

Minutes
 Regular Meeting
 Hertford County Board of Commissioners
 County Commissioners' Meeting Room
 Monday, August 15, 2011
 7:00 P.M.

Present: Johnnie R. Farmer, Curtis A. Freeman, Sr., Ronald J. Gatling, Howard J. Hunter, III, and William F. Mitchell, Jr.

Absent: None

Also Present with the Board: Loria D. Williams, County Manager; Charles L. Revelle, III, County Attorney; John P. Rankins, Assistant County Manager; and Shelia W. Matthews, Clerk to the Board

Chairman Johnnie R. Farmer called the meeting to order.

The invocation for the meeting was provided by Vice-Chairman Curtis A. Freeman, Sr.

COMMISSIONERS

On a motion by Freeman and a second by Gatling, the Board voted unanimously to amend the agenda to add the following items after Memo #7383 per the County Attorney's request:

Governing Board of the Tunis Sewer Board
 Hertford County Northern Rural Water District
 Hertford County Southern Rural Water District
 Following Closed Session: Tunis Sewer District Board
 Following Closed Session: Short-Term Lease of Solid Waste Surplus Property

TAX

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve the Tax Releases for July, 2011, as follows:

TOTAL VALUE APPROVED THIS REPORT (2011 LEVY)	00.00
TOTAL TAX RELEASED THIS REPORT (2011 LEVY)	00.00
TOTAL VALUE APPROVED THIS REPORT (PRIOR LEVY)	29,510.00
TOTAL TAX RELEASED THIS REPORT (PRIOR LEVY)	295.40
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2011)	57.50
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2011)	57.50
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2010)	57.50
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2010)	57.50
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2009)	57.50
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2009)	57.50
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2008)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2008)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2007)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2007)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2006)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2006)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2005)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2005)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2004)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2004)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2003)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2003)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2002)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2002)	00.00

COUNTY MANAGER'S UPDATE

The County Manager informed the Board that 63 sign-ups had been acquired for the Tunis Sewer Project.

The Recreation Project was discussed in depth. Chairman Farmer recommended that the two County Commissioners appointed to the Recreation Committee (Gatling and Hunter) meet with the County Manager and bring recommendations back to the Board.

Discussion was held on the roof replacement at the Law Enforcement Center. It was the general consensus of the Board to borrow the \$295,000 instead of taking it from Fund Balance. The County Manager was instructed to move forward with the Request for Proposals (RFPs).

PROCLAMATIONS

On a motion by Hunter and a second by Freeman, the Board voted unanimously to approve the following Proclamation Honoring the Ahoskie 14U All-Star Baseball Team as the 2011 Tarheel League State Champions:

Proclamation

HONORING AHOSKIE 14U ALL-STAR BASEBALL TEAM AS THE 2011 TARHEEL LEAGUE STATE CHAMPIONS

WHEREAS, the Ahoskie 14U All-Star Baseball Team, on Sunday, July 24, 2011, earned the title of 2011 Tarheel League State Champions with a 4-3 victory over Jacksonville; and

WHEREAS, Ahoskie's players and coaches, led by Head Coach Brandon Matthews and Assistant Coaches Justin Burden and Justin Freeman, have demonstrated the teamwork and dedication necessary to produce a successful and winning season; and

WHEREAS, Ahoskie's players and coaches have created a positive image for their peers and the citizens of Hertford County and surrounding areas; and

WHEREAS, the Ahoskie 14U All-Stars have exhibited athletic ability and great sportsmanship, both on and off the field, thereby bringing pride and recognition not only to the team itself, but also to Hertford County and its citizens.

NOW, THEREFORE, BE IT PROCLAIMED that the Hertford County Board of Commissioners officially acknowledges the talents, skills, teamwork, sportsmanship and successes of the 2011 Ahoskie 14U All-Star Baseball Team, the 2011 Tarheel League District 7 Champions and Tarheel League State Champions, and, on behalf of our citizens, does hereby extend this expression of our pride in this prestigious milestone.

