

FEBRUARY 16, 2010

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA  
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 16, 2010.

ATTENDANCE

**Present:** Chairman Jennifer Roberts and Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr. Neil Cooksey, George Dunlap, Bill James Vilma Leake and Daniel Murrey County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

**Absent:** None.

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**-INFORMAL SESSION-**

*Chairman Roberts, Commissioners Bentley and Dunlap were absent when the meeting was called to order and until noted in the minutes.*

*The meeting was called to order by Vice-Chairman Cogdell, after which the matters below were addressed.*

**(1) STAFF BRIEFINGS – NONE**

**(2A, B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: Francis Hamlin v. Mecklenburg County and Mecklenburg County v. Time Warner Cable Entertainment-Advance/New House Partnership.

Motion was made by Commissioner James, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, James, Leake, and Murrey voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

*The Board went into Closed Session at 5:05 p.m. and came back into Open Session at 6:03 p.m.*

*Commissioners Bentley, Dunlap and Chairman Roberts were present when the Board came back into Open Session. They entered during Closed Session.*

**(3) REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 8, 9, 11, 14, 15, 16, 17, 18, 22, 24, 26, and 31.

*The Board then proceeded to the Meeting Chamber for the remainder of the meeting.*

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**-FORMAL SESSION-**

*Invocation was given by Commissioner Bentley, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.*

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

**(1A) GREAT AMERICAN CLEAN UP FOR KEEP MECKLENBURG BEAUTIFUL**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a Proclamation designating March 1 through May 31 as the Mecklenburg County “Great American Clean Up.”

*The proclamation was read by Chairman Roberts and received by Jake Wilson, Executive Director of Keep Mecklenburg Beautiful, Land Use & Environmental Services Agency (LUESA), Solid Waste Division.*

*A copy of the proclamation is on file with the Clerk to the Board.*

**(2) PUBLIC APPEARANCE**

The following person appeared to speak during the Public Appearance portion of the meeting:

Laura Maschal, accompanied by her brother, Ben Maschal, presented a valentine’s card to Commissioner James on behalf of Gay and Gay Friendly Charlotteans, which said “Gay is Ok.” Ms. Maschal informed Commissioner James that his “inflammatory” statements over the last few months, shows he has some “work to do” to better support all of his constituents. Ms. Maschal said the Charlotte Rainbow Action Network for Equality was offering its support to help him begin that process. She said the first step would be to “embrace respect” even for those with whom he disagee and to stop using anti-gay slurs. Further, that if Commissioner James needs a descriptor, they were fine with the word “gay.” Ms. Maschal said “all of us, gay or straight, can and should feel loved, no matter whom we love.” She said they would be checking in with Commissioner James, in hopes that he would turn his “attitude” around and treat them as fellow Charlotteans and worthy of his respect. Ms. Maschal informed Commissioner James that they would be happy to speak with him if he liked and that they could be reached at RainbowAction.Org.

*Commissioner Cooksey left the dais during Ms. Maschal’s remarks and was away until noted in the minutes.*

**(3A) APPOINTMENTS**

**INFORMATION SERVICES & TECHNOLOGY COMMITTEE**

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Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Paul Rossi to the Information Services and Technology Committee for a three-year term expiring February 28, 2013. Secondly, to nominate and appoint Jeff Beebe to the Information Services and Technology Committee for a three-year term expiring February 28, 2013.

*Mr. Beebe replaces Jon Vordermark.*

#### **PERSONNEL COMMISSION**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Jerry Brown to the Personnel Commission to fill an unexpired term expiring November 30, 2010 and Deborah Jackson to fill an unexpired term expiring January 31, 2012.

*They replace Carolyn Green and John McLeod.*

#### **TRANSIT SERVICES ADVISORY COMMITTEE**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Edward Jernigan to the Transit Services Advisory Committee for a three-year term expiring February 3, 2013.

#### **WOMEN'S ADVISORY BOARD**

Commissioner Bentley nominated all applicants for appointment consideration to the Women's Advisory Board.

Natalie Bingham, Deborah Bosley, Takisha Boyd, Victoria Chopra, Jenifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Jill Dinwiddie, Deborah Early, Laura Everett, Andrea Ferguson, Beverly Foster, Bliss Green, Alice Jackson, Deborah Jackson, Kathryn Johnson, Angela Joyner, Marguerite King, Sharon Lachow-Blumberg, Brook Maybach, Simona Mitchell-Kelly, Mary Murphy, Mariana Nunez, Letisha Perry, Jacquelyn Powell, Constance Purcell, Stacey Rose, Bellverie Ross, Sandra Saburn, Deborah Snowdon, Melba Streeter, Janie Sumpter, Heather Swindells, Gay Thornton, JoeAnna Trotman, Melissa Wansker, Catherine Ann Wargo and Mimi Zelman.

*Note: Appointments will occur on March 2, 2010.*

#### **(4) PUBLIC HEARINGS – NONE**

#### **ADVISORY COMMITTEE REPORTS**

*Commissioner Cooksey returned to the dais.*

#### **(5A) DOMESTIC VIOLENCE ADVISORY BOARD 2009 ANNUAL REPORT**

The Board received the 2009 annual report of the Domestic Violence Advisory Board (DVAB).

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*Note: This body is charged to review and evaluate Mecklenburg County and Charlotte domestic violence services and make appropriate recommendations to the Board of County Commissioners and Charlotte City Council on the need for additional services to victims of domestic violence. The DVAB also provides vigorous advocacy and works to increase public awareness of domestic violence within the community.*

Marage Blakeney, Chairman of the Domestic Violence Advisory Board and members Patrick Burris, Joe Marinello, Julie Owens, and Elizabeth Trosch gave the report.

