

WAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

June 18, 2012

2:00 P.M.

Room 700, Wake County Courthouse

Members present were: Chairman Paul Coble, Vice Chair Phil Matthews and Commissioners Joe Bryan, Tony Gurley, Ervin Portman, James West, and Betty Lou Ward

Others attending were: David C. Cooke, County Manager, Scott Warren, County Attorney, Susan J. Banks, Clerk to the Board, Denise Hogan, Deputy Clerk, Joe Durham and Johnna Rogers, Deputy County Managers.

Meeting Called to Order: Chairman Paul Coble

Pledge of Allegiance

Invocation: Commissioner Betty Lou Ward

Items of Business

Approval of Agenda

Chairman Coble called for approval of the agenda. Mr. Cooke stated an amendment was made to the Personnel Ordinance that changed the position count by one position. A copy of the updated ordinance was provided to each commissioner.

Phil Matthews motioned, seconded by Tony Gurley, to approve the agenda. The motion passed unanimously.

Approval of the Minutes of the Board of Commissioners Joint Meeting with Raleigh City Council on May 31, Regular Meeting on June 4 and Work Session on June 11

Betty Lou Ward motioned, seconded by James West, to approve the Minutes of the Board of Commissioners Joint Meeting with Raleigh City Council on May 31, Regular Meeting on June 4 and Work Session on June 11. The motion passed unanimously.

Recognition of Wake County Envirothon Team Winning State Title

Chairman Coble recognized Ms. Dale Threatt-Taylor, Soil and Water Conservation Director/Program Manager, and Ms. Sheila Jones, Soil and Water Conservation Environmental Education Supervisor.

Mr. Bill Cole, Wake County Soil and Water Conservation District Board of Supervisors, introduced Enloe High School's Envirothon Team for winning the State Title. Team members Vineet Gopinathan, Stephanie Huang, Rachel Smoak, and Rebecca Wall (Prakhar Naithani not present) introduced themselves to the board. Mr. Cole said the five teens will represent Wake County and have mastered these five topics: soils and land use, aquatic ecology, forestry, wildlife, and current environmental issues. Mr. Cole said that Enloe High School's Sub-Chronic Exposure team earned 1st place and the privilege to advance to the state competition. The team captured first place from a field of 44 high school teams from across the state. Mr. Cole introduced teachers Chad Ogren and Debbie Massengill. This summer the team will represent Wake County and North Carolina at the 2012 Canon Envirothon July 22-28 at Susquehanna University in Pennsylvania. Sub-Chronic Exposure will compete with the best teams from 50 state teams and eight Canadian provinces at North America's largest high school environmental education competition. They will compete for \$107,000 in college scholarship funds. Mr. Cole said this is the 4th time that Enloe High School has gone to the nationals.

Mr. Chad Ogren said that the team will do its best. This year is the 15th anniversary of the competition. Ms. Debbie Massengill said the students have studied hard and she is very proud of them.

Mr. Cole thanked the Board of Commissioners for recognizing the Wake County Envirothon Team.

Chairman Coble thanked the Soil and Water Conservation staff, students, and Mr. Cole for their hard work.

Caring, Serving, Respecting, Customer Award (CSRC)

There was no presentation on this item.

Retiree Recognition

Mr. Cooke introduced Ms. Nancy Breece, Mr. Gary Evans, Ms. Nancy Franks, Ms. Greta Gill, Mr. Jeffrey Hildreth, Ms. Robin Powell, and Ms. Wendy Sweeney. He presented each employee with a plaque for their years of service.

Consent Agenda

Chairman Coble called for approval of the consent agenda. Commissioner Portman asked if the information regarding the Register of Deeds salary increase could be pulled and discussed separately.

Chairman Coble asked Mr. Scott Warren, County Attorney, if the Register of Deeds compensation ordinance can be pulled and discussed before voting on the consent agenda. Mr. Warren said that the board could discuss the compensation before voting on the consent agenda.

Commissioner Portman said that he could not support the compensation increase proposed for the Register of Deeds and would like to vote on this separately.

Ervin Portman motioned, seconded by Betty Lou Ward, to pull the Register of Deeds compensation off the consent agenda and let the rest of the budget be considered as part of the consent agenda for approval. The motion passed unanimously.

Commissioner Portman said that he could not support the compensation increase proposed for the Register of Deeds and would like to vote on this separately.

Ervin Portman motioned to have the compensation for the Register of Deeds be reviewed with others in its category and be brought back to the board for consideration. Commissioner West asked if this position had not been reviewed. Mr. Cooke said the elected positions were reviewed separately. The Sheriff's salary was last reviewed in 2009 and he received a 10% increase and the Register of Deeds position was last reviewed in 2005 and a 5% increase was given.

There was no second to Commissioner Portman's motion, so the motion failed.

Chairman Coble stated they were back to considering the consent agenda and called for a vote which passed with a vote of 6 to 1 as follows:

AYES: Joe Bryan, Paul Coble, James West, Phil Matthews, Tony Gurley,
Betty Lou Ward
NOES: Ervin Portman

Chairman Coble said that placing the budget on the consent agenda places faith in the Board of Commissioners. The budget approval provides a good model for the citizens of Wake County.

Adoption of the FY 2013 Budget and Project Ordinances and the Personnel Authorization Ordinance

Adoption of the following FY 2013 budget related ordinances as approved on the consent agenda:

- A. Fiscal Year 2013 Operating Budget Ordinance
 - i. General Fund
 - ii. Debt Service Fund
 - iii. Solid Waste Enterprise Fund
 - iv. South Wake Landfill Fund
 - v. Corporate Fleet Fund
- B. Capital Improvement Fund Project Ordinance
 - i. County Capital Projects Fund
 - ii. Fire Tax District Capital Projects Fund
 - iii. Major Facilities Capital Projects Fund
 - iv. Solid Waste Capital Projects Fund
 - v. Wake Technical Community College Capital Projects Fund
- C. Housing and Community Revitalization Fund Project Ordinance
- D. Capital Area Workforce Development Fund Project Ordinance
- E. Fire Tax Fund Budget Ordinance
- F. Grants and Donations Fund Project Ordinance
- G. Major Facilities Fund Budget Ordinance
- H. Personnel Authorization Ordinance

OPERATING BUDGET ORDINANCE FOR FISCAL YEAR 2013

BE IT ORDAINED by the Board of County Commissioners of Wake County, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the County government and its activities for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

General Government	
Board of Commissioners	\$ 469,989
County Manager	1,398,031
County Attorney	1,474,562
Board of Elections	4,832,974
Facilities, Design, and Construction	1,128,390
Finance	2,822,360

Human Resources	1,856,436
Information Services	11,520,776
Register of Deeds	2,513,646
Revenue	5,847,131
Community Services	25,884,563
Environmental Services	7,929,909
General Services	23,126,954
Medical Examiner	204,200
Human Services	179,971,918
City-County Bureau of Identification	4,945,867
Sheriff	67,307,577
Fire and Emergency Management	1,962,267
Emergency Medical Services	29,903,948
Emergency Communications	1,188,379
Education	
Wake County Public Schools (see section 2 regarding specific appropriation)	318,341,737
Wake Technical Community College	16,190,938
Non-departmental	
Memberships	356,022
Public Agencies	1,519,251
Non-departmental Services	77,258
Criminal Justice Partnership Programs	898,534
Economic Development	328,815
Cooperative Extension	177,719
Soil and Water Conservation District	435,630
Salary and Benefit Reserve	3,000,000
Health Benefits	4,723,830
Risk Management Cost of Claims	1,218,389
Transfers	
Transfer to County Capital Projects	25,449,000

Fund	
Transfer to Debt Service Fund	188,663,000
Interfund Transfer to Revaluation Reserve	<u>850,000</u>
TOTAL GENERAL FUND APPROPRIATION	\$ 938,520,000

Section 2: The appropriation to the Wake County Public School System is hereby allocated by purpose and function as defined by NCGS 115C-426 and as authorized by NCGS 115C-429(b). The Wake County Board of Education will notify the Board of Commissioners of amendments to the WCPSS budget. For amendments which would increase or decrease the amount of the County appropriation allocated to a purpose and function by more than fifteen percent (15%) of the adopted appropriation the WCPSS will notify the Board of Commissioners at a public meeting of the Board of Commissioners.

Instructional Services

Regular Instructional Services	\$ 77,542,282
Special Populations Services	27,633,212
Alternative Programs and Services	13,978,137
School Leadership Services	32,280,941
Co-Curricular Services	8,091,133
School-Based Support Services	8,884,420
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	\$ 168,410,125

Systemwide Support Services

Support and Developmental Services	\$ 6,008,170
Special Populations Support and Development Services	3,098,201
Alternative Programs and Services Support and Development Services	1,011,036
Technology Support Services	13,801,616
Operational Support Services (WCPSS Fund 2)	82,411,086

Operational Support Services (WCPSS Fund 4)	1,160,365
Financial and Human Resource Services	15,982,697
Accountability Services	2,811,504
Systemwide Pupil Support Services	3,578,461
Policy, Leadership, and Public Relations Services	7,088,350
	\$ 136,951,486
Ancillary Services	
Nutrition Services	\$ 582
Adult Services	34,133
	\$ 34,715
Non-Programmed Charges	
Payments to Other Governmental Units	\$ 12,945,411
	\$ 12,945,411
TOTAL WAKE COUNTY PUBLIC SCHOOLS APPROPRIATION	\$ 318,341,737

Section 3: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Ad Valorem Taxes	\$648,962,083
Sales Tax	121,137,839
Lease/Rental Vehicle Tax	2,550,000
Payment in Lieu of Taxes	1,230,421
Real Property Transfer (Excise) Tax	5,850,000
Federal Shared Revenues	10,794,838

State Shared Revenues	75,935,735
Local Shared Revenues	4,088,350
Licenses and Permits	3,319,455
Charges for Services	61,687,528
Investment Earnings	49,972
Miscellaneous	493,177
Appropriated Fund Balance	31,602
Transfers from Other Funds	1,539,000
Interfund Transfers	850,000
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TOTAL GENERAL FUND REVENUE	\$938,520,000

Thirty percent (30%) of the proceeds from the local half-cent sales and use tax authorized July 1, 1984 under authority of Article 40 of the North Carolina General Statutes and sixty percent (60%) of the local half-cent sales and use tax authorized October 1, 1986 under the authority of Article 42 of the North Carolina General Statutes are hereby declared to be included in the appropriation for school capital outlay, capital projects, and/or school debt service.

Section 4: The following is hereby appropriated in the Debt Service Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013 for the purpose of paying debt service commitments:

Debt Service Principal, Interest, and Fees	\$ 235,447,000
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TOTL DEBT SERVICE FUND APPROPRIATION	\$ 235,447,000

Section 5: It is estimated that the following revenue will be available in the Debt Service Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Transfer from General Fund – Ad Valorem	\$ 159,641,000
Transfer from General Fund – Sales Tax	29,022,000
Transfer from Major Facilities Fund	991,000
Transfer from Fire Tax District Fund	1,140,000
State Lottery Proceeds	10,000,000
Interest Income	6,579,000
Federal - Other	3,002,174
Appropriated Fund Balance	25,071,826
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TOTAL DEBT SERVICE FUND REVENUE	\$ 235,447,000

Section 6: The following is hereby appropriated in the Solid Waste Management Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Operating Expenses	\$ 11,307,000
Transfer to General Fund	456,000
Transfer to Solid Waste Capital Projects Fund	1,100,000
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TOTAL SOLID WASTE MANAGEMENT FUND APPROPRIATION	\$ 12,863,000

Section 7: It is estimated that the following revenue will be available in the Solid Waste Management Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

State	1,230,464
Charges for Services	7,679,828
Licenses and Permits	6,500
Interest Income	357,000
Miscellaneous	2,702,208
Transfers	887,000
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TOTAL SOLID WASTE MANAGEMENT FUND REVENUE	\$ 12,863,000

Section 8: The following is hereby appropriated in the South Wake Landfill Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Operating Expenses	\$ 13,229,000
Transfers Out	887,000
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TOTAL SOUTH WAKE LANDFILL FUND APPROPRIATION	\$ 14,116,000

Section 9: It is estimated that the following revenue will be available in the South Wake Enterprise Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Disposal and License Fees	\$ 14,116,000
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TOTAL SOUTH WAKE LANDFILL FUND REVENUE	\$ 14,116,000

Section 10: The following is hereby appropriated in the Corporate Fleet Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Operating Expenses	\$ 8,760,000
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TOTAL CORPORATE FLEET FUND APPROPRIATION	\$ 8,760,000

Section 11: It is estimated that the following revenue will be available in the Corporate Fleet Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Charges for Services	\$ 8,174,136
Miscellaneous	435,862
Other Financing Sources	110,002
Investment Earnings	40,000
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TOTAL CORPORATE FLEET FUND REVENUE	\$ 8,760,000

Section 12: There is hereby levied a tax at the rate shown below, per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2012, located within the Wake County portion of the Durham-Wake Counties Research Triangle Park Research and Production Service District for the raising of revenue for said district. The estimated total of valuation of property for the special district for the purpose of taxation is as follows:

	Assessed Value	Tax Rate
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Research and Production Service District	\$ 1,269,903,122	3.87 cents

There is hereby appropriated to the Durham-Wake Counties Research Triangle Park Research and Production Service District from the net proceeds of this tax the amount for use by said district in such manner and for such expenditures as is permitted by law from the net proceeds of this tax, including a tax collection rate of two-tenths of one percent to be paid to Wake County for collecting the tax. The anticipated revenue from this tax rate is \$491,452. The actual net proceeds from the tax shall constitute the appropriation from said tax levy.

Section 13: The County Manager, or his designee, is hereby authorized to transfer appropriations within a Fund as contained herein under the following conditions:

- A) He may transfer amounts between appropriations within the same Fund. For transfers exceeding \$75,000 he shall make a report of the transfer to the Board of Commissioners at the next regularly scheduled meeting of the Board following the transfer.

- B) He may transfer amounts from the salary and benefits reserve to individual departmental appropriations following adoption of the budget in order to properly fund salary and benefit amounts within departments.

Section 14: The County Manager, or his designee, is hereby authorized to execute contractual documents under the following conditions:

- A) He may execute contracts for construction or repair projects that do not require formal competitive bid procedures.

- B) He may execute contracts for: (1) purchases of apparatus, supplies, and materials, or equipment which are within budgeted appropriations; (2) leases of personal property for a duration of one year or less and within departmental appropriations; (3) lease of personal property for more than 12 months if the annual expense is less than \$50,000; and (4) service contracts within appropriations or contracts for 12 months or less.

- C) He may execute grant agreements to or from governmental units and other public, private, and non-profit organizations that are within budgeted appropriations, unless a grantor requires approval and execution by the Board of Commissioners.

- D) He may execute contracts, as the lessor or lessee of buildings, land, equipment, vehicles, heavy equipment and other property provided that such leases are of one-year duration or less and that funds therefore are within budgeted appropriations.

E) He may, within budgeted appropriations, approve all change orders and amendments to contracts previously approved by the Board of Commissioners.

Section 15: The County Manager, or his designee, may authorize payment in an amount not to exceed \$100,000 in settlement of any liability claims against the County or against any of its officers or employees as provided by Resolution of May 20, 1985 and Resolutions of October 6, 2003. The County Manager shall make quarterly reports to the Board of Commissioners of any such payments.

Section 16: There is hereby levied a tax at the rate of fifty-three and four-tenths cents (53.4¢) per one hundred dollars (\$100) valuation of property that is located within Wake County and listed for taxes as of January 1, 2012. The revenue from this source is included in "Ad Valorem Taxes" in Section 2 of this Ordinance.

This rate is based on an estimated total valuation of property, for the purpose of taxation, of one hundred twenty-one billion, eight hundred ninety-three million (\$121,893,000,000), which is 100% of the total assessed property tax valuation, and upon a collection rate of 98.50%.

Section 17: The Revenue Director of Wake County is hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Wake County Revenue Department in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Wake, and this order shall be a full and sufficient authority to direct, require, and enable the Revenue Director to levy on and sell any real or personal property of such taxpayers, with or without the assistance of the Wake County Sheriff, for and on account thereof, in accordance with law.

Section 18: Operating funds encumbered by the County as of June 30, 2012 are hereby appropriated to this budget. Multiple year grants unexpended by the County as of June 30, 2012 are hereby appropriated to this budget.

Section 19: Funds provided by the State of North Carolina for disposal of white goods that are not spent as of June 30, 2012, are designated for future year expenditures on white goods programs and are hereby appropriated to the Solid Waste Management Fund budget.

Section 20: The County Manager shall distribute copies of this Budget Ordinance as appropriate.

Section 21: Funding is provided in Section 1 of this ordinance for a 2.0% compensation adjustment for the members of the Board of Commissioners, the members of the Wake County Board of Education,

and the Sheriff. Register of Deeds will receive a 10% compensation adjustment, effective July 1.

Section 22: As authorized in Section 153(A)-102 of the North Carolina General Statutes, the following fees are hereby established or amended, effective on July 1, 2012.

EMS Ambulance Billing Fees (Adjusted based on Medicare allowable rates):

Basic Life Support (BLS)	150% of Medicare Allowable
Advanced Life Support I (ALS I)	150% of Medicare Allowable
Advanced Life Support II (ALS II)	150% of Medicare Allowable
EMS Ambulance Mileage Rate	150% of Medicare Allowable

EMS Franchise Application (new and renewal) Fee:

Renewal Fee	\$1,680
New Application Fee	\$2,392

ADOPTED this the 18th day of June 2012.

