

CASWELL COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

December 6, 2021
OTHERS PRESENT

Rick McVey, Chairman
David Owen, Vice Chairman
Nathaniel Hall
Jeremiah Jefferies
Steve Oestreicher
John D. Dickerson (Joined Remote)

Bryan Miller, County Manager
Carla R. Smith, Clerk to the Board
Debra Ferrell, The Caswell Messenger
Brian Ferrell, County Attorney (Joined Remote)

The Board of Commissioners for the County of Caswell, North Carolina, met in regular session on Monday, December 6, 2021 at 9:00 am in the Historic Courthouse.

WELCOME:

Chairman Owen called the meeting to order and paused for a moment of Silent Prayer. Then the Board of Commissioners and all the guest in attendance recited the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA:

- a. November 15, 2021 Regular Meeting Minutes

A **motion** was made by Commissioner Jefferies and seconded by Commissioner McVey and **carried 5 - 0** to approve the consent agenda. (Commissioners Hall, Jefferies, Owen, Oestreicher, and McVey voted in favor)

Then Chairman Owen turned the meeting over to the Clerk to the Board of Commissioners to run the organizational meeting.

ORGANIZATIONAL MEETING:

Election of Chairman:

The Clerk to the Board called the organizational meeting to order and opened the floor for nominations for Chairman of the Board of Commissioners. Commissioner Oestreicher nominated Rick McVey as Chairman and Commissioner Owen seconded the nomination. There were no other nominations, so the floor was closed for nominations. After a roll call vote, the vote carried unanimously. (Commissioners Hall, Jefferies, Oestreicher, Owen, and McVey voted in favor.)

Chairman McVey presided over the remainder of the meeting.

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Election of Vice Chairman:

Chairman McVey opened the floor for nominations for Vice-Chairman. Commissioner Oestreicher nominated David Owen as Vice Chairman and Chairman McVey seconded that nomination. After a roll call vote, the vote carried unanimously. (Commissioners Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

RECESS:

The Board took a brief recess.

Commissioner John Dickerson joined the meeting remotely at 9:09 am.

CALL TO ORDER BY NEW CHAIRMAN:

Chairman McVey called the meeting to order and asked that when you come up for Public Comments, please state your name, address, and limit your comment to three minutes please.

PUBLIC COMMENTS:

The following individuals appeared before the Board to make public comments:

Earnestine Hamlett: I stand before you today to thank Mr. Jeremiah Jefferies and Mr. Nathaniel Hall for their vote on redesigning the Town Square and the relocation of the Confederate monuments. You have displayed true leadership and the concerned citizens appreciate your honesty, and again, we thank you both. However, I am very disappointed at the actions of some of the Board members. Mr. David Owen, Chair, who did not vote on this issue. I would like to know if he is to vote on this issue. To make this perfectly clear, what is the rule. I would like to know if the Board have an allotted time limit to speak. The public only have 3 minutes to speak, but at the last meeting John Dickerson spoke for an extended period of time. Can this Board extend public comments to 6 minutes? The most of you voted no on the issue of redesigning the Town Square and removing all monuments, but you failed to vote or amend the vote by getting the cost of the redesign. That's very poor business and leadership skills. I was told by the County Manager, Mr. Bryan Miller, if there was a motion made to reconsider bringing the Confederate monument removal and redesigning the Town Square back up, it can be put back on the agenda. Therefore, I am asking this Board of Commissioners to put the removal of the monuments and redesigning of the Town Square back on the agenda. Scripture tells us in the Book of Ephesians chapter 4 and verse 1, I therefore, the prisoner of the Lord, beseech you to walk worthy of the calling with which you were called. Thank you.

The following public comments were emailed to the Board and were shared with the Commissioners via email.