The DVAB made the following recommendations:

1. Continue to identify Domestic Violence (DV) as a priority safety and health issue with data on scorecard for Mecklenburg County. This is related to funding to update data in DV Warehouse.
2. Charlotte Mecklenburg Police Department re-institute Baker 1 project to monitor high-risk DV perpetrators with dedicated police assignments.
3. Continue hotel shelter when United Family Services (UFS) shelter is full and families are in imminent danger (a Collaboration of Community Support Services – Women’s Commission and United Family Services).
4. Continue support for planning a new DV emergency shelter(s) and transitional housing.
5. Sheriff’s Department assign a representative to the Domestic Violence Advocacy Council.
6. Continue to allow low-income perpetrators are able to “pay” for Abuser Intervention Program with community service.
7. Fund or support grant applications to fund a supervised visitation and custody exchange center.
8. Look for funding opportunities for
  - a. DV coordinator for city/county services
  - b. Supervised visitation/child exchange center
  - c. North Mecklenburg Magistrate.

***A copy of the report is on file with the Clerk to the Board.***

Comments

Commissioner Bentley addressed the need for a North Mecklenburg Magistrate. Commissioner Bentley noted that last year a location had been secured and everything was in place for this to occur, but the position was frozen at the state level. Commissioner Bentley said in light of that, and per a meeting between she, Commissioner Cogdell, Judge Lisa Bell, Jeff Tarte, Mayor of Cornelius, Sheriff Bailey, and the Chief Magistrate of Mecklenburg County, the following next steps were recommended: 1) To include the unfreezing of magistrate positions in the County’s legislative agenda, which she plans to bring forward. 2) To ask the Police Chiefs in Huntersville, Cornelius, and Davidson to provide data to her, Commissioner Cogdell, Judge Lisa Bell, and the Chief Magistrate regarding the number of domestic violence cases from their respective areas. 3) In the short term, that local victim services be increased.

Commissioner Cogdell noted in addition to Commissioner Bentley’s comments, that even if the County were in a position to consider possibly funding a position of this nature, it would require a change in state law to fund a judicial position. Further, he hopes, too, that this would be on the County’s legislative agenda.

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Commissioner Cogdell said he hopes the recommendations of the DVAB will be referred to the Board's Criminal Justice Committee for further review, to determine what the County can and cannot implement.

Commissioner Cogdell asked had there been any discussion regarding having a law enforcement officer or a special prosecutor from the District Attorney's Office to look into witness intimidation issues. *DVAB member Elizabeth Trosch said she couldn't say that they identified witness intimidation as a separate issue, but it was discussed. Per those discussions, it was realized that the lack of sufficient victim assistance positions has an impact on this issue, as well as, a lack of resources in the District Attorney's Office to provide victims services support in misdemeanor cases in district court. It was noted that it's difficult data to collect or capture, in light of the fact many witnesses for whatever reasons, either fail to prosecute by attending trial hearings or recant on the stand.*

DVAB member Julie Owens said per the data that's recorded in the media, there's a suggestion that violent crimes was down, but that domestic violence is never included in that because it's almost always charged as a misdemeanor.

Commissioner Leake asked about efforts to work with the school system on educating students around the issue of domestic violence. Commissioner Leake also asked what would be the top three priorities out of the eight recommendations made.

DVAB member Joe Marinello addressed an initiative to reach out to youth, called Coaching Boys into Men. He said the purpose is to identify men within various church denominations through their pastors, to come into a safe setting where they can be trained and then sent back to their respective congregations to disseminate information to their congregations, especially the youth and become mentors.

Commissioner Murrey asked had the frequency of domestic violence rapidly gone up in the last year. *The response was yes and that financial burdens only exasperate, problems that already exist.*

Commissioner Cooksey expressed to the County Manager his hope in the upcoming budget that the County would be able to assist with funding some of the recommendations presented by the DVAB.

Chairman Roberts thanked the Domestic Violence Advisory Board for their report.

No action taken or required at this time.

## **(5B) SMALL BUSINESS STRATEGY PLAN**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Economic Development Committee's recommendation that Mecklenburg County join with the City of Charlotte to develop a Small Business Strategy Plan in collaboration with its economic development partners including the Charlotte Chamber, Central Piedmont Community College and others.

John Allen, Economic Development Director presented this matter to the Board.

Prior to the above vote:

Commissioner Leake asked the following questions: Would there be a fee to persons who want to be a part of this? How will this impact the success of small businesses? How can the County help small businesses to be successful? *Director Allen said the purpose of this action was to determine what efforts could be undertaken to help small businesses and improve their growth*

*and survival.*

Commissioner Cogdell said this was just authorization to go out into the community and partner with other agencies to solicit specific input to address the issues mentioned by Commissioner Leake.

Commissioner Bentley asked about the inclusion of the northern towns, Huntersville, Cornelius, and Davidson, the Lake Norman Economic Development Corporation and the Lake Norman Chamber of Commerce in this process. Commissioner Bentley said these entities were pursuing a similar plan. Commissioner Bentley said she would like staff to involve the northern towns, Huntersville, Cornelius, and Davidson, and the Lake Norman Economic Development Corporation and the Lake Norman Chamber of Commerce. *Director Allen said he would contact them.*

## **MANAGER'S REPORT**

### **(6A) BUDGET UPDATE**

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi gave the update:

The following was covered:

- Assumptions
- Projection Scenarios
  - 1) No Growth (starting gap \$15.9 million)
  - 2) Lower Revenues
  - 3) No Fund Balance Use
- Things Not Included in Scenarios
- Known County Increases (\$16.8 million)
- Scenario Choices and Consequences
- Strategic Issues/Decisions
  - Capital Management
  - Funding Strategy
  - Revenue Options
  - Economy/Jobs/Layoffs
  - Employee Compensation
  - Other Revenues
  - Education Services
  - Law Enforcement Service District

***A copy of the report is on file with the Clerk to the Board.***

County Manager Jones noted that next year's budget process could not be looked at as a "mathematical" exercise. County Manager Jones said it has to involve the Board and staff working to be clear about what the Board's priorities are for the community going forward.

