

**YADKIN COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION MINUTES**

**Monday, September 21, 2015**

The Board of Commissioners of the County of Yadkin, State of North Carolina, met in Regular Session in the Commissioners' Meeting Room of the Yadkin County Human Resources Building located at 217 East Willow Street, Yadkinville, NC on September 21, 2015 at 7:00pm.

**Present were:**

Chairman Kevin Austin  
Vice Chairman David Moxley  
Commissioner Gilbert Hemric  
Commissioner Marion Welborn  
Commissioner Frank Zachary

**Staff present:** County Attorney, Ed Powell; County Manager, Lisa Hughes; and Clerk to the Board, Tanya Gentry.

**INVOCATION** given by Chairman Austin.

**CALL TO ORDER** by Chairman Austin at 7:00pm.

**PLEDGE OF ALLEGIANCE** led by Forbush Elementary students: Melanie Munoz, Jacob Williams, Jacob Boyles, Bryce Ketchie.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Commissioner Zachary made a motion to adopt the Agenda as presented. Vice Chairman Moxley second.**

**Vote: 5/0.**

**PUBLIC COMMENTS**

There were no speakers. Chairman Austin closed the Public Comments at 7:03pm.

**APPROVAL OF MINUTES**

The August 31, 2015 Joint Session Minutes were reviewed. The September 8, 2015 Regular and Closed Session Minutes were reviewed. **Commissioner Welborn made a motion to approve all three sets of minutes as presented. Commissioner Hemric second.**

**Vote: 5/0.**

**REPORTS/REQUESTS OF THE BOARD**

There were no reports to the Board.

**CONSENT AGENDA**

**Commissioner Hemric made a motion to approve the Consent Agenda items as presented.**

**Commissioner Welborn second.** Before the vote was taken, Commissioner Zachary asked for clarification on item #4, the Finger, Roemer, Brown & Mariani contract amendment. The original contract amount of \$99,960.00 did not include paying them a one-time payment of \$3,500.00. Finger, Roemer, Brown & Mariani wants the County to pay them \$3,500.00 upfront to be used to pay filing fees. They do not want to have to use their own funds and wait for the County to reimburse them. The \$3,500.00 should cover at least the first month of filing fees. As the \$3,500.00 is used, they will invoice the County to replenish it. The contract amendment increases the contract amount to \$103,460.00. The County will receive some reimbursement from the State for filing fees that are paid on certain types of cases. There was no further discussion.

**Vote: 5/0.**

The Consent Agenda items that were approved by the Board are as follows:

**Finance/Ag Building Project Ordinance Amendment**

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Cap Project – Ag Bldg - Contingency	4045960-58500	80,101	(2,000)	78,101
Cap Project – Ag Bldg – Profess. Svc.	4054960-51500	172,122	2,000	174,122

Additional funds are needed in professional services due to driveway reconfiguration work that was needed for the Ag Building Project. The Board previously approved an amendment to the Thomas H. Hughes Architecture contract to have the work requested in the changer order done.

**Finance/Vehicle Replace Budget Amendment**

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Vehicle Replace – App. Fund Bal.	4249000-49000	0	274,000	274,000
Vehicle Replace – Vehicles	4259000-56100	0	274,000	274,000

Appropriation of funds for the purchase of vehicles for FY2016.

