:
    - Lost Cove Creek
    - Harpers Creek
    - Gragg Prong Creek
- We are seeking input on Wild and Scenic River evaluations.
  - We have developed draft evaluation questions to apply to each river in the evaluation.

#### Nantahala and Pisgah Forest Plan Revision



- We are seeking constructive feedback on our draft evaluation questions.
- We are seeking information on the rivers that can inform our evaluations.
- As the process progresses, there will be additional opportunities to provide input on the wilderness and wild and scenic river evaluations.

## Key Messages: Public involvement opportunities

#### • We are looking for your input.

- We are looking for input on the evaluation questions themselves and information about the areas or rivers that can inform the evaluation.
- There is no formal comment period, but input will be most useful if shared with us by December 2015.
- In late October, we posted information on our website, including required process steps, our draft evaluation questions, and examples of how these questions could be answered. In November, we hosted public meetings in Franklin and Asheville.
- As the process progresses, there will be additional opportunities to provide input on the wilderness and wild and scenic river evaluations.
  - In Winter, we seek input on the development of the monitoring plan.
  - In Spring 2016, we plan to release the draft forest plan, alternatives and draft environmental impact statement (EIS) for a formal 90-day NEPA comment period.



## Frequently asked questions:

#### Why are additional wilderness and wild and scenic rivers being considered?

The 2012 Planning Rule requires that we conduct these evaluations as part of a forest plan revision process. Specifically, the Rule states that the Forest Supervisor shall

- Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation, and
- Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review (*source: 2012 Planning Rule, 36 CFR 219.7 (c)(2)*).

All plan revisions or new plans must complete these processes before the Forest Supervisor determines, in the plan decision document, whether to recommend lands for wilderness designation or whether to identify rivers as eligible for future suitability analysis.

#### Why has the Forest Service decided that [X, Y, Z area] should be wilderness?

At this point, we are <u>not</u> making any recommendations for the National Wilderness Preservation System. We have addressed the first required step of the wilderness evaluation process by creating an inventory map of areas that need to be further evaluated for wilderness character. Some of the areas evaluated, or portions thereof, may be considered in a forest plan alternative. Areas would only be recommended for wilderness if those areas are included in the final plan (selected alternative) and then subsequently recommended in a Record of Decision. Even after the recommendation is made in the forest plan, the recommendation will go to the Chief of the Forest, and potentially on to the Secretary of Agriculture prior to forwarding to Congress. Only Congress can make a decision to designate wilderness.

Areas identified on the inventory map are not identified for any special status or designation. These areas simply require a closer look during the evaluation stage to see if the land has wilderness character. Inclusion in the inventory and evaluation does not mean that the areas will be managed a certain way in the forest plan.

Forest leadership recognizes that there continues to be wide range of opinions regarding wilderness designation on the Nantahala and Pisgah NFs. The public input we have received has been very valuable and will continue to inform the consideration of areas in the plan decision.

#### What does it mean for an area to be included in the wilderness inventory?

Inclusion in the inventory is not a designation that conveys or requires a particular kind of management. Areas included in the inventory may go on to have different types management direction applied to them, depending on the rest of the development of the forest plan.

Only those areas, if any, that are included in the selected alternative and then subsequently recommended in a Record of Decision will be actually recommended for wilderness. Any areas that are recommended will have guidance in the forest plan to retain the wilderness characteristics for which the areas are recognized.



Why is the wilderness inventory different than the last time it was shared with the public? Our inventory was developed over more than a year and a half and has been updated in response to two rounds of public involvement and the release of agency directives in early 2015.

As a result of these adjustments, the October 2015 inventory is more broad and inclusive, consistent with Forest Service policy and the intent of the Eastern Wilderness Act, and reflects many but not all of the areas we were recommended to consider by the public.

The October inventory is approximately 150,000 acres larger than the first version shared with the public. This increase in acreage is due to the removal of minimum width criteria, removal of road buffers, and the inclusion roads that are gated and closed to the public. Also, consistent with intent of the Eastern Wilderness Act, the updated inventory includes areas that can be passively restored in the future. Additional detail on the adjustments that have unfolded over time is available in the detailed process paper found on our website.

#### How is the evaluation different than the inventory?

The inventory process is designated to identify and create an inventory of all lands that *may be* suitable for inclusion in the National Wilderness Preservation System.

The evaluation step then evaluates the wilderness characteristics of lands in the inventory by considering criteria from the Wilderness Act of 1964 and informed by the Eastern Wilderness Act of 1975. All areas included in the inventory are evaluated, though the shape of the inventoried areas may be refined in the evaluation step, as more information is learned about each area.

#### What are we asking the public that is different than what we asked previously?

In earlier rounds of public input, we were seeking information about the wilderness inventory and the application of our inventory criteria as we identified which lands to evaluate.

Now we are seeking public input on the evaluation itself: we are looking for input on the questions we are using to evaluate the area's wilderness characteristics, and we are looking for information about the areas that will help us answer the questions.

#### What did you do with the information already provided?

Thank you for the input you have already provided for the process. Using public input to date, we revised the inventory criteria and re-examined specific areas on the inventory. We have also already received some information that will be used in the evaluation. For example, some members of the public already provided us with information that will be considered in the context of the evaluation questions.

#### How can I provide input?

#### What information will be available for the public this Fall?

In late October, we will share our proposed methodology for the evaluation steps coming next, and a few samples of how that methodology could be applied to both evaluations. We'll ask for constructive feedback on our draft evaluation questions and for information on the areas and rivers that informs the evaluation.



We plan to make the following information available on our website:

- Wilderness inventory and evaluation process:
  - Interactive storyboard and maps
  - PowerPoint describing the process and next steps
  - Detailed process paper with maps and descriptions of the inventory areas
  - Wilderness evaluation draft questions and a sample of how these questions could be applied
  - Blank input forms
- Wild and Scenic River evaluation:
  - Process powerpoint
  - A list of rivers with potentially outstandingly remarkable values
  - A map of rivers with potentially outstandingly remarkable values
  - Draft eligibility questions and five samples of how these questions could be applied
  - Blank input forms

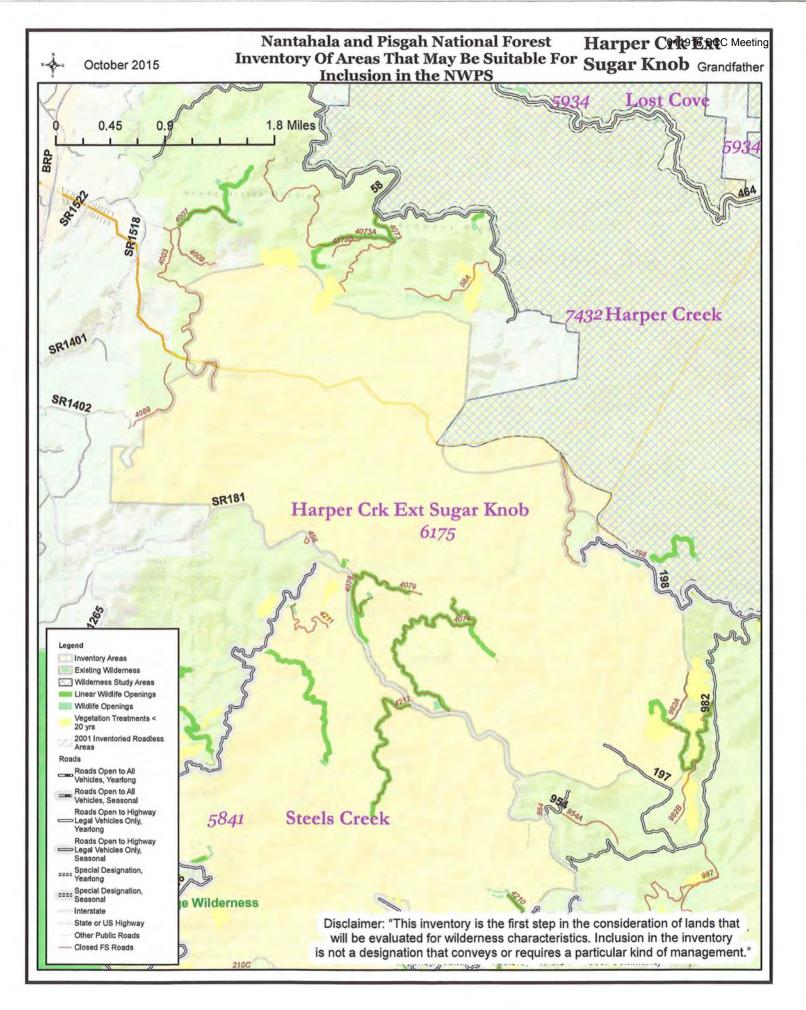
Input can be shared on input forms and submitted electronically to NCplanrevision@fs.fed.us

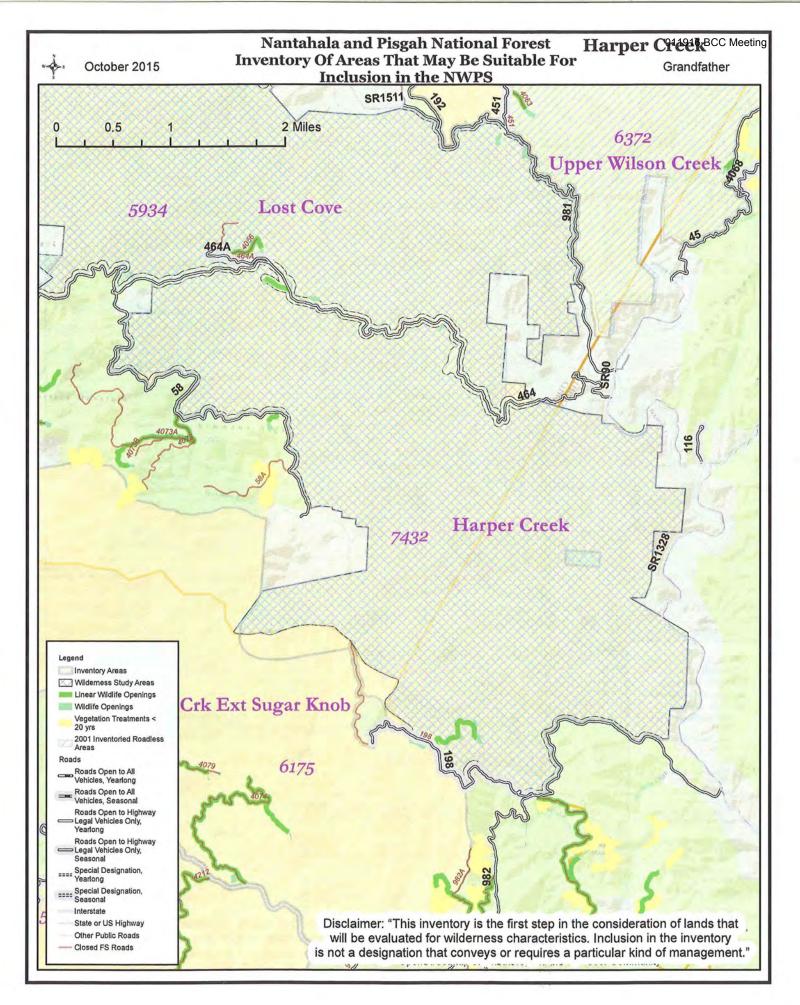
Or via postal mail to:

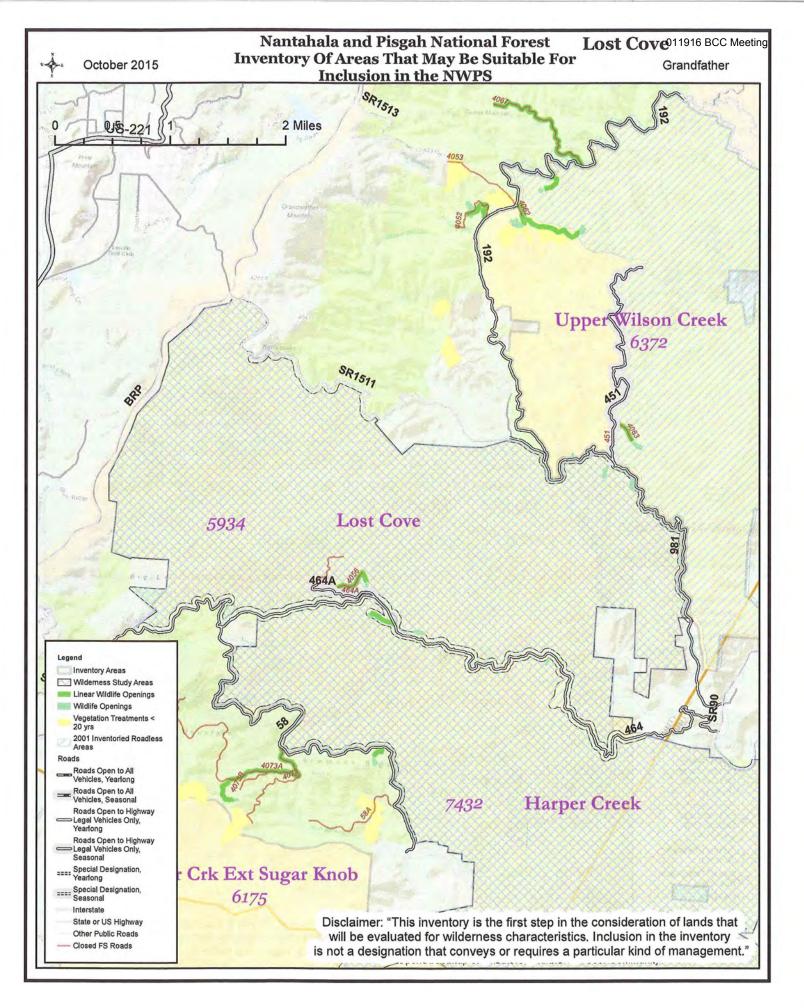
Attn: Forest Plan Revision; 160A Zillicoa Street; Asheville, NC 28801

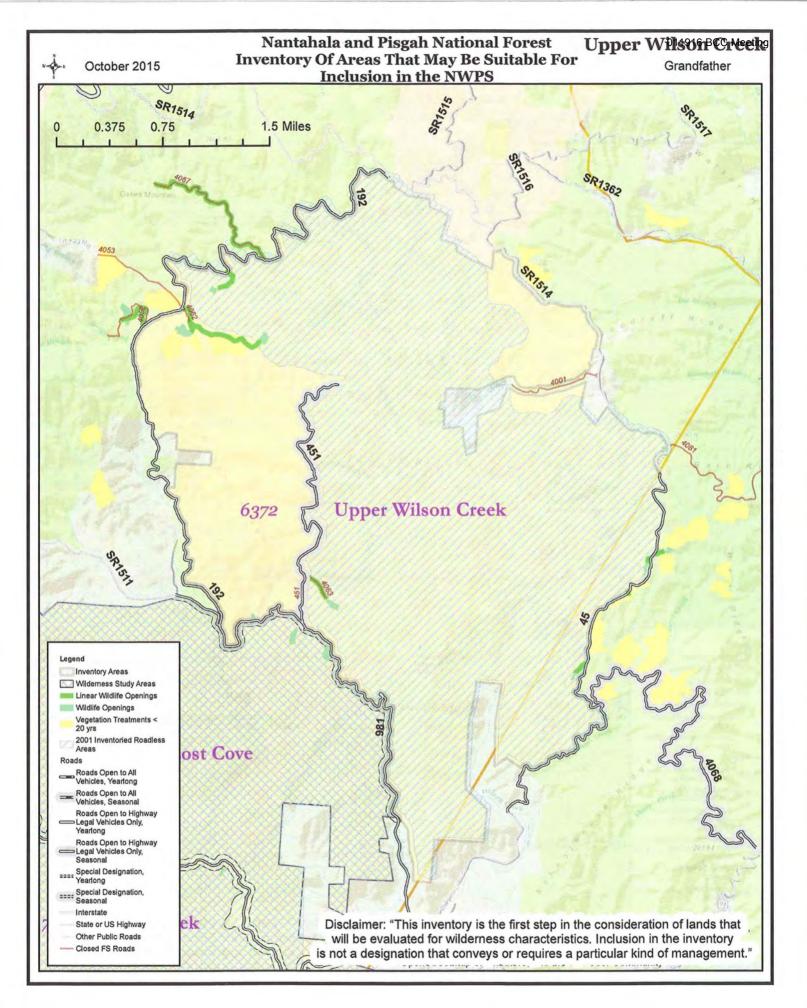
Our Website has more information regarding Forest Plan Revision:

http://www.fs.usda.gov/detail/nfsnc/home/?cid=STELPRDB5397660











# Nantahala and Pisgah National Forests



Evaluation Criteria and Comment Form for Areas That May Be Suitable for Inclusion in the National Wilderness Preservation System

The Nantahala and Pisgah National Forests are in the process of revising the forest plan. A required part of the revision process includes identifying and evaluating lands that may be suitable for inclusion in the National Wilderness Preservation System and determining whether to recommend any such lands for wilderness designation. A description of this process can be found in the 2012 Forest Service Planning Rule and Chapter 70 of the Forest Service Land Management Planning Handbook 1909.12. This process includes the following four steps:

- 1. Identify and inventory all lands that may be suitable for inclusion in the National Wilderness Preservation System
- 2. Evaluate the wilderness characteristics of each area based on a given set of criteria
- 3. Determine which areas to further analyze in the National Environmental Policy Act (NEPA) process
- 4. Decide which areas, if any, to recommend for inclusion in the National Wilderness Preservation System (NWPS).

To complete the second step, the Nantahala and Pisgah National Forest Plan revision team developed the following questions to gather information related to each of the five criteria for wilderness characteristics listed in FSH 1909.12, Chapter 70 - Wilderness. Responses to these questions from planning team members, other national forest staff, and interested members of the public will be used to evaluate areas that may be suitable for inclusion in the National Wilderness Preservation System. This information will be used to determine which areas, or portions thereof, will be included in the forest plan alternatives considered in the NEPA Environmental Impact Statement.

Please use this form to comment on areas identified in the inventory. Use one form per area and note the area name in the space provided. If your comment is not addressed in the "considerations" column of each criterion, please include additional information in the "other" narrative section. If additional space is needed, provide your comments on separate sheets of paper and reference area name, evaluation criterion, and question number being addressed. Completed forms may be submitted by email to <u>NCplanrevision@fs.fed.us</u> with the subject line: "Wilderness evaluation input", or by mail at the following address:

Attn: Plan Revision Team Leader, National Forests in North Carolina 160 Zillicoa St., Suite A Asheville, NC 28801

## Area Name:

<u>Criterion 1- Apparent Naturalness</u>: The degree to which an area generally appears to be affected primarily by the forces of nature, with the imprints of man's work substantially unnoticeable.

Considerations	Narrative
1a) Within the area, do ecological conditions	
appear natural or to be noticeably modified by human intervention? Describe the natural	
appearance of the area. Consider the composition	
of plant and animal communities, water, and soil.	
1b) Describe deviations from the natural condition and the extent to which they occur, including evidence of past management activities.	
• Are vegetation management, timber	
harvest, or restoration treatments substantially noticeable? Describe the	
type and extent of vegetation	
management activities and associated	
landscape modifications; including existence of recent even-aged harvests,	
plantation style forest, low maintenance-	
level roads, skid roads, logging decks, cable yarder landings, fire lines, etc.	
• Are there maintained wildlife fields or	
linear wildlife openings, straightened or modified stream channels, modifications	
from past agricultural practices, etc.	
• Are there concentrations of invasive	
plants and/or animals within the area which appear substantially unnatural?	
Describe species, locations, and extent of	
occurrences.	

1c) Describe the presence and extent of improvements in the area, including the type of improvement, approximate size of affected area, and whether structures may be considered historic (>50 years old).
<ul> <li>Does the area contain constructed improvements such as airstrips,</li> </ul>
heliports/landing zones, vertical structures (towers), utility corridors,
buildings, dams, water tanks, penstocks, remnants of past occupation, etc.?
• Are there recreation improvements within the area that are substantially noticeable modifications to the landscape; such as highly developed trails, day-use or overnight developed recreation sites, recreation structures, access roads, etc.?
1d) Other (Include any additional information related to criterion 1)

#### <u>Criterion 2- Outstanding opportunities for solitude or a primitive and unconfined type of</u> <u>recreation</u>: the degree to which the area has outstanding opportunities for solitude or for a primitive and unconfined type of recreation.

Considerations	Narrative
2a) Describe the opportunities for, or impacts to, solitude within the area.	
• Are pervasive sights and sounds of civilization evident? Describe type, extent, and duration of sights and/or sounds, and the general location from which they are experienced. Consider topography, presence of screening, distance from impacts, and degree of permanent intrusions.	
• Are there developments or recurring activities immediately adjacent to the area that impact opportunities for solitude? Describe the type of development and proximity to area. Consider recreation developments and high use areas, private lands and associated infrastructure, roads/highways, airport flight paths, etc.	

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2b) Describe the opportunities for primitive and	
unconfined recreation.	
• Are there opportunities to engage in primitive and unconfined recreation activities that connect visitors to nature; such as hiking, backpacking, horseback riding, floating, kayaking, camping, rock climbing, hunting, fishing, observing wildlife, or enjoying nature? Describe type of activity and extent of availability throughout area.	
• If other recreation activities occur within the area which would not be considered primitive and unconfined, describe those uses; such as mountain bike trails, concentrated use/large group gatherings, wagon trains, motorized-use trails, etc.	
2c) Other (Include any additional information	
related to criterion 2)	

#### <u>Criterion 3- Stand-alone area of less than 5,000 acres that is not adjacent to existing wilderness or</u> <u>administratively recommended wilderness</u>: evaluate how an area less than 5,000 acres is of sufficient size to make its preservation and use in an unimpaired condition practicable.

Considerations	Narrative
<ul> <li>3a) If the area is less than 5000 acres in size and not adjacent to existing designated or administratively recommended wilderness, is it of sufficient size to be preserved and used in an unimpaired condition?</li> <li>Consider if the area is self-contained or topographically isolated.</li> <li>Can the area be managed to preserve its wilderness characteristics?</li> </ul>	
3b) Other (Include any additional information related to criterion 3)	

# <u>Criterion 4- Unique and outstanding qualities</u>: the degree to which the area may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Considerations	Narrative
4a) Does the area contain rare plant or animal communities, or ecosystems?	
• Consider the extent and general location of rare communities or ecosystems.	
4b) Does the area contain outstanding scenery or landscape features such as waterfalls, rivers, mountains, viewpoints, or geologic features?	
4c) Is there a presence of structures, dwellings, sites or other remnants of past occupation that are considered part of the pre-historic, historic, or cultural landscape of the area? Note: Confidentiality requirements with respect to cultural resource sites must be respected (25 U.S.C 3056).	
4d) Does the area contain sites of scientific or educational value, such as research natural areas or ongoing research?	
4e) Does the area contain high quality water resources or important watershed features? Consider municipal water sources, brook trout habitat, and/or eligible or designated Wild and Scenic River segments.	
4f) Other (Include any additional information related to criterion 4)	

<u>Criterion 5- Management</u>: the degree to which the area may be managed to preserve its wilderness characteristics, considering shape, configuration, legally established rights or uses, presence and amount of non-federal land, and management of adjacent lands.

Considerations	Narrative
5a) Describe the size, shape, configuration, and boundaries of the area and its ability to be managed to preserve wilderness characteristics. Consider narrow land areas, cherry-stemmed roads, inholdings, topography, etc. Address whether or not boundary changes could enhance preservation of wilderness characteristics.	
5b) Describe any legally established rights or uses within the area, including Tribal uses, reserved or outstanding mineral rights, easements, or rights of way? Describe the type, location and extent of these rights or uses.	
5c) Describe any State or Federal laws that may affect availability of the area for wilderness, or the ability to manage the area to preserve wilderness characteristics?	
5d) Describe the location, size, and extent of any inholdings of non-Federal lands within the area.	
5e) Describe the ownership, management, and/or use of adjacent lands.	
5f) Other (Include any additional information related to criterion 5)	

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# Nantahala and Pisgah National Forests



Evaluation Criteria and Comment Form for Rivers That May Be Eligible for Inclusion in the National Wild and Scenic River System

The Nantahala and Pisgah National Forests in the process of revising the forest plan. A required part of the revision process identifying rivers that may be eligible for inclusion in the National Wild and Scenic River System. A description of this process can be found in the 2012 Forest Service Planning Rule and Chapter 80 of the Forest Service Land Management Planning Handbook 1909.12.

To complete this evaluation, the Nantahala and Pisgah National Forest Plan revision team developed the following questions to gather information about forest rivers and river segments. Responses to these questions from planning team members, other national forest staff, and interested members of the public will be used to identify which rivers may be eligible.

To provide input, please use one form per river and note the river name in the space provided.

If additional space is needed, provide your comments on separate sheets of paper and reference area name, evaluation criterion, and question number being addressed. Completed forms may be submitted by email to <u>NCplanrevision@fs.fed.us</u> with the subject line: "Wild and Scenic River evaluation input", or by mail at the following address:

Attn: Plan Revision Team Leader, National Forests in North Carolina 160 Zillicoa St., Suite A Asheville, NC 28801

#### SUMMARY OF ELIGIBILITY ANALYSIS

#### Nantahala and Pisgah NFs

#### River Name: \_\_\_\_\_

Additional Instructions: It is critical to describe in detail the outstandingly remarkable values and to explain how they are unique, rare or exemplary features significant at a comparative regional or national scale. For each of the potential ORVs, include a description of the region of comparison that was used.

River Segment: From: To: Evaluated By: (optional) Date:

#### **Evaluation Step**

#### I. ELIGIBILITY ANALYSIS

A. Free - Flowing

• Is the river free-flowing?

(According to Section 16(b) of the Wild and Scenic River Act, free-flowing is defined as, "Existing or flowing in a natural condition without impoundment, diversion, straightening, rip rapping, or other modification of the waterway. The existence of low dams, diversion works or other minor structures does not automatically disqualify the segment for designation. A river segment below or between impoundments may also be considered.")

Consider:

- Does the river exist or flow in a natural condition?
- Where there are improvements or modifications (such as culverts, fords, fish traps, weirs, fish barriers, j-hooks, rock vanes, or other instream structures), do these structures affect the free-flowing nature of the water?
- If there is a segment of the river that is not free-flowing, should other segments be considered?

- B. Scenery
  - Do the landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features or attractions? (When analyzing scenic values, additional factors—such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed—may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment. Outstandingly remarkable scenic features may occupy only a small portion of a river corridor.)

- C. <u>Recreation</u>
  - Are recreational opportunities high quality that attract or have the potential to attract visitors from throughout or beyond the region? (River-related opportunities could include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. The river may provide settings for national or regional use or competitive events.)

#### D. Geology

 Does the river or river corridor contain one or more example of a geologic feature, process or phenomenon unique or rare within the region of comparison? (The feature(s) may be in an unusually active stage or development, represent a "textbook" example and/or represent a unique or rare combination of geologic features--erosional, volcanic, glacial or other geologic structures.)

Discussion:

#### NO YES

NO YES

E. Fish

•

- Fish values may be judged on the relative merits of Fish populations, habitat, or a combination of these conditions.
  - *Populations*: Is the river a nationally or regionally important producer of resident and/or anadromous fish species? (Of particular significance are a diversity of fish species or the presence of wild stocks and/or Federal or State listed or candidate threatened, endangers, or species of conservation concern.)
  - Habitat: Does the river provide uniquely diverse or high quality habitat for fish species indigenous to the region of comparison? (Of particular significance is exemplary habitat for wild stocks and/or Federal or State listed or candidate threatened or endangered species or species of conservation concern. Rare and unique habitats in the corridor should also be considered.)

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#### **Evaluation Step**

NO YES

F. Wildlife

Wildlife values may be judged on the relative merits of either terrestrial or aquatic populations, habitat or a combination of these conditions.

- Populations: Does the river or area within the river corridor contain nationally or regionally important populations of indigenous wildlife species? (Of particular significance are species diversity, species considered to be unique, and/or populations of Federal or State listed or candidate threatened or endangered species or species of conservation concern.)
- Habitat: Does the river or river corridor provide uniquely diverse or high quality habitat for wildlife of national or regional significance, and/or may provide a unique habitat or a critical link in habitat conditions for Federal or State listed or candidate threatened or endangered species or species of conservation concern? Contiguous habitat conditions are such that the biological needs of the species are met.

YES

#### **Evaluation Step**

NO

- G. <u>Vegetative /Ecological Values</u>
- Vegetative and ecological values may be judged on the relative merits of either populations or communities, or a combination of these conditions.)
  - *Populations:* Does the river or river corridor contain nationally or regionally important populations of indigenous plant species? (Of importance are species considered to be unique or populations of federal or state listed or candidate threatened, endangered, or sensitive species. Diversity and number of species area also important.)
  - *Habitat:* Does the river or river corridor contain nationally or regionally important plant communities? (Communities are exceptionally high quality, unusual or critical communities such as old-growth.)

- H. Heritage Resources Historic and Cultural
  - Does the river, or area within the river corridor, contains important evidence of occupation or use by humans? Or, do sites may have national or regional importance for interpreting history?
  - *Historic*: Does the river or area within the river corridor area contain features or sites associated with a significant event, an important person, or a cultural activity of the past that is now rare or unique in the region? (A historic site or feature, in most cases, is 50 years old or older).
  - *Pre-Historic*: Does the river or area within the river corridor contain sites of prehistoric human use or occupation with unique or rare characteristics or exemplary anthropological values such as evidence of prehistoric human practices and modes of living? Or were areas within the river corridor used for unique traditional ceremonial purposes? Does the area associated with the river represent the origins of cultures or conflict of cultures?

- I. Other Similar Values
  - Are other values of the river or the area within the river corridor outstandingly remarkable, containing nationally or regionally important conditions? (Consider values such as (but not limited to) botany, hydrology, paleontology, scientific resources and heritage values).

#### **II. ANALYSIS OF ELIGIBILITY COMPONENTS**

If the river segment is free-flowing and one or more outstandingly remarkable value items are checked "YES"; then the river area is eligible for designation.

A response to this question when submitting feedback on a specific river is not required. This question will be completed by the USFS after considering input from the public and FS specialists on the answers to questions for free-flowing and ORVs above. This question is displayed now to clarify the future questions that will be answered using input provided on the above.

Conclusion:

#### **III. CLASSIFICATION**

If river is eligible, what is the classification? Refer to Table 2 in the 1982 Wild and Scenic River Interagency Guidelines for the criteria used to determine classification.

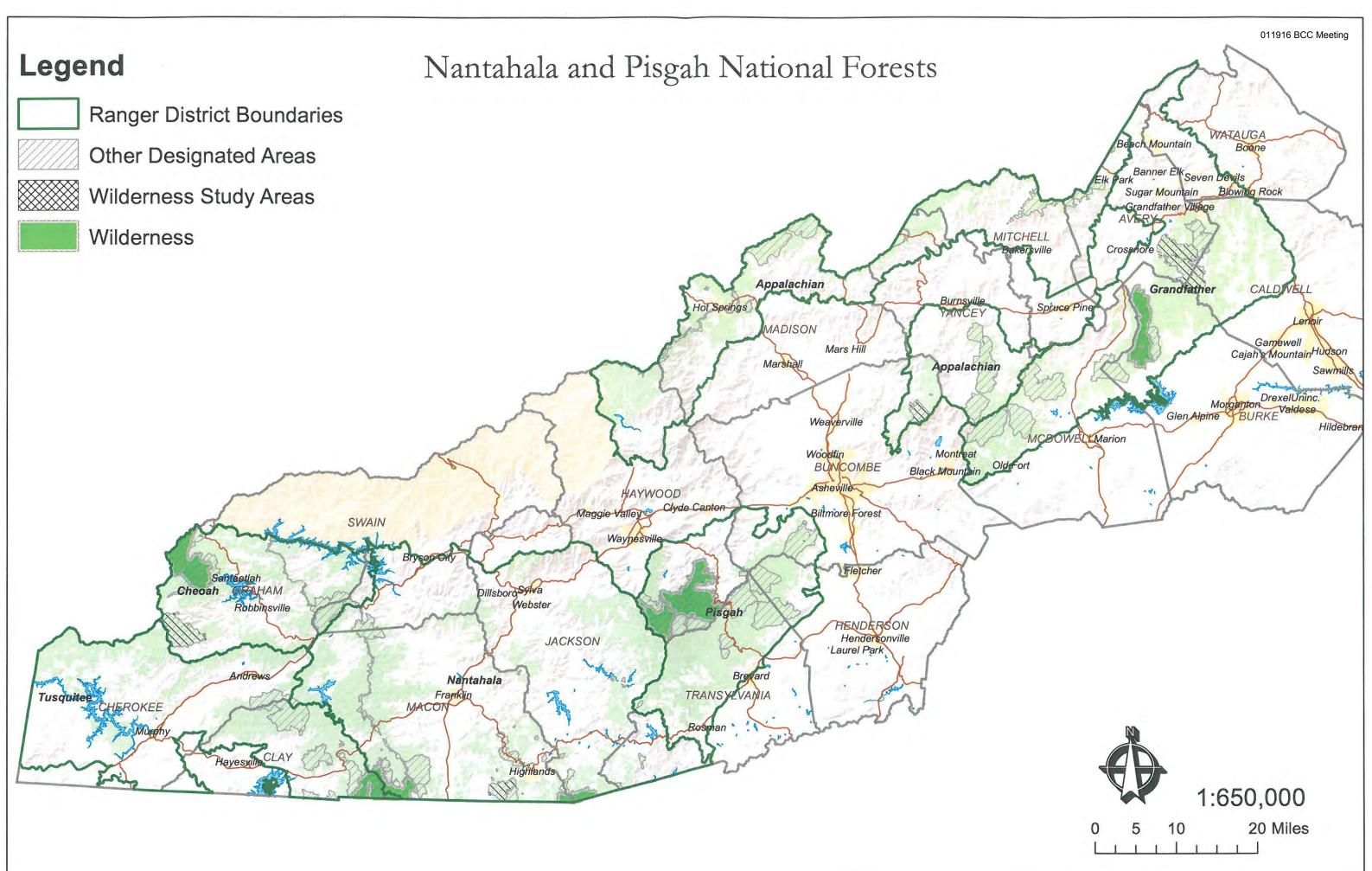
A response to this question when submitting feedback on a specific river is not required. This question will be completed by the USFS after considering input from the public and FS specialists on the answers to questions for free-flowing and ORVs above. This question is displayed now to clarify the future questions that will be answered using input provided on the above.

Wild

Scenic

Recreational

#### **Rationale:**



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#### **AGENDA ITEM 10:**

#### PLANNING AND INSPECTIONS MATTERS

A. Request To Schedule A Public Hearing Allowing Citizen Comment Regarding Proposed Amendments To The Wireless Communications Ordinance

#### **MANAGER'S COMMENTS:**

Mr. Joe Furman, Planning and Inspections Director, will present recommended changes by the Planning Board to the County wireless communications tower ordinance. The new ordinance is modeled after the North Carolina League of Municipalities version and incorporates federal and state law and court cases. The new ordinance would allow for greater height in some cases to encourage concealed wireless technology and increase collocation.

In order to adopt the revised ordinance a public hearing is required. Mr. Furman requests a public hearing be scheduled for February  $16^{th}$  at 5:30 P.M.

Board action is required to schedule a public hearing for February 16, 2016 at 5:30 PM.

#### WATAUGA COUNTY WIRELESS TELECOMMUNICATIONS ORDINANCE

#### I. Purpose and Legislative Intent.

The purpose of this Wireless Telecommunications Ordinance is to provide for the public health, safety and welfare by ensuring that residents, businesses and public safety operations in Watauga County have reliable access to telecommunications networks and state of the art mobile broadband communications services while also minimizing adverse impacts created by wireless facilities and structures. To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal and state laws, including without limitation Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a), and NCGS §153A, Article 18, Part 3B, Watauga County adopts this single comprehensive wireless telecommunications ordinance. This Ordinance is enacted pursuant to the general police powers granted by NCGS §153A-121. By enacting this Ordinance it is the County's intent to:

A. Minimize external impacts (i.e. visual impacts and generator noise) on surrounding areas;

B. Encourage cooperation among carriers and joint use of new and existing wireless structures in an effort to minimize the necessity for new structures;

C. Encourage use of existing buildings and suitable alternative structures for wireless facility use in an effort to minimize the number of new structures;

- D. Encourage concealed wireless structures;
- E. Encourage concealed antenna designs;
- F. Encourage concealed cables and feed lines;

G. Minimize visual impacts on Major Mountain Ridges to the greatest extent possible.

#### II. Definitions.

For the purposes of this Ordinance, the following definitions apply:

**Abandonment** – Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this ordinance.

Accessory Equipment - Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Administrative Approval - Approval that the Administrator or designee is authorized to grant after administrative review.

Administrative Review - Non-discretionary evaluation of an application by the Administrator or designee. This process is not subject to a public hearing. The procedures for administrative review are established in Section IV. of this Ordinance.

Administrator - The person or persons assigned by the Board of Commissioners to enforce this ordinance.

**Antenna** - Communications equipment that transmits, receives or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

**Base Station** - A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

**Carrier on Wheels or Cell on Wheels (COW)** - A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

**Collocation** - The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

**Commercial or Industrial Area** – A parcel of land on which commercial or industry activity is actually conducted and the area along the highway extending outward 800 feet from and beyond such activity.

**Concealed Wireless Facility** - Any wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not readily apparent to a casual observer.

**Electrical Transmission Tower** - An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

**Eligible Facilities Request** – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

**Equipment Compound** - An area surrounding or near the base of a wireless support structure within which are located wireless facilities.

**Existing Structure** - A wireless support structure, erected prior to the application for an eligible facilities request, collocation or substantial modification under this ordinance that is capable of supporting the attachment of wireless facilities. The term includes but is not limited to, electrical transmission towers, buildings and water towers. The term shall not include any utility pole.

**Fall Zone** - The area in which a wireless support structure may be expected to fall in the event of a structural failure as measured by engineering standards.

**Major Mountain Ridge** – A ridge with an elevation higher than 3000 feet above mean sea level and an elevation 500 feet or more above the elevation of an adjacent valley floor including all land within 100 feet below the elevation of any portion of such line or surface along the crest.

**Monopole** – A single, freestanding pole-type structure supporting one or more antennas. For the purposes of this Ordinance, a monopole is not a tower or a utility pole.

**Ordinary Maintenance** - Ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include substantial modifications.

**Replacement Pole** – Pole of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the wireless support structure it replaces.