Comments

Commissioner Cooksey asked about Revenue Sources, specifically, net property tax and sales tax, and the assumption that they would remain flat. *Director Yi said staff would address this more specifically at next week's Strategic Planning Conference, but to keep in mind that the County needs to be prepared for a low growth or no growth situation.*

Commissioner Cooksey asked about Strategic Option 2 – Only Build Critical Facilities and what the capital expenditure might be. *County Manager Jones said the number the Board has*

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*discussed was the sale of \$150 million worth of capital. Also, the Board was given some preliminary numbers and was going to come back and adjust and allocate by percentage.*

County Manager Jones said staff would not get into detail discussion about this at the Strategic Planning Conference because that discussion would occur later as staff gets better numbers on the budget. He said what's going to drive the discussion was examining the percent of debt versus the total operating budget. He said that number could be lower.

Commissioner Bentley asked about the Known County Increases, specifically, Market Adjustments. She asked what was the total number of employees that would have experienced a market adjustment in their pay. *Director Yi said staff would report back with an answer.*

Commissioner Bentley asked about managing health benefit costs and what was being done to really "look outside the box." She said this was something the County needed to focus on.

Commissioner Bentley asked about the Law Enforcement Service District (LESD) and what the total budget impact was last year. *Director Yi said it was around \$15 million.*

Commissioner Bentley, with respect to LESD asked was the \$1.5 million addressed in the presentation over and above that. *Director Yi said no, it's the gap that has to be filled.*

Commissioner Bentley said as she's addressed before, there needs to be some dialogue with the police chiefs in the northern part of the County on what can be done with the unincorporated areas within their sphere of influence, with the exception of Davidson because they're content with what they're doing

Commissioner Dunlap asked for clarification regarding how is it with the new jobs that have been created in the community and homes sales picking up, that staff still projects no revenue increase. *Director Yi said this would be discussed next week at the Board's Strategic Planning Conference.*

Commissioner Dunlap commented on Law Enforcement Services and Fire Services in the unincorporated area. Commissioner Dunlap said he's been looking for a formula that basically suggests what the County's annual cost was. Commissioner Dunlap said as the City continues to annex and there are smaller areas to protect, yet the costs continue to rise. He said if this could be determined, then the County would know if it's being overcharged. *Director Yi said staff could do a briefing on how the law enforcement service district works because there is a formula.*

Commissioner Dunlap commented on the budget for Child Support Enforcement Services. He questioned the need for additional staff, especially if Child Support Enforcement Services currently has a 99% collection rate.

General Manager Michelle Lancaster said the 99% collection rate referenced by Commissioner Dunlap was based on the annual goal that the state sets, which was not a reimbursable statistic for Child Support Enforcement. Further, it's not one of the nine measures that are factored into the reimbursement rate.

Commissioner Dunlap asked did they meet 99% of their goal. *General Manager Lancaster said yes, but that goal was not applicable to the revenue rate that the County would receive from the federal government. Director Lancaster said it's an arbitrary goal that the state sets.*

Chairman Roberts said it doesn't mean 99% of the cases. *Director Lancaster said that was correct, it doesn't.*

Commissioner Dunlap said if Child Support Enforcement collected \$47 million, what could they have possibly collected at 100%. *General Manager Lancaster said the potential, with their case load, has to be \$75 - \$80 million.*

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Commissioner Dunlap said he wanted to know how much more of that amount does the County collect with each staff person and/or what is it that's improved with the additional staff. *General Manager Lancaster said the County would improve by receiving a larger drawdown from the federal government.*

General Manager Lancaster said the better the County does in the nine-factor scoring, the more revenue the County is able to collect to offset the County expense.

Commissioner Dunlap asked was that from the federal government and not the "deadbeat" parent. *General Manager Lancaster said that dollar amount doesn't offset the County's cost at all. She said the County's cost is only offset by meeting the targets that the federal government has outlined.*

Commissioner Dunlap asked was it cost effective to add the additional staff to increase the amount of funds the County draws down from the federal government. *The response was yes.*

Commissioner Cogdell asked for clarification with respect to Other Revenues (as of 12/31/09) and projections, which was addressed.

Commissioner Cogdell said it's going to be very important to be realistic on the projections in the next budget.

Commissioner Cogdell asked was there some ratio that for every one dollar of a capital project, the County has "x" amount of debt service. For example if the County issued \$150 million in capital debt, what would it cost to service that debt in the budget. Also, if a portion of the \$150 million or all of it got delayed, how would that impact the gap. *Director Yi said staff would report back with an answer.*

Commissioner Clarke asked about the issuance of bonds in 2011, with respect to when the interest payment would be required. *Director Yi said if bonds were issued in fiscal year 2011, the County wouldn't pay interest or principal on it until 2012.*

Commissioner Clarke asked that the Other Revenues (as of 12/31/09) and the Revenues & Expense Preliminary Guesstimate spreadsheet be consistent.

Commissioner Clarke said the state was looking at some tax reform measures that would involve expanding the base of what is subject to the sales tax and if that occurs, would that increase the County's sales tax next year. *Director Yi said from a conceptual standpoint, not knowing how it would apply to the County, that if the rate remains the same and you expand the base to which that tax applies, then you would generate more revenue.*

Commissioner Clarke requested the 09 adopted budget numbers be provided at next week's Strategic Planning Conference as it relates Other Revenues and the associated projection/variance and for Revenues & Expense Preliminary Guesstimate information, in order to see what the trend has been.