Board of County Commissioners – Public Comment on 12/6/2021

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I request this public comment be recorded verbatim

Elin Armeau-Claggett at 108 Jaye Lane, Providence, NC

A synopsis of 2021 Board of Commissioners' meetings & outcomes:

- Multiple discussions about the redesigning the Town Square but no plan or cost estimate was ever produced.
- Moving the Confederate & other memorials flip-flop discussions for over a year & a \$5,000 survey, until rejected (again).
- Multiple meetings & public hearings about SE zoning with flip-flop voting for over 10 months until ultimately being rejected.
- Only brief end-of-year budget update in February but no public 2019-2020 fiscal year audit review. The more recent 2020-2021 fiscal year budget audit has still not been completed.
- Solid Waste unaccounted spending of up to \$650,000 between Jan. & April 2021. This contributed to increase Solid Waste fees, adding to home owners' 2021 tax bills.
- Caswell County's Home Health Agency was sold, eliminating nursing, therapy and admin. jobs, because this service cost up to \$250,000.
- In contrast to Home Health service, there is \$264,000 net loss for the Detention Center's first quarter alone and thus it continues on track to lose one million dollars this year, as budgeted in June - but never addressed publicly.
- Funding to the School Board for capital outlay projects which included a request of \$120,000 for landscaping & paving. Meanwhile the Senior Center & Library had volunteers to help with plants, mulch, and clean-up.
- 10 months of failure to advertise or hire Maintenance & Housekeeping staff necessitating paying a contracted cleaning service for several buildings.
- Multiple discussions on COVID, including mandatory vaccinations for employees.
- Delay of NC DOT highway projects from 2021 until 2028-2032 with zero public discussion this year.
- Loss of RiverStreet Networks broadband contract & another year with no new cell towers.
- Co-Square is budgeted to lose \$74,000 and their primary tenant, Mesur.io, has still failed to show along with their pledge to bring in \$1.5 million and 24 new jobs.
- Sale of county property near Pelham Industrial Park was approved. However, a new Dollar General store which is in line-of-sight of the water tower was denied water access. What happened to the Project CEAD, a \$1.4 million Agribusiness, was approved in June 2020 and to be located next to this Dollar General?
- American Rescue Plan Funds spending was approved and gave approximately \$32,000 to projects that 2 commissioners were closely associated with; another \$10,000 was already in the budget for 3rd commissioner's project & a 4th commissioner profits by testing county water near the Welcome Center.

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- Expanded number of ABC Board members with pay of \$100/mtg. but 20 minutes later a request for \$20 per member per an as needed meeting for a state required quasi-judicial board that Commissioners created in January couldn't even get a vote.
- Decisions on the Ethics Policy revisions have been deferred for over 3 meetings. Ethics & integrity are common threads throughout this list.
- Lastly, reading emailed public comments during Commissioners zoom meetings has been discontinued and use of a bell has been implemented to cut off public comments over 3 minutes - even when excess time allows.

Personally, I have never seen a greater year of ignoring problems, flip-flop decisions and no financial accountability. Hopefully reviewing the past year will prevent repeating these behaviors and actions, while moving forward in 2022.

RECOGNITIONS:

Commissioner Owen: He just wanted to publicly thank those that had a hand in the tree lighting on Friday evening and the parade on Saturday morning. He thought everything went very well with the number of people that were present.

DISCUSSION ITEMS:

BOARDS AND COMMITTEES FOR COMMISSIONERS:

Chairman McVey asked if there was any discussion on this or if the commissioners wanted to stay on the committees they were on. Commissioner Owen said just to comment on a couple of my committees, the Piedmont Triad Rural Planning Organization and the PTRPO Transportation Advisory Council if someone would be willing to take one of these two, I would appreciate it. Commissioner Owen is also on the NCACC Joint Risk Management Advisory Board of Trustees and will come off this committee this year. If not, he is willing to stay on them. Commissioner Owen said as you can see, I'm on a lot. The Piedmont Triad Rural Planning Organization and the PTRPO Transportation Advisory Council both meet during the day and will now make it difficult for him to attend, but right now the meetings are virtual so it's not much of a problem. Commissioner Owen asked that the other commissioners just think about that and let him know later if they are interested and they can make the change.

Then Chairman McVey asked that staff look at some of the Boards and Committees to see which ones are active, and report back to them if any of them need to be dissolved, if any boards are not sending in any minutes, and what actions need to be taken. The County Manager said we can definitely do that. Other Commissioners have made the same comment. Commissioner Dickerson is very interested in looking at boards and committees as well.

Commissioner Hall said he think it was last year at some time the Board made the decision and requirement that all boards and commissions that the Board of Commissioners appointed need to send in an annual report. Have we received any of those? The Clerk said we receive minutes and

reports from the Sheriff's Department, Senior Center, Social Services and Farmer Lake. Those minutes and reports are attached in the information section of the agenda packet. Commissioner Owen said Commissioner Hall is talking more about the annual reports that are due in January. With COVID, Commissioner Owen said he was not sure how much they have been meeting, but we will need to touch base with them. The County Manager said we are happy to send back out that requirement to boards and committees and have them prepare annual reports to be submitted.