**Substantial Modification** - The mounting of a proposed wireless facility or wireless facilities on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

(i) increases the existing vertical height of the wireless support structure by (a) more than ten percent (10%), or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;

(ii) adds an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet, or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

(iii) increases the square footage of the existing equipment compound by more than 2,500 square feet.

Tower - A lattice-type structure, guyed or freestanding, that supports one or more antennas.

**Utility Pole** - A structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

**Water Tower** - A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

**Wireless Facility or Wireless Facilities** - The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.

**Wireless Support Structure** - A freestanding structure, such as a monopole or tower, designed to support wireless facilities. This definition does not include utility poles.

#### III. Approvals Required for Wireless Facilities and Wireless Support Structures.

(A) *Administrative Review and Approval.* The following types of applications are subject to the review process as provided in Section IV. No other type of site plan review is necessary:

(1) New wireless support structures that are 60 feet or less in height.

(2) New wireless support structures that are 100 feet or less in height and separated from residential dwellings by a distance of 300 feet or more.

(3) New wireless support structures that are 140 feet or less in height located within commercial or industrial areas and separated from residential dwellings by a distance of 300 feet or more.

(4) Concealed wireless facilities that are 140 feet or less in height and separated from residential dwellings by a distance of 300 feet or more.

(5) Monopoles or replacement poles located on public property or within utility easements or rights-of-way.

(6) COWs, if the use of the COW is either not in response to a declaration of an emergency or disaster by the Governor, or will last in excess of one hundred-twenty (120) days.

(7) Substantial modifications.

(8) Collocations.

(B) *Board Review and Approval*. Any application for wireless facilities and/or wireless support structures not subject to administrative review and approval pursuant to this Ordinance shall be permitted upon the granting of a Special Use permit by the Watauga County Board of Adjustment.

(C) *Exempt from Review and Approval*. The following are exempt from all County approval processes and requirements:

(1) Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this ordinance.

(2) Ordinary maintenance of existing wireless facilities and wireless support structures, as defined in this Ordinance.

(3) Wireless facilities placed on utility poles.

(4) COWs placed for a period of not more than one hundred twenty (120) days at any location within the County or after a declaration of an emergency or a disaster by the Governor.

(5) Antennas or antenna support structures of amateur radio operators 90 feet or less in height.

### **IV. Administrative Review and Approval Process.**

(A) *Content of Application Package for New Sites*. All administrative review application packages must contain the following:

(1) Administrative review application form signed by the owner, or the applicant in accordance with item (2) below;

(2) Non-owner applicants must provide a copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the application. Such submissions need not disclose financial lease terms; and

(3) Site plans detailing proposed improvements which comply with this ordinance. Drawings must depict improvements related to the applicable requirements including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.

(4) Documentation from a North Carolina licensed professional engineer including calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance. Design of the support structure shall be in accordance with the latest ANSI/EIA/TIA-222 standards. Tower foundation design shall be in accordance with Chapter 18 of the NC Building Code. Grounding and electrical service equipment shall be in accordance with the National Electric Code. Watauga County is located within a *Special Wind Region* that will impact structural design of wireless structures and foundations.

(B) *Content of Application Package for Other Sites/Facilities*. All administrative review application packages must contain the following:

(1) Administrative review application form signed by the owner, or the applicant in accordance with item (A) (2) above;

(2) For collocations and substantial modifications, written verification from a North Carolina licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas. Watauga County is located within a *Special Wind Region* that will impact structural design of wireless structures and foundations.

(3) For substantial modifications, drawings depicting the improvements along with their dimensions.

(C) *Fees.* Permit fees are pursuant to the Planning & Inspections Fee Schedule. The fees for Collocation, Substantial Modifications, New Wireless Support Structures and Special Use permit applications include the Building Inspector's review and approval of structural and electrical systems that are subject to the North Carolina State Building Code and the National Electric Code respectively.

### (D) *Procedure and Timing*.

(1) <u>Applications for Collocation, Monopole or Replacement Pole, Concealed Wireless</u> <u>Facility, Non-exempt COW or Substantial Modification</u>. Within thirty (30) days of the receipt of an application for a collocation, a monopole or replacement pole, a concealed wireless facility, a non-exempt COW or a substantial modification, the Administrator will:

(a) Review the application for conformity with this Ordinance. An application under this Section IV.D.1 is deemed to be complete unless the Administrator notifies the applicant in writing, within ten (10) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take ten (10) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within ten (10) calendar days from the initial date the application was received. If the applicant requires a period of time beyond ten (10) calendar days to cure the specific deficiencies, the thirty (30) calendar days calendar days deadline for review shall be extended by the same period of time;

(b) Make a final decision to approve the collocation application or approve or disapprove other applications under this Section D (1); and

(c) Advise the applicant in writing of the final decision. If the Administrator denies an application, written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance, must be provided.

(d) Failure to issue a written decision within thirty (30) calendar days shall constitute an approval of the application.

(2) <u>Applications for New Wireless Support Structures That Are Subject to Administrative</u> <u>Review and Approval</u>. Within forty five (45) calendar days of the receipt of an application for a new wireless support structure that is subject to administrative review and approval under this Ordinance, the Administrator will:

(a) Review the application for conformity with this Ordinance. An application under this Section IV.D.2 is deemed to be complete unless the Administrator notifies the applicant in writing, within fifteen (15) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within fifteen (15) calendar days, the application shall be reviewed and processed within forty five (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the forty five calendar days deadline for review shall be extended by the same period of time;

(b) Make a final decision to approve or disapprove the application; and

(c) Advise the applicant in writing of the final decision. If the Administrator denies an application, written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance, must be provided.

(d) Failure to issue a written decision within forty five (45) calendar days shall constitute an approval of the application.

(3) Building Permits associated with Items (1) and (2) above. A Building Inspector shall issue a building permit following approval of the application under administrative review in accordance with the process and standards of this ordinance and the North Carolina State Building Code.

### V. Special Use Permit Process.

(A) Any wireless facility or wireless support structures not meeting the requirements of Section III.A or III.C above, may be permitted upon the granting of a Special Use permit, subject to:

(1) The submission requirements of Section V.B below; and

- (2) The applicable standards of Section VI below; and
- (3) The requirements of the Special Use permit approval.

(B) *Content of Special Use Permit Application Package*. All Special Use permit application packages must contain the following:

(1) Special Use Permit application form signed by the owner, or the applicant in accordance with item (2) below;

(2) Non-owner applicants must provide a copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue the application. Such submissions need not disclose financial lease terms;

(3) Written description and scaled drawings of the proposed wireless support structure or wireless facility, including structure height, ground and structure design, and proposed materials;

(4) Number of proposed antennas and their height above ground level, including the proposed placement of antennas on the wireless support structure;

(5) Line-of-sight diagram or photo simulation, showing the proposed wireless support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas;

(6) A statement that the proposed wireless support structure will be made available for collocation to other service providers at commercially reasonable rates, provided space is available and consistent with Section VI(A)(1)(a) of this Ordinance.

(C) *Fees.* The total fees for reviewing a Special Use permit application with proposed wireless facilities shall be considered together as one application requiring only a single application fee.

(D) *Procedure and Timing*. Within one hundred fifty (150) calendar days of the receipt of an application under Section V. of this Ordinance, the Administrator will:

(1) Complete the process for reviewing the application for conformity with ordinances applicable to Special Use permits, including conducting a hearing in accordance with the Board's Rules of Procedure. An application under this Section V. is deemed to be complete unless the Administrator notifies the applicant in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within one hundred fifty (150) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred fifty (150) calendar days deadline for review shall be extended by the same period of time;

(2) Make a final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision. If the Board denies an application, it must provide written justification of the denial.

(4) Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.

(5) Building Permits. A Building Inspector shall issue a building permit following the Board's approval of the Special Use Permit and in accordance with the North Carolina State Building Code.

### VI. General Standards and Design Requirements.

### (A) Design

(1) Wireless support structures:

(a) Shall be engineered and constructed to accommodate a minimum number of collocations based upon their height as follows:

(i) Support structures 60 to 100 feet in height shall support at least two (2) telecommunications providers;

(ii) Support structures greater than 100 feet shall support at least three (3) telecommunications providers;

(b) The equipment compound area surrounding the wireless support structure must be of sufficient size to accommodate accessory equipment for the appropriate number of telecommunications providers in accordance with Section VI(A)(l)(a).

(2) Concealed wireless facilities are required on Major Mountain Ridges. Concealed wireless facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

(3) Upon request of the applicant, the Board or Administrator may waive the requirement that new wireless support structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.

(4) A monopole or replacement pole shall be permitted within utility easements or rights-of-way, in accordance with the following requirements:

(a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.

(b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

(c) The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.

(d) Monopoles and the accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.

(e) Single carrier monopoles may be used within utility easements and rights-ofway due to the height restriction imposed by Subsection (c) above.

(f) Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.

(5) Generators shall be located within equipment shelters or enclosed to limit noise levels.

(B) Setbacks

(1) Unless otherwise stated herein, each wireless support structure shall be set back from all property lines a distance equal to its engineered fall zone.

### (C) Height

(1) Substantial Modifications and newly erected Wireless Support Structures shall not exceed the permitted height except by Variance granted by the Board of Adjustment.

(D) Aesthetics

(1) Lighting and Marking. Wireless facilities or wireless support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

(2) Signage. Signs located at the wireless facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which wireless facilities are located (*e.g.*, approved signage at locations on which concealed facilities are located).

(E) Accessory Equipment. Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the wireless facility or wireless support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

### (F) Fencing

(1) Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the Board or Administrator.

(2) The Board or Administrator may waive the requirement of Section VI.F.1 if it is deemed that a fence is not appropriate or needed at the proposed location.

(G) *Landscaping*. The equipment compound shall be screened with landscaping native to the area and suitable for planting in USDA Hardiness Zone 6a. All plants, including the root ball dimensions or container size to trunk caliper ratio, shall conform to ANSI Z60.1 "American Standard for Nursery Stock" latest edition. Quantity, ratio and minimum sizes of trees and shrubs shall be as follows:

(1) Deciduous and/or Evergreen trees – twenty (20) feet maximum spacing. Trees shall have a minimum height of six (6) feet upon planting. Deciduous trees shall have a minimum two (2) inch caliper.

(2) Shrubs - six (6) feet maximum spacing. Shrubs shall be a minimum height of eighteen (18) inches upon planting.

### **VII. Miscellaneous Provisions.**

(A) Abandonment and Removal. If a wireless support structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the County may require that such wireless support structure be removed only after first providing written notice to the owner of the wireless support structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the wireless support structure within sixty (60) days of receipt of said written notice. In the event the owner of the wireless support structure fails to reclaim the wireless support structure within the sixty (60) day period, the owner of the wireless support structure shall be required to remove the same within six (6) months thereafter. The County shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

(B) *Multiple Uses on a Single Parcel or Lot*. Wireless facilities and wireless support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

# VIII. Wireless Facilities and Wireless Support Structures in Existence on the Date of Adoption of this Ordinance.

(A) Wireless facilities and wireless support structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use as long as they remain compliant with the permit issued.

(B) Activities at Non-Conforming Wireless Support Structures. Notwithstanding any provision of this Ordinance:

(1) Ordinary maintenance may be performed on a non-conforming wireless support structure or wireless facility.

(2) Collocation of wireless facilities on an existing non-conforming wireless support structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the administrative approval process defined in Section IV; provided that the collocation does not

substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.

(3) Substantial modifications may be made to non-conforming wireless support structures utilizing the Special Use permit process defined in Section V of this Ordinance.

### IX. Jurisdiction

The provisions of this Ordinance shall be applicable only to unincorporated areas of Watauga County which are not included in the extraterritorial jurisdiction of a municipality.

### X. National Park Service Review

When new wireless support structures or substantial modifications are proposed within one mile of the Blue Ridge Parkway centerline and within the Parkway viewshed, the applicant shall inform the National Park Service and seek recommendations. Park Service recommendations shall be given reasonable consideration and documentation of this consideration shall be provided to the Ordinance Administrator. The Park Service shall be afforded thirty (30) days to respond to the applicant's initial request.

### XI. Valle Crucis Historic District

Wireless support structures shall be prohibited within the Valle Crucis Historic District.

### XII. Permit Expiration

A permit issued pursuant to this ordinance expires 24 months after the date of issuance if the work authorized has not commenced. No work authorized by a permit that has expired may thereafter be performed until a new permit has been secured.

### XIII. Appeal and Variance Provisions

(A) An appeal for review of any order, requirement, decision, or determination made by the Ordinance Administrator may be made by a petitioner who has standing to challenge the decision being appealed. Such appeal shall be submitted in writing to the Board of Adjustment within thirty (30) days from receipt of actual or constructive notice of order, requirement, decision, or determination. The Board shall decide the appeal based upon its findings of fact and the intent of the ordinance. The effect of this decision shall not be to vary the terms of the ordinance, but rather to interpret it.

(B) A request for a variance shall be submitted by the applicant in writing to the Watauga County Board of Adjustment. The request shall be accompanied by:

(1) Identification of the ordinance provision(s) responsible for the alleged hardship.

(2) The reason(s) for seeking the variance(s).

(3) Any conditions that are proposed by the applicant to mitigate possible adverse effects of the proposed variance(s).

The Board may grant a variance upon finding that all of the following conditions exist:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

### **X. Ordinance Violations**

A violation of this Ordinance shall be a misdemeanor subject to the penalties and enforcement provisions of North Carolina General Statute § 153A-123, specifically including injunctions, abatement orders and civil penalties as provided by said statute.

### XI. Severability

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### XII. Repeal

This ordinance replaces, in its entirety, the existing ordinance entitled Ordinance To Regulate Wireless Communication Towers In Watauga County, adopted May 20, 1997 and amended September 18, 2012 and September 17, 2013. The previous ordinance shall be repealed as of the effective date of this ordinance.

### XIII. Effective Date

ADOPTED this the day of , 2016.

# AGENDA ITEM 10:

### PLANNING AND INSPECTIONS MATTERS

B. Request To Schedule A Public Hearing Allowing Citizen Comment Regarding The Closeout of Scattered Site Housing Community Development Block Grant (CDBG) Project # 12-C-2431

# **MANAGER'S COMMENTS:**

To close out the Community Development Block Grant (CDBG) Scattered Site Housing Rehabilitation Program, a public hearing is required. Mr. Furman requests a public hearing be scheduled for February 16<sup>th</sup> at 5:30 P.M.

Direction from the Board is requested.

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# **AGENDA ITEM 11:**

# TAX MATTERS

# A. Monthly Collections Report

# **MANAGER'S COMMENTS:**

Mr. Larry Warren, Tax Administrator, will present the Monthly Collections Report and be available for questions and discussion.

The report is for information only; therefore, no action is required.

# Monthly Collections Report

# Watauga County

Bank deposits of the following amounts have been made and credited to the account of Watauga County. The reported totals do not include small shortages and overages reported to the Watauga County Finance Officer

Monthly Report December 2015

	<b>Current Month</b>	Current Month	<b>Current</b> FY	<b>Current FY</b>	Previous FY
	Collections	Percentage	Collections	Percentage	Percentage
<b>General County</b>					
Taxes 2015	8,137,942.62	58.10%	20,723,602.24	77.93%	78.18%
Prior Year Taxes	29,809.78		275,230.31		
Solid Waste User Fees	763,488.41	56.84%	1,921,793.07	76.65%	76.93%
Green Box Fees	306.72	NA	4,707.24	NA	NA
Total County Funds	\$8,931,547.53		\$22,925,332.86		
Fire Districts					
Foscoe Fire	112,570.74	53.95%	356,899.35	78.67%	78.00%
Boone Fire	231,530.26	64.19%	595,666.05	82.01%	81.02%
Fall Creek Service Dist.	1,739.56	33.99%	5,992.21	63.76%	61.25%
Beaver Dam Fire	29,399.78	58.08%	81,302.68	79.02%	76.53%
Stewart Simmons Fire	47,762.73	68.03%	98,381.85	81.25%	78.69%
Zionville Fire	29,867.25	56.82%	86,735.15	78.98%	74.59%
Cove Creek Fire	65,953.51	57.22%	181,707.03	78.48%	78.43%
Shawneehaw Fire	23,724.30	54.31%	73,385.42	78.49%	78.59%
Meat Camp Fire	56,908.52	57.85%	159,762.88	79.27%	78.69%
Deep Gap Fire	54,043.59	60.26%	147,553.83	80.28%	79.21%
Todd Fire	16,792.24	52.21%	46,260.53	75.22%	75.41%
Blowing Rock Fire	121,174.35	54.49%	353,362.50	77.57%	77.74%
M.C. Creston Fire	1,694.58	49.60%	5,460.17	72.37%	71.14%
Foscoe Service District	19,297.96	62.20%	57,290.22	82.95%	83.97%
Beech Mtn. Service Dist.	368.83	33.75%	754.12	51.02%	39.43%
Cove Creek Service Dist.	7.80	3.35%	99.00	30.54%	100.00%
Shawneehaw Service Dist.	1,247.86	37.07%	4,257.49	65.97%	70.90%
	\$812,344.30		\$2,248,878.27		
	<i>`</i>		-		
<u>Towns</u>					
Boone	2,345,960.52	63.65%	4,326,596.04		79.14%
Municipal Services	72,360.46	73.31%	104,373.06		77.94%
Boone MV Fee	13.69	NA	106.49		NA
Blowing Rock	0.00	NA	105.69		NA
Seven Devils	0.00	NA	58.62		NA
Beech Mountain	0.00	NA	1.63		NA
Total Town Taxes	\$2,418,334.67		\$4,431,241.53		
Total Amount Collected	\$12,162,226.50		\$29,605,452.66		

Tax Collections Director

\_Tax Administrator

# **AGENDA ITEM 11:**

# TAX MATTERS

B. Refunds and Releases

# **MANAGER'S COMMENTS:**

Mr. Warren will present the Refunds and Releases Reports.

Board action is required to accept the Refunds and Releases Reports.

011916 BCC Meeting a tyler erp solution

12/31/2015 16:51 Larry.Warren

#### WATAUGA COUNTY RELEASES - 12/01/2015 TO 12/31/2015

P 1 tncrarpt

		CAT YEAR	BILL	EFF DATE JUR		VALUE		
OWNER NAME A	ND ADDRESS	REASON				)	CHARGE	AMOUNT
1608236 BEEBE, 9613 S. WAXHAW	MARK AND DANIEL AMPSON ROAD , NC 28173	PP 2007 102 608236999 TAX RELEASES MH SOLD MOVED	4748 : OUT (	12/31/2015 C02 OF COUNTY 20	5553 06	0	G01 C02 LF	13.27 15.69 60.00
								88.96
1363332 BLOWIN PO BOX BLOWIN	G ROCK GRILLE 327 G ROCK, NC 286050327	PP 2015 363332999 TAX RELEASES SOLD BUSINESS	1682 : TO RI	12/31/2015 C03 USTIC	5549	0	G01	81.19
1701825 BURROU 2121 S CHARLO	GHS, ROBERT M UTTON SPRINGS RD TTE, NC 28226	RE 2014 24 2817-06-7175-0 REFUND RELEAS CLERICAL ERRO	4716 : 000 E R	12/31/2015 C03	5550	64,400	G01	201.57
	GHS, ROBERT M UTTON SPRINGS RD TTE, NC 28226	CLERICAL ERRO						201.57
1023027 CAMP S: C/O JA 515 HO	KY RANCH INC CK L. SHARP BBS ROAD BORO, NC 27403	RE 2011 24 2809-82-0206-0 REFUND RELEAS	4319 : 000 E	12/31/2015 F02	5556	162,100	F02 G01	64.84 507.37
GREENS	BORO, NC 27403	WAS BEING TAXI IS ACTUALLY .	ED ON 494 A(	24.48 ACRES CRES	WHEN I	Т		572.21
1023027 CAMP S C/O JA		RE 2012 24 2809-82-0206-0	4248 000	12/31/2015 F02		162,100	F02 G01	81.05 507.37
GREENS	BBS ROAD BORO, NC 27403	WAS BEING TAXI IS ACTUALLY .	e Ed ON 494 Ag	24.48 ACRES CRES	5555 WHEN I	T		588.42
1023027 CAMP S C/O JA	KY RANCH INC CK L. SHARP	RE 2013 2809-82-0206-	6614 : 000	12/31/2015 F02		162,100	F02 G01	81.05 507.37
GREENS	KY RANCH INC CK L. SHARP BBS ROAD BORO, NC 27403	WAS BEING TAXI IS ACTUALLY .	ed foi 494 A(	R 24.48 ACRE CRES	S WHEN	IT		588.42
1542557 COLEY, COLEY,							G01 F02	51.14 6.54
P O BO	THOMAS MAX MARCELLA D ADY BARK LN X 1958 NC 28607	TAX RELEASES VEHICLE NEVER MARCELLA COLE	OWNE: Y	D BY THOMAS	5414 AND			57.68

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12/31/2015 16:51 Larry.Warren

#### WATAUGA COUNTY RELEASES - 12/01/2015 TO 12/31/2015

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	CAT YEAR BILL EFF DATE PROPERTY JUR	VALUE	
OWNER NAME AND ADDRESS	REASON I	REF NO CHARGE	AMOUNT
1552572 CORNERSTONE BAPTIST CHURCH P.O. BOX 565 WILDCAT ROAD DEEP GAP, NC 28618	RE 2015 47034 12/31/2015 2950-29-7964-000 F10 TAX RELEASES SHOULD HAVE BEEN EXEMPT	0 G01 F10 5565	69.49 11.10 80.59
1735277 DISHER, CHRISTOPHER 1266 HARPER LEE DR NEWTON, NC 28658-9200	PP 2015 1000105 12/31/2015 1588 F11 TAX RELEASES NO SWFEES CAMPERS USED FOR STOR	5559 SWF	80.00 80.00 62.00 25.00
1728510 FANNON, JACK PO BOX 151 SUGAR GROVE, NC 28679	PP 2011 1000109 12/31/2015 216 F07 TAX RELEASES CAMPER SOLD	0 F07 G01 5560	247.00 3.73 23.32 27.05
1728510 FANNON, JACK PO BOX 151 SUGAR GROVE, NC 28679	PP 2013 1273 12/31/2015 216 F07 TAX RELEASES CAMPER SOLD	0 F07 G01 5561 F07L G01L	1.83 11.42 .18 1.14 
1728510 FANNON, JACK PO BOX 151 SUGAR GROVE, NC 28679	PP 2014 87 12/31/2015 216 F07 TAX RELEASES CAMPER SOLD	0 F07 G01 5562 F07L G01L	1.83 11.42 .18 1.14
1728510 FANNON, JACK PO BOX 151 SUGAR GROVE, NC 28679	PP 2015 84 12/31/2015 216 F07 TAX RELEASES CAMPER SOLD	0 F07 G01 5563 F07L G01L	14.57 1.83 11.42 .18 1.14
1747947 MULLETT, BRENDA 218 TRIPLE T DRIVE BOONE, NC 28607	PP 2015 657 12/31/2015 1167 F09 TAX RELEASES SOLD MH IN 2014	0 F09 G01 5558 SWF F09L G01L	14.57 2.86 17.90 80.00 .29 1.79

102.84

011916 BCC Meeting a tyler erp solution

12/31/2015 16:51 Larry.Warren

#### WATAUGA COUNTY RELEASES - 12/01/2015 TO 12/31/2015

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		AT YEAR ROPERTY	BILL	EFF D	DATE JUR		VALUE		
OWNER NAME AND ADDRESS		EASON				REF NO		CHARGE	AMOUNT
1500589 POPLAR GROVE BAPTIST CHURCH 1228 POPLAR GROVE ROAD S BOONE, NC 28607	29 TA	E 2015 3 900-01-7956- AX RELEASES HOULD HAVE B		, - ,	2015 F02	5564	0	G01 F02	109.55 17.50 127.05
1620877 POWDER HORN MOUNTAIN PROPER 1568 POWDER HORN MTN RD DEEP GAP, NC 28618	28 TA	E 2015 3 359-93-0015- AX RELEASES DT IS COMMON			F05	5552	44,300	F05 G01	22.15 138.66 160.81
1502415 SIMMONS, KATHLEEN A 262 DRIFT LN VILAS, NC 28692-9292	19 TA	E 2015 1 990-28-9037- AX RELEASES DUSE DEEMED			FS1	5557	33,700	FS1 G01 SWF	16.85 105.48 80.00 202.33
DETAIL SUMMARY COU	JNT: 18	RELE	ASES -	TOTA	ΑL	6	93,100		3,371.40



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### WATAUGA COUNTY RELEASES - 12/01/2015 TO 12/31/2015

#### RELEASES - CHARGE SUMMARY FOR ALL CLERKS

YEAR	CAT	CHARGE			AMOUNT	
2007	PP PP PP	G01	BOONE PP WATAUGA COUNTY PP SOLID WASTE PP		15.69 13.27 60.00	
				2007 TOTAL -	88.96	
	MV MV	F02 G01	BOONE FIRE MV WATAUGA COUNTY MV		6.54 51.14	
				2010 TOTAL <sup>-</sup>	57.68	
2011 2011	RE RE PP PP	F02 G01 F07 G01	BOONE FIRE RE WATAUGA COUNTY RE COVE CREEK FIRE PP WATAUGA COUNTY PP		64.84 507.37 3.73 23.32	
					599.26	
	RE RE	F02 G01	BOONE FIRE RE WATAUGA COUNTY RE		81.05 507.37	
				2012 TOTAL <sup>-</sup>	588.42	
2013	RE PP PP PP	F02 G01 F07 F07L G01 G01L	BOONE FIRE RE WATAUGA COUNTY RE COVE CREEK FIRE PP COVE CREEK FIRE LATE WATAUGA COUNTY PP WATAUGA COUNTY LATE	LIST LIST	81.05 507.37 1.83 .18 11.42 1.14	
				2013 TOTAL	602.99	
2014 2014 2014	PP PP PP	G01 F07 F07L G01 G01L	WATAUGA COUNTY RE COVE CREEK FIRE PP COVE CREEK FIRE LATE WATAUGA COUNTY PP WATAUGA COUNTY LATE	LIST LIST	201.57 1.83 .18 11.42 1.14	
				0014 momat -	016 14	
2015 2015 2015 2015 2015 2015 2015 2015	RE RE RE PP PP PP PP PP	F02 F05 F10 FS1 G01 SWF F07 F07L F09 F09L G01 G01L GB SWF	BOONE FIRE RE STEWART SIMMONS FIRE DEEP GAP FIRE RE FOSCOE SERV DIST RE WATAUGA COUNTY RE SANITATION USER FEE COVE CREEK FIRE PP COVE CREEK FIRE LATE MEAT CAMP FIRE LATE WATAUGA COUNTY PP WATAUGA COUNTY LATE GREEN BOX PP SANITATION USER FEE	RE LIST LIST LIST	17.5022.1511.1016.85624.7580.001.83.182.86.29110.512.9325.00302.00	
					1 217 05	



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### WATAUGA COUNTY RELEASES - 12/01/2015 TO 12/31/2015

RELEASES - CHARGE SUMMARY FOR ALL CLERKS

YEAR CAT CHARGE	AMOUNT

SUMMARY TOTAL 3,371.40



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### WATAUGA COUNTY RELEASES - 12/01/2015 TO 12/31/2015

#### RELEASES - JURISDICTION SUMMARY FOR ALL CLERKS

JUR	YEAR CHARGE		AMOUNT	
C02	2007 G01	BOONE PP WATAUGA COUNTY PP SOLID WASTE PP	15.69 13.27 60.00	
		C02 TOTAL	88.96	
		WATAUGA COUNTY RE WATAUGA COUNTY PP	201.57 282.76	
		C03 TOTAL	484.33	
F02 F02 F02 F02 F02 F02 F02 F02 F02	2010 F02 2010 G01 2011 F02 2011 G01 2012 F02 2012 G01 2013 F02 2013 G01 2015 F02 2015 G01	C03 TOTAL BOONE FIRE MV WATAUGA COUNTY MV BOONE FIRE RE WATAUGA COUNTY RE BOONE FIRE RE WATAUGA COUNTY RE BOONE FIRE RE WATAUGA COUNTY RE	$\begin{array}{c} 6.54 \\ 51.14 \\ 64.84 \\ 507.37 \\ 81.05 \\ 507.37 \\ 81.05 \\ 507.37 \\ 17.50 \\ 109.55 \end{array}$	
		F02 TOTAL	1,933.78	
F05 F05	2015 F05 2015 G01	STEWART SIMMONS FIRE RE WATAUGA COUNTY RE		
		F05 TOTAL	160.81	
F07 F07 F07 F07 F07 F07 F07 F07 F07 F07	2011 F07 2011 G01 2013 F07 2013 G01 2013 G01 2013 G01 2014 F07 2014 F07 2014 G01 2014 G01 2014 G01L 2015 F07 2015 F07L 2015 G01 2015 G01L	COVE CREEK FIRE PP WATAUGA COUNTY PP COVE CREEK FIRE PP COVE CREEK FIRE LATE LIST WATAUGA COUNTY PP WATAUGA COUNTY LATE LIST COVE CREEK FIRE LATE LIST WATAUGA COUNTY PP WATAUGA COUNTY LATE LIST COVE CREEK FIRE PP COVE CREEK FIRE PP COVE CREEK FIRE PP COVE CREEK FIRE LATE LIST WATAUGA COUNTY PP WATAUGA COUNTY PP	$\begin{array}{c} 3.73\\ 23.32\\ 1.83\\ .18\\ 11.42\\ 1.14\\ 1.83\\ .18\\ 11.42\\ 1.14\\ 1.83\\ .18\\ 11.42\\ 1.14\\ 1.83\\ .18\\ 11.42\\ 1.14\\ \end{array}$	
			10 16	
F09 F09 F09	2015 F09 2015 F09L 2015 G01 2015 G01L 2015 SWF	MEAT CAMP FIRE PP MEAT CAMP FIRE LATE LIST WATAUGA COUNTY PP WATAUGA COUNTY LATE LIST SANITATION USER FEE F09 TOTAL	2.86 .29 17.90 1.79 80.00	
		F09 TOTAL	102.84	
F10 F10	2015 F10 2015 G01	DEEP GAP FIRE RE WATAUGA COUNTY RE	11.10 69.49	



12/31/2015 16:51 Larry.Warren

### WATAUGA COUNTY RELEASES - 12/01/2015 TO 12/31/2015

|P 7 |tncrarpt

#### RELEASES - JURISDICTION SUMMARY FOR ALL CLERKS

JUR	YEA	R CHARGE			AMOUNT
			F10	TOTAL	80.59
F11 F11			GREEN BOX PP SANITATION USER FEE		25.00 222.00
			F11	TOTAL	247.00
FS1 FS1 FS1	201	5 G01	FOSCOE SERV DIST RE WATAUGA COUNTY RE SANITATION USER FEE		16.85 105.48 80.00
			FS1	TOTAL	202.33
			SUMMARY	TOTAL	3,371.40

# AGENDA ITEM 12:

### **MISCELLANEOUS ADMINISTRATIVE MATTERS**

A. Proposed Amendments to the NC Department of Cultural Resources Retention and Disposition Schedule for the Sheriff's Office

# **MANAGER'S COMMENTS:**

The North Carolina Department of Cultural Resources recently amended the Sheriff's Office records retention schedule. The changes are minor and are included for your review.

Staff would recommend that the Board approve the changes to the Sheriff's Office records retention schedules.

Board action is required.

# RECORDS RETENTION AND DISPOSITION SCHEDULE

# **COUNTY SHERIFF'S OFFICE**



# Issued By:



North Carolina Department of Natural and Cultural Resources Division of Archives and Records Government Records Section

November 15, 2015

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# **Records Retention and Disposition Schedule**

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Standard 3: Information Technology Records	
Standard 4: Legal Records	
Standard 5: Personnel Records	
Standard 6: Public Relations Records	
Standard 7: Risk Management Records	
Standard 8: Program Operational Records: Sheriff Records	

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# County Sheriff's Office Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. *Public records, including electronic records, not listed in this schedule are not authorized to be destroyed*.

This local government agency and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when *"reference value ends."* The local government agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction *"destroy when reference value ends."* If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction *"destroy when reference value ends."* 

The local government agency and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. The agency agrees to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

**County Sheriff** 

Sarah E. Koonts, Director

Division of Archives and Records

APPROVED

Susan W. Kluttz, Secretary Department of Natural and Cultural Resources

County:

K. Herzinger

Chairman, Bd. County Commissioners

11/15/2015

## **EXECUTIVE SUMMARY**

- ✓ According to G.S. § 121-5(b) and G.S. § 132-3, you may only destroy public records with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "Retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (From Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by G.S. § 121-5 and G.S. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions.
- The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management, utilizing the retention schedule, e-mail management, and scanning guidelines.
- ✓ The State Archives of North Carolina provides microfilming services for the minutes of major decision-making boards and commissions. Once those records are filmed, we will store the silver negative (original) in our security vault. There is a nominal fee for filming and duplicating film. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

# MANAGING PUBLIC RECORDS IN NORTH CAROLINA

### Q. What is this "records retention and disposition schedule"?

A. This document is a tool for the employees of local government agencies across North Carolina to use when managing the records in their offices. It lists records commonly found in agency offices and gives an assessment of their value by indicating how long those records should be retained. This schedule is also an agreement between your agency and the State Archives of North Carolina.

This schedule serves as the inventory and schedule that the State Archives of North Carolina is directed by G.S. § 121-5(c) and G.S. § 132-8 to provide. It supersedes all previous editions, including all amendments.

### Q. How do I get this schedule approved?

**A.** This schedule must be approved by your governing body for use in your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.

### Q. Am I required to have all of the records listed on this schedule?

**A.** No, this is not a list of records you must have in your office.

### Q. What is "reference value"?

**A.** Items containing "reference value" in the disposition instructions are generally records that hold limited value, which is typically restricted to those documenting routine operations within the office. A minimum retention period should be established by the office for any items containing the phrase "destroy in office when reference value ends" in the disposition instructions.

### Q. Do the standards correspond to the organizational structure of my agency?

**A.** Records series are grouped into standards to make it easier for users to locate records and their disposition instructions. You may find that the groupings reflect the organizational structure of your agency, or you may find that records are located in various standards depending on the content of the record. The intent of the schedule's organization is to provide an easy reference guide for the records created in your agency.

### Q. What if I cannot find some of my records on this schedule?

A. Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately.

### Q. What are public records?

**A.** The General Statutes of North Carolina, Chapter 132, provides this definition of public records:

"Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

### Q. Is any person allowed to see my records?

**A.** Yes, except as restricted by specific provisions in state or federal law. G.S. § 132-6 instructs:

"Every custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request."

### Q. What about my confidential records?

A. Not all government records are open to public inspection. Exceptions to the access requirements in G.S. § 132-6 and the definition of public records in G.S. § 132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

# Q. Am I required to make available to the public copies of drafts that have not been approved?

**A.** Yes, even if a report, permit, or other record has not been finalized, it is still a public record subject to request. Any record that is not confidential by law must be provided when a request is received, whether it is "finished" or not.

### Q. What do I do with permanent records?

A. Permanent records should be maintained in the office that created the records, forever. They must also have a preservation duplicate, which is either a paper or microfilm copy. See the Human-Readable Preservation Duplicates policy from the North Carolina Department of Cultural Resources (<u>http://archives.ncdcr.gov/Portals/26/PDF/guidelines/Humreadabledupspolicy.pdf</u>).

### Q. What is historical value?

**A.** Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its citizens. Call a Records Management Analyst for further assistance in assessing historical value.

### Q. What if I do not have any records?

**A.** Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and e-mail, are public records. Even if your records are not the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

### Q. May I store our unused records in the basement, attic, shed, etc.?

**A.** Public records are public property. Though we encourage agencies to find places to store records that do not take up too much valuable office space, the selected space should be dry, secure, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems while remaining readily available to your staff and the public.

### Q. Our old records are stored in the attic, basement, or off-site building, etc. Are we required to provide public access to these records?

**A.** Yes, as long as the records are not confidential by law. You should also be aware that confidentiality can expire.

### Q. Aren't all of our old records at the State Archives of North Carolina?

**A.** Probably not. The State Archives of North Carolina collects only very specific types of records from county offices. Contact a Records Management Analyst for more information about which records are held or can be transferred to the State Archives of North Carolina for permanent preservation.

### Q. I found some really old records. What should I do with them?

**A.** Call a Records Management Analyst. We will help you examine the records and assess their historical value.

### Q. Can I give my old records to the historical society or public library?

**A.** Before you offer any record to a historical society, public library, or any other entity, you must contact a Records Management Analyst. Permanent records must be kept either in your offices or at the State Archives of North Carolina.

### Q. Who can I call with questions?

**A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 296-7230 extension 224. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 807-7350.

# Q. Why is there an asterisk in the disposition instructions of so many items on this schedule?

# A. No record involved in a pending audit, legal, or other official action may be destroyed before that audit or action is resolved.

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold must be preserved and thus must not be destroyed until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the agency requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the agency is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your General Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule.

We have used an asterisk (\*) in the disposition instructions to mark records series that are commonly audited, litigated, or may be subject to other official actions. However, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal, or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See **AUDITS: PERFORMANCE**, page 2, item 7, and **AUDITS: FINANCIAL**, page 16, item 5.) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the agency should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

# **TRANSITORY RECORDS**

Transitory records are defined as "record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use."<sup>1</sup>

According to North Carolina General Statutes § 121 and § 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristic, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific approval from the Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called "transitory records." The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the General Schedule for State Agency Records, their office's Program Records Retention and Disposition Schedule, and any other applicable guidelines for their office. If any of these documents require a different retention period for these records, follow the longer of the two retention periods. When in doubt about whether a record is transitory, or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

# Q. What do I do with routing slips, fax cover sheets, "while you were out" slips, memory aids, etc.?

**A.** Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, "while you were out" slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the General Schedule for State Agency Records or your office's Program Records Retention and Disposition Schedule, these records may be destroyed or otherwise disposed of once the action has been resolved.

# Q. What about research materials, drafts, and other working papers used to create a final, official record?

- **A.** Drafts and working papers are materials, including notes and calculations, gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents which may be destroyed after final approval include:
  - Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
  - Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
  - Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

<sup>&</sup>lt;sup>1</sup> A Glossary of Archival and Records Terminology, Richard Pearce-Moses (2005)

Working papers supporting certain financial, legal, and other mission-critical functions, however, may continue to have value even after the final, official copy has been approved. To retain these records appropriately, consult the General Schedule for State Agency Records or your office's Program Records Retention and Disposition Schedule.