CAPITAL IMPROVEMENT FUND PROJECT ORDINANCE FOR FY 2013

BE IT ORDAINED by the Board of County Commissioners of Wake County, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

Section 1: The following amounts are hereby appropriated in the County Capital Projects Fund by Element, Program, and if applicable by Project for the construction and acquisition of capital assets for the fiscal year beginning July 1, 2012:

Element:	Affordable Housing	
Program:	Transfer to Housing and Community Revitalization	<u>\$ 830,000</u>
TOTAL AFFORDABLE HOUSING		\$ 830,000

Element:	Automation	
Program:	Computer Equipment	\$ 1,750,000
Program:	Enterprise Infrastructure	1,200,000

Program:	Child Welfare Document Management System	1,400,000
Program:	CCBI Lab Information Management System	200,000
Program:	Email Archiving	110,000
Program:	Aerial Photography	60,000
Program:	DSS Document Management	25,000
Program:	E-Wake Upgrades and Managed Advantage	1,730,000
Program:	Jail Records Management and System Upgrade	25,000
Program:	Planning and Permitting System	100,000
Program:	Property Tax System Maintenance and Upgrades	35,000
Program:	Public Health System and Electronic Medical Records	1,203,000
Program:	Revaluation	225,000
Program:	ROD Books	<u>250,000</u>
	Subtotal: Major Projects	\$ 5,363,000
	TOTAL AUTOMATION	\$ 8,313,000

Element:	Community Capital	
Program:	Hospice of Wake County	\$ 250,000
Program:	Reserve for Future Projects	<u>250,000</u>
	TOTAL COMMUNITY CAPITAL	\$ 500,000

Element:	County Buildings	
Program:	Board of Elections Space	\$ 105,000
Program:	Animal Control FCA	393,000

Program:	Swinburne Food and Nutrition Services	243,000
Program:	Public Health Center Intake and FCA	52,000
Program:	Wake County Office Building Life Safety/Egress	517,000
Program:	Cornerstone Intake	<u>166,000</u>
	Subtotal: Major Building Renovations	\$ 1,476,000
Program:	Building Systems Replacements	791,000
Program:	Minor Building Projects	900,000
Program:	Roofing Projects	919,000
Program:	Security Improvements County Buildings	208,000
	Subtotal: County Building Improvements	\$ <u>2,818,000</u>
TOTAL COUNTY BUILDINGS		\$ 4,294,000

Element:	Criminal Justice	
Program:	Court Displacement	\$ 1,652,000
Program:	Detention Security	285,000
Program:	Public Safety Center Renovations	1,474,000
Program:	Existing Courthouse Renovations	<u>3,449,000</u>
TOTAL CRIMINAL JUSTICE		\$ 6,860,000

Element:	Economic Development	
Program:	Credit Suisse	\$ 115,000
Program:	Novartis	1,211,000
Program:	NetApp	<u>382,000</u>
	Subtotal: Business Development Grants	\$ 1,708,000
TOTAL ECONOMIC DEVELOPMENT		\$ 1,708,000

Element:	Libraries	
Program:	Northeast Regional Library	\$ (350,000)
Program:	Upgrades to Existing Facilities	<u>350,000</u>
TOTAL LIBRARIES		\$ 0

Element:	Open Space	
Program:	Reserve for Future Projects	<u>\$ 520,000</u>
TOTAL OPEN SPACE		\$ 520,000

Element:	Parks	
Program:	Existing Parks Facility Improvements	<u>\$ 750,000</u>
TOTAL PARKS		\$ 750,000

Element:	Program-wide Projects	
Program:	Transfers to Other Funds (Wake Tech Capital)	\$ 1,500,000
Program:	Reserve for Future Projects	<u>1,245,000</u>
TOTAL PROGRAM-WIDE PROJECTS		\$ 2,745,000

Element:	Public Safety	
Program:	North and South Radio Tower Repairs	\$ 50,000
Program:	Diagnostic Platform	<u>50,000</u>
	Subtotal: 800 MHz Projects	\$ 100,000
Program:	Brier Creek EMS	161,000

Program:	Eastern Wake EMS Renovations	<u>75,000</u>
	Subtotal: EMS Projects	\$ 236,000
TOTAL PUBLIC SAFETY		\$ 336,000
TOTAL COUNTY CAPITAL PROJECTS FUND EXPENDITURES		\$ 26,856,000

Section 2: It is estimated that the following revenues will be available in the County Capital Projects Fund for the fiscal year beginning July 1, 2012:

Transfers In - Ad Valorem Tax	\$ 25,449,000
Municipal Reimbursements	520,000
911 Funds	100,000
Grants	166,000
Prior Year Uncommitted Funds	621,000
TOTAL COUNTY CAPITAL PROJECTS FUND REVENUES	<u>\$ 26,856,000</u>

Section 3: The following amount is hereby appropriated in the Fire Tax District Capital Projects Fund by Element and Program for the fiscal year beginning July 1, 2012:

Element: Fire / Rescue	
Programs: Fire Apparatus	\$ 295,000
Fire Equipment	767,000
Fire Facilities	473,000
Reserve for Future Fire Projects	30,000
TOTAL FIRE / RESCUE	<u>\$ 1,565,000</u>

Section 4: It is estimated that the following revenue will be available in the Fire Tax District Capital Projects Fund for the fiscal year beginning July 1, 2012:

Appropriated Fund Balance	\$ 197,000
Fire Protection	30,000

Transfers In From Fire Tax District Fund	<u>1,338,000</u>
TOTAL FIRE CAPITAL PROJECTS FUND REVENUE	\$ 1,565,000

Section 5: It is estimated that \$1,139,000 of debt financing will be authorized at a later date by the Board of Commissioners and funds will be appropriated for fire apparatus and vehicles once debt financing is authorized and secured.

Section 6: The following amount is hereby appropriated in the Major Facilities Capital Projects Fund by Element and Program for the fiscal year beginning July 1, 2012:

Element: Major Facilities	
Programs: Five County Stadium	\$ 310,000
Marbles/IMAX	590,000
Green Square	<u>100,000</u>
TOTAL MAJOR FACILITIES	\$ 1,000,000

Section 7: It is estimated that the following revenue will be available in the Major Facilities Capital Projects Fund for the fiscal year beginning July 1, 2012:

Transfer from Major Facilities Special Revenue Fund	<u>\$ 1,000,000</u>
TOTAL MAJOR FACILITIES CAPITAL PROJECTS FUND REVENUES	\$ 1,000,000

Section 8: The following amount is hereby appropriated in the Wake Technical Community College Capital Projects Fund by Element and Program for the fiscal year beginning July 1, 2012:

Element: Wake Technical Community College	
Programs: General Repairs and Renovation	\$ 500,000
Minor Capital	1,000,000
TOTAL WAKE TECHNICAL COMMUNITY COLLEGE CAPITAL PROJECTS FUND APPROPRIATION	<u>\$ 1,500,000</u>

Section 9: It is estimated that the following revenues will be available in the Wake Technical Community College Capital Projects Fund for the fiscal year beginning July 1, 2012:

Transfer from County Capital	<u>\$ 1,500,000</u>
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TOTAL WAKE TECHNICAL COMMUNITY COLLEGE CAPITAL PROJECTS FUND REVENUES	\$ 1,500,000
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Section 10: The following amount is hereby appropriated in the Solid Waste Capital Projects Fund by Element and Program for the fiscal year beginning July 1, 2012:

Element: Solid Waste	
Programs: East Wake Landfill	\$ 500,000
Multi-material and Convenience Centers	600,000
North Wake Landfill	100,000
South Wake Landfill	<u>1,225,000</u>
TOTAL SOLID WASTE CAPITAL	\$ 2,425,000

Section 11: It is estimated that the following revenue will be available in the Solid Waste Capital Projects Fund for the fiscal year beginning July 1, 2012:

Appropriated Fund Balance	\$ 1,100,000
Closure/Post-closure Reserve	<u>1,325,000</u>
TOTAL SOLID WASTE CAPITAL REVENUE	\$ 2,425,000

Section 12: It is estimated that \$2,000,000 will be available for Solid Waste Capital Fund upon sale of land adjacent to the North Wake Landfill. Appropriations for specific projects will be made upon receiving proceeds from the sale of the assets.

Section 13: The Finance Department is hereby directed to maintain sufficient specific detailed accounting records for each capital project authorized.

Section 14: The Finance Department is directed to report annually on the financial status of each capital fund and on the project expenditures and on the total revenues received.

Section 15: The capital projects funds are appropriated pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina; therefore, appropriations do not lapse at the end of the fiscal year and are available for duration of the project unless subsequently amended by Board action.

Section 16: Transfers between elements or programs require Board of Commissioners' approval. The County Manager, or his designee, is authorized to transfer appropriation amounts and realized revenue between projects within the same program. For transfers within the same program, exceeding \$75,000 he shall make a report of the transfer to

the Board of Commissioners at the next regularly scheduled meeting of the Board following the transfer.

Section 17: The County Manager shall distribute copies of this Capital Projects Ordinance as appropriate.

ADOPTED this the 18th day of June 2012.

HOUSING AND COMMUNITY REVITALIZATION PROJECT ORDINANCE

BE IT ORDAINED by the Board of County Commissioners of Wake County, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

Section 1: Projects are authorized as described in sections 3, 5, 7 and 9, and involve a variety of affordable housing activities, including the Community Development Block Grant (CDBG), HOME and HOPWA programs, funded from the U.S. Department of Housing and Urban Development, and other county and grant supported affordable housing initiatives.

Section 2: The following amounts are appropriated for the projects of the CDBG Program:

Administration	\$ 204,473
Homeowner Rehabilitation	441,901
Public Facilities	1,012,990
Affordable Housing Development	280,000
TOTAL CDBG APPROPRIATION	\$ 2,019,364

Section 3: It is estimated that the following revenues will be available to complete projects in the CDBG Program:

Direct Federal Revenues	\$ 1,652,285
Federal Program Income	367,079
TOTAL CDBG REVENUES	\$ 2,019,364

Section 4: The following amounts are appropriated for the projects of the HOME Program:

Administration	\$	51,200
Community Housing Development	\$	76,800
Affordable Housing Development		<u>534,001</u>
TOTAL HOME PROGRAM APPROPRIATION	\$	662,001

Section 5: It is estimated that the following revenues will be available to complete projects described in the HOME Program:

Direct Federal Revenues	\$	512,001
Federal Program Income		<u>150,000</u>
TOTAL HOME PROGRAM REVENUES	\$	662,001

Section 6: The following amounts are appropriated for the projects of the HOPWA Program:

Administration	\$	20,358
HOPWA		<u>658,245</u>
TOTAL HOPWA PROGRAM APPROPRIATION	\$	678,603

Section 7: It is estimated that the following revenues will be available to complete projects described in the HOPWA Program:

Direct Federal Revenues	\$	<u>678,603</u>
TOTAL HOPWA PROGRAM REVENUES	\$	678,603

Section 8: The following amounts are appropriated for the projects of the County Affordable Housing Program:

Affordable Housing Development	\$	587,742
Rental Assistance for Mentally Ill	\$	400,000
Support Circles Staff Position		<u>56,807</u>
TOTAL COUNTY AFFORDABLE HOUSING APPROPRIATION	\$	1,044,549

Section 9: It is estimated that the following revenues will be available to complete projects described in the County Affordable Housing Program:

Program Income	\$ 170,000
Program Income in Excess of FY 2012 Budget	\$ 44,549
County Funding	<u>\$ 830,000</u>
TOTAL COUNTY AFFORDABLE HOUSING REVENUES	\$ 1,044,549

Section 10: The following amounts are appropriated for the projects of the Small Cities Housing Program:

Affordable Housing Development	<u>\$ 19,483</u>
TOTAL SMALL CITIES HOUSING PROGRAM APPROPRIATION	\$ 19,483

Section 11: It is estimated that the following revenues will be available to complete projects described in the Small Cities Housing Program:

Federal Program Income	<u>\$ 19,483</u>
TOTAL SMALL CITIES HOUSING PROGRAM REVENUES	\$ 19,483

Section 12: The Finance Director is hereby directed to maintain, within the Housing and Community Revitalization Fund sufficient detailed accounting records for each grant or project authorized.

Section 13: Transfers between programs require Board of Commissioners approval. The County Manager, or his designee, is authorized to transfer appropriation amounts and realized revenue between projects within the same program. For transfers within the same program exceeding \$75,000, he shall make a report of the transfer to the Board of

Commissioners at the next regularly scheduled meeting of the Board following the transfer.

Section 14: Upon its adoption, this Housing and Community Revitalization Project Ordinance will become part of a multi-year special revenue fund for affordable housing projects, which include Community Development and HOME grants, State and County affordable housing programs funded in previous years. All funds are appropriated pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina; therefore, appropriations do not lapse at the end of the fiscal year and are available for duration of the project unless subsequently amended by Board action.

Section 15: Copies of this Housing and Community Revitalization Project Ordinance shall be filed with the County Manager and the Finance Director.

ADOPTED this the 18th day of June 2012.

CAPITAL AREA WORKFORCE DEVELOPMENT PROJECT ORDINANCE

BE IT ORDAINED by the Board of County Commissioners of Wake County, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

Section 1: Projects are authorized as described in Section 3 and Section 7, and involve a variety of workforce development activities, including the JobLink Centers career system, youth development activities, job training partnerships, and service to dislocated workers and companies facing layoffs and closures. The state and federal government provide funds for all projects.

Section 2: The following amounts are appropriated for the projects of the Capital Area Workforce Development fund:

Fiscal Year 2013 CAWD Program

\$ 6,888,000

Section 3: It is estimated that the following revenues will be available to complete those projects described in section 3:

Federal Shared Revenues

\$ 6,888,000

Section 4: The Finance Director is hereby directed to maintain, within the Capital Area Workforce Development fund sufficient detailed accounting records for each grant or project authorized.

Section 5: The Finance Director is directed to report annually on the financial status of each grant and the revenue received.

Section 6: The County Manager is authorized to transfer appropriations between projects within the Capital Area Workforce Development Fund.

Section 7: Upon its adoption, this Capital Area Workforce Development Fund will become part of a multi-year special revenue fund for workforce development activities, which include enhancing a workforce system that is responsive to local needs, connects private and public resources, enables individuals to attain and upgrade skills necessary for gainful employment, and assists businesses in maintaining a skilled workforce to compete in a global economy. All funds are appropriated pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina; therefore, appropriations do not lapse at the end of the fiscal year and are available for duration of the project unless subsequently amended by Board action.

Section 8: In the event that net revenues from Federal Shared Revenues exceeds the appropriation, the actual net revenues received from that source will constitute the authorized appropriation.

Section 9: Copies of this Capital Area Workforce Development Ordinance shall be filed with the County Manager and the Finance Director.

ADOPTED this the 18th day of June, 2012.

FIRE TAX DISTRICT FUND ORDINANCE

BE IT ORDAINED by the Board of County Commissioners of Wake County, North Carolina:

Section 1: The following amount is hereby appropriated in the Fire Tax District Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Contracted Services	\$ 16,793,243
Other Operating Expenses	898,757
Transfer to Debt Service Fund	1,140,000
Transfer to Fire Tax District Capital Fund	1,338,000

TOTAL FIRE TAX DISTRICT SPECIAL REVENUE FUND	
APPROPRIATION	\$ 20,170,000

Section 2: It is estimated that the following revenue will be available in the Fire Tax District Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Ad valorem taxes	\$ 20,165,000
Interest	5,000

TOTAL FIRE TAX DISTRICT SPECIAL REVENUE FUND	
REVENUES	\$ 20,170,000

Section 3: There is hereby levied a tax at the rate of eight cents (\$0.08) per one hundred dollars (\$100.00) valuation of property listed for taxes as of January 1, 2012, located within the single special fire tax district for the raising of revenue for the said special fire tax district. This rate is based on an estimated total valuation of property for the single special fire tax district, for the purpose of taxation, twenty-five billion, four hundred twenty-two million, six hundred thousand dollars (\$25,422,600,000) which is 100% of the total assessed property tax valuation, and upon a collection rate of 98.5% and upon a collection fee of 0.2%. The property tax valuation does not include delinquent or late list payments.

Section 4: The Finance Director is hereby directed to maintain within the Fire Tax District Fund sufficient specific detailed accounting records.

Section 5: The Finance Director is directed to report annually on the financial status of this Fund.

Section 6: There is no tax levied in the following fire tax districts: Alert, Bayleaf/Six Forks, Cary Suburban, Durham Highway, Furina, Garner, Hipex, Holly Springs, Hopkins, Morrisville, Rolesville, Stony Hill, Swift Creek, Ten Ten, Wake New Hope, Wakelon, Wakette, Wendell Holmes, and Western Wake.

Section 7: The County Manager shall distribute copies of this ordinance as appropriate.

ADOPTED this the 18th day of June, 2012.

GRANTS AND DONATIONS PROJECT ORDINANCE

BE IT ORDAINED by the Board of County Commissioners of Wake County, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

Section 1: Projects are authorized as appropriated in section 3, and involve a variety of community development, public health, social service, and public safety activities. Funds come from state and federal grants, donations, state and federal forfeiture funds, and Wake County appropriations.

Section 2: The following amounts are appropriated for the projects of the Grants and Donations Fund:

Grants	\$ 1,775,500
Forfeitures	269,500
TOTAL GRANTS AND DONATIONS FUND APPROPRIATION	\$ 2,045,000

Section 3: It is estimated that the following revenues will be available to complete those projects described in section 1:

Federal Shared Revenues	\$ 886,523
State Shared Revenues	699,294
Local Shared Revenues	457,601
Interest Income	167
Miscellaneous	1,415
TOTAL GRANTS AND DONATIONS FUND REVENUES	\$ 2,045,000

Section 4: In the event that net revenues from an individual donation or forfeiture source exceed the appropriation, the actual net revenues received from that source will constitute the authorized appropriation. The appropriation for projects funded by state and federal grants and business investment grants shall be set by the Board of County Commissioners.

Section 5: The Finance Director is hereby directed to maintain, within the Grants and Donations Fund, sufficient detailed accounting records for each grant or project authorized.

Section 6: The Finance Director is directed to report annually on the financial status of each grant and the revenue received.

Section 7: Upon its adoption, the Grants and Donations Fund will become a multi-year special revenue fund for non-recurring activities. All funds are appropriated pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina; therefore, appropriations do not lapse at the end of the fiscal year and are available for duration of the project unless subsequently amended by Board action.

Section 8: Copies of this ordinance shall be filed with the County Manager and the Finance Director.

ADOPTED this the 18th day of June 2012.

MAJOR FACILITIES FUND ORDINANCE

BE IT ORDAINED by the Wake County Board of Commissioners, that the following budget ordinance for the Major Facilities Fund is hereby adopted:

Section 1: The following amounts are hereby appropriated in the Major Facilities Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013 for projects and the administration of the tax collection efforts:

Raleigh Convention Center for Operating Support and Debt Service	\$ 16,176,116
City of Raleigh for Discretionary Projects	1,000,000
City of Raleigh Holdback from Occupancy Tax Proceeds	680,000
Town of Cary Holdback from Occupancy Tax Proceeds	791,364
Greater Raleigh Convention and Visitors Bureau for Operating Support	4,204,070
Debt Service for Construction of the PNC Arena (formerly RBC Center)	5,207,715
Centennial Authority for Operating Support	2,100,735
Centennial Authority for Capital Projects at PNC Arena (formerly RBC Center)	1,000,000
Transfer to General Fund, Administrative Fee for Occupancy Tax	489,658
Transfer to General Fund, Admin. Fee for Prepared Food and	593,342

Beverage Tax

Transfer to Debt Service Fund for Debt on Five County Stadium	991,000
Transfer to Major Facilities Capital Projects Fund	1,000,000
North Carolina Museum of Art	1,000,000
North Carolina Museum of Natural Science	800,000
Cary Sports Facility	400,000
Saint Augustine's College Track	100,000
TOTAL MAJOR FACILITIES FUND APPROPRIATION	<u>\$ 36,534,000</u>

Section 2: It is estimated that the following revenues will be available in the Major Facilities Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013 to fund those projects described in Section 2:

Occupancy Tax	\$ 16,317,000
Prepared Food and Beverage Tax	19,772,000
Appropriated Fund Balance	<u>445,000</u>
TOTAL MAJOR FACILITIES FUND REVENUES	\$ 36,534,000

Section 3: The Finance Director is hereby directed to maintain within the Major Facilities Fund sufficient specific detailed accounting records for each project authorized and to report annually on the financial status of this Fund.

Section 4: Copies of this ordinance shall be filed with the County Manager and Finance Director.

ADOPTED this the 18th day of June 2012.

