

MINUTES – SEPTEMBER 6, 2011

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Tuesday, September 6, 2011. Members present: Nathaniel Hall, Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Jeremiah Jefferies, Cathy W. Lucas and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall stated “On August 25, 2011, a native son of Caswell County, Sergeant Colby Richmond was killed by serving in the U.S. Army in Afghanistan. His funeral was held yesterday at the Caswell County Civic Center. As best as we can tell or I can tell Sgt. Colby Richmond was the first native son to be killed in Afghanistan and also as best as I can tell he is the first native son that has been killed probably since Vietnam. I have talked with members of the VFW and other representatives and they have no records of us having lost anyone in Iraq or the First and Second Desert Storm. He was the son of Cynthia Richmond who is a retired county employee of the Health Department. He also left behind a wife and a son. So as we open this meeting with a Moment of Silent Prayer I would ask that you keep this family in mind as they move forward.”

Chairman Hall opened the meeting with a Moment of Silent Prayer.

Chairman Hall stated “Sgt. Richmond lost his life on the 25th of August. I think there were 4 or 5 other soldiers killed at the same time. We know from listening to the news that August was the biggest causality month of the Afghan war. We have lost sixty some soldiers during that time. I worked with staff as well as others to try to pull together a resolution we thought would be fitting for Sgt. Richmond and his family. Because of what they had to go through, it took 10 days to get his body for the funeral we did not know until the last minute, I found out Sunday, his funeral would be yesterday. For 10 days they were going day by day waiting for the Army to let them know when they would release the body to them. I have developed a resolution and I will ask Ms. Seamster to read the resolution and after the reading I would ask this Board to approve this resolution.”

Caswell County Board of Commissioners

Nathaniel Hall, Chairman
Kenneth D. Travis, Vice-Chairman
Erik D. Battle
William E. Carter
Jeremiah Jefferies
Cathy W. Lucas
Gordon G. Satterfield

*Resolution Honoring the Life, Service and Memory of
Sergeant Colby Richmond*

Whereas, Sergeant Colby Richmond, who grew up in Caswell County and graduated from Bartlett Yancey High School in 2003, touched the lives of countless people through his caring ways and zest for life; and

Whereas, Sergeant Colby Richmond, wishing to serve his country enlisted in the United States Army on January 5, 2006, and ultimately became a member of the Transportation Unit 546, 82nd Sustainment Brigade; and

Whereas, Sergeant Colby Richmond was a decorated soldier, who gave his life on August 25, 2011 when he was killed after an improvised explosive device hit the truck that he was driving in Afghanistan;

Now, Therefore, Be It Resolved, that the Caswell County Board of Commissioners expresses its profound appreciation and sincere condolences to the family of Sergeant Colby Richmond for his honorable service, steadfast courage and supreme sacrifice in defending his country and our freedom;

Be It Further Resolved, that the Caswell County Board of Commissioners calls upon all citizens of Caswell County and the United States of America to support our Armed Forces as they fight to defend our freedom, and may the sacrifice of Sergeant Colby Richmond and other soldiers serve as a constant reminder to our citizens of the high price of liberty.

This the 6th day of September, 2011.

S/Nathaniel Hall

Nathaniel Hall, Chairman

Caswell County Board of Commissioners

Commissioner Jefferies moved, seconded by Commissioner Satterfield to accept the Resolution honoring Sergeant Colby Richmond. The motion carried unanimously.

APPROVAL OF AGENDA

Chairman Hall stated "I have two items to add and there are two items to be taken off. The first item is a Resolution Joining the National Moment of Remembrance of the 10th Anniversary of the September 11th Terrorist Attacks on the United States and the second item is the Meeting

dates for the Town of Yanceyville. Item 10 Board of Elections Lease Agreement can be removed. It is my understanding that they requested to be removed and then Item 11 will be removed.” Mr. Howard added “It will be postponed until the next commissioners meeting.”

Commissioner Travis moved, seconded by Commissioner Battle to approve the Agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Battle to approve the Consent Agenda as presented.

Commissioner Lucas stated “Chairman Hall on Item A Approval of the Minutes of August 15th on page 17 there is a word there that needs correcting ‘Has there been any decision about relocating the Teen Court’ that should be ‘relocating the tennis courts’.

Upon a vote of the motion with the minutes corrected, the motion carried unanimously.

The following items were included on the Consent Agenda:

- A) Approval of Minutes of August 15, 2011 Regular Meeting
- B) NCDOT Delegation of Authority
- C) Prospect Hill Convenient Center Contract Extension

PUBLIC HEARING – ROAP GRANT

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the ROAP Grant. The motion carried unanimously.

Ms. Williamson, CATS Director, stated “The reason I am here tonight is it is time for us to do the Rural Operating Assistance Program which we refer to as the ROAP grant application. This is a state funded public transportation grant program that is administered by the North Carolina Department of Transportation. This is the same ROAP program we apply for each year that helps to provide transportation for the elderly and disabled, employment transportation and rural general public. The ROAP application is due to the NCDOT by September 30, 2011. It is required that the Board of Commissioners hold a public hearing to receive local input regarding the sub-allocation of these funds. At this hearing we will need for the Board Chair, the County Manager and the Finance Director to sign the certified statement which pretty much stipulates that we will do everything that we are supposed to with the funds that have been provided from the state of North Carolina. A public hearing notice had to be published in our local Caswell Messenger and that was published. We also put flyers out at the public library, here at the Historic Courthouse, at DSS, the Senior Center and several areas like that to try to get the word out that we are getting these public transportation dollars. We also put an additional ad in the Caswell Messenger regarding the 2012 ROAP funds that if anybody is more interested in knowing more about them and about the sub-allocation they could contact me about that and to provide input also. The period of performance for the project will remain July 1, 2011 – June 30, 2012 regardless of the date on which the ROAP funds are disbursed to the county. The EDTAP

which was originally enacted by legislation in the 1989 Session of the North Carolina General Assembly provides operating assistance funds for the transportation of the state's elderly and disabled citizens. The Employment Transportation Assistance Program is intended to help DSS clients that have transitioned off of Work First or TANF in the last 12 months, the Workforce Development Program participants and/or the general public to travel to work, employment training and/or other employment related destinations. The RGP which is the Rural General Public operating assistance funds are intended to provide transportation services to individuals who are not human service agency clients. Caswell County will receive a total of \$116,471 in ROAP funds. EDTAP will be allocated \$55,541, Employment Transportation Assistance Program will be allocated \$12,807 and the Rural General Public will be allocated \$48,123. On the next page I provided a copy of the Public Hearing Notice that we had in the Caswell Messenger. Also there is a sheet that shows the sub-allocation of the funds that we went over. The County will get the \$55,541 in EDTAP. We did have the Job Link Center like last year from PCC that were interested in some of the employment funds. Also the PCC Career Readiness Program this year had expressed interest and Orange Enterprise which is our vocational workshop. That is what those employment transportation funds are intended to help provide services to these programs and they have also expressed an interest in the funds that we will receive this year. Are there any questions?"

Chairman Hall asked if there were any others who would like to speak at this time.

Commissioner Lucas asked "Melissa, you mentioned Orange Enterprise for vocation trades that is something new right? We have not been supplying that in the past?" Ms. Williams responded "We have been providing transportation for them. The employment funds this year, the state had a set of agencies that we had to send surveys to and this year they expressed an interest. Those funds are to help with a vocational workshop. They did express an interest this year and wanted to utilize some of those funds. They do have some of their own funding but they said any funds we could help with for their program would be appreciated." Commissioner Lucas continued "That is what I was curious about. I know they have their own funding. This is something that we are doing new with transporting patients to Alamance County correct?" Ms. Williamson responded "We have been doing it for about a year now in December." Mr. Howard added "They moved out about a year ago." Ms. Williamson continued "We will help the vocational workshop in transporting our Caswell County citizens to the workshops since there is not one here in the County. We will be providing the transportation for them. The NCDOT, the state, provides these funds and that is one of the needs, when they see that transportation survey, they will see that we are trying to provide some assistance there and also since they have expressed an interest in it."

Chairman Hall asked if there were any others who would like to speak at this time. Chairman Hall declared the Public Hearing as closed.

Chairman Hall asked "Do we need to take some action in regular session for you, Ms. Williamson?" Ms. Williamson responded "With this grant we are required to hold a public hearing and we have to have a certification, that Paula has that will need to be signed by you, Gwen and Kevin." Chairman Hall asked "So there is no Board action?" Ms. Williamson responded "No sir." Mr. Ferrell stated "Mr. Chair the action that could be taken by this Board is

to authorize the Chair and the Manager to execute the certified statement that appears in your packet.”

Commissioner Jefferies moved, seconded by Commissioner Travis to accept the recommendation of Ms. Williamson on the ROAP grant application and to authorize the Chair and Staff to sign off on the certified statement. The motion carried unanimously.

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. John Claggett, Jr. came before the Board and made the following statement:

“Good evening, my name is John Claggett and I reside at 108 Jaye Lane, Providence, NC.

I am here this evening on behalf of myself and other taxpayers in my community. In your agenda package is a letter from the EMS Director addressing his investigation as to why Ambulance #205 suffered yet another engine failure 2 ½ years after the first one. Having read this investigation report it all points to negligence by the county regarding the maintenance of this vehicle. The same negligence sighted by an investigation report dated January 30, 2009 from the former EMS Director to the County Manager for the very same type of engine failure on the very same vehicle. The report of January 30, 2009 also included actions to be taken to prevent this from happening in the future, such as:

1. All maintenance done on warranty covered units to use specific manufacturer parts only.
2. Emergency Operations Manager over Logistics has been put in direct charge over ensuring all units are receiving proper maintenance and documenting said maintenance.
3. Significantly more required oversight at the staff, supervisor, and administrator level.
4. New computer program to both track and report maintenance history based on mileage and time table. Initially to be maintained by both Emergency Services Operations Managers.
5. New Maintenance Work Orders and Request Forms to better track exactly what has been maintenance and a sign off by provider of said maintenance.

The report also stated that deficiencies are being addressed and policies will be amended as needed to ensure that the chances of the identified failures happening again are greatly reduced. Just for your edification the failures mentioned here are those by the EMS Dept. The report continues with “we will work with you and other Department Heads” to ensure that items identified in our investigation are minimized in other county departments. Ladies and Gentlemen our definition of “Ensure” and the county’s definition of “Ensure” must truly be different as none of these actions were followed and obviously there wasn’t any follow up by the administrator.

Having reviewed the maintenance and repair receipts for unit #25 my fellow taxpayers/citizens and I have noted that there are numerous occasions where the county was charged for services

not rendered. How do you know what, if any, maintenance was performed if there isn't any record of it? How do you know? You don't. Read the report from the professionals and our current EMS Director...poor maintenance caused the failure.

In accordance with G.S. 153-82 the board as well as the county manager collectively has failed the taxpayers of this county.

We have asked for and would like a list of all county vehicles by Department and we would like an enforceable Waste, Fraud, and Abuse Policy instituted. We would like both of these sooner rather than later. We deserve accountability and attention to detail.

Thank you for the opportunity to speak.”

