



Gaston County

Board of Commissioners

COURTHOUSE
325 Dr. Martin Luther King Jr. Way
Gastonia, NC

Chairman Tom Keigher
Vice-Chairman Allen Fraley
Commissioner Chad Brown
Commissioner Bob Hovis
Commissioner Kim Johnson
Commissioner Tracy L. Philbeck
Commissioner Ronnie Worley

Tuesday, December 29, 2020

Meeting Agenda

Rescheduled Regular Meeting - VIRTUAL 1:00 P.M.

*Commissioners and County staff will be participating through video conferencing. The meeting will be **TELEVISED** live for members of the public to view on Spectrum Channel 16 and AT&T Uverse Channel 99 and **LIVESTREAMED** from the Commission's Meeting portal on the Gaston County website, GastonGov.com. In-person attendance will not be available to the public for this meeting.*

CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE

I. BUSINESS AGENDA

A. AGENDA REVISION/APPROVAL

B. APPROVAL OF MINUTES

1. To Approve the Minutes of:
 - Closed Session of November 10, 2020 NCGS 143-318.11(a)(6)
 - Regular Meeting of November 10, 2020

II. CITIZEN RECOGNITION (Citizen Comment Received via Voicemail, Email/Mail will be entered into the permanent record of the meeting.)

III. CONSENT AGENDA

- A. Commissioner Keigher - BOC - To Revise the Gaston County Board of Commissioners' 2021 Regular Meeting Schedule to Cancel the January 12 Work Session and Reschedule it to Precede the January 26 Regular Meeting at 6:00 PM.....4-5
- B. Commissioner Hovis - BOC - To Accept the Amended CaroMont Health/Gaston Memorial Hospital Board of Directors By-Laws as Information.....6-25
- C. Commissioner Philbeck - BOC - To Update the Provisions of the Gaston County Investment Grant Program to Extend the Small Business Investment Grant Program Through Calendar Year 2021.....26-31

- D. Commissioner Worley - Budget & Management Services - To Appropriate Additional Funds for Second Year of Grant Awarded to the Gaston County Family Justice Center (FJC) (\$505,472).....32-34
- E. Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information.....35-36
- F. Commissioner Worley - Finance - To Approve the Award for Purchase of \$2,842,597.29 for Vehicles, and the Expenditure of \$239,718.34 for Equipment, Decals, Tag/Tax and Title Fees (Totaling \$3,082,315.63).....37-41
- G. Commissioner Worley - Finance - To Award Bid for Financing up to \$2,842,597.29 for Rolling Stock and Equipment to Bank of America Public Capital Corp and to Approve the Attached Budget Change Request (to appropriate funds) and Resolution Approving Financing Terms.....42-46
- H. Commissioner Worley - Finance - Commendation - Ms. Tiffany R. Murray & Finance Staff - GFOA Certificate of Achievement for Excellence in Financial Reporting Award.....47-48
- I. Commissioner Keigher - Finance - Appropriation of Accumulated Investment Earnings From April 1, 2020 Through November 30, 2020 (\$33,831.36).....49-51
- J. Commissioner Fraley - GEMS - To Accept and Appropriate Additional Grant Funds Received from The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health from NCOEMS (100% Federal Grant Funds - \$3,500).....52-53
- K. Commissioner Brown - Public Works - To Declare the Attached Vehicles Surplus and Approve the Sale of Said Vehicles to the Highest Bidder on GovDeals.com and Authorize Staff to Prepare the Necessary Documents in Accordance with North Carolina General Statute 160A-266 (No Additional County Funds).....54-56
- L. Commissioner Hovis - Public Works - To Accept an Offer to Purchase a County Owned Surplus Parcel (#155370 Located at 813 Freedom Mill Rd.) and Authorize Staff to Initiate the Upset Bid Process.....57
- M. Commissioner Philbeck - Public Works - To Approve a Lease Agreement for Property Owned by Gaston County Located at 1305 Fire Ranger Way (No Additional County Funds).....58-64
- N. Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. (Releases and Refunds - \$102,584.15; Overpayments - \$48,984.46; VTS Refunds - \$7,041.61; Grand Total - \$158,610.22).....65-67

IV. NON-CONSENT AGENDA ITEMS

- A. Commissioner Brown - County Attorney - To Amend the Gaston County Code of Ordinances, Chapter 7 - Garbage and Trash, Section 7-3 - Storage and Disposal - to Create Subsection (s) - to Prohibit Anyone From Leaving Loose Yard Waste on Public Roads or any Other Public Places of Travel.....68-70

V. ITEMS PULLED FROM CONSENT AGENDA

VI. ITEMS ADDED BY MAJORITY VOTE FOR DISCUSSION ONLY**VII. APPOINTMENTS**

- A.** Appointment List - Current Expiring Terms/Vacant Positions.....71-75
- B.** Commissioner Philbeck - BOC - To Designate a 2021 NCACC Legislative Goals
Virtual Conference Voting Delegate and Alternate.....76-77

VIII. REPORTS

- A.** Commissioners Committee Reports
- B.** County Manager's Report
- C.** County Attorney's Report

IX. OTHER MATTERS**X. ADJOURNMENT**



Gaston County

Gaston County
Board of Commissioners
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Board of Commissioners Board Action

File #: 20-576

Commissioner Keigher - BOC - To Revise the Gaston County Board of Commissioners' 2021 Regular Meeting Schedule to Cancel the January 12 Work Session and Reschedule it to Precede the January 26 Regular Meeting at 6:00 PM

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

Due to COVID-19 concerns the Board of Commissioners cancelled its January 12, 2021 Work Session and reschedules it to Tuesday, January 26, 2021, to precede the regularly scheduled BOC Meeting.

ATTACHMENTS

Resolution



RESOLUTION TITLE: TO REVISE THE GASTON COUNTY BOARD OF COMMISSIONERS' 2021 REGULAR MEETING SCHEDULE TO CANCEL THE JANUARY 12 WORK SESSION AND RESCHEDULE IT TO PRECEDE THE JANUARY 26 REGULAR MEETING AT 6:00 PM

WHEREAS, the Gaston County Board of Commissioners will cancel its January 12 Work Session and hold a combined Work Session and Regular Meeting on January 26, to be held in the Harley B. Gaston Jr., Public Forum, Courthouse at 6:00 p.m.; and,

WHEREAS, in response to the COVID-19 crisis, public attendance at the Combined January 26, 2021 Work Session and Regular Meeting **will not be permitted** in order to maintain the safety of County residents, staff and the Commissioners. The meeting will be **TELEVISED** live for members of the public to view on Spectrum Channel 16 and AT&T Uverse Channel 99 at **6:00 PM. LIVE STREAMING** will also be available from the Commission's Meeting Portal of the Gaston County website at GastonGov.com; and,

WHEREAS, citizens will be provided an opportunity for public comment by way of written comment or voicemail. Instructions to be provided in the official meeting notice or by contacting the Clerk to the Board.

NOW, THEREFORE, BE IT RESOLVED that the Regular Meeting Schedule for January, 2021 is revised in accordance with N.C.G.S §143-318.12(a), to CANCEL the January 12th Work Session and RESCHEDULE it to precede the January 26, 2021 Regular Meeting at 6:00 P.M.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Board of Commissioners

Board Action

File #: 20-543

Commissioner Hovis - BOC - To Accept the Amended CaroMont Health/Gaston Memorial Hospital Board of Directors By - Laws as Information

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

POLICY IMPACT

N/A

ATTACHMENTS

CaroMont Health/Gaston Memorial Hospital Board of Directors By-Laws

AMENDED AND RESTATED BYLAWS
OF
CAROMONT HEALTH, INC.

ARTICLE I
DEFINITIONS, PURPOSES AND POWERS OF CORPORATION

Section 1. NAME

The name of the Corporation shall be CaroMont Health, Inc.

Section 2. DEFINITIONS

The terms set forth below shall have the following meanings unless otherwise required by the context in which they may be used:

“Articles of Incorporation” means those Articles of Incorporation of the Corporation accepted by the Secretary of State of the State of North Carolina on the 20th day of March, 1984, as amended from time to time and duly filed with the Secretary of State of the State of North Carolina.

“Board” means the Board of Directors of the Corporation.

“Board Committee” means a body whose members are elected by the Board from its own membership or at-large and which may be authorized to exercise a designated portion of the authority of the Board when the Board is not in session.

“Board of County Commissioners” means the Board of County Commissioners of Gaston County, North Carolina, as the same may at any time be constituted.

“Bylaws” means these Bylaws of this Corporation, except where reference is specifically made to the bylaws of another entity or unit.

“Code” means the Internal Revenue Code of 1986, as amended, and all regulations promulgated thereunder.

“Corporation” means CaroMont Health, Inc., a North Carolina nonprofit corporation.

“Director” means any person serving as a regular member of the Board, or as it relates to a Board Committee, a regular member thereof, with authority to vote and be counted in determining the existence of a quorum.

“Family Member” means any person related to another as spouse, sibling (whole or half), spouse of a sibling, child (natural or adopted), spouse of a child, grandchild or great-grandchild.

1
2 **“Hospital”** means Gaston Memorial Hospital, Incorporated.

3
4 **“Lease Agreement”** means that certain Lease Agreement dated March 12,
5 2015 among Gaston County, the Corporation, the Hospital and CaroMont Health
6 Services, Inc., as amended or modified.

7
8 **“Officer”** means one or more of those officers set forth in Article V hereof.

9
10 **“Senior Leadership”** means any one of the President and Chief Executive
11 Officer (the “President/CEO”), Chief Financial Officer, Chief Legal Officer, Chief
12 Operating Officer, any executive vice presidents and any vice president.

13
14 **“State”** means the State of Incorporation of the Corporation unless specifically
15 indicated.

16
17 **“Supported Entities”** means those corporations, limited liability companies,
18 partnerships or other entities dedicated to health care and related activities in which the
19 Corporation has a significant voice in policy and/or management.

20
21 Section 2. AUTHORITY TO OPERATE

22
23 The Corporation shall operate at all times in accordance with the Articles of
24 Incorporation, as amended from time to time.

25
26 Section 3. STATEMENT OF PURPOSE

27 The general purposes of the Corporation shall be to promote and advance
28 charitable, health, scientific, social and educational purposes as described in and
29 contemplated by Section 501(c)(3) of the Code. More specifically, the major purposes of
30 the Corporation shall be to enhance the quality of life and benefit the citizens of the
31 surrounding communities, and in keeping with the foregoing, the specific purposes of the
32 Corporation shall be to promote the health and welfare of the residents of Gaston County,
33 North Carolina, and the surrounding communities through involvement in various health
34 care and related activities and the support of various Supported Entities, and to engage in
35 any lawful act or activity in furtherance of the above-stated purposes for which this
36 nonprofit Corporation is organized under the Nonprofit Corporation Act of North
37 Carolina. The Corporation shall support the provision of such health and welfare services
38 without regard to race, creed, color, sex or national origin and for the benefit of all
39 residents of Gaston County and the surrounding areas regardless of their ability to pay
40 and shall be bound by all applicable provisions of Section 131E of the North Carolina
41 General Statutes.

42
43 The Corporation is organized as a nonprofit corporation and no part of the net
44 income of said Corporation shall ever be distributed to any Director or Officer or any
45 private individual; provided, however, reasonable compensation may be paid for services

1 rendered to or for the Corporation affecting one or more of its purposes. No substantial
2 part of the activities of the Corporation shall be the dissemination of propaganda,
3 lobbying, or other attempts to influence legislation, and the Corporation shall not
4 participate in, or intervene in (including the publication or distribution of statements) any
5 political campaign on behalf of any candidate for office.
6

7 Notwithstanding any other provisions of the Articles of Incorporation, the
8 Corporation shall serve only such purposes and functions and shall engage only in such
9 activities as are consistent with the purposes set forth in this Section 3, in the Articles of
10 Incorporation, and not prohibited by the Lease Agreement, and shall not conduct or carry
11 on activities not permitted to be conducted or carried on (i) by an organization exempt
12 under Section 501(c)(3) of the Code, (ii) by an organization, contributions to which are
13 deductible under Section 170(c)(2) of such Code, or (iii) by a nonprofit corporation under
14 the laws of the State of North Carolina as they now exist or may be hereafter amended.
15

16 Section 4. POWERS 17

18 Except as limited by the Articles of Incorporation or these Bylaws, the Corporation
19 shall have and exercise such powers in furtherance of its purposes as are now or may
20 hereafter be granted by the applicable laws of the State, including, without limitation, the
21 following powers:
22

- 23 (a) Accept, hold, invest, reinvest and administer any gifts, bequests and
24 devises of property of any sort, without limitation as to amount or value,
25 and, subject to any restrictions accompanying such gifts, bequests or
26 devises, administer, disburse, loan or donate the principal thereof or
27 income earned thereupon in support of the charitable, scientific,
28 educational and health care related purposes and activities of the
29 Corporation and the Supported Entities;
30
- 31 (b) Make loans or extend credit on a secured or unsecured basis;
32
- 33 (c) Hold property in its own name or in the name of a nominee and invest and
34 reinvest its money or property;
35
- 36 (d) Divide and distribute the Corporation's assets in kind or in money or
37 partly in each, or by way of undivided interests;
38
- 39 (e) Delegate discretionary and ministerial powers, including the management
40 of properties, and procure necessary advice and services, and pay all
41 expenses and fees to be incurred;
42
- 43 (f) Abandon, compromise, arbitrate or otherwise adjust claims in favor of or
44 against the Corporation;
45

- 1 (g) Borrow money and obtain credit and issue or assume guaranties and other
2 evidences of indebtedness; and encumber any of the Corporation's
3 property by mortgage, security agreement, pledge, or other instrument
4 (unless such right is specifically limited in connection with the transfer
5 and delivery of any additional property hereunder or by state law);
6
7 (h) Make contributions and donations for charitable purposes;
8
9 (i) With respect to any charitable non-profit foundation corporation created
10 for the support of entities including the Supported Entities, the
11 Corporation may transfer all or part of its assets to such corporation
12 provided such corporation agrees to administer the assets in accordance
13 with charitable purposes of the Corporation and such additional terms of
14 transfer, if any, as the Corporation may specify;
15
16 (j) Create, establish, own and/or invest in and operate and/or control
17 organizations and entities which provide health care or other services
18 which the Board shall deem to be related to the operations of the
19 Corporation and its Supported Entities;
20
21 (k) Employ or retain such person or persons, including any officers, attorneys,
22 trustees, agents, consultants, advisers and assistants, as in its judgment are
23 necessary or desirable for the administration and management of the
24 Corporation, and to pay reasonable compensation for the services
25 performed and expenses incurred by any such person or persons; and
26
27 (l) Perform all other acts necessary or incidental to the above and to do
28 whatever is deemed necessary, useful, advisable, or conducive, directly or
29 indirectly, as determined by the Board in its discretion, to carry out any of
30 the purposes of the Corporation, as set forth in the Articles of
31 Incorporation and these Bylaws, including the exercise of all the powers of
32 a nonprofit corporation under the laws of the State; provided however, that
33 such is not inconsistent with the requirements of Section 501(c)(3) and
34 Section 509(a)(3) of the Code.
35