PERSONNEL AUTHORIZATION ORDINANCE

BE IT ORDAINED by the Wake County Board of Commissioners:

Section 1: The following full-time equivalent positions are hereby authorized in the County government by organizational unit and fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

Department, Division and Fund (All Positions are in the General Fund unless otherwise noted)	Authorized Full-time Equivalent Positions
Board of Commissioners County Manager County Attorney Board of Elections Facilities, Design & Construction Finance General Fund Debt Service Fund	3.000 11.000 13.000 19.500 10.000 34.000 2.000
Finance Total	36.000
Human Resources Information Services CIP Fund	25.000 82.750 1.000
Information Services Total	83.750
Register of Deeds Revenue Soil and Water Conservation District Community Services CS Management and Budget Parks, Recreation and Open Space Veteran Services Geographic Information Services Libraries Planning and Development Services	37.000 61.000 5.000 6.000 23.500 4.000 18.000 210.500 42.000

Community Services Total	304.000
Environmental Services	
General Fund	
ES Administration	9.000
Environmental Health & Safety	28.000
Animal Care, Control and Adoption Center	35.000
Water Quality Division	26.000
Total General Fund	98.000
Solid Waste Fund	14.000
South Wake Landfill Fund	5.000
Department, Division and Fund	Authorized Full-time Equivalent Positions
Environmental Services Total	117.000
General Services	
General Fund	
Administrative Support	10.000
Central Services	15.000
Field Services	31.000
Physical Plant	66.500
Security	6.000
Total General Fund	128.500
Fleet Fund	14.000
General Services Total	142.500
Human Services	
General Fund	
Social Services	411.000
Child Welfare	233.250

Children, Youth and Family	239.250
Public Health	129.561
Health Clinics	156.600
Behavioral Health	178.825
Administrative Operations	237.050
Local Managing Entity	0.000
Total General Fund	1,585.536
Grants Fund	17.750
Affordable Housing	6.750
Human Services Total	1,610.036
Emergency Medical Services	210.000
Fire & Emergency Management	
General Fund	19.000
Grants Fund	1.000
Fire & Emergency Management	20.000
CCBI	70.500
Sheriff	
General Fund	
Law Enforcement	421.000
Detention	500.000
Sheriff Total	921.000
Capital Area Workforce Development	28.000
TOTAL FTEs ALL FUNDS PER SYSTEM	3,727.286

Section 2: The County Manager is hereby authorized to transfer and/or reclassify full-time equivalent positions within the same fund.

Section 3: With the exception of changes allowed through Section 2, any changes to the full-time equivalent (FTE) amounts authorized in Section 1 of this ordinance must be approved by the Board of Commissioners.

Section 4: The salary minimums, midpoints and maximums are hereby established for the salary schedule effective July 1, 2012.

<i>NONEXEMPT SCHEDULE - ANNUAL</i>			
BAND	MINIMUM	MIDPOINT	MAXIMUM
1	\$15,080	\$23,240	\$31,400
2	\$20,400	\$27,500	\$34,600
3	\$23,050	\$31,000	\$38,950
4	\$25,500	\$34,300	\$43,100
5	\$28,900	\$39,000	\$49,000
6	\$32,750	\$44,250	\$55,750
7	\$37,000	\$50,000	\$63,000
8	\$42,300	\$57,250	\$72,200
9	\$48,000	\$65,000	\$82,000
10	\$54,000	\$73,000	\$92,000
11	\$59,500	\$80,500	\$101,500
<i>NONEXEMPT SCHEDULE - HOURLY</i>			
BAND	MINIMUM	MIDPOINT	MAXIMUM
1	\$7.25	\$11.17	\$15.10
2	\$9.81	\$13.22	\$16.63
3	\$11.09	\$14.90	\$18.72
4	\$12.26	\$16.49	\$20.72
5	\$13.90	\$18.75	\$23.55
6	\$15.75	\$21.27	\$26.80
7	\$17.79	\$24.04	\$30.28
8	\$20.34	\$27.52	\$34.71
9	\$23.08	\$31.25	\$39.42

10	\$25.97	\$35.10	\$44.23
11	\$28.61	\$38.70	\$48.79
EXEMPT SCHEDULE - ANNUAL			
BAND	MINIMUM	MIDPOINT	MAXIMUM
26	\$35,500	\$48,000	\$60,500
27	\$39,200	\$53,000	\$66,750
28	\$43,500	\$58,750	\$74,000
29	\$48,100	\$65,000	\$82,000
30	\$52,900	\$71,500	\$90,100
31	\$58,500	\$79,000	\$99,500
32	\$64,750	\$87,500	\$110,250
33	\$71,600	\$96,750	\$121,900
34	\$79,400	\$107,250	\$135,100
35	\$87,750	\$118,500	\$149,250
36	\$97,000	\$131,000	\$165,000
37	\$106,600	\$144,000	\$181,400

Section 5: The following non-exempt position classification schedule is hereby established effective July 1, 2012.

Class Title	Class Title	Class Title
Band 1	Band 5 (cont'd)	Band 7
Library Page	Elections Specialist	Accountant
Park Aide	Executive Assistant	Advanced Practice Paramedic
Pre-Vocational Aide	Firefighter	Animal Control Team Leader
Student Assistant	Human Services Case Manager	Appraiser
		Crime Analyst

Swimming Pool Technician	Inmate Activities Coordinator	Deputy Fire Marshal
	Inventory Control Specialist	Deputy Sheriff - Investigator
Band 2	Licensed Practical Nurse	Deputy Sheriff - Senior Investigator
Animal Shelter Attendant	Mail Center Warehouse Coordinator	Detention Classification Coordinator
Transportation Aide	Mapping Technician	Detention Officer - Sergeant
	Master Mechanic	Emergency Management Specialist
Band 3	Payroll Specialist	Environmental Health Specialist
Administrative Assistant	Plans & Permits Technician	Environmental Program Coordinator
Animal Health Care Technician	Program Assistant	Facility HVAC Specialist
Customer Service Representative	Revenue Agent	General Inspector
Equipment Operator	Senior Accounting Technician	Housing Rehabilitation Specialist
Library Assistant	Senior Equipment Operator	Human Services Sr. Practitioner
Nurses Aide	Senior Identification Technician	Information/Technology Technician
Park Technician	Solid Waste Compliance Officer	Print Shop Coordinator
Pharmacy Technician	Teacher/Tutor	Public Information Specialist
Scale House Attendant	Telecommunicator I	
Utility Worker		Band 8
	Band 6	CCBI Agent
Band 4	Animal Shelter Manager	Chief Deputy Fire Marshal
Accounting Technician	Assistant Park Manager	Dental Hygienist
Animal Control Officer	Buyer	Deputy Sheriff - Sergeant
Dental Assistant	CCBI Processing Unit Supervisor	Detention Officer - Lieutenant
Deputy Register of Deeds	Deputy Clerk to the Board	EMS Supervisor
Emergency Medical Technician	Deputy Sheriff	Environmental Health Program Specialist
Executive Secretary	Deputy Sheriff - First Class	Environmental Services Team Leader
Graphics Specialist	Deputy Sheriff - Master	Fire Captain

Human Resources Technician	Evidence Technician	Fire/Rescue Responder
Human Services Technician	Facility HVAC Technician	Forensic Examiner
Identification Technician	Firefighter/Driver	Natural Resource Conservationist
Interpreter	Forensic Photographer	Nurse
Laboratory Technician	Human Services Program Auditor	Public Safety Training Specialist
Mechanic	Human Services Senior Case Manager	Sheriff Academy Training Manager
Press Operator	Medical Technologist	Trades Supervisor
Class Title	Class Title	Class Title
Band 4 - cont'd	Band 6 - cont'd	
Property/Evidence Clerk	Nutritionist	
Vehicle Technician	Paralegal	Band 9
	Paramedic	Deputy Sheriff - Lieutenant
Band 5	Planning Technician	Lab Supervisor
Administrative Supervisor	Public Health Educator	Nursing Supervisor
Benefits Specialist	Social Worker	
Computer Operator	Soil Scientist	Band 10
Consumer Records Manager	Substance Abuse Counselor	CCBI Field Shift Supervisor
Detention Officer	Telecommunicator II	Latent Print Supervisor
Detention Officer - Master	Trades Specialist	
	Veterans Services Officer	Band 11
	X-Ray Technician	Physician Extender

Section 6: The following exempt position classification schedule is hereby established effective July 1, 2012.

Class Title	Class Title	Class Title
Band 26	Band 29 (cont'd)	Band 31 (cont'd)

Administrative Services Coordinator I	Environmental Engineer/Consultant	Human Resources Manager
Librarian I	Environmental Health Supervisor	Human Services Assistant Division
Risk Management Specialist	Environmental Planner	Director
Workforce Development Specialist	Human Services Program Consultant	Information/Technology Business
Band 27	Inspections Supervisor	Analyst
Business Auditor	Internal Auditor	Land Development Administrator
Human Resources Consultant	Investment Analyst	Long Range Planning Administrator
Human Services Program Specialist	Mapping Supervisor	Regional Library Supervisor
Human Services Supervisor I	Planner III	Security Director
Nutritionist Supervisor	Web Administrator	Band 32
Park Manager	Band 30	Appraisal/Collection Manager
Planner I	Business Officer	Assistant Library Director
Class Title	Class Title	Class Title
Band 27 - cont'd	Band 30 - cont'd	Band 32 - cont'd
Safety Officer	Code Enforcement Complaint	Assistant to the County Manager
Telecommunications Supervisor	Coordinator	Budget & Policy Director
Video Production Specialist	Computer System Administrator	Community Services Manager
Band 28	Conservation District Administrator	Debt & Capital Director
Administrative Services Coordinator II	Detention Officer - Major	Director of Elections
Chemist	Facilities Engineer	Emergency Management Director
Criminal Justice Planner	Financial Systems Administrator	EMS Director
Employee Wellness Coordinator	Fiscal & Policy Analyst	Environmental Health & Safety

EMS Quality Assurance Coordinator	GIS Analyst	Director
Housing Rehabilitation Coordinator	Human Services Program Manager	Environmental Services Manager
Human Services Clinician	Information Services Customer	Financial Services Manager
Human Services Supervisor II	Service Supervisor	Fire Marshal
Information/Technology Specialist	Information/Technology Analyst	Human Services Division Director
Lead Inspector	Payroll Administrator	Human Services Finance Officer
Librarian II	Public Information Manager	Information/Technology Engineer
Planner II	Senior Psychologist	Information/Technology Project
Psychologist	Solid Waste Facilities Manager	Manager
Senior Accountant	Watershed Manager	Inspections, Development, Plans &
Senior Appraiser	Band 31	Permits Director
Senior Soil Scientist	Animal Services Director	Internal Audit Director
Workforce Development Coordinator	Assistant Director of Detention Services	Pharmacist
Band 29	Central Services Director	Physical Plant Director
Assistant EMS Director	Deputy CCBI Director	Purchasing Director
Assistant Register of Deeds	Deputy Sheriff - Captain	Radio Systems Manager
Consumer Records Director	Facilities Project Manager	Risk Manager
Detention Officer - Captain	Field Services Director	Senior Facilities Project Manager
		Special Aide to Sheriff
Class Title	Class Title	Class Title
Band 33	Band 34	Band 36
Emergency Management Coordinator	Fleet Director	Workforce Development Director

Attorney	Chief of Staff - Sheriff	Community Services Director
CCBI Director	Deputy Finance Director	Dental Director
Deputy General Services Director	Human Services Deputy Director	Environmental Services Director
Deputy Sheriff - Major	Information/Technology Manager	Information Services Director
Director of Detention Services	Library Director	
Information Services Division Supervisor	Pharmacy Director	Band 37
Management Services Director - Sheriff	Band 35	Deputy County Manager
Parks, Recreation & Open Space Director	Budget & Management Director	Human Services Director
Planning, Development & Inspections Director	Dentist	
Public Information Director	Deputy County Attorney	
Solid Waste Management Director	Facilities, Design & Construction Director	
Water Quality Director	General Services Director	
	Human Resources Director	
	Revenue Director	

ADOPTED this the 18th day of June 2012.

Constitutional Officer Salary History

Constitutional officer salaries are established by the Board of Commissioners. Currently, the Sheriff's salary is \$144,932 and the Register of Deeds salary is \$112,922. The salary increases provided are typically the same as the average annual pay increase percentage provided to county employees as part of the adopted budget.

While market surveys are done for one-third of all county positions annually to determine market comparability, constitutional officer salaries comparisons are typically done upon request. Previous salary adjustments were approved for the Sheriff and Register of Deeds; the Sheriff in 2008 (10%) and the Register of Deeds in 2005 (5%). The Register of Deeds requested a review of salaries with the other large counties in the state with Wake. Based on years of experience in the position and workload indicators, a 10% pay increase is recommended for the Register of Deeds.

Approval of the Greater Raleigh Convention and Visitors Bureau's FY 2013 Operating Budget

Ervin Portman motioned, seconded by Betty Lou Ward, to approve the FY 2013 operating budget for the Greater Raleigh Convention and Visitors Bureau in the amount of \$4,845,000. The motion passed unanimously.

On April 17, 2012, the Greater Raleigh Convention and Visitors Bureau Board of Directors approved a FY 2013 budget and submitted the proposed budget to Wake County and the City of Raleigh for consideration. The proposal (attached) totals \$4,845,000 and represents an increase of \$570,710, or 13.4%, compared to the current fiscal year. Of the total, 86.8% (or \$4,204,000) of the revenue is generated by the Bureau's share of hotel occupancy and prepared food and beverage taxes. Increased tax revenue proceeds are due to improved performance of each tax compared to estimates established in the prior fiscal year. Other revenues include a marketing contract with the Raleigh Convention Center (\$150,000), investment earnings (\$7,000), and reserves generated by prior year collections that were higher than expected (\$450,000).

The Bureau will use the funds to promote Wake County as a destination for tourists, business conventions, sporting events, and promotional activities. The budget approved by the Bureau's Board of Directors will use more than \$503,000 of the increased revenues to fund on sales, marketing, and sports marketing activities.

The Bureau's FY13 budget is expected to be considered by the Raleigh City Council on June 19, 2012.

Home and Community Care Block Grant for Older Adults

Ervin Portman motioned, seconded by Betty Lou Ward, to approve the plans submitted by Wake County Human Services, Meals on Wheels and Resources for Seniors and affix required signatures. The motion passed unanimously.

Agency	HCCBG Funds	Match Requirement	Total
Meals on Wheels	\$992,484	\$103,494	\$1,095,978
Resources for Seniors	\$1,803,486	\$193,606	\$1,997,092
Total	\$2,795,970	\$297,100	\$3,093,070

Wake County Juvenile Crime Prevention Council Annual Plan and Certification for FY 2012-13

Ervin Portman motioned, seconded by Betty Lou Ward, to adopt the Wake County Juvenile Crime Prevention Council Annual Plan for FY 2012-2013 and affix signatures on appropriate forms. The motion passed unanimously.

Wake County 2012-2013

NC Department of Public Safety County Funding Allocation

Available Funds 1,171,637 Local Match: \$623,770 Match Rate: 30%

#	Program Provider	DJJDP Funding	LOCAL FUNDING	OTHER	OTHER	Funds	Total
			Local Cash Match	Local In-Kind	State/ Federal		
1	Wake JCPC Administrative Budget	15,500	6,111				\$21,611
2	City of Raleigh Youth Development Initiative	93,860	5,240	\$30,000			\$129,100
3	CORRAL	66,300	\$84,347	\$26,750		\$65,000	\$242,397
4	Family Resource Center-Parenting Wisely	65,600	3,659	\$16,200			\$85,459
5	Haven House Juvenile Diversion Program	75,780	4,220	\$35,130	\$158,000		\$273,130
6	Haven House Restitution Community Service	273,740	15,260	\$86,700			\$375,700
7	Haven House Second Round	57,675	\$22,078			\$12,247	\$92,000
8	Haven House Skills 4 Success	104,190	\$51,732				\$155,922
9	Haven House Wrenn House	103,240	\$88,904		\$179,000	\$47,892	\$419,036
10	ReEntry - Teen Court	151,550	\$16,650	\$48,998			\$217,198
11	Wake County Human Services - 4H Spaces	107,370	5,987	\$47,673			\$161,030
12	Juvenile Literacy Center	56,830	\$7,741	\$20,390			\$84,961

TOTALS: \$1,171,635 \$311,929 \$311,841 \$337,000 \$125,139 2,257,544

Award Multi-Year Contract Up To Six Years To Provide Wireless Internet (WiFi) Access for Citizens at Wake County Public Libraries and the Wake County Justice Center

Ervin Portman motioned, seconded by Betty Lou Ward, to authorize the County Manager to negotiate and execute a multi-year service contract up to six years with Anaptyx, LLC to provide Wireless Internet Access in Wake County Public Library facilities and in specific areas of the Wake County Justice Center. The motion passed unanimously.

Approval of Six Multi-Year Contracts for Solid Waste Facility Services for (1) Electronics Recycling, (2) Lead-Acid Battery Recycling, (3) Portable Sanitation Services, (4) Propane Tank Recycling, (5) Used Oil, Oil Filter and Used Antifreeze Recycling and (6) Used Vegetable Oil Recycling

Ervin Portman motioned, seconded by Betty Lou Ward, to:

1. Approve three-year agreements with:
 - Creative Recycling for Electronics Recycling
 - Interstate Batteries of Raleigh Durham for Lead-Acid Battery Recycling • Readilite & Barricade, Inc. for Portable Sanitation Services
 - CLM Services, LLC for Propane Tank Recycling
 - Safety Kleen Systems, Inc. for Used Oil, Used Oil Filter and Used Antifreeze Recycling
 - Piedmont Biofuels Industrial, LLC for Used Vegetable Oil Recycling
2. Authorize the County Manager to execute contracts on behalf of Wake County for these services, subject to the terms and conditions acceptable to the County Attorney.

The motion passed unanimously.

Approval of Three-Year Agreement with Ecoflo, Inc. to Provide Household Hazardous Waste Services at a Cost of Approximately \$540,000 Per Year

Ervin Portman motioned, seconded by Betty Lou Ward, to approve the three-year agreement with Ecoflo, Inc., to provide household hazardous waste services to Wake County, subject to the terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Approval of a Three-Year Agreement with Waste Industries, LLC to Provide Multi-Material Recycling Facility Services at a Cost of Approximately \$400,000 per Year

Ervin Portman motioned, seconded by Betty Lou Ward, to approve the three-year agreement with Waste Industries, LLC to provide multi-material recycling facility services to Wake County, subject to the terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Approve Transfer of Assets to Alliance Behavioral Healthcare

Ervin Portman motioned, seconded by Betty Lou Ward, to approve the transfer of assets to Alliance Behavioral Healthcare for LME operations. The motion passed unanimously.

As a result of state legislation enacted in 2011, Wake County will merge mental health, developmental disabilities and substance abuse management with Durham County with the creation of Alliance Behavioral Healthcare. As such, Wake County has assets that were purchased with state funds for the operation of LME services in Wake County. Alliance Behavioral Healthcare has requested the transfer of some of these assets for LME operations. The assets to be conveyed at this time include 100 software licenses for the behavioral health management system, AVATAR. The licenses were originally purchased by Wake County with state funds and are valued at \$1,300 each. The licenses require an annual maintenance agreement that will be funded by Alliance.

**Approval of Lease Amendment and Extension for 150 Cornerstone Drive,
Cary, NC**

Ervin Portman motioned, seconded by Betty Lou Ward, to:

1. Approve the amendment to the 150 Cornerstone Lease to extend the lease term by 6 years to June 30, 2018, in accordance with the terms and conditions listed below.
2. Authorize the County Manager to execute the lease amendment on behalf of Wake County, subject to terms and conditions acceptable to the County Attorney.

The motion passed unanimously.

Public Comments:

Mr. Joe Johnston said he supports the transit proposal.

Mr. Matthew Poole, Fire Chief of Garner Fire, thanked the board for approving the small capital reimbursement. The budget called for \$8,000 a year for Fire Safety. He said the program keeps the firefighters safe.