Mr. Eddie Deluca came before the Board and made the following statement:

“Good evening I am Eddie Deluca from Prospect Hill, NC. I was not here at the last meeting with the Shooting Range Ordinance was discussed otherwise I would have addressed this stuff then. I have a couple of comments about that. Since then I have reviewed the Shooting Range Ordinance and it appears to me that the Planning Board did their research and did a good job on the ordinance. I believe it is a good idea to have a safety inspection by a certified engineer and to have range team technical advisors from the National Rifle Association to inspect and evaluate all the ranges. I was wondering somehow if it could be stated that this said advisor not be member of these said ranges to avoid any type of conflicts of interest or is this something that is already understood. The article in the Caswell Messenger read that Mr. Brevit, the owner of the shooting range in Prospect Hill next door to me, was concerned with no grandfathering clause. The regulations along with the insurance requirements would put him out of business. I believe this ordinance is being proposed for the safety and fairness of all the people on the range as well as the neighbors who have been there for many years prior to the ranges existence. Grandfathering would undermine this ordinance and jeopardize the welfare of the surrounding property owners as well as the neighborhood. Someone at the last meeting also made the comment that he goes to the range to shoot because if he shot on his own property it would cause a disturbance. Well I live next door to it and I do shooting and target practice on my property and I don't mind at all when my neighbors do the same but after living in peace on my property what does everybody else think that a shooting range does to cause a disturbance in my neighborhood. At times a disturbance is putting it mildly. Lately I have been hearing what sounds like motorcycles and four-wheelers and noise like that coming from the same property from the range. Now I don't know if this is some type of mixture of activities that is going on there or whether that is a personal thing or what. I have seen cars with trailers being parked at the same shooting range and the noise is going on mostly on weekends. Just looking at this, it does not seem like a good mixture from a safety standpoint or a noise standpoint, along with hearing in the morning bam, bam, bam and racing noises it might be something that we might want to look at as far as ordinances and stuff like that go. I appreciate your time. Thank you.”

Chairman Hall asked if there were any others who would like to speak at this time. Chairman Hall declared the Public Comments as closed.

GRANT OPPORTUNITY FROM THE NC DEPT. OF JUVENILE JUSTICE &
DELINQUENCY PREVENTION

Judge Mark Galloway stated “Good evening, I am Mark Galloway from Roxboro. I am here to ask for your consideration to allow us to participate to move forward in obtaining a grant for a Youth Treatment Court that will operate in Person and Caswell Counties. The grant would be a joint grant that would be operated by both counties. We need it. We need it badly. There are a number of people who are on these two committees that have been working on getting this grant. We have spent way more than 50 hours just in the last month trying to get it going so we feel confident that this is the sort of thing we need. It is surprising and a little shocking to me to read the degree to which youth that are adjudicated delinquent and are interviewed how much higher is their percentage of usage of alcohol and substances than in the rest of the state. Every youth that is adjudicated delinquent goes through a question process and it is surprising just how much higher is the use in these two counties. We have concluded and I think it makes good since that a drug treatment court is going to work much better than a treatment background where there is treatment being offered to someone who does not think they have a problem. You can well image that most of the youth that are coming before us don’t think they have a problem. We put them in a room with very good treatment not much is going to happen but in a youth treatment court environment that does allow us to hold that youngster accountable and to require that they move in the correct direction. I am seeking a letter of endorsement. I have a presentation to make but let me just say at this point in time if you have any questions or if you feel you have heard enough I will step back but if you have some questions or you would like to hear more I will proceed.” There were no questions from the Board. Judge Galloway continued “I will take that as a thank you very much.”

Mr. David Carter stated “Just to follow up we are just seeking an endorsement. There is no cash match required for this grant. It is a \$100,000 grant. That would fully support and function the youth treatment court as Judge Galloway mentioned. The deadline is September 15th so we do not have a lot of time. The grant application has to be signed by the Chairperson of the County Commissioners as well as the Juvenile Crime Prevention Council Chairperson. As the program provider agency director we would be looking to the county to basically manage this program and to be the recipient of the \$100,000 which would then be paid out contractually for a position and also for the program operation. We are asking that Caswell County take the lead on this and the court system and Juvenile Justice would ensure that the youth are being held accountable and complete the program.”

Commissioner Carter moved, seconded by Commissioner Jefferies to endorse this program to move forward in obtaining a grant for a Youth Treatment Court that will operate in Person and Caswell Counties. The motion carried unanimously.

CASWELL COUNTY – A DISASTER AREA

Mr. Joey Knight, Extension Director, stated “Good afternoon. If I would have known we would get rain today Mr. Jefferies I would have came a month ago. Every little bit of rain is appreciated but it is a little bit too late for the crops. Rodney Young is our new FSA Director and Rodney as well as myself along with several of the others at the agency has been working

diligently in trying to get disaster monies or to try to get our county declared as a disaster. As most of you know we have had a lot of rainfall in some of the surrounding counties and in some counties there has been a hit and miss and we have been missed. Agriculture is a big income generator. What I handed to you is kind of a synopsis. In 2009 the Ag industry in Caswell generated \$29 million. I know that most of you are concerned about the tobacco production. When we went through the buyout program we lost a lot of tobacco production but we are still producing about five million pounds of tobacco. We are considered a D1 which is a moderate drought area which you know that is far from the truth. We have had about a half of an inch of rainfall since July 4th. The figures that the USDA uses to gather data is normally the regional airports. You know as well as I do that it will usually rain in the city or at the airport but it will not rain out on the countryside where the rainfall is definitely needed. We are hoping to change some of that. We are hoping to get this changed within the next year or two. Just running down the list – Pastures is 100% affected. Folks have been feeding hay since August 1st. One farmer told me that the best thing to do is the feed your hay in the summer and graze in the winter. We have really had a drought since 2007. We have had some water but we have really not gotten our water tables back where they need to be. That is the reason why when this drought came in 2011 it has had the effect on the crops. Corn crops – looking at the FSA data there is about 1000 acres that is planted here in Caswell County. It will be low yields and very little forage for silage. All of the silage has already been cut because you have to cut it at a certain stage to have the fermentation process to take place. Very low yield in the crops. For the dairy farmers that is a crop that is used for extra feed supplement in the fall. Normally that crop would be 10 to 12 feet high and it is about waist high or shoulder high. A lot of the corn crops were affected. Soybeans – we have around 2200 acres that is planted. Rodney will probably talk about a lot of these things. We had our emergency meeting and we were trying to get everybody together on the same page. For over two weeks we have had over 95 degrees in temperature. When those soybeans start to develop a bloom and you have temperatures that high it will abort the blooms. When you abort the blooms you do not have any beans. The double crop which came behind the wheat is 100% destroyed. There will be no late beans that will be harvested. Flue cured tobacco – we had roughly around 2600 acres. When the buyout came about, the farmers that stayed in went on contracts so some of it may not be reported but it is pretty close. About 75% of it was affected. A lot of the farmers will tell you that it has the stove pipe affect which is very low yields. The sun was so hot that it baked the leaves. They could not cure the tobacco in the barns like they should. A lot of them had to water the tobacco two days before pulling, just to get it to cure up in the barn like it is supposed to be. So the yields and the quality are going to be affected. 15% of it will be destroyed. Some folks say they have crop insurance, they will be okay but who wants to farm and use crop insurance when you are hoping that the crop insurance is going to break even. That is not the way to farm. With years like this crop insurance is going to help, those who have it. Again high fuel cost, a lot of irrigation. A lot of ponds are depleted of water so it is going to be a costly crop. We had roughly around 100 acres of burley tobacco that was planted and about 40 – 50% of that was affected as far as quality yields. 20% is completely destroyed. They cannot harvest it. A lot of people are going to market and have contracts with Philip Morris and other contractors and they are bringing their tobacco back because they are paying 80 cents a pound and I am not going to sell it. They need about \$1.20 per pound just to break even. Jeremiah and Will Strader may be able to give you a better figure. Just roughly speaking it is hard to accept those prices. We are trying to get the county declared as a disaster area. We know that the federal government will give monies to the disaster areas.

It may take a couple of years but every little bit is appreciated and hopefully keep those farmers that want to farm in business. At this time Rodney will give a little synopsis of the meeting we had.”

Rodney Young, FSA Director, stated “Thank you for having me. I am Rodney Young and I am the new FSA Director. I have been here for about a month. I put together a meeting with Joey and other members such as the Forestry Service, Natural Resources Conservation Services, in order to gather some of this information. During this meeting we received some of the information on which crops had been affected or destroyed as Joey just went through. I will not duplicate his efforts on that but what I will let you know is what we have with our federal programs that we administer through our office is we have a program that will be helping these farmers that are affected by these loses but as he stated that program will be a year in the rear. They will be paying these farmers next year for their loses this year. We are asking that this county be declared a disaster area so we can implement some emergency programs for help. There are several emergency programs we are looking to get help from. One in particular is the Livestock Forest Program. We are hoping to have that program enacted. Our big issue that we noticed in our account executive emergency board meeting is that we have an issue with the drought station. The weather station is in Danville instead of the Caswell Game Lands being used as the weather station. We are in the moderate drought occurring to the National Weather and Crop Report and we should probably be in the extreme drought with given our rainfall since July 4th. We have received less than ½ an inch of rain in the Caswell County area between July 4th and August 30th. You can tell that is a severe drought. That is what I have and I wanted you to know the severity. We will try to get those things reworked and I appreciate your time tonight.”

Chairman Hall asked “What can this Board do to address this weather station location?” Mr. Young responded “There may not be any direct thing that you can do to affect that other than letting congress members know the situation here. Once they are alerted they will talk to Washington and we will be declared a disaster county. What that will do is to allow us to help these farmers that are not allowed to receive money this year to enter into the emergency program. They may also allow us to use the information from my county committee meetings and that is a board of farmers here in the county. If we are allowed to use that data that will show exactly what the conditions are here in Caswell County. It will not show the outliers like the Danville airport, the weather station in Milton and the edge of Person County. That is what we are looking to get from this meeting today, help on that.”

Commissioner Lucas asked “So you are in the process of getting the drought classification changed, is that correct?” Mr. Young responded “Yes.”

Chairman Hall asked “Could either of you briefly tell me the major crops that were affected?” Mr. Young responded “Corn, soybean, pasture land, tobacco.” Chairman Hall continued “You gave us some percentages on how much was destroyed. Could you give those to me again?” Mr. Young responded “Burley tobacco – 40-50% affected majorly which means they will have a 30% reduction in either yield or quality and also about 20% completely destroyed. Flue cured tobacco – about 75% affected. About 15% destroyed and unharvested. Corn – almost 90% majorly affected and up to 75% completely destroyed. Soybeans – all late crops are double

crops behind wheat usually are completely destroyed. 50% of the on time beans are going to be majorly affected. They will not be completely destroyed but there will be a 30% reduction in yield or quality.” Chairman Hall asked “So those late beans, how many acres were affected?” Mr. Young responded “About 1100 acres of beans. There is another thousand or so that were not double cropped. This information was reported to my office by the local producers here in Caswell County.” Mr. Knight added “Flue cure tobacco production usually generates about 200 lbs. If they get 1500 lbs. they will be doing great.” Mr. Young stated “There will be a quality reduction as he stated before so they will not be paid what they were actually contracted to be paid due to the quality of the tobacco. That is also another issue as well.”

Commissioner Carter stated “I know that you mentioned pasture land. A lot of people get a fall cutting with the hay and they probably will not get a fall cut this year.” Mr. Young responded “No, that is not expected. The second cutting of hay is not expected.” Commissioner Carter asked “How much pasture land is affected?” Mr. Young responded “We have deemed 100% of it to be majorly affected at this point in time.”

Commissioner Lucas asked “Back to the reclassification. Do you anticipate having any problems with having that changed or is there a time frame in which that will happen?” Mr. Young responded “As far as the disaster classification?” Commissioner Lucas asked “Is there something that this Board could do to help this process?” Mr. Young responded “I am not sure if there is anything to speed that process up but we want to make sure it is made aware on every level that we can so when the time comes we can have it.”

Commissioner Carter asked “Would it help if this Board made a resolution declaring this county a disaster?” Mr. Young responded “Yes sir, definitely. We would greatly appreciate that.”

Commissioner Jefferies stated “I would be glad to take any of the commissioners to my farm. I raise soybeans, corn, wheat and tobacco. Any member of this Board can come and I will show you.” Chairman Hall responded “I don’t think we doubt you Mr. Jefferies.”

Chairman Hall stated “Thank you very much. It was very informative information. We needed to know the extent of what our farmers are bearing.”

Commissioner Carter moved, seconded by Commissioner Jefferies to develop a resolution to declare Caswell County as a disaster area.

Chairman Hall stated “What I am going to suggest is because it is hard for me to remember everything that the gentleman just told us but I think the essence of what we want to do is a resolution to declare Caswell County a disaster area. We would ask for Ag help in developing this resolution to make sure that we get it in a matter that would be appropriate and helpful.”

