

June 4, 2012

The Randolph County Board of Commissioners met in regular session at 6:00 p.m. in the 1909 Randolph County Historic Courthouse Meeting Room, 145 Worth Street, Asheboro, NC. Commissioners Holmes, Frye, Haywood, Kemp and Lanier were present. Dr. Bob Shackelford, RCC President, gave the invocation, after which, everyone recited the Pledge of Allegiance.

Public Comment Period

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment.

Dr. Bob Shackelford, RCC President, read a letter of resignation from Jim Campbell, who has resigned from the RCC Board of Trustees. In the letter, Mr. Campbell thanked the Commissioners for the opportunity to have served as a member for 16 years. Dr. Shackelford welcomed Commissioner Haywood as a new member of the RCC Board of Trustees.

Janet Pate, Sophia, spoke about the Budget Amendment in the proposed Consent Agenda concerning the \$2 million Article 46 Sales Tax Advance for RCC Capital Project. She said that she is opposed to a “no interest loan” to an agency when all citizens are struggling. She also said that the Article 46 Sale Tax earmarked for RCC was originally advertised as a “pay as you go” project that should require no interest-free advance from the County. Ms. Pate said that we all need money and that all needs, such as the fire departments, Emergency Medical Services, Education and law enforcement should be able to be funded by current property tax revenues.

Commissioner Lanier and Dr. Bob Shackelford explained that thousands of dollars will be saved by the County advancing the money due to the initial decision to start the project before new state rules came into place that would have required additional costly permitting if the project had begun later.

Hearing no further comments, the public comment period was closed.

Approval of Resolution Honoring Resigning RCC Trustees Member Jim Campbell

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve a resolution honoring Jim Campbell, who has resigned from the RCC Board of Trustees, as follows:

Resolution In Appreciation of Jim Campbell

Whereas, Jim Campbell has served on the Randolph County Community College Board of Trustees for the past 16 years, having had nearly perfect attendance during that time; and

Whereas, Mr. Campbell served as Chairman of the Board for six years and Vice Chair for two and one-half years; and

Whereas, under Mr. Campbell's leadership as Chair, the College accomplished many significant achievements, including: an addition to the Archdale Center campus was completed; the Early College High School was established and a new building was erected for that purpose; the Richard Petty Education Center was built; the former Klaussner building was acquired for the new Continuing Education and Industrial Center building, which is nearing completion; and the ¼-cent sales tax referendum was passed for the College's capital needs; and

Whereas, Mr. Campbell's passion to make higher education available for all who seek it was always evident;

Now, Therefore, Be It Resolved, that the Randolph County Board of Commissioners hereby expresses its sincere appreciation and deep gratitude to Jim Campbell for his dedicated service, integrity and sound leadership during his tenure with the Randolph Community College Board of Trustees.

Addition to Consent Agenda

Chairman Holmes announced that *Item V. Reappoint Tami Hinshaw to the Public Library Board of Trustees* had been added to the Consent Agenda.

Approval of Consent Agenda

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the Consent Agenda, as follows:

- *approve minutes of regular meeting of May 7, 2012;*
- *appoint Stan Haywood to the RCC Board of Trustees;*
- *reappoint Cathy Baiden and Lydia Craven to the Public Library Board of Trustees;*
- *appoint Dr. Diane Frost to the Regional Partnership Workforce Development Board;*
- *reappoint Duffy Johnson, Betty Hunt, Addie Luther, Betty Bunting, Carolyn Vickrey, Marian McIntosh, Sandra Allen, Billie Nance, Dr. Emma Washington, Richard Wells, Candie Rudzinski, Joy Ratliffe, Arey Rash, Ann Hoover, Donald Monroe, John McCormick and Robert Westmoreland to the Randolph County Aging Services Planning Committee;*
- *appoint Kendria Eckard, Gail Routh & Liz Rickard (replace Ann Suggs); Elizabeth Mitchell (replace Brett Eckerman), Ed Gavin (replace Charlie Casper), Rev. Brian Gawf (replace Rev. Ralph Kraft) & Joe Dzugan (replace Adrienne Calhoun), to the Randolph County Aging Services Planning Committee;*
- *reappoint Brad Rice, Debbie McKenzie, Lucy Dorsey, Suzanne Dale, Judge Jimmy Hill, and Patrick O’Hara to the Randolph County Juvenile Crime Prevention Commission;*
- *appoint Darrell Frye to the Sandhills Center Area Board (3-yr. term);*
- *appoint Harold Holmes as the Commissioner representative on the Sandhills Center Area Board (term concurrent with County Commissioner term);*
- *approve Budget Amendment #40 – \$2M Article 46 Sales Tax Advance for RCC Capital Project (Only amount needed for fiscal year will actually be transferred from General Fund), as follows:*