Commissioner James asked about Other Revenues (as of 12/31/09) and the deficit of \$24,826,976. Commissioner James said if it holds for the remainder of the fiscal year, the deficit would be \$50 million.

Commissioner James said he wanted to know what management's view was on taking back part of Charlotte Mecklenburg Schools and Central Piedmont Community College funds to make up for the gap.

County Manager Jones said for the current fiscal year, staff continues to evaluate the revenue picture. County Manager Jones said he didn't dismiss the possibility of having to discuss with CMS the reverting of funds, but that it's not something that staff has considered to date.



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*Commissioners Bentley and Cooksey left the meeting and were absent for the remainder of the meeting.*

Commissioner James asked when would the Christmas/New Year's sales information be available. *The response was this week, perhaps and if received timely enough to get it into a presentable format for next week's Strategic Planning Conference, staff would provide it.*

Commissioner James asked about the priority levels and the dollar amount in Priority Seven. *Director Yi said he didn't recall.*

Commissioner James said he recalled there was very little money in Priority Six and Seven and even if you eliminated all of Priority Six and Seven, it really doesn't make much of an impact on the budget.

Commissioner James said he doesn't feel a tax increase should be on the table for consideration.

Commissioner James said with respect to the Law Enforcement Service District, it's a percentage of the Charlotte-Mecklenburg Police Department budget. Thus, it's not just pay raises that results in a tax to the unincorporated area. He said the problem was with the way the tax was calculated. He said it's not based upon the actual service, meaning when they actually show up in the unincorporated area. Commissioner James said it has to do with the way the interlocal agreement was structured.

Commissioner James said he supports letting the towns provide service to the unincorporated area.

Commissioner James said two things that have increased the County's deficit was the non-privatizing of Child Support Enforcement and providing Domestic Partner Benefits.

Commissioner James asked what's the appropriated excess fund balance that's estimated to be available on June 30, 2010. *Director Yi said about \$85 million.*

Chairman Roberts said in response to Commissioner James' question regarding the amounts in Priority Six and Seven, was \$3 million in Priority Seven and if you eliminated Priorities Five, Six, and Seven it would be \$20 million.

This concluded the discussion.

*The above is not inclusive of every comment but is a summary.*

## **COUNTY COMMISSIONERS REPORTS AND REQUESTS**

### **(30) HUMAN SERVICES STRATEGIC PROCESS (COMMISSIONER MURREY)**

Commissioner Murrey addressed the potential next steps for a "Human Services Strategic Process."

The following was covered in the presentation:

*Note: Over the past several months, a number of County Commissioners have met with constituents, other elected bodies, funders, and providers in the Human Service sector. In addition, the Foundation for the Carolinas (FFTC) has generously shared the results of the evaluation of local non-profits they commissioned by the Bridgespan Consulting group. These meetings have been in response to a sense within the community and the sector that human services could be delivered in a more efficient, productive, and cohesive way if the tools were in place to coordinate the activities of the many nonprofit and government organizations involved.*

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*This report seeks to summarize some of the information collected in these meetings and to offer some potential next steps. The overarching goal of this process would be to enhance the efficiency and effectiveness of the human services sector and to enhance the independence of the clients it serves.*

- The Vision – To create a smooth continuum of service that helps propel clients toward independence
- Common Themes That Evolved
- Non-Profit Inventory in Mecklenburg County
- Proposed Action Steps
  - Funder’s Collaborative
  - Data Warehouse for Sharing Information
  - Provider’s Collaborative
- Next Steps – County’s Involvement
  - Funder’s Collaborative – Direct staff to work with City of Charlotte and Charlotte-Mecklenburg Schools staff this budget season to divide outside agency funding by service sector or organization
  - Present proposal to Charlotte City Council and towns (Huntersville, Cornelius, and Davidson)
  - Participate in larger funder’s collaborative when convened
  - Solicit funding for facilitated provider collaborative
  - Data Warehouse – Direct staff to issue a Request for Proposal for proof of concept project
  - Solicit Grant Funding
- Provider’s Collaborative
  - Work with stakeholders to choose facilitator
  - Work with facilitator to convene sector meetings
- Expectations for work product

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell, to 1) Direct staff to work with City of Charlotte and Charlotte-Mecklenburg Schools staff, this budget season, to divide outside agency funding by service sector or organization; 2) Direct staff to issue a Request for Proposal for proof of concept project to see what it would cost and what would be the best candidates for doing a pilot project for the Data Warehouse, with the understanding that other thing would be to get involved in the larger funder’s collaborative when convened and to communicate this information to the other elected bodies, the service providers, and the funders.

Chairman Roberts said in light of staff having to start a very involved budget process, and since there were other large groups in the community doing work in this area, such as The Foundation For The Carolinas, was it possible or has it been done to identify a different group to be the lead convener of the three main initiatives; so, the County won’t be trying to lead three different initiatives at a time when everyone is stretched.

Commissioner Murrey said he had not made any assumptions regarding who would lead the process which was why he left it open. He said he sees this as something that requires involvement and engagement of not just the County, but the large funding foundations and other elected bodies also. Commissioner Murrey noted that The Foundation for The Carolinas had been involved in the development of the proposal. Commissioner Murrey said he felt once this begins there would be multiple leaders. Commissioner Murrey acknowledged that the County can’t do it alone.