VAYA REPRESENTATIVES:

Chairman McVey said we will need one Board member and one employee for Vaya Representatives. County Manager Miller said this is the replacement organization for Cardinal Mental Health Organization that provides mental health service within the county. So Vaya is now forming a board. They've asked for one representative from the Board and one representative from the staff. The County Manager said we need a Board member as a representative and we need the Board to make a determination on which staff member you would like to attend as well. Commissioner Oestreicher asked the County Manager to go over the objectives and duties of the representative. County Manager Miller said he thinks the requirements for this appointment would be to attend all board meetings for Vaya Health and report back to this Board on any developments that would affect Caswell County or Caswell County Local Government. This is a newly forming board and this is the first time Caswell is being introduced to this Board, so there's a lot you will find out after the fact. Then Commissioner Oestreicher asked how often they will meet. The County Manager said he is not sure but if he remembers correctly and Commissioner Jefferies may be able to help, Cardinal met quarterly. Commissioner Jefferies said yes Cardinal did meet quarterly when he was on that board.

Chairman McVey asked Commissioner Jefferies since he was on the Cardinal Board would he like to be on the Vaya Board. Mr. Jefferies said he would. Then Chairman McVey said we need one employee. Commissioner Hall said he thinks it is important to note that this is mental health. The bottom line is that somebody that represents mental health for the county should be the other person on this board. We went from the Alamance-Caswell LMD to Cardinal and then to Vaya, but it was all about mental health. Chairman McVey asked who do we have that is involved in mental health. The County Manager said currently the county doesn't offer mental health services. It's not a part of what we do. The County Manager said he is happy to represent the Board on this committee and the Health Director comes to mind. The County Manager said he didn't want to add any more obligations to the Health Director's plate because she has a very busy schedule in the middle of a pandemic. The County Manager said if the Board wanted to authorize him to make the selection of the representative, he is happy to meet with the Health Director to see if one of her staff can do it. The Board said they were okay with the representative being one of the Health Directors employees.

COMMISSIONERS' PLANNING WORK SESSION:

Chairman McVey asked what dates the Board would like to do this. Commissioner Owen asked were they looking at January and Chairman McVey said yes. Chairman McVey said the first day of January is on a Saturday and the Board has a meeting on January 3rd and January 18th. The County Manager said he wanted to make sure all commissioners had an opportunity to attend the meeting. January 28th is a Friday and that may be a good day to have the meeting. Commissioner Oestreicher asked about January 21st. Chairman McVey said what's the pleasure of the Board. Commissioner Owen said the 28th because there are going to be some things the Board will want staff to have prepared for them and they may need the week before without any other meetings to prepare for it. Commissioner Oestreicher said he has the Transportation Advisory Board meeting at 1 pm on January 28th. This meeting usually only goes half an hour to an hour at most. So, Mr. Oestreicher needed to know what time the Board wanted to meet. Chairman McVey said how about 9 am. Let's plan for 9 am to 12 pm and if we need to set another meeting, we can do that at that point. Commissioner Oestreicher asked having been involved in several of these, that we move a little further away from the tactical aspects and consider more strategic aspects. If we need to do tactical aspects, we need to do that separately. We need to look at this from a long-range perspective instead of what we want to have for lunch the next day. Commissioner Oestreicher thinks it is important that the Board start looking at more of the strategic things such as the land use plan that hasn't been looked at. Mr. Oestreicher just doesn't think the Board has taken a good look at the strategic aspects of what we could be talking about. Commissioner Oestreicher asked if this was just his opinion or if the Board concurred. Commissioner Owen said he thinks originally that's probably what the planning meeting work session was all about. Commissioner Hall said it depends on how you define strategic. We have got into some sessions and spent a whole lot of time looking at nuts and bolts. Half a day is gone, and commissioners get up and start leaving. So, if we are talking about strategic and a subject comes up then we need to decide a date to review that subject. We can't review it on the spot because we won't get it covered. We can't do much in three hours, strategically or tactically really. Commissioner Hall feels we need to have the planning session and decide on the 3 or 4 hotspots or things we need to handle, and then schedule a time to handle them. Chairman McVey suggested if you have a particular item you want to discuss, let's go ahead and send that into the clerk so she can get it on the agenda.