Upon a vote of the motion, the motion carried unanimously.

RESOLUTION IN SUPPORT OF DECLARING CASWELL COUNTY A DISASTER AREA DUE TO DROUGHT AND THE AGRICULTURAL IMPACTS OF DROUGHT

WHEREAS, the County of Caswell has been experiencing and continues to experience excessive heat and a drought which has and continues to severely impact the agricultural economy of the county; and

WHEREAS, the need for immediate economic and technical assistance is present across our county's agricultural community; and

WHEREAS, the conditions are predicted to worsen and to continue for the next several months and the long term impacts of the drought cannot yet be fully determined;

NOW, THEREFORE, be it resolved, that the Caswell County Board of Commissioners is in support of declaring Caswell County a disaster area due to the drought and the agricultural impacts of the drought;

This the 6th day of September, 2011.

S/Nathaniel Hall
Nathaniel Hall, Chairman
Caswell County Board of Commissioners

Attest:

S/Paula P. Seamster
Paula P. Seamster
Clerk to the Board

SOIL EROSION

Ms. Shauntae Britt stated "Good evening. Mitch and I are glad to be here tonight to kind of entertain some questions you may have specifically on the Farmer Lake Watershed. We submitted a package that I believe that you all have about the Natural Resource Conservation Agency which is the agency that I work for and the Soil and Water Conservation District which is a county agency that Mitch Thompson works for. Historically we are a partnership that was made and put together to help private landowners protect their land, to protect their natural resources, primarily soil. This partnership started in North Carolina in Anson County so there is a real deep heritage and tradition. We encourage the landowners to take care of their resources with the services we provide. There are several programs that are available on a voluntary standpoint. Both through the Agricultural Cost Share program which your county employee, Mitch Thompson, administers and then Farmville Program that the Natural Resource Conservation Service administers with the help of the district employee which is Mitch. The Agricultural Cost Share program their main concern is water quality and how to protect it. The

main culprit for Ag is soil erosion and water quality: sediment, run off, stream bank erosion, erosion from fields, so what this program does is it allows landowners to voluntarily come into the office and sign up for cost share which will, the state will provide 75% of the cost and the landowners will only need to provide 25% of the cost to implement Best Management Practices which may include grass waterways, diversions, field borders. They are vegetative practices that kind of filter out water before it gets into a branch, a creek, a stream, a lake, a pond, so that the sediment that is coming off of a field is being captured by that vegetation or by that grass so it stays on the land and not in the water. Those are just some of the programs that the Ag Cost Share program does. The federal programs like Farmville also administers the same practices and they also administer other practices for water quality and water quantity that can also prevent soil erosion. One example is facing out pond, creeks street, facing them out so that cattle does not have access to them so they do not slough off the stream bank so that sediment load is not going into our water system. There is also another Farmville program that is administered kind of by the Farm Service Agency which is for highly erodible land provisions. What that means is if you are farming land that is highly erodible due to the soil type and the topography of that land you are required to protect it by adhering to a conservation plan that has these better management practices: grass water ways, filter strips, a crop location that is conducive to preventing soil erosion. Again, it is voluntary but if you want to be eligible for Farmville benefits like the disaster money that Rodney is trying to get if you are not in compliance with protecting that highly erodible land then you are not going to be eligible for that emergency disaster money. If you have highly erodible land and you are not tending it in a way that prevents soil loss then you are not going to be eligible for those benefits. You are not also going to be eligible for crop insurance and you are not going to be eligible for other emergency services. You are not going to be eligible for money through cost share programs or the Farmville program. Even though everything is voluntary and we are not a regulatory department we are not going to come to you and fine you and tell you that this is your land I know it and you have to do this and you have to do that, it is voluntary. We are going to try to get you in the right direction if you are not already. The majority of landowners in Caswell County are already sticking to a conservation plan. They are protecting their land. They are protecting their natural resources because they want to protect their profit. They want to protect their time. They want to protect their labor. A lot of the Best Management Practices that we administer and that we kind of give technical advice on cuts down on time, cuts down on labor, cuts down on costs and conserves energy, conserves water, moisture in the soil. All of these things are to the benefit of the agriculture producer. It is not something that is going to cost them in the long turn. It is going to save them money. These are things that they are already doing. Do we think that agriculture is the dominate cause of the Farmer Lake Watershed sediment erosion? No we don't and we say that because there is always going to be some soil erosion. We can't prevent it all. There is going to be that storm that comes through twice a year that is going to blow out our grass waterways or it is going to slough off the stream banks naturally because of the soil type. The red clay that you see is such a small particle. It detaches very easily and it travels and can be transported very easily. Farmers are doing the best that they can. They are doing everything they can within their management level and within the resources that they have to be as mindful to their natural resources as possible. You can't prevent all the soil erosion but they are doing a good job of preventing the soil erosion. There is really no more that we can provide because we are not regulatory and they are private landowners. We can't tell people what to do on their land but the benefit of them listening and adhering to some of the things that we implement through FSA,

through Soil and Water, and through NCRS is all positive things and really nothing negative. Mitch may want to add to this. That is about all we know. That is our story and we are sticking to it.”

Chairman Hall stated “This conversation started several months ago. I have a couple of questions for you. I know you said that the programs are voluntary. For the farmers to take advantage of those voluntary programs do they have to be operating a farm?” Ms. Britt responded “Yes they do. They have to be an operator of Ag land. That does not necessarily have to be crop production. They could be forest land as well. Those that own private forest land are also eligible for some of our programs.” Chairman Hall continued “The reason I asked that is a lot of land is left barren. The second part is the timber cutting. Some is kind of lying barren and some no one is doing anything with it. It may be some absentee landowners, I don’t know. You mentioned that you are not a regulatory agency so later on I would like to know who is the regulatory agency? For right now for the non-farm landowners, what are the options?” Ms. Britt responded “Is your question more geared towards residential? Are you talking about more about development?” Chairman Hall responded “No, not residential because we do not have any new developments here in Caswell to be concerned about. That land that is not producing any corn, tobacco, soybeans is separate and it is eroding?” Ms. Britt responded “There are essentially two programs in the Farmville program. If someone clear cut their timber and it’s a bare land then we can cost share those folks if they come in and apply. We can help with tree planting and help with the site prepping so that any ruts or any major depressions that are left by the logging company is cleaned up, its smoothed out and we would help to cost share to replant that. Also if there are vacant field and it is highly erodible land there is a Conservation Reserve Program where they can come in and apply and they get a rental rate for either planting trees or by incorporating a wildlife habitat practice onto the open land. There are programs that folks can use.” Chairman Hall asked “But they have to come in?” Ms. Britt responded “They have to come in. We do some scouting and kind of look around the county. I have only been working in Caswell County since April but Mitch has been kind enough to kind of take me around. We have scouted places where there are some issues and we have gotten in touch with those landowners to see if they are interested. Some people are not familiar with what our program does and what services we provide. There is a lot of door knocking that we do as time permits depending on our load. We do try to go out so that idol land is just not sitting there eroding.”

Commissioner Satterfield asked “Can you tell me roughly what percentage of our land that is being farmed or idol or whatever would come under the HEL requirements in Caswell County, roughly? I know it is highly erodible land in Caswell County.” Ms. Britt responded “At least 75%. That is probably low. Because of the soil type and the makeup of the soil and topography, we have a lot of slopes, a lot of short steep slopes in this county and makes the land highly erodible so with that number of 75% being very generous you could be safe in saying that farmers are adhering to a conservation plan to adhere to that HEL provision so that they can get benefits. No one wants to have a crop without insurance and they have to be in compliance with that provision to get insurance. It is like you would not buy a house and not put insurance and it is the same way with Ag producers they would not produce a crop if it could not be insured.”

Chairman Hall asked "What percentage of forest land is not being used for production?" Ms. Britt responded "That I cannot say. There is so much forest land in Caswell County. I would not feel comfortable giving you a number." Chairman Hall continued "Being that we are 80% highly erodible and we are only using 20% - 30% for production those are the only ones that will be concerned about voluntary programs. That is what I have concerns about." Ms. Britt responded "When I said 80% that is 80% of that open land that is in production is highly erodible. Typically if land is in forest land it is because it is not good land to farm. Way back when they cleared all the land to put into production so if it is in timber stand it is safe to say that 50% of timber in most counties is because it is too steep, it's a poor soil type or it's wet. It is a wet soil that does not drain well that is not conducive to producing crops." Chairman Hall stated "Things have changed drastically in the last 20 years in terms of who is farming and who is not farming. A lot of the land in my neighborhood was open ten to fifteen years ago now has those scrubby trees on it. I want to ask these guys how much land do you have in production and kind of an estimate of how much has been abandoned over the years? We don't have as many Mr. Jefferies left as there were 20 or 30 years ago?" Mr. Knight responded "The average age of the farmer is 58 years of age. About 35% of the land is in production. The other in which she was talking about with trees, over the last few years folks have planted their open land with trees. We have some good productive land but like Mr. Satterfield has land that he has planted in pines. It used to be between 55% - 65% productive land."

Commissioner Lucas asked "How many farms do we actually have?" Mr. Young responded "We have about 3,000 farms registered with FSA." Mr. Knight added "Some of those are not farmable. It is roughly about 325 to 350 farms actually producing products." Commissioner Lucas asked "Is that declining every year?" Mr. Knight responded "It is steadily declining."

Ms. Britt stated "To address your question about clear cutting and forest land. Most loggers go through a training where they have to be able to identify stream management zones. Where they have to stay so far from a stream so that erosion, so that they are not in that stream, so that they are protecting the water quality, they have to adhere to that. DWQ is the regulatory agency that would address any issues." Chairman Hall asked "How many people do we have from DWQ that monitor Caswell?" Commissioner Carter responded "You have one regional in Winston Salem." Ms. Britt continued "I will say this too. There are some concerned citizens with that because I have gotten several calls since I have been here. We have gone out to look, to ease that caller's mind that the loggers are adhering to the practices. If we see something we can't say anything to them but I feel safe in saying that the loggers in this county are adhering to that stream management zone. The Forest Service kind of oversees that." Commissioner Carter stated "Chairman Hall I said 1 but DWQ has ground water people which monitors wells and things like that and then you have another section for land. You have four regions in the state in which Caswell is in the Winston Salem. You may have 4 or 5 just in different departments. The only other thing I would like to mention is water quality. I was looking at Farmer Lake and I think that Caswell County is real fortunate since Farmer Lake is not down much. I don't know if you say Lake Reidsville on TV the other night they are having severe manganese because of the dry weather and stuff. The water is real dingy and so is Greensboro with Lake Townsend. They don't have much stream flow coming in. We are very fortunate because Farmer Lake is still practically full. It is not down much."

Ms. Britt stated “The only thing I would like to add is the last page kind of shows a 5 year breakdown of how much money the Ag Cost Share Program and the Natural Resource Conservation Service has brought in to go towards soil erosion and protecting the natural resources. It is money that goes to the farmers. It is spent in our county and it brings back to our county. We are not just helping one person. There is money coming back into the county. The money has kind of always been there and we are hoping that it will always be there especially on the federal side. We are expected to get a lot of money for this next program year. Mitch and I have, like I said, been going out and knocking on doors. If people are not familiar with our programs they can get their name in the pot if there is something that they are interested in doing.”

Commissioner Lucas asked “Do you have any issues with sludge runoff with ponds?” Ms. Britt responded “No.” Mr. Knight added “I have had a couple of calls. I went out to make sure the buffers were in place and they were in place.” Commissioner Lucas stated “That is reassuring. Thank you.”

Chairman Hall stated “Thank you both very much. I was hoping for more specific answers but we have received good information. It is good to know that these programs are available.”

RECESS

The Board held a brief recess.