Ms. Betty Ellerbee, League of Women Voters of Wake County, said that active citizen participation in voting is necessary. She asked for transit to be placed on the November ballot.

Mr. Dan Gunn said that he is opposed to a landfill near his home on Mial Plantation. He said Risk and Safety Assessments have taken place.

Mayor Nancy McFarlane, City of Raleigh, said she is representing the Tri-Partisan group for support on transit. She recognized Mayor Eagles of Rolesville and Mayor Ronnie Williams of Garner who both support transit. She noted the Mayors John Byrne; Town of Fuquay-Varina, Vivian Jones; Town of Wake Forest, Russell Killen; Town of Knightdale, Dick Sears; Town of Holly Springs, Keith Weatherly; Town of Apex, and Harold Weinbrecht, Town of Cary all support transit in Wake County. She said that Mayors Tim Hinnant; Town of Wendell and Bob Matheny, Town of Zebulon, have not been reached yet. She asked for the Board of Commissioners to put the transit plan on the agenda for discussion.

Mr. Warren Zeveigart asked the board to support the transit plan.

Ms. Anne Franklin, Capital Area Friends of Transit, asked the board to place transit on the agenda. She said the transit plan would be beneficial to the area. She said groups of citizens are meeting and agree that there should be more transit in Wake County. She asked transit supporters to stand. There were between 30 to 40 supporters present.

Ms. Ann Latimer said that she has traveled many years on the roads that have been crowded. The city and county will double in population by 2030. She said that leaders have met about bus routes and the possibility of commuter rail. She asked for a voter referendum for the citizens.

Mr. Brian Anderson, Vice-President of Merrill Lynch, said that he supports transit.

Ms. Karen Rindge, Wake Up Wake County, supports public transit and asked the board to support the transit plan.

Ms. Tappan Vickery said that she supports the Wake County Transit Plan.

Mr. David Brown, J. Davis Architects, said that the transit plan is good business for Wake County.

Ms. Suzanne Black, Associate State Director of AARP, said there are 99,000 AARP members in Wake County. She supports the transit plan and stated transit was needed. Seniors are less mobile and need a way to travel. She said more expanded bus and light rail services are needed.

Mr. T. J. Cowley supports the transit plan for Wake County.

Mr. Darryl Jones is a graduate of NCSU and graduated the University of California Berkley in May. He noted municipal areas that already have transit. He supports the importance of the transit plan.

Dr. Michael Sanera, John Locke Foundation, circulated a booklet of information on transit. He pointed out the passenger miles for transit. He said that there have been two experts that have reviewed the plan. He shared the cost of transit and the omissions. He said that travel time is 2-4 times greater than a regular automobile. He said there is \$500 million in federal funding for the plan but the facts do not support the plan. He said independent experts should review the plan.

Mr. Tom Rhodes supports transit.

Ms. Tazra Mitchell supports a transit plan for Wake County.

Mr. Musa B Hammami said he works for a cab company. When a volunteer does not transport clients, then Caregivers of America helps. He said those that need transportation may not be able to access appropriate transportation and risk their health. He expressed his concern about Volunteer Caregivers of America losing funding.

Mr. Timar Ender supports transit.

Ms. Julie Keely, Center for Volunteer Caregiving, provides services for seniors. She coordinates transportation for those that are seniors and disabled citizens. She said growth is predicted to be over 200%. She said affordable transportation is necessary. She asked the board to support transit.

Mr. Wayne Marshall said that he is not in favor of an increase in taxes and does not support transit. He said that the total cost and consequences have not been brought forward. He said the facts have not been reviewed adequately. He asked the board to give the public an explanation of the transit plan costs.

Ms. Barbara Parker supports a transit plan.

Ms. Katie Hamilton supports transit in Wake County.

Mr. Art Wilson thanked the board for approving the Marriage Amendment and Agenda 21. He said that the transit issue means that the government must live within its means. He asked the board to evaluate a transit plan before making a proposal.

Mr. Jeff Smith said that he does not drive and uses public transportation. He asked the board to support transit and asked the board to place it on a voter referendum. He said that Durham County has approved the transit plan and Orange County will consider it soon.

Mr. Bobby Emory stated repealing the 100 year old Jitney Law would mean the county would not have to pay huge operating costs for transit. The Jitney Law prevents people from charging people to transport them in small vehicles. The law would allow for free carpooling and prevent vans to charge for transport. The General Assembly would have to repeal the Jitney Law and could do it just for Wake County as a test case. This would prove that private enterprise would work. Otherwise, he asked the board not to put the transit on the ballot and saddle the public with large operating costs.

Mr. Doug Johnston supports a transit plan in Wake County.

Mr. Michael Greenspoon supports a transit plan in Wake County.

Mr. Henry Duncan supports a transit plan in Wake County.

Mr. Russell Capps asked the board to delay action on the transit plan. He said that the cost would be \$33 per passenger a year and \$92 for commuter rail. The federal government eliminated funding for transit. He said that making profitable transportation to be used is important. He said that light rail will cost the taxpayers and there has not been an opportunity for the public to speak on light rail.

Mr. Paul Fitts supports a transit plan in Wake County.

Ms. Helen Tart said that there are numbers that use the bus system and the need for transit is important. She asked the board to allow the citizens to vote on the plan.

The Chairman called for a short break at this time.

Commissioner Portman asked to bring forth a request the transit. Chairman Coble said transit was not on the agenda.

Regular Agenda

Public Hearing and Request from Shotwell Landfill, Inc. for Amendment of Landfill Franchise (First Reading)

Mr. John Roberson, Wake County Solid Waste Director, explained landfill regulations. The county issues franchise ordinances and amendments on landfills. The current Shotwell Franchise includes 91,250 tons per year and the

waste comes from Wake and Johnston counties. The request before the board was to increase annual tonnage to 273,750 tons (with a five year implementation schedule) and to add Durham and Orange counties to the franchise service area. He noted that the request that came in a couple of months ago had a much higher tonnage which has subsequently been reduced.

History of Request provided by staff:

This request for a franchise amendment is for the Shotwell Landfill, located at 4724 Smithfield Road, near Wendell, NC (see attached map). The Applicant requests to increase the tonnage threshold from 91,250 tons per annum to 273,750 tons per annum and to increase the franchise service area to include 2 additional counties to Wake and Johnston counties: Durham and Orange.

Note that the recently approved C&D Franchise Ordinance (March 2012) has a provision that prohibits an individual franchisee from applying for modifications to their franchise more frequently than 18 months, unless the request is substantially different. The current application is considered to be substantially different than the March 2011 application for several reasons:

1. Number of additional counties that they are requesting to receive waste from was reduced from 15 to 7 (initially) – revised to 2.
2. Disposal of auto-shedder or other industrial waste will not be allowed based upon approval of this franchise amendment.

Recent Board Actions

On March 21, 2011, the Board of Commissioners conducted a properly-noticed public hearing for a franchise amendment request that would have increased the annual tonnage to 401,500 and increased the franchise service area to 15 additional counties. The Board of Commissioners voted to deny the franchise amendment request. On May 2, 2011 the Board of Commissioners once again considered and denied the request. The Board of Commissioners then directed staff to review the current Wake County Solid Waste Ordinance as it related to C&D Franchises and propose changes based upon the recent review of the Shotwell request.

After several months of review and consideration, the Board of Commissioners considered and approved a revised ordinance related to Franchises for Construction and Demolition Debris Landfills on March 16, 2012.

Previous Board Actions

Previous Board actions related to the Shotwell Landfill are as follows (minutes attached).

1. December 1999 – Denied franchise request to open the facility. Applicant subsequently appealed to Superior Court and the Commissioners' decision to deny the franchise was upheld because Applicant did not properly describe the geographic area of the landfill.
2. July 2000 – Approved franchise request.
3. August 2003 – Denied amendment to increase both the franchise service area and tonnage threshold.
4. November 2003 – Approved amendment requesting a smaller increase in tonnage threshold.

5. April 2005 – Approved request to re-issue franchise to reflect change in ownership.
6. September 2006 – Approved amendment to increase the franchise service area, disposal area, and the capacity of the landfill (~one million cubic yards to ~ten million cubic yards).
7. March 2011 – Denied request to increase franchise service area and annual disposal volume.
8. May 2011 – Denied same request at March 2011 to increase franchise service area and annual disposal volume. Directed staff of investigate a re-write of the C&D Franchise Ordinance.

Current Franchise Amendment Request

The existing franchise for the Shotwell Landfill was approved by the Board of Commissioners in September 2006, and authorizes the owner to accept up to 250 tons of waste per day, and the waste can only be received from Wake County and Johnston County. In the current franchise amendment request, the Applicant requests the following changes:

1. Increase the tonnage threshold from 91,250 tons per year to 273,750 tons per year (original request was 401,500). Note that the applicant has proposed an implementation schedule as follows, subject to their remaining in compliance with all state and local permits:
 - 1st Year – Max. tonnage of 146,000
 - 2nd Year – Max. tonnage of 182,500
 - 3rd Year – Max. tonnage of 219,000
 - 4th Year – Max. tonnage of 255,500
 - 5th Year – Max. tonnage of 273,750
2. Increase the franchise service area to include 2 additional counties (original request included 5 other counties): Durham and Orange.

Some other items noted by the applicant in their application package are as follows:

1. The current franchise allows operation six days a week (Monday through Saturday); however, the landfill currently only operates five days a week (Monday through Friday).
2. The stated purpose of the franchise amendment request is to increase the annual volume and expand the franchise service area to be more in keeping with the other similarly sized construction and demolition debris landfills in Wake County. Three of the other C & D landfills in Wake County currently have higher daily tonnage thresholds, and two have larger franchise service areas than the Applicant as shown in the chart below.

C&D Facility	Annual Tonnage Threshold	Counties in Service Area
Highway 55	300,030	1
WCA	401,500	16
Red Rock	730,000	59
Shotwell (Current)	91,250	2
Shotwell (Initial Proposal)	401,500	9
Shotwell (Revised Proposal)	273,750	4

3. Types of waste will be limited to what is stated in the revised Franchise Ordinance, which does not allow auto-shredder waste, industrial or municipal solid waste (MSW) as an example.
4. Agree to accommodate and pay their appropriate share of future roadway improvements along Smithfield Road that is in proportion to the traffic directly attributable to the operation of their landfill and as long as the improvements are along their property frontage; however, no new road improvements are currently required.
5. Agree to offer the property to the County upon conversion from landfill to open space for a price of \$1.00.
6. There are no existing violations of permits, ordinances or regulations governing the Shotwell Landfill that Wake County Environmental Services or NC Department of Environment & Natural Resources enforce.

The full application and a proposed franchise amendment are attached for consideration and incorporation, if approved.

Proposed Solid Waste Permit Modification

Note that when Shotwell submitted a franchise amendment in 2011, they were also submitting a permit modification to NC DENR for the purposes of being able to place other waste (auto shredder and/or other “industrial” waste) in this landfill. That permit modification has been withdrawn and they are no longer seeking to place these not C&D wastes at this landfill. If they do decide to pursue that type of waste in the future, they will have to return to the Board of Commissioners for the approval of a franchise amendment in addition to seeking a permit modification with NC DENR.

Solid Waste Ordinance Requirements

The Applicant has complied with the public notice requirements in the County’s ordinance to allow a public hearing to be conducted on May 21, 2012. State law requires that a franchise ordinance be approved at two regular meetings before it can be adopted. Today’s action on this item will be considered the Board’s first reading of the Applicant’s franchise amendment request and, if approved, this item will be placed on a subsequent agenda for a second reading.

Additional Information

Special Use Permit: On January 3, 2012, Wake County conducted an inspection of the landfill to determine compliance with the 2006 Special Use Permit granted to the landfill. The inspection concluded that the landfill is in compliance which was documented in a letter to the landfill operator on January 6, 2012. Additionally, the current request to amend the landfill franchise does not require an amendment to the existing Special Use Permit because daily tonnage and service area were not conditions of approval in the 2006 Special Use Permit.

Waste Placed in FY 2011: As shown on the annual report prepared by Shotwell and submitted to NC DENR for FY 2011, Shotwell exceeded their franchise tonnage by 29,837 tons (primarily due to waste taken during the last 3 months of FY 2011). The stated reason for this is due to the April 2011 tornado that was experienced in the Raleigh area. It is important to note that if Shotwell had continued with the trend for the first 9 months of FY 2011, their total tonnage would have

been in the range of 90,000 to 92,000 tons. Though the anecdotal evidence clearly backs this claim (the exceedance occurred due to waste received during April, May and June of 2011 after the April 16th series of tornadoes), extensive research has been accomplished to attempt to document the claim.

Based upon the research, Wake County and NCDOT delivered (through contracts) to the Shotwell Landfill approximately 7,550 tons of waste. Almost all of the collected NCDOT and Wake County waste was tree type debris as opposed to structure/C&D type waste. This leaves over 22,000 tons of waste/debris that would have to have come from the subsequent home demolition and repair associated with the tornado. Two approaches were taken to evaluate the reasonableness of this claim.

1. First, if the assumption is that the overage was not tornado debris, but came from additional business that Shotwell was able to obtain from the home building and demolition community, did the other 3 C&D landfills in Wake County experience a reduction in waste received at their facilities during this time. Research shows that the other 3 facilities in Wake County all increased during this period of time as shown in the chart below (numbers are in tons):

Landfill	Jan. '11	Feb. '11	Mar. '11	Apr. '11	May '11	June '11
Highway 55	2807	3207	4057	3956	4838	4943
WCA	7732	6222	8889	6973	8655	8628
Red Rock	3720	4295	4563	5773	7298	9903

2. Secondly, how much C&D waste did the 2011 tornado ultimately create? There is no available data that specifically answers this question, however, in reviewing the total damage value of the tornado as prepared by the inspections departments for the City of Raleigh and Wake County, the total damage value has been estimated at over \$120 M. Based upon the data collected and some assumptions about the construction cost per square foot and the weight of structures per square foot the following table was put together.

Location	Number of Units	Damage Assessment Value	Total SF Damaged	Lb/SF	Tons of C&D Waste
Raleigh Residential	2669	\$81,826,794.05	818,268	100	40,913
Raleigh Commerical	163	\$33,190,475.85	221,270	150	16,595
Outside of Raleigh	186	\$5,392,170.00	53,921	100	2,696

Total Tonnage	60,205
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Making the assumption that Shotwell could have received 22,000 tons out of a total of 60,000 tons during a 3 month period is not unreasonable. Both of the above approaches seem to support the claim that Shotwell most likely received most of the overage of the franchise annual weight due to the April 2011 tornado damage.

Out of County Waste: Review of the 2011 annual reports for the Shotwell Landfill along with the 3 transfer stations indicate that waste from counties other than Wake or Johnston have ended up in the Shotwell Landfill. This is primarily due to the fact that the transfer stations are currently allowed to take waste from the 7 additional counties that were included in the originally proposed franchise amendment. Wake County does NOT regulate transfer stations per the current ordinance. This is controlled by NC DENR only. It is also just as important to note that based upon the recycling effort at the transfer station(s), no more waste is transferred to the landfill than is received from Wake and Johnston counties. This is truly a “gray” area and not dealt with clearly in the C&D Franchise Ordinance. Though this may be a technical violation of the franchise it is not considered a significant violation of the ordinance.

Summary

Based upon review of the C&D Franchise Ordinance that was approved in March of 2012, the Shotwell Landfill request meets the requirements in order to be considered for an amended C&D Franchise.

Mr. Roberson shared that the revised ordinance only allows a request or amendment every 18 months unless the requested changes are significant. It was determined by staff that this request was significantly different based on the number of counties in the service area being reduced from fifteen to seven and further reduced to two counties and the disposal of auto shredder and other industrial waste was NOT allowed, which was not clear in the 2011 request.

Other relevant information included was a public notice requirement had been met, the landfill was in compliance with the 2006 Special Use Permit and there were no notices of violations by the county or NC Department of Environment and Natural Resources (NCDENR) permits, ordinances or regulations.

Mr. Roberson shared a chart from Fiscal Year 2011 which reflected that Shotwell Landfill exceeded the 91,250 tons allowed in the franchise agreement by 29,837 tons. The tonnage was reflected in the time frame between April 2011 and June 2011, following the tornado cleanup. Shotwell received Wake County and NC Department of Transportation’s roadside pickup from April 16, 2011 (7,550 tons) due to the low tipping fee. The roadside pickup was 99% tree debris. The total

estimated tonnage from the tornado was 60,205 tons. He stated Shotwell and Redrock pursued tornado debris and both saw increased tonnages. He said the amount received by Shotwell appeared to be directly related to the tornado. This was a technical violation of the franchise agreement but it appeared to be warranted due to the emergency status following the tornado.

Mr. Roberson explained that Shotwell has three transfer stations in Wake County which are not regulated by the Franchise Ordinance but are regulated by NC DENR. The transfer stations can take waste from seven counties which they are requesting to be added to the landfill area. It is likely that a small amount of waste from other counties that is being taken in at the transfer stations is being transferred to the landfill. This could be a technical violation but it is not a significant ordinance violation.

Mr. Roberson summarized that Shotwell met the requirements to be considered for an amended Franchise Agreement and that the tonnages are similar/less than other Wake County Construction & Demolition facilities.

Commissioner Ward asked about the Red Rock location. Mr. Roberson said it is in southwest Wake County.

The Chairman opened the public hearing on the request for amendment of the Shotwell C&D Landfill Franchise.

Mr. Philip Isley, 1117 Hillsborough Street, Raleigh said he is an attorney in Raleigh and represents Shotwell Landfill in applying for a franchise amendment. He introduced David York stating that he was responsible for submitting and presenting the application. He said they were both available for questions and he would like to following the public hearing and address any comments made during the hearing.

Mr. David York, Attorney with Smith Moore Underwood, 454 Fayetteville Street, stated their request was to expand the service area of the Shotwell Landfill by adding Orange and Durham counties and increase the annual tonnage from 91,250 to 273,750. The original request was to expand to include seven counties but they sent a revised letter last week to change the request for an expansion into two additional counties, Durham and Orange. He shared a comparison of the landfills. He shared the revisions of the original request by letter. He said the original request was for tonnage to expand from 250 to 850 with a cap at 1100 like the comparable Brownfield landfill. He provided a comparison of the four landfills in the county and a comparison of the original application to the amended application in the letter submitted last week. The request before the board is for the annual tonnage to go from 250 to increase each following year at the intervals of 400 tons, 500 tons, 600 tons and finally to 750 tons per year. Shotwell is the second largest landfill in the county which has the lowest permitted tonnage and second smallest service area. With adoption of this

amendment, Shotwell will still be the second largest landfill in the county which has the lowest permitted tonnage and second smallest service area of the four landfills in Wake County. Some additional conditions on the request which were not on the original request include:

- the new franchise ordinance language
- withdrawal of the liner permit from DENR
- no change in waste stream
- no expansion would occur
- transportation impact states that the growth from the increased tonnage is not projected to have any significant impact on the existing signalized intersections (assuming the tonnage was increased to 1100)

The transportation survey indicated analysis of minor impact of Smithfield Road. At the request of the board, the intersection of Highways 264 and 64 were reviewed during peak times. It was determined that there was no significant increase in traffic. He said on May 21, there was public comment where a gentleman expressed concern about changing the approved tonnage from 250 to 1100 so quickly. Mr. York said in response to the gentleman's comment, they have changed the implementation schedule to phase in the tonnage from 250, 400, 500, 600 to 750 tons per year with the cap at 750 tons. This is different than the February application. Another change from the February application was to convey the landfill to the county for \$1.00 once its purpose has been completed and it had been capped. He said that once a landfill is capped it may be converted to a park or open space.

