

November 6, 2017

The Washington County Board of Commissioners met in a regular session on Monday, November 6, 2017 at 4:30 PM at the Cooperative Extension Conference Room located at 128 E. Water Street, Plymouth, NC. Commissioners Johnson, Phelps, Riddick, Sexton and Walker were present. Also present were County Manager/Attorney Curtis Potter, Clerk to the Board Julie J. Bennett and Finance Officer Missy Dixon.

At 4:30 PM, the Board attended a “Report to the People” presentation by Cooperative Extension in the Strader Building followed by dinner. The following presentation was given.

## North Carolina Industrial Hemp Pilot Program

### What is the difference between industrial hemp and marijuana?

- ▶ Basically, Marijuana and Hemp are varieties of cannabis that developed due to selective breeding: Industrial Hemp for its fiber and seed oil. Marijuana for its narcotic components.

Cannabis that can be smoked for a “high” usually contains 10% percent THC or greater. In fact, marijuana these days has a concentration of 25-28% THC.

Industrial hemp contains 0.3% or less. The amount of THC in industrial hemp is almost non-existent.



## What is the difference between industrial hemp and marijuana?

- ▶ But it's basically the same thing, right?  
Well, yes and no.
- ▶ What is the difference between Feed Corn and Sweet Corn?  
They are both corn, right?



## What is the difference between industrial hemp and marijuana?

- ▶ Pumpkins are pumpkins, right?
- ▶ Selective breeding produced pumpkins as a food source (Thanksgiving pies!) and selective breeding also made beautiful, ornamental pumpkin varieties that may not be very good to eat.



## Cannabaceae

- ▶ *Cannabaceae*, the family that both industrial hemp and marijuana belong to, also contains hops and sugarberry trees.



## So, Will Eating Industrial Hemp Get Me “High”?

There are about a dozen varieties of industrial hemp plants that are grown for food. By the time these plants are processed, all of the hemp food products contain about 0.001 or less percent THC.

This means you can eat as much hemp as you want and you do not have to worry about getting high or failing a drug test from eating industrial hemp.

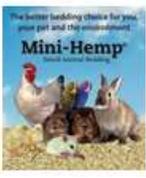
The hemp seeds you can find at your grocery or health food store were likely grown in Canada. (Maybe one day NC grown?!)



## Fiber



Hemp looks like this.



## Seed and Seed Oil



Hemp looks like this.



## Industrial Hemp - Uses



GW Pharmaceuticals' Epidiolex, a medicine made from cannabis containing cannabidiol (CBD), is shown in New York. According to a study published in May 2017 by the New England Journal of Medicine, the medicine cut seizures in kids with a severe form of epilepsy, which strengthens the case for more research into possible health benefits of cannabis. (Kathy Young, Associated Press)

### Race for CBD medication breakthrough: Is pharma firm's boon the hemp industry's doom?

Cannabist Special Report: CBD, TBD || Hemp businesses are closely watching as the drug Epidiolex, made by GW Pharmaceuticals, moves through the FDA



Target pulled hemp oil products from its shelves after a Tuesday, after the DEA said it had pulled hemp oil products from its shelves.

### Target Pulls the Hemp Oil Product That DEA Opposes From Online Store

Target's online store stopped selling hemp oil extract after [cannabistalk](#)



Cannabidiol/CBD is sometimes called "hemp oil." Do not be confused with true hemp oil from the seed. CBD is made from the flower extracts of the plant, whereas seed oil is made the same way as sunflower seed oil or canola oil.

## Industrial Hemp - Uses



## Industrial Hemp - History

Colonial period - early-1900s: Grown widely

- Fabrics, twine, paper

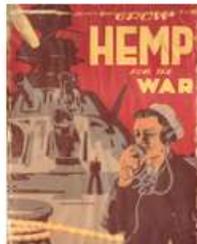
1890s: Harvesting cotton became easier, so replaced some uses for hemp

Hemp treated like any other crop by USDA

- Published crop reports
- Compiled statistics
- Provided assistance to hemp producers with production & distribution

## Did you know?

- Hemp was an important cash crop for colonial America, feeding the British fleet's enormous appetite for naval rope. George Washington, Thomas Jefferson and James Madison wrote of growing commercial hemp on their estates.
- During World War II, "Manila hemp" imported from Japan was an important commodity for the U.S. military, which used its fibers for uniforms, canvas and rope. After the attack on Pearl Harbor, however, America's supply was cut off. In response, the U.S. Department of Agriculture launched a campaign to encourage large-scale hemp cultivation called, "Hemp for Victory."



Former President George Bush ->

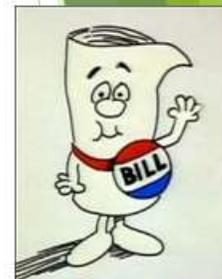


## Is growing industrial hemp legal under the Federal Government?

**YES, when grown under state-licensed programs!** Unlike marijuana, which is still illegal under the laws of the Federal government, industrial hemp pilot programs were given a small, federally legal status under the Farm Bill in 2014.

The federal 2014 Farm Bill states:

"... an institution of higher education ... or State department of agriculture may grow or cultivate industrial hemp if— the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research..."



# States

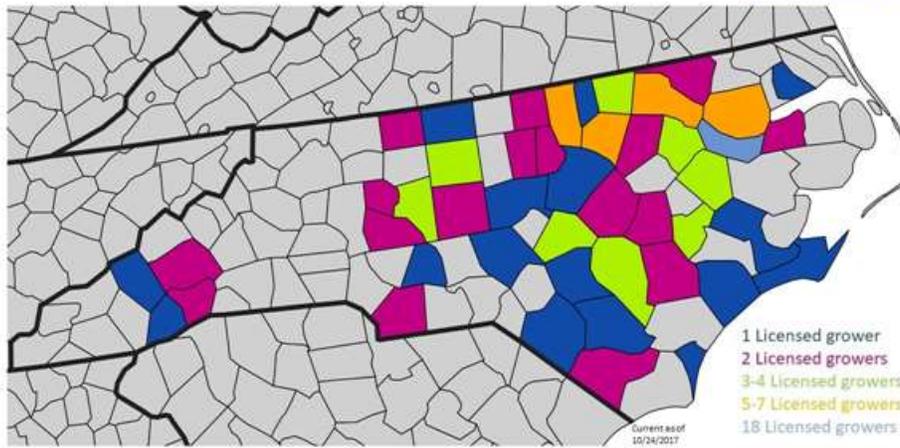
- At least 33 states have laws in place\* related to industrial hemp.
- 13 states have active Pilot Programs for industrial hemp.

State Laws Related to Industrial Hemp

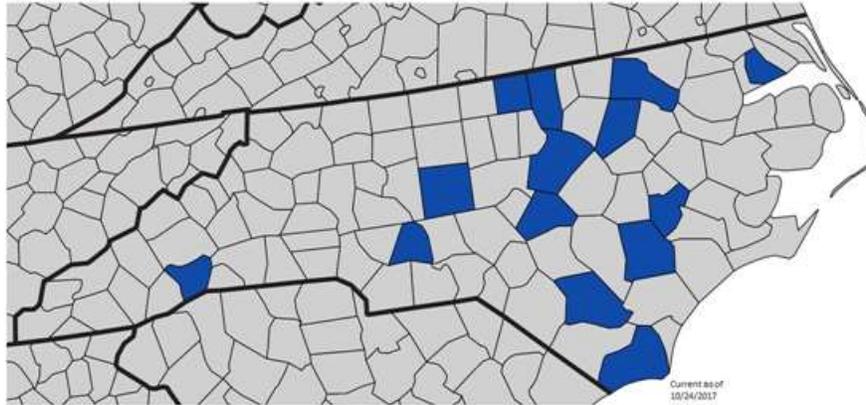
Allows cultivation of hemp for commercial, research or pilot programs. Does not allow cultivation of hemp.



\*Some states establishing these programs require a change in federal laws or a waiver from the DEA prior to implementation.



Registered Industrial Hemp Processors and Laboratories



## Growing industrial hemp



## Industrial Hemp Field Facts

- ▶ Requires 1.25 inches of water per week
- ▶ Seed grow slowly at 35.6 F, but once developed, can withstand temps of 31.1 F for 4-5 days
- ▶ Well drained, sandy loam soil is preferred
- ▶ Optimal pH: 6.0-7.5
- ▶ Seeding Rate: 40.48 lbs/ac
- ▶ Plant Population: 15-17 plants per square foot
- ▶ Fertility requirements similar to winter wheat



## 2017 NC Snapshot

- ▶ **Licenses**  
Total approved: 121  
Licensed: 93  
Number of 3-year licensees: 74  
Number of 1-year licensees: 19
- ▶ **Field Crop**  
Intended acreage total: ~2,000 acres (1,920.81)  
Actual acreage total: ?\*  
Largest acreage intended: 500 acres  
Smallest acreage intended: 0.25
- ▶ **Greenhouse**  
Intended greenhouse Sq. feet: ~187,000 square feet (186,917)  
Actual greenhouse Sq. feet: ?\*  
Largest Sq. feet intended: 40,000  
Smallest Sq. feet intended: 100
- ▶ **Processors**  
Registered: 22
- ▶ **Seed/Clones**  
Certified Seed: 23 varieties  
Experimental seed/strains or live clones: 25  
Country Origin: Canada, Italy, Netherlands, France, Finland, Hungary, Poland  
State Origin: KY, CO

\* We won't know the actual acreage planted until we receive the results of the Grower Survey in November 2017

## Thank you!

Contact the program:

Emily Febles  
Industrial Hemp Program Manager  
919.515.7389  
industrialhemp@NCSU.edu



Chair Walker called the Board of Commissioners' meeting to order. Commissioner Riddick gave the invocation; Commissioner Phelps led the Pledge of Allegiance.

ADDITIONS/DELETIONS: None.

CONSENT AGENDA: **Commissioner Phelps made a motion to approve the Consent Agenda:**

- a) Approval of Minutes
- b) Tax Refunds & Releases and Insolvent Accounts
- c) Proclamation: Veterans Day 2017

**Commissioner Sexton seconded, motion carried unanimously.**

PUBLIC FORUM: Ann Keyes, Director of Planning/Safety, Main Street, stated that in late August the pastor of the Freewill Baptist Church asked her to speak at their VBS. She spoke on heroes. They presented to her with a teddy bear which said “saying “Jesus loves you and so do I”. She also had a chance to pass one along to a small child.

Erielle Cooper, Creswell, spoke to the Board regarding transportation needs in Creswell for residents to get to appointments and stores.

PUBLIC HEARING: 2018 – 19 COMMUNITY TRANSPORTATION GRANT:

**Commissioner Sexton made a motion to open the public hearing on the 2018 -19 Community Transportation Grant. Commissioner Phelps seconded, motion passed unanimously.**

Ms. Zina Rhodes, DSS Transportation Supervisor, spoke to the Board. She asked Ms. Cooper (who spoke about transportation issues during Public Forum) to stop by her office and they will talk about the transportation needs in Creswell. Ms. Rhodes noted that she corrected the public hearing notice changing the capital money from \$46,000 to \$46,350. Ms. Rhodes would like to replace a 2009 minivan with (114,000 miles on it) with a crossover vehicle and add a lift to the van.



