

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 16, 2009**

The Gates County Board of Commissioners met in Regular Session on Monday, March 16, 2009 at 7:00 p.m. in the main court room, 202 Court Street, Gatesville, NC. Commissioners Jordan, Jernigan, Askew, Nickens and Twine were present. Also present was County Manager, Toby Chappell.

Chairman Jordan reconvened the meeting. A prayer was led by Rev. Jeffrey Dent. The pledge of allegiance was led by Girl Scout Troop 584.

Approval of Agenda

Commissioner Jernigan made a motion to accept the agenda as presented. Commissioner Nickens seconded the motion, motion carried without opposition.

Scheduled Appointments

Chairman Jordan read a Proclamation proclaiming March as Girl Scout Month.

Commissioner Twine made a motion to adopt the Proclamation proclaiming March as Girl Scout Month. Commissioner Askew seconded the motion, motion carried without opposition.

Chairman Jordan presented the Proclamation to Girl Scout Troop 584.

Chris Burton, CPA, Pittard, Perry and Crone, Inc. Certified Public Accountants and Consultants, presented the County Audit. No material weaknesses were found. For governmental activities, net assets increased by \$821,066; for business-type activities, net assets increased by \$83,138. Gates County's capital assets for its governmental and business-type activities as of June 30, 2008 total \$8,440,497. The surety bond noncompliance has been corrected. There should be a segregation of duties among County personnel but due to the limited number of personnel to perform certain functions, this is difficult to achieve. The county now has a list of all fixed assets.

Chairman Jordan opened the floor for citizen comments. There were no comments.

Patrice Lassiter, Director of GITS, presented the Community Transportation Grant Application.

Chairman Jordan opened the Public Hearing. There were no citizen comments. The Public Hearing was closed.

Commissioner Jernigan made a motion to accept the Community Transportation Grant Application as presented. Commissioner Askew seconded the motion, motion carried without opposition.

George Kittrell, Chairman, Gates County ABC Board, presented a Program Evaluation Division (PED) of the Program Oversight Committee of the NC General Assembly. The Gates County ABC Board strongly opposed the PED's position on agency stores on the grounds that Gates County voters did not vote to allow spirits to be sold in private retail establishments, but only through the control of a County ABC Board. He presented a Resolution in support of the Gates County ABC Board's Operation of ABC stores and opposing agency ABC stores.

Commissioner Twine made a motion to adopt the Resolution in Support of the Gates County ABC Board's Operation of ABC Stores and Opposing Agency ABC Stores. Commissioner Askew seconded the motion, motion carried without opposition.

The Resolution reads as follows:

**RESOLUTION
IN SUPPORT OF THE GATES COUNTY ABC BOARD'S OPERATION
OF ABC STORES AND OPPOSING "AGENCY STORES"**

WHEREAS, the citizens of Gates County voted to permit the sale of spirituous liquor through the establishment of Gates County ABC Board, which is part of North Carolina's control system for the sale of spirituous liquors;

WHEREAS, the General Assembly's Program Evaluation Division released a Report on the ABC System in December 2008 (the "PED Report") that recommends, in part, that the General Assembly should authorize the state ABC Commission to require local ABC Boards to contract with an "agency store" to sell liquor when performance standards indicate that operation of an ABC store by a board is not efficient;

WHEREAS, an "agency store" means that liquor would be sold by a private seller in a grocery store, pharmacy, or convenience store;

WHEREAS, the citizens of Gates County, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private "off-premise" retail establishments;

WHEREAS, the objective of the PED Report in recommending agency stores is to provide increased profits;

WHEREAS, by law, any increase in profits of the Gates County ABC Board inures to the direct benefit of the County and local community, none of which accrues to the state; and

WHEREAS, Gates County prefers to retain North Carolina's control system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC stores.

NOW THEREFORE, BE IT RESOLVED, the Gates County Board of Commissioners desires to maintain the operation of the County's ABC stores, opposes any mandate from the state to contract with a private seller for the sale of spirits at retail and opposes "agency stores".

Adopted this the 16th day of March 2009.

Henry L. Jordan, Chairman

Diane R. Hendrix, Clerk

Chairman Jordan presented the request of The Albemarle Commission's Northeastern Workforce Development Consortium's need of a Commissioner representative.

Commissioner Askew nominated Commissioner Twine to serve on the Northeastern Workforce Development Consortium. Commissioner Jernigan seconded the nomination, nomination carried without opposition.