This 15th day of August, 2011.

This proclamation was presented to Brandon Matthews, Head Coach of the Ahoskie 14U All-Star Baseball Team. At this time, certificates were presented to all players and coaches of the team.

On a motion by Hunter and a second by Freeman, the Board voted unanimously to go into a scheduled Public Hearing.

PUBLIC HEARING/RURAL OPERATING ASSISTANCE PROGRAM

Chairman Farmer opened the Public Hearing per the following Notice:

PUBLIC HEARING NOTICE

This is to inform the public of the opportunity to attend a public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation no later than September 30, 2011 by the County of Hertford. The public hearing will be held on August 15, 2011 at 7:15 P.M. at the Hertford County Commissioners Meeting in the County Commissioners Meeting room located at 701 N. King Street, Winton. Hertford County will provide auxiliary aids and services under the ADA for disabled persons who wish to participate in the hearing. Anyone requiring special services should contact Ms. Loria Williams, County Manager, as soon as possible so that arrangements can be made.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens.
2. Employment Transportation Assistance Program is intended to provide operating assistance for the transportation of persons with employment related transportation needs.
3. Rural General Public (RGP) Program funds are intended to provide operating assistance for the transportation of individuals who do not have human service agency assistance to pay for their transportation and live in non-urbanized areas.

The period of performance for Rural Operating Assistance Program funds is July 1, 2011 through June 30, 2012. The FY 2012 ROAP individual program totals are:

PROGRAM	TOTAL
EDTAP	\$56,498
EMPL	\$12,919
RGP	\$48,366
TOTAL	\$117,783

This application may be inspected at the Hertford County Manager's Office located at 701 N. King Street, Winton, NC from 8:30-5 PM Monday-Friday. Written comments should be directed to Ms. Loria Williams, Hertford County Manager, before August 15, 2011.

No one was present to make comments regarding the ROAP application.

On a motion by Gatling and a second by Freeman, the Board voted unanimously to close the Public Hearing and return to Regular Session.

REGULAR SESSION

RURAL OPERATING ASSISTANCE PROGRAM (ROAP)

On a motion by Freeman and a second by Hunter, the Board voted unanimously to approve the Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation.

On a motion by Hunter and a second by Freeman, the Board voted unanimously to go into a scheduled Public Hearing for the purpose of a rezoning request.

PUBLIC HEARING/REZONING REQUEST

Chairman Farmer opened the Public Hearing per the following Notice:

NOTICE OF PUBLIC HEARING

THE PUBLIC SHOULD TAKE NOTICE that the HERTFORD COUNTY BOARD OF COMMISSIONERS will hold a Public Hearing on Monday, August 15, 2011 at 7:20 P.M. in the COMMISSIONERS' MEETING ROOM OF THE HERTFORD COUNTY OFFICE BUILDING # 1, WINTON, N.C. for the purpose of hearing and considering public comments on a request by Al Vaughan to rezone property owned by ASP Riversedge,

LLC from Residential Agriculture (RA-20) to Commercial Highway (CH). Two tracts being on the Southern portion of PIN #6907-31-3402 - The First tract is located on the southeast corner of US 158 and US 13/158 and contains approximately 21 +/- acres. The second tract is located on the north side of US 158 and eastside of SR 1175, known as Parker's Fishery Road and runs eastward approximately 2,100' and contains approximately 45.5 acres.

A copy of the full proposal is available for public inspection in the office of the Zoning Administrator located in the Hertford County Office Building # 1, Winton, NC between the hours of 8:30 A.M. to 5:00 P.M. For further information call Bill Early, Zoning Administrator at 252-358-7801.

Following the Public Hearing, the Hertford County Board of Commissioners may adopt, revise, or reject the requested rezoning.