County Manager Jones said he liked the recommendation for coordination between the County, CMS, and the City of Charlotte regarding outside agency funding. County Manager Jones said there were a number of outside agencies that seek funding from various sources. County Manager Jones said if the County could determine some way to be responsible for “some category” of human services funding and try to clean up through the interlocal agreement with the City of Charlotte, outside agencies would then have one portal of entry.

Commissioner Murrey said if that was done, the County needs to make sure it's not giving them a "free reign" to reduce their funding overall for this sector because that's not the point. Commissioner Murrey said the point was to make sure it's done in a way that increases accountability and efficiency, which he said were points made by Commissioner Bentley at the committee meeting.

General Manager Michelle Lancaster said there was a lot of interest in the community around this process. General Manager Lancaster reminded the Board also that included in the County Manager's work plan for this year was something around a human services strategic planning process. Thus, for staff it fits perfectly in giving some direction to go forward, so that activity could be accomplished this fiscal year.

Comments

Commissioner Dunlap asked about the involvement of stakeholders and did action need to be taken now, which was addressed.

***Commissioner James left the meeting and was absent for the remainder of the meeting.***

Commissioner Clarke said he shared the Chairman's concern of taking on something this complex at this time but would support moving forward.

The vote was then taken on the motion which was as follows:

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to 1) Direct staff to work with City of Charlotte and Charlotte-Mecklenburg Schools staff this budget season to divide outside agency funding by service sector or organization; 2) Direct staff to issue a Request for Proposal for proof of concept project to see what it would cost and what would be the best candidates for doing a pilot project for the Data Warehouse, with the understanding that other thing would be to get involved in larger funder's collaborative when convened and communicate this information to the other elected bodies, the service providers, and the funders.

***Commissioner Murrey left the meeting and was absent for the remainder of the meeting.***

#### **(6B) GLOBAL DISASTER ASSISTANCE PLAN**

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve the amended Disaster Response Policy.

*Note: The amendment permits, under certain limited circumstances, Mecklenburg County employees that seek to volunteer a specialized skill that is needed by an international or domestic community facing a catastrophe disaster following a natural or man made event to take a temporary leave of absence from County employment.*

Human Resources Director Chris Peek presented this matter to the Board.

***Policy recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.***

#### **(6C) AREA MENTAL HEALTH REDUCTIONS IN FORCE**

Grayce Crockett with Area Mental Health addressed reductions in force for the Child and Adolescent Community Support Services for children in the custody of the Department of Social Services. The following was noted:

- The County was in the process of eliminating the Community Support Services provided through Area Mental Health and were contracting it out to private providers in the community.
- This was being done based on changes the state has made.
- There are qualified and competent providers in the community to provide these services.
- The County was contracting out through Alexander Youth Network, at the request of the Department of Social Services, the Community Support Services for children in Youth and Family Services custody.
- The County was contracting with other providers in the community for services for adults.
- The County can no longer afford to provide this service because it doesn't have the volume needed in order to operate this service efficiently and effectively.
- Thus, there will be a reduction in force that would impact approximately 27 employees who would be placed in Reduction In Force (RIF) status, effective February 23, 2010.
- In November 2010 there were 13 employees impacted.
- The state was in the process of making dramatic changes to the case management provided to consumers and the RIF was a part of the impact of those changes.
- Community Support Services will end across the state by June 30, 2010 and at that time the state is anticipating they would have a new service in place called Case Management.
- Per the state, in order to provide Case Management services you're going to have to be a Critical Access Behavioral Health Agency.
- There were lots of requirements that the County as Area Mental Health was not able to meet.

#### Comments

Commissioner Dunlap asked how was the contractor selected. *The response was there were two separate process. With respect to the children, the guardian selects the contractor and the Department of Social Services chose Alexander Youth Network. With respect to the adults, they were given a choice via a list of all of the providers in the community and Area Mental Health helped facilitate that transition for them.*

Commissioner Dunlap asked was there a Request for Proposal. *The response was no.*

Commissioner Dunlap said he's familiar with Alexander Youth Network and they're competent, but he still wanted to know the process used in the selection. *The response was the Department of Social Services Youth and Family Services Division made the decision because they are the "guardians" for the children. The decision was not made by Area Mental Health (AMH), but AMH did consult with the Department of Social Services with respect to which agency in the community had the capacity and the infrastructure to absorb the sudden influx of this number of children for services.*

Commissioner Dunlap said his concern was that there were other agencies in the community who felt the County did something "underhanded." Commissioner Dunlap said in the future the process needs to be more transparent and all agencies should be given the opportunity to compete fairly.

Commissioner Leake asked was there a form of evaluation. *The response was the County would be doing a contract with Alexander Youth Network with deliverables that they would have to meet, especially in terms of working with Youth and Family Services and appearances in court. Further, that if they don't meet that criteria, then the County would take action. It was noted Alexander Youth Network has a good reputation, good outcomes and a broad array of services.*

Commissioner Cogdell said he echoed Commissioner Dunlap's concern with respect to the process being transparent, however, he's confident the agency staff selected was well qualified.

This concluded the discussion.

No action was taken or required. This was an update only.

**CONSENT ITEMS**

**Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve the following item(s) with the exception of Items 8, 9, 11, 14, 15, 16, 17, 18, 22, 24, 26, and 31, to be voted on separately:**

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular meeting held February 2, 2010 and Closed Sessions held February 2, 2010, January 20, 2010, January 5, 2010, and December 15, 2009.

**(10) SHERIFF'S OFFICE AGENCY FUND AND SPECIAL REVENUE FUND**

1) Approve closing the Sheriff's Inmate Medical Treatment Agency Fund and authorize the transfer of the remaining balance of \$26,988 to the General Fund.