Old Business

Sandy Pittman, Finance Officer, presented Budget Amendment 54.

Commissioner Nickens made a motion to accept Budget Amendment 54 as presented. Commissioner Jernigan seconded the motion, motion carried without opposition.

Toby Chappell, County Manager, presented an Amendment to the Resolution establishing the Albemarle Regional Solid Waste Management Authority, removing Camden County.

Commissioner Twine made a motion to adopt the Amendment to the Resolution as presented. Commissioner Jernigan seconded the motion, motion carried without opposition.

The amended Resolution reads as follows:

**FIRST AMENDMENT TO RESOLUTION ESTABLISHING
ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY**

WITNESSETH:

WHEREAS, the General Assembly of North Carolina has enacted the Solid Waste Management Act of 1989, Chapter 130A, Article 9 of the General Statutes of North Carolina ("Solid Waste Management Act"); and

WHEREAS Part 2A of the Solid Waste Management Act governs the storage, collection, transport, separation, processing, recycling, and disposal of nonhazardous solid waste; and

WHEREAS, Part 2A of the Solid Waste Management Act further mandates that each county, either individually or in cooperation with others, shall, in cooperation with its municipalities, develop a comprehensive county solid waste management plan consistent with the State's comprehensive solid waste plan, including provisions which address the State's recycling goal; and

WHEREAS, the General Assembly has enacted legislation providing for the creation of regional solid waste management authorities among units of local government in North Carolina, the legislation being codified in Chapter 153A, Article 22 of the General Statutes; and

WHEREAS, Chowan, Currituck, Dare, Gates, Hyde, Perquimans and Tyrrell Counties, being counties of the State of North Carolina (each a "Member Unit"), after due and diligent consideration, agreed to take action pursuant to Chapter 153A, Article 22 of the General Statutes to create the Albemarle Regional Solid Waste Management Authority by resolution dated September 21, 1992 (the "Initial Resolution"); and

WHEREAS, the governing bodies of each Member Unit have unanimously agreed, pursuant to Article XI of the Initial Resolution, to amend the Initial Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Authority and the Boards of Commissioners of Chowan, Currituck, Dare, Gates, Hyde, Perquimans and Tyrrell Counties, in separate sessions duly convened, by the adoption and enactment of this resolution by the Authority and each of the Boards, that the Initial Resolution be amended and that this amended resolution supersede and replace the Initial Resolution in its entirety (the "Amended Resolution" or "Charter"):

ARTICLE I

The name of this Authority shall be the ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

ARTICLE II

DEFINITIONS

The following terms are defined terms under this Amended Resolution and shall have the meanings as indicated:

PPAB 1529191v2

1. Statutory Definitions - The terms enumerated in Part 1 of the Solid Waste Management Act shall have the meanings as set forth therein. In the event of any inconsistencies between the definitions of the terms as set forth in the Solid Waste Management Act and the terms as set forth in this Charter, the definition as set forth in the Solid Waste Management Act shall control.

2. Authority - The Albemarle Regional Solid Waste Management Authority, established pursuant to Chapter 153A, Article 22 of the General Statutes of North Carolina.

3. Charter - The articles and sections of this Amended Resolution.

4. Solid Waste Management Project - Categorically defines and encompasses all of the terms as set forth in this Charter and in Part 1 of the Solid Waste Management Act, unless otherwise specifically indicated.

5. Solid Waste Disposal System - Any and all facilities now or later designated by the Authority as part of its system for the management and disposal of solid waste, including, but not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), composting, recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Solid Waste Management Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Authority, all for the purpose of providing for solid waste disposal, as of the date of enactment of this Charter.

6. Waste Hauler - Any person, firm, corporation or other entity engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the service area, including any entity engaged in activities with respect to solid waste generated by the entity as well as any entity engaged in such activities with respect to solid waste generated by others.

7. Regional Landfills - Any landfill developed and operated by the Authority in locations within the service area or designated by the Authority for the disposal of disposable solid waste.

8. Service Area - The geographic area encompassing the territorial jurisdiction of the Member Units of the Authority.

9. Solid Waste - All material customarily referred to as garbage, refuse, recyclables and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, including special waste that may be disposed of at a municipal solid waste landfill, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C.A. § 1342) or source, special nuclear, or by product materials as defined by Section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C.A. § 2014).