This the 4th day of August 2011

JOHNNIE R. FARMER, CHAIRMAN
HERTFORD COUNTY BOARD OF COMMISSIONERS

Bill Early, Planning and Zoning Administrator, and Al Vaughan were present to address any concerns. Mr. Early reviewed the following list of findings:

- Land is favorable for Commercial Highway Zoning
- Land is favorable for Commercial Highway Uses
- Land is not an extension of an existing Commercial Highway District
- District Zoning is consistent with the land use plan

The Planning Board recommends that Tract 1 be deferred to a later date due to the highway construction on US 158 and that Tract 2 be granted.

On a motion by Hunter and a second by Freeman, the Board voted unanimously to close the Public Hearing and return to Regular Session.

REGULAR SESSION

REZONING REQUESTS

On a motion by Hunter and a second by Gatling, the Board voted unanimously to accept the recommendations of the Planning Board to rezone property (PIN #6907-31-3402) from Residential Agriculture (RA-20) to Commercial Highway (CH) as requested by Mr. Al Vaughan. Tract 1 located on the southeast corner of US 158 and US 13/158 containing approximately 21 acres is being deferred until a later date. Tract 2 located on the north side of US 158 and eastside of SR 1175 containing approximately 45.5 acres is approved.

AHOSKIE CHAMBER OF COMMERCE

At this time, Chairman Farmer recognized Dan Joyner, the new Executive Director of the Ahoskie Chamber of Commerce.

On a motion by Freeman and a second by Gatling, the Board voted unanimously to go into a scheduled Public Hearing on Minority Business Participation in Building Construction Contracts.

PUBLIC HEARING/MINORITY PARTICIPATION

Chairman Farmer opened the Public Hearing per the following Notice:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Hertford County Board of Commissioners will hold a public hearing on Monday, August 15th, 2011 at 7:30 p.m.

The purpose of this public hearing is to receive citizens' comments on the establishment of a verifiable percentage goal for participation by minority businesses in the awarding of building construction contracts pursuant to N.C.G.S. 143-128.2.

Hertford County's Percentage Goal for Minority Business Participation policy statement is available for inspection in the Office of the County Manager, Administrative Office Bldg #1., 704 N. King Street, Winton, NC 27986 from 8:30 a.m. – 5:00 p.m.

All interested citizens are urged to attend.

Loria D. Williams
Hertford County Manager

The County Manager and County Attorney presented and discussed a newly revised Resolution to Establish a Verifiable Percentage Goal for Participation by Minority Business in the Awarding of Building Construction Contracts Awarded Pursuant to N.C.G.S. 143-128.2.

On a motion by Hunter and a second by Freeman, the Board voted unanimously to close the Public Hearing and return to Regular Session.

REGULAR SESSION

RESOLUTIONS/MINORITY PARTICIPATION

On a motion by Freeman and a second by Hunter, the Board voted unanimously to approve the following Resolution to Establish a Verifiable Percentage Goal for Participation by Minority Business in the Awarding of Building Construction Contracts Awarded Pursuant to N.C.G.S. 143-128.2:

**RESOLUTION TO ESTABLISH A VERIFIABLE
PERCENTAGE GOAL FOR PARTICIPATION
BY MINORITY BUSINESS IN THE
AWARDING OF BUILDING CONSTRUCTION CONTRACTS AWARDED PURSUANT
TO N.C.G.S. 143-128.2**

WHEREAS, N.C.G.S. 143-128.2 (a) requires each city, county or other public body to adopt, after notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars (\$100,000) and which are awarded pursuant to N.C.G.S. 143-128; and

WHEREAS, N.C.G.S. 143-128.2 (c) requires an authority awarding a building contract the costs of which exceeds one hundred thousand dollars (\$100,000) under any of the methods authorized under N.C.G.S. 143-128 (a) (1) to adopt written guidelines specifying actions that will be taken by the awarding authority to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts; and