2) Approve the establishment of the Sheriff's Office Agency Fund to account for inmate trust funds, inmate work release funds, and the Sheriff's Civil Execution funds.

3) Approve the Sheriff's Office Agency Fund Ordinance.

4) Approve the revision to the Sheriff's Office Special Revenue Fund Ordinance to restrict the use of the funds.

*Ordinances recorded in full in Minute Book 44-A, Documents # \_\_\_\_\_, \_\_\_\_\_.*

**(12) UNITED STATES MARSHALS SERVICE VEHICLE EQUIPMENT—  
SHERIFF'S OFFICE**

Recognize, receive and appropriate \$5,000 from the United States Marshals Service (USMS) for vehicle equipment.

*Note: The Mecklenburg County Sheriff's Office has a Deputy Sheriff assigned to the USMS District Fugitive Task Force (DFTF). The USMS received funding to purchase equipment for a vehicle donated to the Sheriff's Office specifically for this Deputy Sheriff assigned to DFTF.*

**(13) PURCHASE OF VIDEO ARRAIGNMENT SYSTEM—SHERIFF'S OFFICE**

Approve the purchase of a replacement Video Arraignment System for \$128,135 from Hagemeyer North America using the U. S. Communities Cooperative Purchasing Agreement.

**(19) GREENWAY DONATION – MCINTYRE CREEK TRIBUTARY**

Accept the donation of Tax Parcels 037-283-01 through 037-283-11, 037-283-98 and 037-283-99 (+/- 9.3 acres) on McIntyre Creek Tributary from B.V. Belk Investments, Ltd.

*Note: The subject parcels are adjacent to Hornet's Nest Park, on the south side of McIntyre Creek. This donation includes 12 undeveloped residential lots in addition to a required 6.69-*

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*acre dedication. This property will facilitate the connection of two neighborhoods to the park and greenway.*

**(20) LAND CONVEYANCE TO CITY OF CHARLOTTE**

Approve conveyance of Tax Parcel 057-061-01 (+/- 0.21 acre) to the City of Charlotte to facilitate the Freedom Drive roadway improvement project.

**(21) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT APPLICATION**

- 1) Approve submitting the County's FY10 CAA Section 103 Special Purpose federal grant application.
- 2) Upon award of grant, recognize, receive and appropriate the CAA Section 103 funds awarded.

**(23) AREA MENTAL HEALTH BUDGET AMENDMENT (INCREASE)**

- A) Recognize, receive and appropriate cash donations in the amount of \$500 for an AMH public service and information event.
- B) Approve receipt of donated furniture, home accessories and other goods, approximate value of \$10,000 for Area Mental Health MeckCARES participants to be distributed to program participants.
- C) Recognize, receive and appropriate Medicaid funds in the amount of \$484,000.

**(25) SYNTHETIC TURF FIELD IN REVOLUTION PARK – PARK AND RECREATION**

Authorize expenditure of \$15,000 from Park & Recreation Capital Reserve funds for the provision of repairing the synthetic turf athletic field in Revolution Park.

**(27) REFUNDING BONDS**

*Note: This action will authorize and provide for the issuance of up to \$200 million in bonds to refund outstanding bonds maturing in 2018-2026. The County has the opportunity to refinance through this refunding bond issue some maturities of the 2007A and 2008B general obligation bond issues which will lower the interest rate, and therefore, generate savings to the debt service budget presently estimated to be \$6.2 million, net present value \$5 million, over the life of the bonds. The refunding sale date is scheduled for February 23, 2010.*

**RESOLUTION AUTHORIZING ISSUANCE OF BONDS**

Commissioner George Dunlap moved adoption of the following resolution and the motion was seconded by Commissioner Dumont Clarke.

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg, North Carolina (the "Issuer"), as follows:

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1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on January 20, 2010, the Issuer shall issue its bonds in the aggregate principal amount of \$116,145,000, subject to adjustment as hereinafter provided.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2010A” (the “Bonds”). The Bonds shall be dated March 16, 2010, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on August 1, 2010, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on February 1 as follows, subject to adjustment as hereinafter described:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2011	\$ 455,000	2019	\$20,190,000
2012	475,000	2020	20,010,000
2013	495,000	2021	15,835,000
2014	515,000	2022	8,050,000
2015	535,000	2023	7,660,000
2016	555,000	2024	17,530,000
2017	580,000	2025	7,515,000
2018	8,240,000	2026	7,505,000

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

3. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable at the times stated in the preceding paragraph, and principal of the Bonds will be paid annually on February 1 as set forth in the above maturity schedule, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of

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the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC's rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of \$5,000 or integral multiples thereof.

4. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

5. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

NO. R- \_\_\_\_\_ \$ \_\_\_\_\_

United States of America  
State of North Carolina

COUNTY OF MECKLENBURG

GENERAL OBLIGATION REFUNDING BOND, SERIES 2010A

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
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March 16, 2010

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: \_\_\_\_\_ DOLLARS

The County of Mecklenburg (the "County"), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the "Bond Registrar"), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August



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1, 2010, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on January 20, 2010 (the "Bond Order") and a resolution adopted by that Board (the "Resolution") to provide funds, together with any other funds that may be provided, to advance refund all or a portion of the County's outstanding General Obligation Public Improvement Bonds, Series 2007A dated as of February 1, 2007 and outstanding General Obligation Public Improvement Bonds, Series 2008B dated as of February 1, 2008.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated March 16, 2010.

\_\_\_\_\_  
Chairman of the Board of Commissioners

(SEAL)

\_\_\_\_\_  
Clerk to the Board of Commissioners

**CERTIFICATE OF LOCAL GOVERNMENT COMMISSION**

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

\_\_\_\_\_  
Secretary,  
Local Government Commission

**CERTIFICATE OF AUTHENTICATION**

**FEBRUARY 16, 2010**

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Order and Resolution.