ACTION ITEMS:

APPROVAL OF AGENDA:

A **motion** was made by Commissioner Owen and seconded by Commissioner Jefferies and **carried unanimously** to approve the agenda. (Commissioners Dickerson, Hall, Jefferies, Oestreicher, Owen, and McVey voted in favor)

APPROVAL OF BONDS FOR PUBLIC OFFICIALS:

A **motion** was made by Commissioner Jefferies to approve the bonds for public officials.

Commissioner Owen asked before a second was made are these the same amounts that we had last year, and the County Manager said that is correct.

A **motion** was made by Commissioner Jefferies and seconded by Commissioner Owen and **carried unanimously** to approve the bonds for public officials. (Commissioners Dickerson, Hall, Jefferies, Oestreicher, Owen, and McVey voted in favor)

BOARD OF COMMISSIONERS 2022 MEETING DATES:

Chairman McVey asked if the Board wanted to keep the meetings as they are now.

A **motion** was made by Commissioner Jefferies and seconded by Commissioner Owen and **carried unanimously** to approve the meeting dates as they are. (Commissioners Dickerson, Hall, Jefferies, Oestreicher, Owen, and McVey voted in favor)

APPROVAL OF RULES AND PROCEDURES:

Commissioner Hall said he did not get a chance to review the rules and procedures. There was one thing that happened this past year, but he can't remember what it was. That may need to be addressed in the rules so can we push this to the next meeting. Chairman McVey said he has no problem with that, and the Board agreed. So, we will move the Rules and Procedures to the next board meeting agenda.

RECORDS RETENTION AND DISPOSITION SCHEDULES:

Commissioner Owen if we could have the County Manager briefly explain this item for the public. The County Manager said the records retention and disposition schedule is set by the state. The disposition schedule, as long as the Board approves this schedule, we are able to follow this schedule and dispose of records, regardless of what type of record they are, according to the schedule. If the Board doesn't approve this schedule basically, we have to keep everything. This is simply a schedule by which we can dispose of old records. Most counties adopt this schedule on a yearly basis.

A **motion** was made by Commissioner Owen and seconded by Commissioner Hall and **carried unanimously** to approve the records retention and disposition schedule. (Commissioners Dickerson, Hall, Jefferies, Oestreicher, Owen, and McVey voted in favor.)

COUNTY MANAGER'S UPDATES:

The County Manager said you have the 2022 Holiday schedule. Once again just like every year, we follow the State's holiday schedule. So, the County Manager asked that the Board approve it if there are no objections to the holiday schedule. Commissioner Hall asked if there were any changes. The clerk said the only difference in the holiday schedule for 2021 and 2022 is New Year's Day. This year we will observe New Year's Day on December 31st and next year on January 2nd.

A **motion** was made by Commissioner Hall and seconded by Commissioner Owen and **carried unanimously** to approve the 2022 holiday schedule. (Commissioners Dickerson, Hall, Jefferies, Oestreicher, Owen, and McVey voted in favor.)

County Manager Miller said he has two more updates for the Board that do not appear on the agenda. One is the CARES Act. As the Board is aware, the county received a certain amount of CARES Act funding. We used it to support EMS and the Health Department through the pandemic. That money needs to be spent by December 31st of this year. That's CARES Act, not to be confused with the American Rescue plan. We also had individual departments that received additional pots of CARES Act funds that need to be spent by December 31st. We do have some of those departments with funds left over. They have basically spent the money on what they can spend it on. So, one of the approved uses for those departments is hazard pay for their employees. So, they have requested a hazard pay bonus for their employees. That's in addition to the ARP Premium Pay that the Board authorized earlier this year to go to employees. County Manager Miller said he will need approval from the Board to allow them to issue this hazard pay for their employees. Mr. Miller wanted to bring it to the Board to see what the Board's thought process was on this. Commissioner Hall asked what departments. The County Manager said the department is specifically Section 8. There are also other departments that received funding. The Health Department received a few dollars Cares Act money that wasn't part of the County's overall allotment. Family Services also received some money. Specifically, Section 8 is the department with funds left over and they would like to use that money to provide their employees hazard pay. Commissioner Hall asked how we will justify paying premium pay and hazard pay to Section 8. The County Manager said that is one of the reasons he wanted to bring it to the Board. The County Manager thinks the Board has to make this decision on whether or not we use that money for hazard pay, but Mr. Miller does see the dilemma Commissioner Hall is talking about. This will allow one department to receive more than the rest of the county employees who also served during the pandemic. The County Manager said he doesn't know that he has a good justification, but if these dollars are not spent, they have to be returned to the State. Commissioner Owen asked if there was any rationale given as to why they deserve hazard pay. The County Manager said they routinely go into homes to verify the living conditions of the Section 8 renters and to verify the landlords are doing what the landlords are supposed to do as far as the maintenance and upkeep of the premises. They also meet with clients on a daily basis