Mr. York said Shotwell received additional tonnage during the tornado at the request and consent of both the county and the state. He said they did not seek it but responded in time of emergency to the community at a price that was friendly to the community. He said they do however take exception to the characterization of a technical violation due to the service area. He said they do compliance by math by making sure no waste amount goes into the landfill that exceeds the amount from counties permitted in their service area. There is no other means to address that compliance issue.

Commissioner Portman asked if the co-mingling of materials was a business decision at the transfer station because they are permitting materials to be combined to go to Shotwell. Mr. York said the materials are dumped in one location, recyclable materials are being separated out and they have to clear the floor by the end of the day. It is a continual operation.

Commissioner Portman asked if the owner owns one transfer station or multiple transfer stations. Mr. York said he owns multiple. Commissioner Portman stated one transfer station could be designated to take certain waste and it not be taken to Shotwell to eliminate this problem. Mr. York said that based on the economy of scale, the waste is taken to the transfer station and not farther than it needs to be transported. Commissioner Portman questioned the economy of scale. Mr.

York said this was the process they have followed in the past and has been acceptable by the state.

Commissioner Gurley said that some waste comes from other counties which gets mixed in at the transfer station but they are still meeting state regulations by staying within their permitted tonnage. Mr. York said the state does not care where the materials are from as long as they are recycling materials. He said recycling is part of the Wake County Solid Waste Management Plan and they are in compliance. He said they choose to recycle rather than to haul the materials to another landfill. Commissioner Portman said they are respectful to the tonnage limit but not the geographic area. Mr. York said the franchise allows Shotwell to receive waste from two counties. He said they are not disrespecting because they are monitored by the state to assure they are following the franchise. The county sets the franchise and the state enforces it. The only enforcement entity has been the state and they make sure the landfill operates within its franchise. The state has approved their method of compliance. He said if this needs to change, they will work with the county on the change. He said they cannot take more waste to the landfill than is received from the counties whose waste can go to the landfill.

Commissioner Bryan followed up concerning the technical violations of where the waste came from, as well as the overage of debris. He questioned the statement about Shotwell accepting waste from the tornado at the request of the county. Mr. York said he was not involved but he understood that they did not approach the county offering to accept the tornado debris. Commissioner Bryan said the county has an emergency preparedness plan which allows the companies to bid on the service. There should be an RFP for bidding of the waste from the tornado. He said the statement that was made sounded like Shotwell was helping out the citizens by going over their allowed tonnage. He asked about the process and how the contract was delivered to Shotwell and if it was an open RFP. Mr. York said there was an intermediary company that was responsible for that and they contacted the landfills. He said he did not know how formalized the process was but it was his understanding that Shotwell provided the most competitive price so that's who the county gave the business.

Mr. Isley said that in March 2012, the Shotwell application was denied. There was a competitive price given for the tornado waste collection. Mr. Isley said there was a competitive price but the client did take tornado debris as a good will gesture. Commissioner Bryan said that it was a competitive process and it was also done by Shotwell out of goodness for the citizens. Mr. Isley said the taxpayers benefitted from the collection. Mr. York said the former solid waste director had requested that they open on Sunday to accept some debris.

Chairman Coble opened the public hearing for persons who wish to speak against the franchise amendment.

Ms. Betty Brandt-Williamson has property adjacent to the landfill. She referred to the developer, Mr. David Miniker, who had expressed concern about property values. She commended Shotwell on their communications with the neighbors, that the residents have been well informed of the process. She stated that since the last franchise amendment granted in May 2011 she has reviewed reports and documents from NCDENR including permits to construct, permits to operate, groundwater monitoring, facility compliance audit reports (FCAR), minutes of the Wake County Board of Adjustment meetings and videos of Wake County Board of Commissioners' meetings. She also has looked at documents pertaining to Shotwell Landfill and the two transfer stations operated by David King. She expressed concern about their noncompliance with permits, groundwater monitoring plans, their ignoring corrective action required by DENR, ambiguous monitoring reports and their lack of credibility in their statements versus their actions.

Ms. Williamson asked about the process for the tornado debris. She questioned pictures that were supposed to represent tornado debris that were not actually tornado debris and were taken before the tornado. She spoke about locks on wells and the operation of them. She said her job complies with codes subject by the FDA. She questioned documents from DENR. She said there were violation letters. She said that signs have been non-conforming. She noted non-compliance issues. She cited examples of issues with Shotwell Landfill. She shared pictures of traffic and dump trucks on Smithfield Road. She questioned Mr. David King and Mr. Brown and recounted credibility issues. She spoke of traffic, congestion, and property value issues. She said Durham and Orange County do not accept C&D debris questioned why Wake County would take their debris. She spoke of the importance of quality of life. She said the roads are narrow and two vehicles cannot pass on bridges. She provided the commissioners with a copy of her information.

Commissioner Portman asked if all the trucks in the pictures were going to the landfill. Ms. Williamson said the trucks were only going to Shotwell.

Mr. Darrin Jackson said the landfill has brought many large trucks and a lot of traffic. He used to be able to ride bikes with his daughter down Smithfield Road but would not bike or run down this road on a week day now because of dump trucks and large traffic. He said the bridge is so narrow a car cannot pass a school bus or dump truck on it. He said that flooding exist during hurricanes and causes more problems. He said in this area water quality and open space are important. They are on community wells in that area. He said from his estimates, Wake County has five times the capacity for C&D waste debris than it needs. He said there is no benefit to the citizens or community to continue to accept waste from Orange and Durham counties.

Mr. Dan Gunn spoke about safety and increased traffic by heavy duty trucks in the Shotwell area. He understood the amendment to have a cap on tonnage at

147,000 tons of waste per year, up from 91,000 tons per year. The request would increase waste daily from 147 tons to 400 tons. He said there is no compliance on a cap of daily traffic. He said the amendment increases total risk and safety issues.

Tonya Debnam lives on Mial Plantation Road and her family has lived on this road and farmed the land for over eighty years. She said this area has become an environmental waste haven. There is a waste treatment plant which contaminated their water. The city now provides them with water. On the other side of her property is the landfill. She said there should be regulations that deny a landfill being established within so many feet of your property. She said the board should be concerned because the landfill is so close to the Neuse River. She said with all the waste and debris, they will have contaminated water. She asked the board to re-consider this expansion request.

Ms. Laurie Chatfield said that she lives 1.3 miles from the Shotwell Landfill area. She said that she may not ever be able to sell her property if a landfill is allowed. She said this landfill is about money. She said these are two lane roads, Smithfield and Mial Plantation Road. There is a dirt road connection. She has seen these trucks using the dirt road and when they come around the corner they slam on brakes and fill her car with dirt. She spoke of the safety of citizens and school buses. She spoke of trucks coming by her house that are speeding and debris is on the sides of the road from these trucks. She spoke of the increased traffic since she moved there five years ago. The trucks cause the ground to rumble as they go by her house. She said this will impact many future generations. She spoke of the water. She said the owners of the landfill should drink the same water and breathe the same air as the residents near the landfill. She said the road is dangerous and water is not healthy. She asked that those doing the work should live in the neighborhood. She said that her rights are being infringed upon. She spoke of the bridge on the road and the speeders on the two lane road.

Mr. Jeff Masten, Director of the Conservation Strategies, Triangle Land Conservancy, thanked the board for their commitment to local conservation. He asked the board to continue its support for the Marks Creek initiative. He spoke of the potential impact of the proposed expansion of the landfill to the Marks Creek Initiative. The board's support of water quality, open space, access to natural greenways, and conservation set Wake County apart. Since 2001, Wake County and Triangle Land Conservancy and others have worked together to conserve and keep Marks Creek an open area including the Shotwell Community. The primary focus of the initiative has been to protect water quality but there are other benefits. This area is on the Registry as a national historic area district which has a dump with one property between them. He asked the board to consider the conservation goals and impacts.

Mr. Charles Heatherly, President of HOA at the Falls of Norwood Subdivision, said he lives 2.5 miles south of the landfill and has been a Wake County resident for 40 years. He asked that if the board grants the expansion of the landfill to make it contingent on the four-lane expansion of Smithfield Road from the dump to Highway 264. He said this is a major thoroughfare for people coming from Johnston County in the mornings. There were four large trucks lined up waiting to get into the dump before they open at 7:00 a.m. He asked people present who were opposed to the dump to stand.

Mr. James Etchells, 9709 Poole Road, and has been a Wake County resident since 1942, lived in Shotwell area for about 40 years and is a Registered Engineer. He said there are all two lane roads feeding into this area. On Mial Plantation Road, the trucks are over the lines on both sides of their lane and it is not a safe situation. He said Poole and Smithfield roads have been updated but most of the others are under some type of construction and are incapable of handling the heavy trucks. The roads will break up because they aren't built for the heavy loads. He said part of Mial Plantation Road is dirt and there is no legal restricts against them using that road. He said for an hour and a half each morning and afternoon, traffic on Smithfield Road is bumper to bumper. If anyone wants to turn left, the traffic has to completely stop. He described the nearby subdivision. He asked the landfill would probably be fine if it were just stumps and concrete but with no liner, if something gets dumped that should not be in there it could get into the groundwater or local creeks and cause contamination. He asked how high the mound can be which is now 20-30 feet tall.

Mr. Grady Jeffries said that the residents have received voice mails from Mr. King's attorneys about the expansion, which he considered an attempt to seduce the neighboring residents. He said that the expansion has been an issue for some time and his family lives nearby the landfill area. His daughter lives nearby and the top of the trash in the landfill can be seen from the second story window in her house. He expressed concern of his grandchildren driving Smithfield Road in the near future. He expressed his concerns stating the landfill is an eyesore that degrades and depreciates the property and is located in the area described as the "crown jewel of open space" in Wake County. He expressed concern over the owner's failure to comply with regulations and lack of fulfilling promises they made regarding the operation. He supports improvements in the Smithfield Road and to the area. He offered three suggestions to add to the franchise ordinance:

1. Shotwell would accept waste only from counties that accept similar waste from Wake County. (It is almost 60 miles to Shotwell from Orange County.)
2. Trash piles at Shotwell facility cannot extend above the height of the surrounding vegetation since the berm is not adequate when the trash piles rise above the treetops.
3. Establish a financial endowment to assure that the landfill would never be a burden to the taxpayers of Wake County or the state.

Mr. Jeffries asked the board to deny the request.

Mr. Henry Duncan, Stonewater Estates, said that he lives in the back yard of Shotwell. He spoke of the piles of debris that were taken to the dump when he built his home. He spoke of the impact of noise on his home. If the expansion is allowed, then there may be overnight noise. He said there would be hazards to those that live in the area. He asked about the other areas that can be used other than Shotwell. He said the bottom line is whether this is a "need" versus a "want."

Ms. Patricia Debnam asked the board to consider the compliance of the landfill. She asked the board to deny the request.

Ms. Daria Spiak, 4805 Stoneyoak Lane, lives one mile from the landfill. She and her husband moved here to take care of her grandchildren. She expressed her concerns for her family's health because of experience with their past residence. She said 65% of the 150 families passed away or were battling cancer. She asked the board to not let this expansion go through.

Mr. Isley asked to allow their engineer to speak on the ground water monitoring.

Mr. Wesley Morris, ELM Site Solutions, said he had been doing engineer work at the landfill for the last twelve months. He shared a map of groundwater monitoring data. He said the map shows any exceedances found in the groundwater monitoring report. He said Thallium was mentioned as one of the most recent metals that had not been there historically. He said there have not been organics showing up in the groundwater back to the 2,000. The inorganic or metals have shown up which have been seen across the state. He said the most notable item on the map shows the groundwater flow, MW-1A which represents an up gradient monitoring well. The data shows that the up gradient well has more metals than others on the site. The conclusion is that the metals showing up in the groundwater monitoring on this site are in naturally occurring conditions.

Commissioner Portman asked if the map supports or confirms the conclusion. Mr. Morris said the map supports the conclusion. Commissioner Portman asked if he could confirm that this is a natural condition or something to be concerned about for the residents. Mr. Morris said metals are naturally occurring throughout the state. There is a high probability that these are naturally occurring metals. He said the state does not allow filtering of samples when submitting them to the laboratory. These metals exceed the groundwater monitoring standards set by the state.

Commissioner Bryan asked when Mr. Morris became the professional engineer for the site. Mr. Morris said that he became the engineer a year ago and has

submitted the water test results twice. Commissioner Bryan noted the reports were late and asked if this was typical. Mr. Morris said the reports are based on supply and demand, they are a small company and they needed the reports reviewed by the client and their preparation. Commissioner Bryan asked Mr. Morris if he had been asked to test the tetrahydrofuran at the Shotwell landfill. Mr. Morris said he was not aware of that request. Commissioner Bryan questioned if he was aware that NCDENR had requested testing on the tetrahydrofuran. Mr. Morris restated that he was not aware of DENR requesting such a test. Commissioner Bryan asked what the communication is when DENR requires specific tests. Mr. Morris said he went to the same chemical laboratory in Cary and followed the same process that had been done historically.

Mr. Isley shared an aerial photo that was requested by the City of Raleigh for the E.M. Johnson water treatment plant for the ongoing sludge removal process. He pointed out Williamson family property and the landfill. He provided a copy of the agreement with the City of Raleigh to take sludge from the sedimentation pond culling effort and place them onto identified property. He said that he has spoken with the city and truck drivers that are driving down Mial Plantation Road to the dirt road to get to the identified property. He shared photographs and said there are 30-40 trucks a day to remove sludge. He said most of the traffic is related to the water plant and continues to be a problem and is not all Shotwell traffic.

Mr. Isley said that he spoke with neighbors, land owners, commissioners, and others. He said that he is aware there are lots of issues and there are some pre-conceived notions about the landfill. He said he started out listening to all the players involved and explained that he tried to achieve a win-win situation. He said that nobody likes a landfill but the landfill has existed and they are trying to co-exist peacefully. He said the landfill is a business and a service to the county. The county needs a C&D landfill. The growth in the Wake County will be in the eastern part of the county so this landfill is ideally located for the growth. He said with the life of the landfill being 50-60 years, the best solution was to get the landfill closed quicker which would make everyone happier. He said they talked about increased tonnage which was part of his efforts to improve the application. They also removed from the application the request that the landfill be open on Saturday. He said they removed the request to line the landfill and it will not ever be lined. By not having a lined landfill, it removed the potential of many items going into the landfill that could affect the groundwater. He said they tried very hard to address all the concerns during this due diligence. He said the application is to modify the allowed daily tonnage. It is not an expansion of the land or physical plant. He said that once the landfill is shut down and closed, the 135 acres, in the Marks Creek area, will be given to the county for \$1 and do with it as the county desires, possibly used for open space. He said there was a lot of distrust of his client so they have put in writing what they plan to do as long as it does not violate the Board of Adjustment rules. They have tried to address all the problems. He said they have agreed to participate in any road

widening project that the county deems necessary. He said they are trying to do the right thing for the community and wants to fix this issue. This revised application makes sense for the county and community because it means the landfill will be closed quicker.

Mr. Isley said they have worked hard to provide a reasonable application where everyone will benefit and there will be closure on this issue. He said this is the third or fourth time this request has come before the board. He asked that they approve the application which will allow fair competition in Wake County. Shotwell is the second largest geographic area, the tonnage request is the second lowest and they are not asking for the moon but want to be treated fairly. He said this is not a seduction of the neighbors but this application has more conditions than any other landfill in the county. He said he hoped their request will be viewed favorably.

Commissioner West asked about the E. M. Johnson plant. The response was that the plant was in the city. There was discussion from the audience about the wastewater treatment plant.

Chairman Coble asked about violations. Mr. Isley said they have no violations which had been confirmed by county staff. Chairman Coble asked about noise violations on a 24/7 basis. Mr. Isley said that was not true. They have received no noise violations. The hours are normal business hours Monday thru Friday. They may open the landfill for maintenance issues for getting a truck in or out.

Commissioner Portman said there has been a lot of information provided but some of it was not germane to the board's decision. In addition, some of the information presented has to do with the fairness of increasing the tonnage for the benefit of a private individual who owns the landfill being a tradeoff with the interest of public good. He said there is a benefit to the landfill closing sooner. He said the challenge is determining if this is a fair trade. The applicant has reduced the increase in tonnage and geographic territory but it is still significantly above the current usage. He asked about the closing date and if there was any additional information that provides a balance. He said it appears there is more benefit to the individual than the community.

Mr. Isley said he had spoken with his client and they are prepared to enter into a sunset period of 30 years for this facility, which would cut its lifespan in half, if that was a consideration. He said in the 2011 public hearing, the traffic impact analysis was submitted and there was a negligible traffic increase for 1100 tons a day. If the application is approved today, they would go to 400 tons a day for the first year and increase each year over a five year period. He said their traffic engineers stated they would be well below the impact of the 1100 ton request. "Creating certainty where uncertainty exists" is always a good thing. This proposal would give these citizens certainty in this situation.

Chairman Coble closed the public hearing.

Commissioner Bryan said that Commissioners Ward, Gurley and he have heard this item many times. He said at one time the Shotwell Landfill was going to be closed in 2009, prior to adding 50+ acres. The greatest intentions do not always work out but he has the greatest respect for Mr. Isley and Mr. York.

Commissioner Bryan stated the agenda materials, public comments, staff and applicant information received today regarding and extraordinary increase in capacity that is unsupported and outweighed by environmental welfare and public concerns. The combined capacity for the four major C&D facilities was over 1.5 million annual tons in Wake County today. The additional capacity requested brings the total up to 1.7 million tons. Yet the annual tonnage actually utilized for all Wake County was about 290,000 tons in 2010 and 330,000 tons in 2011 including all of the tornado debris in 2011. The daily reports actually show that in 2011, Shotwell Landfill took in more C&D waste than any other C&D landfill in North Carolina. The board has heard and continues to hear complaints as witnessed today in the public comment session on how the landfill adversely impacts the health, safety and welfare of the citizens of eastern Wake County coming from this landfill. These are complaints that can only be addressed from the local level, not at the state level, which is why the law is written the way it is so these issues can be examined and scrutinized at the county level. The Board of Commissioners did the franchise agreement so that they "may" approve franchises and it is not mandatory to increase or grant approval. There is no other forum whereby citizens can have a direct say into the quality of life where they live their lives and raise their families. Over the years, the owner/applicant of Shotwell Landfill has exhibited a lack of credibility as a partner stating the landfill would close in a few years and then purchasing 50 additional acres thereby expanding its lifespan by 55 years. The owner/applicant then stated they would go out of business if they did not get their prior request approved last year yet they had more C&D landfill debris than anyone else in the county. Most recently, they attempted to get a lined landfill approved in order to take in crushed automobiles. Raising the cap on how much debris this facility can take threefold is clearly contrary to the overall Wake County goals of water protection as set forth in the Marks Creek Initiative. This initiative has been and continues to be all about quality of water for all of us and a better living environment for our friends and citizens in eastern Wake County. Wake County has invested over \$20 million of hard-earned taxpayer dollars in the purchase of land around Marks Creek to protect water quality. While increasing capacity by three times may make perfect business sense for this repeat applicant, it is bad news for this area of the county and to people trying to make a life there. They have not been a good partner. They have created a lot of suspense, stress, turmoil, angst for the people of eastern Wake County. Many of the citizens here today would like to get on with their lives. For too long, the Shotwell Landfill owners have been like a hammer and using the citizens of eastern Wake County like a nail. Today, enough is enough.

