BOARD OF COMMISSIONERS REGULAR MEETING AUGUST 19, 2019 7:00 PM

R. JAY FOSTER HALL OF JUSTICE WOMACK BUILDING COLUMBUS, NC

1. Call to Order - Chairman Melton.
2. Invocation - Commissioner Gasperson.
3. Pledge of Allegiance - Chairman Melton.
4. Appointment of New Commissioner
   A. To make the appointment recommended by the Executive Committee of the Republican Party of Polk County.
      Motion to appoint David Moore to the Board of Commissioners, as recommended by the Executive Committee of the Republican Party.
   B. Sheila Whitmire, Register of Deeds will swear Mr. Moore into office.
5. Approval of Agenda
   A. Items may be added or deleted at this time.
      Motion to approve agenda.
6. Consent Agenda
   A. August 5, 2019 special and regular meeting minutes.
   B. Schedule Public Hearing for NCDOT plan for Monday, September 9, 2019 at 7:00pm in the R. Jay Foster Hall of Justice.
   C. Vaya Health Quarterly Report ending June 30, 2019.
   D. Grant application for State aid to public libraries.
      Motion to approve consent agenda.
7. Citizen Comment(s)
8. Medicaid Transformation - Christina Dupuch, Chief Community Operations Officer and Community Relations Team, and Angela Garner Vaya Health will present the information.
9. Polk County Schools Resolution for Four Year Computer Lease Program - Aaron Greene Superintendent will present.
   Motion to approve resolution.
10. Tax refund requests through August 13, 2019 in the amount of $26,432.02 - Melissa Bowlin Tax Administrator will be present.

Motion to approve.

11. Surplus Real Property Policy and Procedures - County Attorney Jana Berg will present. the information.

    Motion to approve.

12. Surplus Foreclosed Real Property Disposal - County Attorney Jana Berg will present the information.

    Motion to approve.

13. Volunteer Board Application(s)

    A. Applications for Vote: Nancy Hasselbring, Martin Keynton, Stephen King, Brandon Knox, Laurel Pyatt, Charles Rounds, Margo Savage Animal Cruelty Investigators.

       Motion to approve.

    B. Applications for Review: Robert Scruggs and William Smith, Tryon Fire Tax Commission.

14. Commissioner Comment(s)

15. Adjournment

Republican Party of Polk County, North Carolina
33 South Peak Street
Columbus, NC 28722
P.O. Box 448

RECEIVED
AUG 14 2019
Polk County, NC

August 14, 2019

To: The Polk County NC Board of Commissioners:

This letter is to notify you that last evening, the members of the Executive Committee of the Polk County Republican Party formally and unanimously elected David Moore, current member of the Polk County Board of Elections, to replace the vacancy created by Jake Johnson's resignation on August 4, 2019. All the voting members of the Executive Committee were present, and they are as follows:

Tim Koch, Chairman
Dick Shaughnessy, Vice Chair
Anita Koch, Secretary
Eugene Comiskey, Treasurer
Jan Stewart, Finance and Events Chair
William Cumming, Digital Operations and Political Action Chair

Respectfully,
Anita Koch
Secretary

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
8/5/19 Special Meeting Minutes	Cover Memo	8/15/2019
8/5/19 PH & REG MTG minutes	Cover Memo	8/15/2019

POLK COUNTY BOARD OF COMMISSIONERS
Special Meeting
August 5, 2019 - 8:45 AM
R. Jay Foster Hall of Justice - Womack Building
Columbus, NC
MINUTES

PRESENT: Chairman Melton, Vice-Chairman Yoder, Commissioner Beiler, Commissioner Gasperson, and Commissioner Johnson. Also in attendance were County Manager Pittman, County Attorney Berg, Clerk to the Board High, media and citizens.

1. Call to Order
Chairman Melton called the special meeting to order.

2. Invocation
Chairman Melton gave the invocation.

3. Pledge of Allegiance
Vice-Chairman Yoder led the pledge.

4. To consider accepting the resignation of Commissioner Jake Johnson.

Chairman Melton asked if anyone in attendance would like to speak, and four citizens spoke recognizing Commissioner Johnson's achievements in Polk County and wishing him well as he moved on to a State position.

Each Commissioner, County Manager, County Attorney, County Clerk, Register of Deeds, and Sheriff spoke expressing their warm wishes for Commissioner Johnson as he moves on, to his position at the State, and acknowledged with pride, the impact his presence as a Commissioner had made in Polk County.

Commissioner Johnson said it was an honor to serve as a Polk County Commissioner. He said he is not stopping his service to the people of Polk County, just expanding it to State level.

Vice-Chairman Yoder moved to accept Commissioner Johnson's resignation, seconded by Commissioner Beiler and the motion carried unanimously.

Superior Court Judge Peter Knight swore Mr. Johnson into office as a member of the North Carolina House of Representatives.

5. Adjournment

Vice-Chairman Yoder moved to adjourn, seconded by Commissioner Beiler and the motion carried unanimously.

POLK COUNTY BOARD OF COMMISSIONERS
Public Hearing & Regular Meeting
August 5, 2019 - 7:00 PM
R. Jay Foster Hall of Justice - Womack Building
Columbus, NC
MINUTES

PRESENT: Chairman Melton, Vice-Chairman Yoder, Commissioner Beiler, and Commissioner Gasperson. Also in attendance were County Manager Pittman, County Attorney Berg, Clerk to the Board High, media and citizens.

1. Public Hearing

   A. Chairman Melton called to order the Public Hearing to discuss new Polk County road names. The purpose of the public hearing was to receive citizen input on new road names requested within Polk County's jurisdiction. The public hearing was properly advertised in the Tryon Daily Bulletin.

   B. Citizen Comments - There were none.

   C. Commissioner Comments - There were none.

   D. Commissioner Gasperson moved to adjourn the public hearing, seconded by Commissioner Beiler and the motion carried unanimously.

2. Call to Order the Regular Meeting - Chairman Melton.

3. Invocation - Commissioner Beiler.

4. Pledge of Allegiance - Commissioner Gasperson.

5. Approval of Agenda

   A. County Attorney Berg requested adding Closed Session for attorney client privilege and personnel, and Manager Pittman requested adding the NCACC voting delegate appointment.

   Vice-Chairman Yoder moved to approve agenda with requested changes, seconded by Commissioner Beiler and the motion carried unanimously.

6. Consent Agenda

   Vice-Chairman Yoder moved to approve the consent agenda, seconded by Commissioner Beiler and the motion carried unanimously.

   A. July 22, 2019 regular meeting minutes.
   B. Home and Community Care Block Grant for Older Adults Agreement.
   C. Tax refund requests through July 31, 2019 in the amount of $708.16.

7. Citizen Comment(s)

   Three citizens spoke regarding the farmer's market, and the new position in the Agricultural Economic Development Department.

7.A. North Carolina Association of County Commissioners (NCACC) Voting Delegate.

Chairman Melton said due to Jake Johnson's resignation as Commissioner and his recent appointment to the NC House of Representatives, a new voting delegate must be appointed to represent the Board at the annual NCACC Conference.

Vice-Chairman Yoder moved to appoint Ray Gasperson as the Polk County NCACC voting delegate, seconded by Commissioner Beiler and the motion carried unanimously.

8. Proposed New Road Names - EQUESTRIAN WAY, COTTONWOOD RIDGE, PINEWOOD TRAIL, MOON SHADOW TRACE, & TURTLE HOLLOW.

Commissioner Beiler moved to approve the new road names as requested, seconded by Vice-Chairman Yoder and the motion carried unanimously.

9. Consolidated Human Services Agency Name Change Request.

Joshua Kennedy, Consolidated Health and Human Services Director stated following the Commissioners decision to withdrawal from the three county health district, Rutherford, Polk, McDowell (RPM), the Consolidated Human Services Agency (CHSA) board unanimously voted at their May 2019 meeting to recommend changing the official name of the agency to the Polk County Health and Human Services Agency (HHSA) to reflect the addition of public health as a new and fundamental component of the agency. He further explained this name is the more common naming convention for those counties who have consolidated both Public Health and Social Services, as well as other county functions. He said the board has reaffirmed their recommendation of the name change at their July 2019 board meeting by recommending the name change in the by-laws, as well.

Vice-Chairman Yoder moved to approve changing the name of the Consolidated Human Services Agency (CHSA) to the Polk County Health and Human Services Agency (HHSA), seconded by Commissioner Beiler and the motion carried unanimously.

10. Consolidated Human Services Agency Board By-Law Update.

Joshua Kennedy, Health and Human Services Agency (HHSA) Director said the by-law change is needed to incorporate the newly approved name change, and to include more formal language for committee designees, and these changes are recommended by the CHSA /HHSA board.

Vice-Chairman Yoder moved to approve the by-law changes as presented, seconded by Commissioner Beiler and the motion carried unanimously.

11. Agricultural Economic Development (AED) Department Position Change - Dawn Jordan, AED Director, will present the request.

Dawn Jordan Agricultural Economic Director said her department has had the opportunity to offer service positions to AmeriCorps Service members for the past nine years. However, they are only here for eleven months and when they move on so does the training and investment made in to the AmeriCorps individuals. Mrs. Jordan said for this reason she is requesting one part-time employee instead of the two new AmeriCorps positions included in the budget. She said there will be no added expense to her budget, there will be less travel expense, and the training received by the employee will be retained to better serve the citizens of Polk County.

Vice-Chairman asked why this position could not be used just for the farmers market. Manager Pittman said Mrs. Jordan will be coordinating the farmer's market and this position will support her with the market via social media and on the ground at the market each week.

Commissioner Beiler moved to approve a new part time position to the Agricultural Economic Development Department instead of the two Americorps positions, not to exceed the amount budgeted, seconded by Commissioner Gasperson and the motion passed.
Ayes: Beiler, Gasperson, Melton
Nays: Yoder

Commissioner Gasperson moved to approve the budget amendment to move funds within the AED department from professional services to salaries for the new part-time position, not to exceed $22,756.50, seconded by Commissioner Beiler and the motion carried unanimously.

12. Surplus Real Property Policy and Procedures.

Attorney Berg requested the Board of Commissioners review the attached Policy and Procedure for the Sale or Disposal of Real Property that meets or exceeds the statutory guidelines. The policy would be for the sale or disposition of all real property owned by the county. She said an advisory ad hoc committee was formed consisting of the County Manager, County Attorney, Finance Director, Clerk to the Board, Tax Administrator and Information Technology Director.

13. Surplus Foreclosed Real Property Disposal.

Attorney Berg requested the Board of Commissioners review Procedure for Declaring Real Property Acquired by Tax Foreclosure as Surplus and to authorize the County Manager to declare as surplus property acquired by the county through tax foreclosure that serves no useful governmental function or is of no use to the county. She said there will be a ten day waiting period for upset bids each time a new bid is received, and the Commissioners would have all final say on acceptance of bids. Commissioner Gasperson questioned if county employees or their relatives are eligible to bid on foreclosed property. Attorney Berg said this policy does not allow for county employees or their relatives to bid. She said that exclusion is not a requirement by law, but was included as board preference, and it may be removed or amended if the board desires.

14. Volunteer Board Application(s)

A. Applications for Vote: Ambrose Mills Economic & Tourism Development Commission; Linley Foster Consolidated Health & Human Services Agency Board; Catherine Bond Recreation Advisory Board; John Brodie, and Edward Goettert Recycling Advisory Board; Hubb Arledge Tryon Fire Tax Commission.

Commissioner Gasperson moved to approve all applicants as presented, seconded by Vice-Chairman Yoder and the motion carried unanimously.

B. The Commissioners reviewed the applications of Nancy Hasselbring, Martin Keynton, Stephen King, Brandon Knox, Laurel Pyatt, Charles Rounds, Margo Savage for Animal Cruelty Investigators.

15. Commissioner Comment(s)
The Commissioners thanked everyone for coming out to the meeting. They expressed appreciation for all that committed and shared their opinions. They all agreed Mr. Johnson would be missed as part of the Board, and believe he will excel and do a great job as our State Representative.

A. Commissioner Beiler moved to go into closed session for the purpose of attorney client privilege and personnel, seconded by Vice-Chairman Yoder and the motion carried unanimously.

B. Commissioner Gasperson moved to return to open session, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Attorney Berg stated no action was taken during closed session.

16. Adjournment
Commissioner Beiler moved to adjourn the meeting, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Attest:

Ange High
Clerk to the Board

POLK COUNTY BOARD OF COMMISSIONERS

_____

Tommy W. Melton
Chairman

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: B.

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: C.

ATTACHMENTS:

Description	Type	Upload Date
Vaya Health Quarterly Report	Cover Memo	8/9/2019

VAYAHEALTH

Vaya Health
200 Ridgefield Court, Suite 206
Asheville, NC 28806
1-800-893-6245
www.vayahealth.com

T. Clark Phillip, CPA, CGMA
Chief Financial Officer

July 31, 2019

Re: Vaya Health Quarterly Report to the Counties for the Period Ended June 30, 2019

Dear County Representatives:

Enclosed you will find the unaudited financial information for Vaya Health as of and for the fiscal year ended June 30, 2019. I encourage you to contact me directly if you have any questions.

We have also added a companion report, Vaya Health Total Spendable Cash, that explains in greater detail the amount of cash available for operations. As you may be aware, there is a significant amount of discussion on LME MCO cash balances, often reflecting incomplete or inaccurate information. The most blatantly misleading aspect of the misrepresentation of the LME/MCOs cash position has to do with including the Medicaid Risk Reserve in the cash available for LME/MCOs to spend. The Medicaid Risk Reserve funds may be spent only in the case of insolvency to pay claims of providers and must receive the prior written approval of the NC DHHS. This is well documented in the:

- North Carolina General Statutes 122C – 124.2,
- North Carolina Medicaid contract with the LME/MCOs,
- Strategic Plan for Improvement of Behavioral Health Services report dated January 31, 2018 to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, and
- LME/MCO Solvency Report dated October 15, 2018 to the Joint Legislative Oversight Committee on Health and Human Services.

The restricted and unavailable Medicaid Risk Reserve is approximately $44.6 million (about 47%) of Vaya's total cash and investments of $94.3 million at June 30, 2019.

To help with understanding the Fiscal Monitoring Report and the Vaya Health Total Spendable Cash report we are also including an attachment with explanations of the categories used to create the reports.

I will be contacting you directly in the future to discuss the reports and to solicit any suggestions you have for improvement. If you have any immediate questions or comments, please don't hesitate to contact me via the information at the bottom of this page.

Very truly yours,

T. Clark Phillip
Chief Financial Officer

Office: (828) 225-2785 X 5164 Mobile: (843) 709-5291
Email: clark.phillip@vayahealth.com

Fiscal Monitoring Report

LME / MCO NAME: VAYA HEALTH FOR THE PERIOD ENDING: 6/30/19 (Preliminary - Unaudited)

# of month in the fiscal year (July = 1, August = 2, . . . , June = 12) ========> 12

1. REPORT OF BUDGET VS. ACTUAL	(1) PRIOR YEAR 2017-2018 BUDGET	(2) PRIOR YEAR 2017-2018 ACTUAL	(3) CURRENT YEAR 2018-2019 BUDGET	(4) CURRENT YEAR 2018-2019 ACTUAL YR-TO-DATE	(5) BALANCE (Col. 3-4)	(6) ANNUALIZED PERCENTAGE
REVENUE						
Interest Earned	303,558	354,602	525,000	548,242	(23,242)	104.43%
Rental Income	53,772	53,772	53,772	53,772	-	100.00%
Appropriation of Fund Balance	19,622,829	-	10,086,212	-	10,086,212	0.00%
Other Local	1,349,839	1,378,145	1,132,835	879,390	253,445	77.63%
Total Local Funds	21,329,998	1,786,519	11,797,819	1,481,404	10,316,415	12.56%
County Appropriations (by County, includes ABC Funds):						
Alexander County	50,000	50,000	50,000	50,000	-	100.00%
Alleghany County	115,483	115,483	115,483	115,483	-	100.00%
Ashe County	189,566	189,566	189,566	189,566	-	100.00%
Avery County	89,600	89,600	89,600	89,600	-	100.00%
Buncombe County	600,000	600,000	600,000	600,000	-	100.00%
Caldwell County	119,628	120,353	120,418	118,401	2,017	98.32%
Cherokee County	75,000	75,000	75,000	75,000	-	100.00%
Clay County	15,000	15,000	15,000	15,000	-	100.00%
Graham County	6,000	6,000	6,000	6,000	-	100.00%
Haywood County	101,900	99,122	101,900	102,334	(434)	100.43%
Henderson County	528,612	528,612	528,612	528,612	-	100.00%
Jackson County	123,081	123,081	123,081	123,081	-	100.00%
Macon County	106,623	106,623	106,623	106,623	-	100.00%
Madison County	30,000	30,000	30,000	30,000	-	100.00%
McDowell County	67,856	67,856	67,856	67,856	-	100.00%
Mitchell County	18,000	18,000	18,000	18,000	-	100.00%
Polk County	78,491	78,310	78,719	78,919	(200)	100.25%
Rutherford County	102,168	102,168	102,168	102,168	-	100.00%
Swain County	24,091	26,370	26,266	26,687	(421)	101.60%
Transylvania County	99,261	99,261	99,261	99,261	-	100.00%
Watauga County	171,194	171,194	171,194	171,194	-	100.00%
Wilkes County	267,354	268,047	268,316	268,524	(208)	100.08%
Yancey County	26,000	26,000	26,000	26,000	-	100.00%
Total County Funds	3,004,908	3,005,647	3,009,063	3,008,309	754	99.97%
DMH/DD/SAS State and Federal Funding	79,480,519	76,394,920	88,749,212	84,330,789	4,418,423	95.02%
DHB Capitation Funding (Medicaid)	329,980,398	322,970,297	334,381,987	327,305,668	7,076,319	97.88%
DHB Risk Reserve Funding (Medicaid)	6,734,294	6,617,747	6,824,122	6,638,991	185,131	97.29%
All Other State/Federal Funds	255,900	283,800	528,000	561,397	(33,397)	106.33%
Total State, Federal and Medicaid Funds	416,451,111	406,266,764	430,483,321	418,836,845	11,646,476	102.66%
TOTAL REVENUE	440,786,017	411,058,930	445,290,204	423,326,558	21,963,645	95.07%
EXPENDITURES:						
Administration	60,972,480	46,689,397	58,210,453	46,504,718	11,705,735	79.89%
LME Provided Services (Service Support)	1,653,575	1,444,386	1,871,662	1,586,058	285,604	84.74%
Provider Payments (State Funds)	68,436,869	67,734,777	70,480,937	63,660,069	6,820,868	90.32%
Provider Payments (Federal Funds)	13,412,541	12,886,062	12,111,697	10,136,176	1,975,521	83.69%
Provider Payments (County Funds)	3,029,656	2,954,234	3,081,095	2,965,468	115,627	96.25%
Provider Payments (Medicaid)	292,504,052	286,272,614	298,760,070	298,649,141	110,929	99.96%
Shelter Plus Care Grant Expenditures	776,844	765,618	774,290	790,266	(15,976)	102.06%
TOTAL EXPENDITURES	440,786,017	418,747,088	445,290,204	424,291,896	20,998,308	95.28%
Net Income or (Loss) (from Operations and Risk Reserve)		(7,688,159)		(965,337)		
Less Risk Reserve Revenue		(6,617,747)		(6,638,991)		
NET INCOME OR (LOSS) FROM OPERATIONS		(14,305,906)		(7,604,329)		
2. FUND BALANCE						
Restricted Fund Balance for Risk Reserve		37,963,258		44,602,249		
Restricted Fund Balance - State Statute, Prepaids & Investment in Fixed Assets		12,851,247		16,970,835		
Unrestricted Fund Balance (including Board Commitments)		27,880,650		16,156,733		
TOTAL FUND BALANCE		78,695,156		77,729,817		
3. CURRENT CASH POSITION						
Current Cash in Bank (Including Risk Reserve)				94,274,334		
Less Risk Reserve Cash				(44,602,249)		
TOTAL OPERATING CASH				49,672,084	*See additional Document	
4. ESTIMATED SERVICES INCURRED BUT NOT REPORTED/PAID (IBNR)				18,220,564		

Vaya Health Total Spendable Cash As of June 30, 2019 (Preliminary - Unaudited)	
Total Operating Cash (Excluding Risk Reserve)	49,672,084
Less Single Stream Reduction Balance	(4,402,631)
Less Accounts Payable	(27,733,045)
Plus Accounts Receivable	11,381,140
Less Annual Leave Payout Liability	(2,028,366)
Less Other Post Employment Benefits Liability	(2,122,000)
Less 30 Days Cash	(34,873,306)
Spendable Cash	(10,106,124)

In accordance with G.S. 122C-124.2(e)(3), the risk reserve's purpose is to pay outstanding liabilities (unpaid claims) to providers in cases of insolvency and not intended to be used for operating costs. These resources are not available for payment of non-provider claims and may not be accessed by the LME MCO without written consent from DHHS.

COMMENTS AND EXPLANATIONS

FISCAL MONITORING REPORT

The report is divided into four sections:

- Section 1 contains budget versus actual information for the prior year and current year.
  - Revenue
    - Total Local Funds
    - Total County Funds
    - Total State, Federal, and Medicaid Funds
    - Total Revenue
  - Expenditures
  - Net Income or (loss) from operations
    - Net Income or (Loss) (from Operations and Risk Revenue) includes the Medicaid Risk Revenue that by statute the state will not allow LME MCOs to access.
    - Less Risk Reserve Revenue is the amount of Medicaid Risk Reserve Revenue included in the Net Income or (Loss) (from Operations and Risk Revenue) even though the LME/MCO does not have access to those funds.
    - Net Income or (Loss) from Operations is the true operating income or (loss) not counting the Medicaid Risk Revenue that is restricted by state statute and not accessible to the LME/MCO.
- Section 2 Fund Balance contains information on the restricted and unrestricted components that comprise the Fund Balance.
  - Restricted Fund Balance for Risk Reserve contains the amount of Medicaid Risk Reserve that is restricted by statute and not accessible to the LME/MCO.
  - Restricted Fund Balance – State Statute, Prepaids & Investments in Fixed Assets represents amounts of funds already expended but not yet expensed or fully depreciated that are not readily available for use by the LME/MCO.
  - Unrestricted Fund Balance (Including Board Commitments) are funds available for use.
  - Total Fund Balance represents the sum of the restricted and unrestricted fund balances.
- Section 3 Current Cash Position contains information on cash that is available for use and cash that is restricted by state statute and is not available for use.
  - Current Cash in Bank (Including Risk Reserve) represents Vaya's total cash and investments including the Medicaid Risk Reserve, that is restricted by state statute and unavailable for use by the LME/MCO.
  - Less Risk Reserve Cash – Set Aside is the amount of Medicaid Risk Reserve that is restricted by state statute and unavailable for use by the LME/MCO.
  - Total Operating Cash is the amount of cash and investments that are available for the LME/MCO to use. It does not include funds that are unavailable to the LME/MCO such as the Medicaid Risk Reserve.
- Section 4 Estimated Services Incurred But Not Yet Reported (IBNR) represents an estimate based on historical claims patterns for services that have been received by recipients, but have not yet been billed by providers or, received and paid by the LME/MCO.

VAYA HEALTH TOTAL SPENDABLE CASH

This report starts with the Total Operating Cash contained in Section 3 of the Fiscal Monitoring Report and adds or subtracts items that will be paid or received in the future. It also subtracts an amount equal to 30 days operating cash (approximately $1.1 million per calendar day) to show the amount of unrestricted cash that is prudently available for use should there be unforeseen interruptions in revenue .

Total Cash (Excluding Risk Reserve) ties to Total Operating Cash in Section 3 of the Fiscal Monitoring Report.

Less Accounts Payable represents the total amount of the items to be paid for both services (claims incurred but not reported or paid) and items to be paid for non-service items.

Plus Accounts Receivable represents the total amount of funds to be collected in the future.

Less Annual Leave Payout represents the liability for unused annual leave to be taken or paid out if the employee leaves the company.

Less Post Employment Benefits represents the liability for vested retirement benefits.

Less 30 Days Cash represents a minimal period of time to keep a cushion of cash to continue operations should there be unforeseen interruptions in revenue. The current level of cash used for operations (including services and administration) is approximately $1.1 million per calendar day.

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: D.

ATTACHMENTS:

Description	Type	Upload Date
Library Grant Application	Cover Memo	8/15/2019

Suggested Motion:
Motion to approve consent agenda.

STATE LIBRARY of NORTH CAROLINA

APPLICATION FOR STATE AID TO PUBLIC LIBRARIES

State Fiscal Year 2019 - 2020

(Submit **one** form only)

The type of library and its governance determine the signature required on this document:

County Library: Chair of County Commissioners
Municipal Library: Chair of Town/City Council
Regional Library: Chair of Regional Board of Trustees
Independent County Library: Chair of Board of Trustees

I, Tommy W. Melton
Print Name

Chairman, Board of Comm.
Print Title

certify that

Signature

Polk County Public Libraries
Name of Library

meets the following requirements and hereby applies for funding from the Aid to Public Libraries Fund.

07 NCAC 02I .0201 QUALIFICATIONS FOR GRANT ELIGIBILITY

Libraries requesting funding from the Aid to Public Libraries Fund shall submit annually to the State Library of North Carolina an application for State Aid and supporting documentation including financial and statistical reports and shall meet the following eligibility requirements:

(1) Be established consistent with the provisions of Article 14, Chapter 153A of the North Carolina General Statutes.
(2) Provide library services in compliance with applicable State and Federal law to all residents of the political subdivision(s) supporting the library. Public library services shall be provided from at least one designated facility with a catalogued collection that is open to the public a minimum of 40 hours per week.
(3) Employ a full-time library director having or eligible for North Carolina public librarian certification. Full-time means working a minimum of 35 hours per week.
(4) Secure operational funds from local government sources at least equal to the average amount budgeted and available for expenditure for the previous three years. A grant to a local library system from the Aid to Public Libraries Fund shall not be terminated but shall be reduced proportionately by the Department if the amount budgeted and available for expenditure by local government is below the average of the previous three fiscal years. State funds shall not replace local funds budgeted and available for expenditure for public library operations.
(5) Secure aggregate operational funds from local sources at least equaling state aid.
(6) Expend funds as authorized in the budget adopted by the Board of Trustees of a Regional Library, a County, or a Municipality. Any library having an unencumbered operational balance of more than 17 percent of the previous year's operating receipts shall have the difference deducted from its state allocation.
(7) Pay salaries for professional positions funded from the Aid to Public Libraries Fund at least at the minimum rate of a salary grade of GN10 as established by the Office of State Personnel.
(8) Provide to the State Library of North Carolina an annual audit of the political subdivision(s) funding the library consistent with generally accepted accounting principles.
(9) Submit annually to the State Library of North Carolina a copy of the bylaws of the library system's Board(s) of Trustees.
(10) Submit annually a current long-range plan of service to the State Library of North Carolina. A long-range plan of service is a plan of at least five years. Upon request, submit an assessment of a community's library needs to the State Library of North Carolina.
(11) Submit a copy of the agreement establishing the library system, if composed of more than one local governmental unit.
(12) Meet the following stipulations when establishing a new library or re-establishing eligibility for the Aid to Public Libraries Fund:
  (a) meet all qualifications for the state aid to public libraries program on July 1 of the year prior to the fiscal year that the library plans to receive State Aid,
  (b) continue to meet all qualifications for the state aid to public libraries program from July 1 to June 30 of that year, which shall be known as the demonstration year,
  (c) file a full application for state aid by the June 30 deadline at the close of the demonstration year in order to receive state aid in the next fiscal year.

Application Reviewed and Accepted: _____ **Date:** _____

Submit application to
sladmin@ncdcr.gov

Subject: State Aid

Please retain originals for your files.

Deadline for submission of
FY July 1, 2019 - June 30, 2020
State Aid application

September 13, 2019

SL/LD
Rev. 06/19

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: 9.

ATTACHMENTS:

Description	Type	Upload Date
Resolution for School Board Computer Lease	Cover Memo	8/15/2019

Suggested Motion:
Motion to approve resolution.

JOINT RESOLUTION OF THE
POLK COUNTY BOARD OF COMMISSIONERS
AND THE POLK BOARD OF EDUCATION
POLK COUNTY, NORTH CAROLINA

THIS RESOLUTION is adopted by both the Polk County Board of Education ("Board of Education") and the Polk County Board of Commissioners ("Board of Commissioners") on the dates indicated below.

WHEREAS, the Board of Education wishes to enter into a continuing contract for capital outlay under N.C. Gen. Stat. §§ 115C-441(c1) and 528(a) for the lease-purchase of telecommunications equipment for Polk County Schools ("Contract");

WHEREAS, the Contract, including finance payments and equipment "end-of-term" purchase option, will not exceed ONE HUNDERED EIGHTY SIX THOUSAND SIX HUNDRED AND NO/100 DOLLARS ($186,600) and will be financed by Trinity3, LLC, dba Trinity3 Financial Services (hereafter "Vendor");

WHEREAS, the Board of Education will pay the total cost of the Contract in installments over a period of forty-eight (48) months;

WHEREAS, the Board of Education will finance the cost of the Contract out of its existing budget in each of those fiscal years;

WHEREAS, pursuant to N.C. Gen. Stat. § 115C-528(g), the Contract must be treated as a continuing contract for capital outlay subject to the provisions of N.C. Gen. Stat. § 115C-441(c1);

WHEREAS, the Contract between the Board of Education and the Vendor is not an obligation of the County of Polk and does not require direct funding from the Board of Commissioners to the Board of Education for successive years;

WHEREAS, pursuant to N.C. Gen. Stat. § 115C-528(i), no action for any deficiency may lie against the County of Polk or the Board of Education and the taxing power of the County of Polk is not, and may not, be pledged directly or indirectly to secure any moneys due under a contract;

WHEREAS, the Board of Education's budget resolution for the fiscal year 2018-2019 includes an appropriation authorizing the payment for that year's portion of the obligation; and

WHEREAS, although the Board of Education and the Board of Commissioners agree that the entire cost of the contract will be covered by the Board of Education's existing budget, the contract is nevertheless being approved by resolution of the Board of Commissioners in order to comply with the technical requirements of N.C. Gen. Stat. § 115C-441(c1) to the extent such requirements are applicable.

NOW, THEREFORE, BE IT HEREBY RESOLVED, per N.C. Gen. Stat. § 115C-441(c1), that the Board of Commissioners, subject to the foregoing, agree to appropriate sufficient funds to the Board of Education in ensuing fiscal years in an amount which is sufficient to meet the contract obligations incurred by the Board of Education for this Project, so long as the amount the Board of Education shall be obligated to pay under the Contract shall not exceed the amounts recited above. The Board of Education understands and expressly agrees that said funds shall be a part of, and not in addition to, the regular appropriations made to the Board of Education.

Adopted, this __ day of _____, 2019

Polk County
Board of Commissioners

_____
Chair

Adopted, this 12 day of August, 2019

Polk County
Board of Education

Rick Corn
Chair

Approved to Form:

_____
Phillip R. Feagan
Attorney, Polk County Board of Education

_____
Polk County Attorney

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: 10.

ATTACHMENTS:

Description	Type	Upload Date
Tax Refund Requests	Cover Memo	8/12/2019

Suggested Motion:
Motion to approve.

Memorandum

To: Polk County Board of Commissioners

From: Melissa Bowlin, Polk County Tax Administrator

Date: 8/13/2019

Re: Refund Request

Taxpayer	Parcel	Amount	Reason
State Employees Credit Union		$ 1,241.54	Overpayment/Double Payment
Corelogic 'Lender"		$ 13,534.28	Overpayment/Double Payment
Lereta LLC- Covina Data Center		$ 1,601.97	Overpayment/Double Payment
Hometrust Bank		$ 2,486.75	Overpayment/Double Payment
PHH Mortgage Corp/Rocgester		$149.94	Overpayment/Double Payment
Chase		$ 869.08	Overpayment/Double Payment
BB & T Mortgage		$ 715.04	Overpayment/Double Payment
First Citizens Mortgage SVC		$ 1,710.95	Overpayment/Double Payment
Wells Fargo Real Est Tax SVC		$ 3,062.96	Overpayment/Double Payment
Entegra Bank		$ 1,059.51	Overpayment/Double Payment
TOTAL:		**$ 26,432.02**	

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: 11.

Presenter: County Attorney Berg

ATTACHMENTS:

Description	Type	Upload Date
Policy and Procedure for the Sale or Disposal of Real Property	Cover Memo	7/30/2019

Action Requested:
Request the Board of Commissioners consider adopting the attached Policy and Procedure for the Sale or Disposal of Real Property that meets or exceeds the statutory guidelines for the sale or disposition of real property owned by the county.

Suggested Motion:
Motion to approve.

Advisory Committee:
Ad Hoc Staff Advisory Committee consisting of County Manager, County Attorney, Finance Director, Clerk to the Board, Tax Administrator and Information Technology Director recommends approval.

Policy and Procedure for the Sale or Disposal of Real Property

I. Purpose

To establish a policy and procedure that meets or exceeds the statutory guidelines for the sale or disposition of real property.

II. Policy

It is the policy of Polk County that all real property be declared surplus prior to disposition or sale of real property.

All offers must be in writing. The minimum offer amount for surplus real property acquired through foreclosure must be in an amount that meets or exceeds the County's bid at the foreclosure sale plus costs incurred by the County post-sale related to the property or fifty percent (50%) of the current tax value, whichever is less. All offers meeting the minimum offer amount must be presented to the Board of Commissioners for consideration.

After the real property has been declared surplus, and of no further use to the County, the County may sell or dispose of the real property by the approved "Methods of sale; limitations" as described in G.S. 160A-266.

Except as permitted under G.S. 160A-271 for property exchanges, under G.S. 160A-277 for sales to volunteer fire departments & rescue squads, and under G.S. 160A-279 for sales to non-profits carrying on a public purpose, all sales of real property, regardless of the dollar amount, must be sold using a competitive procedure. The three basic competitive sales procedures are:

- Advertisement for Sealed Bids (G.S. 160A-268)
- Negotiated Offer, Advertisement and Upset Bids (G.S. 160A-269)
- Public or Electronic Auction (G.S. 160A-270)

The Board shall identify and authorize the method of sale or disposal method to be utilized. The Board may authorize the County Manager to declare certain classes of real or personal property as surplus and authorize the County Manager offer the property for sale.

The Board has the right to withdraw the property from sale at any time, and the right to accept or reject all bids.

Sale or Disposal of Real Property - Continued

II. Policy - Continued

County officials, employees, their spouses, children, grandchildren, and parents are prohibited from bidding on and purchasing surplus County real property under this policy.

Federal and State Grant Funds: Any real property that the County wishes to dispose of that was acquired in whole, or in part, with state or federal grant funds must satisfy any conditions imposed by such grants prior to the sale of the property.

III. Procedure

1. All offers received shall be in writing.

2. All offers shall be accompanied by a minimum five percent (5%) bid deposit. Bid deposits must be in the form of cash, cashier's check, or certified check.

3. Bid deposits shall be submitted to the Finance Department.

4. All offers will be presented to the Board of Commissioners with the following information to aid in their deliberations:

    - Parcel Tax ID#
    - Tax Property Record Card
    - Current Tax Value
    - Parcel Map
    - Area Map

5. If the Board of Commissioners accepts the offer, the Board shall authorize the County Manager or his designee to conduct the sale.

6. Depending on the authorized method sale, one of the following competitive procedures as outlined below will begin: Advertisement of Seal Bids, Negotiated Offer, Advertisement and Upset Bids, Electronic Auction or Public Auction.

Sale or Disposal of Real Property - Continued

Ill. Procedure - Continued

Advertisement for Sealed Bids (G.S. 1 60A-268)

Sale is advertised one time, published in a local newspaper and/or electronically advertised at least 30 days before bid opening;

- Sealed bids are received and opened in public on the official time and date; no offers will be received or considered after the official time and date;
- All offers are reported to the Board of Commissioners;
- The property shall be sold to the highest responsible bidder;
- Board has the right to accept or reject the offer.

Negotiated Offer, Advertisement and Upset Bids (G.S. 160A-269)

- Offer is advertised, either in a local newspaper, and/or electronically, and potential bidders are given 10 days to submit a higher bid;
- Upset bids must raise the original bid by an amount at least ten percent (10%) of the first $1,000 of that bid and five percent (5%} of the remainder;
- All upset bids shall be accompanied by a minimum 5% bid deposit based on the amount of the new upset bid;
- The highest upset bid becomes the new offer, the new offer is published, and the process is repeated;
- Once no upset bid is received within the 10-day period from date of publication, the County Manager or his/her designee will present the high bid to the Board of Commissioners;
- Board has the right to accept or reject the offer.

Sale or Disposal of Real Property - Continued

Ill. Procedure - Continued

Electronic Auction: **(Real Property)** (G.S. 160A-270)

- The Clerk to the Board will prepare a Resolution "Authorizing Electronic Sale" to present to the Board of Commissioners;
- The Resolution shall describe the property being sold, specify date, time, place and terms of sale, and state that any offer or bid must be accepted and confirmed by the Board before the sale will be effective. In addition, the electronic address of where bids can be submitted must be included.
- Notice is published/advertised one time, either published in a local newspaper and/or advertised electronically, at least 30 days before the start of the sale;
- Auction is held electronically;
- After bids have been received and auction closes, the highest bid shall be reported to the Board.
- The Board will accept or reject the bid within 30 days after the bid is reported.

Public Auction **(Real Property)** (G.S. 160A -270)

- The Clerk to the Board will prepare a Resolution "Authorizing Public Auction Sale" to present to the Board of Commissioners;
- The Resolution shall describe the property being sold, specify date, time, place and terms of sale, and state that any offer or bid must be accepted and confirmed by the Board before the sale will be effective.
- Notice is published/ advertised one time, either published in a local newspaper and/or advertised electronically, at least 30 days before sale;
- Auction is held by a County representative or auctioneer;
- Live auction is held;
- After bids have been received and auction closes, the highest bid shall be reported to the Board
- The Board will accept or reject the bid within 30 days after the bid is reported.

Sale or Disposal of Real Property - Continued

7. All sales for real property must be sent back to the Board of Commissioners for final approval.

8. If the successful bidder does not make final payment within 30 days, the County may declare the bid deposit as forfeit, place the deposit into the general fund, and place the property for sale as provided above.

9. All Property shall be sold "AS IS" with no guarantee or warranty as to condition, title or suitability for any purpose.

10. All real property will be transferred to the successful purchaser or bidder by a NC Special Warranty Deed.

11. Bid deposits shall be refunded to all unsuccessful bidders.

12. Property shall be removed from County capital listing upon final payment and title transfer.

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 19, 2019 Regular Meeting

Agenda Item#: 12.

ATTACHMENTS:

Description	Type	Upload Date
Procedure for Declaring Real Property Acquired by Tax Foreclosure as Surplus.	Cover Memo	7/30/2019

Action Requested:
Request the Board of Commissioners consider adopting the attached Procedure for Declaring Real Property Acquired by Tax Foreclosure as Surplus and to authorize the County Manager to declare as surplus property acquired by the county through tax foreclosure that serves no useful governmental function or is of no use to the county.

Suggested Motion:
Motion to approve.

Advisory Committee:
Ad Hoc Staff Advisory Committee consisting of County Manager, County Attorney, Finance Director, Clerk to the Board, Tax Administrator and Information Technology Director recommends approval.

Procedure for Declaring Real Property Acquired by Tax Foreclosure as Surplus

I. Purpose

To establish procedures for declaring real property acquired by the County through a tax foreclosure as surplus. Surplus is "any County-owned property that the continued use of is uneconomical or inefficient; or which serves no useful governmental function or further use to the County."

II. Policy

It is a policy of the County that the County Manager shall periodically review and evaluate all real property owned by the County through a tax foreclosure to determine if it is of use to the County before declaring it surplus.

III. Procedure

1. The Tax Collector will periodically provide the County Manager a list of real property, acquired by the County through a tax foreclosure, that generally meets the definition of "surplus."

2. The following information will be provided to the County Manager to aid in his/her deliberation:

    - Parcel Tax ID#
    - Tax Property Record Card
    - Current Tax Value
    - Costs already incurred in acquiring the property and costs likely to be incurred in disposing of the property (deed preparation).
    - Zoning Classification
    - Photographs/ Aerial overview
    - Other applicable available information (if any)

3. The County Manager will review each such parcel, consider all relevant feasible uses of such parcel, and consider whether the property has the capacity to serve a public use.

4. If the County Manager agrees to declare the real property as surplus, the Information Technology Department will advertise the real property electronically (County website).