to prequalify them for Section 8 housing. So, there is no doubt that they had face-to-face contact in this department. Commissioner Dickerson asked how much money are we talking about. The County Manager said probably \$500 to \$1,000 per employee. Then Commissioner Dickerson asked are there any restrictions on this money such as the way it can be used in reference to internet funding. The County Manager said internet funding would probably allow you to use these funds for the third part of CARES Act money, but there are restrictions on how they can be used. Chairman McVey asked if the County Manager had any idea of what the total amount would be. The County Manager said no he doesn't have a total amount that would need to be returned. Then the Chairman asked if these departments had nothing else they could spend it on. The County Manager said if the Board says no to hazard pay, we can work quickly to identify needs within the department that would qualify for this money, if that is the pleasure of the Board. Commissioner Oestreicher said he has a hard time with the concept of favoring one department or recognizing one department over others that have probably had just as much exposure with the public. Not that Mr. Oestreicher is against the concept for Section 8 employees getting the money, but it just doesn't seem fair or even handed to him. Even though they seized the moment, I applaud that I guess. Commissioner Oestreicher would rather see a more fair and equitable distribution of this money towards something that benefits the public more quite frankly. The County Manager said he is happy to work with the departments to identify additional needs and move forward with using that funding for something other than hazard pay. Commissioner Oestreicher said that still has to be done by December 31st and the County Manager said that is correct. Commissioner Oestreicher asked if we need to agree to that or does the County Manager feel like he can manage that on his own and make that distribution on his own. The County Manager said he can move this forward, and he appreciates the Boards comments and the general feel of the Board. Thank you for entertaining it. Commissioner Owen asked if that was suitable with the Board, and the commissioners seemed to agree. The County Manager said he does have one other quick update. We have received an offer to purchase the loader that the Board surplused several meetings ago. We received an offer of \$1,500 for that loader. So, what we will do now, if it pleases the Board, is move that to one of the statutory processes that allow for us to dispose equipment. The Board would need to accept any offer that was eventually made. The County Manager asked Brian Ferrell, the county attorney, to correct him if he was wrong. County Manager Miller said we will move through the upset bid process and when that process is complete, he will bring the final bid back to the Board for approval. County Attorney Ferrell said the County Manager is right. The Board needs to propose to accept the offer subject to the upset bid process. Perhaps County Manager if you can just state the name of the high bidder so far and the purchase price, then the Board can propose to accept that pending completion of the upset bid process. Then there will be a resolution and some other things coming back to the Board on that. The County Manager said he was not sure if he had the name of the person who submitted the bid. It's Shawn Wilson and he made a bid of \$1,500. Then the County Manager asked if the Board would like to propose to approve that bid so we can

move through that process. The County Manager said remember this is the loader that the engine is seized currently. We do not have the expertise or the ability to move it from its current position, so the bidder would come in and take control of the piece of equipment. They can move it and do whatever they want to do with it at that time. So, we would not have to pay to have it moved.

A **motion** was made by Commissioner Owen and seconded by Commissioner Oestreicher to approve the bid so we can move through the process.