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**LOCAL SHARE CERTIFICATION FOR FUNDING**

**WASHINGTON COUNTY**  
(Legal Name of Applicant)

Requested Funding Amounts

Project	Total Amount	Local Share
Administrative	\$ <u>92,118</u>	\$ <u>13,819</u> (15%)
5311 Operating (No State Match)	\$ _____	\$ _____ (50%)
5310 Operating (No State Match)	\$ _____	\$ _____ (50%)
5307 Operating	\$ _____	\$ _____ (50%)
5307 Planning	\$ _____	\$ _____ (20%)
Capital	\$ <u>46,350</u>	\$ <u>4,635</u> (10%)
Mobility Management	\$ _____	\$ _____ (10%)
_____	\$ _____	\$ _____ ( %)
_____	\$ _____	\$ _____ ( %)
_____	\$ _____	\$ _____ ( %)

Funding programs covered are 5311, 5310, 5339 Bus and Bus Facilities, 5307 (Small fixed route, regional, and consolidated urban-rural systems)

<b>TOTAL</b>	\$ <u>138,468</u> Total Funding Requests	\$ <u>18,454</u> Total Local Share
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The Local Share is available from the following sources:

Source of Funds	Grant Applied To	Amount
<u>General Funds</u>	_____	\$ <u>18,454</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
<b>TOTAL</b>		\$ <u>18,454</u>

\*\* Fare box revenue is not an applicable source for local share funding

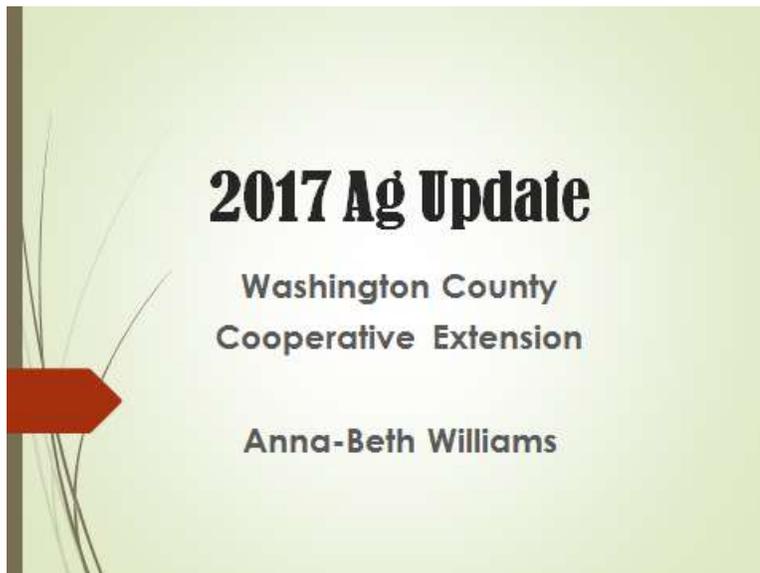
Commissioner Phelps asked Ms. Rhodes how many vehicles Riverlight Transit has. Ms. Rhodes stated the currently have eight (8) vehicles. Commissioner Phelps asked how many bids they have to have. Ms. Rhodes said she doesn't handle bids, the State handles that. Ms. Rhodes stated that if the Commissioners don't approve the administrative portion of the grant, then the

County would have to pay all of the expenses. Commissioner Phelps said he hopes that Washington County can start looking past Roper and not keep all of the vehicles in Plymouth. Ms. Rhodes said the vehicles don't stay in Plymouth--they service all of Washington County. At the last meeting held in Roper, Ms. Rhodes stated that she met with someone from the Creswell Rural Health Clinic to let them know that Riverlight Transit was available to assist their patients. Ms. Rhodes said the number to call Riverlight Transit is 793-4041 x 255. Ms. Rhodes said the cost for the general public to ride Riverlight Transit is \$1 in city limits, \$5 w/in the County, \$15 to go Greenville, and \$10 to go to Edenton, Bertie, and Williamston. Ms. Rhodes said it is DSS's desire is to serve as many people in Washington County as possible. Chair Walker asked about logos. Ms. Rhodes said she will need new logos for the new vehicle to identify it as Riverlight Transit.

**Commissioner Phelps made a motion to close the public hearing. Commissioner Johnson seconded, motion carried unanimously.**

**Commissioner Sexton made a motion to approve the Riverlight Public Transportation Program Resolution. Commissioner Riddick seconded, motion carried unanimously.**

**AGRICULTURE REPORT:** Ms. Anna-Beth Stewart gave the following presentation to the Board on agriculture in Washington County.





## 26.4 Inches Above Average!

Month	Total Rainfall (in)	30 Year Average Rainfall (in)
September	16.32	5.13
October	11.85	3.86
November	1.98	3.18
December	3.63	3.20
January	5.23	4.54
February	1.35	3.45
March	5.66	4.72
April	5.37	3.49
May	7.03	4.50
June	5.34	5.03
July	5.18	5.31
August	8.47	5.60
September	7.16	5.13
October	2.83	3.86
<b>Total</b>	<b>87.4</b>	<b>61.00</b>

## 2017 Plymouth Pesticide School

- Hosted by NCCES and NCDA & CS
- Goal of program is to educate potential pesticide applicators and prepare them for certification exams
- 80 people in attendance
- Courses Taught:
  - Core Manual
  - Ornamentals & Turf
  - Structural Pest Control



## On-Farm Test Plots

### ■ Variety Trials

- Variety trials are a good way to see how well each variety performs on a certain soil type, drainage situation, and row spacing

#### ■ Corn:

- Bowen Farms
- Turnpike Farms

#### ■ Soybean:

- Turnpike Farms

### ■ Cover Crop Trial

- Determine if common vetch provides any nutrient benefit to the following corn crop



## 2017 BFMA Tour

### ■ Hosted by Green Valley Farms, Columbia, NC

- 450+ people in attendance

### ■ Four Tour Stops

- Corn Fertility
- Corn Fungicides
- Corn Population
- Soybean Maximum Yield



## Farm Visits

- Disease ID
- Weed ID
- Proper nematode sampling
- Aid in sending samples to Raleigh (many counties do not offer this option)
- Drift mitigation



## Hidden Issues of 2017



## In the Future



Most Farmers will be starting 2018 in a deficit leading to financial dire straits

## Upcoming Events

- **Pesticide Collection Day**
  - Wednesday, November 15, at Tyrrell Hall
  - 10 am – 2 pm
- **Soil Sampling Fee In Effect Soon**
  - December 1, 2017 – March 31, 2018
  - Samples will be \$4 each
  - To guarantee delivery to Raleigh for free, you must get samples to the Extension office by **Tuesday, November 21 @ 5pm!**



**Anna-Beth Williams**

Washington County Agriculture Extension Agent

[anna-beth\\_williams@ncsu.edu](mailto:anna-beth_williams@ncsu.edu)

252-793-2163

REPUBLIC SERVICES UPDATE: Mr. Michael Kavanaugh, Division Manager of Republic Services spoke to the Board. He stated he was here tonight to answer any questions or concerns. Commissioner Phelps said Republic Services is required by contract to give a report to the County semi-annually. Mr. Potter said that there wasn't anything specific on what Republic Services would report on tonight; however the reason for having them report to the Commissioners is so issues can be handled in a timelier manner. Mr. Potter said he asked Ms. Wilkins (since the Tax Office handles the concerns and passes them on to Republic Services) if there were any open issues and she said most items have been taken care of. One issue of late was a yard that had ruts when a truck pulled off the road into a yard. Now the trucks are instructed not leave the state road. Commissioner Sexton asked how the trucks handle dead end roads. Mr. Kavanaugh said the trucks will back down the road--they have backup cameras on their trucks. Some residents have agreed to allow turnarounds in their driveways. Mr. Kavanaugh said Republic Services is looking into giving residents information on recycling. Mr. Potter said he picked up a brochure in Tyrrell County and would like to see one like it created for Washington County. Mr. Kavanaugh said he'd like to put information on the County's webpage. Mr. Potter said he would still like the brochure created and maybe do a mass mailing since many of our residents don't have internet.

Mr. Joe Gainer, General Manager for Republic Services addressed Commissioner Phelps and said he would like to know exactly what he would like to be reported from Republic Services. Commissioner Phelps said he is still getting calls every week. He said he is still frustrated and hearing about trash not being picked up, trash cans being broken, and about trash falling out the trucks as they go down the road. Commissioner Phelps showed two notebooks from the Tax Office that had complaints from residents on Republic Services. Commissioner Phelps said he is not happy with them. Mr. Potter said it sounds like there is still some concern in the community regarding Republic Services. Mr. Potter said when he talked with the Tax Administrator to see if there were any current issues he was told there were none at the present time. Mr. Potter said if there is something specific that the Board wants Republic Services to do, then he needs to know what it is. Mr. Potter said that one caveat Republic Services provides us with is that residents aren't charged for a second trash can when they are replaced.

Chair Walker said he's only received one complaint about trash. Commissioner Sexton said he hasn't received any complaints and knows that one service isn't going to make everyone happy, but it's a lot better than it was 20 years ago when citizens used to have to carry the trash to dumpsters. He feels Republic Services is doing a pretty good job. Commissioner Johnson said she lives in Plymouth and is serviced by David's Trash Service and they've even broken her trash can and replaced it within 3-4 weeks. Commissioner Phelps said once again, it's the eastern end of the County that gets the short end of the stick. Commissioner Riddick spoke about the damaged trashcans, and suggested that someone keep a check on the condition of the trashcans. Mr. Gainer said he will have someone ride along to take account of what cans need to be replaced. Mr. Gainer said he would like a copy of all the complaints in those two notebooks so he can take them back to his company. Mr. Potter said he will look at the complaints in the morning and see if there are certain commonalities with the issues. Mr. Gainer said he can also supply the County with numbers of cans that are being replaced and in what areas.

Chair Walker thanked Mr. Kavanaugh and Mr. Gainer for attending tonight's meeting.

SALES TAX PRESENTATION: Mr. Potter gave the following presentation.



## Basics of North Carolina Local Option Sales Taxes

### Overview:

North Carolina counties rely heavily on local sales taxes as an important revenue source within the county general fund to support critical public services. Local sales taxes are the second largest county-levied revenue stream and comprise on average 12 percent of total county revenues.

Per the Tax Foundation's Sales Tax Clearinghouse, North Carolina is one of 38 states that authorize, or provide for, a local sales tax levy; 45 states levy a state sales tax. (Alaska permits a local sales tax but not a state sales tax and California (1%), Utah (1.25%) and Virginia (1%) collect a "local" sales tax that is distributed to local governments.) North Carolina counties are limited in the amount and type of local sales taxes to those specifically authorized by the state legislature.

The General Assembly authorized the first cent of local option sales tax in 1971 "to afford the counties and municipalities...with opportunity to obtain an added source of revenue with which to meeting their growing financial needs" (105-464, Purpose and intent). In comparison, the state initially imposed its first state sales tax in 1933, following a significant restructuring of state v. local government service and funding responsibilities.

While cited statutorily as a local government sales and use tax, the local sales tax levy is imposed solely by the board of county commissioners by resolution following a favorable referendum, if required, or by board resolution. North Carolina's Department of Revenue oversees local sales tax collections from retailers, in concert with state sales tax collections.

The tax is levied within the county as a whole, meaning local sales taxes collected within municipal boundaries and unincorporated areas are credited to the county area. Most, but not all, of the levies are shared with the cities within the county's borders.

A penny of local sales taxes generates roughly \$1.1 billion in revenues, of which 2/3rds of the proceeds on average are distributed to counties. The local sales tax levy generally applies to most tangible goods and closely tracks the state's sales tax base with a few exceptions. Most notably, motor vehicles and utilities are not subject to the local sales tax while food purchases are taxed locally but were phased out of the state sales tax base in 1998.

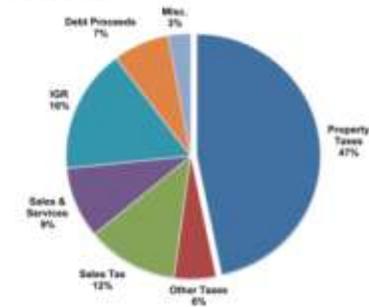
All counties levy at least 2 percent in sales taxes. As of this writing, 27 counties have 2.25 percent, one has 2.5 percent and 2 have 2.75 percent.

### Inter-County Local Sales Tax Allocations:

#### **Point of Delivery Allocation**

North Carolina maintains two distinct, and unique, inter-county allocation methods for sales taxes collected under the local levy. The point of delivery allocation method credits the county to which the goods are delivered, and all local sales tax levies save a ½ cent tax are allocated in this manner (as of this writing). Generally point of delivery coincides with the point of sale, e.g. where the sales transaction actually occurs and the purchaser walks away with the goods in hand. However, larger items such as appliances and, perhaps more importantly, construction materials may be delivered to the purchaser's home or where the goods are to be used. It is the county area to which the goods are delivered that is credited for the sales tax collected. North Carolina changed its point of sale allocation method to that of

### Revenues:



point of delivery in 2001 to become compliant with the *Streamlined Sales Tax Agreement* (see below). This followed a 1987 legislative change in sourcing from destination (point of delivery) to the retailer's location (point of sale).

Some counties report addressing problems by vendors who rely solely on the purchaser's 5-digit zip code to source the sale on goods delivered in a county other than that of the retailer. Since zip codes can cross county lines, the sale could be credited to the incorrect county and the incorrect county sales tax rate could be applied to the sale. This may be particularly acute in developing counties that border urbanized retail centers – the local sales tax on housing construction materials may be sourced to the incorrect county if based only on the 5-digit zip code.

#### **Per Capita Allocation**

The second inter-county allocation method is based on the county's population as a percent of the state's total population, according to the most recent state-certified population estimates. Local sales taxes allocated under the per capita method are collected in a statewide pool and then allocated to the county area based on the county's population percentage.

However, a statutory adjustment is made prior to the individual county area distribution that could increase, decrease or retain the actual per capita percentage. This adjustment factor, ranging from 1.49 in Dare County to 0.81 in Columbus County, is thought to correct for the 1987 sourcing change from destination to the retailer's location, and was put in place in conjunction with legislative authority for the second ½ cent per capita local sales tax.

There are several states that allocate a portion of their state-levied sales taxes on a per capita basis but we know of no other state that allocates locally-levied sales taxes via the per capita method. There has been discussion regarding the constitutionality of having a locally-levied tax whose proceeds are used outside of the tax levying jurisdiction.