**Revaluation/Planning Budget Amendment**

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Reval – Salary & Wages	1054145-51010	232,485	(32,967)	199,518
Reval – Social Security	1054145-51300	14,530	(2,044)	12,486
Reval – Medicare	1054145-51310	3,400	(478)	2,922
Reval – Retirement	1054145-51330	15,735	(2,229)	13,506
Reval – 401K	1054145-51360	2,330	(330)	2,000
Reval – Insurance	1054145-51350	9,000	(6,544)	2,456
Reval – Life Insurance	1054145-51351	180	(21)	159
Reval – Contracted Svcs	1054145-51700	67,060	(6,056)	61,004
Reval – Travel	1054145-54010	4,640	(350)	4,290
Reval – Supplies	1054145-52010	5,500	(500)	5,000
Planning – Salary & Wages	1054910-51010	94,215	32,967	127,182
Planning – Social Security	1054910-51300	6,315	2,044	8,359
Planning – Medicare	1054910-51310	1,480	478	1,958
Planning – Retirement	1054910-51330	6,370	2,229	8,599
Planning – 401K	1054910-51360	945	330	1,275
Planning – Insurance	1054910-51350	18,000	6,544	24,544
Planning – Life Insurance	1054910-51351	60	21	81
Planning – Contracted Svcs	1054910-51700	500	6,056	6,556
Planning – Travel	1054910-54010	1,700	350	2,050
Planning – Supplies	1054910-52010	1,400	500	1,900

Transfer of funds for the GIS Administrator position from the Tax Office to Planning Department.

**Tax Adjustments & Refunds for August 2015**

The Tax Office submitted the tax adjustments and refunds for the month of August for the Board of Commissioners to review and approve. The Board approved the presented adjustments and refunds for the month of August 2015.

**On Target Preparedness Contract and Related Budget Amendment**

The Centers for Disease Control and the State have changed the way that counties are graded for public health preparedness and response. Part of this change will require all the plans to be rewritten to achieve an all hazards approach. Yadkin County receives Bioterrorism Grant funds each year. Part of these funds will be used to pay On Target Preparedness, LLC for the needed revisions to the Yadkin County plans. They will revise various emergency response plans into an All Hazards Public Health Preparedness Plan, revise the

Continuity of Operations Plan, and provide awareness training to staff and partners. The following budget amendment is needed to transfer the funds needed to pay for the work:

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Preparedness - Equipment	1055120-56010	32,168	(6,000)	26,168
Preparedness - Contracts	1055120-51700	2,500	6,000	8,500

The Board approved the contract and authorized the County Manager to sign it and approved the budget amendment.

**Finger, Roemer, Brown & Mariani Contract Amendment**

Finger, Roemer, Brown & Mariani, LLP provide legal services to Human Services. They mainly assist with legal matters pertaining to child welfare, child support, and adult protective services. They were to be paid a one-time upfront payment of \$3,500.00 for filing fees. Their original contract's do not exceed amount did not include that one-time payment. This contract amendment increases the contract amount to cover the \$3,500.00 payment. The Board approved the contract amendment and authorized the County Manager to sign it.

**NeoPost Contract**

NeoPost will provide the Tax Office with a postage machine, mailing supplies, and postage. The Tax Office currently has a contract with Pitney Bowes for these services. Rather than wait for that contract to expire, NeoPost will pay the remainder owed on the Pitney Bowes contract and go ahead and start providing service to the Tax Office. Also covered under the Tax Office contract is the Register of Deeds Office and the Veteran's Office. The Board approved the five year contract with NeoPost and authorized the County Manager to sign it.

**Blue Cross Blue Shield Agreements**

Blue Cross Blue Shield will administer the County's self-insured health plan. They will also administer the County's Stop Loss Insurance program. There are two agreements pertaining to Stop Loss. The purpose of the Aggregate Stop Loss Insurance contract is to limit the County's claims liability under the Group Health Plan not to exceed a specified percentage of Expected Paid Claims during a single contract period. The purpose of the Specific Stop Loss Insurance contract is to limit the County's claims liability under the Group Health Plan for an individual member's paid claims not to exceed the Specific Stop Loss Level elected during a single contract period. The Board approved the Amendment to Administrative Services Agreement and the contracts pertaining to Stop Loss and authorized the County Manager to sign them.

**Piedmont Triad Regional Council Contract for Study Services**

The Piedmont Triad Regional Council (PTRC) will perform a Classification and Pay Study. The Study will be conducted over a three year period. The Sheriff's Office and Tax Office will be done the first year. Human Services, including the Animal Shelter, will be done the second year. All of the other departments will be done the third year. They have performed this Study for the County previously. The Board approved the contract and authorized the County Manager to sign it.