Commissioner Hall had a comment. The bid seems a bit low. Chairman McVey agrees it is low. Commissioner Hall said you could scrap it for about \$1,500. Mr. Hall just wanted to raise that point. Maybe if we don't move forward today, we can move forward next month or so. Mr. Hall said he would hate to see somebody take advantage of us. Commissioner Oestreicher said there's quite a bit of cost involved just in removing the loader. We don't feel like we are capable of getting it out of the ground or unstuck or whatever it is. Mr. Oestreicher thinks that needs to be taken into account. That there are costs and expenses associated with just getting the thing out. Chairman McVey said it seems awfully cheap to me. Commissioner Oestreicher said it does, but how many other bids have we got. The County Manager said that is the only bid we've received. Commissioner Oestreicher said do we want to leave the thing stuck there. The County Manager said we can't. When the new loader comes in, we are going to have to move that piece of equipment. We simply have to move it so we can operate in the site. So, there's going to come a point in time when the new loader arrives, that we are either going to have to pay to have it done or require that the winning proposal have it off our site in x number of days. The County Manager wanted the Board to be aware that if we don't move through this process, there's a very likelihood that we are going to have to pay to have it moved.

Chairman McVey said we do have a motion and a second on the floor to accept that bid, so we will do roll call voting.

A **motion** was made by Commissioner Owen and seconded by Commissioner Oestreicher and **failed 3-3** to approve the bid so we can move through the process. (Commissioners Dickerson, Oestreicher, and Owen, voted in favor. Commissioners Hall, Jefferies, and McVey voted against it.)

COMMISSIONER COMMENTS:

Commissioner Oestreicher: We've had quite a bit of discussion about the Planning Board or the inaction of the Planning Board. We've gotten a letter from the public supporting having the Planning Board come before the Board of Commissioners to explain their inactions and their attendance over the last year. I've tried to speak to the Chairman of the Planning Board, Mr. Johnston, about this and to invite him to the meeting, and he ran off. Commissioner Oestreicher would like to make a formal invitation for the Planning Board to come to the Board of Commissioners January meeting to discuss the issues we've had with the Planning Board over the last several years. Commissioner Oestreicher asked for the consensus of the Board on this.

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Chairman McVey said the consensus is good enough. Commissioner Owen said he doesn't think the consensus needs to be an invite. This Board needs to require them to be here if we want to meet with them. If the Board thinks that is necessary, we should require them to be here. Commissioner Dickerson said he thinks it's an excellent idea to bring in the Planning Board because there's always more than one side to a story. Commissioner Dickerson would like to hear what they have to say about the accusations and the information. They have to get it out to the public so everyone will know exactly what has taken place. As it is now, all we have is what Commissioner Oestreicher has been bringing back, but we are not getting anything back from the Planning Board. So, this is a great opportunity to clear up any miscommunication and let everyone know what the full facts are. Commissioner Oestreicher said he is in wholeheartedly for bringing them before the Board. Commissioner Oestreicher questioned the word miscommunication. Commissioner Dickerson said he would rather wait until the board is here, but he understands there is more to it than what has been said before the Board of Commissioners. Mr. Dickerson looks forward to hearing from the Planning Board and having them give their input into the situation. Once everybody hears what a lot of them have to say, it'll be a different dynamic on this whole discussion. Mr. Dickerson said he is ready, willing, and able to be there for that and want to see them there.

After some discussion, Chairman McVey asked the County Manager if he needed a motion or consensus. The County Manager said either one. We're happy to send an invitation to the Planning Board. Chairman McVey said it is not an invitation. Tell them to be here at the January meeting. Commissioner Hall said he agrees, but he would like to add something. We talked about annual reports. Let's ask that their annual report be received prior to that meeting. Commissioner Hall said that would help if he could see something in writing of what they have did. Then the Chairman asked for the consensus of the Board. All members present, Commissioners Hall, Jefferies, Oestreicher, Owen, Dickerson, and McVey, agreed to have the Planning Board meet with the Board of Commissioners at the January meeting. Chairman McVey said let's have them here at the first meeting in January.

ANNOUNCEMENTS AND UPCOMING EVENTS:

- **Christmas Break December 22 (1/2 day), 23, 24, and 27**
- **New Year's Day – December 31, 2021**

The County Manager said the next Commissioner meeting falls on December 20th right before the ½ day off leading up to the Christmas break. From time to time the Board chooses to cancel that meeting in light of the fact you're getting ready to move through budget season and it's the holiday season. The County Manager asked the Board to consider that if they would like to. After polling the consensus of the Board, the Chairman concluded that the December 20th meeting would be cancelled. The Board **voted 5-1** to cancel the second meeting in December. (Commissioners Dickerson, Hall, Jefferies, Owen, and McVey voted in favor and Commissioner Oestreicher voted against.)

- **December 20, 2021 Board of Commissioner Meeting Cancelled**

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CLOSED SESSION:

A **motion** was made at 9:52 am by Commissioner Owen and seconded by Commissioner Oestreicher and **carried unanimously** to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body in regard to Case No. 1:17-MD 2804 Caswell County vs AmerisourceBergen Drug Corporation, et. al., which privilege is hereby acknowledged NCGS 143-318.11(a)(3) with the following individuals permitted to attend: County Manager, Bryan Miller, County Attorney, Brian Ferrell (remote) and Clerk to the Board, Carla Smith. (Commissioners Dickerson, Hall, Jefferies, Owen, Oestreicher, and McVey voted for the motion)

Commissioner Dickerson left the meeting at 10:05 am.

A **motion** was made by Commissioner Owen, seconded by Commissioner Oestreicher and **carried unanimously** to return to open session at 10:06 am. (Commissioners Hall, Jefferies, Oestreicher, Owen, and McVey voted for the motion)

County Manager Miller said he needed a motion from the Board to accept the National Opioid settlement agreement. Attorney Brian Ferrell added that in that motion, if the Board chooses to accept the settlement, that they'll authorize the County Manager to execute all settlement related documents on behalf of the County. That will be helpful because there's a number of forms that will need to be signed.

A **motion** was made by Commissioner Owen to accept the settlement and give the authority to the County Manager to execute the documents necessary.

Commissioner Oestreicher asked if this is for a settlement or settlements. The County Manager said there's going to be a series of settlements we believe over the course of time. So, if the Board wants to authorize the County Manager to do settlements, then he is happy to do that. If the Board wants to review each settlement as it comes along, that's fine too.

A **motion** was made by Commissioner Owen, seconded by Commissioner Hall and **carried unanimously** to accept the settlements and give the authority to the County Manager to execute the documents necessary. (Commissioners Hall, Jefferies, Owen, Oestreicher, and McVey voted for the motion)

Then the County Manager said he has one more thing he would like to say. Mr. Miller wanted to recognize the clerk to the Board along with Rhonda Griffin and Karen Brann from the library for the work done by them. They did such a great job and Ashley Powell helped out on getting this furniture made by Corrections Enterprises. They added the two end pieces at the desk for the Commissioners, the tables for the County Manager and Clerk and a table to the right and left of the room, and the really nice furniture you see in the back. They did a terrific job. It took some time, but we saved a considerable amount of money going through that process with Correction

Enterprises. Mr. Miller just wanted to acknowledge them for their work. The County Manager said he would also like to thank the library for the banners they made for the Christmas parade this year that were placed on the truck that some of the Commissioners rode in. Mr. Miller thanked EMS and Solid Waste for the use of their ATVs for us to ride in. Mr. Miller also wanted to thank Eric Rone, a page at the library, who drove the truck that the Commissioners rode in. Eric is an incredible young man. The County Manager was happy he volunteered and was able to take part in the Christmas Parade. Chairman McVey said the Board thanks you all and appreciate what you do for the County.

Commissioner Hall said before we adjourn, can the Board get a copy of the judge's order relative to the hearing last week. The County Manager said he would email that out today if that is okay with council. Attorney Brian Ferrell said certainly, just to update the Board if you don't know. Thank you for attending the hearing on last week. The judge on Friday afternoon denied the plaintiff's motion for temporary restraining order and preliminary injunction. So, the redistricting resolution passed by the Board will continue in effect and elections will continue as planned. The lawsuit will also continue on, so we'll update you as the process continues, but for now the resolution stands. The judge did deny the plaintiff's motion. We do have that order and the County Manager will send it around.

Commissioner Oestreicher then asked if there was an estimate of what this has cost us so far for that lawsuit. Attorney Brian Ferrell said he don't have an estimate yet. As you know the largest chunk of time in addition to preparing the briefs went into the hearing that just took place late last week. Attorney Ferrell said he don't have that information, but he would imagine by the end of this month we'll have some bills and estimates for the Board about how the litigation costs are starting to accrue.