HEALTH DEPARTMENT POSITION REALLOCATION

Dr. Fred Moore, Health Department Director, stated “Good evening. What I am requesting here is a reallocation of a position from a Health Educator II position to a Quality Assurance Specialist I position at the Health Department. For many years we had received state funding for a Health Education Program and we have a health educator and that position has kind of morphed over the years to the point where at one point it has been reduced, the funding had been reduced to about a ½ time position for the Health Educator. About that time we started to get into accreditation and also a sort of QI type of activities associated with accreditation and so the Health Educator position was basically about ½ time QI and ½ time Health Education. The funding for Health Education from the state has gone away but the requirement for the accreditation and the QI is still there. This position is basically doing QI accreditation type work. Instead of continuing to call this person a Health Educator we are trying to get it moved to be called a Quality Assurance Specialist because that describes what this person is doing. The Health Educator position is a state grade 67 and the Quality Assurance Specialist is a state grade 68 so there is one grade step between the two. When the Board of Health discussed this issue, the Board of Health wanted to make this change to a Quality Assurance Specialist but did not want to increase the pay. While this person would go to a higher grade their salary would still fall within the range that is appropriate for that higher grade so the Board of Health did not want to approve a pay increase at this time. There was discussion about possibly bringing it up at the next year’s budget process but at this point that practical effect of what is going on here is just that this person will actually have a title that actually describes what they do.”

Commissioner Travis asked "If I understand what you said is this is going to change the classification of this job. The salary is going to stay the same?" Dr. Moore responded "Yes sir that is correct." Commissioner Travis continued "They will work the same amount of hours?" Dr. Moore responded "Yes that is correct." Commissioner Travis asked "The Board of Health passed this right?" Dr. Moore responded "Yes." Commissioner Travis added "If there is any salary increase with this job it will be done at budget time?" Dr. Moore responded "Yes sir."

Commissioner Lucas asked "It is all state money still? Is that correct?" Dr. Moore responded "It is state and earned revenue and because this person works in all these different programs, works in Family Planning, works in Adult Health, works in all the various programs that we provide and all of those programs receive income from multiple different sources and so it is not all state money but probably a good chunk of it is. It is also earned revenue and probably some county in there too." Commissioner Lucas continued "The Health Educator II was all state?" Dr. Moore responded "It was, yes." Commissioner Lucas added "So that is gone?" Dr. Moore responded "We have received one last gasp of money but that is not enough to fund the position and it is our understanding that it will go away next fiscal year." Commissioner Lucas asked "So the Quality Assurance was being done previously? Is that correct?" Dr. Moore responded "Quality Assurance was being done on a when the gun is being pointed to the head sort of a basis and with the accreditation process it just became so apparent that if you don't keep up with all of this, the rules and regulations and policies and procedures that are required by accreditation, if you don't keep up with that on a month to month basis it just becomes a nightmare, accreditation is required by law, when we go through that process."

Chairman Hall asked "What step of this 67 is this person at?" Dr. Moore responded "What step are they at?" Chairman Hall responded "Yes." Dr. Moore responded "I don't have the exact number. They are probably about half way across the pay plan." Chairman Hall asked "To move a salary step you would have to put in a salary increase, do you not?" Dr. Moore responded "That is not my understanding. My understanding is you just have to be within the required pay range of the grade you are moving to." Chairman Hall asked "You could get off step?" Dr. Moore responded "They could get off step, yes sir because this is a different position." Chairman Hall stated "You also mentioned that this position started off 1/2 time." Dr. Moore responded "This position is currently being filled by a 1/2 time person." Chairman Hall asked "You want to establish a full time position?" Dr. Moore responded "When the budget for this year was approved this was approved as a full time position but we only had a 1/2 time person in it with the idea as we figured out exactly how this person was going to be doing their job in this new position that if we needed to or had the funds to increase it to full time then we could do that. Right now it is a 1/2 position. Just to confuse the matter some of the state funding that was going to go into this position has been cut back and we just found out about it a few weeks ago. That position is probably not going to be going to a full time position because we do not have the funds for that." Chairman Hall stated "The position in terms of the budget in terms of dollars was the salary of 67?" Dr. Moore responded "Yes, that is true, at the old level." Chairman Hall continued "And now we want to create a new position but the salary grade 68?" Dr. Moore responded "That is correct." Commissioner Hall stated "Let me tell you what I am getting at. It appears that this position is already occupied." Dr. Moore responded "That is correct." Chairman Hall continued "Then my question is when you create a new position, when are you going to advertise for it?" Dr. Moore responded "That had not been considered because it is a

reallocation of an old position. The old position had a person in it and we have changed the title and changed the duties over a several year period.” Chairman Hall stated “The person in it right now is not full time.” Dr. Moore responded “That is correct.”

Commissioner Jefferies asked “Dr. Moore you said this position is a ½ time position.” Dr. Moore responded “It is currently being filled by a ½ time person, yes sir.” Commissioner Jefferies continued “Here you have \$31,966 and can go up to \$52,746 so in this full time position so it could be a raise in here and we just don’t know it. We don’t know what the other one was. I am not saying that you are doing this but if you lay it out on the table here and you go from 67 to 68 that is a raise.” Dr. Moore responded “No, not necessarily. It has been our practice in the past at the Health Department when someone went from a grade x to a y that we kept them on the same step level on the pay plan but it is my understanding that the only requirement when they move to a higher grade they only have to stay within the range. It is not a requirement that they be given a pay increase. It has been our practice in the past but it is not a requirement.”

Chairman Hall asked “Why change the step?” Dr. Moore responded “Because we don’t want to give that person a pay increase because that was not included in the budget for this year.” Chairman Hall asked “Why not leave everything as it is?” Dr. Moore responded “Because she is being called a Health Educator II which has nothing to do with the job she is doing.” Chairman Hall continued “And they said it qualified to go to salary grade 68?” Dr. Moore responded “Yes sir.”

Commissioner Travis asked “This person you want to put in this position was doing two jobs and now they will just do one job?” Dr. Moore responded “That is correct.” Commissioner Travis continued “They were working part time?” Dr. Moore responded “They were working full time before.” Commissioner Travis continued “So it was two part time jobs made one full time job?” Dr. Moore responded “Basically.” Commissioner Travis stated “That is what everybody is missing.” Chairman Hall responded “This position was full time now he may have changed the position but what he is talking about is full time.” Commissioner Travis stated “She was working two part time jobs making it a full time job.” Dr. Moore responded “This person, Jennifer Eastwood is the name of the employee who fills this position. Many years ago she started out as a Health Educator and that position due to the accreditation and the morphing of duties and funding issues, started taking on more responsibilities in the accreditation and the QI realm of the Health Department. Then that position, she chose to go to a part time position and with the dropping of the funding in the Health Education from the state we chose to maintain her in this QI position as a ½ time employee.”

Chairman Hall stated “I am still missing the need to reallocate the position.” Dr. Moore responded “In the discussions at the Board of Health about Ms. Eastwood’s position, we keep calling her our Health Educator and yet by the time we had these discussions that was a very little part of what she was doing. It was being phased out because we knew the funding was going away.” Chairman Hall asked “So we need to eliminate the Health Educator II position, establish a new position and we need to advertise for a qualified person.” Dr. Moore responded “I would need to check with the county manager and rules to find out exactly what the proper way of doing that when you have someone already in the position.” Chairman Hall continued “I am concerned about personnel because even though you said that state personnel approved the

position there are some other rules that have to be followed also when you reallocate a position. When you talk about a part time person and based upon what you said this person voluntarily went part time, this person could voluntarily come and request to be full time and expect a promotion.” Dr. Moore responded “If this person says she wants to go full time we would look and see if the monies are available, to see if the work is available and the Board of Health has specifically said she is not going to get a pay increase until it comes up in the budget process.” Chairman Hall continued “Again, I will make a suggestion here, if you change the salary grade and this person stays on step there will be a raise. If they don’t stay on step, on what the personnel rules are we could be in for a complaint.” Mr. Ferrell stated “One thing I noticed about the position action form PD118 it asked for the type of position. The options being permanent, temporary, part time, in this submittal the permanent box is checked which would indicate to me that this is not a part time position, at least as it is reflected in this form here, this PD118. I will just offer that.” Chairman Hall stated “I saw that but he said that the Health Board has determined it would be part time but it was submitted to state personnel as permanent.” Dr. Moore responded “Permanent and full time do not have anything to do with each other. You can have permanent part time. You can have permanent full time. Those are not exclusionary, you can have both.” Chairman Hall continued “And I understand that but my thoughts were on the lines of our general counsel’s comments on the box that was checked.”

Commissioner Carter asked “I am looking at the position action reallocate so she is going from the position she was to the Quality Assurance Specialist I now?” Dr. Moore responded “That is correct.” Commissioner Carter continued “So she is just changing job titles?” Dr. Moore responded “That is my understanding of what we are trying to do here. I am not sure if that is you alls understanding but that is my understanding of what we are doing.”

Commissioner Satterfield moved, seconded by Commissioner Carter to accept the Board of Health’s recommendation.

Commissioner Battle asked “Did we get a response to the job advertisement, if we were supposed to do that or if we were not supposed to do that? It was supposed to be done but legally we do not have to do that. Did you get a response for that?” Chairman Hall responded “No we did not get a response. Do you understand the question?” Mr. Ferrell responded “I understand the question. The state personnel commissioner when they look at this reallocation since this isn’t a brand new position that is being filled; it is a retitling, if you will, of an existing position. I don’t know 100% whether or not that requires advertisement but my assumption is that is does not and my further assumption is that the state personnel commission when they take a look at this reallocation application to the extent there is some procedural issue like that they will raise it because they ultimately have to approve the reclassification. My sense is this is a reallocation not a brand new position that is being created there would be no advertising.”

Commissioner Lucas asked “Is it a new position? Is it in the Health Department currently?” Mr. Ferrell responded “My understanding is the request is to reallocate the one job to another title.” Commissioner Lucas asked “But does that job currently exist in the Health Department?” Dr. Moore responded “Not that title. The Quality Assurance title does not exist at the Health Department.” Chairman Hall stated “So if the job does not exist if they look, they being the state personnel, passed this off and said this is a 68 opposed to a 67, then that job does not exist until

we say the job exists and it would remain at 67.” Commissioner Lucas asked “So it has been approved by the state personnel commission. Is that correct?” Dr. Moore responded “This has been submitted to the state office of personnel and they have approved it.” Chairman Hall asked “So it was submitted to the state office of personnel before coming to this Board?” Dr. Moore responded “Yes sir, it was.”

Commissioner Battle stated “Mr. Chairman I would like for, even though the state personnel approved it, I would like for our county attorney to look at it, not to say that they could not have made a mistake, I don’t know if this is a pressing matter where we just have to do this right now but I would like to know for sure yes you legally did everything you were supposed to do. That is my opinion.”

Upon a vote of the motion, the motion failed by a vote of three to four with Commissioners Battle, Hall, Lucas and Travis voting no.

Dr. Moore asked “What is the next step in this process? Do I need to do something to clarify things? What is the next step here?” Chairman Hall responded “This request failed. I was hoping that you would gather from the questions and the comments that were made the concerns of the Board.” Dr. Moore continued “It was pretty obvious there were concerns by the Board but my question is are we going to continue to call this employee by a title that has nothing to do with their job or current duties or are we going to progress to try to have their title to be much more in tune with what they are doing?” Commissioner Travis responded “The way I see it is she either works like she does now or she has no job. You can’t move her up unless this Board changes it.” Dr. Moore asked “So if I talk with the county attorney and we deal with the state personnel office, if we go through and get whatever information you all are interested in finding out about and it says that we should go and do this, this and this and we accomplish this change would that be something that this Board would reconsider?” Chairman Hall responded “Come back to this Board with additional information or clarification of information.” Dr. Moore responded “Okay.”