36 Section 5. POWERS RESERVED TO THE CORPORATION

37

38 When the Corporation establishes, creates, owns or controls a Supported Entity,
39 the Board shall require that the following powers be reserved to it:
40

- 41 (a) Power to approve the operating budget for the Supported Entity;
42 (b) Power to approve the capital budget for the Supported Entity;
43 (c) Power to approve compensation plans;
44 (d) Power to assume debt on behalf of the Supported Entity;
45 (e) Power to approve contracts for unbudgeted expenses where the total
46 contract amount exceeds \$1.5 million

- 1 (f) Power to approve all changes to the governing documents of the
2 Supported Entity;
3 (g) Power to approve the mission, vision and values of the Supported Entity;
4 (h) Power to appoint and remove the Board of Directors of the Supported
5 Entity;
6
7 (i) Power to approve all Certificate of Need applications which the Supported
8 Entity may file in any state;
9 (j) Power to approve all sales or purchases of real property; and
10 (k) Power to approve lease transactions of the Supported Entity.
11

12 Notwithstanding the foregoing, when the Corporation seeks to enter into joint
13 ownership of an entity with an unrelated partner, the Board may, at its discretion,
14 authorize the creation or establishment of a Supported Entity that does not reserve all of
15 the aforementioned powers to the Corporation; provided, however, that the Corporation
16 shall not enter into any joint ownership arrangement unless the Board holds a majority
17 ownership interest in the arrangement, retains the power to approve all changes to the
18 governing documents of the jointly owned Supported Entity, and retains the power to
19 approve the mission, vision and values of the jointly owned Supported Entity.
20
21

22 ARTICLE II 23 OPERATION OF THE CORPORATION 24

25 Section 1. FISCAL YEAR 26

27 The fiscal year of the Corporation shall commence on the first day of July and end
28 on the thirtieth day of June following.
29

30 Section 2. OFFICES 31

32 The Corporation shall have and continuously maintain in the State a registered
33 office and a registered agent (whose office shall be identical with such registered office).
34 The principal office of the Corporation shall be located in Gastonia, North Carolina and
35 may have such other offices within or without the State as the Board may from time to
36 time determine.
37
38

39 ARTICLE III 40 GOVERNING BOARD 41

42 Section 1. POLICY MAKING POWER 43

44 The policy making powers of the Corporation shall be vested in the Board, who
45 shall have charge and control of the property, affairs and funds of the Corporation and

1 who shall have the power and authority to do and perform all acts and functions not
2 inconsistent with the Articles of Incorporation or any other provisions of these Bylaws.

3
4 Section 2. COMPOSITION, QUALIFICATION AND APPOINTMENT OF
5 MEMBERS

6
7 The Board of Directors shall consist of fourteen (14) members, eight (8) members of
8 whom will be appointed by the Board of County Commissioners, one of which shall be a
9 Gaston County Commissioner, five (5) members of whom will be appointed by the
10 existing Board of Directors of the Corporation, and one (1) member who will be the
11 Chief of Staff of CaroMont Regional Medical Center. In December of 2015, the County
12 Commissioners shall make two (2) appointments to the Board and the Corporation shall
13 make one (1) appointment to the Board. In December of 2016, the County
14 Commissioners shall again make two (2) appointments to the Board and the Corporation
15 shall make one (1) appointment to the Board. In December of 2017, the County
16 Commissioners shall make one (1) appointment to the Board and the Corporation shall
17 make two (2) appointments to the Board. In December of 2018, the County
18 Commissioners shall make two (2) appointments to the Board and the Corporation shall
19 make one (1) appointment to the Board. In total, the County Commissioners shall appoint
20 seven (7) members of the Board and the County Commissioner appointee, such
21 appointments to be effective in January of the year subsequent to the appointment in
22 December. The County Commissioner appointee will serve a one year term *ex officio* to
23 his position as a County Commissioner; provided however that an individual County
24 Commissioner appointee shall not serve more than twelve (12) consecutive one year
25 terms. The Corporation shall appoint a total of five (5) members of the Board and the
26 Chief of Staff of CaroMont Regional Medical Center. The Chief of Staff appointee will
27 serve a two year term *ex officio* to his position as Chief of Staff. All other Board
28 appointments shall be for four (4) year terms. In no event shall any person be appointed
29 or qualified to serve more than three (3) full, four year terms as a member of the Board.
30 The appointment process shall continue each year with appointments divided among the
31 County Commissioners and the Corporation as needed to maintain the same eight (8) to
32 five (5) ratio of appointments between the County Commissioners and the Corporation at
33 all times.

34
35 Appointments made by the Corporation need not be residents of Gaston County.
36 Not more than two (2) members of the Board, who shall hold any public office requiring
37 election thereto by any of the registered voters of Gaston County, North Carolina, of any
38 municipality in Gaston County, North Carolina, and/or of the State of North Carolina,
39 shall at any time be eligible for appointment to, or qualified to serve on, the
40 Board. However, nothing contained herein shall prevent the County Commissioner from
41 being appointed as provided herein and any other appointments will be adjusted or denied
42 as necessary to allow the County Commissioner to serve or continue to serve on the
43 Board.

44
45 Section 3. SUCCESSION OF DIRECTORS
46

1 Each Director shall continue to serve until such Director's successor is appointed
2 or designated, elected, and qualified or until such Director's death, resignation,
3 disqualification or removal. If for any reason a Director appointed by the Board of
4 County Commissioners dies, resigns or is disqualified or removed, the Board Chair shall
5 promptly notify the Board of County Commissioners and request appointment of a
6 successor Director to fulfill the unexpired term of the Director so succeeded. The Board
7 Chair shall promptly notify the Board of County Commissioners and the Board, and,
8 upon recommendation of the Nominating Committee, request appointment of a successor.
9

10 Section 4. PERFORMANCE EVALUATIONS

11

12 The Board shall evaluate its own performance on an annual basis. The Board shall
13 establish a procedure for receiving at least annual performance reports from the boards of
14 the Supported Entities
15

16 ARTICLE IV 17 MEETINGS 18

19 Section 1. REGULAR MEETINGS

20

21 The Board shall establish a schedule of regular meetings at its first meeting each
22 calendar year to be held on the fourth Monday of each January, or at such other time as
23 the Board shall determine. This schedule shall constitute notice of the regular meetings of
24 the Board and shall be maintained in the Executive Offices of the Corporation and
25 disseminated to those entities described on the public notice list maintained by the Clerk
26 of the Board of County Commissioners. The first meeting of each calendar year shall be
27 the annual meeting at which Directors shall be elected and installed; provided that if the
28 installation of Directors shall not be held on the day designated herein for any annual
29 meeting, the Board shall call for the installation to be held at a special meeting as soon
30 thereafter as is convenient, but in no event later than the end of the first calendar quarter
31 of the year.
32

33 Section 2. PLACE OF MEETINGS

34

35 The Board may designate any place as the place of meeting for any meeting called
36 by the Board. If no designation is made, the place of meeting shall be at the premises of
37 the Hospital in Gastonia, North Carolina. Notwithstanding anything else herein
38 contained, if all of the Directors shall consent thereto, an emergency meeting of the Board
39 may occur at any time and place, either within or without the State of North Carolina,
40 with or without call or notice, and at such meeting any corporate action may be taken
41 which may be necessary to address the purpose for which the emergency meeting has
42 been held; provided however, that the emergency purpose of the meeting shall be
43 documented in the minutes of said meeting.
44

45 Section 3. QUORUM VOTE REQUIRED

46

1 A majority of members of the Board fixed by these Bylaws shall constitute a
2 quorum for the transaction of business at any meeting of the Board. With respect to an
3 action of the Board, a vote, in person, of a majority of the members of the Board at a
4 meeting of the Board shall be necessary to constitute any act or direction of the Board.
5 There shall be no vote by proxy at any such meeting.

6 7 Section 4. ORDER OF BUSINESS 8

9 The order of business at the regular meetings of the Board shall be in accordance
10 with the agenda prepared for the meetings.
11

12 Section 5. SPECIAL MEETINGS 13

14 Special meetings of the Board of Directors may be held at the call of the Chair, or
15 in his/her absence, at the call of the Vice-Chair or the call of any three (3) members of the
16 Board on no less than forty-eight (48) hours notice. Notice of any special meetings shall
17 state the business or transactions for which the meeting has been called, and no business
18 may be transacted except as is set forth in the call for the meeting. Directors may
19 participate in and hold a special meeting by means of conference telephone or video
20 conference or similar communications equipment so long as all persons participating in
21 the meeting can hear and/or see each other. It shall be the duty of the presiding officer at
22 the meeting to determine, at the outset of the meeting and periodically thereafter during
23 the pendency of the meeting, whether or not all persons participating can hear and/or see
24 each other and to have such determination recorded in the minutes of said meeting. The
25 Board shall adopt and regularly update rules related to the use of telecommunications
26 equipment for the purpose of conducting meetings.
27

28 Section 6. MINUTES AND ATTENDANCE 29

30 Minutes shall be kept of each meeting of the Board and an attendance record shall
31 be maintained. Each Director shall be required to attend a minimum of two-thirds of the
32 regularly scheduled meetings of the Board each year and a minimum of two-thirds of the
33 meetings of any Board Committee on which the Director serves, unless such Director's
34 absence is excused by the Board because of illness or other good cause. Absence from
35 three consecutive meetings or failure to meet the annual attendance requirements unless
36 excused because of illness or other good cause shall be grounds for review of such
37 member's attendance record by the Nominating Committee and possible removal of the
38 Board member.
39

40 Section 7. INFORMAL ACTION 41

42 Any action required by law to be taken at a meeting of the Board, or any action
43 which may be taken at a meeting of the Board, may be taken without a meeting if a
44 consent in writing, setting forth and authorizing the action so taken, shall be signed by all
45 Directors and filed with the minutes of the proceedings of the Board, whether done
46 before or after the action is taken. When informal action is taken, the Assistant Secretary

1 shall report the action taken at the next regular meeting of the Board and shall make
2 available said written consents for inspection by the Board.

3
4
5 ARTICLE V
6 OFFICERS OF THE BOARD OF DIRECTORS
7

8 Section 1. OFFICERS TO BE ELECTED
9

10 At the final meeting of the calendar year, the following regular Officers shall be
11 elected and installed: Chair, Vice Chair, Secretary, Treasurer, and such other officers as
12 the Directors may authorize, all of whom shall serve for a period of one (1) year or until
13 their successors have been elected and installed. The officers so chosen shall function as
14 officers of the Corporation with the duties specified herein. The Assistant Secretary and
15 the Assistant Treasurer shall serve as officers by virtue of their position in Senior
16 Leadership, such that the Assistant Secretary shall be the Corporation's chief legal officer
17 and the Assistant Treasurer shall be the Corporation's chief financial officer.
18

19 Section 2. DUTIES OF CHAIR
20

21 There shall be a Chair of the Board elected by the Directors from their number, who
22 shall be an independent Director as defined by the Board's policy on independence. The
23 Chair shall preside at all meetings of the Board of Directors and perform such other
24 duties as may be directed by the Board. The Chair of the Board of Directors shall have
25 the same voting rights as any other Director or of any Board Committee of which the
26 Chair is a member.
27

28 Section 3. DUTIES OF VICE CHAIR
29

30 There shall be a Vice Chair of the Board elected by the Directors from their
31 number, who shall be an independent Director as defined by the Board's policy on
32 independence. The Vice Chair shall exercise the powers and perform the duties of the
33 Chair whenever the latter is unable to act.
34

35 Section 4. DUTIES OF SECRETARY
36

37 There shall be a Secretary of the Board elected by the Directors from their number,
38 who may be an independent or non-independent Director as defined by the Board's
39 policy on independence. The Secretary shall review and certify the minutes of the Board
40 and shall prepare such reports or documents as may be requested by the Board. S/He
41 shall sign such instruments as may require his/her signature, and, in general, attest the
42 signature or certify the incumbency or signature of any other officer of the Corporation
43 and shall perform all duties incident to the office of secretary and such other duties as
44 may be assigned from time to time by the Board.
45

46 Section 5. DUTIES OF ASSISTANT SECRETARY

1
2 The Assistant Secretary shall be the Corporation's chief legal officer and shall, in
3 the absence or disability of the Secretary, perform the duties and exercise the non-voting
4 powers of that office. S/He shall sign such instruments as may require his/her signature,
5 and, in general, attest the signature or certify the incumbency or signature of any other
6 officer of the Corporation and shall, in general, perform such other duties as shall be
7 assigned from time to time by the Secretary or the Board. The Assistant Secretary shall
8 not be a member of the Board.
9

10 Section 6. DUTIES OF THE TREASURER

11

12 There shall be a Treasurer of the Board elected by the Directors from their number,
13 who shall be an independent Director as defined by the Board's policy on independence.
14 The Treasurer shall keep or cause to be kept a record of all receipts and expenditures,
15 always open to the inspection of the Board, or any Director, and make reports on the
16 financial condition of the Corporation as instructed by the Board. The Treasurer shall, in
17 general, perform all duties incident to his or her office and such other duties as may be
18 assigned from time to time by the Board.
19

20 Section 7. DUTIES OF ASSISTANT TREASURER

21

22 The Assistant Treasurer shall be the Corporation's chief financial officer and shall,
23 in the absence or disability of the Treasurer, perform the duties and exercise the non-
24 voting powers of that office and shall, in general, perform such other duties as shall be
25 assigned from time to time by the Treasurer or the Board. The Assistant Treasurer shall
26 be authorized to establish depositories and bank accounts in order to receive funds on
27 behalf of the Corporation. The Assistant Treasurer shall not be a member of the Board.
28
29

30 ARTICLE VI 31 INDEMNIFICATION

32

33 Section 1. BASIC INDEMNIFICATION ARRANGEMENT

34

35 (a) Except as provided in subsection 6.1(d), the Corporation shall indemnify
36 an individual who is a party to a proceeding because he or she is or was a director or
37 officer against liability incurred in the proceeding if:
38

- 39 (i) such individual acted in good faith and in a manner he or she
40 reasonably believed to be in, or not opposed to, the best interests of
41 the Corporation; and
42
43 (ii) with respect to any criminal proceeding, he or she had no
44 reasonable cause to believe such conduct was unlawful.
45

1 (b) A director's or officer's good faith conduct with respect to an employee
2 benefit plan for a purpose he or she reasonably believed to be in the best interests of the
3 participants in and beneficiaries of the plan is conduct that satisfies the requirement of
4 subsection 6.1(a)(i).

5
6 (c) The termination of a proceeding by judgment, order, settlement or
7 conviction, or upon a plea of *nolo contendere* or its equivalent shall not, of itself, create a
8 presumption or be determinative that the director or officer did not meet the standard of
9 conduct described in subsection 6.1(a).

10
11 (d) Unless ordered by a court, the Corporation may not indemnify a director
12 or officer under this Article:

13
14 (i) in connection with a proceeding by or in the right of the
15 Corporation in which the individual was adjudged liable to the
16 Corporation; or

17
18 (ii) in connection with any proceeding charging improper
19 personal benefit to the individual, whether or not involving
20 action in his official capacity, in which such person is
21 adjudged liable on the basis that personal benefit was
22 improperly received by him/her.

23
24 (e) To the extent not provided for in these Bylaws or in Board policies,
25 indemnification arrangements between the Corporation and an individual shall be
26 governed by the North Carolina NonProfit Corporation Act, Chapter 55A of the North
27 Carolina General Statutes.

28
29 Section 2. ADVANCES FOR EXPENSES

30
31 The Corporation shall, before final disposition of a proceeding, advance funds to
32 pay for or reimburse the reasonable expenses incurred by a director or officer who is a
33 party to a proceeding because he or she is a director or officer if he or she delivers to the
34 Corporation a written agreement to repay any funds advanced if it is ultimately
35 determined that the director or officer is not entitled to indemnification under this Article,
36 the North Carolina Nonprofit Corporation Act or otherwise.

37
38
39 Section 3. DETERMINATION AND AUTHORIZATION FOR INDEMNIFICATION

40
41 The Corporation shall not indemnify a director or officer under Section 6.1 unless
42 a determination has been made for the specific proceeding that indemnification of the
43 director or officer is permissible under the circumstances because he or she has met the
44 relevant standard of conduct set forth in subsection 6.1(a).

1 Section 4. NON-EXCLUSIVITY

2
3 The indemnification and advancement of expenses provided by, or granted
4 pursuant to, this Article shall not be exclusive of any other rights to which a director or
5 officer may be entitled under the Articles of Incorporation of the Corporation, any other
6 Bylaw provision, any agreement by vote of disinterested directors or otherwise, both as to
7 actions in such person's official capacity and as to actions in any other capacity while
8 holding such office.
9

10 Section 5. INDEMNIFICATION OF EMPLOYEES AND AGENTS

11
12 The Corporation may indemnify and advance expenses under this Article to an
13 employee or agent of the Corporation who is not a director or officer to the extent,
14 consistent with public policy, that such indemnification and advances may be provided to
15 a director or officer.
16

17
18 ARTICLE VII
19 COMMITTEES OF THE BOARD OF DIRECTORS
20

21 Section 1. STANDING AND SPECIAL COMMITTEES

22
23 Board Committees shall be standing or special. The powers and duties of the
24 committees shall be subject to general policies established by the Board. Standing
25 Committees shall be an Executive Committee, an Audit Finance and Investment
26 Committee, a Bylaws Committee, a Compensation Committee, a Corporate
27 Responsibility Committee, a Nominating Committee, a Quality and Safety Committee
28 and such other Standing Committees as the Board of Directors may authorize from time
29 to time. All Standing Committees and the chairs thereof, unless the appointment of the
30 chair is otherwise designated by these Bylaws or the Board Committee's charter, shall be
31 nominated by the Nominating Committee and elected by the Board. All Special
32 Committees and the respective chairs thereof shall be appointed by the Board Chair with
33 the approval of the Board. At a Board Committee meeting, a quorum shall be a majority
34 of the number of the members of the committee.
35

36 Section 2. STANDING COMMITTEE CHARTERS

37
38 Each Standing Committee shall establish a charter which shall define the purpose,
39 composition, duties and responsibilities of said Committee and shall establish the
40 procedures for conducting meetings. Each Board Committee charter shall be approved
41 by the Board and may be amended from time to time as recommended by the Board
42 Committee and approved by the Board.
43

44 Section 3. EXECUTIVE COMMITTEE

1 The Executive Committee shall consist of the Chair, Vice-Chair, Secretary,
2 Treasurer, Chief of Staff of the Hospital and the President/CEO, with the President/CEO
3 serving ex-officio without vote. The Board Chair shall serve as chair of the Executive
4 Committee. Between meetings of the Board, the Executive Committee shall have the
5 right to render advisory opinions on behalf of the Corporation and the power to make any
6 policy decisions or to transact any business of the Corporation that might arise or be
7 necessary. Any action taken by the Executive Committee shall be binding on the
8 Corporation and shall be reported to the Board at its next following meeting.

9 10 Section 4. AUDIT FINANCE AND INVESTMENT COMMITTEE

11
12 The Audit Finance and Investment Committee shall be composed of not less than
13 three (3) Directors, a majority of whom shall be independent Directors as defined by the
14 Board's policy on independence and one of whom shall be the Treasurer, who shall serve
15 as Chair of the Audit, Finance and Investment Committee. The Audit, Finance and
16 Investment Committee's purpose is to assist the Board in its oversight of the financial
17 affairs of the Corporation and its Supported Entities, including the financial condition,
18 operating and capital budgeting, external audits, debt structure, debt financing and
19 refinancing, investments, and other significant financial matters and all risks throughout
20 the Corporation and its Supported Entities. The Audit, Finance and Investment
21 Committee shall review all issues involving significant financial transactions prior to
22 final consideration by the Board.

23 24 Section 5. BYLAWS COMMITTEE

25
26 The Bylaws Committee shall consist of not less than three (3) members of the
27 Board, a majority of whom must be independent as defined by the Board's policy on
28 independence. The purpose of the Bylaws Committee is to assist the Board to fulfill its
29 fiduciary duties as they pertain to reviewing the organization's Bylaws and governing
30 documents and overseeing the relationship between the Corporation and its Supported
31 Entities. The Committee shall assist the Board by reviewing governing documents and
32 recommending changes as needed.

33 34 Section 6. COMPENSATION COMMITTEE

35
36 The Committee shall be composed of at least five (5) members of the Board,
37 including the Board Chair, the Board Vice Chair and the Board Treasurer. A majority of
38 the members of the Committee shall be independent as defined by the Board's policy on
39 independence. The Vice Chair of the Board shall serve as Chair of the Committee.

40 The purpose of the Compensation Committee is to assist the Board to fulfill its
41 fiduciary duties as they pertain to determining appropriate compensation levels of Senior
42 Leadership and other Disqualified Persons, complying with applicable laws and
43 regulations, and ensuring that compensation methods are consistent with CaroMont
44 Health's mission, vision and values. The Compensation Committee shall also assist the
45 Board in developing and implementing compensation strategies, policies and plans that
46 will enhance CaroMont Health's ability to attract and retain skilled top-level leadership.

1 In achieving this objective, it shall be the responsibility of the Committee to establish a
2 rebuttable presumption of reasonableness under the Intermediate Sanctions rules for the
3 compensation of all employees who are deemed to be “Disqualified Persons.”
4

5 Section 7. CORPORATE RESPONSIBILITY COMMITTEE

6

7 The Corporate Responsibility Committee shall consist of not less than three (3)
8 members of the Board, a majority of whom shall be independent as defined by the
9 Board’s policy on independence. The Board Chair shall be ineligible to serve as Chair of
10 the Corporate Responsibility Committee. The Corporate Responsibility Committee shall
11 assist the Board in fulfilling its fiduciary duties and oversight responsibilities relating to
12 the Corporation’s compliance with applicable laws and regulations, the Corporation’s
13 Corporate Responsibility Program, Standards of Conduct, and related policies and
14 procedures. In fulfilling this responsibility, the Corporate Responsibility Committee shall
15 foster a culture of commitment to compliance and ethical conduct throughout the
16 organization. The Corporate Responsibility Committee shall review matters concerning
17 or relating to Corporate Responsibility and compliance with all applicable laws and
18 regulations, including the requirements of federal health care programs.
19

20 Section 8. NOMINATING COMMITTEE

21

22 The Nominating Committee shall consist of not less than three (3) Directors, one of
23 whom shall be the Board Chair and one of whom shall be the Immediate Past Chief of
24 Staff or the Chief of Staff of the Medical Staff. The purpose of the Nominating
25 Committee is to assist the Board to fulfill its fiduciary duties as they pertain to identifying
26 and recommending qualified individuals for appointment to the Board of Directors of
27 CaroMont Health, Inc. and its Supported Entities. The Nominating Committee shall also
28 assist the Board by identifying and recommending appointments to the standing
29 committees of the Board of Directors. The Committee shall also be responsible to ensure
30 that the Board receives appropriate education on issues affecting the roles and
31 responsibilities of Directors and shall oversee conflicts of interest data for Board
32 members.
33

34 Section 9. QUALITY AND SAFETY COMMITTEE

35

36 The Quality and Safety Committee shall consist of four (4) members of the Board,
37 four (4) members of Senior Leadership, and four physicians from the Medical Staff (with
38 preference given to past chiefs of staff), plus others who are not Directors, members of
39 Senior Leadership or past Chiefs of Staff but whose participation is deemed necessary by
40 the Board, in consultation with the Committee Chair, to ensure proper oversight of
41 quality of care for CaroMont Health and its Supported Entities. The Chair shall be the
42 Immediate Past Chief of Staff. The purpose of the Quality and Safety Committee is to
43 assist the Board to fulfill its fiduciary duties as they pertain to ensuring the delivery of
44 quality patient care and overseeing quality, safety and clinical risk issues throughout the
45 Corporation. The Quality and Safety Committee is responsible to ensure that quality of
46 care is an integral component of the governance and management process of the

1 Corporation and its Supported Entities. The primary responsibility of the Quality and
2 Safety Committee is to ensure that comprehensive system-wide quality,safety and clinical
3 risk program is in place and functioning effectively and to take appropriate actions as
4 needed to ensure high quality care and assist the healthcare facilities affiliated with the
5 Corporation in identifying opportunities for improvement. The Quality and Safety
6 Committee assists the Board in setting strategic quality,safety and clinical risk
7 management goals and direction, approving high level quality,safety and clinical risk
8 management plans and initiatives, and calling for accountability in all quality,safety and
9 clinical risk management related matters.

10
11 The Quality and Safety Committee shall also function as the Professional Affairs
12 Committee for CaroMont Health and as such, is a Medical Review Committee as defined
13 in N.C.G.S. section 131E-76 with responsibility for assisting the Board to carry out its
14 responsibilities to approve and oversee medical staff policies and medical staff
15 membership.

16 17 Section 10. SPECIAL COMMITTEES

18
19 Special Committees and the chairs thereof may be appointed from time to time by
20 the Board Chair, with the approval of the Board of Directors, for such special tasks as
21 circumstances may warrant. Such Committees shall limit their activities to the matters
22 for which they are appointed. They shall have only such power to act as may be
23 conferred by action of the Board. Such Special Committees may be composed of
24 individuals who are not Directors, provided that a majority of the committee is composed
25 of Directors. Upon completion of the task for which it is appointed, such Special
26 Committee shall be dissolved.

27 28 ARTICLE VIII 29 PRESIDENT/CEO

30 31 Section 1.

32
33 The Board shall select and appoint a President/CEO. The President/CEO shall be
34 the chief executive officer of the Corporation and, subject to the control of the Board of
35 Directors, shall in general supervise and control all of the business and affairs of the
36 Corporation, which will also include establishing information and support systems,
37 recruiting and maintaining staff, and conserving physical and financial assets. The
38 President/CEO shall have the power to sign on behalf of the Corporation any deeds,
39 mortgages, bonds, contracts, or other instruments to which the Corporation is a party,
40 except in cases where the signing and execution thereof shall be expressly delegated by
41 the Board, by these Bylaws or by Corporation policy to some other officer or agent of the
42 Corporation, or shall be required by law to be otherwise signed or executed; and in
43 general s/he shall perform all duties incident to the office of President/CEO and such
44 other duties as may be prescribed by the Board from time to time. The President/CEO
45 shall conduct the day to day operation of the Corporation in accordance with such
46 policies as may be adopted by the Board. The President/CEO shall have such authority

1 as is necessary to conduct such operations in accordance with such policies and subject to
2 such instructions as may be issued by the Board. The President/CEO shall act as the duly
3 authorized representative of the Board in all matters in which the Board has not formally
4 designated some other person to so act. The President/CEO shall be responsible solely to
5 the Board for the proper performance of his or her duties. The President/CEO shall have
6 such other powers and perform such other duties as are provided in these Bylaws and as
7 the Board may from time to time determine.

8 9 Section 2. RELATIONSHIP TO SUPPORTED ENTITIES

10
11 Except as otherwise set forth in the applicable governing documents: (i) the
12 President/CEO shall be the President and CEO of all Supported Entities, including
13 without limitation, the Hospital; (ii) Senior Leadership of the Corporation shall serve in
14 their respective roles for all Supported Entities; and (iii) the Corporation's chief legal
15 officer shall serve as secretary and the Corporation's chief financial officer shall serve as
16 treasurer, but not necessarily board members, of all Supported Entities.

17 18 19 ARTICLE IX 20 DISSOLUTION AND DISPOSITION OF ASSETS

21
22 Dissolution of the Corporation shall be in accordance with and subject to the
23 provisions of the laws of the State of North Carolina and of any other jurisdiction in
24 which the Corporation is doing business or which regulates the affairs, conduct and
25 management of the Corporation. Insofar as may be consistent with and in accordance
26 with law, upon disposition of the assets of the Corporation and upon payment of all just
27 debts and obligations of the Corporation, the remaining assets of the Corporation or the
28 monies derived therefrom, shall be turned over and transferred to Gaston County, North
29 Carolina.

30 31 32 ARTICLE X 33 LEGAL COUNSEL

34
35 The Board may retain competent legal counsel as it deems necessary for the proper
36 guidance of the Board and the Corporation. Such counsel shall not be a member of the
37 Board.

38 39 ARTICLE XI 40 SEAL

41
42 The Corporation shall use a seal to authenticate contracts and legal papers, which
43 shall be circular in shape and with the name of the Corporation around the margin.

44 45 46 ARTICLE XII

1 ANNUAL REPORT

2
3 The Corporation shall publish a report from time to time, setting forth the more
4 important facts concerning the business management and the professional work of the
5 Corporation and its affiliates.
6

7
8 ARTICLE XIII
9 AMENDMENTS

10
11 Subject to the Articles of Incorporation, and to the extent permitted by law, these
12 Bylaws shall be reviewed no less than every three years and may be amended by the
13 affirmative vote of a two-thirds majority of the members of the Board in office at any
14 regular or special meeting, upon five (5) days' written notice of the meeting, which notice
15 shall state that at least one of the purposes of the meeting is to consider the proposed
16 amendment(s) and which shall contain, attach a copy of, or state the nature of the
17 proposed amendment(s).
18

19
20 ARTICLE XIV
21 NON-PROFIT CORPORATION

22
23 Section 1. DUALITY OF INTEREST

24
25 The Board may adopt conflicts of interest, intermediate sanctions, confidentiality,
26 and such other policies it deems necessary for the Corporation including, without
27 limitation, requirements and procedures with respect to: (1) regular annual statements
28 and periodic supplements thereto by directors, officers, professional advisors, key
29 employees, and other officials of the Corporation, disclosing any existing and potential
30 dualities of interest; (2) limitations on permitted external positions and interests; and (3)
31 corrective action with respect to transgressions of such policies.
32

33 Except for contracts and transactions between the Corporation and the Hospital or
34 any other Supported Entity or other corporation, partnership or business entity controlled
35 by or under common control with the Corporation, the Corporation shall not enter into
36 any contract or other transaction between the Corporation and one or more of the
37 Directors or Officers, or between the Corporation and any Family Member of a Director
38 or Officer, or any corporation, partnership, association, trust or other entity in which a
39 Director or Officer, or Family Member of such Director or Officer, serves as a director,
40 officer, partner or trustee, or has a financial or influential interest, unless all of the
41 following conditions are met:
42

- 43 A. The relevant and material facts as to such Director's or Officer's interest
44 in such contract or transaction and as to any common directorship,
45 officership, or financial or influential interest or family relationship as
46 described above were disclosed in good faith in advance by such Director

or Officer to the Board, and such facts are reflected in the minutes of the Board meeting; and

B. The relevant and material facts, if any, known to such interested Director or Officer with respect to such contract or transaction that might reasonably be construed to be adverse to the Corporation's interest were disclosed in good faith in advance by such Director or Officer to the Board, and such facts are reflected in the minutes of the Board meeting; and

C. Such interested Director or Officer does not own more than ten percent (10%) of the stock of the corporation or more than ten percent (10%) of the business with which the Corporation proposes to conduct business; and

D. Such interested Director or Officer has, as determined by the judgment of the Board: (i) made the disclosures and fully responded to questions concerning the matters referred to in (A) and (B) above; (ii) fully met the burden of proof that the contract or transaction is fair and reasonable to the Corporation at the time such contract or transaction is authorized; and (iii) not otherwise significantly influenced the action of the Board with respect to the contract or transaction; and all such determinations by the Board are reflected in the minutes of the Board meeting; and

E. The Board determines that the contract or transaction is fair to the Corporation and authorizes such contract or transaction by a vote of at least two-thirds (2/3) of the Directors of the Board present at a meeting at which a quorum was present, and such interested Director or Officer was not counted in determining the presence of a quorum or in determining the two-thirds (2/3) vote; and

F. Such interested Director or Officer was not present at such time as the vote was taken.

Factors to be considered in determining whether the contract or transaction is "fair" to the Corporation include an examination of the following:

A. The price and terms of the contract or transaction (the price and terms of the contract or transaction may vary, but must be on a level which the Board would accept in an arm's-length negotiation, in light of the knowledge that the Board would reasonably have acquired in the course of such negotiation); and

B. Whether the Board would reasonably determine that the contract or transaction was in the best interests of the Corporation.

If a Director or Officer of the Corporation, or any Family Member of such Director or Officer, or any corporation, partnership, association, trust or other entity in which such Director, Officer or Family Member of such Director or Officer serves as a director, officer, partner or trustee, or has a financial interest, enters into any contract or transaction with the Corporation without complying with the requirements described above, the Board may, at its sole discretion:

- 1 A. Void the contract or transaction in its entirety and recover from such
2 Director or Officer any damages and expenses suffered or incurred by the
3 Corporation as a result of the contract or transaction; or
4 B. Modify the price and terms of the contract or transaction so that the
5 Corporation receives a price and terms comparable to what the
6 Corporation would receive in an arm's-length negotiation.
7

8 Section 2. LOANS TO DIRECTORS AND OFFICERS PROHIBITED
9

10 No loans shall be made by the Corporation to Directors or Officers. The Directors
11 that vote for or assent to the making of a loan to a Director or Officer, and any Director or
12 Officer participating in the making of such loan, shall be jointly and severally liable to
13 the Corporation for the amount of such loan until the repayment thereof.
14

15
16 ARTICLE XV
17 CONDUCT OF BUSINESS
18

19 The order and conduct of business at all meetings of the Board shall be governed by
20 the then-current Robert's Rules of Order Newly Revised, except as provided otherwise in
21 these bylaws.
22

23 Revised and Approved: March 26, 2018
24
25
26

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that
the above is a true and accurate copy of the CaroMont Health/Gaston Memorial Hospital
Board of Directors By-laws as adopted by the Board of Commissioners on December 29,
2020.

Donna S. Buff, Clerk

SEAL



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Board of Commissioners

Board Action

File #: 20-547

Commissioner Philbeck - BOC - To Update the Provisions of the Gaston County Investment Grant Program to Extend the Small Business Investment Grant Program Through Calendar Year 2021

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

The Gaston County Board of Commissioners (BOC) has supported economic development for over 20 years in an effort to diversify and expand the tax base in the County. The BOC recognizes the impact of the recession and in order to promote new investment, the BOC proposes to amend the County Investment Grant Program again in 2021 to include a 50% grant based on net new taxes paid on investments within the parameters of the grant program.

ATTACHMENTS

Resolution & Local Investment Grant Program



RESOLUTION TITLE: TO UPDATE THE PROVISIONS OF THE GASTON COUNTY INVESTMENT GRANT PROGRAM TO EXTEND THE SMALL BUSINESS INVESTMENT GRANT PROGRAM THROUGH CALENDAR YEAR 2021

WHEREAS, the Gaston County Board of Commissioners has supported economic development for more than twenty years, with an emphasis on tax base development, employer diversification, and job creation; and,

WHEREAS, The Commission recognizes the need to provide programs and financial support to strengthen and diversify the County's economy, because tax base development is the key to the County's fiscal health; and,

WHEREAS, it is important not only to attract new investment but also to encourage existing businesses to expand and reinvest in their Gaston County operations; and,

WHEREAS, the Gaston County Small Business Investment Grant Program is intended to combat the effects of the recession and high rate of unemployment, and to provide an inducement for new business to locate in Gaston County and encourage existing business to expand in Gaston County; and,

WHEREAS, the proposed Small Business Program provides a temporary grant to companies investing in Gaston County that is based upon the investment made by the company in calendar year 2021 upon the following conditions:

- Investment Grants will be based on the net increase in tax value of all real property, machinery and improvements above the base year prior to investment. No grant will be given to a company that would reduce their tax payment to an amount lower than the previous tax year.
- Asset purchases, mergers and acquisitions of existing companies already paying taxes in Gaston County would not qualify for the program.
- Grant funds will represent a percentage of the company's tax payment. The company must be current with all other payments required by Gaston County.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

To Update the Provisions of the Gaston County Investment Grant Program to Extend The Small Business Investment Grant Program Through Calendar Year 2021

Page 2

- The Gaston County Board of Commissioners may modify or eliminate the program subject to meeting existing grant obligations in effect at the time.
- No company may transfer grant agreement or contracts without explicit approval by the Gaston County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the Gaston County Investment Grant Program as adopted by Resolution No. 2006-065, dated February 9, 2006, is hereby amended to approve the one-year extension of the Gaston County Small Business Investment Grant for the 2021 calendar year.

BE IT FURTHER RESOLVED that the Small Business Investment Grant program shall sunset on December 31, 2021, and shall apply to investments made during the 2021 calendar year.

Local Investment Grant Program

Availability

The following investment grant program is available in Gaston County, Gastonia, Bessemer City, Belmont, Cherryville, Dallas, Mount Holly, Stanley and Cramerton.

Purpose

The Gaston County Board of Commissioners has supported economic development for more than twenty years with an emphasis on tax base development, employer diversification and job creation. The Commission has recognized the need to provide programs and financial support to strengthen and diversify the County's economy. Tax base development is a key concern for the County's fiscal health. It is essential not only to attract new investment but also to encourage existing business to expand and reinvest in their Gaston County operations. The Gaston County Investment Grant Program (GCIGP) is intended to provide an inducement for new business to locate in Gaston County and encourage existing business to expand.

Grant Program Description

The program provides grants to companies investing in Gaston County. The grant will be established by an application with Gaston County. The company must pay their taxes in full each year based on the actual tax value of the property or investment. If the company meets all of the criteria in the application, a portion of the property tax will be returned as a grant. The amount of the grant is based on a sliding scale.

Investment Grants will be based on the increase in tax value of all real property, machinery and improvements above the base year prior to investment. No grant will be given to a company that would reduce their tax payment to an amount lower than the previous tax year. Purchases of any existing Gaston County facility or equipment will not qualify for the program.

All grant monies will be taken directly from the company's tax payment. The company must be current with all other payments required by Gaston County.

The Gaston County Board of Commissioners may modify or eliminate the program subject to meeting all existing grant obligations in effect at the time. No company may transfer grant agreements or contracts without explicit approval by the Gaston County Board of Commissioners.

Companies in the following North American Industry Classification System (NAICS) 1997 and 2000 Revisions are eligible for the grants:

Category of Business	NAICS Code
Manufacturing	31 – 33 (NAICS 97)
Warehousing	493 (NAICS 97)
Data Processing	51821 (NAICS 2000)
Retail	44-45 (NAICS 2000)
Homes for the Elderly	623312 (NAICS 2000)

Industrial Grant 1

All investment in real property, new machinery and equipment over \$1,000,000.00 would be eligible for a grant as shown below.

- Year 1 - 90% property tax grant
- Year 2 - 80% property tax grant
- Year 3 - 70% property tax grant
- Year 4 - 60% property tax grant
- Year 5 - 50% property tax grant

Industrial Grant 2

All investments in real property, new machinery and equipment over \$15,000,000.00 would be eligible for a grant as shown below.

- Year 1 - 90% property tax grant
- Year 2 - 80% property tax grant
- Year 3 - 70% property tax grant
- Year 4 - 60% property tax grant
- Year 5 - 50% property tax grant
- Year 6 – 40% property tax grant
- Year 7 – 30% property tax grant
- Year 8 – 20% property tax grant
- Year 9 – 10% property tax grant

Industrial Grant 3

All investments in real property, new machinery and equipment over \$30,000,000.00 would be eligible for a grant as shown below.

- Year 1 - 90% property tax grant
- Year 2 - 85% property tax grant
- Year 3 - 80% property tax grant
- Year 4 - 75% property tax grant
- Year 5 - 70% property tax grant
- Year 6 – 65% property tax grant
- Year 7 – 60% property tax grant
- Year 8 – 55% property tax grant
- Year 9 – 50% property tax grant
- Year 10 – 45% property tax grant

Industrial Grant 4

All investments in real property, new machinery and equipment over \$50,000,000.00 would be eligible for a grant as shown below.

- Year 1 - 85% property tax grant
- Year 2 - 85% property tax grant
- Year 3 - 85% property tax grant
- Year 4 - 85% property tax grant
- Year 5 - 85% property tax grant
- Year 6 – 70% property tax grant
- Year 7 – 70% property tax grant
- Year 8 – 70% property tax grant
- Year 9 – 70% property tax grant
- Year 10 – 70% property tax grant

Retail Grant

All retail investments with an aggregate investment of \$40,000,000.00 would qualify for a grant as shown below.

- Year 1 - 90% property tax grant
- Year 2 - 80% property tax grant
- Year 3 - 70% property tax grant
- Year 4 - 60% property tax grant
- Year 5 - 50% property tax grant

The Gaston County Investment Grant Program is intended to diversify the tax base, improve employment opportunities for Gaston County citizens, and create an increase in the net depreciable taxable value of the tax base of Gaston County. The Gaston County Tax Department and the Gaston County Economic Development Commission shall establish procedures for the implementation of the Program. Grant applications shall be reviewed and verified by the Tax Department and the EDC. Any interpretation of the application and/or approved Grant of the program to a specific project shall be subject to a yearly review by the EDC and Tax Department for eligibility in accord with this policy statement and shall be final.

Small Business Grant: (Temporary – Limited to Investments in Calendar Year 2021)

Business investments made during calendar year 2021 in an amount equal to or greater than \$10,000 and less than \$10,000,000 would qualify for the following grant.

The grant is 50% of the net new county taxes paid on qualifying investments within the parameters and guidelines of the Small Business Investment Grant program.

If your business is eligible, please go to www.gastongov.com and click on SBIG (Small Business Investment Grant) for guidelines and an application. Applications for this grant are to be filed with the Gaston County Tax Department.



Budget and Management Services Board Action

File #: 20-544

Commissioner Worley - Budget & Management Services - To Appropriate Additional Funds for Second Year of Grant Awarded to the Gaston County Family Justice Center (FJC) (**\$505,472**)

STAFF CONTACT

Clayton Smith - Budget & Management Services - 704-866-3078

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The North Carolina Governor's Crime Commission administer federal and state grants relating to criminal justice improvement, crime victim services and juvenile justice.