WHEREAS, N.C.G.S. 143-128.2 (h) requires the state and its political subdivisions to award public building contracts the costs of which exceeds one hundred thousand (\$100,000) without regard to race, religion, color, creed, national origin, sex, age or handicapping condition; and

WHEREAS, Hertford County has previously adopted a goal for minority business participation of at least 25% of contract dollars, such goal having been adopted on December 7th, 1987, and pursuant to N.C.G.S. 143-128.2 (a), the Hertford County Board of Commissioners hereby finds that there is a sufficiently strong basis in evidence to justify continuation of that 25% goal, in order to remedy the present effects of past discrimination, to obtain as large a pool of prospective vendors and contractors as possible, and to encourage and ensure representative participation of all segments of the population in the County's economy; and

WHEREAS, notice of the public hearing was duly published in the Roanoke-Chowan News Herald and the public hearing required by N.C.G.S. 143-128.2 (a) was held on the 15th day of August, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hertford County:

1. That Hertford County shall have a verifiable goal of 25% for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. 143-128.
2. That the official, employee or agent responsible for advertising such contracts shall compile a list of minority businesses within the bidding area, using information obtained from the North Carolina Department of Economic and Community Development, Minority Business Development Agency or from other institutions or agencies providing such information.

This list shall be updated on an annual basis and shall be available so that minority businesses will have the opportunity to add their names to the list. Copies of this resolution shall be transmitted to the businesses on the list as soon as practicable along with the name of the official, employee or agent who shall serve as the contact person for minority businesses and be responsible for answering project related questions posed by minority businesses.

3. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), notice of the contract shall be transmitted to minority businesses on the above lists.
4. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), documents related to the contract shall be available for inspection at a convenient and accessible location of which minority businesses shall receive notice.
5. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), the contact person designated pursuant to paragraph two above shall hold pre-bid conference to orient contractors and subcontractors to the policy expressed in this resolution as well as bid procedures and regulations. Minority businesses on the list obtained and maintained as provided herein shall be notified of and invited to these pre-bid conferences.
6. That for each such building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), published notice of the contract shall include a summary of this resolution.
7. That for each such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records with respect to:
 - a. Those contractors or subcontractors notified of the project and the number of these contractors and subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintain pursuant to paragraph two herein.
 - b. Those contractors or subcontractors that bid or other respond to notice of the project and the number of those that are on the maintained list of minority businesses.
 - c. Those contractors and subcontractors awarded contracts as part of the project and the number and identity of those that are on the list of minority businesses, and

- d. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
8. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:
 - a. Notify those minority businesses appearing on the list of minority businesses maintained pursuant to paragraph two of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority businesses.
 - b. Submit with his bids records with respect to:
 - i. Those subcontractors notified of the project and of those elements of the project for which subcontracts will be let and the number of these subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph two herein;
 - ii. Those subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of maintained list of minority businesses;
 - iii. Those subcontractors awarded contracts as part of the project and the number and identity of those that are on the maintained list of minority businesses; and
 - iv. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
 9. That these policies shall be a part of the request for proposals for any such contract, and non-compliance by any bidder shall be grounds for declaring the bid non-responsive.
 10. That this resolution shall become effective upon its adoption.

ADOPTED, this the 15th, day of August, 2011.

**JOHNNIE R. FARMER, CHAIRMAN
HERTFORD COUNTY BOARD OF COMMISSIONERS**

Commissioner Freeman left the meeting at this time.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to go into a meeting of the Governing Board of the Tunis Sewer District.

TUNIS SEWER DISTRICT GOVERNING BOARD

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the following Resolution to Establish a Verifiable Percentage Goal for Participation by Minority Business in the Awarding of Building Construction Contracts Awarded Pursuant to N.C.G.S. 143-128.2:

**RESOLUTION TO ESTABLISH A VERIFIABLE
PERCENTAGE GOAL FOR PARTICIPATION
BY MINORITY BUSINESS IN THE
AWARDING OF BUILDING CONSTRUCTION CONTRACTS AWARDED PURSUANT
TO N.C.G.S. 143-128.2**

WHEREAS, N.C.G.S. 143-128.2 (a) requires each city, county or other public body to adopt, after notice and public hearing, an appropriate verifiable percentage goal for

participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars (\$100,000) and which are awarded pursuant to N.C.G.S. 143-128; and

WHEREAS, N.C.G.S. 143-128.2 (c) requires an authority awarding a building contract the costs of which exceeds one hundred thousand dollars (\$100,000) under any of the methods authorized under N.C.G.S. 143-128 (a) (1) to adopt written guidelines specifying actions that will be taken by the awarding authority to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts; and

WHEREAS, N.C.G.S. 143-128.2 (h) requires the state and its political subdivisions to award public building contracts the costs of which exceeds one hundred thousand (\$100,000) without regard to race, religion, color, creed, national origin, sex, age or handicapping condition; and

WHEREAS, the District has previously adopted a goal for minority business participation of at least 25% of contract dollars, such goal having been adopted on December 7th, 1987, and pursuant to N.C.G.S. 143-128.2 (a), the governing body of the **Tunis Sewer District** hereby finds that there is a sufficiently strong basis in evidence to justify continuation of that 25% goal, in order to remedy the present effects of past discrimination, to obtain as large a pool of prospective vendors and contractors as possible, and to encourage and ensure representative participation of all segments of the population in the County's economy; and

WHEREAS, notice of the public hearing was duly published in the Roanoke-Chowan News Herald and the public hearing required by N.C.G.S. 143-128.2 (a) was held on the 15th day of August, 2011.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the **Tunis Sewer District**:

1. That the District shall have a verifiable goal of 25% for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. 143-128.
2. That the official, employee or agent responsible for advertising such contracts shall compile a list of minority businesses within the bidding area, using information obtained from the North Carolina Department of Economic and Community Development, Minority Business Development Agency or from other institutions or agencies providing such information.

This list shall be updated on an annual basis and shall be available so that minority businesses will have the opportunity to add their names to the list. Copies of this resolution shall be transmitted to the businesses on the list as soon as practicable along with the name of the official, employee or agent who shall serve as the contact person for minority businesses and be responsible for answering project related questions posed by minority businesses.

3. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), notice of the contract shall be transmitted to minority businesses on the above lists.
4. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), documents related to the contract shall be available for inspection at a convenient and accessible location of which minority businesses shall receive notice.
5. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), the contact person designated pursuant to paragraph two above shall hold pre-bid conference to orient contractors and subcontractors to the policy expressed in this resolution as

well as bid procedures and regulations. Minority businesses on the list obtained and maintained as provided herein shall be notified of and invited to these pre-bid conferences.

6. That for each such building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), published notice of the contract shall include a summary of this resolution.
7. That for each such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records with respect to:
 - a. Those contractors or subcontractors notified of the project and the number of these contractors and subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintain pursuant to paragraph two herein.
 - b. Those contractors or subcontractors that bid or other respond to notice of the project and the number of those that are on the maintained list of minority businesses.
 - c. Those contractors and subcontractors awarded contracts as part of the project and the number and identity of those that are on the list of minority businesses, and
 - d. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
8. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:
 - a. Notify those minority businesses appearing on the list of minority businesses maintained pursuant to paragraph two of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority businesses.
 - b. Submit with his bids records with respect to:
 - i. Those subcontractors notified of the project and of those elements of the project for which subcontracts will be let and the number of these subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph two herein;
 - ii. Those subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of maintained list of minority businesses;
 - iii. Those subcontractors awarded contracts as part of the project and the number and identity of those that are on the maintained list of minority businesses; and
 - iv. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
9. That these policies shall be a part of the request for proposals for any such contract, and non-compliance by any bidder shall be grounds for declaring the bid non-responsive.
10. That this resolution shall become effective upon its adoption.

ADOPTED, this the 15th, day of August, 2011.

**JOHNNIE R. FARMER, CHAIRMAN
TUNIS SEWER DISTRICT BOARD**

On a motion by Hunter and a second by Gatling, the Board voted unanimously to return to Regular Session.

REGULAR SESSION

On a motion by Hunter and a second by Gatling, the Board voted unanimously to go into a meeting of the Northern Rural Water District Governing Board.

NORTHERN RURAL WATER DISTRICT GOVERNING BOARD

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the following Resolution to Establish a Verifiable Percentage Goal for Participation by Minority Business in the Awarding of Building Construction Contracts Awarded Pursuant to N.C.G.S. 143-128.2:

**RESOLUTION TO ESTABLISH A VERIFIABLE
PERCENTAGE GOAL FOR PARTICIPATION
BY MINORITY BUSINESS IN THE
AWARDING OF BUILDING CONSTRUCTION CONTRACTS AWARDED PURSUANT
TO N.C.G.S. 143-128.2**

WHEREAS, N.C.G.S. 143-128.2 (a) requires each city, county or other public body to adopt, after notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars (\$100,000) and which are awarded pursuant to N.C.G.S. 143-128; and

WHEREAS, N.C.G.S. 143-128.2 (c) requires an authority awarding a building contract the costs of which exceeds one hundred thousand dollars (\$100,000) under any of the methods authorized under N.C.G.S. 143-128 (a) (1) to adopt written guidelines specifying actions that will be taken by the awarding authority to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts; and

WHEREAS, N.C.G.S. 143-128.2 (h) requires the state and its political subdivisions to award public building contracts the costs of which exceeds one hundred thousand (\$100,000) without regard to race, religion, color, creed, national origin, sex, age or handicapping condition; and

WHEREAS, the District has previously adopted a goal for minority business participation of at least 25% of contract dollars, such goal having been adopted on December 7th, 1987, and pursuant to N.C.G.S. 143-128.2 (a), the governing body of the **Northern Water District** hereby finds that there is a sufficiently strong basis in evidence to justify continuation of that 25% goal, in order to remedy the present effects of past discrimination, to obtain as large a pool of prospective vendors and contractors as possible, and to encourage and ensure representative participation of all segments of the population in the County's economy; and

WHEREAS, notice of the public hearing was duly published in the Roanoke-Chowan News Herald and the public hearing required by N.C.G.S. 143-128.2 (a) was held on the 15th day of August, 2011.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Northern Water District:

1. That the District shall have a verifiable goal of 25% for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. 143-128.

2. That the official, employee or agent responsible for advertising such contracts shall compile a list of minority businesses within the bidding area, using information obtained from the North Carolina Department of Economic and Community Development, Minority Business Development Agency or from other institutions or agencies providing such information.

This list shall be updated on an annual basis and shall be available so that minority businesses will have the opportunity to add their names to the list. Copies of this resolution shall be transmitted to the businesses on the list as soon as practicable along with the name of the official, employee or agent who shall serve as the contact person for minority businesses and be responsible for answering project related questions posed by minority businesses.

3. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), notice of the contract shall be transmitted to minority businesses on the above lists.
4. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), documents related to the contract shall be available for inspection at a convenient and accessible location of which minority businesses shall receive notice.
5. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), the contact person designated pursuant to paragraph two above shall hold pre-bid conference to orient contractors and subcontractors to the policy expressed in this resolution as well as bid procedures and regulations. Minority businesses on the list obtained and maintained as provided herein shall be notified of and invited to these pre-bid conferences.
6. That for each such building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), published notice of the contract shall include a summary of this resolution.
7. That for each such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records with respect to:
 - a. Those contractors or subcontractors notified of the project and the number of these contractors and subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintain pursuant to paragraph two herein.
 - b. Those contractors or subcontractors that bid or other respond to notice of the project and the number of those that are on the maintained list of minority businesses.
 - c. Those contractors and subcontractors awarded contracts as part of the project and the number and identity of those that are on the list of minority businesses, and
 - d. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
8. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:
 - a. Notify those minority businesses appearing on the list of minority businesses maintained pursuant to paragraph two of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority businesses.

- b. Submit with his bids records with respect to:
- i. Those subcontractors notified of the project and of those elements of the project for which subcontracts will be let and the number of these subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph two herein;
 - ii. Those subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of minority businesses;
 - iii. Those subcontractors awarded contracts as part of the project and the number and identity of those that are on the maintained list of minority businesses; and
 - iv. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
9. That these policies shall be a part of the request for proposals for any such contract, and non-compliance by any bidder shall be grounds for declaring the bid non-responsive.
10. That this resolution shall become effective upon its adoption.

ADOPTED, this the 15th, day of August, 2011.

**JOHNNIE R. FARMER, CHAIRMAN
NORTHERN WATER DISTRICT BOARD**

On a motion by Hunter and a second by Gatling, the Board voted unanimously to return to Regular Session.

REGULAR SESSION

On a motion by Hunter and a second by Gatling, the Board voted unanimously to go into a meeting of the Southern Rural Water District Governing Board.

SOUTHERN RURAL WATER DISTRICT GOVERNING BOARD

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the following Resolution to Establish a Verifiable Percentage Goal for Participation by Minority Business in the Awarding of Building Construction Contracts Awarded Pursuant to N.C.G.S. 143-128.2:

**RESOLUTION TO ESTABLISH A VERIFIABLE
PERCENTAGE GOAL FOR PARTICIPATION
BY MINORITY BUSINESS IN THE
AWARDING OF BUILDING CONSTRUCTION CONTRACTS AWARDED PURSUANT
TO N.C.G.S. 143-128.2**

WHEREAS, N.C.G.S. 143-128.2 (a) requires each city, county or other public body to adopt, after notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars (\$100,000) and which are awarded pursuant to N.C.G.S. 143-128; and

WHEREAS, N.C.G.S. 143-128.2 (c) requires an authority awarding a building contract the costs of which exceeds one hundred thousand dollars (\$100,000) under any of the methods authorized under N.C.G.S. 143-128 (a) (1) to adopt written guidelines

specifying actions that will be taken by the awarding authority to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts; and

WHEREAS, N.C.G.S. 143-128.2 (h) requires the state and its political subdivisions to award public building contracts the costs of which exceeds one hundred thousand (\$100,000) without regard to race, religion, color, creed, national origin, sex, age or handicapping condition; and

WHEREAS, the District has previously adopted a goal for minority business participation of at least 25% of contract dollars, such goal having been adopted on December 7th, 1987, and pursuant to N.C.G.S. 143-128.2 (a), the governing body of the **Southern Water District** hereby finds that there is a sufficiently strong basis in evidence to justify continuation of that 25% goal, in order to remedy the present effects of past discrimination, to obtain as large a pool of prospective vendors and contractors as possible, and to encourage and ensure representative participation of all segments of the population in the County's economy; and

WHEREAS, notice of the public hearing was duly published in the Roanoke-Chowan News Herald and the public hearing required by N.C.G.S. 143-128.2 (a) was held on the 15th day of August, 2011.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Southern Water District:

1. That the District shall have a verifiable goal of 25% for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. 143-128.
2. That the official, employee or agent responsible for advertising such contracts shall compile a list of minority businesses within the bidding area, using information obtained from the North Carolina Department of Economic and Community Development, Minority Business Development Agency or from other institutions or agencies providing such information.

This list shall be updated on an annual basis and shall be available so that minority businesses will have the opportunity to add their names to the list. Copies of this resolution shall be transmitted to the businesses on the list as soon as practicable along with the name of the official, employee or agent who shall serve as the contact person for minority businesses and be responsible for answering project related questions posed by minority businesses.

3. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), notice of the contract shall be transmitted to minority businesses on the above lists.
4. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), documents related to the contract shall be available for inspection at a convenient and accessible location of which minority businesses shall receive notice.
5. That for each building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), the contact person designated pursuant to paragraph two above shall hold pre-bid conference to orient contractors and subcontractors to the policy expressed in this resolution as well as bid procedures and regulations. Minority businesses on the list obtained and maintained as provided herein shall be notified of and invited to these pre-bid conferences.
6. That for each such building contract put out for bids under any of the methods authorized under N.C.G.S. 143-128 (a) (1), published notice of the contract shall include a summary of this resolution.

7. That for each such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records with respect to:
 - a. Those contractors or subcontractors notified of the project and the number of these contractors and subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph two herein.
 - b. Those contractors or subcontractors that bid or other respond to notice of the project and the number of those that are on the maintained list of minority businesses.
 - c. Those contractors and subcontractors awarded contracts as part of the project and the number and identity of those that are on the list of minority businesses, and
 - d. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
8. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:
 - a. Notify those minority businesses appearing on the list of minority businesses maintained pursuant to paragraph two of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority businesses.
 - b. Submit with his bids records with respect to:
 - i. Those subcontractors notified of the project and of those elements of the project for which subcontracts will be let and the number of these subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph two herein;
 - ii. Those subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of minority businesses;
 - iii. Those subcontractors awarded contracts as part of the project and the number and identity of those that are on the maintained list of minority businesses; and
 - iv. The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
9. That these policies shall be a part of the request for proposals for any such contract, and non-compliance by any bidder shall be grounds for declaring the bid non-responsive.
10. That this resolution shall become effective upon its adoption.

ADOPTED, this the 15th, day of August, 2011.

JOHNNIE R. FARMER, CHAIRMAN
SOUTHERN WATER DISTRICT BOARD

On a motion by Hunter and a second by Gatling, the Board voted unanimously to return to Regular Session.

PUBLIC COMMENT PERIOD

No one was present to speak during the public comment period.

COMMISSIONERS' COMMENTS

- Chairman Farmer discussed D.O.T. Road Construction Projects

REGULAR SESSION

On a motion by Hunter and a second by Gatling, the Board voted unanimously to go into a scheduled Closed Session as allowed under G. S. 143-318.11 (a) (3) to consult with the County Attorney and (6) to discuss personnel matters.

CLOSED SESSION

Minutes of Closed Session are on file in the office of the Clerk to the Board.

REGULAR SESSION

SOLID WASTE

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve a short-term lease for Solid Waste equipment to Waste Industries, at \$200 per month, until completion of the upset bid process.

COURTHOUSE

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to authorize the County Manager to offer up to \$30,000 for the Wesley Ray Stewart property beside County Office Building #1 for extra parking during the construction of the new courthouse. If not successful with this offer, then the County Manager was authorized to pursue the property behind it belonging to David C. Reed.

COURTHOUSE/COUNTY SEAT

On a motion by Gatling and a second by Hunter, the Board voted unanimously to instruct the County Manager to explore the options of moving the County seat to Ahoskie and/or relocating the site of the new County Courthouse.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to go into a meeting of the Governing Board of the Tunis Sewer District.

TUNIS SEWER DISTRICT GOVERNING BOARD

On a motion by Hunter and a second by Gatling, the Board voted unanimously to authorize the purchase of property, a 0.17 acre parcel at the corner of River Road and Tunis Road, in the amount of \$10,000 for the Tunis Sewer Project Pumping Station, from Rodney Kirk.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve the Interlocal Cooperation Agreement with the Town of Winton as presented contingent upon USDA approval.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to return to Regular Session.

REGULAR SESSION

On a motion by Hunter and a second by Gatling, the Board voted unanimously to adjourn the meeting.

Shelia W. Matthews
Clerk to the Board

Johnnie R. Farmer, Chairman
Hertford County Commissioners