#### **Intra-County Local Sales Tax Allocations:**

Counties may choose one of two methods to share the proceeds of qualifying county area sales tax levies with their municipalities—by ad valorem or per capita (not to be confused with the inter-county per capita allocation). Generally, the ad valorem method favors counties. Counties must designate the method by adopting a board resolution in April and providing a certified copy of the resolution within 15 days following its adoption to N.C. DoR, to become effective the next fiscal year. Should a county not adopt a distribution method each year, the current distribution method in effect remains as is. As of this writing, 47 counties have elected to use the ad valorem method while 53 counties have chosen the per capita allocation.

#### **Ad Valorem Method**

This method allocates qualifying intra-county sales taxes in proportion to the property tax levied by a county and its municipalities in the previous fiscal year. For example, if Carolina County levied \$50 million in property taxes and Dogwood City levied \$25 million in property taxes, Carolina County would receive 66.6% of total proceeds ( $\$50 \text{ mil} / (\$50 \text{ mil} + \$25 \text{ mil})$ ). The N.C. DoR collects property tax levy information annually to set the distribution.

Included in the property tax levy, if applicable, are any special district property taxes levied by either the county or city on behalf of the special district. If these levies are included, then the county or city levying the tax on behalf of the special district must share its proceeds in proportion to the amount of property taxes levied. School districts with a supplemental tax would likewise receive a share of the county's allocation.

#### **Per Capita Method**

This method allocates qualifying intra-county sales taxes based on a unit's population to the total county population plus the populations of all eligible municipalities. For example, if Carolina County's population was 100,000 and the populations for its three municipalities totaled 75,000, Carolina County would

receive 57.1% of the total proceeds ( $100,000 / (100,000 + 75,000)$ ). Population figures reflect the most recent state-certified population estimate.

Special district populations are not included in the tally and no distribution is made to special districts under the per capita method.

#### **Hybrid Method?**

Onslow County received special legislative authority to combine the ad valorem and per capita inter-county method, but has since elected to use the ad valorem method alone.

#### **Specific Local Sales Tax Levy Authority:**

Several local option sales taxes have been authorized since the initial local sales tax in 1971. Below is a description of each local sales tax as referenced by its statutory citation in General Statute Chapter 105. Largely, any local sales tax authorized prior to 2000 included unprepared food sales in the local sales tax base. After the state phased out food sales in the state sales tax base in 1998, the General Assembly has not permitted any new local sales tax levies to be applied to unprepared food.

In keeping with the *Streamlined Sales Tax Agreement* (see below) and following the state's phase out of state sales taxes on unprepared food, the 2 percent local sales tax on food—its administration and accounting—is now treated as if it is a state sales tax (beginning with fiscal year 2003 collections). For allocation purposes, one-half of the food sales tax is distributed on a per capita basis while the other half is distributed proportional to the 1997-98 Article 39 tax on food. Overall, food accounted for nearly \$140 million per penny in 2012-13, or 12.5 percent of the total.

#### **Article 39**

Article 39 was the original local option sales tax and authorized in 1971. It was set at one percent of eligible sales, the highest individual levy authorized, and is allocated on a point of delivery basis. All counties impose Article 39, which may be levied via a referendum or by board resolution (if no referendum failed with 5 years of board action).

Since Article 39 was the original local sales tax, all subsequent local sales tax articles refer back to Article 39 for administrative purposes. For example, Article 39 outlines the steps for repealing a local sales tax and allows for a petition of 15% of qualified voters to force a referendum on the levy's repeal. (Dare County's levy of a 1 percent sales tax for beach re-nourishment, as allowed under a local bill, was repealed in this manner).

#### **Article 40**

Article 40 was authorized in 1983 to provide "an added source of revenue with which to meet their (counties and cities) growing financial needs, and to reduce their reliance on other revenues, such as the property tax" (105-481. Purpose and intent). Set at one-half percent, Article 40 is allocated on a per capita basis. All counties impose Article 40, which may be levied similarly to Article 39.

Article 40's statutory language requires counties to set aside 30 percent of its proceeds for public school capital outlay purposes, including school indebtedness. When originally enacted, counties were required to set aside 40 percent for the first 5 years of the levy, and then 30 percent for the next 5 years. Cities sharing in the distribution had similar set aside requirements for water and sewer capital outlays. The General Assembly enacted legislation to extend the county-required set aside indefinitely while the city set aside was allowed to sunset.

A county may petition the Local Government Commission to allow the county to use part or all of its required set aside for purposes other than school capital needs, if it can demonstrate that it is able to meet its public school capital needs without Article 40 proceeds. Informal discussions with the LGC indicate that the local board of education would need to sign off on the county's petition prior to the LGC approving the set aside release. As of this writing, the LGC has only approved one release to allow the set aside to be used in part for local public school current expense purposes.

Since the local sales tax on food was converted to a "state" sales tax and decoupled from Article 40, the school capital set-aside is not required for the food portion of proceeds.

NCACC has developed a methodology to assist counties in calculating their set aside requirements.

#### **Article 42**

Article 42, authorized in 1986 at one-half percent, was originally allocated like Article 40 on a per capita basis. It too was enacted as an added source of local revenue and to reduce reliance on other revenues such as the property tax but also for the loss of "federal revenue sharing" (105-496. Purpose and intent).

After its enactment, counties could levy a total of 2 percent in sales taxes, with 50% allocated on a point of sale basis and 50% allocated on a per capita basis. All counties levy Article 42, which may be imposed similarly to Article 39.

In 2009, and as a part of the historic county Medicaid Relief Swap of 2007, Article 42 was converted from a per capita to a point-of-delivery basis. This change was made to reduce the state's financial exposure to a state-funded hold harmless for those counties whose loss of Article 44 sales taxes as a part of the swap exceeded their gain from Medicaid relief.

The food sales tax receipts originally levied under Article 42, now levied under Article 5, the state's sales tax legislation, remain distributed on a per capita basis.

Article 42, like Article 40, also has set aside requirements--current law requires counties to use 60 percent of Article 42 receipts for public school capital outlay purposes. As originally enacted, the required set aside stepped down and phased out after 11 years but subsequent legislation removed the step down and mandated the 60 percent set aside indefinitely. The General Assembly further modified the set aside to require counties whose Article 42 receipts are less under the point of delivery allocation to earmark enough revenue to make up for the loss of school construction funding.

#### **Article 44**

Article 44, set at one-half percent, was authorized in 2001 to replace state reimbursements for local tax base losses legislatively repealed in the 1980s. The state was facing a fiscal crisis at that time, and chose to withhold and repeal the local reimbursement distribution of \$333 million. All counties immediately took action to impose Article 44, which permitted an accelerated levy and collections schedule to replace lost state reimbursements within the 2001-2002 fiscal year.

As a part of the 2007 Medicaid Relief Swap, Article 44 was ceded to the state to offset the state's increased Medicaid costs for assuming the county Medicaid cost share. Counties continue to see Article 44 adjustments as refund requests are processed and sales tax discoveries are made.

As originally enacted, Article 44 followed the then established local sales tax allocation of 50% per capita and 50% point of delivery, the first levy to have a dual allocation method. Legislation authorizing Article 44 provided for a 10-year hold harmless provision for those local governments whose expected Article 44 receipts did not replace their repealed state reimbursements. After several extensions, the Article 44 hold harmless sunset in 2013.

#### **Article 46**

Article 46, at one-quarter percent and allocated by point of delivery, was also authorized as a part of the 2007 Medicaid Relief swap, whereby legislators acknowledged the substantial infrastructure and operating demands facing county governments.

Unlike the previous local sales tax options, the county's voters must approve its levy via an advisory referendum prior to board enactment. As of this writing, 29 counties have been successful in having Article 46 approved by their voters.

**Article 46 Sales Tax Referendum**



Article 46 is the only statewide local sales tax levy not shared with municipalities.

### Article 43

Article 43 began in 1997 as a one-half percent public transportation tax available only to Mecklenburg County. In 2007, the General Assembly extended the local sales tax authority under Article 43 to all counties, but continued to limit the tax proceeds for public transportation purposes only. A favorable advisory referendum must be held prior to imposition of Article 43.

The General Assembly also set stipulations on the amount of the levy. Mecklenburg, the Triangle Transit Authority (Durham, Orange, Wake), and the Triad Transit Authority (Forsyth and Guilford) may levy one-half percent for public transportation systems. All other counties may levy one-quarter percent if they or another local government within the county operates a public transportation system. If more than one local government operates a public transportation system within the county, Article 43 proceeds are allocated within the county on a per capita basis.

As of this writing, Mecklenburg, Durham and Orange have adopted the Article 43 half-cent sales tax for public transportation purposes.

## Summary of Local Option Sales Taxes

G.S. & Year	Amount	Referendum?	Allocation— PD or PC?	Restricted Use?	Applies to Food?
Art. 39; 1971	1 penny	Optional	PD	No	Yes
Art. 40; 1983	½ penny	Optional	PC	30% for school capital	Yes
Art. 42; 1986	½ penny	Optional	PD (Originally PC)	60% for school capital	Yes
Art. 44; 2001 <b>2007-ceded to state via Medicaid swap</b>	½ penny	Optional	½ PD; ½ PC	No, but replaced repealed reimbursements	No
Art. 43; 2007 for all counties	½ or ¼ penny	Required	PD	Yes—public transit only	No
Art. 46; 2007	¼ penny	Required	PD	No, & no city share	No

### Mechanics of Local Option Sales Taxes

N.C. DoR oversees the monthly disbursement of local option sales taxes to the eligible local government unit, both counties and cities, via electronic transfer. It is important to define the sequencing of sales, collections, allocation and distribution to understand the timing of local sales tax revenues. While large retailers must remit proceeds twice during the sales month, they generally have until the 20<sup>th</sup> day of the following month to submit the sales tax allocation report to show what county area is to be credited with the sales tax collections.

N.C. DoR takes the month thereafter to calculate the distribution, make any changes based on amended returns, and arrange for the disbursement. Therefore, local government sales tax distributions in any

given month reflect actual sales made up to three months prior. For example, August “collections” reflect July vendor “sales,” which are processed and “allocated” in September, with a local government “distribution” made on or before Oct. 15. The October payment is the first month’s sales tax distribution allocated to the July-June fiscal year.

### Sequencing of Local Sales Tax Collections & Receipt



If a county board enacts a new sales tax levy, it becomes effective, e.g. collections start, on the first day of the next calendar quarter, provided that 90 days advance notice is given to N.C. DoR. Recent election law changes limit a county’s special election for a proposed sales tax levy increase to those election cycles in which all county precincts are open. Generally, this limits a special election to either the primary or general election in even-numbered years. A favorable local sales tax referendum in November would permit collections to begin the following April 1.

#### Local Sales Tax Exemptions and Refunds

While the state exempted its purchases from state and local sales taxes in 2004, all other eligible entities, largely local government units and non-profits, must apply for sales tax refunds in the fiscal year following the purchase. Given the burdensome nature of refund tracking and report filing, counties have long sought equal sales tax treatment with state agencies, namely to be exempted from paying state and local sales taxes at the onset. But because an exemption and its resulting \$90 million loss of state sales tax dollars would occur within the same fiscal year as the final \$90 million refund paid out of state funds, the General Assembly has balked at exempting local governments from state sales taxes.

Local school districts became eligible to seek sales tax refunds in 1998, and promptly lost that ability for state sales tax refunds in 2005. Consequently, counties file refunds for sales tax paid on county-funded school capital purchases. Community colleges are not eligible to receive sales tax refunds.

Counties are encouraged to monitor closely the sales tax refunds debited from their county area distribution, given the growth and expansion of these refunds. Overall, these refunds were \$187 million in 2012-13 for the local share alone. Much of the refund amount is attributed to hospitals and other non-profits. While the General Assembly did consider repealing non-profit and local government access to sales tax refunds, the final 2013 tax reform legislation limited non-profits to a total of \$13.3 million per local government refund paid, effective for purchases made on or after July 1, 2014.

Per G.S. 105-164.14 (f), counties may request in writing to DoR the refund detail for the previous 12 months, and the sales tax distribution report lists the total refunds month by month.

#### Local Sales Taxes on Remote (On-Line) Sales

Unless a company has a physical presence in the state—a nexus—the U.S. Supreme Court has ruled that the company is not required to collect sales taxes on purchases made by mail order, Internet, telephone, etc. Current N.C. state law requires the purchaser to pay the “use tax” on the purchase, although the State Department of Revenue reports that compliance is minimal and enforcement difficult.

Remote sellers have voiced concerns over managing sales tax collections for the 45 states and their localities that levy sales taxes, given disparate and changing rates and jurisdictions, differences in items subject to tax, and potential audit and reporting requirements for more than 7,000 governmental units. Working with the business community, the Streamlined Sales Tax Project (SSTP), whose membership

includes state legislators and executive branch representatives, designed a system to simplify sales tax collection and administration by retailers and states.

Under the SSTP's leadership, 34 states endorsed a proposal to simplify their tax laws and enter into a voluntary pact to collect remote sales taxes. This proposal requires state level administration of sales tax collections, uniformity in state and local tax bases and of major tax base definitions, central vendor registration, uniform sourcing rules, simplified tax returns and remittances, and consumer privacy protection. Participating vendors or their collections agents would receive some compensation for collection and remittance activities. The State of North Carolina has enacted the simplification measures needed to conform to the interstate compact, as have 21 other states.



Despite these simplification efforts, Congress has yet to enact legislation to require remote vendors to collect sales taxes on behalf of states and local governments. While the U.S. Senate passed the *Marketplace Fairness Act* in 2013, no U.S. House action was considered.

Amazon voluntarily began to collect state and local sales taxes in February 2014, as it initiated plans for siting a warehouse within North Carolina, creating in turn a physical nexus. The General Assembly's Fiscal Research Division estimates that Amazon's collections alone contribute roughly \$1 million monthly to county and city sales tax coffers.

## County Appropriations: Sales and Use Taxes



- A portion of the county's sales and use taxes legally are earmarked to be used for public school capital outlay projects (or to repay related debt)
- County board may appropriate monies for specific capital projects or for capital project categories
- County board not required to appropriate all earmarked monies each fiscal year
  - May accumulate funds over time for larger capital projects
- County board may seek permission from Local Government Commission (LGC) to use funds for operating expenses

Expenditures:		2017 Budgeted Actual	2016 Budgeted Actual	2015 Budgeted Actual	2014 Budgeted Actual
		34,275.79	92,540.16	76,166.66	81,544.00
10-5900-000	DFRT SERVICE:	0.00	0.00	0.00	0.00
10-5900-010	DFRT SERVICE- SCHOOL REFUNDING SERIES 20	0.00	0.00	0.00	0.00
10-5900-011	DFRT SERVICE- SCHOOL REFUNDING INTEREST-	0.00	0.00	0.00	0.00
<b>DEPARTMENT Total</b>		0.00	0.00	0.00	0.00
10-5910-000	WC SCHOOLS:	0.00	0.00	0.00	0.00
10-5910-991	CURRENT EXPENSE - BOE	1,603,000.00	1,603,000.00	1,603,000.00	1,525,000.00
10-5910-992	EDUCATION- CURRENT FX- MARTIN COMM COLLE	0.00	0.00	16,359.00	16,359.00
<b>DEPARTMENT Total</b>		1,603,000.00	1,603,000.00	1,619,359.00	1,541,359.00
10-5911-000	COMMUNICATIONS:	0.00	0.00	0.00	0.00
10-5911-010	COMMUNICATIONS-S & W- REGULAR	226,197.00	187,241.72	157,000.00	180,920.00
10-5911-030	SALARIES & WAGES-OVERTIME	9,700.00	64,000.00	66,000.00	37,845.00
10-5911-031	SALARIES & WAGES-PARTTIME	7,520.56	63,058.28	65,973.82	37,022.81
10-5911-040	SALARIES & WAGES-LONGEVITY	55,300.00	0.00	0.00	0.00
10-5911-090	COMMUNICATIONS- FICA TAX	43,298.17	0.00	0.00	0.00
10-5911-100	COMMUNICATIONS- RETIREMENT	1,845.00	0.00	0.00	0.00
10-5911-130	COMMUNICATIONS- 401(K) CONTRIB.	1,844.58	0.00	0.00	0.00
10-5911-131	COMMUNICATIONS - UNEMPLOYMENT	17,446.00	19,679.06	16,990.00	15,823.00
10-5911-140	COMMUNICATIONS- WORKERS' COMP	18,257.97	18,078.40	16,796.07	16,252.02
10-5911-180	COMMUNICATIONS- GROUP INS.	28,232.00	28,745.24	23,609.00	22,725.00
10-5911-210	UNIFORMS	25,652.93	24,118.65	23,608.66	23,062.33
10-5911-260	DEPARTMENTAL SUPPLIES	6,842.00	6,817.71	3,629.00	5,939.00
10-5911-270	SERVICE AWARDS	4,936.22	4,264.12	3,628.97	3,749.95
10-5911-310	TRAVEL	209.00	2,226.00	1,951.00	0.00
		208.45	0.00	1,829.69	1,313.89
		866.00	1,204.92	1,201.00	1,693.00
		866.00	1,065.20	991.00	804.00
		49,134.00	47,081.72	43,210.00	46,612.00
		40,643.07	42,775.74	39,642.68	41,533.67
		0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00
		2,896.00	9,205.00	5,000.00	7,583.00
		619.21	9,204.15	3,610.90	3,159.65
		53.00	0.00	0.00	0.00
		52.75	0.00	0.00	0.00
		1,000.00	2,000.00	1,700.00	1,200.00
		203.10	1,209.35	1,373.13	855.41

## Washington County Sales Tax Distribution Restricted for School Capital Outlay

Data as of: April 7, 2017

Fiscal Year Ended:	FY12	FY13	FY14	FY15	FY16	Totals as of 6/30/2016	FY17* Anticipated	FY17* YTD
Restricted Funds Received								
30% of Article 40	\$197,843.70	\$197,598.25	\$203,698.57	\$222,089.57	\$230,685.24	\$1,051,915.33	\$220,500.00	\$118,970.83
60% of Article 42	\$229,004.40	\$227,082.75	\$236,600.27	\$247,385.56	\$248,682.38	\$1,188,755.36	\$240,000.00	\$120,301.17
Total Rev	\$426,848.10	\$424,681.00	\$440,298.84	\$469,475.13	\$479,367.62	\$2,240,670.69	\$460,500.00	\$239,272.00
School Cap Outlay Expenditures								
General Annual Cap Outlay	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$1,500,000.00	\$300,000.00	\$225,000.00
Chrome Books	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$205,000.00	\$205,000.00
Total Exp	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$1,500,000.00	\$505,000.00	\$430,000.00
Restricted Balances as of June 30th of each fiscal year:	\$126,848.10	\$251,529.10	\$391,827.94	\$561,303.07	\$740,670.69		\$696,170.69	
						\$740,670.69		
								YTD Estimate as of 4/7/17=
								\$549,942.69

\* FY17 Revenues are estimates only, lag behind by as much as 2-3 months due to state reimbursement policies, and along with expenses cannot be reliably confirmed until the FY17 Audit is completed around 1/1/18

The figures above do NOT reflect any lottery fund revenues or expenditures which are separately accounted for, and which cancel each other out from year to year.

## Washington County Sales Tax Distribution Restricted for School Capital Outlay

Data as of: November, 1, 2017 (ESTIMATES ONLY)

Fiscal Year Ended:	FY12	FY13	FY14	FY15	FY16	FY17*	FY17 FYE*	FY18	FY18
						Orig Budget as of 4/7/17	Actual Estimate as of 11/1/17	Orig Budgeted	FYE Estimate
Restricted Funds Received									
Appropriated Fund Balance								\$305,500.00	
SF Transfer of FY16 Balance							\$390,000.00	\$390,671.00	\$390,671.00
30% of Article 40	\$197,843.70	\$197,598.25	\$203,698.57	\$222,089.57	\$230,685.24	\$220,500.00	\$235,417.13	\$242,147.00	\$242,142.00
60% of Article 42	\$229,004.40	\$227,082.75	\$236,600.27	\$247,385.56	\$248,682.38	\$240,000.00	\$403,351.15	\$250,500.00	\$250,500.00
Total Rev	\$426,848.10	\$424,681.00	\$440,298.84	\$469,475.13	\$479,367.62	\$460,500.00	\$908,770.34	\$1,188,813.00	\$883,113.00
School Cap Outlay Expenditures									
Desig for Future Approp						\$160,500.00		\$788,813.00	
General Annual Cap Outlay	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$400,000.00	\$400,000.00
Chrome Books	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$205,000.00	\$0.00	\$0.00
Total Exp	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$460,500.00	\$505,000.00	\$1,188,813.00	\$400,000.00
Restricted Balances as of June 30th of each fiscal year:	\$126,848.10	\$251,529.10	\$391,827.94	\$561,303.07	\$740,670.69	\$0.00	\$483,770.34		\$967,981.34**

\* FY17 Revenues are estimates only, lag behind by as much as 2-3 months due to state reimbursement policies, and along with expenses cannot be reliably confirmed until the FY17 Audit is completed around 1/1/18

\* FY18 Revenues are estimates only, lag behind by as much as 2-3 months due to state reimbursement policies, and along with expenses cannot be reliably confirmed until the FY18 Audit is completed around 1/1/19

\*\* FYE18 Balance calculated on assumption of FYE17 audited balances, and removal of fund balance appropriations from Rev/Exp in FY18 budget

The figures above do NOT reflect any lottery fund revenues or expenditures which are separately accounted for, and which cancel each other out from year to year.

Revenue Account Range: 21-0000-000		to 21-9999-999		Include Non-Anticipated: Yes		Year To Date As Of: 11/02/17		
Expend Account Range: 21-0000-000		to 21-9999-999		Include Non-Budget: No		Current Period: 11/01/17 to 11/02/17		
Print Zero YTD Activity: No						Prior Year: 11/01/16 to 11/02/16		
Revenue Account	Description	Prior Yr Rev	Anticipated	Current Rev	YTD Revenue	Cancel	Excess/Deficit	% Real
21-3230-320	SALES TAX-ARTICLE 40 (308)/\$735,000	0.00	242,142.00	0.00	20,616.83	0.00	221,525.17-	9
21-3230-321	SALES TAX-ARTICLE 42 (600)/\$400,000	0.00	250,500.00	0.00	42,886.58	0.00	207,613.42-	17
21-3980-000	TRANSFER FROM GENERAL FUND	0.00	390,671.00	0.00	0.00	0.00	390,671.00-	0
21-3990-000	APPROPRIATED FUND BALANCE-WC SCHOOLS CO	0.00	305,500.00	0.00	0.00	0.00	305,500.00-	0
	CAPITAL OUTLAY-WASHINGTON Revenue Total	0.00	1,188,813.00	0.00	63,503.41	0.00	1,125,309.59-	5

Expend Account	Description	Prior Yr Expd	Budgeted	Current Expd	YTD Expended	Cancel	Balance	% Expd
21-0000-000	CAPITAL OUTLAY-WASHINGTON CO SCHOOLS:	0.00	0.00	0.00	0.00	0.00	0.00	0
21-5912-000	CAPITAL OUTLAY-WASHINGTON CO SCHOOLS:	0.00	0.00	0.00	0.00	0.00	0.00	0
21-5912-691	CAPITAL OUTLAY-WASHINGTON COUNTY SCHOOLS	0.00	400,000.00	0.00	133,333.32	0.00	266,666.68	33
21-8000-600	DESIGNATED FOR FUTURE APPROP-BDE CO	0.00	788,813.00	0.00	0.00	0.00	788,813.00	0
	CAPITAL OUTLAY-WASHINGTON CO Expend Total	0.00	1,188,813.00	0.00	133,333.32	0.00	1,055,479.68	11

Fund	Description	Prior Revenue	Curr Revenue	YTD Revenue	Prior Expended	Curr Expended	YTD Expended	Total Available Revenues
21	CAPITAL OUTLAY-WASHINGTON CO SCHOOLS	0.00	0.00	63,503.41	0.00	0.00	133,333.32	69,829.91-

Fund	Description	Prior Revenue	Curr Revenue	YTD Revenue	Prior Expended	Curr Expended	YTD Expended	Total Available Revenues
	Final Total	0.00	0.00	63,503.41	0.00	0.00	133,333.32	69,829.91-

Mr. Potter said the County could try to have a referendum for the Local Option Sales Tax. This would mean that all who spend money in Washington County would be charged the additional tax. If the County could raise revenue with a Local Option Sales Tax, it would help the County's fund balance.

Mr. Potter stated that the Lottery Funds are not reflected in the table above—Sales Tax Distribution is restricted for School Capital Outlay.

Commissioner Potter asked about the calculations regarding the Article 40 and 42 for the school system and subtracting out the Capital Outlay Funds. Mr. Potter said he can talk to the LGC to get a more definite answer of why it is done this way.

Mr. Potter asked if the Board wanted staff to look into the Local Sales Tax Option Referendum. He feels it would be advantageous to start early. Chair Walker said a lot of people did not understand it when it was on the ballot the last time. Commissioner Phelps agreed and felt that the community needs to be better educated and the County should move forward with this. Mr. Potter said he will contact the NCACC for assistance in the best way to proceed. Mr. Potter will try to bring back more information in December and a resolution.

Ms. Mann, Washington County Schools Superintendent, asked about the \$788,813 she saw in an e-mail from Mr. Potter. Mr. Potter said that represents a physical expense the County expects to have.

RECREATION PROGRAM AND POLICY UPDATES: Mr. Potter went over the information below with the Board about Washington County Recreation.

**COUNTY OF WASHINGTON**  
**BOARD OF COMMISSIONERS**

COMMISSIONERS:  
JULIUS WALKER, JR., CHAIR  
TRACEY A. JOHNSON, VICE-CHAIR  
D. COLE PHELPS  
JENNIFER C. RIDDICK  
WILLIAM "BILL" R. SEXTON, JR.



ADMINISTRATION STAFF:  
CURTIS S. POTTER  
COUNTY MANAGER/COUNTY ATTORNEY  
cpotter@washconc.org

JULIE J. BENNETT, CMC, NCCCC  
CLERK TO THE BOARD  
jbennett@washconc.org

POST OFFICE BOX 1007  
PLYMOUTH, NORTH CAROLINA 27962  
OFFICE (252) 793-5823 FAX (252) 793-1183

**AGENDA ITEM MEMO**

**TO:** Board of Commissioners, Washington County c/o Julie Bennett, Clerk to the Board  
**FROM:** Curtis S. Potter, County Manager/County Attorney  
**DATE:** November 1<sup>st</sup>, 2017  
**RE:** Recreation Program/Policy Update Agenda Item for 11/6/17 BOCC Meeting

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**BACKGROUND:**

1. Several citizens appeared at the previous BOCC meeting on 10/2/17 and voiced concern over a wide range of issues related to the Washington County Recreation Department.
2. Citizens were asked to direct specific concerns to the County Manager to be appropriately investigated and addressed.
3. Although the concerns expressed in the meeting and communicated subsequently to the County Manager are wide ranging, at this time the overwhelming majority of the concerns shared can be categorized as follows:
  - a. Program Leadership and Supervision
  - b. Safety (particularly regarding concussion training and protocols)
  - c. Communications
  - d. Outdated sites and equipment
  - e. Concessions/Vendor Practices
  - f. Fees

**STAFF RECOMMENDATION:** Staff is continuing to investigate various aspects of some of these concerns, but recommends the following as a tentative suggested strategy for beginning to address some of the major concerns with the resources currently available:

a. Program Leadership and Supervision	Board: Provide clear guidance to the County Manager concerning specific, measurable, achievable, realistic, and time oriented goals, for the Recreation Department's programming and policies, to be pursued and implemented by Management and staff.  County Manager: Monitor the Recreation Department and performance of the Recreation Director and staff in relation to the Board's Recreation program and performance directives.
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	<p>Recreation Director: Pro-actively take charge of monitoring the ongoing accomplishment of such directives and communicate frequently with Management and the Board to keep all parties updated on progress.</p>
b. Safety (particularly regarding concussion training and protocols)	<p>Require coaches to take online concussion training which can be obtained online (see attachment), or at one or two training meetings to be offered before the start of each sport season.</p> <p>Continue to monitor and update safety procedures as required for each sport, maintaining at least the minimal requirements according to league requirements, and strive to exceed those standards.</p>
c. Communications	<p>Further develop the current online website as a one stop communications platform for updated information.</p> <p>Consider developing an online calendar of activities to be kept up to date.</p> <p>Develop an annual or semi-annual brochure with the main sports/activities offered, contact information, dates, etc. as a communications and marketing tool.</p>
d. Outdated sites and equipment	<p>Develop and maintain a capital budget breaking down and prioritizing all capital outlay needs for both sites and equipment for further discussion and inclusion with the upcoming annual budget.</p> <p>Include capital outlay expenditures within Department Report to the Board.</p>
e. Concessions/Vendor Practices	<p>Develop a written concessions vendor policy and standard form for all interested concession vendors to utilize in requesting permission to provide concession services for a pre-defined flat fee to be set by the Recreation Director.</p> <p>Vendor selection to be made by the Recreation Director, with any non-related vendors receiving priority over any related vendors.</p> <p>Selected Vendors could be included within an online calendar for transparency and reference.</p>
f. Fees	<p>Continue to set reasonable fees as part of annual fee schedule, as deemed necessary to help offset and supplement operational costs of programming.</p>

Washington County, North Carolina



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- Agenda
- Minutes
- Budget
- County Manager

- Departments
- Personnel Search
- Flood & Safety Info
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- Ordinances
- Maps
- Job Openings
- Office Holiday Schedule
- Legislative Offices
- RFPs

Washington County  
Government  
Administrative Building  
116 Adams St.  
PO Box 1007  
Hymouth, NC 27962  
Phone: 252-793-4923  
Fax: 252-793-4183  
Email: [janepatt@washco-nc.gov](mailto:janepatt@washco-nc.gov)



Recreation

- Programs
- Fees
- Events
- Other Classes
- Sign Up
- Volunteers

Location/Contacts

Washington Street Gym  
Washington Street  
Post Office Box 553  
Hymouth NC 27962

Ph: (252) 793-6607  
Fax: (252) 793-0144  
Email: [recreation@washco-nc.gov](mailto:recreation@washco-nc.gov)

Town	Name	Phone
Hymouth	Randy Fulford, Director	(252) 793-6607
Cross	David Lewis	(252) 797-0688
Roper	Otto Revel/Randy Fulford	(252) 793-6607

What We Do

The Washington County Recreation Department provides county-wide recreation programs for youth ages five(5) to eighteen(18). We offer a variety of programs year-round that encourage the development of positive attitudes while focusing on teamwork.

The goal of the Recreation Department is to provide activities that increase each child's self-confidence and respect for self and others while establishing and maintaining a fitness level that encourages lifelong habits to promote good health.

The Washington Co. Recreation Department participates in athletic events throughout eastern North Carolina. Volunteers and Mentors are needed in every sport/activity.

Programs

Program	Location	Days	Time	Staff
Senior Citizen Walking	Hymouth	Mon-Fri	7-9 a.m.	Staff
Exercise for Roanoke Development Center	Wash. Co. Rec. Center	Mon/Wed/Fri	8:30-9:30 a.m.	Staff
Family Reserved for County Employees	Hymouth	TBA	TBA	
Karate / Ages 7 +	Hymouth	Thursday	6:30-8 p.m.	TBA
Karate	Cross children at Columbia Gymnasium	Monday	6:00-6:30 p.m.	TBA
Karate	Hymouth	Tuesday	6:30-8 p.m.	TBA
CHAT/Youth Self Esteem/Youth		TBA	TBA	TBA
Dance	Roper Elem. Gym	Thursday	7 p.m.	Linda Browning
OJJ Community Challenge/Closed Growth (Crime Prevention for troubled juveniles)		TBA	TBA	TBA

Fees

Event	Fee
INSURANCE	\$15/yr
Archery	\$35
Basketball	\$30
Baseball	\$30
Softball	\$20
Football	\$35
Line Dancing	\$5
Cheerleading	\$15
Karate	\$20
Gymnastics	\$30
Tennis	\$30

Volleyball 320

Participants must pay the activity fee for each sport played. Our insurance fee covers all sports played.

#### Annual Events

Activity	Date
Special Olympics Basketball Shootout	January
Special Olympics Track and Field	April

#### Other Classes/Clinics

Referees and Coaches (Certificates Available)

Many of our coaches are members of the National Youth Sports Coaches Association (NYSCA).

We have volunteers and mentors in all sports and activities. If you are interested in becoming a volunteer or mentor, please call Washington County Recreation Department Director Randy Fulford at 252-793-6607.

#### Sign Up Dates

Activity	Date	Season
Basketball Camp	Nov. 13 - Nov. 27	First weekend in Dec.
Basketball (Ages 5+)	Dec. 1 - Jan. 6	First Sat. in Jan. to end of Mar.
Basketball Cheerleading	Dec. 1 - Jan. 6	First Sat. in Jan. to end of Mar.
Slow Pitch Softball (Adult, Coed)	April 30 - May 6	May 22 to June 30
Fast Pitch Softball (Ages 8 - 12)	May 1 - May 10	June - August
Baseball (Ages 5 - 15)	April 1 - April 10	April to June
Volleyball	June 1 - June 12	July
Football Camp	June 1 - June 19	July
Football Cheerleading Camp	June 1 - June 12	Last weekend in June
Gymnastics	TBA	TBA
Tennis	TBA	TBA
Wrestling (Ages 8-13)	TBA	TBA

#### Sign Up Locations

Town	Location	Contact
Plymouth	Washington St. Gym	Randy Fulford 252-793-6607
Cresswell	Athletic Park	David Lewis 252-797-4689 or 252-793-6607
Roper	Elementary Gym	Cla Revere 252-793-6729 or 252-793-6607

#### Sign Up/Registration Forms

- [Sign up for Volleyball and Slow Pitch Football 2017](#)
- [Registration Form - All Sports](#)
- [Charles Bowser NFL Football Camp, June 20, 21 & 25, 2013](#)
- [Charles Bowser Celebrity Basketball Camp & Swimming Game Poster, December](#)

#### Volunteers

Volunteers and Mentors are needed in all sports and activities. Volunteer opportunities exist for coaches and assistants, mentors, clean-up, and builders/construction helpers for ball park work.

( [BACK](#) )

## HEADS UP to Youth Sports: Online Training

### Training Currently Unavailable

The training course is currently unavailable due to technical problems. We greatly apologize for any inconvenience. We are working to address this issue and hope to have the course back up and running shortly. Please email us at [DUIPinquiries@cdc.gov](mailto:DUIPinquiries@cdc.gov) (mailto:DUIPinquiries@cdc.gov) if you need immediate assistance with completing the course.

#### **Coaches and Parents: Changing the Culture of Concussion Starts With You!**

By taking this free, online course and using what you learn, you will be well positioned to improve the culture of concussion. Your actions can help create a safe environment for young athletes so that they can stay healthy, active, and thrive – both on and off the playing field.

Once you complete the training and quiz, you can print out a certificate, making it easy to show your league or school you are ready for the season.

#### What Will I Learn in This Training?

This course will help you:

- Understand a concussion and the potential consequences of this injury,
- Recognize concussion signs and symptoms and how to respond,
- Learn about steps for returning to activity (play and school) after a concussion, and
- Focus on prevention and preparedness to help keep athletes safe season-to-season.

**We can help athletes stay active and healthy by knowing the facts about concussion and when it is safe for athletes to return to play.**

Launch the Course (<https://headsup.cdc.gov>)



Launch the HEADS UP Course (<https://headsup.cdc.gov>)

Technical Requirements	FAQs	Additional Course Materials	Additional Resources
<h3>What is Needed to Take this Training?</h3> <p>To complete this training course, you will need to use a computer, tablet, or smartphone with an internet connection. This training works best with a high-speed, broadband internet connection, as well as an up-to-date web browser and operating system. Older computers may crash while using the training. Please review the following system requirements for the best training experience:</p> <h4>For computer access</h4> <p><b>PC:</b> Compatible Operating System: Vista, Windows XP, Windows 7, 8, or 10 Web Browser: Internet Explorer 10 or higher, Firefox or Chrome (latest versions)</p> <p><b>Mac:</b> Compatible Operating System: OS X (version 10.7 or higher) Web Browser: Firefox, Chrome or Safari (latest versions)</p> <h4>For mobile access</h4> <p><b>iOS:</b> version 7 or higher</p> <p><b>Android:</b> version 2.3 or higher</p> <p>Closing or refreshing your browser while taking the training course will take you back to the beginning of the training. However, your progress will be saved. You can return to your last completed session using the clipboard found in the top left-hand corner of your screen. You may also log out and log back in to the training at any time to continue your session.</p>			

Mr. Potter said he would like to work with one or two Commissioners and the Parks and Recreation Advisory Board even though they haven't had a meeting in a while, to make the program better. Commissioner Phelps stated that the comments in The Beacon that were made by staff were inappropriate. Mr. Potter agreed and said he has spoken with staff regarding this issued.

Commissioner Sexton asked about concussion training and whether or not it can be implemented now for basketball. Commissioner Johnson asked when basketball season starts. Mr. Fulford replied that basketball starts December 1. Mr. Fulford said he can have concussion training during camp.

Chair Walker stated that it should be know that if someone is going to coach then they need to take the concussion training.

Mr. Potter said that he would implement the capital budgeting needs earlier in the budget process rather than later and will be glad to work with the Recreation Director on his budget.

Commissioner Riddick told Mr. Fulford that she wants him to attend the Parks and Recreation Advisory Board meetings. Other members of that Advisory Board feel that their concerns are unimportant to him if he isn't there to hear them.

Commissioner Sexton asked why Mr. Fulford can't go out for bids for the concessions. Mr. Potter said the County could look at putting concessions out for bid. Mr. Potter said a calendar needs to be created first so vendors would know when they would need to be available.

Commissioner Phelps said he has been talking about recreation for 6 years. It is an issue that isn't going anywhere and he doesn't know what the solution is.

Mr. Potter said what he feels that is needed is a specific strategic plan just for Recreation.

Ms. Zina Rhodes, suggested that the parents be involved (like the band boosters) and the money go back into the County's Recreation Program.

Supt. Mann said she is trying to get a new high school in place, then the old high school would be available for a possible new Recreation Center and have classrooms for training also.

Chair Walker said Mr. Potter has done a lot of leg work on this. Chair Walker said he will serve on the committee along with Commissioner Riddick, Randy Fulford and Curtis Potter. Mr. Potter will set up a meeting for this committee.

A citizen spoke up and said they have set up meetings and the parents don't attend. They also just drop off the kids and the kids are there all day. Recreation needs to have parents that participate and make the program work.

Another citizen asked would the concussion training be mandatory. The Commissioners said yes, all coaches will be required to take the training. The citizen said that information needs to be told to all those who volunteer.

#### PAID PARENTAL LEAVE AND DONATED AND FAMILY MEDICAL LEAVE:

Mr. Potter said that Commissioner Phelps asked him to look into the abovementioned subjects. Below is Mr. Potter's overview.

**COUNTY OF WASHINGTON**  
**BOARD OF COMMISSIONERS**

**COMMISSIONERS:**  
 JULIUS WALKER, JR., CHAIR  
 TRACEY A. JOHNSON, VICE-CHAIR  
 D. COLE PHELPS  
 JENNIFER C. RIDDICK  
 WILLIAM "BILL" R. SEXTON, JR.



**ADMINISTRATION STAFF**  
 CURTIS S. POTTER  
 COUNTY MANAGER/COUNTY ATTORNEY  
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JULIE J. BENNETT, CMC, NCCC  
 CLERK TO THE BOARD  
 jbenne@washconc.org

POST OFFICE BOX 1007  
 PLYMOUTH, NORTH CAROLINA 27962  
 OFFICE (252) 793-5823 FAX (252) 793-1183

**AGENDA ITEM MEMO**

**TO:** Board of Commissioners, Washington County c/o Julie Bennett, Clerk to the Board  
**FROM:** Curtis S. Potter, County Manager/County Attorney  
**DATE:** November 1<sup>st</sup>, 2017  
**RE:** Paid Parental Leave Policy Consideration for 11/6/17 BOCC meeting.

**BACKGROUND:**

1. Commissioner Phelps asked that this item be placed on the agenda and provided a copy of Durham County's Policy for reference which is attached to this Memo. He also asked staff to provide an overview for what the cost would be for the county.
2. Staff has estimated the cost to be as follows depending on certain parameters of the leave:
  - According to data drawn from the site cited below, there are an estimated 10 births per year per 1000 people in Washington County. The equivalent estimate of births per 175 FTE county employees equals 1.75 per year.  
<http://www.schs.state.nc.us/data/databook/CD3%20Live%20birth%20rates.html>
  - The average hourly rate for all FTEs is \$15.34 per hour.
  - Therefore if 1.75 FTEs per year (rounded up to 2 for budgetary purposes) were to take advantage of a potential paid parental leave benefit to be offered to county employees, the following is an estimate of the anticipated costs depending upon the length of paid parental leave provided.

Weeks	Hours (37.5 wk)	Avg # FTEs	Avg \$ per hour	Salary Cost	Est. Total Cost with Ancillary Benefits (25%)
4	150	2	\$15.34	\$4,602	\$5,753
6	225	2	\$15.34	\$6,903	\$8,629
8	300	2	\$15.34	\$9,204	\$11,505
12	450	2	\$15.34	\$13,806	\$17,258

3. The estimate above does not necessarily reflect the following:
  - Actual birth rate among workforce age population.
  - Fluctuations caused by varying work schedules and actual rates of pay for affected employees.
  - Fluctuations caused by FMLA impact:
    - (All FTEs employed for over 1 year are already eligible to receive 12 weeks of protected unpaid parental leave).
  - Financial impact caused by operational disruptions during increased absence periods.
  - Financial impact caused by additional administrative time involved in creating, implementing, and monitoring additional leave policies.
4. This past Legislative Session, SB 516 (attached) was introduced and referred to the Committee on Rules and Operations of the Senate where it has remained. However it appears to contain similar language that would have made some form of paid parental leave/leave sharing applicable to state employees.

**STAFF RECOMMENDATION:** Staff recommends reviewing the enclosed sample policy, and discussing the pros and cons of implementing a paid parental leave policy for Washington County. Some recommended considerations include:

1. Costs to pay for leave and administer leave benefit
2. Concurrent or non-concurrent application of FMLA
3. Minimum work period prior to eligibility
4. Commitment to return to work following parental leave
5. Applicability to which classes of employees
6. Pros/Cons to employee morale depending on applicability/benefit value
7. Impact on recruiting/retaining employees

# PAID PARENTAL LEAVE



## PURPOSE

Durham County provides paid, job protected leave to eligible employees for the first three months after the birth of an employee's own child or the first three months after the placement of a child with the employee in connection with adoption, foster care, or *in loco parentis*.

## POLICY

This policy establishes paid parental leave eligibility, the types of leave that can be designated as paid parental leave, and the process for requesting this leave.

**Paid leave under this policy will not run concurrently with FMLA leave.**

DCo reserves the right to modify or terminate this policy as it deems necessary.

## ELIGIBILITY

All County employees, in probationary, regular, trainee, or provisional status, who accrue and use leave covered by the Personnel Ordinance, and all those pursuant to a Memorandum of Understanding.

## DEFINITIONS

**Employee** – A person who performs services or labor for the County in return for some form of compensation, and who is treated as an employee for the purposes of withholding social security and tax payments in accordance with Internal Revenue Service regulations.

**In Loco Parentis** – A relationship in which a person has put himself or herself in the situation of a parent by assuming the long-term (for a period of 12 months or longer) obligations of a parent to a child with whom s/he may have no legal or biological connection. Criteria for determining in loco parentis relationships include whether the person assumed day-to-day responsibilities of care and/or financial support. Other factors may include the age of the child; the degree to which the child is dependent on the person; amount of financial support, if any, provided; and the extent to which duties commonly associated with parenthood are exercised. The fact that a child has a biological parent(s) in the home does not prevent an employee from standing *in loco parentis*.

Wendell M. Davis, County Manager

Signature:

Effective Date: October 1, 2016

Revision Date:

Oct 1, 2016

Child – A biological, adopted, foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*, who is under five years of age.

Parent – A biological, adoptive, step parent, foster parent, legal guardian, or an individual who stands *in loco parentis* to a child.

#### PROCEDURE

An employee requesting paid parental leave must submit a request to the Department Director using the Durham County Leave Request Form that states the anticipated beginning and end date of the paid parental leave. Employees must give as much advance notice as possible prior to the effective date of leave.

The Department Director may require verification of birth or placement. If it is verified that paid parental leave has been misused, the employee will be subject to disciplinary action up to and including dismissal.

The approved timeframe of paid leave will not exceed twelve weeks.

If both parents are employees, the total of paid parental leave cannot exceed twelve weeks.

All approved absences associated within the first three months of the birth of an employee's own child or within the first three months of the placement of a child with an employee in connection with adoption, foster care, or *in loco parentis* will be recorded as paid parental leave, and not be charged against the employee's accrued leave.

After obtaining supervisory approval, the employee will record holiday leave for county holiday(s) occurring during the approved paid parental leave. Any county holidays occurring during the approved twelve weeks must be used prior to the end of the fiscal year.

Unless an employee has made a request to use other forms of leave to the Department Director and it has been approved, any employee who fails to report to work at the expiration of the approved leave will be considered absent without leave and will be subject to disciplinary action.

#### **Paid leave under this policy will not run concurrently with FMLA leave.**

Leave and seniority will continue to accrue while an employee is on paid parental leave.

Employee will not be disciplined for absences associated with the paid parental leave.

Upon return from leave, the employee will be returned to the same or equivalent position with the same benefits, pay, and other terms and conditions of employment. An equivalent position must be approved by the Director of Human Resources.

#### RESPONSIBILITY

It is the responsibility of supervisors and managers to uniformly administer, communicate, and ensure compliance.

Page 2 of 3

It is the responsibility of the Human Resources Department to interpret, monitor, and update the policy content.

It is all employees' responsibility to comply with policy guidelines.

Any violation or policy misuse will result in disciplinary action up to and including dismissal.

#### **Section 5A: Sick Leave Upon Separation and Reinstatement**

Accrued sick leave shall be canceled upon termination of employment. In the event any person having accrued sick leave ceases to be employed by the County and is thereafter re-employed within one year of the date of termination, accrued sick leave of the employee shall be reinstated. If re-employment occurs more than one year of the termination date, accrued sick leave of the employee is not reinstated and the employee has to accrue sick leave in the same manner as if a new employee.

#### **Section 5B: Sick Leave Uses**

Employees entitled to sick leave may remain away from work with pay where such absence is the result of personal illness, physical incapacity not job connected, sickness of an immediate family member, involuntary or enforced quarantine. Sick leave may also be used for accidents, doctor or dental appointment for yourself or an immediate family member, maternity leave or family emergencies.

"Immediate family" shall be defined as spouse, parent, guardian, children, sister, brother, grandparent, grandchildren plus the various combinations of half, step, in-law and legally adopted relationships that can be derived from those named.

#### **Section 5C: Sick Leave Notice**

When an employee goes on sick leave he/she must notify his/her Department Head or supervisor immediately. Notification should be within 30 minutes after the beginning of the scheduled work day. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he/she expects to return to work.

A full-time employee who is on sick leave for a period of five days or longer may be required to provide a note from a medical doctor.

#### **Section 5D: Exhausted Sick Leave**

An employee may use vacation leave when sick leave is exhausted. Earned sick leave accruals must be exhausted prior to taking an unpaid medical leave of absence.

#### **Section 5E: Responsibility**

It is the responsibility of each Department Head or designated supervisor to ensure the provisions of this policy are observed. Corrective action should be taken in instances of suspected abuses or misinterpretations of the utilization of sick leave.

Department Heads will ensure that any sick leave used will be reflected with the submission of time sheets.

It is the responsibility of the Finance Office to ensure that proper accountability of sick leave is kept on all employees. This shall include keeping a record of accruals and utilization.

#### **Section 6: Sick Leave Sharing**

The County Manager may permit a regular full-time or regular part-time employee to receive sick leave donations from other qualified employees if:

- The employee suffers from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to:
  - Go on leave without pay status or
  - Terminate County employment
- The employee's absence and the use of shared sick leave are justified
- The employee has depleted or will shortly deplete his or her annual vacation leave and sick leave reserves
- The employee has abided by all personnel rules regarding sick leave

The County Manager shall determine the amount of sick leave, if any, an employee may receive. However, an employee shall not receive, in donations, a total of more than seven hundred and twenty hours of donated sick leave.

Donated sick leave shall be utilized in the order of receipt by the County Manager. Such leaves shall be donated in increments of seven and one half hours or in increments of the amount of hours worked in one regular shift by departments working other shifts.

An employee who has accrued a sick leave balance of more than 160 hours may request that the County Manager transfer a specified amount of sick leave to another employee authorized to receive sick leave. In no event may the employee request a transfer of an amount of sick leave that would result in his or her own leave going below 160 hours.

Sick leave sharing form must be filled out, signed by the donator, Department Head, and approved by the County Manager.

The amount of sick leave time transferred which remains unused shall be returned to the employee or employees who transferred the leave when the County Manager finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred.

takes military caregiver leave and ends 12 months later

In all other respects, Military Caregiver FMLA leave is subject to the same rules as other forms of FMLA. Accrued paid leave may be substituted for unpaid Military Caregiver FMLA leave, medical certification forms may be required, and health insurance benefits must be continued under the same terms as if the employee were actively at work and the employee's job is protected during any period of Military Caregiver FMLA leave.

#### **Section 10: Leave Without Pay**

Requests for leave of absence without pay shall be made in writing and shall specifically state the reasons for the request, the date desired to begin the leave and the date of return. The request shall normally be submitted by the employee to the affected Department Head. The Department Head shall recommend to the County Manager whether the request should be granted, modified or denied. The County Manager shall then make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any applicable state and federal laws.

Requests for medical leave must be accompanied by documentation from the employee's attending physician and follow all guidelines under FMLA procedures. All leave requests, medical and non-medical, should be given to the Department Head for approval. Approved requests will be forwarded to the County Manager for review and approval.

#### **Section 10A: Leave Usage**

The County Manager may grant a full-time regular employee a leave of absence without pay up to 90 days for non-medical purposes. Non-medical leave is unpaid leave time for career advancement or personal or family situations not covered under FMLA. Such leaves may be granted after vacation accrual has been exhausted. Sick leave accruals may not be used for non-medical leaves.

Medical leave without pay may be granted for a period of up to 24 weeks. 12 weeks would fall under FMLA leave and the County will grant up to an additional 12 weeks of medical leave without pay in certain medical situations. Medical leave without pay may be used for disability/illnesses (including maternity-related disabilities) which extend beyond the period of accrued sick leave. Vacation accruals may also be used before starting an unpaid medical leave after sick leave accruals are exhausted.

Under no circumstances may an employee use a leave of absence to work for another employer or to pursue self-employment. Leaves are designed to accommodate employees who have critical personal situations only.

Upon extenuating circumstances, the County Manager may grant an extension of a leave period upon written request by the employee. Such extension may not exceed 12 additional weeks and will be based on departmental as well as employee considerations.

#### **Section 10B: Benefits**

No sick leave, holiday, vacation benefits or any other fringe benefits shall accrue while the employee is on leave of absence without pay. The employee's anniversary date shall be adjusted to reflect the length of the absence for the purposes of computing longevity.

An employee on an approved leave of absence may continue his/her medical, dental and vision insurance coverage by paying the full cost to the County in advance for each month or portion thereof of which he/she is absent. The payment will be due to the Finance Office on the 1<sup>st</sup> day of each month of coverage.

#### **Section 10C: Returning to Work**

Upon expiration of the leave of absence, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position in terms of duties, status, benefits and salary.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

#### **Section 11: Military Leave**

Washington County is obligated to release employees for service with the United States Armed Forces, National Guard, Coast Guard or Reserves when the employee participates in:

- Annual training
- Active duty training
- Inactive duty training assemblies
- Extended leave of absence for voluntary active duty service
- Involuntary call-up

Employees on military leave of absence shall not lose seniority status or benefits which would have normally accrued if the employee had not been absent for such purposes.

The County will grant military leave with pay to the employee for absences not exceeding 15 calendar days per year. The County will not require the employee to use accrued vacation leave for such purposes. The employee may request

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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1

SENATE BILL 516

Short Title: State Employees/Paid Parental Leave. (Public)

Sponsors: Senators Chaudhuri, Britt, Krawiec (Primary Sponsors); Van Duyn and Waddell.

Referred to: Rules and Operations of the Senate

March 30, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ENACTING THE STATE EMPLOYEES' PAID PARENTAL LEAVE ACT.  
3 The General Assembly of North Carolina enacts:  
4 **SECTION 1.** This act shall be known and may be cited as the "State Employees'  
5 Paid Parental Leave Act."  
6 **SECTION 2.** Article 2 of Chapter 126 of the General Statutes is amended by  
7 adding a new section to read:  
8 **"§ 126-8.6. Paid parental leave for birth and adoption; program requirements; reporting.**  
9 **(a) Paid Parental Leave. – The State Human Resources Commission, in cooperation**  
10 **with the State Board of Community Colleges and the State Board of Education, shall adopt**  
11 **rules and policies to allow any employee at a State agency to share leave voluntarily with**  
12 **another employee of a State agency, community college, or public school for the purpose of**  
13 **providing paid parental leave. No more than six weeks of parental leave may be accrued**  
14 **through the donations authorized by this section. For the purposes of this section, "parental**  
15 **leave" means leave for the birth of a biological child or the placement of an adoptive child in**  
16 **the requesting employee's home.**  
17 **(b) Donee Eligibility. – An employee must be in a full-time, permanent position in**  
18 **order to receive paid parental leave under this section and must have been continuously**  
19 **employed with the State for at least 12 months immediately preceding the request for paid**  
20 **parental leave. Further, the employee must certify, in good faith, an intent to return to State**  
21 **employment for at least one year following the paid leave period.**  
22 **(c) Donor Eligibility. – An employee donating leave is not required to be employed by**  
23 **the same State agency, department, institution, university, local school administrative unit, or**  
24 **community college as the employee who is receiving the paid parental leave.**  
25 **(d) Other Requirements. – The paid parental leave authorized under this section:**  
26 **(1) Is available only within the first 12 weeks after the birth or adoption of a**  
27 **child.**  
28 **(2) Is available without exhaustion of the employee's sick and vacation leave.**  
29 **(3) Is in addition to, and not in lieu of, shared leave under G.S. 126-8.3, or other**  
30 **leave authorized by federal or State law.**  
31 **(4) May not be used for retirement purposes. (Employees who donate sick leave**  
32 **shall be notified in writing of the State retirement credit consequences of**  
33 **donating sick leave.)**  
34 **(e) Reporting. – The State Human Resources Commission, the State Board of**  
35 **Education, and the State Board of Community Colleges and all State agencies, departments,**



1 and institutions shall report annually to the Office of State Human Resources on the paid  
2 parental leave program. The report shall include the total number of days or hours of vacation  
3 leave and sick leave donated, and used, and the total cost parental leave program for the prior  
4 fiscal year."

5 **SECTION 3.** Article 2 of Chapter 115C of the General Statutes is amended by  
6 adding a new section to read:

7 **"§ 115C-12.3. Paid parental leave program.**

8 (a) The State Board of Education, in cooperation with the State Board of Community  
9 Colleges and the State Human Resources Commission, shall adopt rules and policies to allow  
10 any employee at a public school to share leave voluntarily with an employee of a State agency,  
11 community college, or public school; for the purpose of providing paid parental leave. No more  
12 than six weeks of parental leave may be accrued through the donations authorized by this  
13 section. For the purposes of this section, "parental leave" means leave for the birth of a  
14 biological child or the placement of an adoptive child in the requesting employee's home.

15 (b) The State Board of Education shall adopt rules and policies for the parental leave  
16 program that are consistent with the provisions of G.S. 126-8.6."

17 **SECTION 4.** Article 2 of Chapter 115D of the General Statutes is amended by  
18 adding a new section to read:

19 **"§ 115D-25.5. Paid parental leave program.**

20 (a) The State Board of Community Colleges, in cooperation with the State Board of  
21 Education and the State Human Resources Commission, shall adopt rules and policies to allow  
22 any employee at a community college to share leave voluntarily with an employee of a State  
23 agency, community college, or public school for the purpose of providing paid parental leave.  
24 No more than six weeks of parental leave may be accrued through the donations authorized by  
25 this section. For the purposes of this section, "parental leave" means leave for the birth of a  
26 biological child or the placement of an adoptive child in the requesting employee's home.

27 (b) The State Board of Community Colleges shall adopt rules and policies for the  
28 parental leave program that are consistent with the provisions of G.S. 126-8.6."

29 **SECTION 5.** This act is effective when it becomes law.



**State Employees/Paid Parental Leave.**  
2017-2018 Session

View Available Bill Summaries	
Bill Text	Fiscal Note
Filed <a href="#">(y/m/d)</a>	
Edition 1 <a href="#">(y/m/d)</a>	

**Last Action:** Ref To Com On Rules and Operations of the Senate on 03/30/2017

**Sponsors:** Chaudhuri; Britt; Krawiec; (Primary)  
Van Duyen; Waddell

**Attributes:** Public;

**Counties:** No counties specifically cited

**Statutes:** 115C, 115D, 126 (Chapters); 115C-1,2,3, 115D-25,5, 126-8,6 (Sections)

**Keywords:** ADMINISTRATION DEPT., ADOPTION, BOARDS, COMMISSIONS, COMMUNITY COLLEGES, COMMUNITY COLLEGES BOARD, DISCRIMINATION, EDUCATION, EDUCATION, STATE BOARD OF EMPLOYMENT, FAMILY ISSUES, GOVERNMENT EMPLOYEES, HIGHER EDUCATION, HUMAN RELATIONS COMM., MINORITIES, MINORS, PERSONNEL, PUBLIC, SALARIES & BENEFITS, SOCIAL SERVICES, STATE EMPLOYEES

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Date	Chamber	Action	Documents	Vote
03/29/2017	Senate	Filed	CRS45339CR77A	
03/30/2017	Senate	Passed 1st Reading		
03/30/2017	Senate	Ref To Com On Rules and Operations of the Senate		

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

2017-2018 Session

Bill Number: enter bill # (Ls., S253)



Commissioner Phelps told Mr. Potter he appreciated the information.

“BAN THE BOX” UPDATE: Mr. Potter spoke to the Board regarding their previous request on this subject. The following is the information that will be put in the County’s Administrative Policies File.



WASHINGTON COUNTY  
ADMINISTRATIVE POLICY  
MEMO – (APM-2017-2)

To: All Washington County Employees  
From: Curtis S. Potter, County Manager  
Board of Commissioners c/o Julie Bennett, Clerk to the Board;  
HR Department, c/o Fetima Moore, HR Specialist  
cc: Administrative Policies File  
Date: November 1<sup>st</sup>, 2017  
Re: Pre-Employment Criminal Background Screening Policy (APM-2017-2)

1. **PURPOSE:** To establish a uniform administrative policy for conducting criminal background investigations (“CBIs”) related to County employment decisions.
2. **POLICY STATEMENT:** It is the policy of Washington County to conduct CBI’s to verify eligibility for County employment of all “applicants” as that term is specifically defined below. Consistent with the provisions of this policy, and except as otherwise required by law, the County intends NOT TO REQUIRE that applicants provide information about their prior criminal history on the initial official county employment application form. An applicant’s prior criminal history also should not automatically disqualify them from employment. The County will obtain and evaluate criminal background information for otherwise qualified applicants in accordance with the terms and provisions of this policy.
3. **APPLICABILITY:** This policy shall apply to all County departments covered under the Washington County Personnel Policy. Notwithstanding the foregoing, the following departments shall be deemed exempt from this policy:
  - a. Sheriff’s Department including all subsidiary departments (Detentions, Communications)
  - b. EMS Department
4. **DEFINITIONS:** The following terms, regardless of capitalization, shall have the following meaning wherever used within this policy:
  - a. Applicant: Any current or prospective part time or full time employee, including without limitation applicants for vacant positions, and any current employee requesting or receiving a promotion, transfer, demotion, or other change in position, as well as all volunteers, interns, and temporary personnel.
  - b. Criminal Background Investigation (“CBI”): A check of various information sources that verifies the criminal background history and eligibility of a prospective applicant to provide County services. The type of information that can be reviewed includes without limitation a criminal history record report including driving record and sex offender registry.

5. **LEGAL REFERENCES:** 1) Washington County Personnel Policy; 2) Fair Credit Reporting Act; 3) Title VII of the Civil Rights Act of 1964; (as all the above may be amended from time to time)
6. **IMPLEMENTATION:** The Personnel Officer and/or Human Resources Department (“HR”) will implement this policy by:
  - a. Maintaining the confidentiality of all CBI information in compliance with applicable laws.
  - b. Ensuring hiring supervisors and applicants are aware a CBI **MUST** be conducted in compliance with this policy, and other applicable rules, regulations and laws, **AFTER** the appropriate Authorization and Consent for Release of Personal Information form is completed by the applicant, and **BEFORE** any conditional offer of employment is made pursuant to this policy. (Notwithstanding the foregoing, the County Manager may make a conditional offer of employment contingent upon successfully obtaining and approving a CBI.)
    - i. The CBI **MUST** be approved by the County, in addition to all other pre-employment requirements, before any employment decision becomes effective, and prior to any applicant beginning any work for the County.
  - c. Making good faith efforts in accordance with this policy, to send a Notice of Adverse Action Letter to the applicant, with a deadline by which to respond and submit proof, that any adverse information obtained from a CBI procured for the applicant, and relied upon by the County, in whole or in part, to exclude the applicant from an employment opportunity, is erroneous, or otherwise to submit evidence of their rehabilitation, or any other pertinent information the applicant may wish the County to consider before making a final employment decision.

**7. EVALUATION OF ADVERSE INFORMATION OBTAINED FROM CBI:**

- a. When making employment decisions based on criminal history obtained from a CBI, the County will consider the following factors in determining if its decision is job related, and consistent with reasonable business necessity:
  - i. Nature or gravity of the offense or conduct;
  - ii. Time elapsed since the offense, conviction and/or completion of a sentence; &
  - iii. Nature of the job sought or held.
- b. Such consideration will involve completing an individualized assessment and will take into account the following:
  - i. The facts or circumstances surrounding the offense or conduct;
  - ii. The number of offenses for which the individual was convicted;
  - iii. Evidence that the individual performed the same type of work post-conviction without incidence of criminal conduct;
  - iv. The length and consistency of employment history before or after the offense or conduct;
  - v. Rehabilitation efforts, e.g., education/training;
  - vi. Employment or character references, and any other information regarding fitness for the particular position; and
  - vii. Whether the individual is bonded under a federal, state or local program.