Joe Bryan motioned, seconded by Ervin Portman, to deny the Shotwell Landfill application.

Commissioner Portman said that Commissioner Bryan pointed out the relevant facts in terms of the balance. He said this is a franchise amendment request and the applicant already has the business. There were two concerns causing him to not support the request which was that he did not see the increase as a benefit or being in the best interest to Wake County and the limitation in the increased size did not seem to be in the public's best interest based on the public need.

Commissioner Ward said that she was initially prepared to support the request but then she asked herself how she would feel if she lived close to the landfill. She said the comments today shared the impacts to the homeowners. She had not considered that the sludge field and the landfill were located so close together. She said the facilities are needed, respects the attorneys that have worked with the issues but this also creates a problem for the citizens living and dealing with it on a daily basis. She noted that the trucks are taking the sludge to the sludge treatment plant on the weekends. She said the homeowners have the right to be safe where they live. She stated she would support the motion for denial.

Commissioner West said Mr. Isley made a very convincing request but he would support Commissioner Bryan's motion. He spoke of needs and situations and that there is a great cost involved to the people in this situation. He spoke of values of prosperity and community and felt the value of this decision will have a long term payoff for Wake County.

The motion passed unanimously to deny the franchise amendment.

Public Hearing and Approval of the Rural Operating Assistance Program (ROAP) Grant Request

Mr. Don Willis, Wake County Human Services Transportation Program Manager said that Wake County Transportation Services (WCTS) operates under several grant programs through the NCDOT. The ROAP grant program was created to provide operating assistance for trips serving the elderly, disabled, employment, and rural public purposes.

Mr. Willis said that the Wake County Transportation Advisory Board met and recommended this application for the Board of Commissioners' approval and submission to the NCDOT, Public Transportation Division.

WCTS is allocated \$565, 212 in base ROAP funding and \$175,637 in additional ROAP funds from the state. There are three affected operating programs: EDTAP (elderly and disabled transportation assistance program); EMP (employment related trips); and Rural

General Public which funds the TRACS (transportation and rural access) program. A ten percent match of the total TRACS program is required for the TRACS portion of the grant and is covered through fare box revenues and town contributions. The breakdown of support is as follows:

	State Funds	Local Funds	Totals
EDTAP	\$270,640	\$0	\$270,640
EMP	\$187,590	\$0	\$187,590
TRACS	\$282,619	\$31,403*	\$314,022
TOTAL	\$740,849	\$31,403	\$772,252

*The Local Matching requirement for TRACS totaling \$31,403 is funded through rider fees and town contributions.

Chairman Coble opened the public hearing.
 No one came forward to speak.
 Chairman Coble closed the public hearing.

Betty Lou Ward motioned, seconded by Phil Matthews, to hold a public hearing to approve a ROAP grant application request to the North Carolina Department of Transportation (NCDOT) in the amount of \$740,849 as detailed below.

The motion passed unanimously.

Amendment to the Wake County Water and Sewer Funding Policy

Mr. Mike Aull, Contracted Facilities Project Manager, said that in 1998 the Board of Commissioners adopted a Wake County Water and Sewer Funding Policy. Wake County in partnership with the Town of Cary and Durham County, recently completed construction of Phase I of the Jordan Lake Wake Reclamation Project. This project includes the primary distribution lines to provide reclaimed water to the existing tenants in the Research Triangle Park (RTP). Reclaimed water will be used by the tenants for chiller water replacement and irrigation to help to lessen potable water demand within RTP and decrease discharge into Jordan Lake. All sites are developed, the tenant will extend water, sewer and reclaimed water lines to their facilities. These reclaimed water lines are public utilities and are managed, operated and maintained similar to the existing water and sewer lines within RTP.

In order to update the Wake County Water and Sewer Funding Policy, it is recommended that the policy language be amended as follows:

1. Amend “Implementing the Water and Sewer Plan”, last item in Paragraph 2, to read “Fund water, sewer and reclaimed water facilities within the Wake County portion of Research Triangle Park.”
2. Amend “Economic Development, Types of Assistance”, Paragraph 2, to read “For properties within Research Triangle Park, which cannot be annexed by a municipality, the County may assist with on-site water, sewer and reclaimed water lines.”

Commissioner Bryan said that this amendment improves the economic development policy.

Joe Bryan motioned, seconded by Phil Matthews, to approve the Amendment to the Wake County Water and Sewer Funding Policy.

The motion passed unanimously.

Award of Construction Contract and to Reconstruct a Headquarters Station for Bay Leaf Fire Department

Mr. Mark Forestieri, Senior Facilities Project Manager, said that on October 3, 2011, the Board approved the schematic design for reconstruction of Bay Leaf Fire Station #1. The facility will be a 2-story, 16,400 SF building with a code compliant sleeping area, training space for 70 people and adequate administrative space for headquarters functions. In addition to approval of schematic design, the Board also authorized the County Manager to enter into a Memorandum of Understanding with the Bay Leaf Volunteer Fire Department Board of Directors (Bay Leaf). Under this agreement, the County proposed to build this two story station in exchange for the conveyance of Bay Leaf Station #3, from Bay Leaf to the County. Station #3 is located at 1431 Lynn Road and is a 12,000 SF building.

On April 30, 2012, the Bay Leaf Board of Directors voted to approve the Memorandum of Understanding with Wake County. On May 17, 2012, bid proposals were received from qualified general contractors for the reconstruction of Bay Leaf Fire Station #1 in accordance with NC General Statutes. A tabulation of bids received is attached for review. Staff recommended a construction contract be awarded to the lowest responsible, responsive bidder. The total contract award amount is \$3,098,000. Funding for this project is included in the FY 2012 Capital Improvement Program (CIP). This updated budget amount reflects a slight increase over the amount of \$3,600,000 that was presented to the Board in October with the schematic design.

Mr. Foresteri said the increase was mainly due to an escalation of 3-5% in construction prices over the past year, based on recently bid projects. Also, provisions for temporary facilities had not yet been investigated at the time of the schematic design. Those provisions require additional site improvements that were unknown at the time.

Staff requested the Board appropriate \$3,445,000 to construct, equip and complete this project. In recognition of the conveyance of Bay Leaf Station #3 to the County for use as a co-located County EMS station, staff also requested appropriation of \$940,000 of uncommitted funds in the County capital projects fund for transfer to the Fire Tax District Capital Fund. With award of this contract, construction of the project will commence in July, and is expected to be completed in late summer of 2013.

Chairman Coble noted that the contract is \$2 million below the original estimate.

Commissioner Portman offered disclosure on a co-ownership of some condominiums with DeVere Construction Company, Inc. but that he had no knowledge of this project and had no personal gain from this project. He asked if this would create a conflict for him to vote on this item. County Attorney Warren stated if there was no personal gain, it would not be a conflict but thanked him for offering disclosure on the relationship.

Commissioner Gurley asked about the transfer of the \$940,000 county capital funds to the Fire Tax District capital funds and if that was a fair trade. Mr. Cooke stated it was a fair trade because the county would be using the other facility for EMS purposes.

Paul Coble motioned, seconded by Betty Lou Ward, to approve the following:

1. Award a construction contract to DeVere Construction Company, Inc. of Raleigh, NC, in the amount of \$3,098,000.
2. Appropriate \$3,445,000 towards construction, permit fees, testing and inspection fees and equipment costs for the reconstruction of Bay Leaf Fire Station #1 using cash savings and reserves from the Fire Tax fund.
3. Appropriate \$940,000 in FY12 of uncommitted funds in the County capital projects fund and transfers those funds to the Fire Tax District Capital Fund.
4. Authorize the County Manager to execute a Memorandum of Understanding with Bay Leaf Volunteer Fire Department along with its attached agreements, subject to terms and conditions acceptable to the County Attorney.
5. Accept conveyance of the deed for Bay Leaf Fire Station #3 as consideration towards the reconstruction cost of Station #1.

The motion passed unanimously.

Approval of the Joint-Use Agreement with the Non-Profit Yates Mill Associates for Historic Yates Mill County Park

Mr. Chris Snow, Wake County Parks, Recreation, and Open Space Director, said on August 19, 2002, the Board of Commissioners authorized the County Manager to execute a ten-year Joint Use Agreement between Wake County and Yates Mill Associates for Historic Yates Mill County Park, which specifically related to the restoration, preservation, operation, and maintenance of the historic mill building and its associated equipment. This ten-year Joint Use Agreement expires on June 21, 2012. The agreement updates and renews the partnership between Yates Mill Associates and the County related to the restoration, preservation, operation, and maintenance of the historic mill and its associated equipment for a ten-year period ending June 21, 2022. Mr. Snow recognized the Yates Mill Associates President Margaret Willard, Jon Vandenburg; Past President, and Mr. Larry Hancock; Board Chair.

Commissioner Bryan complimented Yates Mill Associates for their great partnership.

Vice Chairman conducted the meeting temporarily.

Joe Bryan motioned, seconded by Betty Lou Ward, to approve a Joint Use Agreement with the non-profit Yates Mill Associates for the preservation, operation and maintenance of the Mill and its associated equipment at Historic Yates Mill County Park, and to authorize the County Manager to execute said agreement under terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Commissioner Gurley encouraged the board and citizens to visit Yates Mill and the Yates Mill Park.

Mr. Snow noted that the Cary Living Magazine highlights the Yates Mill Park this month.

Approval of Resolution Accepting And Endorsing The Wake County Ten Year Comprehensive Solid Waste Management Plan Update for 2012-2022

Mr. John Roberson, Wake County Solid Waste Director, said that the General Statutes require that each unit of local government develop a Ten-Year Comprehensive Solid Waste Management Plan. He said that each plan must be updated at least every three years. He shared that since 2009, recycling has increased dramatically since many of the municipalities have starting using larger recycling containers. The waste generation has decreased as a result of more recycling. He said the downturn in the economy has caused people to buy

less and discard less waste. As a result of the recycling efforts, more revenues have been collected.

He shared the highlights including improvements in recycling, decline in waste generation due to recycling and economy, partners have increased revenue. Household Hazardous Waste (HHW) has increased 50-100%. Waste disposal, yard waste and anti-littering programs have helped.

The following are general recommendations for future and continued actions:

- Provide the maximum opportunity practicable for waste reduction, reuse, and recycling using appropriate incentives, disincentives, and policies to motivate residents, institutions, and businesses.
- Ensures the availability of economical, long term municipal solid waste (MSW) disposal capacity.
- Maintains an efficient system for collection, processing, recovery, diversion, transfer and delivery of all solid waste streams.
- Offers a convenient method for residents to recycle a wide range of marketable materials including special wastes and yard wastes.
- Communicates easily understood information regarding opportunities for all residents to reduce and recycle waste.
- Employs effective methods to reduce illegal dumping and littering, and to monitor and enforce regulations prohibiting such behavior.
- Provides a plan and adequate facilities for the proper management of disaster debris.
- Is supported by a secure, transparent, and equitable funding system to cover the cost of the current and future solid waste management programs, as outlined in the plan.
- Realize increased efficiencies and cost savings through intergovernmental partnerships and the most appropriate mix of public and private sector services and facilities.

Commissioner Bryan asked Mr. Roberson to share with the citizens about the county goals that will help reduce waste. Mr. Roberson said he visited a few recycling facilities and learned that if a citizen questions if something should be recycled, then put it in recycling and it will be sorted either in or out. Other items will be sent to the landfill. He said the state has a 40% municipal waste reduction goal and the county has a goal of 20% reduction. Food waste is probably the next constituent that is not good for the landfill. Staff is looking at a pilot program for food waste disposal at the landfill.

Ervin Portman motioned, seconded by Tony Gurley, to approve a resolution accepting and endorsing the Wake County Ten Year Comprehensive Solid Waste Management Plan Update for 2012-2022. The motion passed unanimously.

Chairman Coble resumed chairing the meeting.

**RESOLUTION ACCEPTING AND ENDORSING
THE WAKE COUNTY TEN YEAR COMPREHENSIVE
SOLID WASTE MANAGEMENT PLAN UPDATE FOR 2012-2022**

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, it is a priority of Wake County to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of Wake County;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of Wake County to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Wake County recognizes its role in the encouragement of recycling markets by purchasing recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the Wake County Environmental Services Department, Solid Waste Management Division and the County's Solid Waste Advisory Committee have undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF WAKE COUNTY:

That Wake County's 2009 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed in file with the Clerk to the Board on this day, June 18, 2012.

ADOPTED this the 18 day of June, 2012.

FY 2012 Budget Revisions

Ms. Johnna Rogers, Deputy County Manager, presented budget revisions for end of the Fiscal Year 2012 that totals \$1.9 million. She said there are increases and decreases for various departments. She gave an overview of the following revisions:

1. Decreases in the County Capital Fund
2. Grants and Donation Fund Closeouts
3. Major Facilities Fund - revenues exceed budget estimates
4. Corporate Fleet Funds in right place

GENERAL FUND

The following items require changes in revenue and expenditure appropriation in the General Fund, below the table is an explanation of each change.

		Revenues	Expenditures
A	ABC Revenues for MCO Start-Up	2,000,000	2,000,000
B	Human Services: Adjust for reduction in state funds	(2,980,000)	(2,980,000)
C	Risk Management:		
	EMS		571,000
	Environmental Services		45,000
	Non-Departmental - risk management		(616,000)
	Risk management subtotal		-
D	EMS: Increase in salary and benefits to correct FY12 budget error		470,000
E	Board of Elections: Increase in various operating expenses		350,000
F	Fuel Costs associated with higher than budgeted fuel rates for a portion of the fiscal year		
	EMS		165,000
	Environmental Services		103,000
	Fuel subtotal		268,000
G	Transfers In: Increase General Fund for close out of grants in the Grants and Donations Fund	702,618	
H	Move funding for Ryan White Grant along with one FTE to the Grants and Donations Fund	(72,978)	(72,978)

I	Increase in Transfer from Major Facilities Fund for billing collections performed by Revenue department due to revenues in excess of budget	98,000	
J	Transfer to Corporate Fleet Fund; Source is Fund Balance	1,673,316	1,673,316
K	Increase Sales Tax for amount needed to fund estimated net increase in expenditures	287,382	
	Total	1,912,848	1,912,848

A. ABC Revenues for MCO Start-Up: In February 2012, the Wake and Durham County Board of Commissioners approved an Interlocal Agreement to create a new multi-county area authority for the purposes of managing mental health, developmental disability and substance abuse services in Wake and Durham counties. Consistent with the terms of the ILA, each County agreed to provide \$4 million in start-up funds. The start-up funds will be used for purposes that include new technology systems, corporate offices and furnishings, and some personnel costs. Wake County received and appropriated an initial \$2,000,000 commitment from the Wake County Board of Alcoholic Control (ABC) on April 16, 2012. On May 23, 2012, the ABC Commission agreed to fund the remaining portion \$2,000,000 Wake's start-up obligation. This action will accept and appropriate these funds. Durham County has agreed to accept the start-up funds from Wake County and enter into agreements on behalf of the new area authority until July 1, 2012 when the new entity will have an operational budget and fiduciary responsibilities. The start-up funds, minus any previous expenditures, will be conveyed from Durham County to the new entity for a July 1, 2012 start date. The start-up funds, including 1% interest will be repaid to each County in five annual installments beginning in June 30, 2013 according to the attached schedule. All principal and interest will be paid in full by June 30, 2017.

B. Human Services: State funds totaling \$2,980,000 were reduced in the following programs: Medicaid Presumptive program, Crisis Intervention program, and Child Care Subsidy. Both revenues and expenditures in Human Services are being reduced to reflect this change.

C. Risk Management: During FY 2012, the County began charging back departments risk management costs, which are paid centrally to better reflect the true cost of service delivery as well as align accountability and responsibility. The estimates for the first year of the program were determined based on historical claims. Two departments, EMS and Environmental Services, will require additional appropriation of \$571,000 and \$45,000 to address low estimates and unanticipated high claims. Other departments also had overages in risk management, but were able to cover the increased costs from savings in other areas. The expenditure budget for charges will be increased in the departments with a corresponding increase in the contra-account for chargebacks in the Risk Management Division of Non-Departmental. This action results in changes to departmental appropriations, but no net change in the total General Fund.

D. EMS: During the FY 2012 budget process, multiple changes were being made with respect to consolidation of Six Forks and potential consolidation with Apex. Some of the adjustments necessary to properly reflect these changes were inadvertently omitted from the budget. An adjustment of \$470,000 is necessary to provided sufficient appropriation for covering all salary and benefits for the fiscal year.

E. Board of Elections: The FY 2012 budget did not include funding for a primary run-off with the understanding that if second primary were necessary the budget would have to be adjusted. The appropriation of \$350,000 will cover the majority of costs associated with July 17th Primary Run-off in addition to cost associated with the mailing of voter cards due to redistricting.

F. Fuel: Due to higher than anticipated costs for unleaded and diesel vehicle fuel, EMS and Environmental Services fuel usage requires an additional \$165,000 and \$103,000 respectively. Other departments also had overages in fuel, but were able to cover the costs from savings in other areas. The budgeted cost for both unleaded and diesel was \$2.50 per gallon with the actual average currently at \$2.93 per gallon for unleaded and \$3.42 cents per gallon for diesel.

G. Transfers In: The County maintains a separate grants and donations fund. In preparing to close out certain grants, it was discovered that reimbursement funds for expenditures previously incurred in the General Fund budget were recorded in the Grants Fund rather than the General Fund. To correct the accounting, \$702,618 in realized revenues will be transferred to the General Fund.

H. Ryan White Grant: The Ryan White Grant is currently accounted for in the General Fund and the Human Services Department desires to move this funding to the Grants and Donations Fund. An employee is funded through this position; therefore, both the funding and the FTE will be transferred to the Grants and Donations Fund.

I. Transfer from Major Facilities: The Major Facilities Fund is used for the collection, administration, and distribution of the Occupancy and Prepared Food Taxes. The County's Revenue Department receives 3% of the taxes as commission for the collection of the taxes. Revenues are expected to exceed budget estimates in the Major Facilities Fund (budget revisions for the fund are included a latter portion of this item). The fee to the General Fund will increase as a result of actual collections by approximately \$98,000. This adjustment is being made to match the Transfer amount in the Major Facilities Fund and also provide funding for increased expenditures.

J. Appropriate Fund Balance and Transfer Funds to the Corporate Fleet Fund: Transfer \$1,673,316 from the General Fund to the Corporate Fleet Fund to cover the encumbered vehicles at the end of FY 2010 that were paid in FY 2011 out of the Corporate Fleet Fund budget. (See *detailed explanation included in the Fleet Fund portion of this item*). The General Fund Fund Balance is expected to increase at the end of fiscal year 2012 and will continue to exceed the minimum levels established in the County's fund balance policy. Including this use of fund

balance, the total fund balance is expected to be 17.7% up from 16.9% (policy >15%) and the working capital portion of fund balance is expected to be 11.6% up from 10.9% (policy >10%).

K. Sales Tax: Sales tax is increased from \$111,580,804 (adopted budget) by \$287,382 to \$111,868,186 to provide sufficient revenues for the net increase in expenditures. As of the last sales tax report which includes information through February, the County is estimated to receive approximately \$118.1 million in sales tax revenue.