10. Disposable Solid Waste - Any solid waste other than hazardous waste.
11. Plan of Operation - A plan adopted by the Authority setting forth the types of material acceptable to the Authority for disposal, times and places where material will be received by the Authority, methods of collecting fees charged by the Authority for disposal service, and other information describing operating procedures, control, use of the disposal service, and providing instruction and guidelines to users of the system.
12. Service Charge - Any charge made by the Authority for the management of solid waste.

ARTICLE III

DECLARATION OF PURPOSE

It is the purpose of this Charter to require all inhabitants and entities within the service area and all governmental agencies, to use exclusively the solid waste disposal system operated, maintained or designated by the Authority for the disposal of all solid waste generated within or brought within the service area; to establish a schedule of fees, rates, charges and assessments for the management of solid waste to pay for the costs of the financing and the operation and maintenance of the solid waste disposal system; and to provide for a method and procedure for the collection of established fees, rates, charges and assessments.

The purpose of the Authority is to provide environmentally sound, cost effective management of solid waste, including storage, collection, transportation, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety, and welfare; enhance the environment for the people of this State, and recover resources and energy which have the potential for further use and to encourage, implement and promote the purposes set forth in Part 2A of the Solid Waste Management Act.

ARTICLE IV

FINDINGS

1. It is necessary for the promotion of the common interest of the people of the service area to provide for the effectuation and financing of a solid waste disposal system, and it is necessary for the health, safety, and welfare of the citizens and residents of the service area to provide an adequate solid waste disposal system for all residents and commercial, industrial and agricultural operators within the service area.

2. The Authority may issue solid waste and resource recovery bonds ("Bonds") to finance the acquisition, construction, planning, permitting, design, management and operation of the solid waste disposal system, which bonds among other things, would obligate the Authority to impose, by law, service charges within the service area for use of the solid waste disposal system. The Authority will also make significant contractual commitments of financial resources, including authorization of revenue bonds, to provide for the construction, planning, permitting design, management and operation and maintenance of facilities as part of the system

to provide and assure the safe and efficient disposal, transfer and resource recovery of solid waste generated within the service area to meet the needs of residents of the service area.

3. The feasibility of construction, planning, permitting, design, management and maintenance of facilities as part of the disposal system to meet present and future needs of the residents of the service area and the ability of the Authority to generate revenues sufficient to liquidate the bonded indebtedness to be incurred by the Authority to finance the construction of facilities as part of the system depends upon the ability to obtain the type and quantity of operational volumes of solid waste needed to make such facilities economically viable.

4. The Solid Waste Management Act authorizes the Authority to construct, operate and maintain or contract with entities for the construction, operation and maintenance of the solid waste disposal system for the use and benefit of the inhabitants of the service area and grants to the Authority the power:

- (a) To require the inhabitants of the service area to use the solid waste disposal system established by the Authority exclusive of any other facilities being operated or maintained by any other governmental authorities or private parties;
- (b) To prescribe, fix, establish and collect rates, fees, assessments, rentals or other charges for the use of the solid waste disposal system and to pledge revenues as security for the payment of bonds issued under legal authority for the purchase, construction, planning, permitting, design, management and operation of the solid waste disposal system; and
- (c) To require any waste hauler who accepts solid waste in the service area to use the Solid Waste Disposal System of the Authority.

5. The inefficient and improper methods of managing solid waste create hazards to public health, cause pollution of the air and water resources, constitute a waste of natural resources, have an adverse effect on land values and create public nuisances.

6. The potential operation of numerous independent and separate solid waste facilities within the service area with varying standards of operation and control creates a serious and critical health and safety problem to all of the citizens of the service area and the use of one solid waste disposal system operating uniformly and with minimum ecological impact in the service area is vital and imperative to the health, safety and welfare of the people of the service area and other living things.

7. The Solid Waste Management Act grants the Authority the power to provide for and regulate solid waste collection and disposal.

8. The service area has limited land and resources for the disposal, transfer and recovery of resources from solid waste and it is the responsibility of the units of local government within the service area to protect and judiciously utilize limited land and resources.

9. The Authority is developing the disposal system as a regional waste disposal and recovery system within the framework of a regional solid waste management plan of operation in

cooperation with federal, state and local agencies for the benefit of all citizens of the service area.

10. The provisions of this Charter are intended to be, and they shall constitute, the exercise by the Authority of the powers and authority granted to it under the Solid Waste Management Act and Chapter 153A, Article 22 of the General Statutes of North Carolina.

ARTICLE V

POWERS, DUTIES AND FUNCTIONS

Section 1.

POWERS

This Authority shall possess the following powers:

- (1) To apply for, accept, receive, and disburse funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government whether or not a Member Unit of the authority, any private or civic agency, and any persons, firms, or corporations;
- (2) To employ personnel;
- (3) To contract with consultants;
- (4) To contract with the United States of America or any agency or instrumentality thereof, the State of North Carolina or any agency, instrumentality, political subdivision, or municipality thereof, or any private corporation, partnership, association, or individual, providing for the acquisition, construction, improvement, enlargement, operation or maintenance of any solid waste management facility, or providing for any solid waste management services;
- (5) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties, not inconsistent with Article 22 of Chapter 153A of the North Carolina General Statutes;
- (6) To adopt an official seal and alter the same;
- (7) To establish and maintain suitable administrative buildings or offices at such places as it may determine by purchase, construction, lease, or other arrangements either by the Authority alone or through appropriate cost-sharing arrangements with any unit of local government or other person;
- (8) To sue and be sued in its own name, and to plead and be impleaded;
- (9) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money;

- (10) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof;
- (11) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest in such property;
- (12) To pledge, assign, mortgage, or otherwise grant a security interest in any real or personal property or interest in such property, including the right and power to pledge, assign, or otherwise grant a security interest in money, rents, charges, or other revenues and any proceeds derived by the Authority from any and all sources;
- (13) To issue revenue bonds of the Authority and enter into other financial arrangements including those permitted by Chapter 153A, Article 22, and Chapters 159, 159I, and 160A of the General Statutes of North Carolina to finance solid waste management activities, including, but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue bonds or notes issued by the Authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the Authority;
- (14) With the approval of any member unit of local government to use officers, employees, agents and facilities of the member unit of local government for such purposes and upon such terms as may be mutually agreeable;
- (15) To develop and make data, plans, information, surveys, and studies of solid waste management facilities within the territorial jurisdiction of the members of the Authority, and to prepare and make recommendations in regard thereto;
- (16) To study, plan, design, construct, operate, acquire, lease, and improve systems and facilities, including systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, household hazardous waste management, transportation, disposal and public education regarding solid waste management, in order to provide environmentally sound, cost-effective management of solid waste, including storage, collection, transporting, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety and welfare; to enhance the environment for the people of the service area; recover resources and energy which have the potential for further use, and to promote and implement the purposes set forth in Part 2A of the Solid Waste Management Act;
- (17) To locate solid waste facilities, including ancillary support facilities, as the Authority may see fit;
- (18) To assume any responsibility for disposal and management of solid waste imposed by law on any member unit of local government;
- (19) To operate such facilities together with any person, firm, corporation, the State of North Carolina, any entity of the State, or any unit of local government as appropriate and otherwise permitted by this Charter and the laws of the State of North Carolina;

(20) To set and collect such fees and charges as is reasonable to offset operating costs, debt service, and capital reserve requirements of the Authority;

(21) To apply to the appropriate agencies of the State, the United States of America or any state thereof, and to any other appropriate agency for such permits, licenses, certificates or approvals as may be necessary and to construct, maintain, and operate projects in accordance with such permits, licenses, certificates, or approvals in the same manner as any other person or operating unit of any other person;

(22) (i) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and such other consultants and employees as may be required in the judgment of the Authority, and to fix and pay their compensation from funds available to the Authority therefor, and (ii) to select and retain, subject to approval of the North Carolina Local Government Commission, the financial consultants, underwriters, and bond attorneys to be associated with the issuance of any revenue bonds, and to fix and pay for services rendered by financial consultants, underwriters, or bond attorneys from funds available to the Authority, including the proceeds of any revenue bond issue with regard to which the services were performed;

(23) To acquire property located within the territorial jurisdiction of any member unit of local government by eminent domain pursuant to authority granted to counties;

(24) To require that any and all (i) solid waste generated within the Authority's service area and (ii) recyclable materials generated within the Authority's service area and transferred to the Authority be separated and delivered to specific locations and facilities.

(25) To do all things necessary, convenient, or desirable to carry out the purposes and to exercise the powers granted to the Authority under this Charter.

Section 2.

FUNCTIONS AND DUTIES

The functions and duties of the Authority shall include, but not be limited to the following:

(1) The planning, design, construction, financing, management, ownership, operation and maintenance of solid waste disposal, volume reduction and resource recovery facilities and all related solid waste receiving, transfer, recycling, storage, transportation and waste handling and general support facilities considered by the Authority to be necessary, desirable, convenient or appropriate in carrying out the Plan of Operation and in establishing, managing and operating solid waste disposal and resource recovery systems and their component waste processing facilities and equipment;

(2) The provision of solid waste management services to municipalities, regions and persons within the service area, or other places as may be designated by the Authority, by receiving solid wastes at the Authority facilities, pursuant to contracts between the Authority and such agencies, municipalities, persons, regions and business entities; the recovery of material and

energy resources and resource values from such solid wastes and the production from such services and resources recovery operations of revenues sufficient to provide for the support of the Authority and its operations;

(3) The development, implementation and supervision of a program requiring all persons who haul, convey or transport any solid waste within the Authority's service area to obtain a license. The Authority may enter into an administrative agreement with any county, municipality or other political subdivision under which agreement the licensing program referenced herein may be conducted by the county, municipality or other political subdivision.

ARTICLE VI

BOARD OF DELEGATE S

The powers of the Authority shall be exercised by the Board of Delegates, composed as follows:

<u>MEMBER UNIT</u>	<u>NUMBER OF DELEGATES</u>
Chowan	1
Currituck	1
Dare.....	1
Gates	1
Hyde.....	1
Perquimans.....	1
Tyrrell.....	1

The governing body of each Member Unit shall appoint residents of the Member Unit to the board as the Member Unit's delegate and may appoint one alternate for each delegate who may attend meetings of the Authority Board, but who shall be entitled to vote only in the absence of any one delegate designated by the appointing Member Unit. Each delegate and alternate shall serve at the pleasure of the appointing body for a term of four years. Any delegate or alternate may be removed, with or without cause, by the governing body of the appointing Member Unit. Each delegate and alternate on the board shall hold office until that delegate's or alternate's successor is appointed and qualified. Any delegate and alternate shall be eligible for reappointment to succeed themselves.

The Authority Board shall annually in March elect a Chairman and Vice-Chairman by simple majority vote of those delegates present and voting at a properly constituted meeting. No alternate delegate shall be eligible to hold the office of Chairman or Vice-Chairman.

A vacancy on the Board shall be filled by appointment by the governing board of the Member Unit of local government having the original appointment with the term of office for the new appointee being the unexpired term of the original appointee.

The names and addresses of the delegates and alternate Member Units, the names of the appointing political subdivisions, and the year of expiration of the term of the Member Units are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>EXPIRATION OF TERM</u>
	<u>Chowan</u>	
<i>[Authority to add]</i>	Delegate	December 31, 2011
	Alternate	December 31, 2011
	<u>Currituck</u>	
	Delegate	December 31, 2012
	Alternate	December 31, 2012
	<u>Dare</u>	
	Delegate	December 31, 2010
	Alternate	December 31, 2010
	<u>Gates</u>	
	Delegate	December 31, 2011
	Alternate	December 31, 2011
	<u>Hyde</u>	
	Delegate	December 31, 2012
	Alternate	December 31, 2012
	<u>Perquimans</u>	
	Delegate	December 31, 2010
	Alternate	December 31, 2010
	<u>Tyrrell</u>	
	Delegate	December 31, 2011
	Alternate	December 31, 2011

Delegates and alternates shall be compensated for attendance at meetings of the Authority board and reimbursed for expenses incurred by them in the course of their duties upon presentation of proper vouchers for those expenses. Such compensation and reimbursement of expenses shall be pursuant to a schedule proposed by the Authority's executive director and approved by a majority vote of the Member Units.

ARTICLE VII

FINANCES

Funding for administrative and general operational requirements of the Authority, to include planning, permitting, design, acquisition, construction and management of the Solid Waste Disposal System and other Authority purposes as provided in the Charter will initially be

provided by Member Units of the Authority. Each Member Unit's proportionate share will be determined by simple majority vote, an annual budget for each up-coming fiscal year which shall be submitted to the Member Units not later than May 1. The budget shall be funded first by revenues generated by operations of the Authority based on tonnage of solid waste disposed of by Member Units and agreed rates charged to non-Member Unit users and, secondarily, in the event of an emergency as determined by a simple majority vote of the Member Units of the Authority, by revenues generated by assessments of Member Units, the assessments to be determined based on the tonnage of solid waste disposed of by an Authority Member Unit during the previous calendar year.

A Member Unit of the Authority shall be excluded from access to and utilization of the Authority's facilities if that Member Unit fails to contribute its assessed proportionate share for the operation of the Authority within thirty (30) days from the date of the establishment of such assessment.

ARTICLE VIII

LOCATION OF REGIONAL LANDFILL

Each Member Unit covenants that it will support and accept the Authority's location and/or expansion of a regional landfill within the Member Unit's jurisdiction.

ARTICLE IX

WITHDRAWAL

If the Authority has no outstanding indebtedness or existing contractual obligations, any Member Unit may withdraw from the Authority effective at the end of the current fiscal year by giving at least six months notice in writing to each of the other Member Units. Withdrawal of a Member Unit shall not dissolve the Authority if at least two Member Units remain.

Upon any Member Unit's withdrawal from the Authority, that Member Unit may still continue to use the solid waste disposal system described in this Charter, however, that Member Unit shall be required to pay whatever rates are charged to non-Member Unit counties, municipalities, business and other persons by the owner or operator of the relevant solid waste disposal system.

ARTICLE X

AUDIT

The Authority shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of each fiscal year and a certified copy of the audit shall be filed promptly with the governing body of each Member Unit.

ARTICLE XI

AMENDMENTS

This Charter may be amended in writing by a unanimous vote of the governing bodies of the Member Units of the Authority, provided that if a private landfill shall be substantially affected by such amendment then the Authority shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the amendment.

ARTICLE XII

DISSOLUTION

If there is no outstanding indebtedness and no existing contractual obligations, the Authority may be dissolved by a vote of the super majority of the Member Units. The Member Unit in which the Authority's landfill(s) and/or transfer station(s), if any, are located at the time of dissolution shall have the right of first refusal to purchase the Authority's landfill at fair market value. The proceeds that may be derived from the sale of the Authority's landfill(s) and/or transfer station(s), if any, and all other assets of the Authority shall be distributed among the Member Units pursuant to the following formula:

$$\frac{\text{Tonnage of solid waste disposed of by Member Unit during life of Authority}}{\text{Total amount of tonnage disposed of by Authority during Authority's life}} \times \text{Total dollar value of Authority's assets} = \text{Member Unit's share}$$

ADOPTED, this the ___ day of February, 2009.

Chairman of the Authority

ATTEST:

Clerk to the Authority

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

By: _____
Authority Finance Officer

The Amended Resolution is adopted by Chowan County this _____ day of _____, 2009.

MEMBER:

CHOWAN COUNTY, NORTH CAROLINA

By: _____
Chairman, Board of Commissioners

ATTEST:

By: _____
By: _____

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

By: _____
County Finance Officer

The Amended Resolution is adopted by Currituck County this _____ day of _____, 2009.

MEMBER:

CURRITUCK COUNTY, NORTH CAROLINA

By: _____
Chairman, Board of Commissioners

ATTEST:

By: _____
By: _____

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

By: _____
County Finance Officer

The Amended Resolution is adopted by Dare County this _____ day of _____, 2009.

MEMBER:

DARE COUNTY, NORTH CAROLINA

By: _____
Chairman, Board of Commissioners

ATTEST:

By: _____
By: _____

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

By: _____
County Finance Officer

The Amended Resolution is adopted by Gates County this _____ day of _____, 2009.

MEMBER:

GATES COUNTY, NORTH CAROLINA

By: _____
Chairman, Board of Commissioners

ATTEST:

By: _____
By: _____

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

By: _____
County Finance Officer

The Amended Resolution is adopted by Hyde County this _____ day of _____, 2009.

MEMBER:

HYDE COUNTY, NORTH CAROLINA

By: _____
Chairman, Board of Commissioners

ATTEST:

By: _____
By: _____

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

By: _____
County Finance Officer

The Amended Resolution is adopted by Perquimans County this _____ day of _____, 2009.

MEMBER:

PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Chairman, Board of Commissioners

ATTEST:

By: _____
By: _____

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

By: _____
County Finance Officer

The Amended Resolution is adopted by Tyrrell County this _____ day of _____, 2009.

MEMBER:

TYRRELL COUNTY, NORTH CAROLINA

By: _____
Chairman, Board of Commissioners

ATTEST:

By: _____
By: _____

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

By: _____
County Finance Officer

New Business

Mr. Chappell discussed the HVAC bids received for the courthouse. Only two (2) legitimate bids were received. According to state law we have to receive three (3) legitimate bids. At the second bidding process we will be allowed to accept less than three bids.

Mr. Chappell presented a request by the Gates County Library Board to reappoint Marva Bond to the Library Board for a term running from 2009 – 2015.

Commissioner Twine made a motion to reappoint Marva Bond to the Gates County Library Board for a term running from 2009 – 2015. Commissioner Jernigan seconded the motion, motion carried without opposition.

Mr. Chappell presented a Feasibility Study for the NC 137 Truck Bypass. Morgan Jethro is requesting Commissioner comments at this time.

Commissioner Twine stated he would like to have someone appear before the Board to discuss this study and would like to see a third option.

Commissioner Jernigan stated he would like to have the study explained to the Board and he has a concern with relocating longtime residents.

Chairman Jordan stated he would like to have someone explain the study and also would like to see a third option.

Commissioner Askew stated another option could be possible with the amount of available land without displacing residents.

Commissioner Jernigan made a motion to have the Board's concerns submitted by the County Manager. Commissioner Askew seconded the motion, motion carried without opposition.

Mr. Chappell will follow-up on the Feasibility Study for the NC 137 Truck Bypass.

Mr. Chappell presented the Rules and Regulations of the Gates County Water Department.

Chairman Jordan stated he would like to have added: where meter numbers are available, identify the individual meter prior to disconnecting a customer.

Commissioner Nickens made a motion to adopt the Rules and Regulations of the Gates County Water Department with the amendment to identify the individual meter by number prior to disconnecting a customer. Chairman Jordan seconded the motion. Chairman Jordan and Commissioner Nickens voted for the motion, Commissioners Jernigan, Askew and Twine voted against the motion. The motion did not pass by majority vote.

Commissioner Jernigan made a motion to adopt the Rules and Regulations of the Gates County Water Department as presented. Commissioner Askew seconded the motion. Commissioners Jernigan, Askew and Twine voted for the motion, Chairman Jordan and Commissioner Nickens voted against the motion. Motion carried by majority vote.

Renee McGinnis, Tax Assessor, presented the opening and closing dates for the Board of Equalization and Review and a proposed date for a half-day workshop with the Commissioners and a representative with the Department of Revenue.

Commission Twine made a motion to approve the opening date of May 4, 2009 and the closing date of June 15, 2009 for the Board of Equalization and Review. Commissioner Askew seconded the motion, motion carried without opposition.

Commissioner Twine made a motion to establish a workshop on April 28 between the Commissioners and a representative with the Department of Revenue. Commissioner Jernigan seconded the motion, motion carried without opposition.

Sharon Harrell, Register of Deeds, presented a concern with the Register of Deeds web site. When the contract was entered with Parker-Lowe, a fee was not being charged to access the information on the web site. As of January, Parker-Lowe began charging to access the information. Mrs. Harrell would like to have the Board's permission to pursue other vendors for providing Register of Deeds Office services.

Commissioner Jernigan made a motion to approve Mrs. Harrell's request to pursue other vendors for Register of Deeds Office services. Commissioner Askew seconded the motion, motion carried without opposition.

Citizen Comments

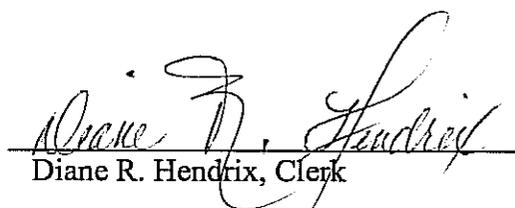
Clara Riddick had a concern with the Tax Office. She was told she had delinquent vehicle taxes for eight (8) years with penalties.

Mrs. McGinnis told Mrs. Riddick to come to her office.

Sheriff Webb thanked the Commissioners for passing the Resolution supporting ABC stores and opposing agency stores. He suggested Gatesville Town Council be present and consulted the next time the Hwy 137 Truck Bypass was discussed.

There being no further business Commissioner Twine made a motion to adjourn. Commissioner Jernigan seconded the motion, motion carried without opposition.


Henry L. Jordan, Chairman


Diane R. Hendrix, Clerk

GATES COUNTY BOARD OF COMMISSIONERS