2011-2012 Budget Ordinance		
General Fund -- Budget Amendment #40		
Revenues	Increase	Decrease
<i>Appropriated Fund Balance</i>	\$2,000,000	

<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Transfer to RCC Capital Project</i>	\$2,000,000	

- *approve Budget Amendment #41 for DSS (\$318,875 Child Day Care Funding from NC Division of Child Development), as follows:*

<i>2011-2012 Budget Ordinance</i>		
<i>General Fund -- Budget Amendment #41</i>		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$318,875	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Social Services</i>	\$318,875	

- *approve Budget Amendment #42 for Child Support Enforcement [\$8000 needed to continue to provide service for current fiscal year (covered by grant funding and service fee collection)], as follows:*

<i>2011-2012 Budget Ordinance</i>		
<i>General Fund -- Budget Amendment #42</i>		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$8,000	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Child Support Enforcement</i>	\$8,000	

- *approve Budget Amendment #43 for Public Health (\$4,215 MIT Grant & \$1,000 Additional Funding from Safe Kids NC), as follows:*

<i>2011-2012 Budget Ordinance</i>		
<i>General Fund -- Budget Amendment #43</i>		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$5,215	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Health</i>	\$5,215	

- *approve Budget Amendment #44 for Tax Department (\$11,000 Fee to Tax Management Assoc.), as follows:*

<i>2011-2012 Budget Ordinance</i>		
<i>General Fund -- Budget Amendment #44</i>		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Ad Valorem Property Taxes</i>	\$11,000	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Tax</i>	\$11,000	

- *approve Budget Amendment #45 for Soil & Water Conservation District (\$1500 State Grant for Outdoor Learning Center at Randleman High School), as follows:*

2011-2012 Budget Ordinance		
General Fund -- Budget Amendment #45		
Revenues	Increase	Decrease
Miscellaneous	\$1,500	
Appropriations	Increase	Decrease
Soil & Water Conservation	\$1,500	

- approve Budget Amendment #46 for Day Reporting Center (Additional \$6,700 from Montgomery County for Adult/Pre-Trial Programs & \$57,693 State Grant Funding), as follows:

2011-2012 Budget Ordinance		
General Fund -- Budget Amendment #46		
Revenues	Increase	Decrease
Restricted Intergovernmental	\$57,693	
Miscellaneous Revenues	\$6,700	
Appropriations	Increase	Decrease
Day Reporting Center	\$64,393	

- approve addition of Public Works Finance Technician Job Title & Solid Waste Facility Manager Job Title to, and eliminate the Staff Engineer Job Title from, the County Classification Pay Plan, eff. 7/1/12;
- add job title of Licensed Clinical Addiction Specialist (Grade 17) to County Classification Pay Plan for Day Reporting Center;
- approve resolution (1) appointing John L. Evans as a Plat Review Officer for the City of Asheboro and, (2) withdrawing the appointment of Reynolds Neely as a Plat Review Officer, as a result of his retirement, effective 4/30/12, as follows:

RESOLUTION APPOINTING REVIEW OFFICER (City of Asheboro)

WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Randolph County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording; and

WHEREAS, the City of Asheboro has requested that the Board of County Commissioners appoint John L. Evans, Senior Planner, Community Development Division, as a Review Officer for signing plats and subdivisions.