SCHOOL NURSE FUNDING INITIATIVE CONTRACT

Dr. Moore stated “Several years ago the Division of Public Health got state funding to try to increase the number of nurses in the school systems across the state of North Carolina. Over the last several years that money which first started out as enough to support one nurse has now increased to support four nursing positions in the school system. When this was first presented several years ago by the Division of Public Health it came to me and I was asked based on the fact that about half the school nurses in North Carolina are employees of the school system and the other half are employees of health departments. I was asked whether I wanted to become the employer or if the Health Department wanted to become the employer of these school nurses or whether the school system and at that point with the understanding these nurses would be working 100% for the school system and that the school system was able to offer a higher pay grade for these positions as these positions require a BSN as a school nurse. The school system has a different pay grade than the health department does so they would be able to attract more nurses for those positions. Based on that the decision was made to let the Division of Public Health to work directly with the school system and the money for these positions went directly

from the Division of Public Health to the schools and the health department was out of that loop. Over the years we are required by our Child Health Program to have an agreement with schools on the health care of children and on what the schools will do and what we will do. It has been an ongoing working relationship with these school nurses and we have worked well together. When the H1N1 flu system came out several years ago the school nurses and the health department worked very closely together to go out to the schools and immunize our kids. In fact one of the school nurses told me when they went to a statewide school nurse meeting and they explained how well they worked with the health department, the other people there were very surprised at how well the health department and the school nurses worked together. From my perspective there was no big issue but apparently in some other counties those school nurses and the health department were not working very well together and apparently word of that got to the state legislature. In this last legislative session they made some changes in the way that some of the funds were allocated to counties and they also put in rules and regulations as to how the funds were going to get to, well the funds have to come to the health department before they went to the school and the health departments had the choice of making the nurses health department employees or continuing with the same process that we had had before in which would require a contracting with school systems for these nursing positions. In an effort to maintain status quo we are going by that second route which is to contract with the schools and they will maintain their current staffing. This contract basically talks about how that relationship works. There is some oversight that the health department has play in making sure that the services required by the state are performed by these nurses. It also gives the health departments in counties where there isn't as much cooperation between the school nurses and the health department. It gives the health department the check to say that if you don't help us out with this situation we are going to hold up the funds. I was just talking with a health director in another county within the last week or two and that health director had to use that tool with their nurses."

Chairman Hall asked "Other than maintaining status quo what other things did the Health Board look at when making this decision?" Dr. Moore responded "The Board of Health has not looked at this contract. All of this came up after the last meeting of the Board of Health. We are in a position where the nurses are working and we need to try to get this contract going so that these nurses can be paid for their services. Let me just explain some of my reasoning for why I think that is the best way to go. Number 1. These four nurses, the total cost of these four nurses is \$257,000. The state only provides \$200,000. There is an additional \$57,000 that would need to be figured out. Whether the schools would agree to pay that or not..." Chairman Hall asked "Who is paying that additional money now?" Dr. Moore responded "The schools. If they were no longer their employees I don't know because I have not discussed that with them. Part of my other reasoning behind this is we have a system that is working well, why change it. Those are probably my two main reasons. We have a system that is working well now. Caswell County with these four positions has a student to nursing ratio that is probably better than most other counties in North Carolina."

Chairman Hall asked "I have two more questions for you. I noticed in the information you submitted that the funding formula is different for the nurses. Who determined that formula?" Dr. Moore responded "That is the state legislature." Chairman Hall continued "The state decides that nurse A are worth x number of dollars, nurse B is worth x number of dollars. That is how the formula looks." Dr. Moore responded "Legislature made the decision based on population

and based on the high risk children in a county how much money would go to each county.” Chairman Hall continued “I understand that. What I don’t understand is how you make the determination how much money you would pay each nurse in the same category?” Dr. Moore responded “Well the school system makes that decision because they are the ones who are the employers. The contract by the state provides \$50,000 per nurse. Then if the school system wants to add more money to that that is up to them.” Chairman Hall continued “I am going back to the formula as best as I can recall, they all made the same thing in total salary or it was close but the breakdown was different. You have four nurses making \$50,000. The state is paying \$41,000 on one, \$38,000 on another and \$16,000 on the other, that is the part that did not make sense.” Dr. Moore responded “I have not asked the question about why these people are paid different amount because as a subcontractor all I am saying is you need to provide four nurses and we are giving you \$200,000. How you deal with the individual hiring issues is up to you. Some of these nurses have more experience. Some of them have more...” Chairman Hall stated “I understand that because the salaries are close to being the same. My question is what are the office hours of the Health Department?” Dr. Moore responded “The office hours of the Health Department are Monday through Friday, 8:00 a.m. until 5:00 p.m.” Chairman Hall asked “What are the working hours for the schools?” Dr. Moore responded “The nurses probably get there around 7:30 in the morning at least when I had to deal with them that is what time they said they got there. The often work after the children are dismissed to do the things that they need to do.” Chairman Hall asked “What are their established hours?” Dr. Moore responded “I don’t know what the established formal hours are.” Chairman Hall stated “I guess what I am getting at in terms of the county and the state is that if we have someone working from 8 to 5 and they could work from 8 to 3 for the same salary we would have a greater return. That is all of my questions.”

Commissioner Lucas asked “Has the vacant position been filled Dr. Moore or is it still vacant?” Dr. Moore responded “The vacancy by the School Board?” Commissioner Lucas responded “Yes.” Dr. Moore responded “It is my understanding that they just found out about that a few weeks ago. That vacancy, to my knowledge, has not been filled yet.” Chairman Hall asked “The person works for them so how is it that they just found out about it? Was it just vacated?” Dr. Moore responded “It was just vacated.”

Commissioner Battle asked “Dr. Moore do you know, since they only have three nurses, do they rotate to the school that does not have one or?” Dr. Moore responded “They divide up the schools between them so that all the schools have some type of coverage. Obviously with 3 rather than 4 that is not as much as it was with the other one.”

Commissioner Lucas asked “Is there a time issue here Dr. Moore? Is that what you are saying?” Dr. Moore responded “School has started and the nurses are back at work. The way the system works is at the end of the month they will send us an invoice for the distribution of these funds.”

Commissioner Battle asked “You said they would give you an invoice at the end of this month or they will bill you for the end of this month?” Dr. Moore responded “Yes.” Commissioner Battle continued “So you have received one already for August?” Dr. Moore responded “The \$200,000 is already in our account.” Commissioner Battle asked “So you have already paid them for the little bit that they worked in August?” Dr. Moore responded “I have not paid anybody anything.”

We don't have a contract signed. We don't have anything signed yet. I have not paid them anything. When we found out about this Dr. Barker and I had a conversation and I said that it was my intent to try to maintain the status quo and that is the way we have been proceeding. They are well aware that nothing has been signed." Commissioner Battle continued "So for the month of August, those few days, they have not received a check yet?" Dr. Moore responded "No, I have not paid anything out."

Commissioner Jefferies asked "Dr. Moore did I understand you to say that the school system was able to offer a higher salary is that right?" Dr. Moore responded "That is correct." Commissioner Jefferies continued "So I guess this Board has nothing to do with that because we are not paying that. The schools are the one who will be paying them. That is what he said." Chairman Hall responded "That is what he said."

Commissioner Travis asked "Did I understand you right that the school pays the differences in the salaries?" Dr. Moore responded "That is correct. They are the ones that gave me these figures that are in this contract for the additional amount that they will be paying. The school is the one who gave me those figures." Commissioner Travis stated "So they are going to pay the difference." Dr. Moore responded "Yes they are going to pay the additional \$57,000." Commissioner Travis stated "It looks like the school system should approve this contract." Commissioner Satterfield responded "What happened Commissioner Travis if I understand correctly right at the last moment of legislature the legislature this year instead of sending the money to the school board in which they have been doing in the previous years, sent the money to the local health departments. The local health departments are asking now to be billed each month by the school and we are going to turn the money right back over to the schools. Just the way it was."

Chairman Hall asked "Who got the money last year?" Dr. Moore responded "Last year the schools got the money." Chairman Hall asked "Directly?" Dr. Moore responded "Directly to them. It is the same \$200,000. The same reallocation that the legislature did there was no change in the funding to Caswell County. Some other counties had changes." Chairman Hall asked "When did the legislature take this action?" Dr. Moore responded "The legislature adjourned in late June. It took a while for this information to percolate down to the local level. It was my understanding, from what I had heard right when the legislature was dealing with this, it was still not going to involve the health departments. It was just going to be that they would reallocate the funding. Some counties were going to get more and some were going to get less and some were going to stay the same like Caswell. It took about a month or two or a month and a half until enough information came down that I realized that I was going to be involved in this process whether I wanted to or not." Commissioner Satterfield stated "I was told that the information did not get down to the school system until the first or second week in August and that was after we had had our Health Board meeting. We do not have one in August anyway. That is the reason this has not come before the Health Board because we did not have a meeting."

Commissioner Travis asked "What you are asking this Board now is to give you the authority to handle \$200,000 to pay the schools. There is nothing else. After that we are through, right?" Dr. Moore responded "The county attorney specifically put that in the contract." Commissioner

Travis continued “So you are asking for the authority to distribute the money to the schools?” Dr. Moore responded “The contract specifically includes that.”

Commissioner Lucas asked “Is this something that needed to go before the Health Board before we make a decision or does it not have to?” Chairman Hall responded “It is my opinion that the Health Board should have reacted to this. My question is Dr. Moore said the Health Board has the option but he has given us his personal opinion and that is what he is bringing to this Board. The Health Board has not voted on this option. His personal opinion as I asked him the question is I think they should have been concerned and accepted. I think the Health Board would make the same decision.” Commissioner Lucas stated “I just wanted to make sure that we were following proper order.” Dr. Moore responded “Just to try to address you question. It is my understanding that the state statutes allow health directors to sign contracts for the health department. That signing of the contract does not mean that I can do whatever I want to do but there is nothing that I am aware of that Boards of Health must vote on these. It is a good idea but there is nothing that says that they must.” Chairman Hall asked “Are you suggesting that the board did not need to see this?” Dr. Moore responded “I think if the timing had been different this would have gone before the board before it came to you all.” Chairman Hall stated “What you suggested is they really don’t need to see it because you have the authority to do it.” Dr. Moore responded “I think that is probably true. The lawyer can correct me if I am wrong but I don’t think I would be wrong in my job if I did not bring these things before the Board of Health.”

Commissioner Lucas asked “I wanted to ask the attorney on his position?” Mr. Ferrell responded “I agree with Dr. Moore that the health director has some independent contracting authority by general statute that is accurate. I will also agree that he is accountable to the Board of Health.” Commissioner Lucas asked “Where does that leave this Board on acting on this tonight?” Mr. Ferrell responded “The Board has been asked to enter into essentially an interlocal agreement with the school board for the reimbursement of these flow of funds. I see this as really flow of fund issues that has been changed recently in the General Assembly session but you have the ability to approve it. You have the authority to enter into this agreement or not.”

Commissioner Satterfield stated “Dr. Moore I was just going to suggest this. I know these ladies want a paycheck at the end of the month instead us having a Board of Health meeting on the 27th which is our normal meeting date could we not move our Board of Health meeting, perhaps have a called meeting, just move ours up before the next commissioners meeting and find out what the Board of Health wants to do. Could we do that? I think that would satisfy some of the commissioners a little better.” Dr. Moore responded “Yes. Other than the Board of Health’s discussion about this, are there some specific questions that this Board would like to have answers to?” Chairman Hall responded “I guess my question always is to analyze the situation and look at what is best for the county, no cut and dry approach. I will go back to the issue of the working hours. You have four nurses at the health department working from 8 until 5 and the school nurses are working from 7 until 3. Which is in the best interest of the county? Your two reasons were well one reason was for maintaining status quo and I don’t remember the other but it just did not seem like, I would have done a deeper analysis than that. What is best for the county with these nurse’s positions.” Dr. Moore responded “These nurses work 100% in the school system. They don’t work in the clinic at the health department. They don’t do any of

those sorts of things.” Chairman Hall stated “That is because they are not required to.” Dr. Moore responded “No the funding will not allow them to. The funding is for the school nurses and not for the health department clinic nurses.” Chairman Hall stated “\$200,000 is being allocated to the schools and then you have \$257,000 then there is room for something else.” Dr. Moore responded “I am still not sure what other options you are thinking about.” Chairman Hall stated “I ran a small business. I had options. I could have the employees work from 8 to 5 or 7:30 to 3 and pay them the same thing. Which option do you think I am going to take?” Dr. Moore responded “It depends on the needs of your business.”