COUNTY OF MECKLENBURG  
DIRECTOR OF FINANCE, as Bond Registrar

By: \_\_\_\_\_  
Authorized Signature

Date of Authentication: March 16, 2010

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and irrevocably appoints \_\_\_\_\_ attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:  
\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

6. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the

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registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

7. The Issuer hereby reserves the right to increase or decrease the principal amount of any maturity of the Bonds to be sold as described in the Notice of Sale relating to the Bonds.

8. The actions of the Director of Finance of the Issuer and others in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds and the action of the Local Government Commission of North Carolina in asking for sealed and electronic bids for the Bonds by publishing notices and printing and distributing the Preliminary Official Statement and the Official Statement relating to the Bonds are hereby ratified and approved. That Preliminary Official Statement is hereby approved, and the Chairman of the Board of Commissioners, the County Manager and the Director of Finance of the Issuer are each hereby authorized to approve changes in the Preliminary Official Statement, to approve the Official Statement, and to execute the Official Statement for and on behalf of the Issuer. The Preliminary Official Statement is deemed to be a final official statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information to be specified in the Official Statement.

9. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

10. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

11. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

12. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver an Escrow Deposit Agreement in such form as may be approved by them, their execution thereof constituting conclusive evidence of such approval.

13. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking Board ("MSRB"):

- a. by not later than seven months from the end of each fiscal year of the Issuer, audited financial statements of the Issuer for such fiscal year, if available, prepared in

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accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.

- b. by not later than seven months from the end of each fiscal year of the Issuer, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;
- c. in a timely manner, notice of any of the following events with respect to the Bonds, if material:
  - 1. principal and interest payment delinquencies;
  - 2. non-payment related default;
  - 3. unscheduled draws on debt service reserves reflecting financial difficulties;
  - 4. unscheduled draws on any credit enhancements reflecting financial difficulties;
  - 5. substitution of any credit or liquidity providers, or their failure to perform;
  - 6. adverse tax opinions or events affecting the tax-exempt status of the Bonds;
  - 7. modification to the rights of the beneficial owners of the Bonds;
  - 8. bond calls;
  - 9. defeasances;
  - 10. release, substitution or sale of any property securing repayment of the Bonds;
  - 11. rating changes; and
- d. in a timely manner, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The Issuer shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Issuer may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

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(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

14. The investment banking firm of First Southwest Company is hereby authorized to serve as financial advisor to the Issuer (the “Financial Advisor”) in connection with sale and issuance of the Bonds. The Financial Advisor and its affiliates are hereby expressly authorized to bid for the purchase of the Bonds.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Vilma Leake, and Jennifer Roberts

NAYS: None

*Resolution and Extract recorded in full in Minute Book 44-A, Document #\_\_\_\_\_.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(8) NC DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION – JCPC FUNDING**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate grant award of \$567,985 from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County JCPC.

Commissioner Leake removed this item from Consent for more public awareness.

**(9) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY2010 FUNDING REDUCTION**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve a reduction in funding of \$74,510 as recommended by the Mecklenburg County Juvenile Crime

Prevention Council (JCPC).

*Note: The JCPC is charged with assessing the needs, identifying available resources, and recommending funding allocations for programs that serve juveniles in the county who are at risk of delinquency, and/or are adjudicated, undisciplined, or delinquent. The North Carolina DJJDP adjusted funding to \$1,415,682. This represents a decrease of \$74,510 to JCPC allocations to four of eight community programs: LIFT (\$11,588), FACET (\$12,115), Project Challenge (\$15,722) and Barium Springs (\$35,085).*

Commissioner Leake removed this item from Consent for more public awareness.

**(11) SHERIFF'S SPECIAL REVENUE FUND – INMATE COMMISSARY**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize and appropriate \$100,000 for the Sheriff's Special Revenue Fund from Inmate Commissary.

Commissioner Leake removed this item from Consent for clarification purposes. She wanted to know where the funds were coming from and how they would be used, which was addressed by County Manager Jones.

**(14) DSS BUDGET AMENDMENT – TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) DOMESTIC VIOLENCE**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to reduce the Department of Social Services TANF Domestic Violence FY2010 budget by \$8,748.

Commissioner Leake removed this item from Consent for more public awareness.

**(15) DSS BUDGET AMENDMENT – JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM (NC LINKS)**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to increase the Department of Social Services FY2010 budget to recognize, receive and appropriate additional Chafee Program funds of \$28,016 for the Youth LINKS program.

Commissioner Leake removed this item from Consent for more public awareness.

**(16) HOME AND COMMUNITY CARE GRANT ADVISORY COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appoint the following persons as members to an Advisory Committee for the Home and Community Care Block Grant for Older Adults.