- c. If there are findings because of a CBI that could potentially lead to an adverse action, the Human Resources Department/Specialist, County Attorney and County Manager's Offices should all be consulted before taking any further action.
- d. The County should follow the following practices when it is inclined to make an adverse employment decision toward an applicant because of their prior criminal history or other information obtained from a CBI:
  - i. Ensure that due diligence is exercised to confirm that the record received pertains to the applicant for whom the CBI request was made by comparing it to the applicant's identifying information, such as that on a driver's license or government issued identification, and Authorization and Consent for Release of Personal Information.
  - ii. Ensure that expunged criminal records and non-current criminal charges that did not result in a finding of guilty, are not considered and treated as convictions in its evaluation process.
  - iii. Notify the applicant and providing them with a copy of the record that appears to make them ineligible for employment prior to making an adverse determination, or taking an adverse action.
  - iv. Afford the applicant a reasonable opportunity to contest the accuracy and/or explain the relevance of any adverse information including without limitation any conviction(s), or explain how a decision to bar them from employment is not job related and consistent with reasonable business necessity, or to submit any evidence of rehabilitation, before a final decision is made about the applicant's suitability for the position sought.
    - a. The applicant should have five (5) calendar days from the date of actual notice, or from the date of mailing the Notice of Adverse Action Letter to the applicant (whichever occurs first) to respond to the County regarding the adverse information or record.
    - b. The applicant's response MUST be in writing and must be filed within the time provided. The response together with any and all supporting documentation shall be submitted to HR for review and inclusion in the applicant's application.
- e. Any applicant aggrieved by a potential adverse action may file a request for reconsideration due to an allegation that the record in question is incorrect or inappropriately attributed to them or that the criminal record correctly attributed to them should not be a bar to employment, with the Human Resources Department, which shall consider the request and take appropriate action. The aggrieved applicant must file the request in accordance with this section.

8. SAVINGS PROVISION:

- a. Nothing in this administrative procedure is intended to or shall be construed to create any enforceable legal rights on behalf of any applicant, or obligations thereto on behalf of the County, nor shall it obligate the County to suspend recruitment efforts indefinitely, or prevents the County from filling the position for which an affected applicant has applied.
- b. Nothing in this policy shall prohibit the County from inquiring about criminal history during any interview of an applicant, or from taking adverse action against an applicant or employee for their failure to disclose materially relevant criminal history upon request during pre-employment screening, or subsequently upon County's discovery of such failure.
- c. Nothing in this policy shall prohibit the County from treating any current and unresolved criminal charges in considering the suitability of any applicant for a position, and the County specifically may determine that it is within its best interest to err on the side of caution in not employing an applicant because of unresolved outstanding criminal charges.
- d. The County Manager may modify or issue supplementary interpretations and guidance for this policy. Any determinations by the County Manager with respect hereto shall be considered final and shall not be appealable.
- e. In no instance, will implementation of this policy conflict with applicable federal or state statutes and regulations.

Curtis S. Potter,



County Manager/County Attorney

Commissioner Phelps thanked Mr. Potter for putting this in place. Commissioner Phelps went on to say that this board took a progressive stance and may be the first Board to implement this. Mr. Potter said that he has talked to other counties and found that some employees who have been given this 'second chance' make the best employees.

A citizen spoke to the Board (who said she works at a correctional facility) and thanked the Board for initiating this. Most inmates' biggest fear is being unable to find a job once released.

GOVERNOR'S VOLUNTEER SERVICE AWARD: Mr. Potter told the Board he received a call from the Governor's Office asking for Washington County to suggest a citizen who could handle the responsibility being Washington County's Award Coordinator for the Governor's Volunteer Service Award.

Here is some additional information on the program.

*The Governor's Volunteer Service Award honors the true spirit of volunteerism by recognizing individuals, groups and businesses that make a significant contribution to their community through volunteer service. Any person, group, or entity from the public, non-profit and private sector may be nominated for an award to their county award coordinator. County award coordinators submit their top 10 volunteer nominations per county. There are categories for the type of nominee (senior, youth, faith-based, family, group, business, etc.). Additional categories are based upon the area of service (animal, environmental, disaster, youth, preservation, etc.). County recommendations are reviewed by the Commission and awards are given out in the counties.*

Ms. Kathy Waters, of Plymouth, was the County's Award Coordinator for many years, but now it is time for someone else to take over this task.

Commissioner Riddick suggested Ms. Vanessa Joyner, Senior Center Director. Ms. Joyner was in the audience and agreed to serve if appointed.

**Commissioner Phelps made a motion to appoint Ms. Vanessa Joyner, Senior Center Director, as the Governor's Volunteer Service Award Coordinator for Washington County. Commissioner Riddick seconded, motion carried unanimously.**

CARDIAC MONITOR UPDATE AND BORROWING RESOLUTION: Mr. Potter discussed the borrowing resolution below and the quote for the Cardiac Monitors.





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Physio-Control, Inc  
 11811 Willows Road NE  
 P.O. Box 97006  
 Redmond, WA 98073-9706 U.S.A.  
 www.physio-control.com  
 tel 800.442.1142  
 Sales Order fax 800.732.0856  
 Service Plan fax 800.772.3340

To: WASHINGTON CTY EMS  
 Attn: Andrew Coccaro, EMS Director  
 958 US HWY 64 E  
 PLYMOUTH, NC 27962  
 (252) 793-4135  
[acoccaro@washcoenc.org](mailto:acoccaro@washcoenc.org)

Quote Number: 00099355  
 Revision #: 1  
 Created Date: 10/19/2017  
 Sales Consultant: Pat Vereb  
 (412) 651-5210  
 FOB: Destination  
 Terms: All quotes subject to credit approval and the following terms and conditions  
 NET Terms: NET 30

Contract: NASPO #5W300 v2      Expiration Date: 11/24/2017

Product	Product Description	Quantity	List Price	Unit Discount	Unit Sales Price	Total Price
99577-001955	LIFEPAK 15 V4 Monitor/Defib, Adaptive Biphasic, Manual & AED, Color LCD, 100mm Printer, Noninvasive Pacing, Metronome, Trending, SpO2, NIBP, 12-Lead ECG, EtCO2, Bluetooth INCLUDED AT NO CHARGE: 2 PAIR QUIK-COMBO ELECTRODES PER UNIT - 11996-000091, TEST LOAD - 21330-001365, IN-SERVICE DVD - 21330-001486, SERVICE MANUAL CD- 26500-003612 (one per order) and ShipKit- (RC Cable) 41577-900284, HARD PADDLES, BATTERIES AND CARRYING CASE NOT INCLUDED.	7.00	31,495.00	-5,669.10	25,825.90	180,781.30
Trade-in product	Trade in of Philips MRx towards the purchase of Lifepak 15	4.00	0.00	0.00	-4,750.00	-19,000.00
Trade-in product	Trade in of LIFEPAK 12 Biphasic - 3 Feature towards the purchase of Lifepak 15	3.00	0.00	0.00	-5,500.00	-16,500.00
21330-001176	LP 15 Lithium-ion Battery 5.7 amp hrs	21.00	489.00	-99.58	389.42	7,757.82
11140-000052	LP15 REDI-CHARGE Adapter Tray	3.00	206.00	-39.94	166.06	498.18
11141-000115	REDI-CHARGE Base (power cord not included)	3.00	1,520.00	-294.42	1,225.58	3,676.74
11140-000015	AC power cord	3.00	81.00	-16.03	64.97	194.91
11160-000013	NIBP Cuff-Reusable, Child	7.00	24.00	-3.60	20.40	142.80
11160-000017	NIBP CUFF-REUSEABLE, LARGE ADULT, BAYONET	7.00	33.00	-4.95	28.05	196.35
11171-000046	M-LNCS DCI, Adult Reusable Sensor, 1/box	7.00	301.00	-45.15	255.85	1,790.95
11577-000002	LIFEPAK 15 Basic carry case w/right & left pouches; shoulder strap (11577-000001) included at no additional charge when case ordered with a LIFEPAK 15 device	7.00	320.00	-57.18	262.82	1,839.74
11220-000028	Carry case top pouch for use w/LIFEPAK 12 or LIFEPAK 15	7.00	57.00	-10.59	46.41	324.87
11260-000039	LIFEPAK 15 Carry case back pouch	7.00	82.00	-14.68	67.32	471.24
	LIFEPAK 15 Service - 4 YEAR. On-site Comprehensive Coverage. Annual Payments. Includes: -Services performed at customer's location by a Physio-Control Technical Specialist -Parts and labor necessary to restore device to original					

LP15-OSCOMP-4-POS	specifications	7.00	6,912.00	-1,050.40	5,861.60	41,031.20
	-Annual Preventive Maintenance and inspections including quality assurance documentation					
	-Discounts on accessories, disposables, and upgrades					
	-Updates to the latest software version					
	-Preconfigured loaner device provided if needed					
	-Battery Replacement Service					
11160-000011	NIBP Cuff-Reusable, Infant	7.00	21.00	-3.15	17.85	124.95
11160-000019	NIBP Cuff-Reusable Adult X large	7.00	48.00	-7.20	40.80	285.60
21300-008147	LIFEPAK 15 NIBP Hose, 9'	7.00	62.00	-9.30	52.70	368.90
11171-000047	M-LNCS DCIP, Pediatric Reusable Sensor, 1/box	7.00	301.00	-45.15	255.85	1,790.95
11996-000091	Electrode EDGE QUIK-COMBO Adult	10.00	38.00	-8.74	29.26	292.60
11996-000093	Electrode EDGE QUIK-COMBO pediatric RTS	10.00	45.00	-10.61	35.39	353.90
11240-000016	Strip chart recorder paper, 100mm 2rolls/box (1-23)	20.00	21.00	-4.51	16.49	329.80

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Subtotal	USD 206,752.80
Estimated Tax	USD 19,380.23
Estimated Shipping & Handling	USD 0.00

Tax will be calculated at time of invoice and is based on the Ship To location where product will be shipped.

Grand Total	USD 226,133.03
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Pricing Summary Totals	
List Price Total	USD 294,122.00
Total Contract Discounts Amount	USD -43,311.42
Total Discount	USD -8,557.78
Trade In Discounts	USD -35,500.00
Tax + S&H	USD 19,380.23

<b>GRAND TOTAL FOR THIS QUOTE</b>	USD 226,133.03
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**Commissioner Phelps made a motion to approve the Borrowing Resolution for the Cardiac Monitors. Commissioner Sexton seconded, motion carried unanimously.**

BOARDS & COMMITTEE: Ms. Julie Bennett, Clerk to the Board stated that she received the following Boards & Committees request.

**Washington County ABC Board**

The Washington County ABC Board is asking for the Board to re-appoint Mr. Ronnie Barnes for another 3-year term.

**Commissioner Sexton made a motion to approve the re-appointment of Mr. Ronnie Barnes for another 3-year term on the Washington County ABC Board. Commissioner Phelps seconded, motion carried unanimously.**

FINANCE OFFICER'S REPORT: Ms. Dixon went over the Finance Officer's Report and the budget transfers/amendments. Commissioner Phelps asked if Detention is still over budget. Ms. Dixon stated that Detention has needed some part time help. A lot of their full-time employees have been working overtime.

Commissioner Johnson asked about the Sheriff's Department being over budget. Mr. Potter said some of the costs dealing with animal control have to be absorbed by the Sheriff's Office.

Commissioner Phelps asked Ms. Dixon about transfers in DSS. Ms. Dixon said the transfers dealt with capital equipment and not buying all the computers they needed. Commissioner Phelps wanted to know if these costs were reimbursable. Ms. Dixon said she would have to check with DSS.

**Commissioner Sexton made a motion to approve the budget amendment BT-#2018-015 with the stipulation that the DSS reimbursable rate is the same, BA #2018-016 and BA #2018-017. Commissioner Riddick seconded, motion carried unanimously.**

**OTHER ITEMS BY CHAIRPERSON, COMMISSIONERS, COUNTY MANAGER/ ATTORNEY OR CLERK:**

Commissioner Sexton stated he attended the RPO meeting and needs feedback on any roads that need work. He is working on getting Morratoek Road widened and a turn lane put in. The County has a road that has been on the list since they built the interchange at Mill Pond Road. Commissioner Sexton said he would rather see the money go for other projects. Mr. Potter said the County is limited as to what we can add to the list. We may be able to prioritize roads that are already on the list. Commissioner Sexton also mentioned that DOT is going to do one more mowing this year. Mr. Potter also mentioned he will put a link on the County's website where you can ask DOT about a problem.

Chair Walker said several Commissioners and County staff attended the Opioid Forum hosted by MTW Health Department and some of them were involved in registration and were speakers. Chair Walker said he felt it was very educational. Mr. Potter gave kudos to Ms. Ann Keyes for having the CERT team members assist also.

Commissioner Riddick said the recent PHS HOSA competition was awesome.

Ms. Bennett mentioned the County offices will be closed Friday, November 10, in observance of Veterans Day.

Ms. Bennett also mentioned that the Veterans Day Service will be on Friday, November 10 in Creswell. Mr. Denny Biggs, the American Legion Post Commander in Creswell who is in charge of the program this year explained to Mr. Burl Walker (our Veterans Service Officer) that the reason it is being held on the 10<sup>th</sup> this year was because of the availability of the JROTC who furnishes the Color Guard.

**Commissioner Sexton made a motion to go into Closed Session pursuant to NCGS 143.318.11(a)(6) personnel & NCGS §143-318.11(a)(3) (attorney-client privilege). Commissioner Phelps seconded, motion carried unanimously.**

At 9:40 PM, with no further business to discuss, **Commissioner Riddick made a motion to adjourn the meeting. Commissioner Sexton seconded, motion carried unanimously.**

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Chair

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Julie J. Bennett, CMC, NCCCC  
Clerk to the Board