Then Commissioner Oestreicher said he wanted to recognize all the work that was done by everyone in town for the Christmas Tree lighting. Mr. Oestreicher thought it was a huge event and close to the order of the Hoedown. The Museum sold gallons of hot chocolate and dozens of cookies. The vendors were at Court Square, and Mr. Oestreicher has heard very good reports from them. He thanked Melissa Jones and all that participated in that, and they did a great job in revitalizing this area for at least one evening.

ADJOURNMENT:

A **motion** was made at 10:14 am by Commissioner Hall and seconded by Commissioner Owen and **carried unanimously** to adjourn the meeting. (Commissioners Hall, Jefferies, Owen, Oestreicher and McVey voted for the motion)

Carla R. Smith
Clerk to the Board

Rick McVey
Chairman

December 6, 2021

COMMISSIONER BOARDS AND COMMITTEES

2022

Chairman McVey

Farmer Lake Board

Recreation Commission

Personnel Committee

*Regional Economic Development Commission

Vice Chairman Owen

Social Services Board

Caswell County Hunting & Wildlife Advisory Committee (Alternate)

*Piedmont Triad Rural Planning Organization

*NCACC Government Subcommittee

*PTRPO Transportation Advisory Council

*NCACC Health & Human Services Subcommittee

*NCACC Joint Risk Management Advisory Board of Trustees

Juvenile Crime Prevention Council

Cemeteries Board of Trustees (Alternate)

Commissioner Jefferies

*Social Services Board

Piedmont Behavioral Health Board

Caswell County Adult Advisory Committee

*Home Health Advisory Committee

Vaya Health Advisory Board

Commissioner Oestreicher

Personnel Committee

EMS Peer Review Committee

*Caswell County Area Transportation System

Agriculture Advisory Committee

Planning Board

*Piedmont Triad Rural Planning Organization (alternate)

Commissioner W. Carter

*E-911 Board

Local Emergency Planning Committee

Cyber Security Committee

Library Advisory Board

Commissioner Dickerson

Cyber Security Committee

Personnel Committee

Caswell County Hunting & Wildlife Advisory Committee

Cemeteries Board of Trustees

Commissioner Hall

*Piedmont Triad Council of Governments

Caswell County Adult Advisory Committee

*Caswell County Partnership for Children

Board of Health

*Piedmont Triad Regional Workforce Consortium

Board of Commissioners 2022 Meeting Dates

Monday, January 3, 2022
Tuesday, January 18, 2022 (Holiday)
Monday, February 7, 2022
Monday, February 21, 2022
Monday, March 7, 2022
Monday, March 21, 2022
Monday, April 4, 2022
Monday, April 18, 2022
Monday, May 2, 2022
Monday, May 16, 2022
Monday, June 6, 2022
Monday, June 20, 2022
Tuesday, July 5, 2022 (Holiday)
Monday, July 18, 2022
Monday, August 1, 2022
Monday, August 15, 2022
Tuesday, September 6, 2022 (Holiday)
Monday, September 19, 2022
Monday, October 3, 2022
Monday, October 17, 2022
Monday, November 7, 2022
Monday, November 21, 2022
Monday, December 5, 2022
Monday, December 19, 2022

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends*.” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends*.” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends*.”

Record Copy

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”¹ The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

² Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager

Title: _____



Sarah E. Koonts, Director

Division of Archives and Records

APPROVED

Head of Governing Body

Title: _____



D. Reid Wilson, Secretary

Department of Natural and Cultural
Resources

Municipality/County: _____

Effective: October 1, 2021

RECORDS RETENTION AND DISPOSITION SCHEDULE

PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

Program Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 Program Records Schedule: Local Government Agencies**:

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

N.C. Gen. Stat. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

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Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, N.C. Gen. Stat. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

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media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

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It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

² Ibid.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager

Title: _____



Sarah E. Koonts, Director

Division of Archives and Records

APPROVED

Head of Governing Body

Title: _____



D. Reid Wilson, Secretary

Department of Natural and Cultural
Resources

County/Municipality: _____

Effective: October 1, 2021

2022 HOLIDAY SCHEDULE

New Year's Day	Friday, December 31
Martin Luther King, Jr.'s Birthday	Monday, January 17
Good Friday	Friday, April 15
Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Labor Day	Monday, September 5
Veterans' Day	Friday, November 11
Thanksgiving	Thursday & Friday, November 24, 25
Christmas	Fri, Mon & Tues. December 23, 26, 27
New Year's Day (2023)	Monday, January 2