Summary of General Fund Changes

Below is a summary of the changes described above for the General Fund illustrated by department for expenditures or type for revenues. Of note, with these adjustments, the County anticipates our fund balance for working capital to be at 11.6% which will exceed the policy target for working capital of 10%. Refer to the attached budget memos for details.

Department / Type	Amended Budget	Adjustment	Revised	FTE Changes
EXPENDITURES				
Board Of Elections	3,591,241	350,000	3,941,241	
Emergency Medical Services	27,799,218	1,206,000	29,005,218	
Environmental Services	7,812,633	148,000	7,960,633	
Human Services Department	216,245,555	(2,848,468)	213,397,087	(1.00)
Non Departmental	12,164,444	1,384,000	13,548,444	
Transfers	209,005,000	1,673,316	210,678,316	
REVENUES				
1000 Taxes	758,757,225	287,382	759,044,607	
3000 State	101,788,665	(2,547,902)	99,240,763	
4000 Local	6,872,112	2,000,000	8,872,112	
5000 Charges For Services	65,392,602	(300,566)	65,092,036	
8800 Other Financing Sources	3,332,412	1,673,316	5,005,728	
9000 Transfers	2,249,000	800,618	3,049,618	

CAPITAL AND DEBT

Hammond Road Detention Center Phase 2 - County Capital Projects and Debt Service Fund:

The current Hammond Road Phase 2 Detention Center budget totals \$149,699,699.52; another \$3,030,300 is budgeted separately for the ARRA funded portion of the project. At this time, it is anticipated that there will be an additional \$1.5 million in savings in the project, primarily a result of a favorable bid climate and limited use of project contingency.

The project is entirely financed with Limited Obligation Bonds (LOBs) issued in support of the Hammond Road Detention Center Phase 2 project. It is permissible to use LOBs proceeds to pay a portion of the interest costs of the LOBs. In order to use the proceeds to pay interest costs, it is necessary to reduce the appropriation for the Hammond Road Detention Center Phase 2 project and to appropriate those proceeds in the Debt Service Fund.

From: County Capital Projects Fund		To: Debt Service Fund	
Revenues		Revenues	
Hammond Road Detention Center Phase 2 LOBs	149,699,699.52	Debt Service Fund	\$262,287,960.00
Limited Obligation Bonds	(1,500,000.00)	Other Financing Sources	1,500,000.00
Revised Budgeted Revenues	\$ 148,199,699.52	Revised Budgeted Revenues	\$263,787,960.00
Expenditures		Expenditures	
Hammond Road Detention Center	\$ 149,699,699.52	Debt Service Principal, Interest, and Fees	\$262,287,960.00
Unallocated Budget CIP	\$ (1,500,000.00)	Bond Interest	\$ 1,500,000.00
Revised Budgeted Expenditures	\$ 148,199,699.52	Revised Budgeted Expenditures	\$263,787,960.00

County Capital Projects:

Section 18 of the FY 2012 Capital Projects Ordinance states: “the County Manager or his designee is authorized to reduce the appropriation of a project upon project completion or the realization of savings. Any savings identified may be transferred to the uncommitted funds project within the project’s respective fund” and Section 17 of the FY 12 Capital Projects Ordinance states “the County Manager or his designee is authorized to transfer appropriation amounts and realized revenue between projects within the same program. For transfers exceeding \$75,000 he shall make a report at the next regularly scheduled meeting of the Board following the transfer.”

Three projects have had savings greater than \$75,000. The Justice Center project totaled \$183,922,269.55. Primarily as a result of favorable bids received for furniture, fixtures, and equipment, an additional \$1 million of savings has been realized in the project. The revised budget for the Justice Center totals \$182,922,269.55. The Jail Records Management Upgrade project realized savings of \$120,000 and these savings have also been transferred to County Capital future year uncommitted funds. Finally, there was \$200,000 of available funds in Community Use of School Parks and those funds were transferred to uncommitted funds. The FY 13 CIP uses the \$200,000 from uncommitted funds as a source of funds for general park facility repairs, including repairs at existing school parks. In sum, a total of \$1,320,000 of project savings is being reported to the board per Section 17 and Section 18 of the FY 12 CIP project ordinance as detailed below:

Element	Project	Current Appropriation	Change	Revised Appropriation
Criminal Justice	Justice Center	\$ 183,922,270	\$ (1,000,000)	\$ 182,922,270
Automation	Jail Records Management System	1,250,000	(120,000)	1,130,000
Parks and Recreation	General Community Use of School Parks	252,995	(200,000)	52,995
Total Project Savings		\$ 185,425,265	\$ (1,320,000)	\$ 184,105,265
		Current Balance	Change	Revised Balance
County Capital Uncommitted Funds		\$ 6,495,502	\$ 1,320,000	\$ 7,815,502

Fire Tax District CIP:

Section 18 of the FY 2012 Capital Projects Ordinance states: “the County Manager or his designee is authorized to reduce the appropriation of a project upon project completion or the realization of savings. Any savings identified may be transferred to the uncommitted funds project within the project’s respective fund”. The FY 12 Fire Tax CIP included funds for the acquisition of one brush truck for the Bayleaf Fire Department. The Fire Tax District and the Fire Apparatus Committed have decided that the apparatus does not warrant replacement and should be removed from the CIP. Funds have been moved to uncommitted funds per the attached budget memo.

GRANTS AND DONATIONS FUND

The following items require changes in revenue and expenditure appropriation in the Grants and Donations Fund, below the table is an explanation of each change.

		Revenues	Expenditures
A	Close out of prior year grants	(430,088)	(1,132,706)
B	Transfer to the General Fund		702,618
C	Appropriate one FTE related to the Ryan White Grant from the General Fund to the Grants and Donations Fund	72,978	72,978
	TOTAL	(357,110)	(357,110)

A. Close Out of Prior Year Grants: Due to the close out of prior year grants in the former Public Safety department, Board of Elections, Community Services, Human Services, Sheriff, and Fire and Emergency Management departments, revenue will be decreased by \$430,088 and expenditures will be decreased by \$1,132,706.

B. Transfer to the General Fund: A transfer of \$702,618 will be made from the Grants and Donations fund to the General Fund because these revenues were expended from the General fund in previous fiscal years.

C. Appropriate one FTE Related to the Ryan White Grant to the Grants and Donations Fund: \$72,978 and one FTE are being moved from the General Fund to the Grants Fund to correctly locate the revenues and expenditures for the Ryan White Grant.

MAJOR FACILITIES FUND

Revenues generated by Occupancy and Prepared Food and Beverage Taxes are projected to exceed the FY 2012 Adopted Budget. The distribution of revenues is outlined by the taxes' enabling legislation and a series of Interlocal agreements. A portion of expenditures are based on a fixed annual distribution such as the Raleigh Holdback and debt service payments for the PNC Arena and Five County Stadium. These projects remain unchanged in the revised ordinance. Meanwhile, other expenditures are based on a percent of actual revenues including distributions to the Raleigh Convention Center, the Greater Raleigh Convention and Visitors' Bureau, Centennial Authority, and transfers to the General Fund for administration and collection costs. These expenditures are recommended for revision based on projected revenues and in accordance with the enabling legislation and Interlocal agreements. Due to the required distributions, only a portion of the increased revenues are available to offset the budgeted appropriation from fund balance. However, the amount needed from fund balance is expected to decrease from \$477,266 to \$111,708.

MAJOR FACILITIES REVENUE ADJUSTMENTS

Revenue Source/ Expenditure Object	Adopted Budget	Amended Budget	Revised Wrap- Up Ordinance	Change
Occupancy Tax	14,703,000	14,703,000	16,588,983	1,885,983
Prepared Food Tax	18,448,734	18,448,734	19,830,253	1,381,519
Appropriated Fund Balance	477,266	477,266	111,708	(365,558)
TOTAL REVENUES	33,629,000	33,629,000	36,530,944	2,901,944

MAJOR FACILITIES EXPENDITURE ADJUSTMENTS

Revenue Source/ Expenditure Object	Adopted Budget	Amended Budget	Revised Wrap- Up Ordinance	Change
CARY Hold Harmless	713,085	713,085	804,556	91,471
Greater Raleigh Convention And Visitors Bureau	3,812,676	3,812,676	4,270,029	457,353
CENTENNIAL AUTHORITY	1,934,182	1,934,182	2,117,616	183,434
NEW CONVENTION CENTER	14,295,301	14,295,301	16,366,987	2,071,686
TRANSFER TO GENERAL FUND (Revenue Dept)	995,000	995,000	1,093,000	98,000
All Other Projects (no change to appropriation)	11,878,756	11,878,756	11,878,756	0
TOTAL EXPENDITURES	33,629,000	33,629,000	36,530,944	2,901,944

CORPORATE FLEET FUND

Transfer \$1,673,316 from the General Fund to the Corporate Fleet Fund to cover the encumbered vehicles at the end of FY 2010 that were paid in FY 2011 out of the Corporate Fleet Fund budget.

Background:

In FY 2011 the County established an Internal Service Fund to account for fleet operations. As part of the start-up of that fund, a transfer of \$2,000,000 was made from the General Fund. Based on the Corporate Fleet Fund model, this amount was determined to be adequate to ensure the fund was self-sustaining in the long term.

Prior to FY 2011, Fleet Operations was a division of GSA and was accounted for in the County's General Fund. At the end of FY 2010, Fleet operations had outstanding encumbrances of \$1,673,316 which related to vehicles that had been ordered but not yet received or paid for. Amounts still encumbered but unpaid at the end of a fiscal year roll into the next year, with the revenue source for rolled encumbrances reflected as "Appropriated Fund Balance". This process was the same for all non-multi-year funds as the revenues from the prior year were the source of funds to pay for the encumbrances rolled forward.

During the year-end encumbrance roll process the amounts for encumbered fleet purchases in the General Fund were rolled to the new Corporate Fleet Fund. Because the Fleet Fund was a new fund, the only fund balance that could exist was the amount transferred from the General Fund. This amount transferred from the General Fund only included the \$2 million included as part of the FY 2011 Adopted Budget, and was not increased in support of the \$1,673,316 in encumbered fleet purchases transferred from the General Fund to the Corporate Fleet Fund.

The appropriation for encumbrances within the General Fund should have remained in the General Fund until such time as both the encumbrances and a transfer from the General Fund in support of those encumbrances were made as a Board-authorized adjustment to the Fleet Fund. The net effect of this adjustment would have been to increase the fund balance in the Corporate Fleet Fund, and decrease the fund balance in the General Fund in FY 2011.

Therefore, in order to properly account for these past encumbrances and ensure the solvency of the Fleet Fund, \$1.67 million will be transferred from the General Fund to the Corporate Fleet Fund to properly reflect the correct Corporate Fleet Fund balance in FY 2012.

From: General Fund Fund Balance		To: Corporate Fleet Fund	
Revenues		Revenues	
Appropriate Fund Balance	1,673,316	Transfer from the General Fund	1,673,316
Expenditures		Expenditures	
Transfer to Corporate Fleet Fund	1,673,316	Increase to Fund Balance	1,673,316

Commissioner Coble asked how these adjustments affect the end of the budget. Ms. Rogers said there are appropriations of sales tax but there may be expenditures to the fund balance, close to \$7 or \$8 million.

Betty Lou Ward motioned, seconded by Phil Matthews, to approve budget revisions to the FY 2012 General, County Capital, Debt Service, Grants and Donations Fund, Major Facilities, and Corporate Fleet Funds. The motion passed unanimously.

Approve Funding and Facility Use Agreements with Alliance Behavioral Healthcare

Ms. Denise Foreman, Assistant to the County Manager, presented three agreements to the board for approval for the Alliance Behavioral Healthcare services. She said beginning July 1, 2012, Alliance Behavioral Healthcare will assume responsibility for the management of mental health, developmental disability and substance abuse (MH/DD/SA) services in Wake County. Wake County has historically funded a robust array of MH/DD/SA services through community providers and Wake County staff. Wake County will enter funding agreements with Alliance Behavioral Healthcare that identifies Wake County’s responsibility for funding services and Alliance’s responsibility for managing contracts with the service providers.

Ms. Foreman shared the following information:

- Alliance Behavioral Healthcare will begin operations July 1, 2012

- Alliance will initially serve functions of Local Management Entity (LME) for Wake County
- Alliance will begin managed care operations (Medicaid management) for Wake County January 1, 2013

Funding Agreements:

- Wake County LME had responsibility for managing Wake County funds purchasing services from the following providers: –Daymark –Southlight –City of Raleigh –Holly Hill Hospital. Funding Agreements provide Wake County funds to Alliance to continue purchasing services.
- Daymark - \$2,114,000 –Provides facility based crisis and non-hospital detox services at WakeBrook – One-year contract with option to renew additional year
- Southlight - \$78,650 –Supports Kinton Court – residential treatment program for women who are addicted and are pregnant or have children under 18
- City of Raleigh - \$110,000 –Supports City programs for children and adults with special needs including specialized recreation and inclusion services •Alliance will evaluate these programs in FY2013 for determination of future year funding
- Holly Hill Hospital - \$918,750
 - Interim agreement for up to 45 days
 - FY2013 budget for Holly Hill contract = \$7.3 million
 - Supports provision of short-term inpatient beds for Wake residents
 - Currently in year four of ten year agreement
 - On-going negotiations; working towards final agreement on July 2 or August 6 Board agenda

Facilities Use Agreement:

- Alliance will maintain an office location in Wake County
- Agreement allows for Alliance use of second-floor of Community Services Center at Whitaker Mill
 - Current location of Wake LME
 - Rent-free until December 31, 2012
 - Approximately 60 staff
 - Staff will work closely with providers and community partners

Commissioner Gurley said he owns a business that has contracts with mental health. He has divested his interest in the pharmacy, so no he longer has a conflict with voting on this item.

Commissioner West clarified that the LME will no longer exist and the MCO will now perform the management.

Ms. Foreman said Alliance Behavioral Healthcare has agreed to manage the funds.

James West motioned, seconded by Phil Matthews, to approve the following:

1. A \$2,114,000 one-year funding agreement with Alliance Behavioral Healthcare for the management of services to be provided by Daymark with the option to renew for an additional year, subject to the terms and conditions acceptable to the County Attorney;
2. A \$188,650 one-year funding agreement with Alliance Behavioral Healthcare for the management of services to be provided by Southlight and the City of Raleigh, subject to the terms and conditions acceptable to the County Attorney;
3. A \$918,750 interim funding agreement with Alliance Behavioral Healthcare for the management of services to be provided by Holly Hill Hospital, subject to the terms and conditions of the County Attorney; and,
4. A six-month facilities use agreement for Alliance Behavioral Healthcare's use of the Community Services Center at Whitaker Mill, subject to the terms and conditions of the County Attorney.

The motion passed unanimously.

Commissioner Bryan spoke to Commissioner Gurley's transparency. He is still a pharmacist, attorney and entrepreneur.

STATE OF NORTH CAROLINA

FUNDING AGREEMENT

COUNTY OF WAKE

FOR DAYMARK RECOVERY SERVICES, INC.

This Funding Agreement is made and entered into this the ____ day of _____, 20____, by and between the County of Wake, a political subdivision of the State of North Carolina ("Wake") and Alliance Behavioral Healthcare, a Local Management Entity existing under N.C.G.S. Chapter 122C ("Alliance").

WITNESSETH:

WHEREAS, Alliance has been established as a Multi County Area Authority to Manage Mental Health, Substance Abuse, and Developmental Disability Services for Durham and Wake Counties by joint resolution of the Wake County and Durham County Boards of County Commissioners and authorization of the Secretary pursuant to N.C. G.S. 122C-115; and;

WHEREAS, Alliance has an effective operational date of July 1, 2012;

WHEREAS, prior to July 1, 2012, Wake Local Management Entity managed Mental Health, Substance Abuse, and Developmental Disability Services for Wake County and in furtherance of that function Wake County LME entered a contract with Daymark Recovery Services, Inc. ("Daymark") in 2011 for the purpose of furnishing facility based crisis and non-medical detox

ASAM III services to eligible Wake County citizens; and

WHEREAS, changes in state law regarding the management of behavioral health funding in North Carolina has or will result in the dissolution of Wake Local Management Entity and as a result, Wake County and Daymark have terminated the contract previously entered on mutually agreeable terms; and

WHEREAS, Wake County desires to direct funding to Alliance for the purpose of continuing to purchase facility based crisis and non-medical detox ASAM III services for eligible Wake County citizens and desires that such services shall be purchased from Daymark upon the terms and conditions herein; and

WHEREAS, Alliance is a purchaser and monitor of services with the expertise to assure proper provision of facility based crisis and non-medical detox ASAM III services to eligible Wake County citizens; and

WHEREAS, this Funding Agreement is entered to set forth the terms and conditions upon which Wake County shall direct funding to Alliance for the purchase of Daymark services for Wake County residents.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, Wake and Alliance agree as follows:

ARTICLE I

TERM

- 1.1 The term of this Funding Agreement shall be July 1, 2012 through June 30, 2013, unless terminated or modified by written agreement of the parties hereto.
- 1.2 Provided that the conditions set forth in Article II herein continue to be met, the parties shall renew this Funding Agreement for an additional one year term through and including June 30, 2014 upon the same terms and conditions; except that direct funding in subsequent terms may be modified by Wake County based upon the previous year's consumption rate.

ARTICLE II

CONDITIONS PRECEDENT TO FUNDING COMMITMENT

Wake County shall have no obligation to tender the funding commitment outlined in Article III herein until and unless each of the following conditions have been met:

- A. Wake County and Daymark have entered into a properly authorized and executed Agreement which shall provide for the immediate and unconditional termination of the Agreement previously entered by and between Wake LME and Daymark as of the 16th day of August, 2011. This Agreement shall release Wake County from all terms and conditions of the August 2011 Agreement.
- B. Alliance and Daymark have entered into a properly authorized and executed Service Provider Agreement. This Service Provider Agreement shall identify an annual contract maximum and shall detail services to be provided, reimbursement rates, reporting, performance standards, and an appeals process meeting or exceeding the requirements set forth in the then current NCDHHS Provider Agreement template. Alliance shall provide a

copy of the executed Agreement to Wake County within three (3) business days of execution and shall for the Term of this Funding Commitment be required to provide a copy of any modifications, amendments, or renewals of the Agreement within three (3) business days of execution.

ARTICLE III

WAKE COUNTY RESPONSIBILITIES

3.1 For the Fiscal Year 2013, Wake County agrees to direct funding in the fixed amount of TWO MILLION ONE HUNDRED FOURTEEN THOUSAND AND NO/1.00s (\$2,114,000.00) to Alliance for the purchase of facility based crisis and non-medical detox ASAM III services from Daymark for eligible Wake County citizens to the extent that other payor sources such as private pay, private insurance, government programs, or Medicaid funds are not available.

3.2 Wake County shall pay this amount in quarterly increments due and payable at the beginning of each fiscal quarter, beginning July 1, 2012, upon receipt of an invoice.

3.3 Funds not used for the purchase of services in any fiscal year term may be reallocated by Wake County for the purchase of services in future fiscal year terms.

ARTICLE IV

ALLIANCE RESPONSIBILITIES

4.1 For the Fiscal Year 2013, Alliance agrees to use the direct funding provided by Wake County in the fixed amount of TWO MILLION ONE HUNDRED FOURTEEN THOUSAND AND NO/1.00s (\$2,114,000.00) exclusively for the purchase of facility based crisis and non-medical detox ASAM III services for eligible Wake County residents. For the purpose of this Agreement, a person is considered a Wake County resident if he or she lives in Wake County at the time of admission with the intent to remain in Wake County for an indefinite period of time.

4.2 Alliance shall not apply any direct funding under this agreement to the cost of such services unless no other payor sources such as private pay, private insurance, government programs, or Medicaid funds are available.

4.3 Alliance shall not apply any direct funding under this Agreement to the cost of services for patients who are not Wake County residents.

4.4 Alliance shall not transfer any direct funding under this Agreement to the Alliance fund balance.

4.5 If the allocated direct funding during the Term is not used in whole or part to purchase Daymark services, then Alliance may use any available excess direct funding under this Agreement for other services if approved in writing by the Wake County Manager or Designee.

4.6 Alliance is responsible for providing a quarterly invoice to Wake County at the beginning of each fiscal quarter. This invoice shall be for an amount not to exceed one-fourth of the allocated direct funding. Alliance is responsible for providing a monthly report that shall include an accounting for all services provided and billed by Daymark during the previous month, including de-identified demographic information for each patient including age, sex, county of residence, diagnosis, treatment codes, method of verifying county of residence, and any other payor sources identified.

4.7 Alliance is responsible for oversight of all funding stipulations set forth herein.

**ARTICLE V
OTHER PROVISIONS**

5.1 RELATIONSHIP OF PARTIES

Wake County and Alliance agree that Alliance is an independent contractor and shall not represent itself or be deemed as an officer, agent or employee of Wake County for any purpose. Alliance represents that it has or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with Wake County. Alliance agrees that all personnel engaged in work under this Agreement shall be fully qualified and shall be authorized or permitted under state and local law to perform such services. Alliance further agrees that it shall obey all State and Federal statutes, rules and regulations which are applicable to provisions of the services called for herein.

5.2 NON-ASSIGNMENT

Alliance shall not assign any portion of this Agreement, including the right to receive payment hereunder, to any party without the prior written consent of Wake County.

5.3 NO THIRD PARTY BENEFICIARIES

This Agreement is not intended for the benefit of any third party. The rights and obligations contained herein belong exclusively to the parties hereto, and shall not confer any rights or remedies upon any person or entity other than the parties hereto.

5.4 GOVERNING LAW

The parties acknowledge that this Agreement shall be governed by the laws of the State of North Carolina.

5.5 ENTIRE AGREEMENT

The terms and provisions herein contained constitute the entire agreement by and between Wake County and Alliance and shall supersede all previous communications, representations or agreements, either oral or written between the parties hereto with respect to the subject matter hereof.

5.6 NOTICES

All notices, reports, records, or other communications which are required or permitted to be given to the parties under the terms of this Agreement shall be sufficient in all respects if given in writing and delivered in person, by confirmed facsimile transmission, by overnight courier, or by registered or certified mail, postage prepaid, return receipt requested, to the receiving party at the following address:

If to Wake County:

If to Alliance:

5.7 SEVERABILITY

If any provision of this Agreement shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Agreement.

5.8 COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be deemed an original.

5.9 EFFECTIVE DATE OF AGREEMENT

The effective date of this Agreement shall be the date upon which the authorized agent of Wake County executes this agreement. This date shall be reflected in the first paragraph of this Agreement.

**ARTICLE VI
Authorization and Binding Obligation**

The parties hereto each have the authority to enter the Agreement set forth herein, and that execution of this Agreement has been duly approved and authorized by resolution or any other necessary action, and this Agreement constitutes a legal, binding, and valid obligation.

Executed as of the day and year first above written.

**COUNTY OF WAKE,
NORTH CAROLINA**

By: _____
Manager

Date: _____

Approved as to form:

Scott W. Warren
Wake County Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Wake County Finance Director, or designee

ALLIANCE BEHAVIORAL HEALTHCARE

By: _____
Ellen S. Holliman, Director

Date: _____

By: _____
Chairperson, Board of Directors

Date: _____

Approved as to form:

Attorney for Alliance

STATE OF NORTH CAROLINA

COUNTY OF WAKE

FUNDING AGREEMENT

**FOR SOUTHLIGHT, INC. AND
CITY OF RALEIGH SERVICES**

This Funding Agreement is made and entered into this the ____ day of _____, 20__, by and between the County of Wake, a political subdivision of the State of North Carolina (“Wake”) and Alliance Behavioral Healthcare, a Local Management Entity existing under N.C.G.S. Chapter 122C (“Alliance”).

WITNESSETH:

WHEREAS, Alliance has been established as a Multi County Area Authority to Manage Mental Health, Substance Abuse, and Developmental Disability Services for Durham and Wake Counties by joint resolution of the Wake County and Durham County Boards of County Commissioners and authorization of the Secretary pursuant to N.C. G.S. 122C-115; and;

WHEREAS, Alliance has an effective operational date of July 1, 2012;

WHEREAS, Wake County desires to direct funding to Alliance for the purpose of purchasing certain behavioral health services from Southlight and the City of Raleigh which were previously managed by the Wake Local Management Entity; and

WHEREAS, Alliance is a purchaser and monitor of services with the expertise to assure proper provision of behavioral health services to eligible Wake County residents; and

WHEREAS, this Funding Agreement is entered to set forth the terms and conditions upon which Wake County shall direct funding to Alliance for the purchase of Southlight, Inc. and City of Raleigh services for Wake County residents.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, Wake and Alliance agree as follows:

ARTICLE I

TERM

- 1.3 The term of this Funding Agreement shall be July 1, 2012 through June 30, 2013, unless terminated or modified by written agreement of the parties hereto.

ARTICLE II

CONDITIONS PRECEDENT TO FUNDING COMMITMENT

Wake County shall have no obligation to tender the funding commitments outlined in Article III herein until and unless Alliance and the Provider of the funded service have entered into a properly authorized and executed Service Provider Agreement. This Service Provider Agreement shall identify an annual contract maximum and shall detail services to be provided, reimbursement rates, reporting, performance standards, and an appeals process meeting or exceeding the requirements set forth in the then current NCDHHS Provider Agreement template. Alliance shall provide a copy of the executed Agreement to Wake County within three (3) business days of execution and shall for the Term of this Funding Commitment be required to provide a copy of any modifications, amendments, or renewals of the Agreement within three (3) business days of execution.

ARTICLE III

WAKE COUNTY RESPONSIBILITIES

3.1 CITY OF RALEIGH

- a. For the Fiscal Year 2013, Wake County agrees to direct funding in the fixed amount of ONE HUNDRED TEN THOUSAND AND NO/1.00s DOLLARS (\$110,000.00) to Alliance for the purchase of behavioral health services from City of Raleigh for eligible Wake County residents to the extent that other payor sources such as private pay, private insurance, government programs, or Medicaid funds are not available. These behavioral health services shall include a variety of programs for children and adults with special needs including specialized recreation and inclusion services.
- b. Wake County shall pay this amount in at the beginning of the fiscal year upon receipt of an invoice as defined in Article IV.
- c. Funds not used for the purchase of services in any fiscal year term may be reallocated by Wake County for the purchase of services in future fiscal year terms.

3.2 SOUTHLIGHT, INC.

- a. For the Fiscal Year 2013, Wake County agrees to direct funding in the fixed amount of SEVENTY EIGHT THOUSAND SIX HUNDRED FIFTY AND NO/1.00s (\$78,650.00) to

Alliance to provide funding to Southlight, Inc. This funding shall be directed to Southlight, Inc. for the Kinton Court project, a residential treatment program for women who are addicted and may also have mental illness and who are pregnant and/or have children under the age of eighteen. This program shall be provided for eligible Wake County residents to the extent that other payor sources such as private pay, private insurance, government programs, or Medicaid funds are not available.

- b. Wake County shall pay this amount at the beginning the fiscal year upon receipt of an invoice as defined in Article IV.
- c. Funds not used for the purchase of services in any fiscal year term may be reallocated by Wake County for the purchase of services in future fiscal year terms.

ARTICLE IV

ALLIANCE RESPONSIBILITIES

4.1 For the Fiscal Year 2013, Alliance agrees to use the direct funding provided by Wake County for City of Raleigh and Southlight, Inc. exclusively for the purchase of services for eligible Wake County residents as outlined in Article III herein. For the purpose of this Agreement, a person is considered a Wake County resident if he or she lives in Wake County at the time of admission with the intent to remain in Wake County for an indefinite period of time.

4.2 Alliance shall not apply any direct funding under this agreement to the cost of such services unless no other payor sources such as private pay, private insurance, government programs, or Medicaid funds are available.

4.3 Alliance shall not apply any direct funding under this Agreement to the cost of services for patients who are not Wake County residents.

4.4 Alliance shall not transfer any direct funding under this Agreement to the Alliance fund balance.

4.5 Alliance is responsible for providing an annual invoice to Wake County at the beginning of the fiscal year. Alliance is responsible for providing an annual report of services provided by City of Raleigh and services provided and billed by Southlight, Inc. at the end of the fiscal year for services purchased through this contract.

4.7 Alliance is responsible for oversight of all funding stipulations set forth herein.

ARTICLE V OTHER PROVISIONS

5.1 RELATIONSHIP OF PARTIES

Wake County and Alliance agree that Alliance is an independent contractor and shall not represent itself or be deemed as an officer, agent or employee of Wake County for any purpose. Alliance represents that it has or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with Wake County. Alliance agrees that all personnel engaged in work under this Agreement shall be fully qualified and shall be authorized or permitted under

state and local law to perform such services. Alliance further agrees that it shall obey all State and Federal statutes, rules and regulations which are applicable to provisions of the services called for herein.

5.2 NON-ASSIGNMENT

Alliance shall not assign any portion of this Agreement, including the right to receive payment hereunder, to any party without the prior written consent of Wake County.

5.3 NO THIRD PARTY BENEFICIARIES

This Agreement is not intended for the benefit of any third party. The rights and obligations contained herein belong exclusively to the parties hereto, and shall not confer any rights or remedies upon any person or entity other than the parties hereto.

5.4 GOVERNING LAW

The parties acknowledge that this Agreement shall be governed by the laws of the State of North Carolina.

5.5 ENTIRE AGREEMENT

The terms and provisions herein contained constitute the entire agreement by and between Wake County and Alliance and shall supersede all previous communications, representations or agreements, either oral or written between the parties hereto with respect to the subject matter hereof.

5.6 NOTICES

All notices, reports, records, or other communications which are required or permitted to be given to the parties under the terms of this Agreement shall be sufficient in all respects if given in writing and delivered in person, by confirmed facsimile transmission, by overnight courier, or by registered or certified mail, postage prepaid, return receipt requested, to the receiving party at the following address:

If to Wake County:

If to Alliance:

5.7 SEVERABILITY

If any provision of this Agreement shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Agreement.

5.8 COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be deemed an original.

5.9 EFFECTIVE DATE OF AGREEMENT

The effective date of this Agreement shall be the date upon which the authorized agent of Wake County executes this agreement. This date shall be reflected in the first paragraph of this Agreement.

**ARTICLE VI
Authorization and Binding Obligation**

The parties hereto each have the authority to enter the Agreement set forth herein, and that execution of this Agreement has been duly approved and authorized by resolution or any other necessary action, and this Agreement constitutes a legal, binding, and valid obligation.

Executed as of the day and year first above written.

**COUNTY OF WAKE,
NORTH CAROLINA**

By: _____
Manager

Date: _____

Approved as to form:

Scott W. Warren
Wake County Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Wake County Finance Director, or designee

ALLIANCE BEHAVIORAL HEALTHCARE

By: _____
Ellen S. Holliman, Director

Date: _____

By: _____
Chairperson, Board of Directors

Date: _____

Approved as to form:

Attorney for Alliance

Appointment of 2012 NACo Annual Conference Voting Delegate for Wake County Board of Commissioners

Chairman Coble nominated Commissioner Bryan for the 2012 NACO Annual Conference Voting Delegate for the Board of Commissioners. He asked if there were any other interested commissioners. He stated with no other nominations he would accept that this appointment of Commissioner Bryan as voting delegate at the NACo Annual Conference was made by acclamation.

Other Items

Ervin Portman motioned, seconded by Betty Lou Ward, to call on the Wake County Board of Commissioners to act and stop delaying consideration of the Wake County Transit plan.

Resolution calling on the Wake county board of commissioners to Act and stop delaying consideration of the Wake County Transit plan

Whereas Wake county has a long history of planning for future needs of this great county, and

Whereas Wake county has been identified as one of the fastest growing regions of the nation, predicted to reach 1 million people next year and 1.5 million by 2035, and,

Whereas For over a decade Wake county has formed broad based community panels and task forces to study the needs of the county, and without exception all of those studies and panels were made up of Republicans, Democrats and independents who set politics aside to come together and prepare and to plan for ways to protect our quality of life, while the population of our county is expected to double, all of these reports call for the county to implement a regional transit plan;

Blue Ribbon Committee on the future of Wake county (December 2005- July 2006)

Wake BOC established the committee which included 65 business and community leaders with the charge to examine the capital needs of meeting projected growth over the next 25 years and recommending funding strategies. The recommendations made included the call for 1/2 sales tax to fund transportation needs.

Regional Vision Transit Plan, by the Special Transit Advisory Commission (STAC) (May 2008)

Regional review by the regions Metropolitan Planning organizations (MPOS) called for the creation of a regional transit system to help meet the needs of a growing community.

Wake County Growth Issues Task Force (June 2008- May 2009) concluded that INCREASED MASS TRANSIT OPPORTUNITIES offers the best hope of addressing and solving our long term transportation needs within Wake County, and recommended support for the ¼ cent sales tax as means of funding this required improvements.

Capital Area Bus Transit Development Plan (September 2010 – October 2011)

This report identified that implementation of the transit plan would create over 17,000 jobs to the triangle economy and reduce congestion as the area grows.

21st Century Transportation Committee (November 2007 – December 2008)

This committee was established by the leaders of the North Carolina General Assembly and tasked with ways to improve transportation and alternative funding methods, and concluded we are 2nd of 50 states in roads, but 49th in revenue per mile. 57% of all urban Interstate miles are congested, and recommended the state allow a local option sales tax to help address transportation needs.

House Bill 148 Becomes Law August 27 2009

This bill allows wake county voters to approve via referendum and ¼ cent sales tax to support transit . The bill received strong bipartisan support from members of both parties.

Whereas the Wake board of commissioners has instructed county staff to spend taxpayer dollars to prepare a Wake Transit plan, and has identified this as a important goal for the Board of Commissioners and the County for many years, and

Whereas Wake County manager David Cooke has worked with the counties partners including participation for all 12 municipalities in the county and our regional partners in Transportation to develop a plan, which he feels is complete and through, with detailed financial projections for both revenue and expenditures for the next 20 years, and

Whereas the Chair has communicated that Transit is a important issue for the board in his State of the county report issued to all Wake citizens in November 2011, and

Whereas former Chair Joe Byran told Wake citizens in November 2008 State of the county report, "Our goals can only be reached through a vehicle of a plan, in which we must fervently believe, and upon which we must vigorously act. There is no other route to success. He stated, As we look to the challenges facing us in coming years, at the top of the list is surely the issue of transportation and transit!, and

Whereas former BOC chair Tony Gurley told Wake county citizens in his State of the County Report given in November of 2010, "As we look to our future, and at the challenges facing us as a growing community, at the top of the list is surely the issue of transportation and transit., and

Whereas the Wake BOC adopted goals have confirmed this need for a transit plan in its annual goals for many years, i.e.

2012 Work with Triangle Transit, the municipalities and the business community on a Transit Plan which may include bus and rail and determine support of the municipalities and the business community for a ½ cent sales tax referendum that will be supported by the citizens and voters of Wake County.

2011 Work with Triangle Transit, the municipalities and the business community on a Transit Plan which may include bus and rail and determine support of the municipalities and the business community for a ½ cent sales tax referendum that will be supported by the citizens and voters of Wake County, and anticipated no sooner than the Spring of 2012.

2010

Work with Triangle Transit to develop a Transit plan that is financially sound and will be supported by Interlocal Agreements with each municipality.

Work with Triangle Transit, the municipalities, and the business community to consider a ½ cent sales tax referendum schedule no sooner than the fall of 2011.

Transportation Strategies: Work with stakeholders, including the Wake County delegation, regional transportation organizations, municipalities and the business community to advance the County's transportation needs. and

Whereas In November 2011 the county manager presented the board of commissioners the Wake County Transit plan for consideration by the board and,

Whereas the board has taken no action, held no public hearings offered no comments or suggestions, made no revisions and never deliberated on its merits of lack therein

Be It Resolved that the Wake County Board of Commissioners accept its duty to meet and hear from the public and deliberate on the Wake County transit plan, by doing the following

Conduct a public hearing at our next meeting July 2, 2012 to hear from citizens of Wake county on their thoughts, both pro and con for this plan,

That the board hold whatever work sessions it needs in June and July to fully study the plan, understand it completely and then after doing so either adopt the plan or modify it to a plan the board can adopt, and

Then after adopting such plan put it to the voters of Wake County by calling for a referendum no later than July 24, 2012, allowing the voters to decide if they support the ½ cent sales tax increase required to support the transit plan.

Commissioner Portman said he had heard from a number of people expressing frustration about a lack of willingness on the part of the board to address the transit plan. He said there was a good conversation at the January work session about addressing the transit plan. The plan was to consider the transit plan between April and May. He said he was fine with the April/May timeframe but was surprised when he asked that the plan be on the work session and then on the next regular meeting and it was not put on either agenda. He said the transit plan is important business and the resolution is support putting it on the board's calendar for the board to discuss it and do the board's business. The Chairman has stated this plan is a big deal and needs careful thorough review. He said the manager and staff have worked on the plan for ten years and it is disrespectful not to deliberate on the plan. Today's public comment period showed public interest, including from AARP and League of Women Voters. The county has studied the plan and told the community of its importance as it was reflected in the board's goals. He said the county website says the plan was presented to the commissioners on February 14, commissioners will consider the plan again in the spring and decide whether to adopt it and place a sales tax on the November 6, 2012 ballot. He said he was prepared to meet multiple times, for 8 hour days, as much as need to do the work

of this board. He said if they need to they can change the plan and find one they can agree on and adopt it. He said to let the voters vote on it. In the 10 years Wake has deliberated and planned, Mecklenburg County has developed, reviewed, approved and submitted the plan to the voters and received their support. Mecklenburg County has designed, built a plan and opened a transit system they are now ready to expand on. He said the Durham County Board of Commissioners deliberated the plan, put it to the voters and they adopted it. He spoke about Wake County being a leader in the region. Orange County has adopted it and taking it to their voters. He said it is time for this board to deliberate and act on the plan.

Commissioner Ward said a lot of people today said to put it on the ballot and let the people make the decision. Commissioner West said transit is important like education and jobs which forms the future. This is a logical approach and thought the board was going work on the plan since the board retreat in 2010. He said they should talk about the plan, make a decision on a plan and let the people vote on it. This is important for the future. The Board should bring the ballot up and let the citizens speak.

The motion to call on the Wake County Board of Commissioners to act and stop delaying consideration of the Wake County Transit plan failed with a vote of 3 - 4.

AYES: Ervin Portman, Betty Lou Ward, James West
NOES: Phil Matthews, Tony Gurley, Joe Bryan, Paul Coble

Adjourn

Phil Matthews motioned, seconded by Tony Gurley, to adjourn the meeting at 7:30 pm. The motion passed unanimously.

Respectfully submitted,

Susan J. Banks, NCCCC
Clerk to the Board
Wake County Board of Commissioners