# Q. What if I have forms designed and used solely to create, update, or modify records in an electronic medium?

**A.** If these records are not required for audit or legal purposes, they may be destroyed in office after completion of data entry and after all verification and quality control procedures. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g. a signature or notary's seal), they should be retained according to the disposition instructions for the records series encompassing the forms' function.

See also the State Archives of North Carolina's guidance on digital signatures found at the following link: <u>http://archives.ncdcr.gov/Portals/26/PDF/guidelines/electronic\_signature\_policy.pdf</u>

# LEGEND FOR RECORDS SCHEDULE

This Records retention and disposition schedule applies to records in all media, unless otherwise specified.

– symbol designating that one or more records in this series may be confidential or may include confidential information.

*Item # –* an identifying number assigned to each records series for ease of reference.

Series – "a group of similar records that are . . . related as the result of being created, received, or used in the same activity." (From Richard Pearce-Moses, A Glossary of Archival and Records Terminology). Series in this schedule are based on common functions in government offices.

**Records Series Title** – a short identification of the records in a series, based on their common function.

- Series Description a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.
- **Disposition Instructions** instructions dictating the length of time a series must be retained, and how the office should dispose of those records after that time.
- *Citation* a listing of references to statutes, laws, and codes related to the records series. Citations can include:
  - Authority: governing the creation of records
  - Confidentiality: limiting access to public records
  - Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with bold, uppercase letters. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

### NOTICES OF PUBLIC MEETINGS

Includes notices and regular meeting schedules.

See also AFFIDAVITS OF PUBLICATION, page 42, item 1.

Sample records series title and description with cross-reference included

No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.



### STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS

Official records pertaining to the authority, operating philosophy, methods, primary functions, and routine office administration of local agencies.

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
1.	ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES	<ul><li>a) Retain in office official copy permanently.</li><li>b) Destroy in office remaining records after 3 years.</li></ul>		
2.	AGENDA AND MEETING PACKETS Includes agendas and copies of supporting documentation submitted and discussed during meetings of public bodies. See also MINUTES OF PUBLIC BODIES, page 9, item 36.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office other records when reference value ends.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>		
3.	APPLICATIONS FOR APPOINTMENT Applications and related records received from individuals applying for appointments to serve on public boards, commissions, councils, and committees.	<ul><li>a) Destroy in office records concerning appointed individuals 1 year after expiration of term.</li><li>b) Destroy in office remaining records after 1 year.</li></ul>		
4.	APPOINTMENT REPORTS Includes annual appointment reports filed with the NC Department of the Secretary of State.	Destroy in office after 2 years.	Authority: G.S. § 143-157.1	
5.	ASSOCIATIONS AND ORGANIZATIONS Records concerning associations, organizations, groups, etc., with which the agency is involved.	Destroy in office after 2 years.		

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
6.	AUDIO AND VIDEO RECORDINGS OF MEETINGS	Destroy in office after approval of official written minutes.		
7.	AUDITS: PERFORMANCE Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, and related records.	<ul> <li>a) Retain in office reports permanently.</li> <li>b) Destroy in office working papers and remaining records 3 years after the date of the report.</li> </ul>	1	
8.	See also AUDITS: FINANCIAL, page 16, item 5. BLUEPRINTS AND SPECIFICATIONS Blueprints and specifications of agency owned buildings and facilities. Includes as-built plans and related records concerning approved changes.	<ul> <li>a) Transfer to new owner when agency relinquishes ownership of building or facility.</li> <li>b) Retain in office for life of structure and then destroy.</li> </ul>	Confidentiality: G.S. § 132-1.7	
9.	<b>BONDS</b> Records documenting written guarantees from a third party, including bid bonds, payment bonds, performance bonds, and surety bonds. See also <b>BIDS FOR PURCHASE</b> , page 16, item 9, and	Destroy in office 1 year after completion of project.		
10.	PROJECTS, page 11, item 44. BULLETINS	Destroy in office when superseded or obsolete.		
11.	CALENDARS OF EVENTS AND APPOINTMENTS	Destroy in office when superseded or obsolete.		

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
12.	CHARTER RECORDS Charter and charter proceedings related to adoption, amendment and/or repeal.	Retain in office permanently.		
13.	CITIZEN COMPLAINTS, PETITIONS, AND SERVICE REQUESTS	a) Transfer records as applicable to LITIGATION CASE RECORDS, page 32, item 15.	Authority: 42 USC 12132	
	Records concerning objections, dissatisfaction, or disagreements with actions or positions taken or not taken by the agency. Includes petitions signed by citizens requesting action or routine requests for service or information. Also includes requests for reasonable accommodation under Title II of the Americans with Disabilities Act, including survey of agency buildings to determine accessibility to the physically handicapped, federal regulations, proposals for implementing the act, correspondence (including e-mail), resolutions, and solutions to access problems.	<ul> <li>b) Destroy in office informal complaints, petitions, and requests 1 year after resolution.*</li> <li>c) Destroy in office accommodation requests and complaints 2 years after resolution.*</li> </ul>		
14.	See also CIVIL RIGHTS RECORDS, page 29, item 3. CITIZEN SURVEYS Surveys and related records addressing agency services, policies, and other concerns.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>		

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

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17544 "	STANDARD 1: A	ADMINISTRATION AND MANAGEMENT RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS CITATION	
15.	COMPREHENSIVE PLAN	a) Retain in office official copy permanently.	
	Long-range plan outlining policies, guidelines, and plans for future development of the agency. Includes official copy of comprehensive plan and all background surveys, studies, reports, and draft versions of plans. Also includes strategic plans as well as goals and objectives.	<ul> <li>b) Destroy in office background surveys, studies, reports, and drafts 5 years after adoption of plan.</li> </ul>	
16.	CONFERENCES AND WORKSHOPS	a) Retain in office records with historical value permanently.	
	Records concerning conferences and workshops conducted by agency employees. Includes slides, charts, transparencies, handouts, and other related records used in presentations.	b) Destroy in office remaining records after 1 year.	
	See also <b>TRAINING AND EDUCATIONAL RECORDS</b> , page 46, item 43.		
17.	CORRESPONDENCE AND MEMORANDA Administrative and management correspondence/memoranda (including e-mail)	<ul> <li>a) Transfer correspondence (including e-mail) with historical value to HISTORY RECORDS, page 7, item 28, after 3 years.</li> <li>b) Destroy routine administrative correspondence and</li> </ul>	
	written or received by the office concerning agency	memoranda after 1 year.	
l .	authority, operating philosophy, purpose, methods, and any other function.	c) Destroy in office remaining records after 3 years.	
	For information on handling e-mail, voicemail, and text or instant messages, see <b>ELECTRONIC RECORDS</b> , page 83.	Retention Note: The correspondence (including e-mail) of the most senior administrator has historical value and should be retained permanently.	



	STANDARD 1: A	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
18.	<b>CUSTOMER CALL CENTER RECORDINGS</b> Recordings of calls to customer service centers made for quality assurance and training purposes.	Destroy in office after 30 days.		
19.	EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS Records concerning the maintenance, repair, routine testing, and inspection of agency owned equipment and vehicles. Also includes warranties. See also BILLING AND CLAIMS, page 17, item 10, and GRANTS, page 7, item 27.	<ul> <li>a) Destroy in office records documenting routine inspections, janitorial cleaning, and routine maintenance of equipment and vehicles after 1 year.</li> <li>b) Destroy in office records documenting all other maintenance and repairs after 3 years.</li> <li>c) Destroy in office warranties 1 year after expiration.</li> </ul>		
20.	<b>EQUIPMENT AND VEHICLE REFERENCE RECORDS</b> Includes operation, specification, and technical manuals. Also includes brochures, bulletins, and related documentation.	Destroy in office when superseded or obsolete.		
21.	EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS Records documenting the assignment, request, and usage of agency assets. Also includes mileage and checkout logs, fuel consumption reports, reservation requests, authorizations, and similar records.	<ul> <li>a) Destroy in office after 3 years if records are used for allocating costs or determining payment under rental or lease agreements.*</li> <li>b) Destroy in office remaining records after 1 year.</li> </ul>		



	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS CITATION		
22.	FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS Records documenting maintenance, repair, and inspection of agency owned facilities.	<ul> <li>a) Destroy in office records documenting routine inspections, janitorial cleaning, and routine maintenance of facilities after 1 year.</li> <li>b) Destroy in office records documenting all other facility maintenance, repair, and inspection (including plumbing, electrical, fire, and other systems) after 3 years.</li> </ul>		
23.	<b>FORMS AND TEMPLATES</b> Blank forms, templates, and letterhead used to create agency records.	Destroy in office when superseded or obsolete.		
24.	FUND DRIVE AND EVENT RECORDSRecords documenting the promotion and organizationof fund drives and other special events in which theagency participated. Include records concerningsolicitations requesting and donations providingmoney or in-kind donations for agency programs.See also DONATIONS AND SOLICITATIONS, page 19,item 24.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records after 1 year.</li> </ul>		
25.	GRANT CONTRACT APPEALS CASES	Destroy in office 10 years after final action or decision.*		
26.	<b>GRANT PROPOSALS</b> Proposals submitted for grants, including applications, correspondence (including e-mail), and other related records.	<ul> <li>a) Transfer records concerning approved grants to GRANTS, page 7, item 27.</li> <li>b) Destroy in office rejected or withdrawn grant proposals when reference value ends. †</li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>		

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



1750.4.4	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
27.	<b>GRANTS</b> Records concerning approved federal, state, and private grants. File includes applications, reports, records of equipment purchased with grant funds, and all relevant programmatic records. See also <b>GRANTS: FINANCIAL</b> , page 20, item 28.	<ul> <li>a) Destroy in office 5 years after annual financial report is filed.*</li> <li>b) Destroy in office records not relating to a specific grant or to grants not funded after 1 year.</li> </ul>	Retention: 09 NCAC 03M .0703	
28.	HISTORY RECORDS (AGENCY AND EMPLOYEES) Records concerning the history of the agency and its employees. Includes published and unpublished histories, biographical data, photographs, newspaper clippings, and other related records.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when reference value ends.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>		
29.	INDICES Listings of where specific information can be found. Includes index of computer databases.	Destroy in office when superseded or obsolete.	Authority: G.S. § 132-6.1(b)	
30.	INTERAGENCY PROGRAMS Records of programs involving more than one government agency. Includes resource materials, program information, and other related records.	Destroy in office when reference value ends. Agency Policy: Destroy in office after <u>one day</u>		
31.	INVITATIONS Invitations sent and received concerning agency and external functions.	Destroy in office after event occurs.		
32.	ITINERARIES Records concerning scheduled plans of agency personnel.	Destroy in office after 1 year.		

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



17584 #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	Ī
33.	LEGISLATION AND REGULATORY RECORDS Notices and copies of proposed or adopted state or federal legislation or regulations affecting the agency.	Destroy in office when reference value ends. <sup>+</sup> Agency Policy: Destroy in office after <u>one day</u>		1
34.	MAIL: UNDELIVERABLE/RETURNED Outgoing agency mail returned by the post office for any reason, including insufficient postage, incorrect address, forwarding order expired, etc. Also includes outgoing e-mail returned for any reason.	Destroy in office after 30 days.		
35.	MAILING AND DISTRIBUTION RECORDS Includes mailing and meeting notification lists, Sunshine Lists, and related documentation of transactions with the U.S. Postal Service, state courier, or private carriers.	<ul> <li>a) Destroy in office Sunshine Lists when superseded or obsolete.</li> <li>b) Destroy in office remaining records when reference value ends.<sup>+</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>	Confidentiality: G.S. § 132-1.12 G.S. § 132-1.13	

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
36.	<ul> <li>MINUTES OF PUBLIC BODIES</li> <li>Includes official and reference copies of the minutes of the governing board and all subsidiary and advisory boards. Subsidiary boards are defined as boards that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, or administrative functions. Also includes minutes of subcommittees of the governing board and its subsidiary and advisory boards.</li> <li>See the MICROFILM section on page 85 for instructions on microfilming.</li> <li>See also AUDIO AND VIDEO RECORDINGS OF MEETINGS, page 2, item 6.</li> </ul>	<ul> <li>a) Retain in office permanently official minutes of the governing board and its subsidiary boards.</li> <li>b) The official minutes of advisory boards may be destroyed only upon approval by the State Archives of North Carolina. The State Archives reserves the right to designate the minutes of any advisory board as permanent.</li> <li>c) Destroy in office minutes of committees or subcommittees when reference value ends, if the minutes or actions and decisions of the committee are entered as part of the minutes of the parent board. If minutes or actions and decisions of the committee or subcommittee in question are not entered as part of the minutes of the parent board, the State Archives reserves the right to designate the minutes as permanent.</li> </ul>	Authority: G.S. § 143-318.10	
37.	MINUTES (STAFF MEETINGS) Minutes of staff meetings, including all referenced and attached documentation.	<ul><li>a) Retain in office records with historical value permanently.</li><li>b) Destroy in office remaining records after 1 year.</li></ul>	Confidentiality: G.S. § 143-318.10(c)	
38.	NOTICES OF PUBLIC MEETINGS Includes notices and regular meeting schedules. See also AFFIDAVITS OF PUBLICATION, page 28, item 1, and PUBLICITY RECORDS, page 50, item 5.	Destroy in office after 1 year.		

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



1753.4."	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
39.	<b>OFFICE SECURITY RECORDS</b> Records concerning the security of agency offices, facilities, vehicles, equipment, and personnel. Includes visitors' register; security, employee, or contractor access to facilities or resources; and surveillance system reports and recordings.	<ul> <li>a) If the recording becomes evidence in a personnel investigation or lawsuit, transfer to DISCIPLINARY ACTIONS, page 36, item 12.</li> <li>b) Destroy in office recordings not required to support known investigations or litigation after 30 days.</li> <li>c) Destroy in office remaining records after 1 year.</li> </ul>	Confidentiality: G.S. § 132-1.7
40.	<b>PARKING</b> Records concerning staff parking assignments.	Destroy in office when superseded or obsolete.	
41.	<b>PEST CONTROL</b> Records concerning pest abatement or eradication programs overseen by the agency.	Destroy in office after 3 years.*	
42.	POLICIES AND PROCEDURES         Records documenting the formulation, planning, and adoption of policies, procedures, and functions of the agency and its departments. File also includes organizational charts, reorganization studies, and similar records describing the arrangement and administrative structure of the agency.         See also POLICIES AND PROCEDURES (PERSONNEL), page 44, item 32, and ELECTRONIC RECORDS POLICIES AND PROCEDURES, page 25, item 5.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> </ul>	
43.	PRICE QUOTATIONS	Destroy in office after 1 year.	



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
44.	PROJECTS	a) Retain in office records with historical value permanently.	
	Includes project correspondence (including e-mail), final reports, specifications, notices to proceed, cost estimates, change orders, and similar documentation.	<ul> <li>b) Destroy in office remaining records 3 years after completion of project.</li> </ul>	
45.	PROPERTY INVENTORIES	Destroy in office when superseded or obsolete.	
	Inventories describing the type of property (including equipment and facilities), its location, and related information.		
46.	PUBLIC HEARINGS	a) Retain in office minutes permanently.	
	Includes agendas, minutes, notices, speaker sign-up sheets, and similar documentation.	b) Destroy in office remaining records after 1 year.	
47.	PUBLIC RECORDS REQUESTS	Destroy in office 2 years after resolution.*	
	Formal requests submitted by persons seeking access to agency records.		
48.	PUBLICATIONS RECEIVED	Destroy in office when reference value ends.	
	Includes books, magazines, periodicals, pamphlets, brochures, journals, and newspapers, whether printed or electronic.	Agency Policy: Destroy in office after <u>one day</u>	
49.	RATE AND FEE SCHEDULES	Destroy in office when superseded or obsolete.	
	Records relating to rates, fees, and regulations concerning agency services.		



	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS CITATION	
50.	<b>RECORDS MANAGEMENT</b> Includes correspondence (including e-mail) with state and/or federal agencies with regards to records retention. Also includes records disposition documentation and copies of records retention and disposition schedules.	<ul> <li>a) Retain in office documentation concerning the final disposition of records permanently.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> </ul>	ŗ
51.	<b>REFERENCE (READING) FILE</b> Subject files containing informational copies of records organized by areas of interest. Also includes reference copies of documents.	Destroy in office when reference value ends. Agency Policy: Destroy in office after <u>one day</u>	



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
52.	REPORTS AND STUDIES Records concerning the performance of a department, program, or project, as well as those created for planning purposes. Includes all annual, sub-annual, or irregularly prepared research studies, reports, and studies generated by an agency or prepared by consultants hired by the agency. See also CIVIL RIGHTS RECORDS, page 29, item 3, and COMPREHENSIVE PLAN, page 4, item 15.	<ul> <li>a) Retain in office 1 copy of all annual and biennial reports permanently.</li> <li>b) Retain in office reports and studies prepared by request of an agency's governing body or a court permanently.</li> <li>c) Destroy in office reports prepared monthly, bimonthly, or semi-annually after 3 years.</li> <li>d) Destroy in office activity reports concerning workload measurements, time studies, number of jobs completed, etc., prepared on a daily or other periodic basis, after 1 year.</li> <li>e) Destroy in office remaining reports and studies when reference value ends.<sup>†</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>		
53.	REQUESTS FOR INFORMATION Requests received and responses issued by the agency. See also PUBLIC RECORDS REQUESTS, page 11, item 47.	Destroy in office after 1 year.		



	STANDARD 1: A	DMINISTRATION AND MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1
54.	REQUESTS FOR PROPOSALS (RFP)	Destroy in office when reference value ends.		
	Proposals submitted by vendors in response to requests from agency.	Agency Policy: Destroy in office after <u>one day</u>		1
	See also <b>BIDS FOR PURCHASE</b> , page 16, item 9, and <b>PRICE QUOTATIONS</b> , page 10, item 43.			
55.	SURPLUS PROPERTY Inventories and reports of agency property to be surplussed.	Destroy in office 3 years after disposition of property.*		
56.	TRAVEL REQUESTS	Destroy in office after 1 year.*		
57.	VEHICLE REGISTRATION CARDS North Carolina registration cards for vehicles in the agency fleet. See also VEHICLE TITLES, page 32, item 19.	Destroy in office when superseded.		-
58.	WORK ORDERS Includes date and location of work, cost of materials used and labor, type of work performed, and other related records regarding the repairs of equipment, facilities, and vehicles.	<ul> <li>a) Destroy in office 1 year after work is completed.*</li> <li>b) If this is the only record documenting completed work, follow disposition instructions for FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS, page 6, item 22, or EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS, page 5, item 19.</li> </ul>		

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



## STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS

Records created and accumulated concerning the managerial control, budgeting, disbursement, collection, and accounting of the agency.

Note: Per 26 CFR 1.148-5(d)(6)(iii)(E), all records necessary to support the tax-exempt status of an agency debt issue must be retained for the life of the debt plus 3 years.

ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	<b> </b>
1.	ACCOUNTS PAYABLE Records concerning the status of accounts in which the agency owes money to firms or individuals.	Destroy in office 3 years after payment.*		
2.	ACCOUNTS RECEIVABLE Records concerning receivables owed and collected.	Destroy in office 3 years after collection.*		
3.	ACCOUNTS UNCOLLECTABLE Records of accounts deemed uncollectable, including supporting documentation and write-off authorization.	Destroy in office 3 years after account is determined to be uncollectable.*		
4.	ANNUAL BUDGET Annual budget and budget message submitted to governing board for approval. See also BUDGET REPORTS, page 17, item 12.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records after 3 years.</li> <li>Retention Note: Annual budgets should be entered into the minutes of the governing board.</li> </ul>	Authority: G.S. § 159-11	

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

*<sup>†</sup>* See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
11 LIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.	AUDITS: FINANCIAL Records concerning internal and external audits. Includes reports, working papers, and related records. See also AUDITS: PERFORMANCE, page 2, item 7.	<ul> <li>a) Retain in office reports permanently.</li> <li>b) Destroy in office working papers and remaining records 3 years after the date of the report.*</li> </ul>	Authority: G.S. § 159-34
6.	AUTHORIZATION FORMS Authorization to purchase materials.	Destroy in office after 3 years.*	
7.	BANK STATEMENTS, RECEIPTS, AND RECONCILIATIONS Includes cash, credit and debit card, and purchasing card statements and receipts for agency purchases. Also includes reconciliation reports.	Destroy in office after 3 years.*	
8.	<b>BIDS FOR DISPOSAL OF PROPERTY</b> Records concerning the disposal of surplus property. Includes information about various disposition procedures used, such as sealed bids and public auction. See also <b>SALES INFORMATION</b> , page 22, item 38.	Destroy in office all records after the disposition of property has been recorded in governing board's minutes.*	Authority: G.S. § 153A-176
9.	BIDS FOR PURCHASE Records documenting quotes to supply products and services. Includes advertisements, tabulations, awards letters, records of bids, good faith effort documentation, and related records concerning accepted and rejected bids.	<ul> <li>a) Transfer records to CONTRACTS, LEASES, AND AGREEMENTS, page 30, item 6.</li> <li>b) Destroy in office bid records not awarded or opened after 1 year.*</li> </ul>	Authority: G.S. § 143 Article 8



	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.	BILLING AND CLAIMS Records used as the basis for payment of bills and claims for damages made by and against the agency.	Destroy in office 3 years after settlement.*	
11.	BONDS, NOTES, AND COUPONS	Destroy in office 1 year from date of payment.	Authority: G.S. § 159-139
12.	<b>BUDGET REPORTS</b> Includes daily detail reports and monthly budget reports. Also includes contract budget and expenditure reports and summaries of tax allocations. See also <b>ANNUAL BUDGET</b> , page 15, item 4.	<ul> <li>a) Destroy in office daily detail reports after 1 year.*</li> <li>b) Destroy in office remaining reports after 3 years.*</li> </ul>	
13.	BUDGET REQUESTS AND WORKING PAPERS Includes budget requests, cost estimates, expenditures, program requests, salary and wage lists, correspondence (including e-mail), and related records.	Destroy in office after 3 years.*	Authority: G.S. § 159-10
14.	<b>BUDGET RESOLUTIONS AND ORDINANCES</b> Includes project ordinances, budget resolutions, and amendments. See also <b>MINUTES OF PUBLIC BODIES</b> , page 9, item 36.	<ul> <li>a) Retain official copies in the minutes of the governing board.</li> <li>b) Destroy in office remaining copies when reference value ends.<sup>†</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>	Authority: G.S. § 159-8 G.S. § 159-13 G.S. § 159-13.2 G.S. § 159-15
15.	CASH REPORTS Status of cash. Reports include receipts, disbursements, and encumbrances.	Destroy in office after 1 year.*	



	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.	CHECK REGISTERS AND STUBS Registers listing for all checks written from various funds. Also includes stubs for checks written on	Destroy in office after 3 years.*	
17.	agency accounts as well as cancelled checks. COST ALLOCATION PLANS	Destroy in office after 3 years.*	
18.	<b>CREDIT CARD AND DEBIT SLIPS</b> Records of payments received from customers in the transaction of agency business.	Destroy in office after 18 months.*	Confidentiality: G.S. § 132-1.2(2) G.S. § 132-1.10(b)(5)
19.	CREDIT CARD ASSIGNMENTS Records of assignation of agency credit cards and purchasing cards.	Destroy in office when superseded or obsolete.*	Confidentiality: G.S. § 132-1.2(2) G.S. § 132-1.10(b)(5)
20.	DEBT FINANCING Includes loan agreement or promissory note, account statements, reconciliation records, requisitions, and notices of principal and interest due.	Destroy in office 3 years after entire issuance has been satisfied.*	Retention: 26 CFR 1.148- 5(d)(6)(iii)(E)
21.	DEPOSITS	<ul><li>a) Destroy in office official/audit copies after 3 years.*</li><li>b) Destroy in office remaining records after 1 year.</li></ul>	Authority: G.S. § 159-32
22.	DETAIL REPORT FILE (FINANCIAL RECORDS FOR GENERAL FUND OR GENERAL LEDGER)	<ul><li>a) Destroy in office annual reports after 3 years.*</li><li>b) Destroy in office all other reports after 1 year.</li></ul>	
23.	<b>DIRECT DEPOSIT APPLICATIONS/AUTHORIZATIONS</b> Includes related records such as bank account numbers and routing numbers.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-1.10 (b)(5)

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDAR	D 2: BUDGET, FISCAL, AND PAYROLL RECORDS	
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
24.	<b>DONATIONS AND SOLICITATIONS</b> Records concerning requests made to agency by outside organizations. Includes applications and other related records.	<ul> <li>a) Destroy in office records supporting approved donations 1 year after payment.</li> <li>b) Destroy in office rejected applications after 30 days.</li> </ul>	
	See also <b>FUND DRIVE AND EVENT RECORDS</b> , page 6, item 24.		
25.	<b>FACILITY SERVICE AND MAINTENANCE AGREEMENTS</b> Includes agreements negotiated with service providers. Also includes depreciation schedules.	<ul> <li>a) Destroy in office depreciation schedules 3 years after asset is fully depreciated or disposed.</li> <li>b) Destroy in office remaining records 3 years after expiration.*</li> </ul>	
26.	FINANCIAL JOURNALS AND LEDGERS	<ul> <li>a) Destroy in office year-end summaries of receipts and disbursements after 3 years.*</li> <li>b) Destroy in office daily, monthly, or quarterly transaction detail journals and ledgers after 1 year.*</li> </ul>	
27.	GOVERNMENT EMPLOYEES RETIREMENT SYSTEM MONTHLY REPORTS Reports produced by the North Carolina Department of State Treasurer regarding the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS).	Destroy in office when reference value ends. <sup>†</sup> Agency Policy: Destroy in office after <u>one day</u>	



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
<b>       </b>   #	<b>RECORDS SERIES TITLE</b>	DISPOSITION INSTRUCTIONS	CITATION
28.	<b>GRANTS: FINANCIAL</b> Records concerning approved federal, state, and private grants. Includes all relevant accounting, purchasing, payroll, and financial records. See also <b>GRANTS</b> , page 7, item 27.	Destroy in office 5 years after submission of final report.*	Retention: 09 NCAC 03M .0703
29.	INVOICES	Destroy in office after 3 years.*	
30.	LOCAL GOVERNMENT COMMISSION FINANCIAL STATEMENTS	Destroy in office after 3 years.*	Authority: G.S. § 159-33
31.	LONGEVITY PAY	Destroy in office when released from all audits.*	
32.	PAYROLL AND EARNINGS RECORDS Records containing information such as the name, Social Security number, number of hours worked, compensation rate, deductions, and total wages paid each employee per payroll period. Also includes individual and group employee earnings records and payroll registers showing earnings and deductions for each pay period.	<ul> <li>a) Transfer records documenting personnel actions to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.</li> <li>b) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification.</li> <li>c) Destroy in office remaining records after 3 years.*</li> </ul>	Authority: 26 CFR 31.6001-1 26 CFR 31.6001-4(a) 29 CFR 516.2 Confidentiality: G.S. § 132-1.10 G.S. § 153A-98
	See also <b>TIME SHEETS, CARDS, AND ATTENDANCE</b> <b>RECORDS</b> , page 22, item 39.		Retention: 29 CFR 516.5 29 CFR 1627.3(a)



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
33.	PAYROLL DEDUCTION RECORDS Records used to start, modify, or stop all voluntary or required deductions from payroll. Includes savings plans, insurance, association dues, orders of garnishment, etc. Used as proof the employee approved of the deduction(s). Does not include tax records. See also WITHHOLDING TAXES, page 23, item 43.	<ul> <li>a) Destroy in office deduction authorization forms when superseded or obsolete.*</li> <li>b) Destroy in office remaining records after 3 years.*</li> </ul>	Confidentiality: G.S. § 153A-98
34.	<b>PURCHASE ORDERS</b> Records, forms, packing slips, and attached documents concerning purchased supplies, equipment, and services.         See also GRANTS: FINANCIAL, page 20, item 28.	Destroy in office after 3 years.* Retention note: Packing slips may be destroyed upon verification of items received if they are not the only record of the purchase of the item.	
35.	<b>REFUND REPORTS</b> Reports listing returns of revenue.	<ul><li>a) Destroy in office official/audit copies after 3 years.*</li><li>b) Destroy in office remaining records after 1 year.</li></ul>	
36.	<b>REQUISITIONS</b> Requests for payment of parts and inventory items.	Destroy in office after 1 year.*	
37.	<b>RETURNED CHECKS</b> Records concerning third party checks returned for insufficient funds.	<ul> <li>a) Destroy in office official/audit copies 1 year after check is paid, collected, or is determined uncollectable.*</li> <li>b) Destroy in office remaining records when check is paid, collected, or is determined uncollectable.</li> </ul>	

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

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17584.4	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
38.	SALES INFORMATION Records of sale of agency property and equipment. See also BIDS FOR DISPOSAL OF PROPERTY, page 16, item 8.	Destroy in office after 3 years.*	
39.	TIME SHEETS, CARDS, AND ATTENDANCE RECORDS Records documenting the work hours and attendance of employees. See also PAYROLL AND EARNINGS RECORDS, page 20, item 32.	Destroy in office after 2 years.*	Retention: 29 CFR 516.6
40.	TRAVEL REIMBURSEMENTS Includes requests and authorizations for reimbursement for travel and related expenses. See also GRANTS: FINANCIAL, page 20, item 28.	Destroy in office after 3 years.*	
41.	UTILITY USAGE LOGS AND BILLS Includes bills and usage logs for telephone and other utilities and related services.	<ul> <li>a) Destroy in office records used for billing after 1 year.*</li> <li>b) Destroy in office remaining records when reference value ends.†</li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>	
42.	<b>VENDORS</b> Files maintained on specific vendors. Includes Federal Tax Identification Number, name and address, correspondence (including e-mail), and other related records.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-1.10(b)(5)



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
43.	WITHHOLDING TAXES Records concerning taxes withheld from individual employees' income taxes. Includes wage and income tax reports, NC Department of Revenue form NC-4, IRS forms W-2, W-3, W-4, and 1099, and similar records of withheld federal and state income taxes. Also includes IRS form 941 and other records of tax liabilities to the IRS and NC Department of Revenue.	<ul> <li>a) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification.</li> <li>b) Destroy in office remaining records after 4 years.*</li> </ul>	Authority: 26 CFR 31.6001-4 29 CFR 1627.3 Confidentiality: G.S. § 153A-98 Retention: 26 CFR 31.6001-1

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



## STANDARD 3: INFORMATION TECHNOLOGY (IT) RECORDS

Information technology encompasses all activities undertaken by agency to design, develop, and operate electronic information systems. This section covers records for which Information Technology personnel are responsible, including administrative records and those used to process data and monitor and control operations.

Note: Administration, use, and retention of records concerning computer and information security should comply with applicable provisions of G.S. § 132-6.1 on the confidentiality of records regarding "hardware or software security, passwords, or security standards, procedures, processes, configurations, software, and codes." (G.S. § 132-6.1 (c))

17584 4	STANDARD 3: INFORMATION TECHNOLOGY RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	AUDITS: SYSTEMS Records documenting user actions affecting the contents of monitored systems.	Destroy in office after 3 years.*	Confidentiality: G.S. § 132-6.1(c)
2.	<b>COMPUTER AND NETWORK USAGE RECORDS</b> Records documenting usage of electronic devices and networks. Includes login files, system usage files, individual program usage files, and records of use of the Internet by employees.	Destroy in office after 1 year.	
3.	DIGITIZATION AND SCANNING RECORDS Records concerning imaging operations. Includes scanning and data entry quality control records and audit reports.	Destroy in office after 3 years.	

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page vi.

*<sup>†</sup>* See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



	STANDARD 3: INFORMATION TECHNOLOGY RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4. <u>1</u>	<b>DISASTER PREPAREDNESS AND RECOVERY PLANS</b> Records concerning the protection and reestablishment of data processing services and equipment in case of a disaster.	<ul> <li>a) Retain in office records documenting past disaster recovery actions permanently.</li> <li>b) Destroy in office all other records when superseded or obsolete.</li> <li>Note: Disaster preparedness and recovery plans should be</li> </ul>	Confidentiality: G.S. § 132-1.7(b) G.S. § 132-6.1(c)
	See also <b>DISASTER AND EMERGENCY MANAGEMENT</b> <b>PLANS</b> , page 52, item 3.	stored in a secure, off-site location.	
5.	<b>ELECTRONIC RECORDS POLICIES AND PROCEDURES</b> Includes procedural manuals as well as an Electronic Records and Imaging Policy and a Security Backup Policy.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-1.7(b) G.S. § 132-6.1(c)
6.	<b>INFORMATION TECHNOLOGY ASSISTANCE RECORDS</b> Records documenting troubleshooting and problem- solving assistance provided by agency information systems personnel to users of the systems. Includes help desk assistance requests, resolution records, and related documentation.	Destroy in office 1 year after work is completed.	
7.	<b>NETWORK AND SYSTEM SECURITY RECORDS</b> Records documenting the security of network and system. Includes records concerning firewalls, anti- virus programs, and intruder scanning logs.	Destroy in office after 3 years.*	Confidentiality: G.S. § 132-6.1(c)
8.	<b>NETWORK DIAGRAMS</b> Records documenting the logical and physical relationships of network components for purposes of organization, deployment, troubleshooting, monitoring of access, and management of day-to-day operations.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-6.1(c)

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD 3: INFORMATION TECHNOLOGY RECORDS		
I I EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	<b>PROJECT DOCUMENTATION</b> Records created to design, develop, control, or monitor a specific project or group of projects. Includes statements of work, assessments, maintenance agreements, and testing records.	<ul> <li>a) Retain in office permanently records documenting data migration.</li> <li>b) Destroy in office remaining records 3 years after completion of project.</li> </ul>	
10.	SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS Records documenting compliance with agency software license and copyright provisions. Includes software licenses, correspondence (including e-mail), and related documentation.	Destroy in office 1 year after software is superseded or obsolete.	
11.	SYSTEM ACCESS RECORDS Records documenting audit trails such as user permissions and access to information, programs, or applications within a system.	Destroy in office after 1 year.	
12.	SYSTEM DOCUMENTATION RECORDS Records documenting operating systems, application programs, structure and form of datasets, system structure, and system-to-system communication. Includes system overviews, dataset inventories, server name, IP address, purpose of the system, vendor- supplied documentation, installed software, and current source code.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. § 132-1.1(g) G.S. § 132-6.1(c)

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD 3: INFORMATION TECHNOLOGY RECORDS		
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.	SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE	a) Destroy in office records documenting routine inspections and maintenance of equipment after 1 year.	
	Records documenting inspections, maintenance, and repairs of agency computer systems that are owned or leased. Includes computer equipment inventories and service records.	<ul> <li>b) Destroy records documenting all other equipment maintenance and repairs upon the final disposition of the equipment.</li> </ul>	
14.	SYSTEM MAINTENANCE RECORDS: RECORDS BACKUPS	Destroy in office in accordance with your office's established, regular backup plan and procedures. $\dagger$	
	Records documenting regular or essential system backups. Includes backup tape inventories, relevant correspondence (including e-mail), and related documentation.	Agency Policy: Destroy in office after <u>one day</u>	
	See Also: <u>Security Backup Files as Public Records in</u> <u>North Carolina: Guidelines for the Recycling,</u> <u>Destruction, Erasure, and Re-use of Security Backup</u> <u>Files</u> , available on the State Archives of North Carolina website.		
15.	WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE	Destroy in office when superseded or obsolete.	
	Site maps that show the directory structure into which content pages are organized, and commercial, off-the- shelf software configuration or content management system files used to operate the site and establish its look and feel. Includes server environment configuration specifications.		
	See also WEBSITE (ELECTRONIC), page 50, item 9.		



## **STANDARD 4: LEGAL RECORDS**

Official documentation created or accumulated to substantiate the rights, obligations, or interests of the agency or their individual employees or clients.

		STANDARD 4: LEGAL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	AFFIDAVITS OF PUBLICATION Proof of publication provided by newspapers regarding publication of ordinances, public hearings, bid solicitations, payment of bills, public sales, etc. See also NOTICES OF PUBLIC MEETINGS, page 9, item 38.	<ul> <li>a) Retain in office permanently if record provides evidence of publication.</li> <li>b) Destroy in office remaining records after 3 years.*</li> </ul>	Authority: G.S. § 1-600
2.	CIVIL RIGHTS CASE RECORDS Records concerning employee discrimination complaints and requests for reasonable accommodation. See also PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.	Destroy in office 2 years after final disposition of the charge or the action.* Retention Note: 29 CFR 1602.14 defines final disposition of the charge or the action as "the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated."	Retention: 29 CFR 1602.14 29 CFR 1602.31

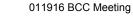
<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

	State Archives of North Carolina Natural and cultural resources
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ITEM #		STANDARD 4: LEGAL RECORDS	
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.	CIVIL RIGHTS RECORDS Records concerning documentation of policies and procedures to comply with the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act, the Genetic Information Nondiscrimination Act (GINA), and Title VII of the 1964 Civil Rights Act. Includes reports required by the Equal Employment Opportunity (EEO) Commission as well as facility accessibility records. See also CITIZEN COMPLAINTS, PETITIONS, AND SERVICE REQUESTS, page 3, item 13, and CIVIL RIGHTS CASE RECORDS, page 28, item 2.	<ul> <li>a) Destroy in office reports, analyses, and statistical data after 5 years.</li> <li>b) Destroy in office affirmative action plans 5 years from date superseded.</li> </ul>	Authority: 29 CFR 1602.1 29 CFR 1602.7 29 CFR 1608.4 Retention: 29 CFR 1602.30
4.	CONDEMNATION RECORDS Settled and pending condemnation cases. See also ACCOUNTS PAYABLE, page 15, item 1, for disposition of financial records.	Retain in office permanently.	
5.	CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT DISCLOSURE STATEMENTS Completed by the elected agency officials as well as designated staff members in order to disclose an official's status or ownership interests.	Destroy in office 1 year after completion of term.	



		STANDARD 4: LEGAL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.	CONTRACTS, LEASES, AND AGREEMENTS Contracts and agreements for construction, equipment, property, supplies, special programs, and projects. Includes franchise agreements, hold harmless agreements, good faith effort documentation, contractor compliance monitoring, leases, and memoranda of understanding. See also FACILITY SERVICE AND MAINTENANCE AGREEMENTS, page 31, item 9.	<ul> <li>a) Retain in office contracts and agreements with historical value permanently.</li> <li>b) Destroy in office sealed contract records 10 years after expiration of contract.*</li> <li>c) Destroy in office capital improvement contracts 6 years after completion, termination, or expiration.*</li> <li>d) Destroy in office all other contracts and agreements 3 years after completion, termination, or expiration.*</li> </ul>	
7.	DISCRIMINATION COMPLAINTS Records concerning formal non-employee discrimination complaints filed against the agency. Includes charges made under the Americans with Disabilities Act, Housing and Urban Development Act, and the Civil Rights Act of 1964. See also CITIZEN COMPLAINTS, PETITIONS, AND SERVICE REQUESTS, page 3, item 13, and CIVIL RIGHTS CASE RECORDS, page 28, item 2.	Destroy in office 2 years after settlement of complaint.*	
8.	EASEMENTS AND RIGHT-OF-WAY AGREEMENTS Granted to the agency. See also ACCOUNTS PAYABLE, page 15, item 1, for disposition of financial records.	Retain in office permanently.	