Commissioner Jefferies moved, seconded by Commissioner Travis to table this discussion until after the Health Board meeting and then bring it back to our next meeting.

Commissioner Carter stated “According to what you said this is just an exchange of funds. All the county will be used for is just for the exchange of the funds from the state to the school board. The state will provide the \$200,000 and the schools will come up with the \$57,000, right?” Dr. Moore responded “Yes sir.”

Upon a vote of the motion, the motion carried unanimously.

Dr. Moore asked “What is the date of the next meeting?” Mr. Howard responded “September 19th.”

SPEECH-LANGUAGE THERAPIST CONTRACT

Dr. Moore stated “Several years ago and for years prior to that our Home Health agency was able to provide speech and pathology therapy services to our home health clients. The agency from which we contracted with which was basically a speech-language pathologist moved out of state. For about two years we have actively looked for a replacement for this speech-language therapist but we were not able to find any. Just in the last month or month and a half we found a speech-language pathologist who contracts with several other health agencies. We have had discussions with this person and she is interested in providing services to our home health agency’s clients. That is what this contract is, to set up a relationship between the Health Department and this speech therapist to provide services to our home health clients. Usually it is based upon the amount of services we provided several years ago. We are talking somewhere between 2 to 4 visits a week for the therapist and that fluctuates wildly but that is probably about the average. These are reimbursable services that Medicaid and Medicare will reimburse for. For a 12 month period we are probably talking about a \$10,000 - \$12,000 expense but based on the reimbursement rates, that is more than made up for by revenues generated by that position. This contract is like I said setting up this relationship so that we can now provide these speech-language therapy services to our home health clients.”

Commissioner Satterfield moved, seconded by Commissioner Jefferies to accept the Health Director’s recommendation.

Chairman Hall asked “Dr. Moore did we not have someone in this position in the past?” Dr. Moore responded “Yes sir. We had them until about 3 or 4 years ago and that person left the

state and we have been trying to find a replacement basically ever since.” Chairman Hall asked “Does the school system have a speech-language therapist?” Dr. Moore responded “Yes they do. I don’t think they are employed by the school system. I think there may be a contract with them but I am not really partied to that.”

Commissioner Lucas asked “Has the Board of Health discussed this?” Dr. Moore responded “The Board of Health has not discussed this.” Commissioner Satterfield responded “The Board of Health knows that we have been actively seeking someone for this position. We have not discussed this particular person though.”

Upon a vote of the motion, the motion carried unanimously.

Dr. Moore stated “Just a brief comment. I would like to thank the Board for the resolution about Colby Richmond. He was the son of long time employee of the Health Department and I think that will mean a lot to this family and to the others. Thanks.”

RESOLUTION FOR REDISTRICTING

Mr. Ferrell stated “Following the joint meeting of the County Commissioners and the School Board on the topic of redistricting I prepared the resolution that is before you. I will let it speak for itself and I will be happy to answer any questions.”

Chairman Hall stated “After our joint meeting with the School Board I meet with our subdivision ordinance planner. I think with what we had to work with staff did a great job with what was presented to the Board. However, I have two concerns well I have one concern really. I met with staff to dive in to the numbers again I think staff did a good job with what they had. My question that I would have to pose to maybe someone in Raleigh or to our attorney is can we make adjustments or can we do the redistricting without using the entire census blocks. I raised that question because as I looked at the numbers that were presented there is not a whole lot of room for any changes other than what was presented to us. Why do I have a concern? The Dan River Work Farm is in District 3. The Dan River Work Farm census consists of 300 and some African Americans. While the numbers may make that district appear to be 50% majority minority those folks in the work farm do not have voting rights. Therefore this number is misleading. That is why I asked the questions whether or not we can look at dividing the census blocks. We have some census blocks that are very large but they may only have twenty people in them. Then we have some census blocks that are very small and they have 800 people in them. I think we chose that route because it was the easiest way to start the census blocks. I think if we can break them down and look at them a little closer I think we can deal more with the letter and the spirit of the law of the two majority minority districts.”

Commissioner Carter stated “The other prison is in District 2 and they can’t vote either.” Chairman Hall responded “But District 2 is not required to be a majority minority district.” Commissioner Carter stated “I thought all of them were.” Chairman Hall responded “Only two districts. Districts 3 and 4.” Commissioner Travis asked “Why would the prisoners at the work farm be considered in the census to start with?” Chairman Hall responded “Because the census required it. The first level is a one man, one vote issue. Whether they can vote or not they are

still represented. The second level as it relates to Section V Voting Rights Act we are talking about minorities.” Commissioner Lucas asked “They are not allowed to vote, is that correct?” Chairman Hall responded “If they are felons they are not. Once they serve their time they can go back and petition their local boards for their voting rights back.” Commissioner Travis asked “Does anyone know if they were accounted for in the census?” Commissioner Battle responded “They were accounted for in that district through the census itself. You have to account for them.” Commissioner Travis stated “But I don’t know why. They could be from somewhere else.” Chairman Hall responded “That is a good question because most of them are. They are not Caswell County people.” Commissioner Battle added “For the purposes of the census that is why they are accounted for.” Chairman Hall stated “The census law decided that prisons, college kids, nursing homes, that the will count for where they are at the time. That is just the rules that they made.” Commissioner Satterfield stated “Well that is if they are eligible to vote if they have been there for any length of time that is where they are going to vote at, if they have been there long enough and they are not felons. After you reside in Caswell County for x number of months you are eligible to vote here. You can vote in prison if you are not a felon. If you have a misdemeanor you can vote. You can vote on an absentee ballot.” Commissioner Lucas asked “Is the number of felons broken down?” Chairman Hall responded “No.”

Commissioner Satterfield asked “What percent of change is it in this district?” Chairman Hall responded “I don’t know. I know it will reduce the percentage.” Commissioner Satterfield asked “I know it will reduce but how many are over there?” Chairman Hall responded “There are 600 and some over there. 350 some African Americans, 250 some whites at the census time. That goes back to my original comment, I wanted to see if there was a way we could break down the census blocks.” Mr. Ferrell responded “All the plans that have been before you so far have separated the lines based on the census blocks. I have not looked into the question of whether or not it is possible to separate a census block for purposes of redistricting. I have not looked at that specific question but I do know that all the plan to date if there has been a shift from plan B to plan A of population it has been done by moving one block and shifting it here or there rather than a portion of a block. I will be happy to look into that specific issue but I don’t know the answer to that.”

Commissioner Travis stated “What you are saying I don’t think you can do that. The census blocks are divided by roads. You can’t go half way down, let’s say, Cherry Grove Road and half way down Stoney Creek School Road and then half way down 150. That would be a mess to try to go right down through the middle of them. We do it by roads. The only way you can do it is to move a block.” Chairman Hall responded “It is possible within a block to have 10 roads.” Commissioner Travis stated “But it is chopping it up more than what we already have.”

Commissioner Lucas asked “It may change all of the districts if these changes are made?” Commissioner Travis responded “Not necessarily. You can take a block out of District 1 and put it in District 3. It is like I told you the other day there are people in my district, District 5 that vote in Yanceyville.” Chairman Hall responded “Where you vote at is different than the districts.”

Commissioner Carter asked “Chairman Hall how do you know if you take a block out of one or the other if it is white voters or African American voters?” Chairman Hall responded “Because

staff, we have on the census data on every block the population is there. We can go over to our subdivision office and click on any of those blocks and it will tell you the percentages there.”

Commissioner Lucas asked “What are the percentages right now in District 3 and District 4 as far as white and black or African American?” Mr. Ferrell responded “Let’s look at the figures there. With District 3 based on the information that was presented at the School Board meeting with the County Commissioners last week District 3 percentage black with the plans and resolution that is before you tonight is 50.4% black and 47% white. District 4 would be 47.2% white and 50% black.” Commissioner Lucas asked “So it is about a 3% difference? Is that not considered substantial?” Commissioner Battle responded “Yes it is but in the numbers that is counted are individuals that can’t vote. So yes I live in a 50% district that is a majority black but not all 50% of my people can vote.” Commissioner Lucas stated “The white prison cannot vote either.” Commissioner Battle responded “That is correct but you have more black in that particular prison than you do white. Yes the numbers would change some but the number still comes out higher. At the end of the day the blacks can’t vote and the whites can’t vote regardless of what the percentage change is.”

Commissioner Lucas asked “I just need some clarification. We have two separate issues that we are dealing with. We are talking about the majority minority districts now but with the initial part of the resolution we are with the choice of the map we are looking at. The percentage that we are in line with there is what? We have to be about 10%.” Mr. Ferrell responded “What you are talking about is the one person, one vote is do you exceed 10% when you do the numbers.” Commissioner Lucas asked “What is that percentage?” Mr. Howard responded “7.7%.” Mr. Ferrell added “7.7% which would be within the 10% rule of thumb for the one person, one vote.” Chairman Hall added “That is the first part of the redistricting.” Mr. Ferrell responded “That is correct.” Chairman Hall stated “The second part there is no state percentages?” Commissioner Lucas asked “Where did I get 11%?” Mr. Howard responded “We were 11 or 13% out of compliance.” Mr. Ferrell added “That is right. When you applied the 10% rule with the numbers as they currently exist it exceeds by roughly 12% for the one person, one vote which triggered the need for redistricting in the first instance. When you are redistricting a consideration involved in that is no retrogression under Section V. The interplay of these two is important. They are instigated by two different principles.” Commissioner Lucas asked “If we are in compliance with the first part of that then can you only consider race as a factor?” Mr. Ferrell responded “Race is a valid consideration in redistricting in certain circumstances and that is where there has been litigation and a Voting Rights Act challenge like we had in Caswell County. I am not sure I answered Commissioner Lucas’ question.” Commissioner Lucas responded “That was not my understanding.” Mr. Ferrell stated “Is this an accurate restatement of what you were asking which is if we were within the 10% threshold originally would there be a need to redistrict? My answer would be probably not under the one person, one vote requirements which trigger the population balance which triggers the need to rebalance under the one person, one vote.” Chairman Hall added “But for Caswell County the answer would be yes because and we cannot skirt around this, once the numbers changed and the race got out of kilter based on the consent decree we have to redistrict.”

Commissioner Carter asked "In all these districts, it is just District 3, right? Districts 1, 4, 5 and 2 are okay on this exhibit A right? You mentioned the reason you had concerns about it was because of the Dan River Work Farm." Chairman Hall responded "Yes it was."

Commissioner Satterfield asked "What is the percentage of change Mr. Manager when you back out the differential of the minority population?" Mr. Howard responded "With that census block?" Commissioner Satterfield continued "You have the figures there don't you? It changes from 50.4% to what?" Mr. Ferrell responded "The total population of District 3 proposed is 4,583 and then I don't know what the differential you want to subtract is." Commissioner Satterfield stated "Commissioner Hall said it was 250 and 350." Chairman Hall asked "You are talking about the work farm?" Commissioner Satterfield responded "Yes." Chairman Hall stated "I don't know the specific numbers to back out the work farm." Commissioner Satterfield stated "Just take those people out." Mr. Ferrell responded "That would change, if you back out the total population of the farm from the total number and then comparing it to..." Commissioner Satterfield stated "And then compares the percentages." Mr. Ferrell responded "You would have to run the math. You have to know how many people you are backing out particularly, which I don't know. Then you would have to find out what the results numbers of white and African American people are." Commissioner Satterfield stated "What we are supposed to be concerned with and I understand what Commissioner Hall is concerned with but we don't know in any of these districts the percentage of population of registered voters. Even though we are setting up a minority district of population it does not necessarily need it is a district of registered minority voters." Mr. Ferrell responded "That is true." Commissioner Satterfield continued "What the law says is that we have to set up a minority district based upon population. We can't be concerned with whether they vote or don't vote. Am I right?" Mr. Ferrell responded "I think what the lawsuit says is that you have to make it possible for African American voters to elect representatives of their choice. That is from the lawsuit and the way they went about entering the consent decree they said the way we are going to do that is by having two majority African American districts." Commissioner Carter stated "Well I thought that you said we had more African Americans in District 3 and District 4 than we did white." Mr. Ferrell responded "The sheet speaks for itself as far as the percentages." Commissioner Carter continued "Well I don't understand what the problem is." Commissioner Battle responded "Because they can't vote. They cannot elect people to vote if they are in prison. Those people that are accounted for, all of them cannot vote, therefore they are not able to elect." Commissioner Carter asked "Well why can't we take the prisoners out of District 2 on the County Home Road?" Commissioner Battle responded "No one said that we did not have to. That is not what we are talking about. Nobody said we don't have to take them out. They cannot elect an official."