**Piedmont Triad Regional Council Contract for Pretrial Release Services**

The Piedmont Triad Regional Council (PTRC) will administer Yadkin County's Pretrial Release Program. The funds for the Pretrial Release Program are included in the FY2016 Budget the Board adopted. The Board approved the contract and authorized the County Manager to sign it.

**New Horizons HCCBG Contract**

Yadkin County will receive \$298,623.00 in Home and Community Care Block Grant (HCCBG) for Older Adult funding in FY2016. New Horizons will receive \$99,346.00 of those funds to provide senior citizens with In-Home Aide services levels 1-3. The Board approved the agreement and authorized the County Manager to sign it.

**YVEDDI HCCBG Contract**

Yadkin County will receive \$298,623.00 in Home and Community Care Block Grant (HCCBG) for Older Adult funding in FY2016. YVEDDI will receive \$199,277.00 of those funds to provide transportation services, home-delivered and congregate meals, and for the operation of the Senior Centers. The Board approved the agreement and authorized the Interim County Manager to sign it.

#### **Synergy Recycling Contract Amendment**

Synergy Recycling provides the County with electronic recycling services. They have increased the fees they are charging the County to dispose of some of the items. The increase is based on changes that have occurred in the commodities market. The contract amendment is needed to increase the do not exceed amount of the contract to cover the additional costs for the year. The Board approved the contract amendment and authorized the County Manager to sign it.

#### **PUBLIC HEARING/ACTION TO SET PUBLIC HEARING**

##### **Hold a Public Hearing on the Rezoning of PIN# 581401388088**

Dawn Vallieres addressed the Board. Jesse McEwen has submitted an application to have property located at 1645 US 601 Highway South be rezoned from Manufacturing/Industrial (MI) to Highway Business (HB). He purchased the property in July and would like to place an auto sales business there. The property is approximately two acres in size. This parcel is adjacent to land currently zoned as HB and is located in the Economic Development Area described in the County Land Use Plan. The Planning Board has heard the request and voted to recommend the property be rezoned to HB. Chairman Austin opened the public hearing at 7:11pm. No speakers came forward. Chairman Austin closed the public hearing at 7:12pm.

#### **BOARD ACTION**

##### **Approve Rezoning of PIN# 581401388088 from MI to HB**

Chairman Austin read the Statement of Zoning Consistency for the proposed rezoning. **Commissioner Welborn made a motion to approve the Statement of Zoning Consistency and the rezoning of PIN# 581401388088, located at 1645 US 601 Highway South, from Manufacturing/Industrial (MI) to Highway Business (HB). Commissioner Zachary second.**

**Vote: 5/0.**

##### **FY2016 ROAP Grant Application and Certified Statement**

Each year the NCDOT distributes Rural Operating Assistance Program (ROAP) Grant funds to Yadkin County. This fiscal year Yadkin County will receive \$128,267.00 in ROAP funds. This is an increase from the \$121,108.00 the County received last year. The grant is divided up into three funding areas. The Elderly and Disabled fund will receive \$53,782.00 to be used to provide transportation services to the elderly and disabled. The Rural General Public fund will receive \$63,892.00 to provide transportation services to the general public. The Employment fund will receive \$10,593.00 to provide transportation services to citizens who meet the qualifications for Employment Transportation Assistance. The County usually contracts with YVEDDI to administer the funds. YVEDDI has completed the ROAP Transportation Operating Assistance application and the Certified Statement that needs to be submitted to receive the funding. The Board discussed the ROAP grant. One of the ways citizens are eligible for using Employment transportation funds is if they are part of the "transportation disadvantaged public". The Board has some leeway in defining what the term "disadvantaged" means. The County will work with Jeff Cockerham and Kevin Edwards of YVEDDI to define "disadvantaged". **Commissioner Zachary made a motion to approve the FY2016 Application for Transportation Operating Assistance and the Certified Statement and authorize the appropriate staff to sign the documents. Vice Chairman Moxley second.**

**Vote: 5/0.**

##### **Northwestern Emergency Vehicles Bid for Ambulance Re-Mount**

This year's budget included \$100,000.00 for an ambulance re-mount. EMS issued a RFP and five bids were submitted. The company chosen will remount the existing ambulance patient compartment on a new chassis. Three bids were submitted by Northwestern Emergency Vehicles, one bid was submitted by Southeastern Specialty, and one bid was submitted by Select Custom Apparatus. Each of the companies who responded to the RFP submitted a bid for an F-450. Northwestern Emergency Vehicles also submitted a bid for an F-350 and a C3500. The ambulance that is being replaced is an F-450 and Keith Vestal would like the new chassis to be an F-450. That is the best chassis for the total weight of the vehicle and will keep them well within the

GVW guidelines. Keith Vestal requested that the old ambulance be declared surplus and allowed to be traded in. Northwestern Emergency Vehicles has offered the County a trade in allowance of \$5,000.00 for the old ambulance. **Commissioner Hemric made a motion to accept the Northwestern Emergency Vehicles bid to refurbish and remount the existing patient compartment onto a new 2016 Ford F-450 4X4 chassis with Liquid Spring Suspension and to deem the chassis from EMS 12 with VIN #1FDXF47P74ED94897 as surplus to be traded in on the remounted ambulance. Commissioner Welborn second.**

**Vote: 5/0.**

#### **Appalachian Regional Commission Grant Agreement**

Previously the County submitted a grant application to the Appalachian Regional Commission (ARC) for funds for the East Bend Waterline Project. The Appalachian Regional Commission has chosen to award the County grant funding of up to \$300,000.00. They submitted their grant agreement for the funding for the Board's consideration. **Commissioner Zachary made a motion to approve the Grant Agreement between Appalachian Regional Commission and the County of Yadkin and authorize the County Manager to sign it. Vice Chairman Moxley second.**

**Vote: 5/0.**

#### **CALENDAR NOTES**

- 1) September 22, 2015 – A Northwest Piedmont Rural Planning Organization (NWPRPO) Public Input Meeting will be held in the Board of Commissioners Room from 3:30pm to 5:30pm. It is an opportunity for the citizens to provide input on the State Transportation Improvement Plan.
- 2) October 8, 2015 – Board of Commissioners/Board of Health Annual Training. The meal will be served at 6:00pm and training will begin at 7:00pm.

#### **MANAGER'S REPORTS/BOARD ACTION**

##### **Letter from Senator Burr**

Senator Burr has sent a letter acknowledging his receipt of a signed copy of the resolution the Yadkin County Board of Commissioners adopted supporting the Rural Emergency Acute Care Hospital (REACH) Act.

##### **Letter from the Town of Yadkinville**

County Manager Hughes received a hand-delivered letter from the Town of Yadkinville. Last week the Town of Yadkinville Board of Commissioners voted to continue selling water and sewer capacity to the County of Yadkin but not to continue providing services for the operation and maintenance of the County's water and sewer lines. Unless the County would like the maintenance of the lines to cease at the end of the month, the Town is willing to continue operating and maintaining the lines through December 31, 2015. The contract the County currently has with the Town to purchase water and sewer capacity is a 20 year contract that is in effect until December 22, 2017. If the County wishes to renew the contract for another 20 years, the County has to let the Town know by sending a certified letter to the Mayor of Yadkinville no later than January 1, 2016.

##### **NCDOT**

The Board previously adopted a resolution requesting the NCDOT honor our veterans by designating HWY 421 as a Blue Star Memorial Highway. The NCDOT has approved the designation and County Manager Hughes is trying to confirm a date for a dedication ceremony. The tentative date range being considered is sometime between October 19<sup>th</sup> and October 23<sup>rd</sup>. She asked the Commissioners to please let her know if they would not be available any of those dates.

##### **State Budget**

The State adopted a budget late last week. The County will experience some positive and negative financial impacts from it. A change in sales tax will become effective in FY2017. That change should bring in more revenue to the County. The funds are to be used for economic development, public education, and community colleges. There will be some changes in the tax rate and sales tax will be expanded to include things like repairs. Something that will impact the County negatively is the increased autopsy and medical examiner fees. Autopsy fees are going from \$1,250.00 to \$1,750.00 and medical examiner fees are going from \$100.00 to \$200.00. When the budget was being prepared it was known that there was a possibility the

State could increase these fees so the budget the Board adopted for this fiscal year does contain a slight increase in funding for them. The foster care eligibility has been expanded to cover children up to age 21; it was previously up to age 18. Some new grants have been added to the State budget. They left driver's education funding in the budget. Students will have to pay a fee though to participate in the program. The fee can be reduced or waived for students suffering from economic hardship. Some DMV fees are increasing. The State has created a couple of new departments and they are working on their transparency. The State has made some changes to the pre-auditing requirements.

## **MANAGER'S BUDGET AMENDMENTS & CONTRACTS / NO ACTION REQUIRED**

### **ASG Security Contract**

Alarm Security Group d/b/a ASG Security will inspect and test the fire alarm system in the Hospital facility each year. They will also provide full service maintenance and monitoring services for the fire alarm system.

### **Piedmont Biomedical Contract**

Piedmont Biomedical will provide preventative maintenance services and cleaning services for the Ritter M11 autoclave that is located in the Hospital facility. They will also provide compliance testing services for other specified medical equipment that is located in the Hospital facility.

## **BOARD VACANCIES/APPOINTMENTS**

### **Human Services Advisory Committee**

There is a vacancy for a dentist on the Human Services Advisory Committee.

### **Joint Nursing Home and Adult Care Home Community Advisory Committee**

There is a vacancy on the Committee.

## **COMMISSIONER COMMENTS**

**Commissioner Welborn** wished County Attorney Powell a happy birthday. It was good to see everyone here tonight. He was glad the County got a little bit of rain and he hoped more rain comes in.

**Commissioner Zachary** thanked everybody for being here tonight. He appreciated Dawn Vallieres' presentation on the rezoning. She did a fine job. The County has a good Planning Department. He hears lots of positive comments about that Department. It was a shot in the arm to get that ARC Grant. It made everybody's day a little brighter to hear the County would be getting those grant funds. He looks forward to getting the waterline project started.

**Vice Chairman Moxley** thanked everyone for coming tonight. He gave a special thank you to the students from Forbush Elementary School for coming and leading the Pledge of Allegiance. He knew a lot of them and their families. It was nice to have the students, their families, and the Principal of the School here. He thanked Dawn Vallieres' for her presentation. It was great to get the ARC Grant. He would really like to get moving on the waterline project. He attended the Harvest Festival and had a good time. There were a lot of people there enjoying the sunshine and fellowship.

**Commissioner Hemric** thanked everyone for coming out tonight. He thanked the students from Forbush Elementary School for coming and leading the Pledge of Allegiance. He thanked Dawn Vallieres' for her presentation on the rezoning. He appreciated Mr. Edwards being here from YVEDDI.

**Chairman Austin** wanted to point out that Dawn Vallieres specialized in urban development before she came to Yadkin County. She is doing great here in this rural County. The news of the County being awarded the ARC Grant funds just came in on Thursday. That is big news. It was placed on this agenda so the County could move forward with it. The County spent a lot of time speaking with the USDA about the waterline project and that time ended up being lost. Now that the County has the ARC Grant, the project can get started. Community Meetings will need to be held for the project and the easements can hopefully start being signed soon. He is excited about having the project move forward. He thanked the staff for all of their input and hard work.

**Chairman Austin made a motion to go into Closed Session pursuant to NCGS 143-318.11(a) (1)(3)(4)(5)(6) to discuss Personnel Matters and to Protect Personnel Information that is Confidential under NCGS 153A-98, and to discuss the potential Location or Expansion of Industries or other Businesses in the County, to Establish the County's Negotiating Position for Acquiring Real Property and to Instruct the County Staff on that Position, and to have a Privileged Consultation with our County Attorney. Commissioner Hemric second.**

**Vote: 5/0.**

After a motion to come out of Closed Session was made and the Board was in **Open Session**, **Vice Chairman Moxley made a motion to add the classification of EMT Basic at a pay grade 63 to the Classification and Pay Plan and authorize Keith Vestal to fill vacant positions as appropriate. Commissioner Welborn second.**

**Vote: 5/0.**

**Commissioner Hemric made a motion to ratify New Atlantic Change Order request #16 that is an additional cost of \$4,381.00 related to the upper level restructuring of the front two offices and areas in the FSA. Commissioner Zachary second.**

**Vote: 5/0.**

**Commissioner Welborn made a motion to approve a lease agreement with Dr. James McGrath to lease approximately 2,830 square feet of space at the Yadkin Physician's Office located at 624 West Main Street at a rate of \$8.20 per square foot per year, which equates to \$1,933.83 per month. Vice Chairman Moxley second.**

**Vote: 5/0.**

**Vice Chairman Moxley made a motion to authorize the County Manager to enter into a lease agreement with Dr. Davis, utilizing the same document as Dr. McGrath's lease, subject to County Attorney approval, for the lease of approximately 810 square feet of space at the Yadkin Physician's Office located at 624 West Main Street at a rate of \$4.10 per square foot per year, which equates to \$276.75 per month. Commissioner Hemric second.**

**Vote: 5/0.**

Commissioner Zachary asked to be recused from consideration and voting on the proposal to engage his law firm's legal services in relation to the purchasing of property for the County.

**Commissioner Welborn made a motion to recuse Commissioner Zachary from voting. Vice Chairman Moxley second.**

**Vote: 4/0.**

Commissioner Zachary left the room.

County Manager Hughes read a resolution entitled "Resolution Regarding Legal Services for Real Property Purchases by the County of Yadkin" for the Board's consideration. The resolution authorizes the County to enter into a contract with the law firm of Frank C. Zachary, PLLC. **Vice Chairman Moxley made a motion to adopt the resolution as presented and authorize the County Manager to enter into a contract with Frank C. Zachary, PLLC. Commissioner Hemric second.**

**Vote: 4/0.**

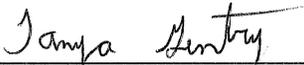
[The adopted Resolution is attached as Appendix A.]

Commissioner Zachary came back into the room.

The Board of Commissioners are also the Board of Trustees for Hoots Memorial Hospital. County Attorney Powell spoke with the Board about signing a document entitled "Unanimous Written Consent of the Board of Trustees and Sole Member of Hoots Memorial Hospital, Inc. to Action Without Meeting". The document is needed to declare three vehicles that are still owned by Hoots Memorial Hospital as surplus and transfer them to the County. **Commissioner Zachary made a motion for the Board of Commissioners to sign the**

document as presented as the Board of Trustees for Hoots Memorial Hospital declaring the three vehicles as surplus and authorizing the Title Application and transfer. Vice Chairman Moxley second. Vote: 5/0.

Commissioner Welborn made a motion to recess the meeting to August 28, 2015 at 9:00am in the Board of Commissioners Room. Commissioner Zachary second. Vote: 5/0.

  
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Prepared by Tanya Gentry  
Clerk to the Board

  
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Kevin Austin, Chairman  
Yadkin County Board of Commissioners

10/5/15  
Date approved by the  
Yadkin County Board of Commissioners

**RESOLUTION REGARDING LEGAL SERVICES FOR REAL PROPERTY  
PURCHASES BY THE COUNTY OF YADKIN**

**WHEREAS**, Frank C. Zachary officially took office on December 1, 2014 for his current term as Commissioner of the County of Yadkin Board of Commissioners; and,

**WHEREAS**, Commissioner Zachary is the owner of a Law Firm named Frank C. Zachary, PLLC; and,

**WHEREAS**, the County of Yadkin is in the process of purchasing various real property and needs an experienced attorney who practices real property law and is certified and approved by banking institutions and title insurance companies; and,

**WHEREAS**, in every effort to take extraordinary caution and not violate North Carolina General Statute 14-234, Frank C. Zachary individually and as Commissioner for the County of Yadkin fully understands that by providing legal services to the County of Yadkin, he cannot and will not use the County of Yadkin as a reference site or referral wherein Frank C. Zachary may benefit personally, so long as the above-referenced statute remains applicable by Commissioner Zachary remaining in the elected office of a County of Yadkin Commissioner. Further, it is the full understanding of the Board of Commissioners and Commissioner Zachary, individually and as the owner of the Law Firm of Frank C. Zachary, PLLC, that there is value attached to services; and,

**WHEREAS**, the Law Firm of Frank C. Zachary, PLLC, desires to provide legal services to the County of Yadkin, parenthetically, North Carolina General Statute 14-234 permits, under limited conditions, Commissioner Zachary to be owner of the Law Firm of Frank C. Zachary, PLLC, and the Law Firm of Frank C. Zachary, PLLC to provide the County of Yadkin with a title search and closing documents as long as NCGS 14-234 is not violated.

NCGS 14-234 is as follows:

**Public officers or employees benefiting from public contracts; exceptions.**

- (a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
- (2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.
- (3) No public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

- (a1) For purposes of this section:
- (1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.
  - (2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.
  - (3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.
  - (4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.
  - (5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.
- (b) Subdivision (a)(1) of this section does not apply to any of the following:
- (1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.
  - (2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.
  - (3) Any employment relationship between a public agency and the spouse of a public officer of the agency.
  - (4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.

(b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

(c) through (d) Repealed by Session Laws 2001-409, s. 1, effective July 1, 2002.

(d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars (\$20,000) for medically related services and forty thousand dollars (\$40,000) for other goods or services within a 12-month period.
- (2) The official entering into the contract with the unit or agency does not participate in any way or vote.
- (3) The total annual amount of contracts with each official shall be specifically noted in the audited annual financial statement of the village, town, city, or county.
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, or the Agricultural Water Resources Assistance Program created pursuant to Article 5 of Chapter 139 of the General Statutes by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143-717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E-14.2 or a public hospital authority subject to G.S. 131E-21.

(d6) This section does not apply to employment contracts between the State Board of Education and its chief executive officer.

(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

- (1) Local governments, as defined in G.S. 159-7(15), public authorities, as defined in G.S. 159-7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.
- (2) All other public agencies may request approval from the State Director of the Budget.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare.

**WHEREAS**, within the County of Yadkin, there is located no village, town or city with a population of more than 15,000 according to the most recent official census; and,

**WHEREAS**, the County of Yadkin Board of Commissioners and Commissioners Zachary acknowledge that they fully understand the terms, meaning and consequences of NCGS 14-234; and,

**WHEREAS**, Commissioner Zachary cannot and will not vote for the passage or denial of this Resolution pursuant to NCGS 14-234 and other applicable laws; and,

**WHEREAS**, the County of Yadkin authorizes an expenditure not to exceed the sum of \$3,000.00 for such services.

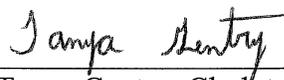
**NOW THEREFORE BE IT RESOLVED**, that the County of Yadkin Board of Commissioners formally authorize the acceptance, and does hereby grant the Law Firm of Frank C. Zachary, PLLC a contract for legal services in the purchase of real property.

This the 21 day of September, 2015

COUNTY OF YADKIN

BY:  (SEAL)  
Kevin Austin, Chairman  
Yadkin County Board of Commissioners

ATTEST:

 (SEAL)  
Tanya Gentry, Clerk to Board