The Family Justice Center (FJC) has been awarded \$1,128,495 over two years with \$623,023 budgeted for the first year and \$505,472 for the second year. The grant is entering year 2. The FJC provides one location where victims can access supportive resources and promotes a coordinated community response to victims of abuse and violence, improve service delivery, and decrease domestic violence.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request (BCR)

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Dr. Kim S. Eagle COUNTY MANAGER

FROM: 5180 Budget & Management Services

Dept. # Department Name

Matt Rhoten 11/12/2020

Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	AMOUNT
	Fund - Function - Dept - Division - Object - Project	Whole Dollars Only
	xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	(See Note Below)
2019 GCC Family Just Ctr Yr 2	010-05-5810-4121-420000-21574	(505,472)
Salary:GCC Family Justice Ctr	010-05-5810-4121-510001-21574	253,000
Overtime:GCC Family Just Ctr	010-05-5810-4121-510002-21574	3,216
FICA: GCC Family Justice Ctr	010-05-5810-4121-510100-21574	17,737
Retire: GCC Family Justice Ctr	010-05-5810-4121-510101-21574	14,786
401K/LEO:GCC Family Just Ctr	010-05-5810-4121-510102-21574	6,750
Hlth Ins:GCC Famly Justice Ctr	010-05-5810-4121-510103-21574	48,000
Dental: GCC Family Justice Ctr	010-05-5810-4121-510108-21574	1,260
Life: GCC Family Justice Ctr	010-05-5810-4121-510109-21574	523
Office Supplies: GCC FJC	010-05-5810-4121-520001-21574	850
Prog Supplies: GCC FJC	010-05-5810-4121-520002-21574	3,000

JUSTIFICATION FOR REQUEST:

Gaston County has been award \$1,128,495 over two years for the establishment of a Family Justice Center with \$623,023 budgeted for the first year and \$505,472 for the second year. This project is entering the second year. Gaston County is partnering with multiple agencies to develop a Family Justice Center providing one location where victims can access supportive resources. A FJC will promote a coordinated community response to victims of abuse and violence, improve service delivery, and decrease domestic violence.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



Gaston County

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County Manager

Board Action

File #: 20-542

Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information

STAFF CONTACT

Matt Rhoten - Assistant County Manager - 704-866-3101

BACKGROUND

The BOC is requested to accept the attached Budget Change Requests as information.

ATTACHMENTS

Departmental Budget Transfers

**COUNTY MANAGER - LISTING OF DEPARTMENTAL BUDGET CHANGE REQUESTS TO
BE ACCEPTED AS INFORMATION AT THE DECEMBER 29, 2020 BOARD MEETING**

EFF DATE	DEPT	ACCOUNT	DR/CR	AMOUNT
10/06/2020	Em Mgmt	010-02-4330-0000-530000-	C	\$ 51.02
10/06/2020		010-02-4330-0000-530021-	D	\$ 51.02
10/07/2020	Info Tech	010-01-4210-0000-520006-	C	\$ 700.00
10/07/2020		010-01-4210-0000-520007-	D	\$ 700.00
10/13/2020	HR	010-01-4122-0000-520001-	C	\$ 245.00
10/13/2020		010-01-4122-0000-540001-	D	\$ 245.00
10/15/2020		010-01-4122-0000-520007-	C	\$ 3,130.00
10/15/2020		010-01-4122-0000-540001-	D	\$ 3,130.00
10/15/2020	Finance	010-01-4110-0000-530029-	C	\$ 9,600.00
10/15/2020		010-01-4110-0000-530029-20058	D	\$ 9,600.00
10/15/2020	Hope United	020-05-5582-0000-560000-08162	C	\$ 776.78
10/15/2020		020-05-5582-0000-560000-20548	D	\$ 776.78
10/23/2020	Em Mgmt	010-02-4330-0000-530015-	C	\$ 20,821.85
10/23/2020		010-02-4330-0000-520011-	C	\$ 1,677.05
10/23/2020		010-02-4330-0000-530010-	D	\$ 22,498.90
10/28/2020	Bldg Insp	012-02-4350-4351-520001-	C	\$ 200.00
10/28/2020		012-02-4350-4351-520007-	D	\$ 200.00
10/28/2020	Em Mgmt	010-02-4330-0000-520006-	D	\$ 670.00
10/28/2020		010-02-4330-0000-540001-	C	\$ 670.00
10/29/2020		010-02-4330-0000-530023-	D	\$ 973.00
10/29/2020		010-02-4330-0000-520007-	C	\$ 973.00



Gaston County

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Finance Board Action

File #: 20-553

Commissioner Worley - Finance - To Approve the Award for Purchase of \$2,842,597.29 for Vehicles, and the Expenditure of \$239,718.34 for Equipment, Decals, Tag/Tax and Title Fees **(Totaling \$3,082,315.63)**

STAFF CONTACT

Tiffany Murray - Finance Director

BUDGET IMPACT

Funds are included in the current budget for debt payments relative to the \$2,842,597.29 Vehicles cost. Thirty-six months of financing are expected. The \$239,718.34 for Equipment, Decals, Tag/Tax and Title Fees were included in the FY21 adopted budget and will not be financed.

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Replacement and new vehicles were approved with the adoption of the FY 20/21 Budget Ordinance. Exception is one (1) vehicle was added for EDC originally budgeted to be replaced with a new lease. The decision was made to purchase the EDC vehicle instead of leasing going forward.

DHHS-Social Services Vehicles: (9) Midsize Sedans and (1) Minivan - a formal bid was conducted per Uniform Guidance (UG) requirements since these vehicles will involve federal reimbursement.

Legal ad was posted in The Gazette on 10/19/20, posted on the County website, posted on the HUB site as an affirmative step to solicit quotes from M/WBE dealers, and Bid Requests were sent to 16 potential bidders. Two addenda were issued.

(Continued on Page 2)

Commissioner Worley - Finance - To Approve the Award for Purchase of \$2,842,597.29 for Vehicles, and the Expenditure of \$239,718.34 for Equipment, Decals, Tag/Tax and Title Fees (Totaling \$3,082,315.63)

Page 2

Bids were received on 11/2/20 from five (5) bidders (Parks Chevrolet, Modern Nissan, Nissan of Clinton, Fleet Vehicle Source, Ilderton Dodge) and publicly opened. The low bidder on the Sedans asked to withdraw his bid due to not meeting the specification per the addendum. Therefore, the award is recommended to the next low Sedans bidder and the low Minivan bidder whose bids meet specifications and are considered responsive.

Modern Nissan	Nissan Altima	\$20,499 each
Ilderton Dodge	Chrysler Voyager	\$24,858 each

Balance of Vehicles: County Police, A/C/E, Sheriff, Emergency Management, Public Works, Building Services, EDC, and Environmental Health are quoted per the NC Sheriff's (NCSA) Contract; Ambulances are quoted per HGAC contract; Landfill heavy equipment is quoted per Sourcewell contract and NC Sheriff's (NCSA) contract. Utilizing these already competitively bid Group Purchasing Programs is allowed by G.S.143-129(e)(3) thus leveraging the cost benefits of state-wide quantity bidding.

Total Costs with Breakdown

Refer to the attached "**Chart for Finance Package**" where costs are shown two ways: as unit pricing with extensions, plus as breakdown between Vehicles, Equipment, Decals and Tag/Tax/Title costs. Chart includes vehicle descriptions by department, vendors and models, bid and contract designations.

Recommendation

Award Recommended for Vehicles = \$2,842,597.29

Total Cost of Vehicles plus Equipment, Decals and Tag/Tax/Title = \$3,082,315.63

POLICY IMPACT

N/A

ATTACHMENTS

Chart for Finance Package

Chart for Finance Package - Vehicles 2021

Version for BA including Contract #'s

11/6/20 version

11/6/20 version

Chart for Finance Package - Vehicles 2021									
Version for BA including Contract #'s									

Spec #6										
Extended Cab 4x4 Truck - Public Works - Admin										
Decals		\$ 32,477.81								
Tag, tax and title		\$ 40.00								
		\$ 980.33								
Total		\$ 33,498.14	1	\$ 33,498.14						
				\$ 33,499.00						
Spec #7										
Full Size Van with Bin Package - Public Works - Facilities										
Equipment including bin accessories		\$ 40,636.60								
Decals		\$ 1,500.00								
		\$ 40.00								
Tag, tax and title		\$ 1,225.10								
Total		\$ 43,401.70	1	\$ 43,401.70						
				\$ 43,402.00						
Spec #8										
Extended Cab 4x4 Truck - Building Services										
Decals		\$ 32,477.81								
		\$ 40.00								
Tag, tax and title		\$ 980.33								
Total		\$ 33,498.14	1	\$ 33,498.14						
				\$ 33,499.00						
Spec #9										
Full Size 4x4 SUV - Building Services										
Decals		\$ 28,514.29								
		\$ 40.00								
Tag, tax and title		\$ 861.43								
Total		\$ 29,415.72	1	\$ 29,415.72						
				\$ 29,416.00						
Spec #10										
Full Size 4x4 SUV - EDC										
Decals		\$ 36,732.60								
		\$ 40.00								
Tag, tax and title		\$ 1,107.98								
Total		\$ 37,880.58	1	\$ 37,880.58						
				\$ 37,881.00						
Spec #11										
Hybrid car - Environmental Health										
Decals		\$ 26,010.09								
		\$ 40.00								
Tag, tax and title		\$ 786.30								
Total		\$ 26,836.39	1	\$ 26,836.39						
				\$ 26,837.00						
Spec #12										
Extended Cab 4x4 Truck - Environmental Health										
Decals		\$ 32,477.81								
		\$ 40.00								
Tag, tax and title		\$ 980.33								
Total		\$ 33,498.14	1	\$ 33,498.14						
				\$ 33,499.00						

Spec DSS-01									
Mid-Size Sedan - DHHS Social Services									
Decals	\$ 20,499.00								
Tag, tax and title	\$ 40.00								
	\$ 620.97								
Total	\$ 21,159.97	9	\$ 190,439.73						
									\$ 184,491.00
Spec DSS-02									
Minivan 7-passenger - DHHS Social Services									
Decals	\$ 24,858.00								
Tag, tax and title	\$ 40.00								
	\$ 751.74								
Total	\$ 25,649.74	1	\$ 25,649.74						
									\$ 24,858.00
TOTAL - Vehicles, Equipment, Decals, Tag, Tax & Title		39	\$ 1,549,961.65						\$ 1,329,431.46
<i>Tag/Tax/Title figured as Vehicle cost x .03 (road use tax) plus \$6.00 each</i>									
AMBULANCES and HEAVY EQUIPMENT									
SUV QRV - GEMS	\$ 95,895.00								
(Decals and Equipment included in above price)	\$ -								
Tag, Tax & Title	\$ 2,882.85								
TOTAL - SUV QRV - GEMS	\$ 98,777.85	1	\$ 98,777.85						
									\$ 95,895.00
Type 1 QRV/Ambulance - GEMS	\$ 336,525.00								
(Decals and Equipment included in above price)	\$ -								
Tag, Tax & Title	\$ 10,101.75								
TOTAL - Transit Van - GEMS	\$ 346,626.75	1	\$ 346,626.75						
									\$ 336,525.00
Type 2 BLS Ambulance - Rescue	\$ 196,585.00								
(Decals and Equipment included in above price)	\$ -								
Tag, Tax & Title	\$ 5,903.55								
TOTAL - Transit Van - Rescue	\$ 202,488.55	1	\$ 202,488.55						
									\$ 196,585.00
Rubber Tire Wheel Loader - Landfill	\$ 181,274.83								
Decals	\$ 100.00								
Tag, Tax & Title - <i>n/a for off-road equipment</i>	\$ -								
TOTAL - Rubber Tire Loader - Landfill	\$ 181,374.83	1	\$ 181,374.83						
									\$ 181,274.83
Articulated Dump Truck - Landfill	\$ 351,443.00								
Decals	\$ 100.00								
Tag, Tax & Title - <i>n/a for off-road equipment</i>	\$ -								
TOTAL - Articulated Dump Truck - Landfill	\$ 351,543.00	2	\$ 703,086.00						
									\$ 702,886.00
TOTAL of Vehicles, Ambulances and Heavy Equipment		45	\$ 3,082,315.63						\$ 2,842,597.29
									\$ 58,413.34
									\$ 181,305.00
									\$ 3,082,315.63



Gaston County

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Finance Board Action

File #: 20-549

Commissioner Worley - Finance - To Award Bid for Financing up to \$2,842,597.29 for Rolling Stock and Equipment to Bank of America Public Capital Corp and to Approve the Attached Budget Change Request (to appropriate funds) and Resolution Approving Financing Terms

STAFF CONTACT

Tiffany Murray - Finance Director - 704-866-3032

BUDGET IMPACT

The County is obligated to make payments on this debt through December 30, 2023.

BUDGET ORDINANCE IMPACT

Loan proceeds will be received from Bank of America Public Capital Corp. and appropriated in the various departmental accounts as on the attached Budget Change Request.

BACKGROUND

By approval of this action, the Gaston County Board of Commissioners finds that the financing of the acquisition of the vehicles and other items costing up to \$2,842,597.29 pursuant to the terms of an installment purchase contract with Bank of America Public Capital Corp. is in the best interests of Gaston County and hereby authorizes the execution of such contract. The County staff received six bids for the financing and recommends Bank of America Public Capital Corp. as the lowest responsible bidder at a rate of 0.9127% for the thirty-six month term. The Board designates the obligations of the County to make payment under the proposed installment purchase contract as "bank qualified" obligations in accordance with the provisions of Section 265 (b)(3)(ii) of the Tax Reform Act of 1986, as amended. If any of the equipment or other items on the list are received before the financing documents are fully executed, the County staff is authorized, if necessary, to make payment directly to the appropriate vendor and to obtain subsequent reimbursement from the financial institution providing financing.

POLICY IMPACT

N/A

ATTACHMENTS

Resolution and Budget Change Request (BCR)

RESOLUTION OF GOVERNING BODY

At a duly called meeting of the governing body of County of Gaston, North Carolina, as Purchaser held in accordance with all applicable legal requirements, including open meeting laws, including open meeting laws, on the 29th day of December, 2020, the following resolution was introduced and adopted:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SCHEDULE TO ITS EXISTING MASTER EQUIPMENT FINANCING AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the governing body of the County of Gaston, North Carolina ("Purchaser") desires to finance certain equipment (the "Equipment") described in the Schedule of Property No, ___ to the Master Equipment Financing Agreement dated as of February 14, 2013 (collectively, the "Agreement") in an amount not to exceed \$2,842,597.29 with Bank of America Public Capital Corp. ("Lender"), the form of which has been available for review by the governing body of Purchaser prior to this meeting; and,

WHEREAS, the Equipment is essential for Purchaser to perform its governmental functions; and,

WHEREAS, Purchaser has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and,

WHEREAS, Purchaser proposes to enter into the Agreement with Lessor substantially in the forms presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF PURCHASER AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Agreement in the forms presented to this meeting and incorporated in this resolution are in the best interests of Purchaser for the acquisition of the Equipment.

Section 2. The Agreement and the acquisition and financing of the Equipment under the terms and conditions as described in the Agreement are hereby approved. The County Manager of Purchaser and any other officer of Purchaser who shall have power to execute contracts on behalf of Purchaser be, and each of them hereby is, authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officers who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The Clerk to the Board of the Purchaser and any other officer of Purchaser who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Purchaser to the Agreement and attest the same.

Section 3. The proper officers of Purchaser be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits, and other documents and to do or cause to be done any all other acts and things necessary or proper for carrying out this resolution and the Agreement.

Section 4. The Purchaser's obligation under the Agreement will not be designated as a qualified tax exempt obligation under Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), and therefore such obligation is "non-bank qualified" for purposes of Section 265(b)(3)(ii) of the Code.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Agreement executed on behalf of Purchaser is the same as presented at such meeting of the governing body of Purchaser, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

Date: December 29th, 2020

County of Gaston, North Carolina

Purchaser

By: _____

(Signature of Secretary, Board Chairman or other member of the Governing Body)

Name: Tom Keigher

Title: Chairman of the Board of Commissioners

Attested By: _____

(Signature of one additional person who can witness the passage of this Resolution)

Name: Donna S. Buff

Title: Clerk to the Board

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Dr. Kim S. Eagle COUNTY MANAGER

FROM: 4130 Finance
Dept. # Department Name
Tiffany Murray 11/25/2020
Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER Fund - Function - Dept - Division - Object - Project xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	AMOUNT Whole Dollars Only (See Note Below)
See attached Spreadsheet		

JUSTIFICATION FOR REQUEST:

This budget change request appropriates funds in the amount of \$2,842,597.29 from the lease purchase agreement with Bank of America for rolling stock and equipment. The County staff received six bids for the financing and recommends Bank of America as the lowest responsible bidder at a rate of 0.9127% for the thirty-six month term.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.

2021 Vehicle Lease Purchase Financing
Budget Change Request

Account Description	Account Number	Amount
Installment Purchase Agreement	041-01-8300-0000-416002-21008	(1,749,087.46)
Transfers to Capital Improvements Fund	041-98-9800-0000-580040-	1,749,087.46
Transfers from Community Investment Fund	040-98-9800-0000-480041-	(1,749,087.46)
Facilities Management Motor Vehicles	040-01-4265-4260-540003-21008	40,636.60
Public Works Admin Motor Vehicles	040-01-4265-4265-540003-21008	32,477.81
County Police Motor Vehicles	040-02-4310-4310-540003-21008	486,559.80
Sheriff Office Motor Vehicles	040-02-4315-4315-540003-21008	317,863.25
Emergency Management Motor Vehicles	040-02-4330-0000-540003-21008	36,732.60
Building Inspections Motor Vehicles	040-02-4350-4351-540003-21008	60,992.10
GEMS Motor Vehicles	040-02-4370-0000-540003-21008	432,420.00
Rescue Squad Motor Vehicles	040-02-4372-0000-540003-21008	196,585.00
Animal Care Motor Vehicles	040-02-4380-0000-540003-21008	49,599.80
Environmental Health Motor Vehicles	040-05-5114-5125-540003-21008	58,487.90
Economic Development Motor Vehicles	040-07-4920-4920-540003-21008	36,732.60
Installment Purchase Agreement	020-05-8300-0000-416002-21008	(209,349.00)
Social Services Motor Vehicles	020-05-4790-0000-540003-21008	209,349.00
Installment Purchase Agreement	060-08-8300-0000-416002-21008	(884,160.83)
Landfill Motor Vehicles	060-08-4720-0000-540003-21008	884,160.83
		(2,842,597.29)

Justification for Request:

This budget change request appropriates funds in the amount of \$2,842,597.29 from the lease purchase agreement with Bank of America for rolling stock and equipment. The County staff received six bids for the financing and recommends Bank of America as the lowest responsible bidder at a rate of 0.9127% for the thirty-six month term.



Gaston County

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Finance Board Action

File #: 20-545

Commissioner Worley - Finance - Commendation - Ms. Tiffany R. Murray & Finance Staff - GFOA Certificate of Achievement for Excellence in Financial Reporting Award

STAFF CONTACT

Tiffany R. Murray - Finance Director - 704-866-3032

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Finance Department has been awarded the Government Finance Officers Association of the United States and Canada Certificate of Achievement for Excellence in Financial Reporting for the Gaston County FY2019 Comprehensive Annual Financial Report. This Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting.

POLICY IMPACT

N/A

ATTACHMENTS

Commendation



WHEREAS, Ms. Tiffany R. Murray, Gaston County Finance Division Director, oversees preparation of the County's Comprehensive Annual Financial Report and coordinates its compilation and production with assistance of the Finance Department Staff; and,

WHEREAS, the Finance Department has been awarded the **Government Finance Officers Association of the United States and Canada Certificate of Achievement for Excellence in Financial Reporting for the Gaston County FY2019 Comprehensive Annual Financial Report**. This Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management; and,

WHEREAS, this honor enhances the County's credibility in financial management and the achievements demonstrate the competence of the Finance Director and the Finance Department Staff; and,

WHEREAS, the Comprehensive Annual Financial Report was judged by an impartial panel to meet the high standards of the program in demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and users' groups to read the Comprehensive Annual Financial Report.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners congratulates

TIFFANY R. MURRAY & FINANCE DEPARTMENT STAFF

upon being awarded the Government Finance Officers Association prestigious Certificate of Achievement for Excellence in Financial Reporting for FY2019 for the sixth consecutive year. Further, the Commission commends the Director and the Staff for their stewardship in managing revenue provided by Gaston County Taxpayers.

Tom Keigher, Chairman

Chad Brown

Kim Johnson

Allen R. Fraley, Vice-Chairman

Tracy L. Philbeck

Bob Hovis

Ronald E. Worley



Gaston County

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Finance Board Action

File #: 20-561

Commissioner Keigher - Finance - Appropriation of Accumulated Investment Earnings From April 1, 2020 Through November 30, 2020 **(\$33,831.36)**

STAFF CONTACT

Tiffany Murray - Finance Director - 704-866-3032

BUDGET IMPACT

Appropriate accumulated investment earnings from April 1, 2020 through November 30, 2020.

BUDGET ORDINANCE IMPACT

Increase Interest Revenue by \$33,831.36 and appropriate into respective funds as indicated on the attached Budget Change Request.

BACKGROUND

Gaston County issued General Obligation School Bonds on 10/1/2006, 5/24/2016, and 11/15/2018, Build America School Bonds on 8/18/2009 and General Obligation Bonds on 8/14/2007 for Gaston College. Also, the County has received federal drug forfeitures, controlled substance tax funds, Urgent Repair Program and NC CARES funds. All of these funds have earned interest which must be spent in the same manner as the proceeds. This Board Action appropriates the \$33,831.36 investment earnings on these funds from April 1, 2020 through November 30, 2020. Interest earned in the amount of \$27,876.85 received from April 1, 2020 through June 30, 2020 will have to be appropriated from the fund balance of the various funds receiving the interest since it was not earned during the current fiscal year.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request (BCR)

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Dr. Kim S. Eagle COUNTY MANAGER

FROM: 4130 Finance

Dept. # Department Name

Tiffany Murray 12/8/20

Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER Fund - Function - Dept - Division - Object - Project xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	AMOUNT Whole Dollars Only (See Note Below)
See attached		

JUSTIFICATION FOR REQUEST:

Appropriation of accumulated investment earnings from 4/1/20 through 11/30/20.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.

Gaston County Budget Change Request

Appropriation of Accumulated Investment Earnings from 4/01/2020 through 11/30/2020 (\$33,831.36)

Page 2

Fund Balance Appropriated	040-99-9900-0000-490000-		(26,418)
Investment Earnings - School Bonds	040-03-8300-0000-412011-		(5,312)
School Bonds - 10/01/06	040-03-5911-0000-540100-	07269	9
School Bonds - 5/24/16	040-03-5911-0000-540100-	16283	940
School Bonds - 9/22/17	040-03-5911-0000-540100-	18137	619
School Bonds - 11/15/18	040-03-5911-0000-540100-	19040	30,163
Fund Balance Appropriated	040-99-9900-0000-490000-		(324)
Investment Earnings - School Build America Bonds	040-03-8300-0000-412013-		(25)
School Bonds - 08/08/09	040-03-5911-0000-540100-	10296	349
Fund Balance Appropriated	040-99-9900-0000-490000-		(134)
Gaston College Bond Interest	040-03-8300-0000-412012-		(31)
Gaston College 2007 Bonds	040-03-5921-0000-540100-	08252	165
Fund Balance Appropriated	025-99-9900-0000-490000-		(562)
Interest - Police Treasury / Justice	025-02-8300-0000-412002-		(96)
Drug Forfeitures - US Treasury	025-02-4310-4310-530043-	10002	569
Drug Forfeitures - Justice	025-02-4310-4310-530044-	50113	87
Drug Lab Supplies	025-02-4310-4310-530048-		2
Fund Balance Appropriated	025-99-9900-0000-490000-		(32)
Interest - Sheriff Treasury / Justice	025-02-8300-0000-412004-		(7)
Drug Forfeitures - US Treasury	025-02-4315-4315-530043-	04243	38
Drug Forfeitures - Justice	025-02-4315-4315-435002-		1
Fund Balance Appropriated	026-99-9900-0000-490000-		(136)
Interest - USUB Police	026-02-8300-0000-412006-		(23)
Controlled Substance Abuse Tax	026-02-4310-4310-530045-	50112	159
Fund Balance Appropriated	026-99-9900-0000-490000-		(18)
Interest - USUB Sheriff	026-02-8300-0000-412007-		(4)
Controlled Substance Abuse Tax	026-02-4315-4315-530045-	02192	22
Fund Balance Appropriated	010-99-9900-0000-490000-		(8)
Interest - Urgent Repair Program	010-07-8300-0000-412010-		(3)
2019 Urgent Repair Program	010-07-4935-0000-560000-	18555	9
2020 Urgent Repair Program	010-07-4935-0000-560000-	21544	2



Gaston County

Gaston County
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Gaston Emergency Medical Services (GEMS)

Board Action

File #: 20-550

Commissioner Fraley - GEMS - To Accept and Appropriate Additional Grant Funds Received from The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health from NCOEMS **(100% Federal Grant Funds - \$3,500)**

STAFF CONTACT

Mark Lamphiear - GEMS - 704-866-3202

BUDGET IMPACT

Appropriate 100% Federal Grant Revenue. No additional County funds.

BUDGET ORDINANCE IMPACT

Increase Federal Grant revenue by \$3,500 and appropriate \$3,500 to F/E<\$5K.

BACKGROUND

Gaston County Emergency Medical Services received Grant funds from The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health from NCOEMS. The funds will be used to purchase 20 Kore Koller rehab chairs and 2 six-foot, low velocity fans. These are Non-County funds.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request (BCR)

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Dr. Kim S. Eagle COUNTY MANAGER

FROM: 4370 GEMS

Dept. # Department Name

Chief Mark Lamphiear 11/20/20

Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	AMOUNT
	Fund - Function - Dept - Division - Object - Project	Whole Dollars Only
	xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	(See Note Below)
ASPR Grant - Federal GEMS	010-02-4370-0000-425110-21575	(\$3,500)
F/E<5K: ASPR Grant	010-02-4370-0000-540001-21575	\$3,500

JUSTIFICATION FOR REQUEST:

Gaston County Emergency Medical Services received Grant funds from The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health from NCOEMS. The funds will be used to purchase 20 Kore Koller rehab chairs and 2 six-foot, low velocity fans. These are Non-County funds.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



Gaston County

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Public Works

Board Action

File #: 20-532

Commissioner Brown - Public Works - To Declare the Attached Vehicles Surplus and Approve the Sale of Said Vehicles to the Highest Bidder on GovDeals.com and Authorize Staff to Prepare the Necessary Documents in Accordance with North Carolina General Statute 160A-266 **(No Additional County Funds)**

STAFF CONTACT

Ray Maxwell, P.E. - Public Works Director - 704-862-7504

BUDGET IMPACT

No additional County funds.

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Gaston County has designated the vehicles listed on the attached Surplus Vehicle list to be in poor condition, uneconomical for continued use, and as having met the established surplus criteria. This Board Action formally declares the vehicles listed as surplus and authorizes their sale at the online auction service GovDeals.com. Approval of this Board Action authorizes the County Manager to enter into an agreement with GovDeals.com, with payment of the on-line auction service to come from a Buyer's Premium paid by the Buyer, and appropriates funds from auction sale proceeds into the Motor Vehicle account per the attached Budget Change Request.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request (BCR); Surplus Vehicle List

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Dr. Kim S. Eagle COUNTY MANAGER

FROM: 4250 Public Works - Fleet Maintenance

Dept. # Department Name

Ray Maxwell 11/12/2020

Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	AMOUNT
	Fund - Function - Dept - Division - Object - Project	Whole Dollars Only
	xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	(See Note Below)
Surplus Property Sales	010-01-8300-0000-411014	(7,000)
Motor Vehicles	010-01-4199-0000-540003	7,000

JUSTIFICATION FOR REQUEST:

Vehicles 219 and 237 have remained in service longer than their useful life. Several repairs recently have exceeded the value of the vehicles themselves. This Budget Change Request appropriates funds from the sale of surplus vehicles into an account to replace vehicles that will require repairs that either exceed the value of the vehicle, or from a practicality standpoint, do not make good business sense to continue maintaining.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.

Surplus Vehicle List

Veh #	Year	Model	Department	Current Mileage	Comments
219	2008	Ford E-350	ACCESS	176,492	Age, Mileage, Cost per mile
237	2009	Ford E-350	ACCESS	184,515	Age, Mileage, Cost per mile



Gaston County

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Public Works

Board Action

File #: 20-539

Commissioner Hovis - Public Works - To Accept an Offer to Purchase a County Owned Surplus Parcel (#155370 Located at 813 Freedom Mill Rd.) and Authorize Staff to Initiate the Upset Bid Process

STAFF CONTACT

Ray Maxwell, P.E. - Public Works - 704.862.7551

BUDGET IMPACT

No Additional County Funds

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Gaston County currently owns a parcel, PID 155370, located at 813 Freedom Mill Road, Gastonia. On October 27, 2020 the Gaston County Board of Commissioners approved Board Action 2020-291 to declare this non-essential, County-owned property surplus and authorized staff to initiate sale procedures pursuant to applicable North Carolina General Statute. This parcel is not in an area the County is planning to redevelop, nor is it planned for current or future redevelopment for County use. Based on the most recent revaluation, the total market value of the property is \$15,000.00.

The property is 0.29 acres of vacant land and was acquired through tax foreclosure on 12/04/19. The previous house on the property was torn down as the result of a house fire. The Public Works Office is in receipt of a written offer, in the amount of \$12,500.00, to purchase the property "as-is." Approval of this Board Action formally accepts the offer and authorizes staff to proceed with the upset bid process.

Under G.S. 160A-269, a County has the authority to "receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids." Under this statute, if the Board of Commissioners accepts this offer to purchase the property, the County must then advertise the bid in the newspaper and allow ten (10) days for subsequent bids to be received. Once an upset bid period has expired with no additional bids, staff will bring the highest and best offer back to the Commission for final consideration.

POLICY IMPACT

N/A

ATTACHMENTS

N/A



Gaston County

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Public Works

Board Action

File #: 20-540

Commissioner Philbeck - Public Works - To Approve a Lease Agreement for Property Owned by Gaston County Located at 1305 Fire Ranger Way (***No Additional County Funds***)

STAFF CONTACT

Ray Maxwell - Public Works - 704-862-7504

BUDGET IMPACT

No Additional County Funds.

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The North Carolina Forest Service Agency currently occupies a County building at 1305 Fire Ranger Way, Dallas, NC. Staff has worked with NC Forest Service representatives to develop a lease renewal of \$548.86 per month that will allow us to recoup expenses such as utilities, internet, natural gas, landscaping, and general facility maintenance. According to NC General Statute NCGS § 160A-272, the County may lease property, but a public notice must be given at least 30 days prior to Commission approval. The lease was publicly advertised on October 27, 2020 to comply with the notice requirements. Approval of this Board Action adopts and accepts the attached lease terms on behalf of Gaston County and authorizes the County Manager or her designee to execute said documents. No additional County funds are required as a result of this lease agreement.

POLICY IMPACT

N/A

ATTACHMENTS

NC Forest Service Lease Agreement

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF GASTON

THIS LEASE AGREEMENT (hereinafter "Lease"), made and entered into as of the last date set forth in the notary acknowledgements below by and between, **GASTON COUNTY**, hereinafter designated as Lessor, and the **STATE OF NORTH CAROLINA** through the North Carolina Department of Agriculture & Consumer Services hereinafter designated as Lessee;

WITNESSETH:

THAT WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September, 1981; and as amended on September 8, 1999 and December 7th, 1999, and

WHEREAS, the parties hereto have mutually agreed to the terms of this lease agreement as hereinafter set out,

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes and leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in the **Town/City of Gastonia**, County of Gaston, North Carolina, more particularly described as follows:

Being approximately 2507 net square feet of office space located at 1305 Fire Ranger Way, Dallas, Gaston County, North Carolina and further described in "Exhibit A"

(DEPARTMENT OF AGRICULTURE)

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of three **(3) year(s)**, commencing on the **first day of September, 2020**, or as soon thereafter as the leased premises are ceded to the Lessee and terminating on the **thirty first of August, 2023**.

2. During the term of the lease, the Lessee shall pay to the Lessor as rental for said premises the sum of \$ **6,586** Dollar for the annual term, which sum shall be paid in equal monthly installments of \$ **548.86** Dollars. The Lessee agrees to pay the aforesaid rental to Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least fifteen (15) days prior to the due date.

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services and utilities to the satisfaction of the Lessee.

- a. Heating facilities, air conditioning facilities, adequate electrical facilities, adequate lighting fixtures and sockets, hot and cold water facilities, and adequate toilet facilities.
- b. Lessor to provide required fire extinguishers and servicing, pest control, and outside trash disposal including provisions for the handling of recyclable items such as aluminum cans, cardboard and paper. Maintenance of lawns, parking areas (including snow removal) and common areas is required.
- c. Parking
- d. The Lessor covenants that the leased premises are generally accessible to persons with disabilities. This shall include access into the premises from the parking areas (where applicable), into the premises via any common areas of the building and access to an accessible restroom.
- e. All storm water fees.
- f. Any fire or safety inspection fees.
- g. Daily janitorial service and supplies.
- h. All utilities, except telephone.
- i. All land transfer tax/fees imposed by the County or City in which the space is located.
- j. The number of keys to be provided to Lessee for each lockset shall be reasonably determined by Lessee prior to occupancy and said keys shall be furnished by Lessor to Lessee at no cost to Lessee.
- k. All other terms and conditions of the signed "Proposal to Lease to the State of North Carolina" Form PO-28 and "Specifications for Non-advertised Lease."

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include, but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee in addition to any other remedy the Lessee may have, to make such repair at its own cost and to deduct the amount thereof from the rent that may then be thereafter become due hereunder. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.

7. If the said premises be destroyed by fire or other casualty without fault of the Lessee, this lease shall immediately terminate and the rent shall be apportioned to the time of the damage. In case of partial destruction or damage by fire or other casualty without fault of the Lessee, so as to render the premises untenable in whole or in part, there shall be an apportionment of the rent until the damage has been repaired. During such period of repair, Lessee shall have the right to obtain similar office space at the expense of Lessee or the Lessee may terminate the lease by giving fifteen (15) days written notice to the Lessor.

8. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender thereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than sixty (60) days written notice to terminate the tenancy.

13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient to continue the operation of its local offices on the premise leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination, and the lease agreement shall terminate immediately without any further liability to Lessee.

14. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows: To the Lessor at **PO Box 1578, Gastonia, North Carolina. 28053**, the Lessee at **North Carolina Department of Agriculture & Consumer Services- Forest Service, Attn: Property Manager/Incident Business Advisor, 1616 Mail Service Center, Raleigh, North Carolina 27699-1600**. Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.
15. Lessee shall not assign this lease or sublet any part of the Leased Premises without the written consent of the Lessor.
16. Lessor agrees that the Lessee's decision to self-insure satisfies all insurance requirements of this lease applicable to the Lessee.
17. The State of North Carolina is an immune sovereign and is not ordinarily subject to suit. However, the State has enacted the North Carolina Tort Claims Act, pursuant to which the State may be liable for the torts of its officers and employees, within the terms of the Act. Accordingly, the Lessee will be primarily liable for any claims within the coverage of the Tort Claims Act.
18. N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.
19. N.C.G.S. § 147-86.59 Certification of Eligibility under the Iran Divestment Act is attached hereto as **Exhibit B** and shall be executed as a part of this lease agreement for all persons and parties seeking to do business with the State.

IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

LESSEE:

STATE OF NORTH CAROLINA

By: _____ (SEAL)
Andrew Meier
Director
NCDA&CS Property & Construction Division

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, _____, A Notary Public in and for the County and State aforesaid, do hereby certify that **Andrew Meier** personally came before me this day and acknowledged the due execution by him of the foregoing instrument as Director of Property and Construction Division for the North Carolina Department of Agriculture and Consumer Services, in accordance with the authority vested in him and for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the _____ day of _____, 2020.

Notary Public
Printed Name: _____

My Commission expires _____

LESSOR:

By: _____ (SEAL)
Signature

Print Name and Title

STATE OF NORTH CAROLINA

COUNTY OF GASTON

I, _____, a Notary Public in and for the County and State
aforesaid, do hereby certify that _____, Manager of
_____ personally came before me this day and acknowledge
the due execution of the foregoing instrument on behalf of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the
____ day of _____, 2020.

Notary Public
Printed Name: _____

My Commission expires _____



Gaston County

Gaston County
Board of Commissioners
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Tax Board Action

File #: 20-541

Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. ***(Releases and Refunds - \$102,584.15; Overpayments - \$48,984.46; VTS Refunds - \$7,041.61; Grand Total - \$158,610.22)***

STAFF CONTACT

Luke Sisk - Tax Collections Administrator - 704-866-3034

BACKGROUND

The Gaston County Tax Collector has examined the requests for refunds and has determined that the requests are properly authorized by statute and should be granted and the persons and/or firms listed below have requested the refund of taxes paid pursuant to G.S. 105-381(b).

The Board of Commissioners authorized payment of refunds to said persons and/or firms in the amounts stated with such funds coming from Account 010-00-0000-0000-23010.

ATTACHMENTS

Tax Refunds Listing for October 2020

TAXPAYER NAME	AMOUNT
OCTOBER 2020 RELEASES AND REFUNDS	
Gann, Janice	\$163.62
Keystone PF Belmont, LLC	\$4,902.88
Mosteller, Jeffrey	\$1,298.22
Papamanuel, Alex	\$94,676.85
Smith, Bobby R	\$287.88
Spencer Mtn Rd VFD	\$1,254.70
TOTAL	\$102,584.15

OCTOBER 2020 OVERPAYMENTS	
Advantage Title	\$281.99
Andrew M Adams, PA	\$806.77
Andrew M Adams, PA	\$524.91
Ashurst, Paul W	\$100.76
Atlantis Title Co	\$138.85
Atlantis Title Co	\$250.40
Ballew, Dawn Michelle	\$126.00
Barber, James	\$320.00
Bell, James	\$863.47
Benfield, Donnie W	\$1,084.05
Britton, Andrew	\$107.14
Crisp, Frank M	\$100.00
Debertott, Peter J III	\$102.13
Ethridge, Michael Lannis	\$172.91
Faccio, Carmen S	\$346.49
Gray, Layton, Kersh, Solomon, Furr	\$2,561.70
Hance & Hance PA	\$122.81
Houser, Na'Tonya	\$172.88
Hunter & Chandler Law	\$236.58
Johnson, Robert W	\$187.36
Johnson, Robert W	\$187.36
Mercer, Jack A	\$175.00
Moore, Jack Cathey	\$100.00
Moton, Sue	\$1,065.15
Muse, Michelle Annette	\$231.34
Nations Title AG	\$277.93
Newton, Sharon	\$207.00
Renger & Reynolds PLLC	\$1,003.09
Rhyne, Linda M	\$150.54
Seagle, Kathryn	\$203.97
Smith, George Stanley	\$125.00
Stateside APM	\$814.91
Stone, Clayborne	\$300.00
Taylor Law PLLC	\$350.00
TW LLC	\$25,603.16
Van Der Meid, Stephen Todd	\$4,791.70
Vylkla Title LLC	\$194.95
Wallace, Minda	\$285.00
WCS LLC	\$129.04
Webb, Kendra	\$166.16
Wells Fargo Real Estate	\$1,965.18
Wilson, Susan	\$2,050.78
TOTAL	\$48,984.46

OCTOBER VTS REFUNDS

Aragon Morales, Armando	\$118.39
Aspire Youth & Family INC	\$467.40
Aspire Youth & Family INC	\$448.06
Aspire Youth & Family INC	\$443.26
Aspire Youth & Family INC	\$428.13
Austell, Robert Donald	\$136.42
Barker, Johnny Charles	\$134.76
Barker, Johnny Charles	\$108.21
Carpenter, Jacaqueline Karriker	\$134.30
Cloninger, Angel Michelle	\$111.35
Constateilos, Justin Gary	\$131.27
Demonfort, Jean Claude	\$360.43
Forgey, James Stanley	\$153.35
Galloway, Tara Watkins	\$102.84
Hardee, Ray Mckay	\$155.04
Hinds, Levi Allen	\$325.80
Hoyos, Deigo	\$172.88
King, Robert Ray	\$146.43
Ludwig, Daniel Miguel	\$197.15
McMullin, Dennis Gerald	\$126.05
Mendez, Yessenia Altagracia	\$137.92
Miller, Denise Elaine	\$146.79
Montgomery, Katina Whitworth	\$218.59
Nicol, Julie Melissa	\$110.06
Owneby, Kimberly Elizabeth	\$200.02
Parker, Frances Brock	\$118.78
Ray, Erroll Paul	\$106.99
Sessoms, Curwood JR	\$377.75
Shonack, Ralph	\$199.00
Trevizo, Teresa Munoz	\$483.48
Weatherly, Ronnie Dale	\$192.10
Whisnat, Aaron Drew	\$160.24
Whitely, Max Houston	\$188.37
TOTAL	\$7,041.61

GRAND TOTAL**\$158,610.22**



Gaston County

Gaston County
Board of Commissioners
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County Attorney

Board Action

File #: 20-525

Commissioner Brown - County Attorney - To Amend the Gaston County Code of Ordinances, Chapter 7 - Garbage and Trash, Section 7-3 - Storage and Disposal - to Create Subsection (s) - to Prohibit Anyone From Leaving Loose Yard Waste on Public Roads or any Other Public Places of Travel

STAFF CONTACT

Jonathan Sink - County Attorney - 704-866-3400

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The attached Resolution would add a prohibition against depositing or leaving loose yard waste on any public road or other public places of travel.

POLICY IMPACT

Modifies Chapter 7, Section 7-3 of the Gaston County Code of Ordinances and creates Subsection (s).

ATTACHMENTS

Resolution



RESOLUTION TITLE: TO AMEND THE GASTON COUNTY CODE OF ORDINANCES, CHAPTER 7 – GARBAGE AND TRASH, SECTION 7-3 – STORAGE AND DISPOSAL – TO CREATE SUBSECTION TO PROHIBIT ANYONE FROM LEAVING LOOSE YARD WASTE ON PUBLIC ROADS OR ANY OTHER PUBLIC PLACES OF TRAVEL

WHEREAS, Chapter 7 of the Gaston County Code of Ordinances concerns the disposal of waste; and,

WHEREAS, there is currently no provision in the Code of Ordinances that deals directly with the disposal of yard waste; and,

WHEREAS, Gaston County wishes to modify this subsection to prohibit the disposal of loose yard waste on public roads or any other public places of travel.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby modifies Chapter 7, Section 7-3 of the Gaston County Code of Ordinances and creates Subsection (s) as follows:

- (s) No person shall place, discard, dispose, leave, or dump any yard waste upon any street, highway, median strip, alley, or other public places of travel located within the ordinance making jurisdiction of Gaston County, unless such yard waste is placed in a designated location or container for removal by a specific garbage or trash service collector, or unless such yard waste is deposited in an approved landfill site.

Violations of this Section:

First time offenders will be given a written warning and twenty-four hours to remove the violation. If the violation is not removed in this time, Gaston County will remove said violation and charge the owner of the property for the actual cost of removal plus a \$500.00 civil penalty. Failure to pay the removal cost and penalty will result in the cost and penalty being collected as back taxes against the property.

Repeat violations on the same property will be removed by Gaston County without notice to the owner, cost of the removal, and a civil penalty of \$1,000.00 will be charged to the property owner. Failure to pay the removal cost and penalty will result in the cost and penalty being collected as back taxes against said property.

DO NOT TYPE BELOW THIS LINE

To Amend the Gaston County Code of Ordinances, Chapter 7 – Garbage and Trash, Section 7-3 – Storage and Disposal – To Create Subsection to Prohibit Anyone from Leaving Loose Yard Waste on Public Roads or Any Other Public Places of Travel
Page 2

Written notice may be given via personal service to the property owner; if unable to give notice via personal service, letters sent to the property owners' last known address that are not returned will be considered as service. If letters are mailed via US postal service, the twenty-four hour violation period will start three (3) business days after the letter has been mailed.

The property owner/s will be the owner of record via Gaston County Tax office records as of the date of the violation.

This Ordinance amendment shall be effective immediately upon its adoption.

Adopted the 29th day of December, 2020.

Tom Keigher, Chairman
Gaston County Board of Commissioners

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above, as filed with the Clerk to the Board, is a true and accurate copy of the ordinance amendment entitled *To Amend the Gaston County Code of Ordinances, Chapter 7 – Garbage and Trash, Section 7-3 – Storage and Disposal – To Create Subsection to Prohibit Anyone from Leaving Loose Yard Waste on Public Roads or Any Other Public Places of Travel*, as adopted by the Board of Commissioners on December 29, 2020 and to be set forth in the Gaston County Code of Ordinances upon adoption.

Donna S. Buff, Clerk to the Board

SEAL



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Board of Commissioners

Board Action

File #: 19-543

Appointment List - Current Expiring Terms/Vacant Positions

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

Appointment List

December 29, 2020

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
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Chair Appts

Chair Appts	Centralina Council of Governments (COG)	Commissioner/Delegate/Ex-Officio (Voting)	Term Expiring	Comm. Ronnie Worley	11/30/2020
Chair Appts	Centralina Council of Governments (COG)	Commissioner/Alternate/Ex-Officio (Voting)	Term Expiring	Comm. Bob Hovis	11/30/2020
Chair Appts	Economic Development Commission	Board of Commissioners Chairman /Designee/Ex-Officio (Voting Member)	Term Expiring	Comm. Jack Brown	12/07/2020
Chair Appts	Farmers Market Advisory Board	Commissioner/Ex-Officio (Voting)	Term Expiring	Comm. Tracy Philbeck	11/30/2020
Chair Appts	Partnership For Children of Lincoln/Gaston Counties - Board of Directors	BOC Chairman/ Designee/Ex-Officio (Voting)	Term Expiring	Comm. Allen R Fraley	11/30/2020
Chair Appts	Transportation Advisory Committee (TAC)	Commissioner/Elected Official/Delegate/Ex-Officio (Voting)	Term Expiring	Comm. Allen R Fraley	11/30/2020
Chair Appts	Transportation Advisory Committee (TAC)	Commissioner/Elected Official/Alternate/Ex-Officio (Voting)	Term Expiring	Comm. Ronnie Worley	11/30/2020

Full Board

Full Board	Caromont Health/Gaston Memorial Hospital Board of Directors	Commissioner/Ex-Officio (Voting)	Term Expiring	Comm. Bob Hovis	12/31/2020
Full Board	Family Advisory Board	Commissioner/Ex-Officio (Voting)	Vacant	Vacancy/Jack Brown	04/30/2021
Full Board	Quality of Natural Resources Committee (QNRC)	Health	Vacant	Vacancy/Steve Tracy	10/31/2019
Full Board	Quality of Natural Resources Committee (QNRC)	Land Conservation	Vacant	Vacancy/Robert Cloninger, III	10/31/2019
Full Board	Quality of Natural Resources Committee (QNRC)	Agriculture	Vacant	Vacancy/Richard Rhyme	10/31/2021
Full Board	Quality of Natural Resources Committee (QNRC)	Air Protection	Vacant	Vacancy/Michelle Cook	11/01/2023
VFD Appts	Fireman's Relief Fund Trustees	North Gaston	Vacant	Vacancy/Barbara Cash	11/30/2022
VFD Appts	Fireman's Relief Fund Trustees	South Point	Term Expiring	Jeffery Snuggs	11/30/2020

Chad Brown

#7-CB	Adult Care Home Community Advisory Committee	Commission	Vacant	Vacancy/Nellie Overcash	05/31/2021
#7-CB	Nursing Home Community Advisory Committee	NHA Appt.	Vacant	Vacancy/Shirley Ferguson	11/30/2011
#7-CB	SARA Local Planning Committee (LEPC)	Local Industry	Vacant	Vacancy/Joel Parkulo	02/01/2023

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Appointment List

December 29, 2020

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
Allen Fraley					
#4-AF	Adult Care Home Community Advisory Committee	Commission	Vacant	Vacancy/Erin Barbee	05/01/2019
#4-AF	Adult Care Home Community Advisory Committee	Domiciliary Home Appt.	Vacant	Vacancy/Jane Patrick	01/31/2018
CH Twp.	Council on Aging	At Large	Vacant	Vacancy/Ronald Pinkerton	11/30/2019
CH Twp.	Gaston County Board of Adjustments	At Large/Unincorporated Area Resident	Term Expiring	Amy Pearson	12/31/2020
#4-AF	Juvenile Crime Prevention Council (JCPC)	Youth Rep.	Vacant	Vacancy/Marvin Hagen	06/30/2020
#4-AF	SARA Local Planning Committee (LEPC)	Law Enforcement	Vacant	Vacancy/Adam Wilson	12/31/2019
#4-AF	SARA Local Planning Committee (LEPC)	Transportation/Ex-Officio (Non-Voting)	Term Expiring	Michael Coone	12/31/2020
Bob Hovis					
#5-BH	Adult Care Home Community Advisory Committee	NHA Appt	Vacant	Vacancy/Mary Alice Brown	04/30/2019
#5-BH	Environmental Review Advisory Board	At Large	Term Expiring	Comm. Bob Hovis	12/31/2020
#5-BH	Family Advisory Board	Citizen At Large	Vacant	Vacancy/Judy Carter	04/30/2021
#5-BH	Gaston Community Action Board of Trustees (GCA)	Public Sector	Vacant	Vacancy/LaWanza F. Moore	10/31/2021
CM Twp.	Gaston County Board of Adjustments	At Large/Unincorporated Area Resident	Vacant	Vacancy/Kevin Meyer	12/31/2020
CM Twp.	Gaston County Housing Board	At Large	Vacant	Vacancy	12/31/2020
CM Twp.	Industrial Facilities and Pollution Control Financing Authority	CM Twp.	Vacant	Vacancy/Neil Styers	10/31/2018
#5-BH	SARA Local Planning Committee (LEPC)	Citizen At Large	Term Expiring	Vanessa L. Johnson	12/31/2020
#5-BH	SARA Local Planning Committee (LEPC)	EMS/Ex-Officio (Non-Voting)	Term Expiring	Jeff Hicks	12/31/2020
#5-BH	Transportation Advisory Board (TAB)	United Way of Gastonia	Vacant	Vacancy/Daughtry Hopper	10/31/2022
#5-BH	Transportation Advisory Board (TAB)	Local Elected Officials/Staff	Vacant	Vacancy/Donnie Loftis	10/31/2012
#5-BH	Transportation Advisory Board (TAB)	Business/Industry	Vacant	Vacancy/Carolyn Dow	12/31/2018

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Appointment List

December 29, 2020

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
<u>Kim Johnson</u>					
#1-KJ	Adult Care Home Community Advisory Committee	Commission	Vacant	Vacancy	08/31/2018
#1-KJ	Adult Care Home Community Advisory Committee	Commission	Vacant	Vacancy/Linda Denton	08/01/2020
G Twp./KJ	Caromont Health/Gaston Memorial Hospital Board of Directors	G Twp./KJ	Term Expiring	Dr. Charles Meakin	12/31/2020
#1-KJ	Gaston County Board of Adjustments	At Large/ALT	Vacant	Vacancy/George Mason	01/31/2022
#1-KJ	Gaston County Housing Board	At Large/ALT	Vacant	Vacancy/George Mason	01/31/2022
#1-KJ	Nursing Home Community Advisory Committee	NHA Appt.	Vacant	Vacancy/Jonathan Fletcher	06/30/2018
#1-KJ	SARA Local Planning Committee (LEPC)	Cooperative Extension/Ex-Officio (Non-Voting)	Term Expiring	David Fogarty	12/31/2020
<u>Tom Keigher</u>					
#6-TK	Adult Care Home Community Advisory Committee	NHA Appt	Vacant	Vacancy/Patricia Lineberger	02/01/2017
G Twp./TK	Council on Aging	At Large	Vacant	Vacancy/Brandy Lineberger	11/30/2019
#6-TK	Nursing Home Community Advisory Committee	NHA Appt.	Vacant	Vacancy/Velda Robinson	06/30/2018
#6-TK	SARA Local Planning Committee (LEPC)	Volunteer Rescue	Term Expiring	Hoyle Withers	12/31/2020
#6-TK	SARA Local Planning Committee (LEPC)	Environmental Health/Ex-Officio (Non-Voting)	Term Expiring	Alexa Hodge	12/31/2020
#6-TK	SARA Local Planning Committee (LEPC)	Law Enforcement	Term Expiring	Michael S Radford	12/31/2020
#6-TK	SARA Local Planning Committee (LEPC)	Citizen At Large	Term Expiring	Michael Nance	12/31/2020
#6-TK	Transportation Advisory Board (TAB)	Chamber of Commerce/Economic Development	Vacant	Vacancy/Comm. Tom Keigher	05/31/2021
#6-TK	Transportation Advisory Board (TAB)	Vocational Rehabilitation	Vacant	Vacancy/Eric F. Davis	10/31/2020
<u>Tracy Philbeck</u>					
#2-TP	Adult Care Home Community Advisory Committee	Commission	Vacant	Vacancy/Judy Wall	10/31/2019
#2-TP	Adult Care Home Community Advisory Committee	Commission	Vacant	Vacancy/Shirley Brannon	04/30/2022
D Twp.	Caromont Health/Gaston Memorial Hospital Board of Directors	D Twp.	Term Expiring	Annette Carter	12/31/2020
#2-TP	Child Fatality Prevention Team (CFPT)	At Large or County Agency Rep.	Vacant	Vacancy/Shannon Childress	01/31/2021
#2-TP	Council on Aging	Region F AAC Delegate	Vacant	Vacancy/Shirley Wiggins	05/31/2021
D Twp.	Economic Development Commission	D Twp.	Term Expiring	Joe D. Carpenter	12/31/2020
#2-TP	Fire Advisory Board	Dist. 2	Vacant	Vacancy/Bryan Robinson	11/30/2020
#2-TP	Juvenile Crime Prevention Council (JCPC)	United Way Rep./ Nonprofit Agency	Vacant	Vacancy/Cody Carpenter	06/30/2019
#2-TP	Region F Aging Advisory Committee	At Large	Vacant	Vacancy/Shirley Wiggins	05/31/2021

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Appointment List

December 29, 2020

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
Ronnie Worley					
#3-RW	Adult Care Home Community Advisory Committee	Commission	Vacant	Vacancy/Effie Locklear	07/31/2022
#3-RW	Adult Care Home Community Advisory Committee	Domiciliary Home Appt.	Vacant	Vacancy/Keith Hart	11/01/2016
#3-RW	Council on Aging	Region F AAC Delegate	Vacant	Vacancy/Pat Rivers	05/31/2022
SP Twp.	Economic Development Commission	SP Twp.	Term Expiring	Richard Cromlish Jr.	12/31/2020
#3-RW	Environmental Review Advisory Board	President Home Builders Association/Designee	Term Expiring	Zack Horne	12/31/2020
#3-RW	Family Advisory Board	Dream Center	Vacant	Vacancy	12/31/2019
#3-RW	Fire Advisory Board	Dist. 3	Term Expiring	Jeffery L Hovis	11/30/2020
#3-RW	Fire Advisory Board	GCVFA President	Vacant	Vacancy	11/30/2020
#3-RW	Health and Human Services Board	Psychologist (PhD)	Vacant	Vacancy/Dr. Ann Navarro	06/30/2017
#3-RW	Health and Human Services Board	Physician (Psychiatrist, MD/DO)	Vacant	Vacancy/Dr. Dirk Klasing	06/30/2021
#3-RW	Nursing Home Community Advisory Committee	NHA Appt.	Vacant	Vacancy/Effie Locklear	06/30/2019
#3-RW	Region F Aging Advisory Committee	Council on Aging Rep.	Vacant	Vacancy/Pat Rivers	05/31/2022
#3-RW	SARA Local Planning Committee (LEPC)	Radio/TV	Term Expiring	Ken Lemon	01/31/2020
#3-RW	SARA Local Planning Committee (LEPC)	Law Enforcement	Vacant	Vacancy/Randy Graham	12/31/2018
#3-RW	Transportation Advisory Board (TAB)	Intercity Bus Operator	Vacant	Vacancy/Cindy Forrester	10/31/2020
#3-RW	Transportation Advisory Board (TAB)	Private Transportation Provider	Vacant	Vacancy/Jason Christopher	10/31/2021

***NOTE:** Quality Natural Resources Committee- Positions Assigned to Full Board.
 Council on Aging - Appointee will automatically serve on the Home & Community Block Grant Advisory Committee
 Nursing Home Community Advisory Committee - Membership Prerequisites for new appointees should be cleared through
 Ruth Murphy (704) 862-7667

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Gaston County

Gaston County
Board of Commissioners
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Board of Commissioners

Board Action

File #: 20-554

Commissioner Philbeck - BOC - To Designate a 2021 NCACC Legislative Goals Virtual Conference Voting Delegate and Alternate

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

The BOC is requested to designate a Voting Delegate and Alternate for NCACC's 2021 Legislative Goals Conference to be held by virtual platform on January 14-15, 2021.

ATTACHMENTS

NCACC Voting Delegate Form



Designation of Voting Delegate to NCACC Legislative Goals Conference

January 14-15, 2021 (Thursday – Friday) | *VIA VIRTUAL FORMAT

Each Board of County Commissioners is hereby requested to designate a commissioner or other official as a voting delegate for the 2021 Legislative Goals Conference *(held via Virtual format). Each voting delegate should complete the following statement and **return it to the Association no later than Monday, January 11, 2021.**

I, _____, hereby certify that I am the duly designated voting delegate for _____ County at the North Carolina Association of County Commissioners 2021 Legislative Goals Conference.

Voting Delegate Name: _____

Title: _____

In the event the designated voting delegate is unable to attend, _____ has been selected as _____ County's alternate voting delegate.

Alternate Voting Delegate Name: _____

Title: _____

Article VI, Section of the Association's Constitution provides:

"On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its County Commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the Board of County Commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues."

Please return this form to Alisa Cobb via email by Monday, January 11, 2021 close of business:

Email: alisa.cobb@ncacc.org