Commissioner Carter asked "Will we still have the option to choose one of these plans tonight?" Chairman Hall responded "Yes."

Commissioner Lucas asked "Has the School Board passed a resolution like this or do we have to pass the resolution?" Chairman Hall responded "We are not responsible to advise them on what they are to do. They voted on Option A. Our attorney can only advise us on what we should do." Commissioner Travis stated "Well what they said was if we did not pass this then we would need to let them know."

Commissioner Carter moved, seconded by Commissioner Satterfield to accept Exhibit A.

Mr. Ferrell stated "I just want to clarify that the motion on the table is to approve the resolution that is before you. In order to redistrict you have to approve a redistricting resolution. The resolution before you tonight does two things. The first thing it does is it finds as a matter of fact that there is a substantial inequality in population as determined by the last census. Once that step is done then counties in North Carolina are permitted to redistrict. If one makes that finding a fact and then two it would adopt a new District map as contained in the resolution. That is the two things that a vote to adopt the resolution would do." Commissioner Carter asked "Do you have to do it separately?" Mr. Ferrell responded "No, it is all in one single resolution. Both of those actions are contained in the resolution before you."

Chairman Hall asked "Is everybody clear?" Commissioner Satterfield responded "No, I am not clear. Exhibit A is part of the resolution?" Mr. Ferrell responded "That is exactly right. Exhibit A is referred to and incorporated in the resolution."

Commissioner Travis asked "If the prison drops this below where we need to be where do we stand then?" Mr. Ferrell responded "I really don't want to play a hypothetical what if game and give some potential ammunition to somebody who might want to look at this in the future. I think what we need to do is to look at what the facts are. If you are interested in having that question answered I think it is important to find out what the numbers are and look hard at what position it is going to put on the African American voter in those districts. Until I am able to do the math or somebody is able to present the math I don't feel comfortable answering that hypothetical question." Commissioner Travis stated "The only reason I raised the question is that is the reason for the redistricting anyway, that there are two minority precincts." Mr. Ferrell responded "That is certainly part of why you are going through the exercise you are going through."

Commissioner Jefferies stated "I would like to amend that motion by having the attorney or someone to check to see about the prison before we pass this. I would like to have an amendment if I could. Take the prison out to see what the changes would be."

Mr. Ferrell stated "So there is a motion on the floor to approve the resolution. It was seconded and a motion to amend Commissioner Carter's motion to have a mathematical calculation done whereby you would exclude the prison population."

Commissioner Carter stated "I don't understand I am hearing two different things. I was at the prison work farm the other day and I was told they had 364 inmates there and you are saying they have 600." Chairman Hall responded "I could be wrong. I just want to make sure that our attorney understands the motions. We have a motion to approve the resolution and then we got a second. Then we have motion to amend the resolution to find out the percentage of prisoners. Now once you find that out what happens to the motion? What is the order? Are we going to vote on the amendment or are we going to vote on the original motion?" Mr. Ferrell responded "The resolution has a reliance on census data and a focus on census data. The question is finding out additional census data germane to the resolution, I think ultimately the Chair gets to decide,

but I think procedurally the way you want to do it is you would have a original motion and a second and if there is a first and a second to an amendment to the motion you would have to vote on that up or down and then you would get back to the vote on the original motion.” Chairman Hall added “You would vote on them at the same meeting at the same time.” Mr. Ferrell responded “Yes that being tonight and to the extent that you can’t find out it would essentially be a defeat of the original motion.”

Commissioner Battle asked “What does it hurt to get this information from the COG to see who is being accounted for and who is not, the actual numbers and then bring that back and vote? I understand that we have to do this but what is the difference of today and the second meeting of this month to find out so we would know exactly who is accounted for and who can vote and who cannot vote in those districts? That is my question.”

Commissioner Travis stated “If this is not right we will have to do it all over again. What Mr. Jefferies is saying is the same thing that Mr. Battle just asked.” Commissioner Satterfield responded “If it makes a significant change from this number of 50.4 to a greater or lesser number then we are in the wrong by not abiding by the law. I don’t think it is going to make that much of a change. Again, I don’t know quite how we can consider excluding the population out of there because we don’t know if they are going to vote or if they are not going to vote. We think they are not going to vote but we can’t say that they are not going to vote. If they are felons we can say that they are not going to vote I guess.” Chairman Hall stated “You can also look at their histories.” Commissioner Satterfield responded “I don’t know if they are going to tell us that. Will they tell us how many felons they have out there?” Mr. Ferrell responded “I don’t know what data you can get out of the prison. I think you can look at the people who voted in prior elections. You can look at the voting histories to see if people are voting in the prisons. You can probably get this information from the Board of Elections.” Commissioner Satterfield asked “How many people voting in the prison system?” Mr. Ferrell responded “That is right.”

Commissioner Battle stated “Again, I will say that our job is to do the due diligence and to fulfill what the law says we are supposed to do. We also need to have somebody with an unbiased opinion to give us these numbers. We would all like to sit here and say we are unbiased but at the end of the day we all have personal interest in Caswell County, the COG does not. They just do numbers like the lady said; I crunch numbers I don’t look at anything else. The numbers are what they are you can’t argue numbers. Again, I say what does it hurt to do that and then make a decision.”

Commissioner Lucas stated “The numbers are what they are currently and we have those in front of us. I really don’t understand how much of a difference it will make.” Mr. Battle responded “That is true, we don’t know. That is the part I am getting at. It may sound like it does not make a difference and it may not but at least we have done the due diligence to say that we have exhausted all of the options and this is what it is. That is the point I am trying to drive on because right now we are guessing. It may not make a difference but we don’t know if it will make a difference.”

Commissioner Lucas asked “Was this an issue when we did the census previously in 2000?” Chairman Hall responded “It was not an issue before but it should have been. That is why I

think we need to be in compliance with the law. We have the letter of the law and we have the spirit of the law. The spirit of the law addresses the part of the substantial majority minority.” Commissioner Lucas asked “What is substantial?” Chairman Hall responded “Substantial is not a set amount. This Board will have to come to an agreement. If you were dividing something up and give one person 50.8% of it and gave someone else 49.2%, the person that received the 50.8% is that a substantial part more than the other. We are dealing with two different things. Based on the consent decree, I think that staff did a good job on what we have, it may not make a big difference but we need to know because if this Board is challenged and it very well could be then we would end up in court. We cannot hang our hat on like what Mr. Battle said not doing due diligence. This is a two point issue for me, not for some, but for me it is. That is the position that this Board will have to take as a Board.”

Chairman Hall stated “Let’s get back to the motion that is on the table. Is there a second?” Commissioner Battle responded “I will second it.”

Commissioner Satterfield asked “I don’t know exactly what the amendment is going to trigger? Explain it to me just a little bit better what the amendment is going to do.” Chairman Hall responded “If the amendment passes then there will not be enough votes to pass the original motion.” Mr. Ferrell added “If you have an amendment that will essentially defeat the original motion in which you have an amendment in opposition and it cannot be handled as a friendly amendment or a voting amendment. Perhaps I am unclear of the purpose of the amendment. If the purpose of the amendment, as the Chair said, is to essentially nullify the existing motion on the floor then it would be in opposition.” Chairman Hall stated “If that is not appropriate then we need to go a route that is appropriate.” Mr. Ferrell stated “The Board’s rules and procedures state that an amendment to a motion must be germane to the subject matter of the motion but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment but no further amendments. My point was if the point of the motion is to achieve the opposite effect of the motion on the floor it is not in order as a motion to amend. I am trying to be as clear as I can.”

Commissioner Travis stated “I don’t see why we would pass something until we know all the facts that we need.”

Commissioner Lucas asked “Attorney Ferrell are we, is the Board in line on taking this vote or what is your recommendation to the Board as far as any further consideration should the original amendment pass?” Mr. Ferrell responded “I am not going to step in the shoes of the commissioners and offer whether or not I think this should pass but I will say is that I do believe that in a redistricting case the more information you gather, the more information you have to consider, the more evidence that you have that you have considered everything you possibly can to come up with a decision that you ultimately reach. I do not think it would be detrimental time wise given the preclearance should you want to delay this vote to consider some additional information. The question though of is this resolution in order at this time, I believe that it is. There are no required public hearings that you have to take, you have had those anyway. You have had public input several different times. The required legal finding is in here that would enable you to redistrict and that is the finding of a population imbalance. Are you legally entitled to do this tonight? I think the answer to that is yes you are entitled to do it. Could there

be a challenge? Sure.” Commissioner Lucas asked “What is the recommendation to the Board?” Mr. Ferrell responded “My recommendation to the Board is you asked me to prepare the resolution, I prepared the resolution that is before you. I can’t make the political decision about whether or not you should vote on this yes or no tonight.” Commissioner Lucas continued “I am asking your legal advice about passing this resolution tonight and you can’t provide that.” Mr. Ferrell responded “I don’t think that is true. I can provide you legal advice. What is the specific legal question you are asking me?” Commissioner Lucas responded “Would the Board be in jeopardy should we pass the resolution in the state that it is in currently?” Mr. Ferrell asked “Being in jeopardy of what?” Commissioner Lucas responded “A lawsuit.” Mr. Ferrell asked “A lawsuit for what?” Commissioner Lucas responded “The past hours conversation here. The question of are we in compliance in the minority districts.” Mr. Ferrell stated “I think the resolution before you tonight is legally defensible.”

Commissioner Satterfield asked “How long ago was it when we met with the Board of Education? A week ago or two weeks ago?” Mr. Howard responded “August 29th.” Commissioner Satterfield continued “When this question about the prison come up? Was it today? A week ago?” Chairman Hall responded “It came up in my mind in June when we first started talking about redistricting.” Commissioner Satterfield asked “Why didn’t we talk about moving this block here when we had staff and the other board here if this was a problem? I don’t know why we did not do something while we were both sitting here as two boards.” Chairman Hall asked “Well a good question would be did you think of it?” Commissioner Satterfield responded “No, I did not think about it but you did.” Chairman Hall stated “I thought about it in June. I discussed it with the county manager and I discussed it with the Council of Government but I did not know what they had done until I went to staff and went through the numbers to see where it was. I told them I had concerns then about the work farm but they put it in there anyway. So when I went over and looked at the numbers it was there with two houses and 500 people. All the board members had the opportunity to do that but nobody did. That is why this is coming up now.”

Commissioner Lucas asked “Did we discuss at that meeting that we could not break up census blocks? I thought I remembered Sylvia Johnson saying we could not do that.” Chairman Hall responded “I don’t think so. She worked with the blocks because that is the information that came to us.”

Commissioner Lucas asked Chairman Hall if he had a number in his mind that would be acceptable. Chairman Hall responded that if he said a number that he felt was substantial it would be subjective. Commissioner Battle stated that Chairman Hall was not a statistician and that he had requested an external person to look at the numbers.

Upon a vote of the motion to accept the resolution as present, the motion failed by a vote of three to vote with Commissioners Battle, Hall, Jefferies and Travis voting no.