***NOW, THEREFORE, BE IT RESOLVED**, effective June 4, 2012, that John L. Evans is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.*

***BE IT ALSO RESOLVED**, that the appointment of Reynolds Neely as a Review Officer is hereby withdrawn as a result of his retirement effective April 30, 2012; and*

***BE IT FURTHER RESOLVED** that a copy of this Resolution designating these Review Officers be recorded in the Randolph County Register of Deeds Office and indexed in the names of the Review Officers.*

- *approve renewal of Southern Health Partners Contract Health Services at the Jail (\$26,609.83/mo.), as presented;*
- *approve renewal of 1-year lease (\$3,300/mo. – no change) for Child Support Enforcement Building, as presented.*
- *reappoint Tami Hinshaw to the Public Library Board of Trustees.*

Human Resources Budget Request for FY 2012-2013

Stacy Griffin, County Human Resources Director, presented a request on behalf of all Randolph County employees. She said that it has been four years - July 1, 2008 (2.5% COLA) – since employees received any type of merit or cost-of-living-based compensation increases. Other than the recent market adjustments given based on the Classification Study results, no requests for employee pay adjustments have been made since 2008 because the economic situation did not warrant such requests. However, after looking at what surrounding public entities are doing, and what employees truly deserve/need in order for the County to retain good employees and remain competitive in the market, the time has come to add an employee request to the budget process. Ms. Griffin said that departments have managed resources and positions in “hold the line” budgets for four years during a time when County services needs have drastically increased. She pointed out that due to our turnover rate, which has steadily increased since 2008 (2009: 10.31%, 2010: 13.04%, 2011: 13.08%), our employees who have stayed with us during the current recession have not only picked up additional duties from positions we chose not to fill, but have taken on extra work simply due to our higher turnover, as well. In fact, some workloads have tripled or quadrupled due to the economy.

Due to a long list of cost-saving measures and sacrifices, County Departments spent only \$600,000 of a budgeted (from fund balance) \$4 million expense item this past year, thus “returning” for lack of a better term, \$3.4 million to County fund balance. Quite simply, our employees have had fewer resources, yet have managed to maintain the same high levels of customer service our citizens have come to expect.

Ms. Griffin provided information on national and state salary trends, showing that even with the recession, the salary market has moved over the past four years with increases in the private and public sectors. In data gathered over the past two months from other NC public entities, the following was found:

- The trend for 2009 - 2011 weighed much more heavily towards merit based increases, with an emphasis on variable pay in the form of a one-time bonus. For those who could

not reward with pay, many added additional vacation days, ranging from 3-5 extra days annually.

- For 2012, several entities have expressed they are budgeting for a COLA ranging anywhere from 1.5-3%. In addition, many of these same entities are also asking for merit money to couple with the COLAs. Others are continuing the bonus programs implemented in 2009-2011.

Although Ms. Griffin provided information on what she feels Randolph County employees need: a minimum of 2.5% in increases (\$832,500), she is recommending, however, based on the economy, an allocation of 1%, or \$333,000 in fiscal year 2012/3013 for performance-based merit increases in the form of one-time bonuses (rather than as an annual recurring expense). She also asked that the Board keep in mind for future consideration, the following areas in which Randolph County is not competitive in regard to our benefits/employee perks package: 1) an increase to the 401(k) match; 2) adjusting vacation accrual leave schedules; 3) supplementing employee-paid dental insurance; and 4) adding Accidental Death and Dismemberment insurance.

Commissioner Haywood admonished Ms. Griffin for presenting such a request without a source of funding, charging that it was an indictment of the Board. He said that many citizens simply want a paycheck of any kind, and added that some citizens have to choose between buying food and buying prescriptions. He also asked if the employee insurance plan and pharmacy benefits manager had been shopped this year. Ms. Griffin said this had not been done because requests from organizations the size of Randolph County government are not taken seriously if they shop every year. Commissioner Haywood said that he is still interested in serving on a committee that will study and shop employee insurance plans. Ms. Griffin said that she would make sure that such a committee is formed.

Vice Chair Frye agreed with Commissioner Haywood, saying that he shops annually for insurance for his small hosiery mill in High Point. He also mentioned that some County employees have told him they are not satisfied with the County's new insurance plan/structure. He said that people need to know that they have the best and most affordable plan that they can possibly get. He added that it is hard to give raises when we are proposing a tax increase.

Commissioner Lanier agreed with Commissioner Haywood, saying that citizens are having it rough; many are living every four hours to four hours, having to sell timber or personal goods to pay their taxes.

Ms. Griffin pointed out that 8% of County employees are on public assistance, noting that out of 569 employees who participated in the new classification study process, 514 are within 20% of the minimum of their pay range, regardless of years of experience.

Approval of JAG Assistance Grant

Allen McNeil, Sheriff's Office Business Manager, stated that Randolph County has been designated to receive a grant for \$10,621 from the Bureau of Justice Assistance (JAG). The Sheriff's Office proposes to use the grant award to pay for the overtime expenses of officers who work on the Internet Crimes Against Children Task Force. Mr. McNeill said that per grant requirement, an ad was placed in the Courier Tribune on May 12, 2012, announcing the grant and seeking public comment. Also per grant requirement, a copy of the grant application was

delivered to the County Manager on May 9, 2012. Mr. McNeill requested that the \$10,621 be accepted if the application is approved and that the Sheriff's Office be allowed to use the grant funding as proposed in the grant application.

On motion of Frye, second by Lanier, the Board voted unanimously to approve the request of the Sheriff's Department to accept the JAG Grant in the amount of \$10,621 if so awarded by the Bureau of Justice Assistance, and to use the grant funding to pay for overtime expenses for officers who work on the Internet Crimes Against Children Task Force, as requested.

Rural Operating Assistance Program (ROAP) Public Hearing & Approval of FY12-13 Application and Certified Statement

Roger King, RCATS Transportation Director, said that the Randolph County Senior Adults Association, Inc. and the Regional Coordinated Area Transportation System (RCATS) serve as the sub-recipient of the annual allocation of the NCDOT Public Transportation Division Rural Operating Assistance Program (ROAP) Grant funding for Randolph County. In order to complete and submit the FY2013 ROAP Grant application documents to NCDOT, the following official actions are required by the Randolph County Commissioners and County Administration officials: 1) Conduct a duly advertised public hearing about the ROAP Grant Application before the Randolph Commissioners; 2) Complete and sign the Certified Statement for the FY2013 Rural Operating Assistance Program; 3) Provide a copy of the official minutes of the Commissioner's Meeting and Public Hearing. Mr. King reviewed the allocation funding amounts, as follows:

<i>State-Funded Rural Operating Assistance Program</i>	<i>Allocated</i>
<i>Elderly & Disabled Transportation Assistance Program (EDTAP)</i>	<i>\$98,292</i>
<i>Employment Transportation Assistance Program (EMPL)</i>	<i>\$42,644</i>
<i>Rural General Public Program (RGP)</i>	<i>\$276,355</i>

At 6:50 p.m., Chairman Holmes opened the public hearing, and, upon hearing no comments, declared the public hearing closed.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the FY12-13 ROAP Application and Certified Statement, as follows:

CERTIFIED STATEMENT FY 2013 RURAL OPERATING ASSISTANCE PROGRAM--COUNTY OF RANDOLPH

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips and for other transportation services for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the

municipalities or counties served) are the only eligible recipient of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP application. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

***WHEREAS,** the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;*

***WHEREAS,** the passenger trips and transportation services provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and*

***WHEREAS,** the period of performance for these funds will be July 1, 2012 to June 30, 2013 regardless of the date on which ROAP funds are disbursed to the county.*

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Randolph, North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.*
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.*
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips and services for five years that prove that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance at the specified cost.*
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state guidelines.*
- The county will conduct regular evaluations of ROAP funded passenger trips and transportation services provided throughout the period of performance.*
- The county will only use the ROAP funds to provide trips when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.*
- The county assures that the required matching funds for the FY2013 ROAP can be generated from fares and/or provided from local funds.*
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.*
- The county will provide an accounting of trips, services and expenditures in semi-annual reports to NCDOT – Public Transportation Division or its designee.*
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.*
- The county is applying for the following amounts of FY 2013 Rural Operating Assistance Program funds:*

<i>State-Funded Rural Operating Assistance Program</i>	<i>Allocated</i>	<i>Requested</i>
<i>Elderly & Disabled Transportation Assistance Program (EDTAP)</i>	<i>\$98,292</i>	<i>\$98,292</i>
<i>Employment Transportation Assistance Program (EMPL)</i>	<i>\$42,644</i>	<i>\$42,644</i>
<i>Rural General Public Program (RGP)</i>	<i>\$135,419</i>	<i>\$135,419</i>
<i>TOTAL</i>	<i>\$276,355</i>	<i>\$276,355</i>

Public Hearing on Closeout of 2009 CDBG Standard Scattered Site Housing Grant & Budget Amendment Approval

David Townsend, III, Public Works Director, said that it is time to close out the 2009 CDBG Standard Scattered Site Housing Grant. He said that the County rehabilitated six houses scattered throughout the county and replaced a home in Seagrove that was beyond repair. The Seagrove home required the County to demolish the existing house, remove several large trees, place a modular home on the property, and connect the new home to water and sewer with the Seagrove-Ulah Metropolitan Water District utility systems. Since the final rehabilitation project has been completed, a public hearing is required to close out the grant, the public hearing having been duly noticed. The final project costs will be \$50,131 less than budgeted. Since the deadline for the grant has expired, these funds were deobligated, and the final adjusted grant will be \$349,869.

At 6:59 p.m., Chairman Holmes opened the public hearing.

Janet Pate, Sophia, asked how many houses had been rehabilitated with the 2009 Standard and Stimulus grants and whether the application processes were publicized.

David Townsend, III, Public Works Director, said that 15 homes had been rehabbed, but special permission was granted from the State for the final home to be replaced instead of it being rehabbed because of its extremely poor condition. Therefore, the cost of the final home was substantially greater than the others. He also said that the grant's strict guidelines were followed explicitly, including, of course, the application notice requirements.

Upon hearing no further comments, the public hearing was closed.

On motion of Lanier, seconded by Haywood, the Board voted unanimously to approve the following budget amendment #2 in order to close out the 2009 CDBG Standard Scattered Site Housing Grant:

<i>FY09 CDBG Scattered Site Grant Ordinance</i>		
<i>Budget Amendment #2</i>		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>		<i>\$50,131</i>
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Rehabilitation</i>		<i>\$47,626</i>
<i>Administration</i>		<i>\$2,505</i>

Approval of Aging Services Matters

Candie Rudzinski, Aging Services Planning Committee (ASPC) Chair, reported that the ASPC met on May 8, 2012 and approved a recommendation for the HCCBG agency allocations for FY 12-13 totaling \$774,473. The ASPC recommends that the Randolph County Board of

Commissioners approve the HCCBG Funding Plan, as indicated on the Form DOA-731, requesting a total of \$774,473 for FY 12-13 for Randolph County aging service providers.

Ms. Rudzinski also asked that the Board accept additional/supplemental funding, should it become available, and to allow the Aging Services Planning Committee to decide how to allocate these funds, as appropriate, according to the existing "Policy for Distribution of Aging Services Funding."

On motion of Frye, seconded by Kemp, the Board unanimously 1) approved the HCCBG Funding Plan, as indicated on Form DOA-731, requesting a total of \$ \$774,473 for fiscal year 2012-2013; 2) designated the Randolph County Senior Adults Association, Inc. as the Lead Agency for fiscal year 2012-2013, as indicated on Form DOA-730; and 3) agreed to accept additional/supplemental funding, should it become available, and to allow the Aging Services Planning Committee to decide how to allocate these funds, as appropriate, according to the existing "Policy for Distribution of Aging Services Funding."

Update on TDA Operation of Visitors Centers

Hal Johnson, Tourism Development Authority Board Chairman, said that in 2010, the NCDOT opened two new rest areas and associated visitor centers within the interstate rights-of-way of 1-73/74 in southern Randolph County. NCDOT has estimated that usage for the pair of rest areas will be approximately 500,000 travelers per year, and upwards of 1,000,000 potential visitors per year, once the interstate corridor is complete. Due to the state budget crisis during the recession of 2009-10, dollars were not included in the state's budget for the operation and staffing of the centers. In order to open the centers to the traveling public, NCDOT decided on a public/private partnership process in securing operation of them and entered into an agreement with Safe-T-Concierge of Asheboro to staff and operate the centers. This private company had exclusive rights to sell advertising space in the centers. Unfortunately, as the economy continued to decline, Safe-T-Concierge was unable to secure sufficient advertisers and sponsors to continue to operate the centers, and their agreement with the state was mutually terminated in February of 2011. Since termination of their contract with Safe-T-Concierge, NCDOT has operated the Randolph County Visitor Centers by contracting with a temporary staffing agency. As of July 1, 2012, NCDOT will have annual recurring funds in the amount of \$200,000, which would allow the centers to be staffed and operated at full capacity. The \$200,000 annual funding for staffing of the visitor centers is provided by NCDOT and the N.C. Department of Commerce.

Recognizing the economic impact these visitor centers can have to Randolph County and surrounding areas, the TDA Board asked for staff negotiations to begin with the NCDOT and NC Dept of Commerce to provide funding to the TDA that would enable the TDA to hire staff necessary to operate the centers. The TDA would use the same policies and best practices used by State Welcome Center Program, which means that there would be no more pay-to-play displays and out of state advertisements at the centers. Staff employed by the TDA will receive special training as travel counselors. This staff will also be experienced in the tourism related businesses and activities of Randolph County.

On May 16, 2012, the Tourism Development Authority approved a Visitor Center Funding and Operation Agreement between the TDA and the NCDOT. TDA staffing is completely

dependent upon the recurring allocation of state funds and either party can terminate the contract with 60 days notice.

Approval of Administrative Contract Between TDA and Randolph County

Hal Johnson, Tourism Development Authority Board Chairman, said that since the inception of the Tourism Development Authority on September 2, 1997, Randolph County has performed a variety of administrative services for the TDA. This includes financial and human resource functions. The first administrative agreement between the TDA and Randolph County was approved November 20, 1997. This agreement was established during a time when the TDA had no employees and very few financial transactions. As a result, the County was willing to provide both the hotel room tax collection responsibility and the additional administrative functions (i.e. payroll, accounting, budgeting, deposits, financial reports, and audits) for the cost of the three percent of gross room tax collections authorized to the County by the TDA enabling legislation. The original administrative contract has not been updated between Randolph County and the Tourism Development Authority since 1997.

Many changes have occurred in the TDA since its inception in 1997. A five percent room occupancy tax, levied by Randolph County, is the primary revenue source by which the Authority operates. For 2012-13, these distributions are expected to be \$600,000. The TDA currently employs one part-time and three full-time employees. Additional employees will be hired (using state funding) to operate the two Visitor Centers during the next fiscal year. Randolph County includes the TDA in its annual audit; however, audit procedures get more involved and expensive with more operational complexity. Separate financial reporting is now required rather than combined reports.

In recognition of these expanded services, the Tourism Development Authority desires to establish a fair level of reimbursement for administrative services provided by the County. The Board of Directors, at its May 16, 2012 meeting, unanimously approved a 2.5% administrative fee to be included in the contract for services. This annual payment would be in addition to the three percent (3%) tax collection fee authorized by the enabling legislation. The updated Administrative Contract also clarifies the status of TDA personnel. TDA employees have always been included in the County's pay classification plan, health insurance plan, retirement benefits, and workers compensation benefits. They are also covered under the County's liability policy. The TDA, as a public authority, is responsible for the direct personnel costs (salary, benefits, etc.) of the TDA employees, and agrees to reimburse Randolph County for any such costs including unemployment claims and other settlements.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve an administration contract, as proposed, between the TDA and the County, effective 7/1/12.

Approval of Language Access Plan for Scattered Site Housing Grants

Aimee Scotton, Associate County Attorney, said that Randolph County has received housing rehabilitation funds pursuant to a grant available from the North Carolina Division of Community Assistance (NCDCA). This money has been used by the County to provide housing rehabilitation assistance to low-income families. DCA now has a requirement that recipients of these funds must have a plan in place that ensures that its policies and procedures do not deny or have the effect of

denying individuals with limited English proficiency equal access to benefits and services for which they qualify. The proposed Language Access Plan is in a form suggested by DCA and must be adopted for the County to be eligible to receive and administer these grants in the future.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the following language access plan:

Language Access Policy and Plan--Randolph County Scattered Site Housing Program

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

*In order to avoid discrimination on the grounds of national origin, all programs or activities administered by **Randolph County** regarding funds received pursuant to the Scattered Site Housing Program must take adequate steps to ensure that its policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities of the grant administrator to ensure LEP individuals can communicate effectively.*

This policy and plan is effective June 4, 2012.

SCOPE OF POLICY

*These requirements will apply to the **Randolph County Scattered Site Housing Program** (herein referred to as "**the Program**") including subcontractors, vendors, and sub recipients.*

The Program will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the Program.

DEFINITIONS

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the Program who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with the Program.*
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.*
- C. Title VI Compliance Officer: The person or persons responsible for compliance with this policy. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the Program and speak a primary language other than English and have limited English proficiency.*
- D. DCA: The North Carolina Department of Commerce's Division of Community Assistance.*

PROVIDING NOTICE TO LEP INDIVIDUALS

- A. *The Program will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will identify the name, office telephone number, and office address of the Title VI Compliance Officer.*

List the current name, office telephone number and office address of the Title VI Compliance Officer:

*Brian Heilig
Randolph County Central Permitting Building
204 East Academy Street, Asheboro, NC 27203
Telephone No: 336-318-6363*

(Note: The Program must notify the DCA compliance office immediately of changes in name or contact information for the Title VI Compliance Officer.)

- B. *The Program will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.*

Identify areas within the Program where these signs will be posted:

Randolph County Central Permitting

- C. *The Program will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).*
- D. *The Program will also disseminate information in the following manner:
Information will be disseminated to the media for publication and citizens through the Title VI Compliance Officer.*

I. Provision of Services to LEP Applicants/Recipients

- A. *Assessing Linguistic Needs of Potential Applicants and Recipients*
1. *The Program will assess the language needs of the population to be served, by identifying:*
 - a. *the language needs of each LEP applicant/recipient,*
 - b. *the points of contact where language assistance is needed, and*
 - c. *the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.*
 2. *Determining the Language Needs of the Population to be Served:
The Program is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:*
 - a. *The non-English languages that are likely to be encountered in its program will be identified.*
 - b. *An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually by the Title VI Compliance Officer. To identify the languages and number of LEP individuals local entities should review:*
 - i. *census data*
 - ii. *school system data*
 - iii. *reports from federal, state, and local governments*

with using friends or family members, and the name of the person serving as an interpreter at the LEP individual's request.

- d. Only under extenuating circumstances shall the Program allow a minor (under the age of 18 years) to temporarily act as an interpreter. The Program will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.*
 - 5. The Program will **not** require the applicant/recipient to pay for bilingual/interpretive services.*
- C. Provision of Written Translations*
- 1. The Program must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.*
 - 2. Translation of Vital Documents*
 - a. The Program will ensure that vital documents for locally designed programs are translated into Spanish.*
 - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.*
 - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the Program (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the Program will translate and provide vital documents in the appropriate language. The Program will keep a record of all vital documents translated, and will submit this information to DCA at their request.*
 - 3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE PROGRAM FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.***
- D. Documentation of Applicant/Recipient Case Records*
- 1. The Title VI Compliance Officer will maintain case record documentation in sufficient detail to permit a reviewer to determine the Program's compliance with this policy.*
 - 2. The Program will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the Program will:*
 - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.*
 - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the Program will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.*
 - 3. Consent for the release of information will be obtained from applicants/recipients when individuals other than Program employees are used as interpreters and the case record will be so documented.*
- E. Staff Development and Training*

- a. *The Program will provide staff training to new employees. The training will include, but not be limited to:
Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.*
- b. *Cultural awareness information, including specific cultural characteristics of the groups served by the Program to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.*
- 1. *The Title VI Compliance Officer will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are provided with a copy of this policy and are provided with individual training on an as needed basis.*
- 2. *The Title VI Compliance Officer will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, and the names and identifying information of each attendee at the training. The Title VI Compliance Officer will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.*

II. Compliance Procedures, Reporting and Monitoring

- A. *Reporting--The Title VI Compliance Officer will complete an annual compliance report and send this report to DCA.*
- B. *Monitoring*
 - 1. *The Title VI Compliance Officer will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the DCA upon request.*
 - 2. *The Program will cooperate, when requested, with special review by the DCA.*

III. Applicant/Recipient Complaints of Discriminatory Treatment

- A. *Complaints*
 - 1. *The Program will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The Program will maintain records of any complaints filed, the date of filing, actions taken and resolution.*
 - 2. *The Program will notify the appropriate Program or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.*
- B. *Investigation*
 - 1. *The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.*
 - 2. *The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.*
- C. *Resolution of Matters*
 - 1. *If the investigation indicates a failure to comply with the Act, the local unit of government, Program Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.*
 - 2. *If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.*
 - 3. *If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.*

Adjournment

At 7:40 p.m., there being no further business, the meeting was adjourned.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Stan Haywood

Arnold Lanier

Cheryl A. Ivey, Clerk to the Board