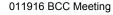




		STANDARD 4: LEGAL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	<b>FACILITY SERVICE AND MAINTENANCE AGREEMENTS</b> Includes agreements negotiated with service providers. Also includes depreciation schedules.	<ul> <li>c) Destroy in office depreciation schedules 3 years after asset is fully depreciated or disposed.</li> <li>d) Destroy in office remaining records 3 years after expiration.*</li> </ul>	
10.	INSURANCE POLICIES Records concerning automobile, theft, fire, and all other insurance policies purchased by agency. Also includes insurance audits, claims reports, surveys, and waivers.	<ul> <li>a) Destroy in office policies and related eligibility records 1 year after superseded or obsolete.*</li> <li>b) Destroy in office other records after 3 years.</li> </ul>	Retention: 29 CFR 1627.3(b)(2)
11.	LAND OWNERSHIP RECORDS Includes deeds and titles.	Destroy in office 1 year after agency relinquishes ownership of land.*	
12.	LEGAL CORRESPONDENCE Correspondence (including e-mail) and related records concerning legal matters not related to specific legal cases or official opinions.	Destroy in office after 5 years. For information on handling e-mail, see <b>ELECTRONIC RECORDS</b> , page 83.	Confidentiality: G.S. § 132-1.1(a)
13.	LEGAL OPINIONS Formal legal opinions written by counsel in response to requests concerning the governance and administration of the agency.	Retain in office permanently.	
14.	LEGAL REVIEW RECORDS Includes legal reviews of by-laws and charges to boards and commissions, conflicts of interest, and all other agency matters as requested. See also LEGAL OPINIONS, page 31, item 13.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records after expiration of relevant statute of limitations.</li> </ul>	Confidentiality: G.S. § 132-1.1(a)



	STANDARD 4: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
15.	LITIGATION CASE RECORDS Civil suits to which the agency is a party. Includes affidavits, agreements, appeals, bills, briefs, citations, commitments, complaints, discharges, motions, notices, pleas, releases, statements, testimony, verdicts, waivers, warrants, and writs.	<ul> <li>a) Retain in office cases having precedential or historical value permanently.</li> <li>b) Destroy in office adjudicated cases 5 years after final disposition.</li> <li>c) Destroy in office non-adjudicated cases (out-of-court claims) 5 years after final disposition or expiration of relevant statute of limitations.</li> </ul>	Confidentiality: G.S. § 132-1.1(a)	
16.	OATHS OF OFFICE	<ul> <li>a) Transfer official copy to the Clerk to the Board.</li> <li>b) Destroy in office remaining records 3 years after expiration of term.</li> <li><i>Retention Note: The Clerk to the Board should present a copy of the oaths of elected officials to the Clerk of Superior Court for recording. The Clerk to the Board maintains the original oaths.</i></li> </ul>	Authority: G.S. § 153A-26 Retention: G.S. § 7A-103(2)	
17.	ORDINANCE AND RESOLUTION DEVELOPMENT RECORDS Records documenting the analysis and development of ordinances and resolutions submitted before the governing board for approval.	Destroy in office when ordinance or resolution is no longer in effect.		
18.	<b>PRE-TRIAL RELEASE PROGRAM RECORDS</b> Records documenting supervision for defendants who do not pose a risk to the community as they await trial.	Destroy in office 3 years after trial.		
19.	VEHICLE TITLES Titles of agency owned vehicles.	Dispose of in accordance with Division of Motor Vehicles procedures for title transfer upon disposition of vehicle.	Authority: G.S. § 20-72	





## **STANDARD 5: PERSONNEL RECORDS**

Official records and materials created and accumulated incidental to the employment, qualifications, training, and pay status of agency employees. Comply with applicable provisions of G.S. §153A-98 regarding confidentiality of personnel records.

ITEM #		STANDARD 5: PERSONNEL RECORDS		
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
1.	ABOLISHED POSITIONS	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>		
2.	APPLICATIONS FOR EMPLOYMENT Records submitted by job applicants for vacant positions or by current employees for promotion, transfer, or training opportunities. Includes applications, transcripts, resumes, letters of reference, and other related records.	<ul> <li>a) Transfer applications, resumes, transcripts, and similar records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.</li> <li>b) Destroy in office after 2 years all remaining records concerning individuals hired.</li> <li>c) Destroy in office records concerning individuals not hired 2 years after date of receipt, if no charge of discrimination has been filed. If charge has been filed, destroy in office 1 year after resolution of charge.*</li> <li>d) Destroy in office 2 years after receipt unsolicited applications/resumes, and those received after posted closing dates.</li> </ul>	Retention: 29 CFR 1602.31	

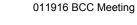
<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

*<sup>†</sup>* See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #		STANDARD 5: PERSONNEL RECORDS	
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.	<b>APPRENTICESHIP PROGRAM RECORDS</b> Data regarding apprenticeship program participants. Also includes apprenticeship affirmative action plans.	<ul> <li>a) Destroy in office participant records 2 years from the date of enrollment.*</li> <li>b) Destroy in office affirmative action plans after 5 years.</li> </ul>	Authority: 29 CFR 30.8(b) 29 CFR 1602.20 Retention: 29 CFR 30.8(e) 29 CFR 1602.21
4.	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. Includes civil service examinations. See also EMPLOYMENT SELECTION RECORDS, page 39, item 17.	Destroy in office after 2 years.	Confidentiality: G.S. § 153A-98 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)
5.	ASBESTOS TRAINING Records concerning training programs about the proper management of asbestos. See also BLOODBORNE PATHOGEN TRAINING, page 35, item 8, and HAZARDOUS MATERIALS TRAINING RECORDS, page 40, item 21.	<ul> <li>a) Destroy in office employee-specific records 1 year after separation.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> </ul>	Retention: 29 CFR 1910.1001(m)(4)

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



NC	State Archives of North Carolina Natural and Cultural Resources
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		STANDARD 5: PERSONNEL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.	BENEFITS RECORDS Records concerning life, health, accident, and disability insurance plans as well as seniority and merit systems. Includes records concerning systems in which employees can select fringe benefits from a cafeteria plan, including flexible spending plans. File also includes notifications, election and claim forms, rejection letters, and other records related to COBRA (Consolidated Omnibus Budget Reconciliation Act).	<ul> <li>a) Destroy in office claims forms after 2 years.*</li> <li>b) Destroy in office remaining records 1 year after plan is terminated.</li> </ul>	Retention: 29 CFR 1627.3(b)(2)
7.	<b>BENEFITS REIMBURSEMENT PLAN</b> Dental, vision, or other benefits-related claim forms and receipts submitted by employees requesting reimbursement from the agency.	<ul> <li>a) Destroy in office records concerning approved requests after 3 years.*</li> <li>b) Destroy in office records concerning rejected requests 6 months after decision.</li> </ul>	
8.	BLOODBORNE PATHOGEN TRAINING         Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualification of instructors.         See also ASBESTOS TRAINING, page 34, item 5, and HAZARDOUS MATERIALS TRAINING RECORDS, page 40, item 21.	Destroy in office after 3 years.	Retention: 29 CFR 1910.1030(h)(2)(ii)

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		STANDARD 5: PERSONNEL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	<b>CERTIFICATION AND QUALIFICATION RECORDS</b> Records concerning certification or qualification as required for employment, continued employment, or promotion.	<ul> <li>a) Transfer employee-specific records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30 if such training and testing is required for the position held or could affect career advancement.</li> <li>b) Destroy in office certificates 5 years after date of</li> </ul>	Retention: 29 CFR 1602.31
	See also <b>APPLICATIONS FOR EMPLOYMENT</b> , page 33, item 2.	<ul><li>separation.</li><li>c) Destroy in office remaining records 2 years after resolution of all actions.</li></ul>	
10.	<b>DIRECTORIES, ROSTERS, OR INDICES</b> Includes records listing employees, their job titles, work locations, phone numbers, e-mail addresses, and similar information.	Destroy in office when superseded or obsolete.	
11.	<b>DISABILITY SALARY CONTINUATION CLAIMS</b> Forms used by disabled employees to apply for salary continuation benefits.	a) Transfer original forms to Local Government Employees' Retirement System (LGERS) or Teachers' and State Employees' Retirement System (TSERS) for action when received.	
12.	DISCIPLINARY ACTIONS Correspondence (including e-mail) and other records concerning disciplinary actions taken against employees by personnel or supervisory staff, including records documenting terminations. Includes records created by civil service boards when considering, or reconsidering on appeal, an adverse action against an employee.	<ul> <li>b) Destroy in office remaining records after 1 year.</li> <li>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.</li> <li>b) Destroy in office all remaining records 2 years after resolution of all actions.</li> </ul>	Retention: 29 CFR 1602.31

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #		STAN	NDARD 5: PERSONNEL RECORDS	
11 EIVI #	RECORDS SERIES TITLE		DISPOSITION INSTRUCTIONS	CITATION
13.	DRUG AND ALCOHOL PREVENTION PROGRAMS Records concerning an agency's alcohol misuse and controlled substances use prevention programs. Includes test results, evaluations and referrals, annual summary reports, education and training records, chain of custody forms, and all other program related documents.	a)	Destroy in office alcohol test results indicating a blood alcohol concentration of 0.02 or greater, records of verified positive drug or alcohol test results, documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results), referrals to Substance Abuse Professionals (SAP), SAP reports, all follow-up tests and schedules for follow-up tests, copies of annual Drug & Alcohol Management Information System (MIS) reports submitted to Federal Transit Administration (FTA), equipment calibrations, and records related to the administration of the testing program after 5 years.	
		b)	Destroy in office records obtained from previous employers concerning drug and alcohol test results after 3 years.	
		c)	Destroy in office records of the inspection, maintenance, and calibration of Evidential Breath Testing Devices (EBTs), records related to the collection process, and records concerning the training of program staff after 3 years.	
		d)	Destroy in office records of negative and cancelled drug or alcohol test results, including alcohol test results with a blood alcohol concentration of less than 0.02, after 1 year.	
			Destroy in office remaining records after 3 years. tention Note: Records should be maintained in a location th controlled access.	

- \* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.
- <sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD 5: PERSONNEL RECORDS			
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
14.	<b>DUAL EMPLOYMENT</b> Records concerning employees' requests and authorizations to accept employment with another local government agency.	<ul> <li>a) Destroy in office approved requests and related records 1 year after employee terminates additional employment.</li> <li>b) Destroy in office denied requests and related records after 6 months.</li> </ul>		
15.	EDUCATIONAL LEAVE AND REIMBURSEMENT Includes records requesting educational leave and tuition assistance, reimbursements, and other related records. See also LEAVE RECORDS, page 41, item 24.	<ul> <li>a) Transfer records documenting required education to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.</li> <li>b) Destroy in office records concerning approved leave requests after 1 year.*</li> <li>c) Destroy in office records concerning denied requests 6 months after denial.*</li> <li>d) Destroy in office approved applications for tuition assistance 3 years after application.*</li> <li>e) Destroy in office approved tuition reimbursements 3 years after reimbursement.*</li> </ul>		
16.	<b>ELIGIBILITY RECORDS</b> Includes the United States Immigration and Naturalization Services, Employment Eligibility Verification (I-9) forms.	Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.	Retention: 8 USC 1324a(b)(3)	

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

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ITEM #	STANDARD 5: PERSONNEL RECORDS			
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
17.	EMPLOYMENT SELECTION RECORDS Records concerning the selection of applicants for vacant positions or of current employees for promotion, transfer, or training opportunities. Includes interview documentation, rosters, eligibility lists, test ranking sheets, justification statements, background and criminal history checks, and similar records. See also APTITUDE AND SKILLS TESTING RECORDS, page 34, item 4.	<ul> <li>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.</li> <li>b) Destroy in office remaining records 2 years after resolution of all actions.*</li> </ul>	Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)	
18.	<b>EXIT INTERVIEW RECORDS</b> Includes feedback from employees planning to separate from the agency.	Destroy in office after 1 year.		
19.	<b>FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS</b> Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA, and other related records.	Destroy in office 3 years after leave ends.*	Authority: 29 CFR 825.110 Retention: 29 CFR 825.500	
	See also LEAVE RECORDS, page 41, item 24.			

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.





· <b>TFA</b> #		STANDARD 5: PERSONNEL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
20.	GRIEVANCES Includes initial complaint by employee, investigation, action, summary, and disposition. See also DISCIPLINARY ACTIONS, page 36, item 12, and PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.	Destroy in office after 2 years.*		
21.	HAZARDOUS MATERIALS TRAINING RECORDS Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. See also ASBESTOS TRAINING, page 34, item 5, and BLOODBORNE PATHOGEN TRAINING, page 35, item 8.	Destroy in office after 5 years.	Authority: 29 CFR 1910.120(p)(8)(iii)	
22.	HEALTH CERTIFICATES Includes health or physical examination reports, or certificates created in accordance with the Americans with Disabilities Act (ADA).	<ul> <li>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.</li> <li>b) Destroy in office all other records 1 year after resolution of all actions.</li> </ul>	Retention: 29 CFR 1627.3(b)(1)(v) 29 CFR 1630.14(b)	
23.	INTERNSHIP PROGRAM Records concerning interns and students.	Destroy in office after 3 years.		

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



17584.4		STANDARD 5: PERSONNEL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
24.	LEAVE RECORDS Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, etc. Also includes records documenting leave without pay. See also EDUCATIONAL LEAVE AND REIMBURSEMENT, page 38, item 15, FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS, page 39, item 19, and MILITARY LEAVE, page 42, item 26.	Destroy in office 1 year after return of employee or termination of employment.*	
25.	<b>MEDICAL RECORDS</b> Records concerning asbestos, toxic substances, and blood-borne pathogen exposure; medical examinations required by state or federal law; and records of injury or illness. (Does not include worker's compensation or health insurance claim records.)	<ul> <li>a) Destroy in office exposure records 40 years from date of exposure or 30 years from date of separation.*</li> <li>b) Destroy in office records pertaining to first-aid job-related illness and injury after 5 years.</li> <li>c) Provide medical records to employees who have worked for less than 1 year at time of separation.</li> <li>d) Destroy in office remaining records 30 years after employee terminates service.</li> <li><i>Retention Note: Records must be maintained separately from an employee's personnel jacket. If part of a worker's compensation claim, follow disposition for WORKERS' COMPENSATION PROGRAM CLAIMS, page 48, item 51.</i></li> </ul>	Authority: 29 CFR 1910.1020(e) Confidentiality: 29 CFR 1630.14(c)(1) 29 CFR 1910.1020(d) Retention: 29 CFR 1627.3(b)(1)(v) 29 CFR 1910.1020(d)

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



		STANDARD 5: PERSONNEL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
26.	MILITARY LEAVE Records concerning military leave, as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA).	Destroy in office 3 years after leave ends or employee separates from agency.*	Authority: 5 CFR 1208	
	See also LEAVE RECORDS, page 41, item 24.			
27.	PENSION AND FRINGE BENEFITS PLANS ENROLLMENT FORMS Forms providing personal identifying data, beneficiary information, option selection, and similar information.	a) Transfer pension and deferred compensation enrollment forms to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b> , page 43, item 30.	Confidentiality: G.S. § 132-1.10	
		b) Destroy in office life, health, and disability insurance enrollment forms 4 years after termination of coverage.		
28.	PERFORMANCE REVIEWS	Destroy in office after 3 years.	Confidentiality:	
	Information used to establish employees' goals and primary tasks. Records used to evaluate each employee's work performance.		G.S. § 153A-98	
	See also <b>PERSONNEL RECORDS (OFFICIAL COPY)</b> , page 43, item 30.			
29.	PERSONNEL ACTION NOTICES	a) Transfer records as applicable to <b>PERSONNEL RECORDS</b>		
	Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, position or job title, name change, and leave.	<ul><li>(OFFICIAL COPY), page 43, item 30.</li><li>b) Destroy in office remaining records 2 years from date of record creation or the personnel action involved.</li></ul>		

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEN <i>A</i> 4		TANDARD 5: PERSONNEL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
30.	<b>PERSONNEL RECORDS (OFFICIAL COPY)</b> Official copy of personnel file maintained on each agency employee. Includes basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment. See also <b>MEDICAL RECORDS</b> , page 41, item 25.	<ul> <li>a) Destroy in office after 30 years from date of separation information needed to document: date and amount of each increase or decrease in salary with that agency; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that agency; date and general description of the reasons for each promotion with that agency; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the agency; and, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the agency setting forth the specific acts or omissions that are the basis of the dismissal.</li> </ul>	Confidentiality: G.S. § 153A-98
		<ul> <li>b) Destroy in office information necessary to verify benefits 30 years after date of separation.</li> <li>c) Destroy in office remaining records when individual retention periods are reached as noted in individual items in the Records Retention and Disposition Schedule.</li> </ul>	
31.	<b>PERSONNEL RECORDS (REFERENCE COPY)</b> Duplicate copy of official personnel jacket that is often maintained below the department level by supervisors.	<ul> <li>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30.</li> <li>b) Destroy in office remaining records when reference value ends.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>	



		STANDARD 5: PERSONNEL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
32.	POLICIES AND PROCEDURES (PERSONNEL)	<ul> <li>a) Retain in office official copy of internal agency personnel policies permanently.</li> </ul>	
		<ul> <li>b) Destroy in office reference copies and external policy procedures when superseded or obsolete.</li> </ul>	
33.	<b>POLYGRAPH RECORDS</b> Includes statements informing employee of the time, place, and reasons for the test; copy of notice sent to examiner identifying employee to be tested; and copies of opinions, reports, or similar records generated by the examiner and provided to the agency.	Destroy in office 3 years from the date the test was given, or from the date the test was requested if no examination was given.	Retention: 29 CFR 801.30
34.	POSITION CLASSIFICATION, CONTROL, AND HISTORY Records concerning personnel actions and position control, status of each established permanent, temporary full-time, or part-time position, and other related topics. Also includes listings providing classification, titles, and position numbers. See also POSITION DESCRIPTIONS, page 44, item 35.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> </ul>	
35.	POSITION DESCRIPTIONS Includes information on job title, grade, duties, agency assigned, and responsibilities.	Destroy in office 2 years after superseded.	Retention: 29 CFR 1620.32
36.	POSITION REQUISITION AND ANALYSIS RECORDS Records used to fill vacant positions and request new positions.	Destroy in office when superseded or obsolete.	

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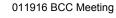
1750.0.4	STANDARD 5: PERSONNEL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
37.	<b>RECRUITMENT RECORDS</b> Includes ads and notices of overtime, promotion, and training. Also includes employment listings.	Destroy in office 2 years from date of record.	Retention: 29 CFR 1627.3(b)
38.	<b>RETIREMENT RECORDS</b> Includes plans and related records outlining the terms of employee pension and other deferred compensation plans. See also <b>PENSION AND FRINGE BENEFITS PLANS</b>	<ul> <li>a) Destroy in office records documenting deferred compensation 1 year after payment.</li> <li>b) Destroy in office pension plan records 1 year after plan is terminated.</li> </ul>	Retention: 29 CFR 1627.3(b)(2)
39.	<b>ENROLLMENT FORMS</b> , page 42, item 27. <b>SECONDARY EMPLOYMENT</b> Records concerning employees' requests and authorizations to accept employment with a private entity.	<ul> <li>a) Destroy in office approved requests and related records 1 year after employee terminates outside employment.</li> <li>b) Destroy in office denied requests and related records after 6 months.</li> </ul>	
40.	SERVICE AWARDS AND COMMENDATIONS Includes award and selection committee reports, nominations, selection criteria, and similar administrative records relating to employee recognition or incentive programs. See also PERSONNEL RECORDS (OFFICIAL COPY), page	Destroy in office 2 years from date of record creation or the personnel action involved.	
41.	43, item 30. SUGGESTIONS AND SURVEYS	Destroy in office when reference value ends. Agency Policy: Destroy in office after <u>one day</u>	

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



		STANDARD 5: PERSONNEL RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
42.	<b>TEMPORARY EMPLOYEE RECORDS</b> Records concerning temporary or contractual employees who are not provided with or eligible for benefits.	<ul> <li>a) If employee is an agency employee, transfer applicable records to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 43, item 30.</li> <li>b) If the employee is a temporary service company employee, destroy in office 5 years from date of separation.</li> </ul>	
43.	<ul> <li>TRAINING AND EDUCATIONAL RECORDS</li> <li>Includes employee-specific records (certificates, transcripts, test scores, etc.) relating to the training, testing, or continuing education of employees.</li> <li>See also CONFERENCES AND WORKSHOPS, page 4, item 16, and EDUCATIONAL LEAVE AND</li> <li>REIMBURSEMENT, page 38, item 15. Other required trainings are handled in ASBESTOS TRAINING, page 34, item 5, BLOODBORNE PATHOGEN TRAINING, page 35, item 8, and HAZARDOUS MATERIALS TRAINING RECORDS, page 40, item 21.</li> </ul>	<ul> <li>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30, if such training and testing is required for the position held or could affect career advancement.</li> <li>b) Destroy in office remaining records after 1 year.</li> </ul>	Retention: 29 CFR 1627.3(b)(1)(iv)
44.	UNEMPLOYMENT COMPENSATION CLAIMS Claim forms and other related records concerning unemployment compensation cases.	Destroy in office after 3 years.*	
45.	UNEMPLOYMENT COMPENSATION REPORTS Quarterly reports showing month-to-date wages, month-to-date compensation, year-to-date wages, and year-to-date compensation for each employee. May be filed with NC Division of Employment Security.	Destroy in office after 3 years.*	

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.





ITEM #		STANDARD 5: PERSONNEL RECORDS	
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
46.	UNEMPLOYMENT INSURANCE	<ul> <li>a) Transfer original records to the N.C. Department of Commerce, Division of Employment Security, when received.</li> <li>b) Destroy in office remaining records after 2 years.</li> </ul>	
47.	VERIFICATION OF EMPLOYMENT RECORDS Inquiries and responses concerning verification of an employee's prior or current employment with the agency.	Destroy in office after 1 year.	
48.	VOLUNTEER RECORDS Records concerning individuals who volunteered to assist with various agency activities and/or serve on boards.	Destroy in office 3 years after completion of assignment.	
49.	WORK SCHEDULES AND ASSIGNMENTS Records concerning work, duty, shift, crew, or case schedules, rosters, or assignments.	Destroy in office when superseded or obsolete.	
50.	WORKERS' COMPENSATION PROGRAM ADMINISTRATION Includes program policies, guidelines, and related administrative documentation.	<ul><li>a) Retain in office records with historical value permanently.</li><li>b) Destroy in office all other records when superseded or obsolete.</li></ul>	

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

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ITEM #		STANDARD 5: PERSONNEL RECORDS	
11 EIVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
51.	WORKERS' COMPENSATION PROGRAM CLAIMS Records concerning workers' compensation claims filed by employees' supervisors concerning accidental injuries or illnesses suffered on the job. Includes Employer's Report of Injury to Employee (Form 19), accident investigation reports, medical reports, claim cost reports, reference copies of medical invoices, and other related records. Also includes reference copies. (Records concerning claims filed for injuries that occurred prior to July 5, 1994 are considered permanent records in compliance with <i>Hyler v. GTE</i> <i>Prods. Co.</i> , 333 N. C. 258, 425 S.E.2d 698 (1993).)	<ul> <li>a) Retain in office permanently records concerning claims filed for injuries that occurred prior to July 5, 1994. Transfer official copy of claims records to the Industrial Commission in compliance with G.S. § 97-92(a).</li> <li>b) Retain in office permanently records concerning claims filed for injuries that occurred on or after July 5, 1994, for which the Industrial Commission form "Employee's Claim for Additional Medical Compensation Pursuant to N.C. Gen. Stat. § 97-25.1" (Form 18M) has been filed.</li> <li>c) Destroy in office remaining records 5 years after closing, in accordance with G.S. § 97-24(c), if no litigation, claim, audit, or other official action involving the records has been initiated.*</li> <li>d) If official action has been initiated, transfer to LITIGATION CASE RECORDS, page 32, item 15.</li> </ul>	Confidentiality: G.S. § 8-53 G.S. § 97-92(b)

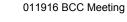
## **STANDARD 6: PUBLIC RELATIONS RECORDS**

Official records and materials created and accumulated by internal public relations programs operated by the agency.

	STANDARD 6: PUBLIC RELATIONS RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	AGENCY PUBLICATIONS Publications created at agency expense.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when reference value ends.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>	
2.	AUDIO-VISUAL RECORDINGS Recordings (including digital) and films produced by the agency. This does not include recordings of public meetings or security videos. See also AUDIO AND VIDEO RECORDINGS OF MEETINGS, page 2, item 6, and OFFICE SECURITY RECORDS, page 10, item 39.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when reference value ends.<sup>+</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>	
3.	MEDIA FILE Reference copies of newspaper, magazine, and other media clippings concerning the agency, agency officials, and other topics of interest.	Destroy in office when reference value ends. <sup>+</sup> Agency Policy: Destroy in office after <u>one day</u>	
4.	POPULAR ANNUAL FINANCE REPORT	<ul><li>a) Retain records with historical value permanently.</li><li>b) Destroy in office other records superseded or obsolete.</li></ul>	

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

*†* See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



NC	State Archives of North Carolina Natural and Cultural resources
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ITEM #	STANDARD 6: PUBLIC RELATIONS RECORDS		
11 E IVI #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.	PUBLICITY RECORDS Records concerning overall public relations of agency. Includes advertisements, announcements, correspondence (including e-mail), photographic materials, news and press releases, and other related records.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records 2 years after obsolete.*</li> </ul>	
6.	SOCIAL MEDIA	See <b>APPENDIX</b> (page 84) for guidance in handling social media.	
7.	<b>SPECIAL EVENTS</b> Records of events organized by the agency.	<ul><li>a) Retain in office records with historical value permanently.</li><li>b) Destroy in office remaining records after 2 years.</li></ul>	
8.	SPEECHES Speeches made by agency officials.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when reference value ends.<sup>†</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>	
9.	WEBSITE (ELECTRONIC) Records created and maintained in paper and electronic formats concerning the creation and maintenance of the agency's presence on the World Wide Web. Includes correspondence, procedures, instructions, website designs, HTML/XHTML, or other web-based file formats, and other related records.	<ul> <li>a) Retain in office records with historical value permanently. Can be maintained as website snapshots or via Web crawler.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> <li><i>Retention Note: Preserve copy of web page after every major</i> <i>change in design and/or content.</i></li> </ul>	
	See also WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE, page 27, item 15.		

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

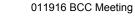


## **STANDARD 7: RISK MANAGEMENT RECORDS**

Official records created and accumulated to manage risks in the agency.

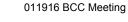
	STANDARD 7: RISK MANAGEMENT RECORDS				
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION		
1.	ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE)	a) Transfer records resulting in workers' compensation to <b>WORKERS' COMPENSATION PROGRAM CLAIMS</b> , page 48, item 51.	Confidentiality: G.S. § 97-92(b)		
	See also <b>WORKERS' COMPENSATION PROGRAM</b> <b>CLAIMS</b> , page 48, item 51.	<ul> <li>b) Destroy in office remaining employee claims 3 years after settlement or denial of claim.*</li> </ul>			
		c) Destroy in office non-employee accident reports 3 years after settlement or denial of claim.*			
		<ul> <li>Destroy in office reports that do not result in claims or official action after 3 years.</li> </ul>			
		e) Destroy in office reports of minors after minor has reached age of 21.			
2.	ASBESTOS MANAGEMENT PLAN	<ul><li>a) Destroy in office 1 year after building is demolished.</li><li>b) If building is sold, transfer records to new owner.</li></ul>	Retention: 29 CFR 1910.1001(j)(3)(ii)		

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.



N.C.	State Archives of North Carolina Natural and Cultural resources
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ITEM #	STANDARD 7: RISK MANAGEMENT RECORDS					
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION			
3.	DISASTER AND EMERGENCY MANAGEMENT PLANS Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes background surveys, studies, reports, and draft versions of plans. Also includes records concerning the process of notifying personnel in the event of an emergency. See also DISASTER PREPAREDNESS AND RECOVERY PLANS. page 25 itom 4	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-1.7			
4.	PLANS, page 25, item 4. DISASTER RECOVERY	Retain in office permanently.				
	Administrative records documenting recovery efforts.					
5.	<b>EMERGENCY EQUIPMENT RECORDS</b> Includes test records for fire suppression, defibrillator, respirator fit, and other emergency equipment.	Destroy in office when superseded or obsolete.				
6.	<b>EMPLOYEE SECURITY RECORDS</b> Records concerning the issuance of keys, identification cards, passes, etc., to employees.	Destroy in office when superseded or obsolete.				
7.	FIRE, HEALTH, AND SAFETY RECORDS Records concerning agency safety measures. Includes reports, logs, and other related records documenting inspections of agency facilities.	Destroy in office when superseded or obsolete.				
8.	FUEL OIL STORAGE TANK RECORDS	Destroy in office closure records 3 years after completion of permanent closure.	Authority: 40 CFR 280.34 Retention: 40 CFR 280.74			

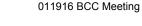




	STA	NDARD 7: RISK MANAGEMENT RECORDS	
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	LOSS CONTROL INSPECTION REPORTS Self-inspections to identify potential liabilities or hazards that may exist in agency owned buildings or property.	Destroy in office when superseded or obsolete.	
10.	LOST, STOLEN, OR DAMAGED PROPERTY REPORTS Includes citizen reports of property lost or stolen at agency. Also includes reports and employee narratives of vandalism to agency property.	Destroy in office after 3 years.*	
11.	MATERIAL SAFETY DATA SHEETS Forms supplied to agencies from manufacturers and distributors of hazardous materials.	Destroy in office 30 years after materials have been disposed of according to manufacturer's instructions. <i>Retention Note: A data sheet for a mixture may be discarded if</i> <i>the new data sheet includes the same hazardous chemicals as</i> <i>the original formulation. If the formulation is different, both</i> <i>data sheets must be retained for 30 years. Data sheets may</i> <i>also be discarded if some other record identifying the</i> <i>substances used, where they were used, and when they were</i> <i>used is retained the required 30 year period.</i>	Retention: 29 CFR 1910.1020(d)(1)(ii)(B)
12.	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) Records concerning injury or illness, extent and outcomes, summary totals for calendar year, and OSHA forms. Includes ergonomic assessments for employees.	Destroy in office after 5 years.	Retention: 29 CFR 1904.33 29 CFR 1904.44
13.	SELF-INSURER CERTIFICATIONS	Destroy in office 6 years from date of termination of policy or settlement of all claims.	

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.





## STANDARD 8: PROGRAM OPERATIONAL RECORDS – SHERIFF RECORDS

Records received and created by a county sheriff department necessary to meet all statutory requirements. Comply with applicable provisions of G.S. §132-1.4 regarding confidentiality of law enforcement records and G.S. §153A-98 and G.S. §160A-168 regarding confidentiality of personal information of law enforcement officers.

17584.4	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS				
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION		
1.	ACCREDITATION RECORDS Records concerning compliance with those standards outlined by professional law enforcement agencies' accreditation programs.	Destroy in office 1 year after accreditation is obtained, renewed, or no longer valid.*			
2.	ACTIVITY REPORTS Reports of officer activities on each shift or special detail worked, including activities of the Domestic Violence Unit. Includes information on occurrence of all criminal activity, complaints, arrests, traffic violations and accidents, rescue service calls, hours worked, miles traveled, location of call, type of call, time of call, papers served, and other related information. (This information is often collected by the day and month for statistical reporting and includes reports submitted to Uniform Crime Reporting Program.) See also <b>REPORTS AND STUDIES</b> , page 13, item 52.	<ul> <li>a) Retain in office 1 copy of all annual and biennial reports permanently.</li> <li>b) Retain in office reports and studies prepared by request of an agency's governing body or a court permanently.</li> <li>c) Destroy in office reports prepared monthly, bimonthly, or semi-annually after 3 years.</li> <li>d) Destroy in office activity reports concerning workload measurements, time studies, number of jobs completed, etc., prepared on a daily or other periodic basis, after 1 year.</li> <li>e) Destroy in office remaining reports and studies when reference value ends.<sup>‡</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>			

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

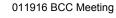
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	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS					
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	8 - S		
3.	ALARM CALL REPORTS Reports completed by officers responding to alarm calls. Includes listings of alarm type, time received,	a) Destroy in office after 30 days if not made part of a case file.		Sheriff Re		
	time arrived, reason for activation, and other related information. May include forms completed by businesses naming emergency contacts, location of safe, and other related information.	<ul> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>		Records		
4.	ALTERNATIVE SENTENCING PROGRAMS Records documenting alternative sentencing programs. May include work release and weekender service.	Destroy in office 3 years after individual leaves program.				
5.	ANIMAL CONTROL RECORDS Reports of animal control calls. May include information regarding animal bites, animals received from citizens, strays caught, animals taken to shelter	<ul> <li>a) Destroy in office records concerning dangerous animals when known dead or after 10 years.</li> <li>b) Destroy in office records concerning animal abuse cases</li> </ul>				
	or returned to owner, use of tranquilizer guns, and other related information.	<ul><li>c) Destroy in office remaining records after 1 year.</li></ul>				
6.	ARREST PROCESSING: TRACKING RECORDS Records used to track a defendant's time and activities while in arrest processing. May include time of arrival and time to and from each workstation.	Destroy in office 1 year after date of arrest.*	Confidentiality: G.S. § 132-1.4			

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page vi.

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.





	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		ω
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1 I
7.	ARREST PROCESSING: DWI TRACKING RECORDS Records used to track a defendant's time and activities while in arrest processing. May include time of arrival and time to and from each workstation, time to and from the magistrate's office, time allowed to use the telephone, and notes documenting any unusual and/or violent behavior.	Destroy in office 2 years after date of arrest.*	Confidentiality: G.S. § 132-1.4	Sheriff Records
8.	ARREST REPORTS Reports concerning arrests made by officers. May include complete name, alias or nickname, residence, sex, age, date of birth, physical description, offense committed, car make, license number, occupation, telephone numbers, names of witnesses, name(s) of arresting officer(s), and other related information.	<ul> <li>a) Destroy in office 5 years from date of arrest if report is not made part of a case file.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>	Confidentiality: G.S. § 132-1.4	
9.	AUCTION RECORDS Records concerning abandoned and unclaimed articles or found property sold at public auction. May include auction receipts of monies received for items sold.	Destroy in office after 3 years.*		

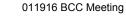
<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD-8. PR	OGR	AM OPERATIONAL RECORDS: SHERIFF RECORDS		00
11 EIVI #	RECORD SERIES TITLE		DISPOSITION INSTRUCTIONS	CITATION	ן גי
10.	AUDIO AND VIDEO RECORDINGS Tapes and digital recordings generated by mobile and fixed audio and video recording devices. Does not include ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE), page 65, item 35.	a) b)	Destroy in office after 30 days if not made part of a case file. If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.	Confidentiality: G.S. § 132-1.4 G.S. § 153A-98	Sherift Records
		c) d)	If record is made part of a citizen complaint follow disposition instructions for <b>COMPLAINTS AGAINST DEPARTMENT / ADMINISTRATIVE INVESTIGATION RECORDS</b> , page 60, item 20.		
11.	CASE HISTORY FILE: FELONIES Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure reports; statements of seized and returned property, interview sheets; case status reports, photographs, court orders, correspondence; officer's notes, laboratory tests, court dispositions, audio or video recordings, and other related records. See also ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE), page 65, item 35.	a) b)	RECORDS, page 72, item 62. Destroy in office records concerning solved cases after 20 years.*	Confidentiality: G.S. § 132-1.4	

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.





	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS				
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	8 - S	
12.	<b>CASE HISTORY FILE: MISDEMEANORS</b> Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of	<ul> <li>Destroy in office records concerning solved malicious misdemeanor cases after 3 years.*</li> </ul>	Confidentiality: G.S. § 132-1.4	Sheriff R	
	warrants, special expenditure reports, statements of seized and returned property, interview sheets, case status reports, photographs, court orders, correspondence, officer's notes, laboratory tests,	<ul> <li>Retain in office records concerning unsolved malicious misdemeanor cases until solved, and then follow disposition instructions in part (a).</li> </ul>		Records	
	court dispositions, audio or video recordings, and other related records.	<ul> <li>c) Destroy in office records concerning all misdemeanor cases not covered in (a) or (b) after 3 years.*</li> </ul>			
13.	CASE HISTORY FILE: CASES NOT OFFICIALLY INVESTIGATED	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>	Confidentiality: G.S. § 132-1.4		
14.	<b>CHEMICAL ANALYSIS RECORDS</b> Records and reports generated when individuals suspected of being under the influence of or impaired by illegal drugs or alcohol are chemically tested.	a) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.			
		<ul> <li>b) Destroy in office when reference value ends if records are not made part of a case file.<sup>†</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>			

<sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS				
ITEM #	RECORD SERIES TITLE		DISPOSITION INSTRUCTIONS	CITATION	8       
15.	<b>CIVIL PROCESS RECORDS</b> Records concerning civil papers processed and served by sheriff's office. May include lists of summons, notices, subpoenas, and court orders served; lists of	a)	Return originals to issuing clerk of court's office as required by law once served, canceled, withdrawn or otherwise disposed of.		Sheriff Records
	items seized or sold on execution; lists of judgments collected; and ejectments. (Entries are usually filed numerically by case number and indexed by name).	b)	Destroy in office after 3 years records concerning judgments collected and similar claims and deliveries.*		ords
		c)	Destroy in office records concerning all other civil orders including department copies of warrants, subpoenas and orders of arrest when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>		
16.	<b>COMMUNICATION RECORDS</b> Recordings, printouts, and logs of telephone, radio, dispatch, 911 emergency calls or texts, and computer	a)	Destroy in office after 30 days if not made part of a case file.*	Confidentiality: G.S. § 132-1.4	
	aided dispatch (CAD) systems incoming and/or outgoing communications. May include time and date of call, contents of call, location of call, name of unit sent to scene, and other related information.	b)	If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b> , page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b> , page 58, item 12.		
18.	<b>COMPOSITE INTERVIEWS</b> Summaries of interviews used to determine the physical description of suspects. May include race, sex, build, weight, eye and hair color, skin tone, weapon description, and other related information.	a)	If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b> , page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b> , page 58, item 12.		
		b)	Destroy in office when reference value ends if not made part of case file.† Agency Policy: Destroy in office after <u>one day</u>		

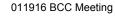
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	STANDARD-8. PR	logi	RAM OPERATIONAL RECORDS: SHERIFF RECORDS		00
ITEM #	RECORD SERIES TITLE		DISPOSITION INSTRUCTIONS	CITATION	1
19.	COMPLAINTS Records concerning complaints to which a unit responded. May include logs listing name and address of victim, time, date, nature of complaint, responding officer's name, action taken, and other related information. See also COMPLAINTS AGAINST DEPARTMENT/ ADMINISTRATIVE INVESTIGATION RECORDS, page 60, item 20.	a) b)	Destroy in office 3 years after resolution if not made part of a case file. If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.	Confidentiality: G.S. § 132-1.4	Sheriff Records
20.	COMPLAINTS AGAINST DEPARTMENT/ ADMINISTRATIVE INVESTIGATION RECORDS Citizen complaints against employees of the department or against the department. May include administrative investigation reports initiated within the sheriff's office. See also COMPLAINTS, page 60, item 19.	a) b) c) d)	<ul> <li>Destroy in office records of complaints against employees of the department 3 years after resolution if not made part of an internal investigation.</li> <li>If record is made part of an internal investigation against employees of the department follow disposition instructions for INTERNAL AFFAIRS CASE RECORDS, page 72, item 62.</li> <li>If legal action is taken and case adjudicated, destroy in office 5 years after final disposition.</li> <li>If legal action is taken and case non-adjudicated (out-of-court claims), destroy in office 5 years after final disposition or expiration of relevant statute of limitations.</li> <li>Retain in office litigation case records having precedent or historical value permanently.</li> </ul>	Confidentiality: G.S. § 132-1.1(a)	



	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS					
ITEM #	RECORD SERIES TITLE		DISPOSITION INSTRUCTIONS	CITATION	00     	
21.	<b>CONFIDENTIAL FUNDS RECORDS</b> Records concerning the use of confidential funds utilized to pay informants, purchase contraband, or otherwise finance undercover operations for vice/narcotics and special investigations.	De	stroy in office after 3 years.*	Confidentiality: G.S. § 132-1.7(c)	Sheriff Records	
22.	<b>CRIME ANALYSIS RECORDS</b> Records used to anticipate, prevent, or monitor possible criminal activity. May include crime reports, photographs, complaints, copies of citations, criminal profile information, and interoffice memoranda generated or accumulated in connection with investigations or directed patrols.	a) b)	If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b> , page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b> , page 58, item 12. Destroy in office when reference value ends if not made part of case file.† Agency Policy: Destroy in office after <u>one day</u>	Confidentiality: G.S. § 132-1.4 G.S. § 132-1.7(a2)		
23.	<b>CRIME PREVENTION RECORDS</b> Records concerning sheriff's office and community meetings and other functions which seek to prevent or monitor possible criminal activity. May include meeting schedules and agendas and other related records.	a) b)	Retain in office records with historical value permanently. Destroy in office remaining records when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>			
24.	<b>CRIMINAL HISTORY RECORDS</b> Records concerning the arrest history of individuals. May include summary sheets or cards, arrest reports, mug shots, fingerprint cards, and other related records.	a) b)	If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b> , page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b> , page 58, item 12. Destroy in office when reference value ends if not made	Confidentiality: G.S. § 132-1.4		
		~)	part of case file.† Agency Policy: Destroy in office after <u>one day</u>			





	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		00
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	I I
25.	<b>DAILY BULLETINS</b> Daily bulletins used to provide officers with information concerning stolen vehicles, missing persons, new warrants, wanted persons, and any other specific complaint or incident. May include "be on the lookout" records and forms.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>		Sheriff Records
26.	<b>DETENTION FACILITY INCIDENT REPORTS</b> Detention facility incident reports. Include narratives of incidents, lists of those involved, statements and interview reports, inmates' refusal of medical treatment, inmates' refusal to press charges, and other related records.	<ul> <li>a) Destroy in office after 3 years.*</li> <li>b) If legal action is taken and case adjudicated, destroy in office 5 years after final disposition.</li> <li>c) If legal action is taken and case non-adjudicated (out-of-court claims), destroy in office 5 years after final disposition or expiration of relevant statute of limitations.</li> <li>d) Retain in office litigation case records having precedent or</li> </ul>	Confidentiality: G.S. § 132-1.1(a)	
27.	<b>DETENTION FACILITY INSPECTION RECORDS</b> Inspection reports of county detention facilities. May include reports made by the N.C. Department of	<ul><li>historical value permanently.</li><li>a) Destroy in office 1 year from date of report if no violations are recorded.</li></ul>		
	Health and Human Services.	<ul> <li>b) Destroy in office 1 year after corrective action was approved if violations are recorded.</li> </ul>		



ITEM #	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS	
11 EIVI #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
28.	DETENTION FACILITY OPERATIONAL RECORDS Records concerning all activities occurring during shifts at detention facilities. May include end of duty (shift change reports, key and radio control lists, equipment and inmate/non-inmate housing check lists, cell inspection reports, laundry exchange and controlled property lists, tour reports, etc.) and inmate accountability (rosters, commitment and release reports, cell locations, etc.) records.	<ul> <li>a) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> <li>b) Destroy in office when reference value ends if not made part of case file.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>	
29.	<b>DETENTION FACILITY PHYSICAL FORCE RECORDS</b> Reports made by any officer or employee of a detention facility who applies physical force to an inmate or arrestee.	Destroy in office after 3 years.*	
30.	DIVISION OF CRIMINAL INFORMATION AND NATIONAL CRIME INFORMATION CENTER (DCI-NCIC) ENTRIES Records and logs listing entries and inquiries made against DCI-NCIC networks and concerning missing persons, wanted persons, stolen vehicles or other property, and other related topics.	Destroy in office 1 year after period covered by audit.*	Authority: 28 USC 534
31.	DIVISION OF CRIMINAL INFORMATION AND NATIONAL CRIME INFORMATION CENTER (DCI-NCIC) VALIDATION RECORDS Requests and proofs of verification for DCI-NCIC or other law enforcement information networks.	Destroy in office after 1 year.*	Authority: 28 USC 534

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



	STANDARD-8. PF	ROGR	AAM OPERATIONAL RECORDS: SHERIFF RECORDS		œ
ITEM #	RECORD SERIES TITLE		DISPOSITION INSTRUCTIONS	CITATION	1
32.	<b>DNA SAMPLING RECORDS</b> Records documenting the collection of DNA samples from persons for qualifying offenses. May include	a)	Destroy in office 1 year from date sample was obtained if not made part of a case file.	Authority: G.S. § 15A-266.8	Sheriff Records
	copies of judgments. Original samples are forwarded to the State Bureau of Investigation.	b)	If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.		ecords
33.	<b>DOMESTIC VIOLENCE RECORDS</b> Restraining orders and related records.	a)	Destroy in office after expiration of restraining order if not made part of a case file.	Confidentiality: G.S. § 132-1.4	
-		b)	If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b> , page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b> , page 58, item 12.		
34.	<b>DRIVING WHILE IMPAIRED (DWI) REPORTS</b> Reports used for persons arrested for driving while impaired by alcohol and/or drugs. May include	a)	Transfer original records to county Clerk of Superior Court's office.		
	breathalyzer analysis reports.	b)	Destroy in office duplicate copies when reference value ends if not made part of a case file.† Agency Policy: Destroy in office after <u>one day</u>		
		c)	If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b> , page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b> , page 58, item 12.		

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
35.	<b>ELECTRONIC RECORDINGS OF INTERROGATIONS</b> (JUVENILE OR HOMICIDE) Electronic recordings generated by audio and/or video recording devices of custodial interrogations in an investigation of a juvenile or any person in a criminal investigation related to a Class A, B1, or B2 felony or a Class C felony of rape, sex offence, or assault with a deadly weapon with intent to kill inflicting serious injury.	<ul> <li>a) Destroy in office recordings of interrogations of convicted defendants 1 year after the completion of all State and Federal appeals of the conviction.</li> <li>b) Destroy in office remaining recordings of when reference value ends.<sup>†</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>	Confidentiality: G.S. § 7B-3001(b) Authority: G.S. § 15A-211
36.	<b>EXPUNCTIONS</b> Records concerning the expunction of a convicted individual's records. May include petitions, affidavits, and other related records. If the petition is approved all records relating to that case are to be destroyed in accordance with the court order.	Transfer Final Disposition Report to the State Bureau of Investigation once all records relating to the case are expunged.	Confidentiality: G.S. § 132-1.4 Authority: G.S. § 15A-145 G.S. § 15A-146
37.	<b>EXTRADITION CASE RECORDS</b> Records concerning the extradition of prisoners in and out of state. May include court orders, correspondence, and other related records.	Follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.	
38.	<b>FEDERAL FIREARMS NOTIFICATION RECORDS</b> Copies of records and forms provided by individuals applying for certain federal firearm licenses.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>	Authority: 18 USC 923(d)(1)(f)(iii)



	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		00
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1
39.	<b>FEDERAL FORFEITURE RECORDS</b> Records concerning funds received from seized assets and records concerning expenditures made with federal forfeiture funds.	Destroy in office after 3 years.*		Sheriff Records
40.	<b>FIELD OBSERVATIONS</b> Reports concerning field observations of suspicious persons or vehicles. May include subject's name, address, and physical description; date, time, and location of occurrence; reason for stop; name of officer conducting interview; and other related information.	<ul> <li>a) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> <li>b) Destroy in office when reference value ends if not made part of case file.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>	Confidentiality: G.S. § 132-1.4	ds
41.	<b>FINGERPRINT CARDS</b> Records used to verify a subject's identity. May include fingerprints and all necessary information required to identify an individual. Also includes records of latent finger and palm prints that were found at the scene of a crime without identification of suspects. Original fingerprint records are forwarded to the State Bureau of Investigation. See also JUVENILE CASE HISTORY IDENTIFICATION RECORDS, page 73, item 64.	<ul> <li>a) Destroy in office duplicate records after 3 years.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>	Confidentiality: G.S. § 132-1.4 Authority: G.S. § 15A-502	
42.	<b>FORCIBLE ENTRY RECORDS</b> Reports concerning forcible entries made by sheriff's office personnel.	Destroy in office after 1 year.		



ITEM #	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		0
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1
43.	<b>FUGITIVE WARRANTS CASE RECORDS</b> Records concerning fugitive warrants sent to a department from another jurisdiction requesting assistance in finding an individual. May include fugitive profile and warrant.	Destroy in office 1 year after case is closed.		Sheriff Records
44.	IDENTIFICATION PHOTOGRAPHS Photographs (mugshots) of persons arrested in association with formal investigations. May include driver's license photos or negatives. See also JUVENILE CASE HISTORY IDENTIFICATION RECORDS, page 73, item 64.	<ul> <li>a) Destroy in office after 3 years if not made part of a case file.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>	Confidentiality: G.S. § 132-1.4	
45.	IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DETAINEE RECORDS Records concerning individuals incarcerated in county detention facilities per the U.S. Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), Section 287(g).	Destroy in office 3 years after individual is released or transferred from the facility.		
46.	INCIDENT RESPONSE REPORTS Reports completed by officers responding to incidents. May include victim, suspect, and witness information; damaged and stolen property reports; statement sheets; Miranda waiver forms; and other related	<ul> <li>c) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> <li>d) Destroy in office when reference value ands if not made</li> </ul>		
	records.	<ul> <li>d) Destroy in office when reference value ends if not made part of case file.<sup>†</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>		





	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		a
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	Ĩ
47.	<b>INFORMANT RECORDS</b> Records concerning informants. May include correspondence, payment records, and other related records.	<ul> <li>a) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> <li>b) Destroy in office when reference value ends if not made part of case file.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>	Confidentiality: G.S. § 132-1.4	Sheriff Records
48.	INMATE CLASSIFICATION RECORDSRecords concerning classification informationgathered by the detention facility while inmates areincarcerated. May include incident reports, behavioralor disciplinary reports, interviews, classification levelassigned, requested housing moves, and other relatedrecords.See also IMMIGRATION AND CUSTOMSENFORCEMENT (ICE) DETAINEE RECORDS, page 67,item 45.	Destroy in office 3 years after inmate is released or transferred from the facility.*		
49.	INMATE COMMITMENT RECORDS Copies of judgment and commitment papers received from the Clerk of Superior Court's office used to validate time spent incarcerated.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>		

<sup>\*</sup> No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.

<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



	STANDARD-8. PF	ROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		œ
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	Ĩ.
50.	<b>INMATE DEATH REPORTS</b> Reports filed by office upon the death of an inmate. A report must be sent to the county health director and N.C. Department of Health and Human Services, within five days of the death.	Destroy in office after 3 years.*	Authority: G.S. § 153A-224(b)	Sheriff Records
51.	<b>INMATE FINANCIAL RECORDS</b> Records concerning individual inmate funds maintained by a detention facility for use by the inmate while incarcerated. May include balance sheets listing inmate's name and number, amount of funds, dates of deposits and withdrawals, and other related information.	Destroy in office 3 years after inmate is released or transferred from the facility.*		
52.	INMATE GRIEVANCE RECORDS Records concerning grievances filed by inmates and actions taken.	<ul> <li>a) Destroy in office 3 years after inmate is released or transferred from the facility.*</li> <li>b) If legal action is taken and case adjudicated, destroy in office 5 years after final disposition.</li> <li>c) If legal action is taken and case non-adjudicated (out-of-court claims), destroy in office 5 years after final disposition or expiration of relevant statute of limitations.</li> <li>d) Retain in office litigation case records having precedent or historical value permanently.</li> </ul>	Confidentiality: G.S. § 132-1.1(a)	

- \* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION,** page vi.
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	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		8
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1
53.	INMATE INCARCERATION RECORDS (ACTIVE AND INACTIVE) Records concerning non-medical information gathered on inmates in county detention facilities. May include entry and release summaries, detainees' arrest sheets; court commitment and release orders, work release records, pretrial release agreements, and other related records concerning the arrest and confinement of an individual.	Destroy in office 3 years after inmate is released or transferred from the facility.*		Sheriff Records
54.	INMATE LIST REPORTS Lists of inmates furnished weekly to the Clerk of Superior Court.	Destroy in office when superseded or obsolete.	Authority: G.S. § 153A-229	
55.	<b>INMATE MAIL, TELEPHONE, OR VISITOR RECORDS</b> Records concerning telephone calls and mail sent and received by inmates, and attorneys, ministers, or family members visiting inmates confined in county detention facilities. May include logs listing inmate's name, date and time of call or mail, visitor's signature and address, and other related information.	Destroy in office after 1 year.*		
56.	<b>INMATE MEAL RECORDS</b> Records concerning the planning and scheduling of inmate meals. May include food service daily shift reports, daily meal sheets, food order forms, kitchen checklists, lists of inmates receiving meals and other related records. File also includes records concerning requests for special diets made by inmates.	Destroy in office after 3 years.*	Retention: 10A NCAC 14J .1723	



	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		00
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1
57.	INMATE MEDICAL RECORDS Records concerning medical examinations, diagnoses, and treatments of inmates. May include medical information sheets and screening forms, medical histories as provided by inmate, receipt and/or release forms for medications and medical articles, laboratory and x-ray reports, blood pressure records, sick bay transfer forms, special diet authorizations, psychological evaluation forms, suicide watch sheets, progress notes, health assessment forms, dental forms, doctors' orders, transportation records to outside clinics or hospitals, and other related records. May also include authorization records for release of medical information to detention facility staff, informed consent forms, refusal of treatment forms, and release of financial responsibility forms.	Destroy in office 5 years after inmate is released or transferred from the facility.*	Confidentiality: G.S. § 8-53 45 CFR 164.502 Authority: G.S. § 153A-225.2	Sheriff Records
58.	<b>INMATE MONTHLY CONFINEMENT REPORTS</b> Monthly reports submitted to the N.C. Department of Health and Human Services listing confinement (Jail) figures.	Destroy in office after 3 years.*		
59.	<b>INMATE PERSONAL IDENTIFICATION RECORDS</b> Records concerning changes to be made to an inmate's incarceration file. May include personal identification changes, superior court calendar, long form dismissals and other related records.	Destroy in office 30 days after receipt.*		

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<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS	
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
60.	<b>INMATE RESEARCH REQUESTS</b> Requests filed by inmates seeking use of a facility's law library or similar collection containing research materials.	Destroy in office 1 year from date of request.	
61.	INMATES: REIMBURSEMENT REQUESTS FOR THOSE CONFINED LOCALLY Reports and supporting documentation sent to the N.C. Department of Public Safety requesting state and/or federal reimbursement for inmates serving sentences of thirty days or more in a county detention facility.	Destroy in office after 3 years.*	Authority: G.S. § 148-32.1
62.	<b>INTERNAL AFFAIRS CASE RECORDS</b> Records concerning internal investigations of alleged officer misconduct. May include complaints, investigation reports, disciplinary action, and other related records.	<ul> <li>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, Item 30.</li> <li>b) Destroy in office all remaining records 2 years after resolution of all actions.</li> </ul>	Confidentiality: G.S. § 153A-98 Retention: 29 CFR 1602.31
63. <u>(</u>	JUVENILE CASE HISTORY FILES Includes incident and arrest reports, detention orders, disposition instructions, name and address of person having legal and/or physical custody of child, correspondence with county or state juvenile services, and other related records.	<ul> <li>a) Destroy in office records when juvenile reaches 21 years of age if adjudicated for an offense that would have been a Class A, B1, B2, C, D, or E felony if committed by an adult.</li> <li>b) Destroy in office records related to all other cases when juvenile reaches 18 years of age.</li> </ul>	Confidentiality: G.S. § 7B-3001(b)



	STANDARD-8. PR	OGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		00
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1
64.	JUVENILE CASE HISTORY IDENTIFICATION RECORDS Includes fingerprints and photographs.	<ul> <li>a) Transfer to the State Bureau of Investigation and Federal Bureau of Investigation.</li> <li>b) Destroy in office reference copies when reference value ends.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>	Confidentiality: G.S. § 7B-2102 (d) Retention: G.S. § 7B-2102	Sheriff Records
65.	JUVENILE DETENTION RECORDS Records concerning medical and non-medical information gathered on juvenile inmates held in county detention facilities.	<ul> <li>a) Destroy in office medical records when juvenile reaches 21 years of age.</li> <li>b) Destroy in office non-medical records when juvenile reaches 18 years of age.</li> </ul>	Confidentiality: G.S. § 7B-3001(b)	
66.	MULTIPLE FIREARMS SALES REPORTS Reports received from dealers reporting the sale of multiple firearms.	Destroy in office when reference value ends, but within 20 days after receipt.† Agency Policy: Destroy in office after <u>one day</u>	Retention: 18 USC 923(g)(3)(b)	
67.	MULTIPLE FIREARMS SALES REPORTS DESTRUCTION RECORDS Records submitted after 6 months to the U.S. Attorney General's Office certifying that all multiple firearm sales reports received from dealers have been destroyed.	Destroy in office after 1 year.	Authority: 18 USC 923(g)(3)(b)	
68.	<b>MUTUAL AID AGREEMENT RECORDS</b> Records concerning officers who work with other agencies and vice versa. May include mutual aid agreements and supporting documentation.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>		

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<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS			
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
69.	<b>PAROLE COMMISSION NOTIFICATION REPORTS</b> Reports submitted to the N.C. Parole Commission listing dates of incarceration, jail credit, and other related documentation.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>	Authority: G.S. § 148-32.1	
70.	PAWNSHOP RECORDS Pawnshop and property records.	<ul> <li>a) Destroy in office after 1 year if not made part of a case file.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>		
71.	<b>PERMISSION TO SEARCH RECORDS</b> Authorizations for officers to search property, and if necessary, confiscate property deemed pertinent to an investigation.	<ul> <li>a) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> <li>b) Destroy in office when reference value ends if not made part of a case file.<sup>†</sup> Agency Policy: Destroy in office after <u>one day</u></li> </ul>		
72.	PERMITS, CONCEALED WEAPONS Applications and supporting documentation filed to carry concealed weapons. May include lists of permit holders, lists of permit denials, records of background checks, and other related documentation.	<ul> <li>a) Destroy in office all approved applications 5 years after the date of last renewal.</li> <li>b) Destroy in office criminal histories and related records concerning approved applications when permit is issued.</li> <li>c) Destroy in office denied applications and related records 5 years from date of denial or resolution of petition filed with district court, whichever is longer.</li> </ul>	Authority & Confidentiality: G.S. § 14-415.17	

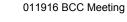
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ITEM #	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS			
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	
73.	<b>PERMITS, HANDGUN</b> Applications filed to purchase handguns. May include lists of permit holders, lists of permit denials, background checks, and other related records.	<ul> <li>a) Destroy in office all approved applications after 5 years.</li> <li>b) Destroy in office criminal histories and related records concerning approved applications when permit is issued.</li> <li>c) Destroy in office denied applications and related records 5 years from date of denial or resolution of petition filed with district court, whichever is longer.</li> </ul>	Authority & Confidentiality: G.S. § 14-405	
74.	PERSONAL HISTORIES OF KNOWN OR SUSPECTED LAW BREAKERS Records collected concerning an identifiable person or group of persons in an effort to anticipate, prevent or monitor criminal activity. May include witnesses' statements, laboratory tests, surveillance, reports, investigators' or confidential informants' statements, photographs, vital statistics, and other related records.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>	Confidentiality: G.S. § 132-1.4 G.S. § 132-1.7	
75.	PERSONNEL INSPECTION REPORTSInspection reports concerning individual officer'sphysical appearance and condition of uniform andweapons.See also PERFORMANCE REVIEWS, page 42, item 28.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>	Confidentiality: G.S. § 153A-98	
76.	<b>PRISONER/MENTAL PATIENT TRANSPORT RECORD</b> Verification forms completed by receiving party of prisoner/mental patient.	Destroy in office after 1 year.		

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<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.





	STANDARD-8. PF	ROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		ω
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	Ĩ.
77.	<b>PROPERTY RECORDS: CONFISCATED</b> Itemized lists of all property confiscated by the sheriff's office pursuant to law.	Destroy in office 1 year after disposition of property.		Sheriff Records
78.	<b>PROPERTY RECORDS: EVIDENCE</b> Records used to control and track evidence. May include descriptions of property, physical evidence examination requests, and records documenting final disposition of property.	Destroy in office 1 year after disposition of property.		ords
79.	<b>PROPERTY RECORDS: STOLEN/RECOVERED</b> Records concerning the recovery of stolen property. May include descriptions of property and its value, serial numbers, and other related records. Records may be filed with original incident report.	Destroy in office 1 year after disposition of property.		
80.	PROPERTY RECORDS: UNCLAIMED Disposition records concerning unclaimed property held by sheriff's office. May include descriptions of property and serial or identification numbers.	Destroy in office 1 year after disposition of property.		
81.	<b>PROPERTY RECORDS: UNCLAIMED INMATE</b> Records concerning unclaimed personal property stored by the department during an inmate's incarceration.	Destroy in office 90 days after release and attempt to notify former inmate.		



	STANDARD-8. PF	ROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		00
ITEM #	RECORD SERIES TITLE	ES TITLE DISPOSITION INSTRUCTIONS		
82.	<b>PURSUIT LOGS</b> Logs concerning pursuits by sheriff's office personnel.	<ul> <li>a) Destroy in office after 3 years if not made part of a case file.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>		Sheriff Records
83.	<b>RIDE-ALONG PROGRAM RECORDS</b> Records concerning a sheriff's office ride-along program. May include citizens' applications to participate, waivers of liability, and other related records.	Destroy in office after 3 years.*		
84.	SEXUAL OFFENDER RECORDS Records concerning sexual offenders living within jurisdiction.	<ul> <li>a) Destroy in office records of persons registered in the "Sex Offender and Public Protection Program" after court petition and review by the State; or after 30 years or length of court order, whichever is greater; or when individual is known dead.</li> <li>b) Destroy in office records of persons registered in the "Sexually Violent Predator Program" when individual is known dead or after 90 years.</li> </ul>	Authority: G.S. § 14-208 Retention: G.S. § 14-208.6A	-
85.	SPECIAL ORDER RECORDS Special orders issued by sheriff concerning the adoption or revision of policy and established procedures on department, division, section, or individual level.	<ul> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> </ul>		



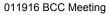
	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS					
ITEM #	RECORD SERIES TITLE DISPOSITION INSTRUCTIONS		CITATION			
86.	<b>TOWED/SEIZED VEHICLE INVENTORIES</b> Inventories of towed and seized vehicles.	Destroy in office after 1 year.				
87.	<b>TRAFFIC ACCIDENT REPORTS</b> Records concerning traffic accidents. May include general correspondence, property receipts, collision	a) Transfer original collision report to the N.C. Division of Motor Vehicles within 10 days of accident.				
	reports, waivers signed by involved parties agreeing to settle damages among themselves, and other related records.	<ul> <li>b) Destroy in office duplicate reports when reference value ends.<sup>†</sup></li> <li>Agency Policy: Destroy in office after <u>one day</u></li> </ul>				
		c) Destroy in office after 3 years records concerning accidents not meeting N.C. Division of Motor Vehicles reporting requirements, but for which a report was made.				

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<sup>&</sup>lt;sup>†</sup> See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

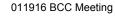


	STANDARD-8. PR	ROGR	AM OPERATIONAL RECORDS: SHERIFF RECORDS		0
ITEM #	RECORD SERIES TITLE		DISPOSITION INSTRUCTIONS	CITATION	1
88.	<b>TRAFFIC CITATIONS</b> Citations issued to drivers violating motor vehicle and traffic laws. May include time, date, and location of	a)	Transfer original records to county Clerk of Superior Court's office.	Confidentiality: G.S. § 132-1.1(a)	Sheritt Re
-	violation; license number; violation code; officer's name; signature of person receiving citation; and other related information.	b)	Destroy in office duplicate copies when reference value ends if not made part of a case file.† Agency Policy: Destroy in office after <u>one day</u>		Records
		c)	If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b> , page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b> , page 58, item 12.		
		d)	If legal action is taken and case adjudicated, destroy in office 5 years after final disposition.		
		e)	If legal action is taken and case non-adjudicated (out-of- court claims), destroy in office 5 years after final disposition or expiration of relevant statute of limitations.		
		f)	Retain in office litigation case records having precedent or historical value permanently.		





	STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS				
ITEM #	RECORD SERIES TITLE	CITATION	00     		
89.	<b>TRAINING RECORDS</b> Records concerning the training of officers. May include records documenting in-service training schools conducted to develop skills, knowledge, and abilities; field training observation reports; supervisory career assessment forms; certificates; firearms qualifications; and other related records maintained in accordance with N.C. Administrative Code and Criminal Justice Commission standards and regulations. May also include course curriculum, attendance rosters, development material, and other related records.	<ul> <li>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY), page 43, item 30, if such training and testing is required for the position held or could affect career advancement.</li> <li>b) Destroy in office remaining records after 1 year.</li> </ul>	Confidentiality: G.S. § 153A-98 Retention: 29 CFR 1627.3(b)(1)(iv)	Sheriff Records	
90.	<b>TRESPASS LAW ENFORCEMENT RECORDS</b> Authorizations by property owners, lessees, or managers for officers to take action deemed appropriate to remove unauthorized persons and issue trespass warnings.	Destroy in office when superseded or obsolete.			
91.	VEHICLE LOCATOR RECORDS	Destroy in office after 90 days.*			
92.	VEHICLE TOWING RECORDS Includes recovery authorizations and consent forms completed by owners to have vehicle towed, removed, stored, or left at the scene.	<ul> <li>a) Destroy in office after 1 year if not made part of a case file.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>			





	STANDARD-8. PR	ROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS		8
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION	1
93.	WARNING TICKETS Warning tickets issued by sheriff's office. May include name and address of person and reason for warning.	<ul> <li>a) Destroy in office after 1 year if not made part of a case file.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>		Sheriff Records
94.	WARRANTS Warrants issued by a court directing a person to be taken into custody to answer charge.	Return to issuing Clerk of Superior Court's office as required by law once served, canceled, withdrawn, or otherwise disposed of.		
95.	WARRANT REGISTERS Registers listing warrants served by sheriff's office.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after <u>one day</u>		
96.	WORK RELEASE EARNINGS REPORTS Inmates' work release earnings submitted either to the N.C. Department of Public Safety or the Clerk of Superior Court.	Destroy in office after 3 years.*	Authority: G.S. § 148-32.1	
97.	WRECKER SERVICE RECORDS Records concerning wrecker requests or calls. May include lists of wrecker company's towing and storage rates, rotation lists, notification records when vehicles are towed from private property, and other related records.	<ul> <li>a) Destroy in office after 1 year if not made part of a case file.</li> <li>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</li> </ul>		

# **DESTRUCTION OF PUBLIC RECORDS**

#### Q. When can I destroy records?

A. Each records series listed on this schedule has specific disposition instructions that indicate how long the series must be kept in your office. In some cases, the disposition instructions are "Retain in office permanently," which means that those records must be kept in your offices forever. (See also the question above, "What should I do with permanent records?")

#### Q. How do I destroy records?

- **A.** After your county has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:
  - 1) burned, unless prohibited by local ordinance;
  - 2) shredded, or torn so as to destroy the record content of the documents or material concerned;
  - 3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
  - 4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

The provision that electronic records are to be destroyed means that the data, metadata, and physical media are to be overwritten, deleted, and unlinked so that the data and metadata may not be practicably reconstructed.

The data, metadata, and physical media containing confidential records of any format are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

- N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

#### Q. How can I destroy records if they are not listed on this schedule?

A. Contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, we will discuss the possibility of transferring the records to the State Archives of North Carolina to be preserved permanently.

If the records do not have historical value, we will ask you to complete a **REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS** (page 90) if the records are no longer being created. If the records are an active records series, an analyst will help you develop an amendment to this schedule so that you can continue to destroy the records appropriately.

## Q. Am I required to tell anyone about the destruction?

**A.** We recommend that you report on your records retention activities to your governing board on an annual basis. This report does not need to be detailed, but it is important that significant destructions be entered into the minutes of the Board.

# ELECTRONIC RECORDS: E-MAIL, BORN-DIGITAL RECORDS, AND DIGITAL IMAGING

#### Q. When can I delete my e-mail?

- A. E-mail is a public record as defined by G.S. § 121-5 and G.S. § 132. Electronic mail is as much a record as any paper record and must be treated in the same manner. It is the content of each message that is important. If a particular message would have been filed as a paper memo, it should still be filed (either in your e-mail program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. It is inappropriate to destroy e-mail simply because storage limits have been reached. Some examples of e-mail messages that are public records and therefore covered by this policy include:
  - Policies or directives;
  - Final drafts of reports and recommendations;
  - Correspondence and memoranda related to official business;
  - Work schedules and assignments;
  - Meeting agendas or minutes
  - Any document or message that initiates, facilitates, authorizes, or completes a business transaction; and
  - Messages that create a precedent, such as issuing instructions and advice.
     From the Department of Cultural Resources E-Mail Policy (Revised July 2009), available at the State Archives of North Carolina website

Other publications (available online at the <u>State Archives of North Carolina website</u>) that will be particularly helpful in managing your e-mail include tutorials on managing e-mail as a public record and on using Microsoft Exchange.

## Q. May I print my e-mail to file it?

A. We do not recommend printing e-mail for preservation purposes. Important metadata are lost when email is printed.

# Q. I use my personal e-mail account for work. No one can see my personal email, right?

A. The best practice is to avoid using personal resources, including private e-mail accounts, for public business. G.S. § 132-1 states that records "made or received pursuant to law or ordinance *in connection with the transaction of public business* by any agency of North Carolina government or its subdivisions" are public records (emphasis added). The fact that public records reside in a personal e-mail account is irrelevant.

## Q. We have an imaging system. Are we required to keep the paper?

A. You may scan any record, but you will need to receive approval from the Government Records Section in order to destroy paper originals that have been digitized. Your agency must develop an electronic records policy and then submit a Request for Disposal of Original Records Duplicated by Electronic Means. You can find these templates in the Digital Imaging section of the State Archives of North Carolina website (<u>http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines#imaging</u>). Contact a Records Management Analyst for further instructions on how to develop a compliant electronic records policy.

**Permanent records** must have a security preservation copy as defined by State Archives of North Carolina's **Human-Readable Preservation Duplicate Policy** (G.S. § 132-8.2):

Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photo static, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. ... Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Cultural Resources.

The preservation duplicate of permanent records must be either on paper or microfilm.

**Non-permanent records** may be retained in any format. You will need to take precautions with records that you must keep more than about 5 years. Computer systems do not have long life cycles. Each time you change computer systems, you will have to convert all records to the new system so that you can assure their preservation and provide access.

# Q. Computer storage is cheap. Can I just keep my computer records permanently?

**A.** The best practice is to destroy all records that have met their retention requirements, regardless of format.

# Q. What are the guidelines regarding the creation and handling of electronic public records?

A. There are numerous documents available on the State Archives of North Carolina website (<u>http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines</u>). Topics covered include shared storage, cloud computing, eDiscovery, trustworthy digital public records, digital signatures, e-mail, social media, text messages, websites, digital imaging, metadata, file formats, database indexing, and security backups.

Note that for e-mail, voicemail, text messages, and social media, they should be handled according to their content. Therefore, this schedule does not include a records series that instructs you on how to handle one of these born-digital records by format; instead of focusing on how the information is disseminated, consider what content is contained in the e-mail, text message, voicemail, or social media post. For instance, an e-mail requesting leave that is sent to a supervisor should be kept for 1 year (see **LEAVE RECORDS**, page 41, item 24).

## MICROFILM

#### Q. Why do you still use microfilm?

- A. Microfilm is a legally acceptable replacement for original records, as outlined in G.S. § 8-45.1 and § 153A-436. Microfilm can be read with nothing more sophisticated than a magnifying glass, and there is no software to keep current. Usually, deterioration in the film itself can be detected by visual inspection. The State Archives of North Carolina provides a publication, *Micrographics: Technical and Legal Procedures,* on our website. It explains the four groups of national standards for the production of archival quality microfilm:
  - manufacture of raw film
  - filming methods
  - processing (developing) film
  - storage methods

That publication also provides sample forms, targets, and procedures that you or your vendor can use in producing film of your records.

#### Q. What film services do you provide?

A. The Department of Natural and Cultural Resources provides microfilming services for minutes of major decision-making boards and commissions. We will also film records of adoptions for Social Services agencies. Once those records are filmed, we will store the silver negative (original) in our security vault. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

#### Q. How do I get my minutes filmed?

A. We have two processes to film minutes. First, you can send photocopies of your approved minutes to us in the mail. Simply include a copy of the Certification of the Preparation of Minutes for Microfilming form (available online at the State Archives of North Carolina website) with each shipment. For more detailed instructions, contact a Records Management Analyst.

Alternatively, you can bring us your original books. We will film them and return them to you. This process is most useful when you have more minutes to film than you are willing to photocopy. It is important to remember that a representative of your office or ours must transport the original books in person so that the custody of the records is maintained. You should not mail or ship your original minutes. Call a Records Management Analyst to make arrangements for an appointment for your books to be filmed. We will make every effort to expedite the filming so that your books will be returned to you as quickly as possible.

## Q. What if I need my books while they are being filmed?

**A.** Call the Raleigh Office at (919) 807-7350, and ask for the Records Management Analyst in charge of microfilm coordination.

#### Q. Can I send you my minutes electronically?

**A.** We are working on standards and procedures for an electronic transfer system for minutes. Please contact the Records Management Analyst in charge of microfilm coordination for more information.

#### Q. I have some old minutes that are not signed. Can they still be filmed?

**A.** If the only copy you have available is unsigned, and you use it as the official copy, we will film it.

# Q. What if my books are destroyed after they have been filmed?

**A.** Call a Records Management Analyst who will help you make arrangements to purchase copies of the microfilm from our office. You can then send those reels to a vendor who can either make new printed books or scan the film to create a digital copy.

# **DISASTER ASSISTANCE**

## Q. What should I do in case of fire or flood?

A. Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 807-7353 for the Head of the Government Records Section or (919) 807-7339 for the State Archivist. If you're in the western part of the state, call our Asheville Office at (828) 296-7230 extension 224. On nights and weekends, call your local emergency management office.

#### DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff are trained in preliminary recovery techniques, documenting damage to your records, and authorizing destruction of damaged records. Professional vendors can handle larger disasters.

## Q. What help do you give in case of an emergency?

A. We will do everything we can to visit you at the earliest opportunity in order to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.

## Q. What can I do to prepare for an emergency?

**A.** We provide training on disaster preparation that includes a discussion of the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, call a Records Management Analyst.

#### Q. What are essential records?

- **A.** Essential records are records that are necessary for continuity of operations in the event of a disaster. There are two common categories of records that are considered essential:
  - Emergency operating records including emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records
  - Legal and financial rights records these protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, Social Security records, payroll records, retirement records, and insurance records. These records were formerly defined as "rights-and-interests" records.

Essential records should be stored in safe, secure locations as well as duplicated and stored off-site, if possible.

# **STAFF TRAINING**

## Q. What types of workshops or training do you offer?

- **A.** We have a group of prepared workshops that we can offer at any time at various locations throughout the state. Contact a Records Management Analyst if you are interested in having one of the workshops presented to your agency. We will work with you directly to develop training suited to your specific needs. Our basic workshops are:
  - Managing public records in North Carolina
  - Scanning/digital imaging
  - Disaster preparedness and recovery
  - Confidentiality
  - Organizing paper and digital files
  - E-mail

#### Q. Will you design a workshop especially for our office?

**A.** Yes, we will. Let a Records Management Analyst know what type of training you need.

#### Q. Are workshops only offered in Raleigh?

**A.** No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public.

## Q. Is there a fee for workshops?

A. Not at this time.

#### Q. Are the workshops available in an online format?

**A.** Not at this time. However, there are several online tutorials available on the State Archives of North Carolina website, including managing public records, e-mail, electronic records, and scanning.



GOVERNMENT RECORDS SECTION STATE RECORDS CENTER

archives.ncdcr.gov

4615 Mail Service Drive, Raleigh, NC 27699

919-807-7350

# **REQUEST FOR CHANGE IN RECORDS SCHEDULE**

то	Assistant Records Admir Division of Archives and Government Records Se 4615 Mail Service Center Raleigh, NC 27699-4615	Records ction r			
FROM	Name County Agency or department Mailing address Phone or email				
INSTRUCT					
	Use this form to request a your agency. Submit the	signed original, and ke to the appropriate state	eep a copy for your file. and local officials for the	on schedule governing the records A proposed amendment will be heir approval and signature. Copies he schedule.	
CHANGE	REQUESTED				
	dd a new item Delete an existing item Change a retention period	Standard Num Standard Num	ber Page ber Page	Item Number Item Number	
TITLE OF	RECORDS SERIES IN SCI	HEDULE OR PROPOS			—
	-	AF	PROXIMATE VOLUMI	E OF RECORDS	
DESCRIP	TION OF RECORDS				
PROPOSE	ED RETENTION PERIOD				
Requested	by:Signature	,		, Date	-
		Physical Address: 215 N Blount Street Raleigh, N.C. 27601	State Courier 51-81-20 Facsimile (919) 715-3627 records@ncdcr.gov		



GOVERNMENT RECORDS SECTION STATE RECORDS CENTER

archives.ncdcr.gov

4615 Mail Service Drive, Raleigh, NC 27699

919-807-7350

# **REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS**

то	Assistant Records Administrator
	N.C. Division of Archives and Records
	Government Records Section
	4615 Mail Service Center
	Raleigh, NC 27699-4615
FROM	Name
	County
	Agency or department
	Phone number

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS SERIES TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD

		Physical Address:	State Courier 51-81-20	
Concurred by: _ (except as indicate	d) Signature		Assistant Records Administrator NC Division of Archives and Records	Date
Approved by:	Signature	,	Head of Governing Board	Date
Requested by:	Signature	,	Title	Date

State Courier 51-81-20 Facsimile (919) 715-3627 records@ncdcr.gov



GOVERNMENT RECORDS SECTION STATE RECORDS CENTER

archives.ncdcr.gov

#### 4615 Mail Service Drive, Raleigh, NC 27699

919-807-7350

# **Request for Disposal of Original Records Duplicated by Electronic Means**

If you have questions, call (919) 807-7350 and ask for a Records Management Analyst.

This form is used to request approval from the Department of Natural and Cultural Resources to dispose of nonpermanent paper records which have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records which have been microfilmed or photocopied, or to records with a permanent retention.

Agency Contact Name:		Date (MM-DD-YYYY):
Phone (area code):	Email:	
County/Municipality:	Office:	
Mailing address:	I	

Records Series Title A group of records as listed in records retention schedule	Description of Records Specific records as referred to in-office	Inclusive Dates (1987-1989; 2005-present)	Approx. Volume of Records (e.g. "1 file cabinet," "5 boxes")	Retention Period As listed in records retention schedule

Requested by:					
1 ,	Signature	R	lequestor	Date	
Approved by:	Signature	,	Lequestor's Supervisor	_, Date	
Concurred by:	Signature		Assistant Records Administrator tate Archives of North Carolina	, Date	
		Physical Address: 215 N Blount Street	State Courier 51-81-20 Facsimile (919) 715-3627		
	-	Raleigh, N.C. 27601	records@ncdcr.gov		04

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# The G.S. 132 Files

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# Updated Local Government Common Standards

Courtney Bailey / December 18, 2015

There are a number of functions of government that are common across many different local government agencies. So in the 18 retention and disposition schedules that we have authored for local government agencies, there are numerous standards that are common throughout many of these schedules. They include:

- Administration and Management
- Budget, Fiscal, and Payroll
- Geographic Information Systems
- Information Technology
- Legal
- Personnel
- Public Relations
- Risk Management
- Workforce Development

The Records Analysis Unit undertook the project this year to update these nine standards. We checked citations for state or federal statutes and codes that mandate record creation or retention or establish confidentiality for records. We also updated and reorganized the supplementary materials, with a more concise front matter section and other materials moved to an appendix. As we release new schedule updates — as we did last month with the <u>new Sheriff's schedule</u> — these updated common standards will be incorporated into schedules. So if you have any requests or suggestions regarding the operational standards for your program, please

In order to help you navigate these table that lists by standard each ch Unfortunately, time prohibits me fr schedules to our new template, so as the basis for comparison. I trus ease the items that have changed. effective for your office after two th

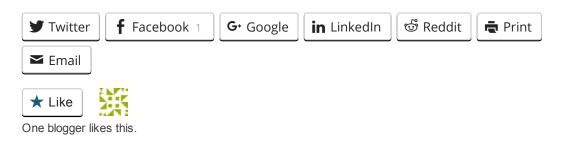
management analyst at the State A

- 1. The retention and dispositior government agency is updat
- 2. Your governing body approve

ave created <u>a</u>
series. 8 existing ent Schedule
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our local ina.

Build a website with WordPress.com

If you have any questions about this process or about any of our local schedules, please feel free to <u>contact any records management analyst</u> at the State Archives of North Carolina.



December 18, 2015 in Schedules.

# Related posts

Summary of Changes to the Sheriff's Schedule Now Available



New Website for Division of Archives and Records

2012 Municipal Schedule Published!

← New County Sheriff's Schedule!

Pickup of Minutes for Microfilming at 2016 City and County Clerks Academy and Institute – Wednesday, January 20  $\rightarrow$ 

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# **DCR Digital Collections**

DCR Digital Collections

# Calendar

December 2015

Μ	Т	W	Т	F	S	S
	1	2	3	<u>4</u>	5	6
Ζ	8	9	10	11	12	13
14	15	16	17	<u>18</u>	19	20
21	22	23	24	25	26	27
<u>28</u>	<u>29</u>	30	31			
<u>« Nov</u>				<u>Jan »</u>		

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# Program Operational Records: Sheriff Records

Changes	Additions	<b>Deletions</b>
Activity Reports: reports of Domestic Violence		
Unit and reports submitted to Uniform Crime		
Reporting Program added to description		
Alarm Call Reports: changed DI		
	Audio and Video Recordings (e.g. body cams)	
Case History File: Felonies: audio or video		
recordings added to description		
Case History File: Misdemeanors: audio or		
video recordings added to description		
Communication Records: tapes replaced with		
recordings and 911 emergency texts added to		
description		
Complaints: changed DI		
Complaints Against Department/		
Administrative Investigation Records:		
changed DI		
Confidential Funds Records: how funds might		
be used added to description		
Detention Facility Operational Records:		
changed DI		
Detention Facility Physical Force Records:		
title changed from Physical Force Records		
		Domestic Violence: Activity Reports: moved
		to Activity Reports
Driving While Impaired (DWI) Reports: title		
changed from Driving Under the Influence		
(DUI) Reports		
		DWI Knoll Motions: deleted because these
		records are not created by the Sheriff's
		Office

Changes	Additions	Deletions
Electronic Recordings of Interrogations		
(Juvenile or Homicide): language from G.S.		
15A-211 added to description; DI added for		
interrogations of non-convicted defendants		
		<b>Emergency Action Records:</b> moved into Disaster and Emergency Management Plans
		Equipment Inventory and Issuance Records: moved into Property Inventories
Fingerprint Cards: combined with Fingerprint		
Cards (Latent); changed DI to reflect possibility		
that records may be made part of a case file		
		Fingerprint Cards (Latent): moved into Fingerprint Cards
Incident Response Reports: title changed		
from Incident/Offense Reports		
Inmate List Reports: title changed from List of		
Inmates Reports		
Inmate Meal Records: requests for special		
diets added to description		
Inmate Monthly Confinement Reports: title changed from Monthly Confinement (Jail)		
Reports		
Inmate Research Requests: title changed from Inmate Law Library (Research) Requests		
Inmates: Reimbursement Requests for those		
Confined Locally: title changed from		
Reimbursement Requests for Inmates		
Confined Locally		
Internal Affairs Case Records: disciplinary		
action added to description; changed DI		
Juvenile Case History Files: removed		
fingerprint cards and photographs from		
description		

Changes	Additions	Deletions
	Juvenile Case History Identification Records	
		Master Index File: moved into Indices
		Mobile Unit Video Tapes: now Audio and
		Video Recordings
		Modified Diet Requests: moved into Inmate
		Meal Records
Multiple Firearms Sales Reports Destruction		
Records: creation requirement added to		
description		
		Observation Reports: moved into Training
		Records
	Permits, Concealed Weapons: split from	
	Handgun Permits to clarify DI	
Permits, Handguns: title changed from		
Handgun Permits; removed concealed		
weapons from description; clarification of DI		
Prisoner/Mental Patient Transport Record:		
title changed from Prisoner/Mental Patient		
Delivery Record		
Property Records: Unclaimed Inmate: title		
changed from Unclaimed Property Records:		
Inmates		
Pursuit Logs: changed DI		
		Serious Incident Reports: moved into
		Detention Facility Incident Reports
Sexual Offender Records: clarified DI		
		Shift Assignment Records: moved into Work
		Schedules and Assignments
		Statistical Reports: moved into Activity
		Reports
		Teletypes

Changes	Additions	Deletions
Training Records: content from former		
Training Records: Personnel added to		
description		
		Training Records: Personnel: moved into
		Training Records
	Vehicle Locator Records	
		<b>Uniform Crime Reports:</b> moved into Activity
		Reports
		Vehicle Inspection and Inventory Reports:
		moved into Property Inventories and
		Equipment And Vehicle Maintenance,
		Repair, And Inspection Records



# Updates to Common Standards for Local Schedules (2015)

• Destroy in office when administrative value ends.

Destroy in office when reference value ends.

- Citations were checked, standardized, and categorized:
  - o Authority (i.e., requirement to produce records)
  - o Confidentiality
  - o Retention
- Supplementary materials were updated and reorganized, with a more concise front matter section and others moved to the appendix. A section on Transitory Records was added to the front matter.
- Changes/Additions/Deletions listed are in comparison to the 2013 County Management Schedule (NOTE: "See alsos" that
  were added have <u>not</u> been listed, nor have changes in citations). Unless otherwise specified, records series that were
  deleted were found to be obsolete or having no extant records.



# **Administration and Management Records**

Changes	Additions	Deletions
Administrative Directives, Policies,		
Procedures, Regulations, Rules: renamed		
Administrative Directives, Regulations, and		
Rules (separated Policies and Procedures);		
added part b to DI		
Appointments Reporting Records: renamed		
Appointment Reports; shortened description		
Associations and Organizations: clarified		
description and changed DI		
	Bonds	
Bulletins: changed DI		
	Business Certification Records	
Citizen Complaints, Petitions, and Service		
<b>Requests</b> : added ADA requests to description;		
expanded DI		
Comprehensive Plan: added strategic plans,		
goals and objectives; changed DI		
Conferences and Workshops: changed		
description to include only those conducted by		
agency; changed DI		
Correspondence and Memoranda: changed DI		
Customer Call Center Recordings: changed DI		
Equipment and Vehicle Maintenance, Repair,		
and Inspection Records: added warranties to		
description; changed DI		
		Facility Accessibility File: moved into Citizen
		Complaints, Petitions, and Service Requests
	Forms and Templates	
Fund Drive and Event Records: added to		
description		



<u>Changes</u>	Additions	Deletions
		Goals and Objectives: moved into
		Comprehensive Plan
Grants: removed distinction in DI for		
continuing and non-continuing grants		
History Records (Agency and Employees):		
changed part b DI		
Index File: renamed Indices; added index of		
computer databases to description		
	Interagency Programs	
	Invitations	
	Itineraries	
Mail: Undeliverable/Returned: changed DI		
Minutes (Staff Meetings): changed part b DI		
	Miscellaneous (Non-Building) Applications,	
	Licenses and Permits	
Notices of Public Meetings: changed DI		
Office Security Records: added part a to DI		
	Ordinance and Resolution Development	
	Records	
		Organization Records: moved to new
		Policies and Procedures
Planning and Development: renamed Policies	Policies and Procedures	
and Procedures; org charts etc. added to		
description		
	Price Quotations	
Public Hearings: changed part b DI		
Public Records Disclosure File: renamed		
Public Records Requests		
Publications Received: changed DI		
		Quarterly Utilization Reports
Reference (Reading) File: changed DI		
	Requests for Information	

# Crosswalk from 2013 County Management Schedule to new Common Standards for Local Schedules



Changes	Additions	Deletions
		Requisitions File: moved to Budget standard
Resolutions: moved part c DI into new		
Ordinance and Resolution Development		
Records		
		Surety Bond Information: moved into Bonds
		Telephone Usage Logs and Reports: moved
		to Budget standard (renamed Utility Usage
		Logs and Bills)
		Veterans Commission Quarterly Reports
		Workforce Development Board Meetings:
		moved to separate standard
		Workforce Investment Act: Audit/Audit
		Resolutions: moved to separate standard
		Workforce Investment Act: Local Areas Job
		Training Plan Records: moved to separate
		standard
		Workforce Investment Act: Participant
		Records: moved to separate standard



# **Budget, Fiscal, and Payroll Records**

Changes	Additions	Deletions
Annual Budget: changed part b DI		
Bank Statements, Canceled Checks, Deposit		
Slips, Receipts, Reconciliations, and		
Warrants: moved cancelled checks to Check		
Registers and Stubs; moved Deposit Slips to		
Deposits		
Bid for Purchase: changed DI		
Bills of Sale: renamed Sales Information		
	Budget Reports	
Combined <b>Check Register, Various Funds</b> and	Check Registers and Stubs	
Check Stubs as new Check Registers and Stubs		
Stubs		Contract Budget and Expenditure Penerte:
		Contract Budget and Expenditure Reports: moved into new Budget Reports
Credit Card and Debit Slips: changed DI		
Credit Card and Debit Silps. Changed Di		
Assignments		
Daily Cash Reports: renamed Cash Reports		
		Daily Detail Reports: moved into new Budget Reports
		District Investment Records: moved into
		Investments
Donations and Solicitations: added		
description; changed DI		
		Expenditure Reports: moved into new
		Budget Reports
		Facility Service and Maintenance
		Agreements: added description; moved to
		Legal standard
		Insurance File: moved to Legal
		Loan Records: covered by Debt Financing



Changes	Additions	Deletions
Local Government Employees Retirement		
System Monthly Reports: deleted "Local"		
from the series title; added description of		
LGERS and TSERS; changed DI		
	Longevity Pay: moved from Personnel standard	
		Monthly Budget Reports: moved into new Budget Reports
		Paid Checks, Bills, and Vouchers: covered by Billing and Claims; Cash Reports; Check Registers and Stubs; Financial Journals and Ledgers
Payroll and Earnings Records: changed part c		
Payroll Deduction Records: changed part b DI		
		Popular Annual Finance Report: moved to
		Public Relations
Purchase Orders: changed DI		
		Purchasing Reports and Logs: covered by
		Bids for Purchase; Vendors
		<b>Recipient Check and Cancellation Registers</b> : covered by Check Registers and Stubs
	Refund Reports	
	Requisitions: moved from Administration and	
	Management	
	Returned Checks	
	Sales and Use Tax Reports	
		Surety Bond Information: moved to
		Administration and Management
	Tax Reports	
Time Sheets, Cards, and Attendance Records: changed DI		



Changes	Additions	Deletions
	Utility Usage Logs and Bills: moved from	
	Administration and Management (formerly	
	Telephone Usage Logs and Reports)	
		Vouchers and Registers



# **GIS Records**

Changes	Additions	Deletions
Address Points Maps: renamed Layers:		
Address Points		
Corporate Limits: renamed Layers: Corporate		
Limits		
Extraterritorial Jurisdictions: renamed Layers:		
Extraterritorial Jurisdictions		
Orthoimagery: renamed Layers: Orthoimagery		
		Geographic Information System (GIS)
		Backup File: covered by System
		Maintenance Records: Records Backups (in
		IT standard)
		Maps: Cartographic and Orthophotography:
		covered by Mapping Project Records
Park Maps: renamed Maps: Parks		
Street Centerline: renamed Layers: Street		
Centerline		



# IT Records

Changes	Additions	Deletions
Audit Trails File: renamed Audits: Systems		
Computer and Network Usage Records:		
changed DI		
	<b>Electronic Records Policies and Procedures</b>	
Project Documentation: changed DI		
System Access Records: modified description;		
changed DI		
System Maintenance Records: Hardware		
Repair or Service: changed DI		



# Legal Records

Changes	Additions	Deletions
	Civil Rights Records: moved from Personnel	
	standard (previously named Equal Employment	
	Opportunity (EEO) Records and Reports);	
	incorporated ADEA, Equal Pay Act, GINA, and	
	1964 CRA; changed DI	
Complaints (Discrimination): renamed		
Discrimination Complaints; specified non-		
employee		
Conflict of Interest Disclosure Statements:		
added Conflict of Commitment; changed DI		
		Contractor Compliance Monitoring: moved
		into Contracts, Leases, and Agreements
Contracts and Agreements: added Leases;		
changed DI		
Correspondence (Legal): renamed Legal		
Correspondence; changed description and DI		
	Facility Service and Maintenance Agreements:	
	moved from Budget, Fiscal, and Payroll Records	
	standard	
Insurance Policies: added into description info		
from Insurance and Liability Waivers that had		
been in Risk Management; changed DI		
		Leases File: moved into Contracts, Leases,
		and Agreements
Legal Review Records: changed DI		
		Ordinance and Resolution Development
		Records: moved to Administration and
		Management standard
Ownership Records (Deeds, Titles): renamed		
Land Ownership Records		



Changes	Additions	Deletions
Pre-Trial Release Program Records: changed		
DI		
		Warranties: moved into Equipment and
		Vehicle Maintenance, Repair, and Inspection
		Records in Administration and Management
		standard



**Personnel Records** (NOTE: many of these records series had "Employee" removed from the beginning of the title, in order to alphabetize the topic of the records; these are not listed as specific changes)

Changes	Additions	Deletions
Ads and Notices of Overtime, Promotion, and		
Training: renamed Recruitment Records and		
changed DI		
		Affirmative Action File: moved to Civil
		Rights Records in Legal standard
Apprenticeship Program Records: added		
description and divided DI		
	Asbestos Training: moved from Risk	
	Management standard	
	Benefits Records	
	Bloodborne Pathogen Training: moved from	
	Risk Management standard	
		Cafeteria Plan (Flexible Spending) Records:
		moved into new Benefits Records
		COBRA Records (Consolidated Omnibus
		Budget Reconciliation Act): moved into new
		Benefits Records
		Deferred Compensation File: moved into
		new Retirement Records
Drug and Alcohol Programs File: renamed		
Drug and Alcohol Prevention Programs; added		
to DI		
Educational Leave and Reimbursement:		Employee Educational Assistance Program
added description		Records: combined with Educational Leave
		and Reimbursement
Employee Certification and Qualification		
Records: changed DI		
Employee Health Certificates: changed DI		



Changes	Additions	Deletions
		<b>Employee Pension and Benefits Plans:</b>
		divided between new Benefits Records and
		new Retirement Records
Employee Performance Review File: changed		
DI		
Employee Work Schedules and Assignments:		
changed DI		
Employee Suggestions: added Surveys		
Employment Applications and Resumes:		
renamed Applications for Employment		
		Employment Listings, Advertisements, and
		Announcements: moved into new
		Recruitment Records
		Equal Employment Opportunity (EEO) Case
		Records: moved into new Civil Rights Case
		Records in Legal standard
		Equal Employment Opportunity (EEO)
		Records and Reports: moved into new Civil
		Rights Records in Legal standard
		Equal Pay Records: moved into new Civil
		Rights Records in Legal standard
	Family Medical Leave Act (FMLA) Records	
		Fringe Benefits File: moved into new
		Benefits Records
	Hazardous Materials Training Records: moved	
	from Risk Management standard	
	Health Insurance File: moved into new Benefits	
	Records	
		Increments File
Leave Records: changed DI		
		Longevity Pay Requests: moved to Budget
		standard



<u>Changes</u>	Additions	Deletions
Medical Records: added part c to DI; moved DI		
regarding "medical examinations required in		
connection with personnel actions" to Health		
Certificates		
		Merit and Seniority System Records: moved
		into new Benefits Records
	Military Leave	
		Pension and Fringe Benefits Plans: moved
		into new Retirement Records
Positions Classification/Position History:		Position Control Cards: combined with new
renamed Position Classification, Control, and		Position Classification, Control, and History
History		
Position Requisition and Analysis Records:		
changed DI		
	Retirement Records	
		Salary Survey Records
Training and Educational Records: removed		
non-employee training materials modified		
DI		
	Verification of Employment Records	
Volunteer Records: clarified DI		
Work Schedules and Assignments: changed DI		
Workers' Compensation Program		
Administration: changed DI		
Workers' Compensation Program Claims:		
divided out elements in DI for readability		



# **Public Relations Records**

Changes	Additions	Deletions
		Advertisements: moved into new Publicity
		Records
Audio-Visual Recordings: added security		
videos to description		
		News and Press Releases: moved into new
		Publicity Records
	Popular Annual Finance Report: moved from	
	Budget	
Public Relations: renamed Publicity Records		
and added in Advertisements (used that DI) +		
News and Press Releases		
	Social Media	
Website (Electronic): clarified description		



# **Risk Management Records**

Changes	Additions	Deletions
		Asbestos Training Records: moved to
		Personnel standard
		Bloodborne Pathogen Training Records:
		moved to Personnel standard
	Declarations and Terminations of States of	
	Emergency	
	Disaster and Emergency Management Plans	
	Disaster Recovery	
Employee Security Records: changed DI (and		
removed parking permits from description,		
which are covered in Parking in the		
Administration and Management standard)		
		Hazardous Materials Training Records:
		moved to Personnel standard
Health and Safety Records: added Fire		
		Insurance and Liability Waivers: moved into
		Insurance Policies in Legal standard
		Insurance Audits, Surveys and Reports:
		moved into Insurance Policies in Legal
		standard
Loss Control Inspection Reports: changed DI		
Lost and Stolen Property Reports: added		
Damaged property; changed description		
		Notification of Penalty Assessment File
Occupational Safety and Health		
Administration: added reference in		
description to ergonomic assessments		
Respirator Program Records: renamed		
Emergency Equipment Records and changed		
DI		



Changes	Additions	Deletions
		U.S. Bureau of Labor Statistics and
		Summary

# **AGENDA ITEM 12:**

# **MISCELLANEOUS ADMINISTRATIVE MATTERS**

# B. Proposed Lease Renewal for Anne-Marie Park

# **MANAGER'S COMMENTS:**

The Town of Boone approved and renewed the lease for the Anne-Marie Park Fields with the stipulation that the Town Manager worked out the details with the County Manager. Included in your packets is this new lease. The main changes reflect the new term of twenty (20) years, the removal of references to the construction of the fields, and the allowance of the Town to utilize a portion of the property to store snow during significant winter events. Storing of snow would be in accordance with all state and federal regulations.

The County Attorney has reviewed the new lease. Staff recommends the Board approve the lease as presented.

Board action is required.

# STATE OF NORTH CAROLINA

#### LEASE AGREEMENT

#### COUNTY OF WATAUGA

THIS LEASE AGREEMENT is made this the 26<sup>th</sup> day of March, 2015, by and between the Town of Boone, a North Carolina Municipal Corporation, hereinafter referred to as "Lessor" and Watauga County, a body politic of the State of North Carolina, hereinafter referred to as "Lessee," collectively referred to as the "parties."

- 1. <u>Leased Premises</u>: The Lessor hereby leases to the Lessee that certain piece, parcel or lot of land situated, lying and being in Boone Township, Watauga County, North Carolina, and improvements thereto, more particularly depicted in "Exhibit 'A," attached hereto and incorporated by reference herein, and hereinafter referred to as "the premises."
- 2. <u>Term:</u> The term of this lease shall be twenty years, commencing on <u>March 26, 2015</u> and ending on <u>March 31, 2035</u> but in accordance with the provisions herein, may be renewed from time to time by the parties. Renewal of this lease for any additional periods of time, however, shall only be effective with the approval of the Boone Town Council.
- 3. <u>**Rent:**</u> The rent for the above-described premises is one dollar (\$1.00) per year, and shall be due and payable on the date the Lease is executed and on a like date on each succeeding calendar year.
- 4. **Use of the Premises:** The Lessor reserves the right to store snow on the sites 1, 2, and 3 as depicted in "Exhibit 'A,"' during snow events. Furthermore, the parties acknowledge that the premises are being leased for use as athletic fields, recreational activities and their supporting functions and uses more particularly depicted in "Exhibit B" attached hereto and incorporated by reference herein. Lessee shall not change the use of the premises without ninety days advance notice to Lessor. Should Lessee fail to use the leased premises for a period of time exceeding one continuous year, this failure shall be considered its abandonment of the premises, and this lease shall terminate. When the leased premises are not in use, Lessee shall properly secure and make safe all structures, and shall either remove or secure and make safe any portable structures. The Lessee shall not use or knowingly permit any part of the Leased Premises to be used for any purpose which violates any law, and Lessee shall comply with all land use ordinances of Lessor. This Lease does not and shall not be construed to establish or create a partnership, joint venture, franchise or other form of business association between Lessor and Lessee.

Lessee acknowledges that the leased premises were purchased by Lessor with funds and assistance, from, among others, the North Carolina Department of Crime Control and Public Safety, the conduit for Federal Emergency Management Act funds, the North Carolina Department of Commerce, the source and conduit for Community Development Block Grant funds, as well as the State's Acquisition and Relocation Fund Grant, for among other things, flood hazard mitigation. Lessee further acknowledges that there are certain conditions and limitations regarding the use, preparation for use, and condition of the premises which are a condition of said funds and assistance or otherwise provided by law or regulation, and that

violation of said conditions and limitations can result in the forfeiture of funds and other penalties. Lessee expressly commits that it will comply with all contractual and regulatory conditions and limitations related to the aforesaid funds and assistance.

5. Repairs and Maintenance: Lessee accepts the leased premises in their current condition. The parties acknowledge that significant and extensive construction is necessary before Lessee can utilize the premises for their intended purpose as athletic fields, recreational sites, and supporting functions, in accordance with plans submitted by Lessee. The parties acknowledge that Lessee intends to use its force account, up to the levels authorized by law, to accomplish said construction. Any construction, maintenance, or repairs made to the premises shall be done in a workmanlike manner and shall become the property of Lessor. The Lessee shall provide all maintenance necessary to keep the premises in good and sanitary condition. Unless expressly assumed by Lessor, Lessee shall also be responsible for all repairs necessary to maintain the premises and any improvements in safe, sanitary and good condition. making any repairs, Lessee shall comply with the North Carolina State Building Code, as applicable, all ordinances of the Town of Boone and Watauga County, as pertinent, all relevant federal and state laws relating to its operation of facilities and enterprises open to the public, and all conditions and limitations imposed by the contracts between Lessor and the various governmental agencies and units which granted or approved the funds used by Lessor to purchase the premises. At the conclusion of the lease, Lessee shall return the premises in good condition.

6. <u>Alterations</u>: Following the initial construction, Lessee agrees to neither make nor arrange for any further permanent alterations to the premises without the advance approval of Lessor. Should any alterations be approved by Lessor, they shall be done in a workmanlike manner, and they shall become the property of Lessor. In making any alterations, Lessee shall comply with the North Carolina State Building Code, as applicable, all ordinances of the Town of Boone and Watauga County, as pertinent, all relevant federal and state laws relating to its operation of facilities and enterprises open to the public, and all conditions and limitations imposed by the contracts between Lessor and the various governmental agencies and units which granted or approved the funds used by Lessor to purchase the premises. Should Lessee erect any permitted structure or improvements upon the leased premises, unless they can be removed without damage to the leased premises, they shall become the property of Lessor. At the conclusion of the lease, any permitted structure or improvement left on the leased premises shall become the property of Lessor.

7. <u>Compliance with Laws:</u> In particular, and not byway of exclusion, in any and all its actions and activities, Lessee will comply with and hereby certifies its compliance with the Americans with Disabilities Act, as amended, Title VII of the Civil Rights Act of 1964, as amended, the Fair Labor Standards Act, as amended, the Occupational and Health Safety Act, as amended, the North Carolina Employment Security Act, as amended, the North Carolina Worker's Compensation Act, as amended, and the Federal Emergency Management Act, as amended, and pertinent regulations, to the extent each such laws and regulations apply to Lessee and/or any of its activities and/or the premises.

- 8. <u>**Grant Applications:**</u> Without advance permission of the Boone Town Council, Lessee will not apply for any grants, funds, funding, or other assistance to support its construction, operation or use on or of the premises.
- 9. <u>Assignments or Subletting</u>: The Lessee acknowledges that as a result of the funding obtained by Lessor to acquire the premises, there are contractual and legal restrictions upon the assignment or subletting of the premises, and it shall not assign nor sublease the premises without the prior written consent of the Lessor, and when necessary, the pertinent funding agencies. All proposed subleases or assignments must be in writing and shall be submitted to Lessor at least ninety days in advance of the proposed effective date of the sublease or assignment. Lessor shall have no responsibility to approve any proposed sublease or assignment and may reject any such proposal for any reason which Lessor, in its sole discretion, considers adequate.
- 10. <u>Utilities</u>: The Lessee shall be responsible for paying all utility costs incurred in connection with its use of the premises, including all charges for electricity, heat, water and sewer. Lessee shall provide all lighting necessary for its activities.
- 11. **Keys and Locks:** At the end of the lease term, Lessee shall return or tum over all keys which relate to the premises to Lessor.
- 12. **Insurance:** The Lessee shall provide and maintain insurance coverage against loss, destruction, or other damage to its property located on the premises, as well as against all risks for which Lessee is required to indemnify and hold Lessor harmless. Lessee's liability insurance coverage shall provide coverage for personal injury or bodily harm occurring during the term of the lease, whensoever a claim is made, in an amount no less than two million dollars (\$2,000,000.00) per occurrence, and shall insure against injuries or damages which occur as a result of Lessee's own operations, as well as the operations of any assignee or sub-lessee approved by Lessor. Lessee shall promptly advise Lessor of any assertion of claim or litigation that may result in a claim of liability against Lessor.
- 13. Lessor's Right to Enter Premises: The Lessor reserves the right and may enter the premises at any reasonable time for the purpose of inspecting said premises, making such repairs as the Lessor, in its sole discretion, desires to make, and for any other purpose in any way related to Lessor's ownership or Lessee's use of the premises. Lessor specifically reserves the right to go upon, cross and install upon the leased premised any water, sewer or other utility lines which when completed do not interfere with the use of the premises by Lessee, provided, however, that Lessor shall restore any portion of the surface of the leased premised disturbed by Lessor to the condition that such surface existed immediately prior to such installations. The parties acknowledge that Lessor may, during the term of this lease, construct sites for recreational activities or other purposes on property adjacent to the premises, and may need to reenter said premises in order to accomplish, conduct or maintain such construction. Lessor specifically reserves the right to go upon and cross the leased premises for these purposes, provided, however, that once any such construction or maintenance is complete, Lessor shall restore any portion of the surface off the leased

Premised disturbed by Lessor to the condition that such surface existed immediately prior to such construction or maintenance.

- 14. **Default:** If the Lessee defaults in the payment of rent or in the performance of any of the conditions of this Lease or its responsibilities thereunder, all of which are deemed material, the Lessor may give the Lessee written notice of default for the first violation. If the Lessee does not cure said default within fourteen (14) days after the receipt of notice thereof, the Lessor may terminate this Lease. In the event of any repeated violation by Lessee of its responsibilities under this Lease, Lessor may terminate the Lease without affording Lessee any further opportunity to cure its violation. On the date specified in any such notice of default (unless the default is cured) or notice of termination, this Lease shall terminate and the Lessee shall at once quit and surrender the premises to the Lessor. If this Lease is terminated by the Lessor, it may thereafter resume possession of the premises by any lawful means.
- 15. <u>Abandoned Property</u>: Following the termination of this lease, by action of Lessor or the expiration of the term without renewal, any property left by Lessee on the premises shall be considered abandoned and may be retained by or disposed of by Lessor as it sees fit.
- 16. Indemnity: The Lessee shall defend, indemnify and hold harmless the Lessor from any and all claims, actions, damages, and liability associated with personal injury and/or damage to property and/or any other matter arising out of any occurrence in, upon or at the premises, or associated with any act or omission of the Lessee, its agents, employees or invitees, or associated with Lessee's use of the premises. In the event that the Lessor is made a party to any litigation brought against the Lessee or by reason of the Lessee's use or occupancy of the premises, the Lessee shall defend, protect and hold harmless the Lessor from any and all liability that may result therefrom, including Lessor's costs in defending itself against any claim, action, litigation or other assertion of liability. Lessee is solely responsible for any forfeiture or other penalty assessed as a result of the use of the premises in violation of any of the conditions or limitations of the use of the premises as the result of the source of funds for Lessor's purchase of the premises, whether such conditions or limitations are contractual or regulatory in nature. Lessee shall promptly indemnify Lessor for any forfeiture or other penalty incurred as the result of the use of the premises in violation of such condition(s) or limitation(s).
- 17. <u>Modification of Lease:</u> This Lease Agreement contains all of the terms and conditions agreed to by the Lessor and the Lessee concerning the Lease of the above-described premises. There are no oral terms or conditions agreed to by the parties hereto which are not contained in this written agreement. There shall be no modification of this Lease Agreement unless the modification is in writing and signed by both parties.
- 18. <u>Waiver:</u> Lessor's failure to strictly enforce its rights under this Lease shall not constitute a waiver of such rights with respect to any violation of the Lease by Lessee, and the parties agree that this provision may itself not be waived by the conduct of the parties.

- 19. <u>Governing Law and Venue</u>: This Lease shall be governed by and construed in accordance with the laws of the State of North Carolina, and venue of any dispute between the parties shall be in Watauga County, North Carolina.
- 20. **Execution:** Lessor and Lessee each represent and warrant to the other that all necessary authorizations and approvals required for execution and performance of this Lease have been given and that the undersigned individual is duly authorized to execute this Lease and bind the party for which it signs.
- 21. <u>Notices:</u> All notices, requests, demands, and other communications hereunder shall be in writing and shall be deemed given if personally delivered to the following addresses:

If to Lessor, to:	John Ward
	Town Manager
	Town of Boone
	P.O. Drawer 192
	Boone, NC 28607
If to Lessee, to:	Deron Geouque
and a second second	County Manager

Boone, NC 28607 IN WITNESS WHEREOF, the Lessor and Lessee have executed this Lease Agreement in duplicate originals, and agree to all of the terms and conditions set forth above, the day and year first

Watauga County Courthouse

Town of Boone, Lessor

above written.

Rennie Brantz, Mayor

ATTEST:

(SEAL) Christine Pope, Town Clerk

Watauga County, Lessee

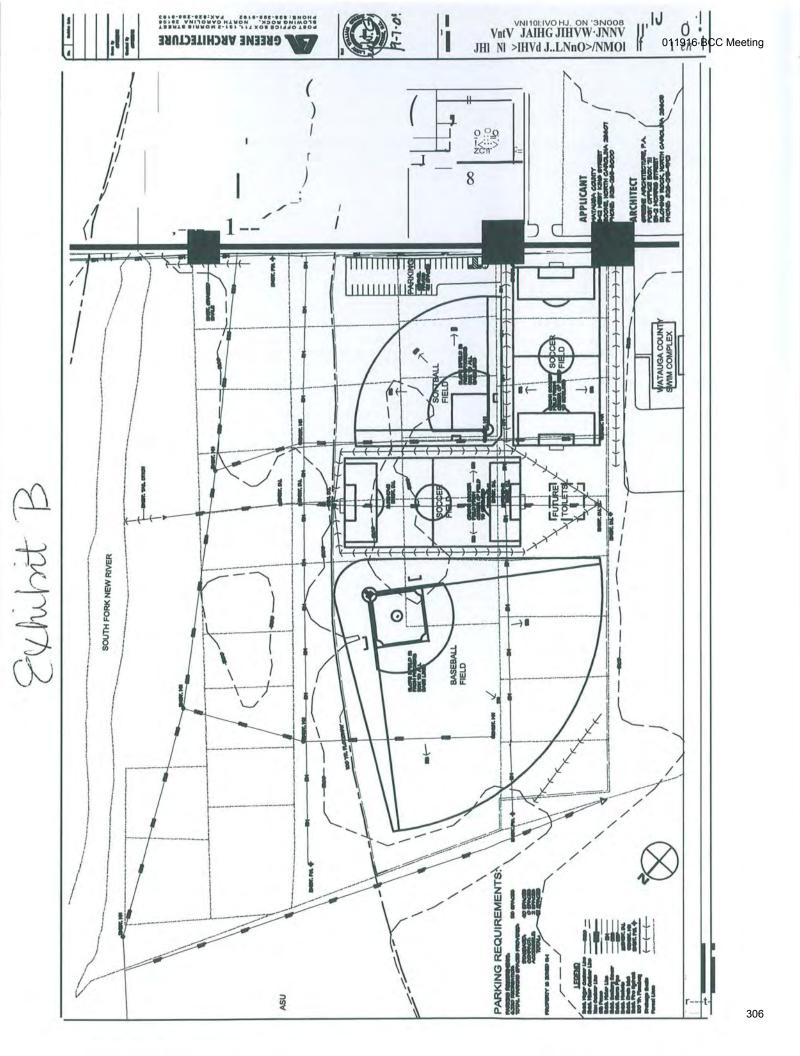
Deron Geouque, Watauga County Manager

ATTEST:

(SEAL)

Anita Fogle, Watauga County Clerk





# **AGENDA ITEM 12:**

# **MISCELLANEOUS ADMINISTRATIVE MATTERS**

C. Proposed Dates for the Annual Pre-Budget Retreat

# **MANAGER'S COMMENTS:**

Proposed dates for the Annual Pre-Budget Retreat are February 18 and 19 or 25 and 26, 2016, with times proposed as 12–6 P.M. on Thursday and 9 A.M.–12 P.M. on Friday. Two days are required for the Retreat and should the Board wish times and dates may be adjusted accordingly.

Direction from the Board is requested to set the dates of the Retreat.

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# **AGENDA ITEM 12:**

# **MISCELLANEOUS ADMINISTRATIVE MATTERS**

# D. Boards and Commissions

# **MANAGER'S COMMENTS:**

### Watauga Medical Center Board of Trustees

The Watauga Medical Center Board of Trustees has recommended Mrs. Kim Miller and Ms. Jan Winkler for reappointment and Mr. Kent Tarbutton for appointment as Board Trustees. Each of their terms would be effective January 1, 2016, through December 31, 2018. A volunteer application has also been received from Ms. Michaele Hastings Haas who is interested in serving on this Board.

The above is a second reading (with the exception of Ms. Haas' first reading).

#### Watauga County Adult Care Home Community Advisory Committee

The term of Watauga County Adult Care Home Community Advisory Committee member, Ms. Glenda Hodges, will expire February 5, 2016. High Country Council of Governments' Ombudsman, Ms. Laura Jane Ward, has nominated Ms. Hodges for reappointment. Ms. Hodges is willing to continue to serve is so appointed.

#### Economic Development Commission

Two members of the Economic Development Commission are relocating outside of the County and, therefore, are no longer available to serve. The following have recently submitted volunteer applications indicating their willingness to serve on this Board: Ms. Anne Ward, Ms. Missy Harrill, Mr. Ray Cameron, Ms. Lisa Cooper, Mr. Merrill Littlejohn, and Mr. Tad Dolbier.

The above are first readings and, therefore, action is not required.



Richard G. Sparks, FACHE President

December 11, 2015

Mr. Deron Geoque Watauga County Manager 814 West King Street, Suite 205 Boone, NC 28607

Dear Deron:

The Watauga Medical Center, Inc. Board of Trustees at their December 10, 2015 meeting unanimously approved submitting the following names to be considered by the Watauga County Commissioners for appointment to the Board of Trustees. These will be three year terms beginning January 1, 2016 and ending December 31, 2018.

Mrs. Kim Miller (current Trustee nominated for Reappointment) Mrs. Jan Winkler (current Trustee nominated for Reappointment) Mr. Kent Tarbutton

Mr. Tarbutton is the owner/operator of Chetola Resort in Blowing Rock. He is active in Blowing Rock supporting many community programs. He previously served on the Blowing Rock Hospital Board of Trustees and subsequently the Blowing Rock Hospital Advisory Board.

Thank you for your assistance and please feel let me know if you need additional information.

Sincerely,

Richard Sparks

Watauga Medical Center Boone, NC Charles A. Cannon, Jr. Memorial Hospital Linville, NC Blowing Rock Hospital Blowing Rock, NC

#### Volunteer Application Watauga County Boards And Commissions

Resummental BCC Meeting Attached

1

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form. Please sign and mail or fax to:

	Watauga County Cor 814 West King Si Boone, No	treet, Suite 205	IAN - 4 2016	
ALI	Phone: (828) Fax: (828)	265-8000	JAN - 4 2010	
Name: Vicha	ele Hast	ings Haa	5	
Home Address:		J	Transfer	
City:		Zip:		
elephone: (H)	(VV)	(Fax)		
Email:				
Place of Employment:				
Job Title:				
		Please Indicate Your Town	ship Of Residence:	
Bald Mountain	C Stony Fork		C Watauga	
New River	C Brushy Fork		C Cove Creek	
Beaver Dam	C Meat Camp		C Shawneehaw	
Blue Ridge	C Blowing Roo	:k	C Laurel Creek	
) Elk	O North Fork		C Boone	
In addition	Please Indicate If You Li	ve In One Of The Following	Arone:	
			s Historic District	
C Foscoe-Grandfather Community			reek Watershed	
South Fork New River Watershed		C Extraterritorial Area		
We Ask Your Help In A Following Questions	ssuring Diversity Of Mem	bership By Age, Gender, An	d Race, By Answering The	
Gender		Ethnic Bac	ground	
C Male		C African American	C Hispanic	
Female		Caucasian	COther	
		O Native American		
Please List (In Order Of Pro	eference) The Boards/Cor	nmissions On Which You W	ould Be Willing To Serve.	
Appalachia	n Regional	Healthcare	Hospital Book	
2.	0			

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# Volunteer Application Watauga County Boards And Commissions (Continued)

rience:				
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nents:				
ionio.				

Signature:

312

1/4/16

Date:

# **Michaele Haas**

PO Box 3384, Boone, NC 28607 Home: 828-264-8799 • Cell: 828-773-6400 michaelehaas@charter.net

#### SUMMARY

My passion for investing in others and desire to serve has encouraged me to seek ways to better provide for my community. These interests serve as a foundation for my readiness to serve on the Appalachian Regional Healthcare Hospital Board.

# WORK EXPERIENCE

Substitute Teacher, 08/2006 to Current Watauga County Schools — Boone, NC

> **Vocalist**, 10/1987 to Current **Nightlife Band** — Boone, NC

# Marketing Director, 06/1986 to 12/1993 The Hastings Company — Boone, NC

Created, implemented, and tracked local restaurant marketing strategies for four restaurants. Coordinated/managed/ordered/ all national and regional advertising merchandise and POP (Point of Purchase) materials for all four restaurants.

Responsible for building and maintaining an in-depth community involvement presence through working with the Chamber of Commerce, local schools and colleges, and non-profit clubs and organizations.

# OTHER WORK EXPERIENCE

# Vice President, Southern Star Management Group

My husband and I became Hardee's Franchisees with the purchase of three of our own restaurants in 2007. We have grown this business to nine stores and are currently building our tenth. While I am not involved in the day-to-day operations, I am involved in major decision making and serve as a springboard and consultant to my husband in the areas of hiring and retaining employees, controlling costs, advertising and local restaurant marketing, and Insurance/ Health Care issues.

We also own and manage nine rental properties in Watauga County.

#### **VOLUNTEER ACTIVITIES**

Youth Leader, BUMC, 2006- Present Singing on various Praise Teams, BUMC, 2002- Present

Chairman, BUMC Graphics Identity Team, 2014-2015

PTA/PTO Member, Hardin Park, 1991-2015

Co- Chair, Hardin Park Big Trucks Project, 2011-2013, 2015

Member, BUMC Visioning Committee, 2013-2014

Vice President, Hardin Park PTO, 2010-2012

Member, Boone Service League, 1992-2009 (Served in many leadership positions including: President, 1998-1999; Vice President; and Chairman of many fund-raising and community service projects.) Children's Choir Director, BUMC, 1994-2004

#### ACCOMPLISHMENTS

# Wife and Mother of Four Children

I consider it a blessing (and my biggest accomplishment) to have been granted the opportunity to stay home, be available for, and help raise four children. Our youngest is in High School which allows me the time and flexibility needed to serve on the Board at this time.

### Member, BUMC Crossroads Visioning/Steering Team

Helped turn the dream of starting a new, casual, praise and worship service into a reality. The Crossroads service began in August 2008, and continues to grow and thrive!

# Co-Authored "MeeMa's Memory Quilt"

"MeeMa's Memory Quilt" is a children's book that was sponsored by the Boone Service League commemorating Watauga County's Sesquicentennial. In 2001, a check from the book's proceeds was presented to WMC's Seby B. Jones Regional Cancer Center.

# Wrote and recorded a music CD, "Long Time Coming."

**EDUCATION** 

Bachelor of Science: Communications, 1986 Appalachian State University – Boone, NC, USA

Minor in Marketing and Management Charter Member of Alpha Epsilon Rho

# AMENDED AND RESTATED BYLAWS OF

# WATAUGA MEDICAL CENTER, INC.

October 2006

As Amended Effective As Of March 22, 2012

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# AMENDED AND RESTATED BYLAWS OF WATAUGA MEDICAL CENTER, INC.

#### **DEFINITIONS**

1. Corporation means Watauga Medical Center.

2. Board of Trustees means the governing body of the Corporation.

3. Bylaws means these Amended and Restated Bylaws.

4. Trustee means a member of the Board of Trustees duly appointed by the County Commissioners of Watauga County.

5. Standing Committee of the Board of Trustees means a body authorized by these Bylaws whose members are appointed by the Chairman of the Board of Trustees and which is authorized to exercise a designated portion of the authority of the Board of Trustees.

6. *Ex officio* means service as a member of a body by virtue of an office or position held and, unless otherwise expressly provided, means with voting rights.

7. Medical Staff means that component of the Corporation's chart of organization that stands for all practitioners who are appointed and are privileged to attend patients, or to provide other diagnostic, therapeutic, teaching, or research services in Watauga Medical Center.

8. Medical Staff appointment status or appointment status means all matters related to Medical Staff appointments and reappointments, to department and other clinical unit affiliations, and to Medical Staff category assignments.

9. Clinical privileges or privileges means the permission granted to a practitioner to provide those diagnostic, therapeutic, medical, dental, or surgical services, specifically delineated to him.

10. Practitioner means, unless otherwise limited, any licensed health care professional applying for or exercising clinical privileges in Watauga Medical Center.

#### **ARTICLE I**

# NAME AND LOCATION

The name of the corporation shall be Watauga Medical Center, Inc. (the "Corporation" or "Watauga Medical Center") and the principal office thereof shall be located in the Town of Boone, County of Watauga, State of North Carolina. The Corporation shall have and continuously maintain in this State a registered office and a registered agent whose office shall be identical with the registered office, and may have such other offices as the Board of Trustees of the Corporation may determine from time to time.

#### **ARTICLE II**

#### PURPOSE AND GOALS

<u>Section 1. General</u>. The Corporation is organized for charitable, scientific, and educational purposes within the meaning of Section 50l(c)(3) of the Internal Revenue Code of 1986, or any corresponding provisions of any subsequent federal tax laws, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under said section.

Section 2. Specific. The specific purposes of the Corporation shall be: (a) to establish, support, manage, and furnish facilities, personnel, and services to provide diagnosis, medical, surgical, and hospital care, extended care, outpatient care, home care, and other hospital and medically related services without regard to race, creed, color, sex, or national origin; (b) to carry on such activities related to the promotion of health, which, in the opinion of the Board of Trustees, may be justified by the facilities, personnel, funds, or other requirements that are or can be made available; and (c) to engage in any and all activities consistent with or in furtherance of the above purposes.

# **ARTICLE III**

#### **MEMBERSHIP**

The sole member of the Corporation shall be Appalachian Regional Healthcare System, Inc., which shall exercise all rights of membership according to applicable North Carolina law.

### **ARTICLE IV**

### FISCAL YEAR

The fiscal year of the Corporation shall begin on October 1 and end on September 30.

#### **ARTICLE V**

#### **BOARD OF TRUSTEES**

<u>Section 1. Name</u>. The governing body of the Corporation shall be the Board of Trustees of Watauga Medical Center, Inc. (the "Board of Trustees").

Section 2. Composition, Nomination and Election, Term, and Qualifications of Members of the Board of Trustees. Section 2.1. Composition. The Board of Trustees shall consist of ten (10) members. Nine (9) of the Trustees shall be elected through the nominating procedure set forth below. One (1) of the nine (9) Trustees shall be an active member of the Medical Staff of Watauga Medical Center. The remaining Trustee shall be one (1) of the County Commissioners of Watauga County and selected from time to time by the County Commissioners of Watauga County.

#### Section 2.2. Nomination.

(a) On or before August 1 of each year, a Nominating Committee shall be appointed by the Chairman of the Board of Trustees to nominate one (1) qualified Watauga County citizen for each vacancy which may occur on the Board of Trustees. The committee shall make its report to the Board of Trustees at its October meeting and at that time the floor will be open for other nominations. The Board of Trustees shall then select one (1) nominee for each vacancy by a majority vote of the Board of Trustees. The list of nominees shall be presented to the County Commissioners of Watauga County by the first of December of each year, from which they will elect the number of Trustees for the total number of vacancies to be filled. In the event that a nominee is not elected by the County Commissioners of Watauga County, then the nomination process set forth above shall be repeated thereafter until a nominee is elected.

(b) The County Commissioners of Watauga County agree that in the future, if circumstances indicate the appropriateness of such action due to the regional expansion of Watauga Medical Center's operations, the County Commissioners of Watauga County shall consider expanding the number of non-County Commissioners Trustees appointed to the Board of Trustees, which is currently nine (9), in order to allow the appointment of residents of neighboring counties other than Watauga County, to also serve as members of the Board of Trustees; provided that: (i) appointment procedures currently in effect for the remaining non-County Commissioners Trustees are followed; (ii) a majority of the Board of Trustees always consists of residents of Watauga County, North Carolina; and (iii) at no time shall more than two (2) non-county resident Trustees serve as members of the Board of Trustees.

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(c) Election of members of the Board of Trustees by the County Commissioners of Watauga County as provided in this Section 2.2 shall constitute election of the same individuals as members of the Board of Trustees of Appalachian Regional Healthcare System, Inc.

(d) Section 2.2 of Article V of these Bylaws cannot be altered, amended, or deleted except by a two-thirds  $(\frac{2}{3})$  majority vote of the Board of Trustees present at a properly noticed meeting and a majority vote of the County Commissioners of Watauga County at a properly noticed meeting.

Section 2.3. Term. All members of the Board of Trustees at the date of the adoption of these Bylaws shall continue in office until the expiration of their present term of office and until their successors are elected and qualified. All members elected to the Board of Trustees after the date of adoption of these Bylaws shall be elected for a three (3) year term in such manner that one-third ( $\frac{1}{3}$ ) of the Board shall be completing two (2) years of their term, one-third ( $\frac{1}{3}$ ) shall be completing three (3) years of their term, and one-third ( $\frac{1}{3}$ ) shall be elected for a new term of three (3) years. Trustees shall be eligible to serve four (4) successive terms of three (3) years each, subject to the provisions of Article V, Section 5 of these Bylaws, such term limitation to be applicable only to Trustees elected after the date of adoption of these Bylaws, October 26, 2006. Each Trustee shall continue to serve until his successor is elected and qualified.

Section 2.4. Qualifications. Board members shall be chosen for their ability to contribute to and support the objectives of Watauga Medical Center. Members should be chosen from as wide a cross-section of the community as feasible within the limits of size, to include, but not limited to, criteria such as socio-economic levels, geographic area, occupational category, identifiable ethnic groups, and other factors as determined by the Board of Trustees. Each member should possess the qualities of honesty, integrity, a sense of justice, and a sound moral character. Membership on the Board of Trustees should reflect a breadth of diversity that is in keeping with the broadened role of Watauga Medical Center in the community.

<u>Section 2.5.</u> <u>Honorary Trustees</u>. The Board of Trustees may from time to time elect certain individuals to be Honorary Trustees in recognition of distinguished achievement. Honorary Trustees may attend meetings of the Board of Trustees on

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invitation by the Board of Trustees, but shall not vote or be counted towards a quorum, nor shall they have any other rights associated with Board of Trustees membership. Honorary Trustees shall be appointed for a three (3) year term and may be reappointed from time to time.

Section 3. Powers. Except as otherwise provided by law, by the Articles of Incorporation, or by these Bylaws, the Board of Trustees shall have and exercise full power and authority to do all things deemed necessary and expedient in the governance, management, and control of the business and affairs of the Corporation, including, but not limited to, establishing policies to guide the operation of Watauga Medical Center and determining the scope of services of Watauga Medical Center. Provided, however, that all new contracts for services, acquisitions of property, or the sale of property valued at \$100,000 or greater, and construction of \$100,000 or greater by the Corporation requires approval by the Board of Trustees of Appalachian Regional Healthcare System, Inc. Equipment purchases or leases by the Corporation valued at greater than \$250,000 also require approval by the Board of Trustees of Appalachian Regional Healthcare System, Inc.

Section 4. Vacancies. Vacancies occurring on the Board of Trustees, including those by resignation or removal, and any vacancy created by an increase in the number of Trustees, shall be filled using the method as described in Article V, Section 2.2 hereof. A Trustee elected to fill a vacancy shall hold office for the remainder of the original Trustee's term.

Section 5. Resignation and Removal.

Section 5.1. Resignation. Any Trustee may resign at any time by giving written notice to the Chairman of the Board of Trustees. Such resignation, which may or may not be made contingent upon formal acceptance, shall take effect upon the date of receipt or at any later time specified in it.

Section 5.2. Removal. A Trustee may be removed from office, with or without cause, by a two-thirds  $(\frac{2}{3})$  majority vote of the entire Board of Trustees recommending such removal to the County Commissioners of Watauga County. If the County Commissioners of Watauga County by a majority vote agree with such recommendation, the Trustee shall be removed effective as of the date of the vote by the County Commissioners of Watauga County. This is the only method by which a Trustee may be removed.

Section 6. Conflicts of Interest.

Section 6.1. Definitions. For purposes of this section, the following definitions and rules of construction shall apply:

(a) "Interested Person" shall mean a Trustee, principal officer, or member of a committee of the Board of Trustees, who has a direct or indirect Financial Interest.

(b) A "Financial Interest" exists if an Interested Person has, directly or indirectly, through business, investment, or family:

(i) An ownership or investment interest in any entity with which the Corporation has entered into a transaction or arrangement;

(ii) A compensation arrangement with the Corporation or with any entity or individual with which the Corporation has entered into a transaction or arrangement; or

(iii) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or arrangement.

(c) Compensation includes direct and indirect remuneration and gifts or favors which are substantial in nature.

(d) An Interested Person who has a Financial Interest in one (1) or more parent, sister, or subsidiary business entities of the Corporation shall be deemed to have a Financial Interest in the Corporation.

Section 6.2. Procedures.

(a) The Corporation shall cause all Interested Persons to disclose any Financial Interests and all material facts relating thereto.

(b) The Corporation shall adopt procedures for determining whether the Financial Interest of an Interested Person may constitute or result in a conflict of interest. No Interested Person shall attend a meeting at which such person's Financial Interest is discussed, nor shall any Interested Person be entitled to vote on any action relating to such person's Financial Interest.

(c) In the event the Corporation determines that a conflict of interest exists, it shall take such actions as it deems necessary to resolve the conflict of interest, including:

(i) Prohibiting the Interested Person from attending any meeting at which is discussed the transaction or arrangement that results in the conflict of interest;

(ii) Prohibiting the Interested Person from voting on any matter relating to the conflict of interest;

(iii) Appointing, if appropriate, a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement;

(iv) Determining, by a majority vote of the disinterested Trustees present at a meeting, whether the transaction or arrangement is in the Corporation's best interest and for its own benefit; is fair and reasonable to the Corporation; and, after exercising due diligence, whether the Corporation can enter into a more advantageous transaction or arrangement with reasonable efforts under the circumstances; and

(v) Taking appropriate disciplinary action with respect to an Interested Person who violates the Corporation's conflicts of interest policy in order to protect the Corporation's best interests.

(d) The minutes of meetings of the Board of Trustees and all committees of the Board of Trustees shall include:

(i) The names of all persons who have disclosed Financial Interests, the nature of the Financial Interest disclosed, and the Board of Trustees' determination of whether a conflict of interest existed; and

(ii) The names of the persons who were present at the meeting for discussions and votes relating to the transaction or arrangement, the content of these discussions (including any alternatives to the proposed transaction or arrangement), and a record of the vote.

(e) The Corporation shall distribute this conflicts of interest policy to all Interested Persons as defined herein. The Corporation shall obtain annually a signed statement from each such person certifying that the person:

(i) Received a copy of the conflicts of interest policy;

(ii) Has read and understands the policy;

(iii) Agrees to comply with the policy;

(iv) Understands that the policy applies to all committees and subcommittees acting with the authority of the Board of Trustees; and

(v) Understands that the Corporation is a charitable organization and that in order to maintain its tax-exempt status, it must continuously engage primarily in activities which accomplish one (1) or more of its tax-exempt purposes.

(f) The following restrictions shall apply to any committee which sets compensation for officers, Trustees, or employees of the Corporation, or, if no such committee exists, to the Board of Trustees:

(i) No practicing physician who receives, directly or indirectly, compensation from the Corporation for services as an employee or independent contractor shall serve on or participate in the actions of such committee; and

(ii) No member of such committee who has a conflict of interest in the Corporation and who receives compensation from the Corporation shall, directly or indirectly, vote on any matter relating to that member's compensation.

Section 6.3. Periodic Reviews. The Corporation shall conduct periodic reviews of its activities to ensure that it is operating in a manner consistent with accomplishing its charitable purposes and that its operations do not result in private inurement or impermissible benefit to private interests. In conducting such reviews, the Corporation shall evaluate the following:

(a) Whether the Corporation's compensation arrangements and benefits are reasonable and the result of arm's length negotiations;

(b) Whether acquisitions of physician practices, if any, and other provider services result in private inurement or impermissible private benefit;

(c) Whether partnership and joint venture arrangements and arrangements with health maintenance organizations, management service organizations, and physician hospital organizations conform to written policies, are properly recorded, reflect reasonable payments for goods or services, further charitable purposes, and do not result in private inurement or impermissible private benefit; and

(d) Whether agreements to provide health care services and agreements with other health care providers, employees, and third party payors serve charitable purposes.

<u>Section 6.4.</u> <u>Conflicts Committee</u>. The Corporate Compliance Oversight Committee shall act as a "conflicts committee" to carry out the requirements of this section and to adopt and apply such other procedures as it deems necessary therefor.

Section 7. Indemnification.

Section 7.1. Indemnification Under N.C. Gen. Stat. § 55A-8-51.

(a) Except as provided in subsection (d) of this Section 7.1, the Corporation shall indemnify an individual made a party to a proceeding because the individual is or was a Trustee against liability incurred in the proceeding if the individual (i) conducted himself in good faith; (ii) reasonably believed (y) in the case of conduct in his official capacity with the Corporation, that his conduct was in its best interests, and (z) in all other cases, that his conduct was at least not opposed to its best interests; and (iii) in the case of any criminal proceeding, had no reasonable cause to believe his conduct was unlawful.

(b) A Trustee's conduct with respect to an employee benefit plan for a purpose the Trustee reasonably believed to be in the interests of the participants in, and beneficiaries of, the plan is conduct that satisfies the requirement of subsection (a) above.

(c) The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of no contest or its equivalent is not of itself

determinative that the Trustee did not meet the standard of conduct set forth in subsection (a) above.

(d) The Corporation shall not indemnify a Trustee in connection with the proceeding by or in right of the Corporation in which the Trustee is adjudged liable to the Corporation or in connection with any other proceeding charging improper personal benefit to the Trustee, whether or not involving action in his official capacity, in which the Trustee was adjudged liable on the basis that personal benefit was improperly received by the Trustee.

(e) Indemnification hereunder in connection with a proceeding by or in the right of the Corporation that is concluded without a final adjudication on the issue of liability is limited to reasonable expenses incurred in connection with the proceeding.

(f) The authorization, approval, or favorable recommendation by the Board of Trustees of indemnification as authorized hereunder shall not be deemed an act or corporate transaction in which a Trustee has a conflict of interest and no such indemnification shall be void or voidable on such ground.

Section 7.2. Indemnification Under N.C. Gen. Stat. § 55A-8-52. The Corporation shall indemnify a Trustee who is wholly successful on the merits or otherwise in the defense of any proceeding to which the Trustee was a party because he is or was a Trustee of the Corporation, against reasonable expenses actually incurred by the Trustee in connection with the proceeding.

Section 7.3. Advances Under N.C. Gen. Stat. § 55A-8-53. Expenses incurred by a Trustee in defending a proceeding shall be paid by the Corporation in advance of the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the Trustee to repay such amount, unless it is ultimately determined that the Trustee is entitled to be indemnified by the Corporation against such expenses.

Section 7.4. Court-Ordered Indemnification Under N.C. Gen. Stat. § 55A-8-54. A Trustee of the Corporation who is a party to a proceeding may apply for indemnification to the court conducting the proceeding or to another court of competent jurisdiction. The court may order indemnification if it determines that (a) the Trustee is entitled to mandatory indemnification under N.C. Gen. Stat. § 55A-8-52, in which case

the Corporation also shall pay the Trustee's reasonable expenses incurred to obtain courtordered indemnification, or (b) the Trustee is fairly and reasonably entitled to indemnification in whole or in part in view of all the relevant circumstances, whether or not the Trustee met the standard of conduct set forth in N.C. Gen. Stat. § 55A-8-51 or was adjudged liable as described in N.C. Gen. Stat. § 55A-8-51(d), but if the Trustee is adjudged so liable, such indemnification is limited to reasonable expenses incurred.

Section 7.5. Determination and Authorization of Indemnification Under N.C. Gen Stat. § 55A-8-55.

The Corporation shall not indemnify a Trustee under N.C. Gen. (a) Stat. § 55A-8-51 unless authorized in the specific case after a determination has been made that indemnification of the Trustee is permissible in the circumstances because the Trustee met the standard of conduct set forth in N.C. Gen. Stat. § 55A-8-51. The determination shall be made by the Board of Trustees by a majority vote of a quorum consisting of Trustees not at the time parties to the proceeding. If such a quorum cannot be obtained, such determination thereupon shall be made by a majority vote of a committee duly designated by the Board of Trustees (in which designation Trustees who are parties may participate), consisting solely of two (2) or more Trustees not at the time parties to the proceeding. If the foregoing two (2) methods of determination cannot be made, then such determination shall be made by special legal counsel selected by the Board of Trustees or a committee in the manner prescribed herein, or if a quorum of the Board of Trustees cannot be obtained and a committee cannot be designated, then selected by a majority vote of the entire Board of Trustees in which selection Trustees who are parties may participate.

(b) Authorization of indemnification and evaluation as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination is made by special legal counsel, authorization of indemnification and evaluation as to reasonableness of expenses shall be made by those entitled to select counsel hereunder.

Section 7.6. Indemnification of Officers, Employees, and Agents Under N.C. Gen. Stat. § 55A-8-56. An officer, employee, or agent of the Corporation is entitled to indemnification under this subsection to the same extent as a Trustee. The Corporation shall advance expenses to an officer, employee, or agent of the Corporation to the same extent as to a Trustee.

Section 7.7. Immunity from Civil Liability. Trustees and officers of the Corporation shall be immune from civil liability for monetary damages arising out of their service as such to the fullest extent authorized by law, including but not limited to that immunity authorized by N.C. Gen. Stat. §§ 1-539.10, 55A-2-02(b)(4), and 55A-8-60, or any successor provisions of law.

### **ARTICLE VI**

#### **MEETINGS**

Section 1. Regular Meetings. The Board of Trustees shall hold regular meetings not less than four (4) times per year, in addition to the Annual Meeting, at a designated time and place. The regular meeting in January shall be known as the Annual Meeting, at which officers for the ensuing year shall be elected. The Executive Committee shall meet on the same days as regular meetings of the full Board of Trustees.

Section 2. Special Meetings. Special meetings of the Board of Trustees may be held at the call of the Chairman, or, in his absence, at the call of the Vice Chairman, or at the call of any three (3) Trustees. The business to be transacted at any special meeting shall be limited to those items of business set forth in the notice of the meeting.

Section 3. Notice. Regular meetings of the Board of Trustees may be held as provided in Article VI, Section 1 herein upon prior notice of the designated time and place of such meeting given by the Corporation. The person or persons calling a special meeting of the Board of Trustees shall, at least two (2) days before the meeting, give notice thereof by mail. Such notice need not specify the purpose for which the meeting is called.

Section 4. Waiver of Notice. Any Trustee may waive notice of any meeting. The attendance by a Trustee at a meeting shall constitute a waiver of notice of such meeting except where a Trustee attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 5. Quorum. A quorum of the Board of Trustees for the transaction of business shall consist of a majority of the members of the Board of Trustees as it is then constituted. In addition to those Trustees who are actually present at a meeting, Trustees shall be deemed as present at such meeting if a telephone or similar communications equipment is used, by means of which all persons participating in the meeting can hear each other at the same time.

Section 6. Procedure. At all meetings of the Board of Trustees, the Chairman, the Vice Chairman, or in their absence, a presiding officer chosen at the meeting shall preside over the transaction of business. The Secretary of the Corporation, or his designee, shall act as secretary and shall prepare a record of all meetings of the Board of Trustees, and maintain the same in the Corporation's principal office.

Section 7. Voting. Each voting Trustee is entitled to one (1) vote on any matter before the Board of Trustees. Voting by proxy is not permitted. A Trustee who is present at a meeting of the Board of Trustees at which action on any matter is taken shall be presumed to have assented to the action taken unless his contrary vote is recorded or his dissent is otherwise entered in the minutes of the meeting, or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Trustee who voted in favor of such action.

Section 8. Manner of Action. Unless otherwise required by law, the Articles of Incorporation, or these Bylaws, the act of a majority of the Trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees. Any action required or permitted to be taken by the Board of Trustees under any provision of law, the Articles of Incorporation, or these Bylaws, may be taken without a meeting by the individual or collective consent, in writing, setting forth the action so taken, of all of the Trustees. Such written consent(s) shall be filed with the minutes of the Board of Trustees. Such action by written consent shall have the same force and effect as a unanimous vote of the Trustees. Any certificate or other document filed under law relating to actions so taken shall state that the action was taken by unanimous written consent of the Board of Trustees without a meeting and that the Bylaws authorized the Trustees to so act.

Section 9. Attendance. Members of the Board of Trustees shall strive to attend all meetings. In the event that a member of the Board of Trustees accrues absences from three (3) consecutive meetings, the Chairman of the Board of Trustees shall then be authorized to create a special committee of the Board of Trustees to evaluate the status of the offending Trustee and report recommendations thereon to the Board of Trustees.

Section 10. Open Meetings. Meetings of the Board of Trustees shall be conducted in accordance with the provisions of the North Carolina Open Meetings Law as set forth in Article 33C, Chapter 143 of the North Carolina General Statutes, as now written or hereafter amended.

## ARTICLE VII OFFICERS OF THE BOARD OF TRUSTEES

Section 1. Officers and Election. The Board of Trustees shall elect a Chairman and a Vice Chairman for a term of one (1) year, each of whom shall take office at the Annual Meeting or until their successors have been appointed. The officers of the Board of Trustees shall be eligible to serve three (3) full terms of one (1) year each. An officer of the Board of Trustees cannot be reelected after serving three (3) full terms of one (1) year each until one (1) year next following the expiration of the officer's last full one (1) year term. One (1) person may hold two (2) or more offices, unless otherwise prohibited by law.

Section 2. Duties of Chairman. The Chairman of the Board of Trustees shall exercise general supervision over all of the affairs of the Corporation, he shall preside at all meetings of the Trustees, appoint the Executive Committee, the Finance and Audit Committee, the Nominating Committee, the Joint Conference Committee, the Corporate Compliance Oversight Committee, and such other committees as the Board of Trustees may authorize. The Chairman shall be an *ex officio* member, without privilege to vote, of all committees of the Board of Trustees in which he is not a voting member as provided in these Bylaws. The term of such appointments shall be consistent with Article VIII, Section 9, herein.

<u>Section 3. Duties of Vice Chairman</u>. The Vice Chairman of the Board of Trustees shall perform the duties of the Chairman in his absence, or in the event of his resignation, death, or disability.

Section 4. Vacancies. Vacancies in the offices of Chairman and Vice Chairman of the Board of Trustees shall be filled by the act of a majority of the Trustees present at a meeting at which a quorum is present.

Section 5. Resignation and Removal.

Section 5.1. Resignation. The Chairman of the Board of Trustees may resign at any time by giving written notice thereof to the Vice Chairman, who shall assume the duties of the Chairman upon the effective date of his resignation, pending the appointment of a new Chairman by the Board of Trustees to serve the remainder of the unexpired term of the Chairman. The Vice Chairman of the Board of Trustees may resign at any time by giving written notice thereof to the Chairman. At the meeting of the Board of Trustees next following the effective date of the resignation, the Board of Trustees shall appoint a new Vice Chairman of the Board of Trustees to serve the remainder of the unexpired term of the Vice Chairman. Such resignations, which may or may not be made contingent upon formal acceptance, take effect upon the date of receipt or at any later time specified in it.

Section 5.2. Removal. The Chairman and/or Vice Chairman of the Board of Trustees may be removed from office by a vote of at least two-thirds  $(\frac{2}{3})$  of the members of the entire Board of Trustees for the reasons and according to the procedure specified for the removal of a Trustee in Article V, Section 5.2, herein.

#### **ARTICLE VIII**

#### COMMITTEES OF THE BOARD OF TRUSTEES

<u>Section 1. Standing Committees</u>. The Corporation shall have the following standing committees: Executive Committee, Finance and Audit Committee, Nominating Committee, Joint Conference Committee, and Corporate Compliance Oversight Committee.

Section 2. Special Committees.

Section 2.1. Creation. The Board of Trustees may authorize, and the Chairman of the Board of Trustees may appoint, such special committees as are necessary and proper to carry on the affairs of the Corporation. In the event that the Board of Trustees authorizes the creation of a special committee, the resolution of creation shall authorize the Chairman of the Board of Trustees to appoint a chairman and the members of such committee, as well as to designate the authority of the Board of Trustees which the committee shall exercise, and any limitations thereon, as well as the functions that the special committee shall discharge.

Section 2.2. Special Committees with Medical Staff Members. In matters relative to the Corporation and the Medical Staff of Watauga Medical Center, the Chairman of the Board of Trustees may establish a special committee composed of both Trustees and Medical Staff members. The Chairman shall designate the number to serve on the committee which shall be composed of an equal number of Trustees and Medical Staff members, shall appoint the Trustees, shall designate any *ex officio* member from the administrative staff, and shall specify the function and purpose of the committee, subject to the approval of the Board of Trustees. The Chief of the Medical Staff shall appoint the members of the special committee from the Medical Staff of Watauga Medical Center.

Section 2.3. Special Committees with Citizens. In matters relative to the Corporation and the citizens of Watauga County, the Chairman of the Board of Trustees may establish a special committee composed of both Trustees and citizens of Watauga County, selected at large. The Chairman shall designate the number to serve on the committee, appoint the members of the committee, and specify the function and purpose of the committee, subject to the approval of the Board of Trustees.

<u>Section 2.4.</u> Dissolution. Upon acceptance by the Board of Trustees of the final report of any special committee, the committee shall be dissolved.

### Section 3. Powers and Reporting.

<u>Section 3.1. General</u>. Each committee of the Board of Trustees shall have and exercise the powers and authority of the Board of Trustees granted to it in the resolution creating it or as provided in these Bylaws. No committee shall have authority to act on behalf of the Board of Trustees as to the following matters:

(a) The dissolution, merger, or consolidation of the Corporation, the amendment of the Articles of Incorporation of the Corporation, or the sale, lease, or exchange of all or substantially all of the property of the Corporation;

(b) Filling of the vacancies in the Board of Trustees;

(c) The amendment or repeal of the Bylaws, or the adoption of new Bylaws;

(d) The amendment or repeal of any resolution of the Board of Trustees which by its terms shall not be so amendable or repealable.

Section 3.2. Minutes and Report of Action. Each committee of the Board of Trustees shall keep minutes of its proceedings and report its actions to the Board of Trustees. Actions of the committees of the Board of Trustees are effective when approved by the Board of Trustees except in either of the following circumstances, when actions of committees can be made effective when taken:

(a) By the Executive Committee when it exercises the power and authority of the Board of Trustees as provided in these Bylaws; or

(b) Where the Board of Trustees may from time-to-time authorize by resolution that a committee take actions on behalf of the Board of Trustees between meetings of the Board of Trustees.

Rescission by the Board of Trustees of any action taken by a committee thereof shall not affect the rights of third parties accruing prior to such rescission.

Section 3.3. Limitation. When the Executive Committee exercises the power and authority of the Board of Trustees or, when pursuant to a Board of Trustees' resolution, a committee takes action on behalf of the Board of Trustees between meetings of the Board of Trustees, such exercise of authority shall not operate to relieve the Board of Trustees or any member thereof of any responsibility or liability imposed upon it or him by law. If action taken is not thereafter formally considered by the Board of Trustees, a Trustee may dissent from such action by filing his written objection with the Secretary with reasonable promptness upon learning of such action.

<u>Section 4. Meetings</u>. Meetings of a committee of the Board of Trustees may be called by the Chairman of the Board of Trustees, the chairman of the committee, the Chief Executive Officer of the Corporation, or any two (2) of the committee's voting members.

<u>Section 5.</u> Notice. The person or person(s) calling a meeting of a committee of the Board of Trustees shall, at least two (2) days before any meeting, give oral or written notice thereof. Such notice need not specify the purpose for which the meeting is called.

<u>Section 6. Waiver of Notice</u>. Any Trustee may waive notice of any meeting of a committee. The attendance by a Trustee at a meeting shall constitute a waiver of notice of such meeting except where a Trustee attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 7. Quorum. A quorum of a committee of the Board of Trustees shall consist of a majority of the members of the committee as it is then constituted.

Section 8. Manner of Action. The act of a majority of the members of a committee of the Board of Trustees present at a meeting at which a quorum is present shall be the act of the committee so meeting. No action taken at a meeting at which less than a quorum was present is valid unless approved in writing by the absent members. Action may be taken without a meeting by a writing setting forth the action so taken signed by each member of the committee entitled to vote thereat. A member of a committee of the Board of Trustees who is present at a meeting of such committee at which action is taken shall be presumed to have assented to the action taken unless his contrary vote is recorded or his dissent is otherwise entered in the minutes of the meeting of the committee, or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof, or shall forward such dissent by registered mail to the Secretary of the Corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Trustee who voted in favor of such action.

Section 9. Term. Each member of a committee of the Board of Trustees shall hold such office until the next annual election of Trustees, and until his successor as a member of such committee of the Board of Trustees is elected, unless he resigns or is removed from the committee. A member of a committee of the Board of Trustees may succeed himself.

Section 10. Vacancies. A vacancy on any committee of the Board of Trustees may be filled for the remainder of the unexpired term of the committee member by the Chairman of the Board of Trustees.

Section 11. Resignation and Removal.

Section 11.1. Resignation. Any member of a committee of the Board of Trustees may resign at any time by giving written notice to the chairman of the committee. Such resignation, which may or may not be made contingent upon formal acceptance, takes effect upon the date of receipt or at any later time specified in it.

<u>Section 11.2.</u> Removal. Any member of a committee of the Board of Trustees, except an *ex officio* member, may be removed by the Chairman of the Board of Trustees for the reasons specified for the removal of a Trustee in Article V, Section 5.2, herein.

Section 12. Executive Committee. The Executive Committee shall consist of the Chairman of the Board of Trustees, the Vice Chairman of the Board of Trustees, the immediate past Chairman of the Board of Trustees (if still a member of the Board of Trustees), a member chosen from the County Commissioners of Watauga County, and two (2) other Trustees. The Chairman shall appoint the members of the Executive Committee and shall serve as its Chairman. In the absence of a quorum of the entire Board of Trustees, the Executive Committee or a majority thereof shall have full authority to act in all matters relating to Watauga Medical Center business, including, but not limited to all things deemed necessary and expedient in the governance, management, and control of the business and affairs of the Corporation, including matters relating to executive compensation, and shall have and exercise the power and authority of the Board of Trustees to transact all regular business of the Corporation when the Board of Trustees is not in session, except as prohibited in Article V, Section 3 herein. Further, the Executive Committee or a majority thereof shall have full authority to act on behalf of Watauga Medical Center at any called or special meeting. When the Executive Committee exercises the power and authority of the Board of Trustees, such action is subject to ratification by the Board of Trustees.

Section 13. Finance and Audit Committee. The Finance and Audit Committee shall consist of at least three (3) Trustees, and shall be advised by the Treasurer of the Corporation. The Chairman shall appoint the members of the Finance and Audit Committee and shall designate its chairman. The Finance and Audit Committee shall have and exercise general oversight responsibility for the investment of all endowment and other capital funds of the Corporation, for the budget and financial planning of the Corporation, and for the coordination of all programs affecting the fiscal affairs or financial condition of the Corporation.

Section 14. Nominating Committee. The Nominating Committee shall be appointed by the Chairman of the Board of Trustees and shall designate its chairman. The Nominating Committee shall develop and maintain a list of persons qualified to serve as members of the Board of Trustees. It shall have the responsibility to (a) obtain from appropriate sources the names of persons well qualified to serve as Trustees who shall be residents of Watauga County; (b) determine whether persons recommended to the Nominating Committee are willing to be considered for appointment to the Board of Trustees; (c) request that such persons who indicate an interest in serving as a Trustee submit to the Nominating Committee such biographical data in

such form as the Nominating Committee deems appropriate; (d) submit to the Corporation's Board of Trustees for recommendation to the County Commissioners of Watauga County nominations to fill a vacancy or vacancies on the Board of Trustees as required by Article V, Section 2.2 herein; and (e) consider in its deliberations the provisions of these Bylaws concerning qualifications and fitness for office, and concerning composition of the Board of Trustees as required by Article V, Section 2.2 herein.

<u>Section 15.</u> Joint Conference Committee. Should the need arise for discussion of a medical-administrative nature and/or for communication of recommendations or concerns between the Board of Trustees and the Medical Staff, the Chairman of the Board of Trustees may call for a meeting of the Joint Conference Committee. The Joint Conference Committee shall consist of the members of the Medical Staff Executive Committee and the Executive Committee of the Board of Trustees. The Chairman of the Board of Trustees shall serve as Chairman and the Chief Executive Officer shall serve as an *ex officio* voting member.

Section 16. Corporate Compliance Oversight Committee. The Corporate Compliance Oversight Committee shall consist of the Chairmen of the Boards of Trustees of Appalachian Regional Healthcare System, Inc., the Corporation, and Charles A. Cannon, Jr. Memorial Hospital, Incorporated, *ex officio*, regardless of whether such offices are held by the same person; the Chief Executive Officer, *ex officio*; and two (2) other Trustees whom the Chairman of the Board of Trustees shall select, one (1) of whom shall be designated by the Chairman of the Board of Trustees to serve as Chairman of the Corporate Compliance Oversight Committee. The Corporate Compliance Oversight Committee shall have and exercise general oversight responsibility for the Corporation's Corporate Compliance Program, which shall have available continuing legal advice in order to assure that the program is effective in preventing and detecting criminal conduct and in providing the Corporation a structure to ensure continued compliance with applicable statutes and regulations.

## ARTICLE IX OFFICERS OF THE CORPORATION

Section 1. Appointment of Officers. The President and Chief Executive Officer of Appalachian Regional Healthcare System, Inc. shall select and appoint the following officers, all of whom shall serve at the pleasure of the President and Chief Executive Officer of Appalachian

Regional Healthcare System, Inc.: a Chief Executive Officer, a President, Vice President, a Secretary, Assistant Secretaries, and a Treasurer.

Section 2. Duties of Chief Executive Officer. The Chief Executive Officer shall be the officer of the Corporation responsible for the Corporation's overall management, and shall act as the duly authorized representative of the Board of Trustees in all matters except those which the Board of Trustees has formally designated to some other person or group. The Chief Executive Officer shall, with the approval of the Board of Trustees, be responsible for overall strategy; establish the strategic orientation and directives of the Corporation; shall see that such directives are carried out by the other officers of the Corporation; and shall be responsible for the general leadership of the Corporation. The Chief Executive Officer shall sign all documents, financial forms, contracts, agreements, and other obligations authorized to be executed by the Board of Trustees and expenditures of the Corporation as required by the Board of Trustees and shall report to the Board of Trustees at designated intervals upon the work performed by the Corporation and upon its financial condition. The Board of Trustees shall be responsible for the evaluation of the Chief Executive Officer. Upon approval of the Board of Trustees, the office of Chief Executive Officer and the office of President may be held by the same individual.

Section 3. Duties of President. The President of the Corporation shall be the officer of the Corporation responsible for the day-to-day on-site management, operations, and leadership of the Corporation. The President shall see that the policies and directives of the Chief Executive Officer and the Board of Trustees are properly carried out. The President shall be given the specific responsibility for:

(a) Development and submission to the Board of Trustees for approval a plan of organization of the personnel and others connected with the operation of Watauga Medical Center.

(b) Selection, employment, control, and discharge of employees and development and maintenance of personnel policies and practices of Watauga Medical Center.

(c) Maintenance of physical properties in a good state of repair and operating condition.

(d) Supervision of business affairs to ensure that funds are collected and expended to the best possible advantage.

(e) Cooperation with the Medical Staff and with all those concerned with the rendering of professional service to the end that high quality care may be rendered to patients.

(f) Presentation to the Board of Trustees, or its authorized committee, of a periodic report reflecting the professional service and financial activity of Watauga Medical Center and preparation and submission of such special reports as may be required by the Board of Trustees.

(g) Attendance of all meetings of the Board of Trustees and committees thereof.

(h) To grant temporary privileges to Medical Staff applicants in accordance with the provisions of the Medical Staff Bylaws.

(i) To suspend all or any portion of the clinical privileges of a Medical Staff appointee or other individual whenever the President believes that failure to take such action would result in imminent danger to the health and/or safety of any individual or to the orderly operation of Watauga Medical Center. Such precautionary suspension shall be deemed an interim precautionary step in the professional review activity related to the ultimate professional review action that will be taken with respect to the suspended individual but is not a complete professional review action in and of itself. It shall not imply any finding of responsibility for the situation that caused the suspension.

(j) Performance of other duties that may be necessary in the best interests of Watauga Medical Center.

In the absence of the Chief Executive Officer, or in the event of his death, inability, or refusal to act, the President, unless otherwise determined by the Board of Trustees, shall perform the duties of the Chief Executive Officer, and when so acting shall have all the powers of, and be subject to, all the restrictions upon the Chief Executive Officer. The President also shall have such other powers and perform such other duties as are provided in these Bylaws and as the Board of Trustees may from time to time determine. The Chief Executive Officer and the Board of Trustees shall be responsible for the evaluation of the President. Upon approval of the Board

of Trustees, the office of Chief Executive Officer and the office of President may be held by the same individual.

Section 4. Duties of Vice Presidents. The Vice Presidents shall be subject to the supervision and control of the President of the Corporation, and shall have authority as may be delegated to them by the President and Chief Executive Officer of Appalachian Regional Healthcare System, Inc.

Section 5. Duties of Secretary. The Secretary of the Corporation shall have custody of the seal of the Corporation and shall affix the same attested to by his signature to all deeds, notes, and obligating instruments to be under the seal of the Board of Trustees. The Secretary shall sign with the Chief Executive Officer in the name of the Board of Trustees all contracts, agreements, and other obligations authorized to be executed by the Board of Trustees. The Secretary shall keep an accurate list of the members of the Board of Trustees and of the dates of their respective terms and the expiration thereof. In general, the Secretary of the Corporation shall perform all such acts as may be described by the Board of Trustees and as are usually incident to the office of Secretary of the Corporation.

Section 6. Duties of Assistant Secretaries. In the absence of the Secretary or in the event of his death, inability, or refusal to act, the Assistant Secretaries in the order of their length of service as Assistant Secretary, unless otherwise determined by the Board of Trustees, shall perform the duties of the Secretary and when so acting shall have all the powers of and be subject to all the restrictions upon the Secretary. They shall perform such other duties as may be assigned to them by the Secretary, or by the President and Chief Executive Officer of Appalachian Regional Healthcare System, Inc.

Section 7. Duties of Treasurer. The Treasurer of the Corporation shall be the Chief Financial Officer of the Corporation. The Treasurer may be required by the Board of Trustees to post bond with adequate sureties, the expense of which shall be paid by the Corporation. The Treasurer shall have the authority and responsibility to receive and safely keep all monies and securities of the Corporation; to pay or cause to be paid all lawful indebtedness of the Corporation; to keep or cause to be kept a record of all receipts and expenditures through an approved accounting system and to see that a true and accurate accounting of the financial transactions of the Corporation are made and kept; to present, or cause to be presented to the Board of Trustees at each regular meeting, a written report of operating results of the

Corporation since the last preceding regular meeting of the Board of Trustees; to present, or cause to be presented to the Board of Trustees at its Annual Meeting, an annual report as to the operating results of the Corporation for the preceding fiscal year; to present to the Board of Trustees a recommendation as to a certified public accountant to annually examine and audit the books of the Corporation and its controlled affiliates; and to exercise and perform such other authority and responsibilities as the Board of Trustees may direct from time to time.

## ARTICLE X MEDICAL STAFF

Section 1. Organization. The Board of Trustees has created a Medical Staff component within the Corporation's chart of organization which shall be comprised of all practitioners who have been determined to satisfy the qualifications for membership and have been appointed by the Board of Trustees. Appointment to the Medical Staff of Watauga Medical Center is a prerequisite to the exercise of clinical privileges at Watauga Medical Center, except as may be otherwise specifically provided in the Medical Staff Bylaws.

Section 2. Medical Staff Appointment and Clinical Privileges.

Section 2.1. Delegation to the Medical Staff. The Board of Trustees delegates to the Medical Staff of Watauga Medical Center the responsibility and authority to investigate and evaluate matters relating to Medical Staff appointment status, clinical privileges, and corrective action and shall require that the appropriate officers and committees of the Medical Staff of Watauga Medical Center adopt and forward to the Board of Trustees specific written recommendations on these matters with appropriate supporting documentation that will allow it to take informed action.

Section 2.2. Action by the Board of Trustees. Final action on all matters relating to Medical Staff appointment, status, clinical privileges, and corrective action shall be taken by the Board of Trustees after considering the recommendations of the appropriate Medical Staff officers and committees, provided that the Board of Trustees must act in any event if the appropriate Medical Staff officers and committees fail to adopt and submit any such recommendation within the time period set forth in the Medical Staff Bylaws and any of its supporting documents. Such action by the Board of Trustees without a Medical Staff recommendation must be based upon the same kind of

documented investigation and evaluation of current ability, judgment, and character as is required for Medical Staff recommendations.

Section 2.3. Criteria for Action by the Board of Trustees. In acting upon matters of Medical Staff appointment status and in granting and defining the scope of clinical privileges to be exercised by each practitioner, the Board of Trustees shall consider the recommendations of the appropriate Medical Staff officers and committees, the supporting information upon which they are based, and such criteria as have been approved by the Board of Trustees and made known to practitioners through the Medical Staff Bylaws and related manuals or other mechanisms. No aspect of appointment status nor specific clinical privileges shall be limited or denied to a practitioner upon the basis of sex, race, age, creed, color, handicap unrelated to the ability to fulfill professional or Medical Staff duties, or national origin, or upon the basis of any other criterion unrelated to qualify or efficient patient care at Watauga Medical Center, to required professional qualifications, or to the Corporation's purposes, needs, capabilities, and economic considerations.

Section 2.4. Terms and Conditions of Medical Staff Appointment Status and Clinical Privileges. The terms and conditions of appointment to the Medical Staff of Watauga Medical Center, and of the exercise of clinical privileges, shall be as specified in the Medical Staff Bylaws or as more specifically defined in the notice of individual appointment, reappointment, or grant of clinical privileges. Each appointee to the Medical Staff shall have appropriate authority and responsibility for the care of his patients subject to limitations contained in these Bylaws and in the Medical Staff Bylaws, rules, and regulations, and subject to any limitations attached to his appointment. Each appointee to the Medical Staff shall, at the time of application for appointment, and at the time of acceptance of appointment and reappointment, agree in writing to be governed by these Bylaws, the Medical Staff Bylaws, rules, and regulations. Further, he shall specifically agree to adhere to those responsibilities required of his Medical Staff category as provided in the Medical Staff Bylaws, and such other duties and responsibilities as shall be assigned to him by the Board of Trustees and appropriate authorities of the Medical Staff. No appointment or reappointment shall take effect until such a statement has been signed by the individual concerned.

Section 2.5. Procedure. The procedure to be followed by the appropriate Medical Staff officers and committees and by the Board of Trustees in acting upon matters of appointment status, clinical privileges, and corrective action shall be as specified in the Medical Staff Bylaws.

Section 3. Hearing and Appeal Procedures. The Board of Trustees shall require that any adverse recommendation made or adverse action taken by the Executive Committee of the Medical Staff, or by the Board of Trustees, with respect to a practitioner's Medical Staff appointment, reappointment, department affiliation, staff category, admitting prerogatives, or clinical privileges, shall, except under circumstances for which specific provision is made in the hearing and appeal procedures of the Medical Staff Bylaws, be accomplished in accordance with the hearing and appeal procedures of the Medical Staff Bylaws then in effect. Such procedures shall assure fair treatment and afford an opportunity for the presentation of all pertinent information. For the purposes of this Section 3, an "adverse recommendation" and an "adverse action" shall be as defined in the Medical Staff Bylaws.

#### **ARTICLE XI**

#### **ADOPTION AND AMENDMENT PROCESS**

Section 1. Delegation to the Medical Staff. The Board of Trustees holds the Medical Staff responsible for drafting, debating, adopting, and recommending to the Board of Trustees, or its authorized committee, in a timely and good faith manner, such bylaws, rules, regulations, and other organizational protocols, including amendments thereof, as are appropriate for the proper direction and management of the Medical Staff. All such documents and amendments thereto must be consistent with the policies of Watauga Medical Center, as well as all applicable legal and other requirements, and shall not be effective until acted upon favorably in accordance with Article XI, Section 6, herein.

Section 2. Favorable Action by the Board of Trustees. The Board of Trustees shall receive and act upon drafts of bylaws and related documents, and amendments thereto, recommended by the Medical Staff of Watauga Medical Center. The affirmative vote of a majority of the Trustees present at any regular or special meeting shall be deemed the favorable action of the Board of Trustees. Such bylaws, related documents, and amendments shall be effective as of the date such affirmative action is taken or at such later date as the Board of Trustees may specify. Provided, however, that amendments to the bylaws deemed to be

technical modifications or clarifications in the judgment of the Executive Committee of the Medical Staff may be effective upon report to the Board of Trustees but without the necessity of affirmative action by the Board of Trustees.

Section 3. Notice of Special Concerns. Whenever the Board of Trustees believes that the Medical Staff recommendations or existing documents are deficient in one or more respects, it may, by special notice to the Chief of the Medical Staff of Watauga Medical Center, inform the Medical Staff of its concerns, of the reasons therefor, and of the date by which the Medical Staff's response is requested.

Section 4. Action by the Board of Trustees Following Medical Staff Response. If the Medical Staff's response satisfies the concerns of the Board of Trustees that prompted the Article XI, Section 3, notice, the Board of Trustees shall thereupon act upon the matter in accordance with Article XI, Section 2, herein. If the Medical Staff's response fails to satisfy the concerns of the Board of Trustees or if no Medical Staff response is received, the Board of Trustees shall so notify the Medical Staff, through special notice to the Chief of the Medical Staff, and the matter will be added to the agenda of the next regular or special meeting of the Board of Trustees for action by the Board of Trustees.

Section 5. Action by the Board of Trustees. The Board of Trustees, at any regular or special meeting at which the matter is duly considered, may (a) by the affirmative vote of a majority of the Trustees present, accept the Medical Staff's recommendation, either as originally recommended or as changed pursuant to Article XI, Section 3, or advise the Medical Staff of a new position which shall be communicated to the Medical Staff in accordance with Article XI, Section 3, herein; or (b) by the affirmative vote of the majority of the Trustees present, affirm its position and rescind the delegation to the Medical Staff contained in Article XI, Section 1, herein.

#### Section 6. Effect of Action by the Board of Trustees.

Section 6.1. Medical Staff Recommendation Accepted. If the Board of Trustees accepts the Medical Staff's recommendation as originally submitted or as changed pursuant to Article XI, Section 3, the bylaws, or other documents or amendments thereto at issue shall be deemed to have been acted upon favorably by the Board of Trustees and shall be effective as of the date of action by the Board of Trustees or at such later date as it may specify.

Section 6.2. New Position Communicated. If the Board of Trustees directs that a new position be communicated, the procedures specified in Article XI, Sections 3, 4, 5, and 6, as applicable, shall be repeated.

Section 6.3. Delegation Rescinded. If the action by the Board of Trustees is to rescind the delegation, the Board of Trustees shall, with the aid of such Medical Staff assistance as it is able to enlist, formulate documents or changes responsive to the concerns of the Board of Trustees and submit the same to the Active Medical Staff by special notice. Within sixty (60) days of such submission, the Board of Trustees shall schedule and hold a hearing on the matter open to any member of the Active Medical Staff, subject to reasonable rules concerning time allotted for debate. Thereafter, the Board of Trustees, by the affirmative vote of a majority of the Trustees present, may adopt such document or change, with amendments, if any, and direct that the same be circulated to every Medical Staff member. In the absence of the necessary affirmative vote of the Board of Trustees to adopt such document or change, the disposition of the Board of Trustees shall be in accordance with whatever action is adopted by the Board of Trustees at the meeting at which the vote is taken.

## ARTICLE XII OPERATIONS

<u>Section 1. Inurement</u>. No part of the net income of the Corporation shall inure to the benefit of or be distributable to its Trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services actually rendered and to make payments or distributions in furtherance of the Purpose and Goals set forth in Article II of these Bylaws and in the Articles of Incorporation of the Corporation.

Section 2. Permitted Activities. Notwithstanding any other provision of these Bylaws, no substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or otherwise intervene in (including the publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office. Notwithstanding any other provisions of these Bylaws, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income taxation described in Section 501(c)(3) of the Code; (b) by a corporation, contributions to which are deductible under

Section 170(c)(2) of the Code; or (c) by a "charitable or religious corporation" as that term is defined under the Act.

## ARTICLE XIII AUXILIARY ORGANIZATIONS

Any auxiliary organizations that may be established by the Board of Trustees shall be responsible and accountable to the Board of Trustees for the discharge of those duties and responsibilities delegated to it by the Board of Trustees from time to time. In establishing an auxiliary organization, the Board of Trustees shall initiate or approve bylaws, delineate the purpose and function of the organization, and shall initiate or approve any and all subsequent amendments thereto. Auxiliary organizations shall report to the Board of Trustees in a manner established by the Board of Trustees from time to time. Nothing in this Article shall require the Board of Trustees to establish any auxiliary organizations, and the Board of Trustees shall retain the power to change, restructure, reorganize, or dissolve any such organization if established. All services and functions performed by such auxiliary organizations shall be subject to the overall supervision and direction of the Chief Executive Officer.

#### **ARTICLE XIV**

#### **RELIGIOUS MINISTRATIONS**

The Chief Executive Officer shall respect the request of any patient for any spiritual advisor whom he or she may desire.

### ARTICLE XV

### <u>SEAL</u>

The Corporation shall use a seal to authenticate contracts and legal paper, which shall be circular in shape, two (2") inches in diameter, and with the name of the Corporation around the margin.

## ARTICLE XVI A<u>MENDMENTS</u>

These Bylaws may be altered, amended, repealed, or new bylaws may be adopted by a two-thirds  $(\frac{2}{3})$  majority vote of the number present of the Board of Trustees at any meeting of the Board of Trustees, provided that written notice of the proposed changes shall have been given to the Trustees in the notice of the meeting. Any such alterations, amendments, repeals, or

new bylaws, once adopted by the Board of Trustees as provided in this Article XVI, shall be approved by a majority vote of the Board of Trustees of Appalachian Regional Healthcare System, Inc. at any regular or special meeting held for that purpose, prior to such alterations, amendments, repeals, or new bylaws becoming effective; provided, however, that no alteration, amendment, or deletion may be made to Article V, Section 2.2 of these Bylaws by the Board of Trustees except as provided by Article V, Section 2.2 of these Bylaws, which further requires approval by a majority vote of the County Commissioners of Watauga County at a properly noticed meeting, prior to such alteration, amendment, or deletion becoming effective.

### ARTICLE XVII

### **GENDER**

When used in these Bylaws, the words "he," "she," "his," "her," and "they" shall include and mean the singular, plural, masculine, feminine, or neuter, as the case may be, and as required by the text.





December 31, 2015

Anita Fogle Clerk to the Board 814 West King Street Suite 205 Boone, NC 28607

Dear Ms. Fogle,

The term of appointment of Ms. Glenda Hodges to the Watauga County Adult Care Home Community Advisory Committee is due to expire on February 5, 2016. She continues to be a committed and compassionate advocate for residents at Deerfield Ridge and Mountain Care. Ms. Hodges has indicated her willingness to be re-appointed for an additional three year term on the committee.

Please submit Ms. Hodge's name to the Commissioners for their consideration and let me know their decision at your earliest convenience.

Kindly,

Laura Jane Ward Regional Long-term Care Ombudsman

Enclosure

### **RENOMINATION FORM**

### LONG TERM CARE COMMUNITY ADVISORY COMMITTEE

Nominee Background Information	
Name & Glenda 7 Hodges	
Home Address 810 Parkcrest Ile.	Phone(H) 828-264-8529
Boone, NC	Zip Code
Business Address	Phone (W)
	Zip Code
Email Address	
Occupation Home maker	4
Number of hours available per month for this position	
Education 12th grade	
Business and civic experience and skills	
Areas of expertise and interest/skills	

# THE FOLLOWING PERSONS ARE EXCLUDED BY LEGISLATION FROM SERVING ON THE COMMITTEE:

- 1. Persons or immediate family member of persons with a financial interest in a home served by a committee.
- 2. An employee or governing board member or immediate family member of an employee or governing board member of a home served by a committee. (A person paid by a home as a consultant is considered an employee).
- 3. The immediate family member of a patient in a home served by a committee. An "immediate family member" is defined as mother, father, sister, brother, spouse, child, grandmother, grandfather, and in-laws for the above.

I CERTIFY THAT NONE OF THE EXCLUSIONS LISTED ABOVE APPLY TO ME. I UNDERSTAND THAT I MUST NOTIFY THE OMBUDSMAN IMMEDIATELY IF MY SITUATION CHANGES WITH RESPECT TO THE ABOVE EXCLUSIONS.

Elexda E Hodges	Date_/2 - 17-2015
Signature of Applicant	Regional Onbutone
Nomination form submitted by	High Caunty AA

#### Volunteer Application Watauga County Boards And Commissions

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form. Please sign and mall or fax to;

Watauga County Commissioners' Office 814 West King Street, Suite 205 Boone, NC 28607 Phone: (828) 265-8000 Fax: (828) 264-3230	
Name: Life Carace	
Home Address: 222 Suprementer	
city: Valle Crucis, NC Zip: 28691	
Telephone: (H) \$28-963-6072(W) \$28-963-6511 (Fax) \$28 9/63-1883	11
Email: lisa@mastgeneralshore.Com	
Place of Employment: Mast Stare	
Job Title:	

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

C Stony Fork	Watauga
C Brushy Fork	C Cove Creek
C Meat Camp	C Shawneehaw
C Blowing Rock	C Laurel Creck
CNorth Fork	C Boone
	C Brushy Fork C Meat Camp C Blowing Rock

In addition, Please Indicate If You Live In One Of The Following Areas: C Foscoe-Grandfather Community C Howards Creek Watershed C South Fork New River Watershed C South Fork New River Watershed

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

Gender	Ethnic Background	
C Malo	C African American	( HIspanic
le Female	Caucasian	C. Other
	C Native American	

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Watave	Sa County	Epo	6	
2. Wata Uge	· County	TDA	district	U
3.	V	·)		

PAGE 02

011916 BCC Meeting

#### Volunteer Application Watauga County Boards And Commissions (Continued)

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

Mast General Store VP, I have been model in all aspeaks of the busing for thirty plus yours on a bull the Work Experience: basis. Valle Crucic School, V.C. Community pack WHS sports, Womensburd Volunteer Experience: Currents serve on NCSSM Board of trustees, Wells Fargo and App Summer Boards, Seven Years on the WCTDA distict U baard Other Experienco: Other Comments: signature: Lis- Corper Date: 8/3/15

#### Volunteer Application Watauga County Boards And Commissions

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time expertise to your community, please complete the application below and click on Print Form. Please sign and mail or fax to:

Watauga County Commissioners' Office 814 West King Street, Suite 205 Boone, NC 28607 Phone: (828) 265-8000 Fax: (828) 264-3230

Name: Anne C. Ward

C Beaver Dam

C Blue Ridge

CElk

1....

Home Address:	710 Chestnut Kr	0 Chestnut Knob Rd.		
City: Boone			Zip:	28607
Telephone: (H)7	73-972-0360 (cell)	(W)		(Fax)
Email: anne@w	vard-williams.com			
Place of Employn	nent: freelance	communication	consultant/c	ontingent faculty at App State
Job Title: write	er/strategist & cont	ingent faculty in	Communicat	ion Department
	,			
In Order	To Assure County wid	le Representation P	lease Indicate	Your Township Of Residence:
Bald Mountain		O Stony Fork		Watauga
New River		C Brushy Fork		C Cove Creek

C Meat Camp

CNorth Fork

C Foscoe-Grandfather Community

C South Fork New River Watershed

C Howards Creek Watershed

C Blowing Rock

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

In addition, Please Indicate If You Live In One Of The Following Areas:

Gender	Ethnic Background	
C Male	C African American	C Hispanic
Female	Caucasian	COther
	C Native American	

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1.	Economic Development Commission
2.	
3.	

011916 BCC Meeting

2015

0

and

C Shawneehaw

C Laurel Creek

C Boone

C Valle Crucis Historic District

Winklers Creek Watershed

C Extraterritorial Area

JUL

### Volunteer Application Watauga County Boards And Commissions (Continued)

a\*

	Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.
Work Experience:	Writer/Strategist focused on developing strategic communications for clients in a broad range of industries (healthcare, law, technology, food, consumer products.) Creative services include conceptualizing, story development, writing and video production. Client list includes: Abbott, Motorola, Caterpillar, Covidien, AllRecipes.com, Kraft, Baxter, TAP Pharmaceuticals, V- Tech Toys and many others. Also currently serve as contingent faculty within the Department of Communication at Appalachian State University.
Volunteer Experience:	Volunteer experienced to date focused on serving in my children's schools - and includes co-chair of Carnival Committee and member of playground committee for Adler Family Association at Adler Park School in Libertyville, IL. In the last four years, I volunteer whenever time allows at Hardin Park School. Currently a member of High Country Watch, focused on responsible economic development within the county.
Other Experience:	Served for the last four years as contingent faculty with the Department of Communication at Appalachian State University. Areas of emphasis include: narrative development, documentary production, visual storytelling, message design and delivery, writing across all media platforms, public speaking and presentation skills. Looking forward to my fifth year as lecturer within the Communication department.
Other Comments:	Economic development within Watauga County is a complex issue, with many different aspects to consider. I am interested in using my strategic skills and experience to explore this issue as part of the Economic Development Commission.
	Signature: Ane While Date: 7/10/15

01/15/2007 01:17 6039683438 HJM: Joe Furman ROCKYWOLD DEEPHAVEN

011916 BCC Meeting

Joseph Miller Ben Shoe Make

#### Volunteer Application Watauga County Boards And Commissions

If you are a Watsuge County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form. Please sign and mail or fax to:

> Waleuge County Commissioners' Office 814 West King Street, Suite 205 Boone, NC 28807 Phone: (828) 265-8000 Fex: (828) 284-3230

Name: KAY CAM	eron		
Home Address: 117 F	orbes way P.C	Box 20	241
ON Blowing Roc			8605
Telephone: (H) 828-964-		4-9899 (Fax	828-264-0103
Email: TCAMETON	n@mottox.com	n	
Place of Employment:	Molecular Tox	icology I	nc.
	iness Develop		d and

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

C Bald Mountain	C Storry Fork	C Weteuge
O New River	C Brushy Fork	C Cove Creek
C Beaver Dam	C Mest Camp	C Shawneehaw
C. Blue Ridge	Blowing Rock	C Laurel Creek
CER	CNorth Fork	C Boone

In addition, Please Indicate If You Live In One Of The Following Areas:

C Foscoe-Grandfather Community	C. Velle Crucia Historic Dishict
C Howards Creek Watershed	C Winkless Creek Watershed
C South Fork New River Watershed	C Extratorritorial Area

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

			Gende
1	X	Male	1
	C	Fam	ale

Emnic Back	ground
C African American	C Hispanic
Caucasian	Other
C. Native American	

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1.		
2		
3.	 	

.....

### Volunteer Application Watauga County Boards And Commissions (Continued)

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

Molecular Toxicology Inc Lees Mc Rae College Triton Yachtsales Work Experience: st. mary of the Hills Vestry Watauga High School Lacrosse Program western Youth Network Volunteer Experience: Other Experience: Other Commenta: Signature: ANIL Date: 8/3/15

T0-

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#### TAR HEEL CAPITAL

#### 011916 BCC Meeting

#### Volunteer Application Watauga County Boards And Commissions

If you are a Watauga County resident, at least 18 years old, and willing to voluntcer your time and expertise to your community, please complete the application below and click on Print Form. Piceae aign and mail or fax to:

> Watauge County Commissioners' Office 814 West King Street, Suite 205 Boone, NC 28607 Phone: (828) 265-8000 Pax: (828) 264-3230

Home Address	658	Parkcrest Di			
City: Boone				Zip:	28607
Telephone: (H	828-263	3-9198	(1) 828-262-1811		(Fax) 828-264-239
Email: tdolb/	er@tarhe	eecapital.co	m	_	
Place of Emplo	yment:	Tar Heel	Capital Corporation (We	ndy's	Restaurants)
Job Title: Pre	sident				

In Order To Assure County wide Representation Please Indicate Your Township Of Recidence:

C Bald Mountain	C Stony Fork	CWateuga
New River	C Brushy Fork	C Cova Creek
C Beaver Dam	C Meat Camp	C Shawneehaw
C Blue Ridge	C Blowing Rock	C Laurel Creek
Elk	CNorth Fork	C Boone

In addition, Please Indicate If You Live	In One Of The Following Areas:
C Foscoe-Grandfather Community	C Valle Crucie Historic District
C Howards Creek Watershed	C Winklers Crook Watershed
South Fork New River Watershed	C Extraterritorial Area

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

Gender	Ethnic Background	
( Male	C African American	C Hispanic
CFemale	Caucasian	COther
	O Native American	

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Economic De	velopment Commission	
2.		
3.		

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011916 BCC Meeting

### Volunteer Application Watauga County Boards And Commissions (Continued)

	Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.
/ork xperience:	As the President of Tar Heel Capital I am responsible for the operation of a \$100 Million + company with Wendy's restaurants in Boone and across North and South Carolina. Our corporate office in Boone employs 30 full time people with another 2500 full an pert time employees across the Carolinae.
olunteer kperience:	I have served on the Board of the Hope Center in Boone for more than 10 years, 6 years as board chair. I have also served on various food service industry boards and committees. I am the President of two Wendy's advertising cooperatives, making docloions on local advertising programs and initiatives in the Greensboro and Greenville, Spartanburg, Asheville DMA's. I teach youth Sunday school at Mt. Vernon Baptist Church. I have also been a part of mission trips in foreign countries, helping to establish churches and schools in underprivileged areas I essist with Watauga County Band Booster.
her perience:	I have a BS Degree from the University of Floride in Food and Resource Economics.
ier mments;	

T0-



TO: WATA	ниса Со. Сом	MISSIONALS	OFFICE	
Fax #:	828-264-32	30		
From: M	SSY HARRILL			
Date: 7-3	31-2015			
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133 Echota Parkway | Boone, NC 28607 | Local: 828-963-7600 | Fax: 828-963-724

### www.echotanc.com

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#### Volunteer Application Watauga County Boards And Commissions

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form. Please sign and mail or fax to:

> Watauga County Commissioners' Office 814 West King Street, Suite 205 Boone, NC 28607 Phone: (828) 265-8000 Fax: (828) 264-3230

Home Address:	2246	Russ	CORNER	Ro.		1
city: Boo	NE			Zlp:	28	607
Telephone: (H)	963-6275	w (W	n 963-7	600	(Fax)	963-724-
Email: Miss						
Place of Employme			MAANUES			
Job Title: $VP$	The Los and	- in la	15000			

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

C Bald Mountain	C Stony Fork	C Watauga
(PNew River	C Brushy Fork	C Cove Creek
C Beaver Dam	C Meal Camp	C Shawneehaw
C Blue Ridge	C Blowing Rock	C Laurel Creek
CElk	C North Fork	C Boone

In addition, Please Indicate If You Live In One Of The Following Areas: C Foscoe-Grandfather Community C Howards Creek Watershed C South Fork New River Watershed C South Fork New River Watershed

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

Gender	Ethnic Background	
Male	C African American	C Hispanic
V.Female	(O'Caucasian	COlher
	C Native American	

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1.[	EDC
2.[	
3.[	

#### Volunteer Application Watauga County Boards And Commissions (Continued)

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

PLEASE SEE ATTACHED. Work Experience: Volunteer Experience: Other Experience: Other Comments: Signature: MUU Date: 7-31-2015 FOSCOE REALTY

## **Missy Harrill**

#### Vice President Development at Foscoe Companies/Echota

missy@foscoecompanies.com

### Experience

Vice President Development at Foscoe Companies/Echota April 2001 - Present (14 years 4 months)

#### **Owner/Rental Manager at Foscoe Rentals**

April 1997 - May 2005 (8 years 2 months)

~ Acquired a failing rental management business representing 18 units which has grown into one of the largest rental management companies in the NC High Country, managing over 150 units to date.

Owner, General Contractor/Interior Designer at The Lakes Community Development Corporation September 1996 - March 1999 (2 years 7 months)

~Renovated an old ski lodge into 15 resort condominiums and a ballroom/bar/multi-function space including supervision of all sub-contractors; selection and installation of fixtures, finishes, furnishings and accessories. ~Worked with buyers on selections of cabinetry, flooring, finishes and custom work orders for construction division of company; oversaw construction of 30 log cabins and 24 resort condominiums; scheduled and supervised all sub-contractors for construction division.

#### Interior Designer at Dianne Davant Interiors

October 1992 - February 1996 (3 years 5 months)

~ Worked with clients on design, selection and installation of furnishings and accessories; served as client's liaison with architects, builders and sub-contractors.

## Volunteer Experience

WHS Spirit Store Manager at Watauga County Schools 2010 - 2014 (4 years)

Secretary at Touchdown Club of Watauga County 2012 - 2014 (2 years)

Advisory Board Member at Yosef Club, Appalachian State University 2008 - 2010 (2 years)

**Board Member at Watauga County Tourism Development Authority** 2007 - 2011 (4 years) Advisory Board Member at Lifestore Bank 2006 - 2011 (5 years)

Advisory Board Member at Clinical Services Advisory Board, Appalachian State University 2006 - 2008 (2 years)

**Board Member at Appalachian Regional Healthcare Foundation** 2006 - 2010 (4 years)

President/Chairperson/Board Member at Watauga Education Foundation 2005 - 2011 (6 years)

### Certifications

NC General Building Contractor NC Licensing Board For General Contractors License 47768 October 1995 NC Real Estate Broker NC Real Estate Commission License 133373 May 1992

## Education

Appalachian State University Bachelor's Degree, Interior Design & Marketing, 1987 - 1993 Activities and Societies: Sigma Kappa

### Skills & Expertise

Construction Finish Flooring Furnishings Interior Architecture Management Strategic Planning Residential Homes Contract Negotiation Customer Service New Business Development

## Languages

English

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#### Volunteer Application Watauga County Boards And Commissions

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form. Please sign and mail or fax to:

> Walauga County Commissioners' Office 814 West King Street, Suite 203 Boone, NC 28607 Phone: (828) 265-8000 Fex: (828) 261-9230

Telephonie: (H) (W) 828-262-1950 (Fax) Email: mliHlejohnCSamaritan.org	Home Address: 126 PITEA	SANT LN	
Emall: mli Hlejohne Samaritanorg	CITY: BLOWING ROCK	Zip:	28605
	Telephone: (H)	M 828-262-19 80	(F8x)
Disco of Employments de	Emall: mlittlejohne	Samaritan.org	
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In Order To Assure County Wide Representation Please Indicate Your Township Of Residence:

C Bald Mountain	C. Stony Fork	C Watauga
O New River	O Brushy Fork	C Cove Creek
O Beaver Dam	C: Mool Comp	C Shawneehaw
C Blue Ridge	Blowing Rock	C Laurel Creek
CEIK	CNorth Fork	C Boone

In addition, Please Indicate II You Live In One Of The Following Areas: C Foscoe-Grandfather Community C Howards Creek Watershed C South Fork New River Watershed C South Fork New River Watershed

We Ack Your Help In Aceuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

Gender	Ethnic Background	
Mala	C African American	C Hispanic
C. Female	Caucaslan	C Other
	C: Native American	

Please List (in Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1.[	ECONOMIC	DEVELOPMENT
2.[		
,[		

No. 7169 P. 2

011916 BCC Meeting

#### Volunteer Application Watauga County Boards And Commissions (Continued)

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application. - 15+ YEARS FINANCIAL MAMAGEMENT AT SAMARITAN'S PURSE 2.5 YEARS PUBLIC ACCOUNTING EXPERIENCE - 17, 5 YEARS FINANCIAL MAMAGEMENT ROLE, AT 3 Work Experience: COMPANIES IN CHARLOTTE PREVIOUSLY SETEVED ON BOARDS FOR: - CHARLOTTE - MECKLENBURG UNITED WAY ALLOCATIONS - THOMSON CHILDREN'S HOME - ST. JOHN'S EPISODAL VESTEN - ALLIANCE BIBLE FELLOWSHIP ELDER BORRD - BOONE Volunteer Expertence: - GRACE ACADEMY - BONNE Other Experience: Olher Commente: Stgnature: C. Mining Durlyth

Date: 8/3/15

## **AGENDA ITEM 12:**

## MISCELLANEOUS ADMINISTRATIVE MATTERS

### E. Announcements

## **MANAGER'S COMMENTS:**

## **AGENDA ITEM 13:**

## PUBLIC COMMENT

## **AGENDA ITEM 14:**

### **BREAK**

## **AGENDA ITEM 15:**

## **CLOSED SESSION**

Attorney/Client Matters – G. S. 143-318.11(a)(3)