Chairman Hall asked if there was any additional action that needed to take place. Commissioner Jefferies asked if the numbers could be checked at the prison. He also asked if the historical records could be checked to see how many prisoners voted before. Commissioner Satterfield stated that if the Board is going to look at how many people voted in a particular block what is

keeping the Board from checking other blocks to see how many people voted. There are a lot of people in District 3 that have a strong tie to Caswell County but they don't vote. He asked if that was what the Board was supposed to do. Chairman Hall responded that prisoners have restraints and that it is a conscious choice of whether they vote or not. He also stated that when the suit was filed the courts looked at the past voting histories.

Commissioner Lucas asked if there was a time frame for getting this done or if there was a deadline. Chairman Hall stated that this had to go to the Justice Department the sooner the better.

Upon a vote of the motion to get more information on the prison work farm, the motion carried unanimously.

RECESS

The Board held a brief recess.

RESOLUTION

Commissioner Jefferies moved, seconded by Commissioner Travis to accept the Resolution Joining the National Moment of Remembrance of the 10th Anniversary of the September 11th Terrorist Attacks on the United States. The motion carried unanimously.

Resolution Joining the National Moment of Remembrance of the 10th Anniversary of the September 11th Terrorist Attacks on the United States

WHEREAS, in an unprovoked and senseless act of terrorism, four civilian aircrafts were hijacked on September 11, 2001, and deliberately crashed in New York, Pennsylvania and Washington, D.C. resulting in a loss of thousands of innocent American lives; and

WHEREAS, as the United States recovered from this shocking loss, our nation's spirit was revitalized, resulting in renewed expressions of patriotism; and

WHEREAS, inspired by the heroism of ordinary citizens, along with firefighters, rescue and law enforcement personnel and military service members, our nation celebrated unity and strength; and

WHEREAS, from the tragedy of September 11th we emerged a stronger nation, with renewed spirit of national pride and love of country; and

WHEREAS, Americans responded to terror by choosing to challenge evil through good, loving their neighbors as they would like to be loved, contributing to relief efforts, and volunteering their time to aid those in need; and

WHEREAS, the threat of terrorism, destruction, and senseless violence must be opposed for any free society to exist; and

WHEREAS, our community shared in the nation's collective grief then, and wishes now to commemorate the 10-year anniversary of the September 11th tragedies.

NOW, THEREFORE, THE CASWELL COUNTY BOARD OF COMMISSIONERS does hereby salute the American citizens everywhere who responded to these tragic events with courage, selfless compassion, determination, and skill, both on September 11, 2001, and in the intervening ten years.

FURTHERMORE, THE CASWELL COUNTY BOARD OF COMMISSIONERS urges our citizens to set aside September 11, 2011, as a day to remember and reflect, and to rededicate ourselves to honoring the victims of September 11, 2001, by reaffirming our commitment to sustaining patriotism and rededicating ourselves to keeping the United States as the world's shining example of freedom, generosity, and tolerance; but also unyielding resolve against enemies which would threaten our society.

This the 6th day of September 2011.

S/Nathaniel Hall
Nathaniel Hall, Chairman
Caswell County Board of Commissioners

ATTEST:

S/Paula P. Seamster
Paula P. Seamster
Clerk to the Board

TENNIS COURTS RECONSTRUCTION CONTRACT

Mr. Howard stated that he was bringing back the contract from Court One for approval contingent upon the School Boards' matching funds. He also informed the Board that the price had gone up \$1800. The total now would be \$111,996.

Commissioner Satterfield moved, seconded by Commissioner Jefferies to accept Court One's contract for reconstruct the Tennis Courts.

Commissioner Lucas asked if the county had heard from the grant. Mr. Howard responded no.

Commissioner Battle asked when this work would be started. Mr. Howard responded that the work would be completed within 2 weeks. He also stated that there would be a 30 day wait time before the stripping could be done.

Upon a vote of the motion, the motion carried unanimously.

DETENTION CENTER'S NEW SITE PLAN APPROVAL

Mr. Howard stated that the county was required to have 52 more parking spaces. The plan he presented to the Board would create 102 parking spaces. Mr. Howard stated that he had spoken with the Town of Yanceyville that this plan could be a long term plan. The 52 spaces would be added first.

Commissioner Lucas asked if any tree would be cut down. Mr. Howard responded that one tree would be cut down. He added that if the tree was kept it would die anyway.

Commissioner Jefferies moved, seconded by Commissioner Satterfield to approve the new site plan for the Detention Center. The motion carried by a vote of six to one with Commissioner Lucas voting no.

CONTRACT APPROVAL FOR SPECIAL TESTING ON DETENTION CENTER PROJECT

Mr. Howard stated that the contract in the packet was for the third party testing on the Detention Center. This contract was included in the total cost of the Detention Center. The cost is \$60,000.

Commissioner Battle asked if this was included in the contract. Mr. Howard responded that he was not included in the architect's contract. It was a separate line item on the total cost. This type of contract was included in the Senior Center project.

Commissioner Battle asked if this third party would deal with the county. Mr. Howard responded that the third party would deal with Brennan and Association. He gave the example of if the concrete is not thick enough he would inform Brennan.

Commissioner Lucas asked how much the county was paying the construction manager. Mr. Howard responded that it was running between \$12,000 and \$13,000 a month. Commissioner Lucas asked if this was through Brennan and Associates. Mr. Howard responded yes. Commissioner Lucas stated that she thought this was a turn-key job. Mr. Howard responded that the third party inspection was included in the total price but someone outside of Brennan had to be hired. Commissioner Lucas asked where this was listed. Mr. Howard responded that it was a separate line item.

Commissioner Satterfield moved, seconded by Commissioner Jefferies to accept the County Manager's recommendation to approve the third party contract. The motion carried by a vote of six to one with Commissioner Lucas voting no.

COUNTY MANAGER'S REPORT

Update on Maintenance of Ambulance 205

Mr. Howard stated that the report in the packets was from the EMS Director. The report is from NAPA Products.

Chairman Hall stated that after he read the report he was more concerned. He wanted to know who is responsible. He also stated that someone needed to be accountable for what happened to the engine.

Commissioner Jefferies asked why the oil filter came loose. He added that this had happened before. Commissioner Travis stated that the ambulances are being driven too long between oil changes.

Commissioner Battle stated that he thought it was a good narrative. He also added that the county had a new EMS Director and that he has a new plan on how to maintain the ambulances.

Commissioner Lucas asked what extent the county had communicated with Ford. Mr. Howard responded that the county had not communicated with Ford. The original thought was that there was no issue with the engine and that it was with the oil filter. Wix said it was a catastrophic event. They said because of the condition of the filter there had to be a problem with the engine. Commissioner Lucas asked if the county needed to contact Ford. She stated there could be a recall that should be followed up on. Mr. Howard responded that the engine in the ambulance was a rebuilt engine. Commissioner Lucas stated that she still thought that Ford should be contacted.

Commissioner Battle stated that he would like to hear the new EMS Director's plan as well as the Sheriff's Department's plans on the maintenance of the vehicles.

Chairman Hall stated that he had heard an insinuation that the engine may not have been blown. We need to verify this information. Stearns Ford said the motor was blown. Commissioner Travis responded that the piston was gone. The by-pass was not working right and the tube was stopped up. Chairman Hall stated that the EMS Director would not have a maintenance plan in place until October and the county could have another blown engine by then.

Commissioner Lucas stated that she had heard that there was a problem with the Ford engines.

Commissioner Satterfield asked if the county still had the engine. Mr. Howard responded that Stearns had the engine. Commissioner Satterfield asked if Alamance Community College had a diesel program. ACC may be willing to tear down the engine for experience.

Commissioner Lucas stated that she did not know if Ford would come to talk with the county but they needed to be called. Chairman Hall responded that this should have been done the first time the motor blew. Commissioner Travis stated that it was not the same problem.

Commissioner Lucas stated if there is a problem with the engine Ford needed to be called because there may be a recall. If there is no recall, by calling the problem in it can be established possibly for a future recall.

Mr. Howard asked if the Board wanted to send the motor back. Commissioner Travis responded that the motor could not stay at Stearns. Commissioner Satterfield added that the county needed

to try to get someone to look at the motor without charging anything. He suggested that the county call Alamance Community College and ask if they can do an analysis on the engine. Commissioner Battle responded that he did not have any issue with Alamance Community College checking the engine but the county needed to make sure that we could do this legally. He also asked if the county was going to go this route where the money would come from. Chairman Hall responded contingency. Commissioner Jefferies stated that it would be helpful to find out why the engine blew.

Commissioner Travis stated to write Stearns a check and send someone to pick up the motor. Commissioner Lucas asked if the county could communicate with Ford first. She stated that Ford should have been contacted in the very beginning. Commissioner Jefferies added that he thought if the county contacted Ford they would talk to us. Chairman Hall stated the he agreed that the county should pick up the engine and that Ford needed to be given the option to look at it. If Ford will not look at it then have a third party to look at it.

Commissioner Satterfield moved, seconded by Commissioner Travis to pay Stearns Ford for the core and to contact Ford to see if they will take a look at the engine. In the meantime contact Alamance Community College and any other schools to see if they have a diesel program and see if they will look at the engine.

Mr. Howard stated that he knew there was a diesel school in Wilmington.

Commissioner Lucas asked if the motion said to pay Stearns Ford the core charge. Commissioner Satterfield responded that money will be reimbursed to the county once the core is returned to Stearns Ford.

Upon a vote of the motion, the motion carried unanimously.

Pelham Water Tank Update

Mr. Howard informed that Board that the tank had been molded. Caldwell Tanks is hoping to complete the tank the first of the year.

Capital Needs Meeting Dates

Chairman Hall stated that the Board needed to schedule a Capital Needs meeting as soon as possible. He asked the Board if they wanted to have a special meeting or to have this meeting prior to a regular meeting. Commissioner Battle suggested an early meeting. Commissioner Jefferies suggested a Saturday meeting. The Board decided by a majority to meet prior to a regular board meeting.

Chairman Hall stated that the Capital Needs Meeting would be held on September 19th at 5:30 p.m. He also stated that staff would get all the information together and that an agenda would be sent out early so the Board would have enough time to review the Capital Needs.

Town of Yanceyville Quarterly Meeting Dates

Chairman Hall suggested that the Board look at their schedules and to get back with the Clerk on the dates in October they are available.

EMS Ride Along

Mr. Howard informed that Board that the EMS Director had put a letter at their seats informing them of ride alongs that were available to the Board.

ANNOUNCEMENTS

Commissioner Carter stated that the Hoedown would be September 24th. He stated that he would not be able to start the ceremony this year so he needed to know if any of the Commissioners would be interested in doing this. He stated that if any of the commissioners were interested they needed to get in touch with Sharon Sexton. Chairman Hall said he would talk with the Chamber of Commerce.

Commissioner Battle stated the he still had not received a list of the Shooting Ranges in the county. He also stated that he had had several parents call him about the football registration. They had less than a week to register after school started. Most of the kids did not receive their registration forms until after school started. He added that he had looked at the board on 86 and that the deadline had not been extended.

The Clerk to the Board read a Thank You card from Mbros thanking the Board for agreeing to be their fiscal agent on the Make It Happen! Grant.

Commissioner Jefferies asked if the Person-Caswell Lake Authority had the right to appoint someone to their board. Chairman Hall responded that he thought they did have the authority. Mr. Ferrell responded that he had not seen the By-Laws but he would be glad to look into it for the Board. Chairman Hall asked Mr. Ferrell to check the By-Laws of the Person-Caswell Lake Authority to see if they have the authority to point someone. The Clerk to the Board informed the Board that she had a copy of the By-Laws and that she would send those to the county attorney.

CLOSED SESSION

Commissioner Battle moved, seconded by Commissioner Travis that the Board enter into Closed Session to consider the compensation, terms of appointment and performance of an individual public officer (NCGS 143-318.11(a)(6)); and to discuss potential economic development project (NCGS 143-318.11(a)(4)). The motion carried unanimously.

REGULAR SESSION

Commissioner Jefferies moved, seconded by Commissioner Battle to resume regular session. The motion carried unanimously.

ADJOURNMENT

At 11:20 p.m. Commissioner Travis moved, seconded by Commissioner Battle to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Nathaniel Hall
Chairman