Home & Community Care Block Grant Committee  
2010-2011 Roster

Rodney Adams (Committee Co-Chair, GS)  
Division Director, Services for Adults  
Department of Social Services

Dawn A. Blobaum, (AR–North County)  
Assistant Town Manager, Town of Davidson

**Grayce Crockett** (GS, SC-Mental Health)  
Area Director  
Mecklenburg County Area Mental Health

**John Duty** (STH, OA)

**Joyce D. Freeman** (PP, SC-Day Care)  
Executive Director  
Loving Touch Adult Day Health Care Ctr., Inc.

**Stephanie Frisbee** (GS)  
Recreation Program Manager  
Mecklenburg County Park and Recreation

**Maryann Gilmore** (OA)

**Jacqueline Glenn** (GS, SC-Health)  
Meck. County Health Department

**Sue Hancharik** (GS, SC-Social Services)  
Department of Social Services

**John Highfill** (STH, OA)

**Dahn Jenkins** (SC – Senior Centers)  
Executive Director  
Levine Senior Center

**Millard McCluney** (SC - Housing)  
The Realty Corner

**Aaron McKeithan, Jr.** (OA)

**Ms. Evelyn Newman** (OA)

**Debora Sparks** (Committee Co-Chair, NP)  
Executive Director  
Council of Aging

**Robert L. Weeks, Sr.** (LTC) (CR)  
Division Director  
Veterans Services

**Ms. Gayla Woody** (HCCBG Program Administrator\*)  
Centralina Area Agency on Aging

Legend

AR=Geographic Area Representative  
CR=Constituent Representative  
GS=Public Services Provider  
NP=Non-Profit  
OA=Older Adult  
PS=Private Services Provider  
SC=Service Category Representative  
STH=Senior Tar Heel/Alternate  
\*=Ex Officio

*Note: The Department of Social Services and Charlotte Mecklenburg Council on Aging are the lead agencies for the administration of the Home and Community Care Block Grant. These lead agencies are preparing to develop the County Aging Funding Plan for Fiscal Year 2010 - 2011. Grant requirements include the appointment of an Advisory Committee to assist in gathering input and obtaining consensus regarding content of the plan. This appointment will assist the lead agencies in the development of the County Aging Funding Plan for Fiscal Year 2010 - 2011.*

Commissioner Leake removed this item from Consent for more public awareness.

**(17) DSS BUDGET AMENDMENT – NCDOT COMMUNITY TRANSPORTATION GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to reduce the Department of Social Services FY2010 Budget by \$411,783 for the NC Department of Transportation Community Transportation Grant.

Commissioner Leake removed this item from Consent for more public awareness.

**(18) FIT COMMUNITY GRANT APPLICATION – HEALTH DEPARTMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve

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submitting a \$60,000 grant application to the North Carolina Health & Wellness Trust Fund for a two-year period to fund a pilot worksite wellness program for targeted schools within the Charlotte-Mecklenburg Schools system. Secondly, upon award of grant, recognize, receive, and appropriate the grant award.

Commissioner Leake removed this item from Consent for more public awareness.

**(22) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Barbara Gordon, owner of Esposito’s Pizza & Pasta.”

Commissioner Leake removed this item from Consent for clarification purposes with respect to whether or not patrons would be able to use the parking deck. *The response was yes.*

*Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

**(24) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)  
APPLICATION FOR EMERGENCY CONTINGENCY FUNDS – DSS**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive, and appropriate \$3,970,888 of Emergency Contingency Funds to establish a Subsidized Employment program for TANF eligible participants.

Commissioner Leake removed this item from Consent for more public awareness.

**(26) BUDGETARY ACTION – NORTH MECKLENBURG SENIOR CENTER**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate \$6,000 of donated funds designated for the Town of Davidson to support operations at the North Mecklenburg Senior Center.

Commissioner Leake removed this item from Consent for more public awareness.

**(31) DSS BUDGET AMENDMENT CRISIS INTERVENTION PROGRAM (CIP)**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to amend the Department of Social Services FY2010 Budget to recognize, receive and appropriate \$877,046 for the Crisis Intervention Program (CIP).

Commissioner Leake removed this item from Consent for more public awareness.

**STAFF REPORTS AND REQUESTS**

**(28) BUSINESS INVESTMENT PROGRAM GRANT: CELGARD, LLC**

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 5-0



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with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve a 90% Business Investment Program grant over 5 years with an estimated total amount of \$827,218 for Celgard, LLC, and authorize the County Manager to negotiate and execute a contract.

*Note: Celgard is a Charlotte-based manufacturer of separators for lithium-ion batteries used in consumer electronics, such as cell phones and computers. The company currently employs 384 in Southwest Charlotte. the company planned to expand in two phases:*

- *Phase I: Convert an existing warehouse in Charlotte into a production facility. Capital investment would be approximately \$31.4 million and up to 80 new jobs would be created with an average annual wage of \$60,000.*
- *Phase II: Construct a new facility in Concord. Capital investment would be approximately \$60 million and up to 170 new jobs.*

Economic Development Director John Allen presented this matter to the Board.

**(29) BUSINESS INVESTMENT PROGRAM GRANT: HUSQVARNA OUTDOOR PRODUCTS, INC.**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve a 50% Business Investment Program grant over 5 years, with an estimated total amount of \$156,260 to Husqvarna Outdoor Products, Inc. and authorize the County Manager to negotiate and execute a contract.

*Note: Husqvarna Outdoor Products Inc. (Husqvarna) is a subsidiary of Swedish-based Husqvarna AB, which produces outdoor power products for the forestry, park maintenance, lawn and garden care and construction industries. The company's brands include Husqvarna, McCulloch, Poulan, Poulan Pro and WeedEater.*

*Husqvarna's professional products division is currently located in Charlotte at 7349 Statesville Road, where it employs 165 people. The company decided to relocate to a facility in Harris Corners Business Park. The expansion will include a capital investment of approximately \$8.25 million beginning in 2010. The investment will be in real estate, building improvements and new business personal property. The expansion will create up to 160 new jobs within five years at an average annual salary of \$66,950.*

Economic Development Director John Allen presented this matter to the Board.

Commissioner Leake requested a breakdown on the number of jobs created via the Business Investment Grant Program and when those jobs would be available. *Director Allen said he would provide that information, but since January 1, 2009, it's approximately 3,000. Further, that some of those jobs have been filled and some have not.*

**COMMISSION COMMENTS – NONE**

**ADJOURNMENT**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:40 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman