Minutes NCAMC Board of Directors Meeting September 17, 2010 – 11:00 a.m. NCLM Building – Raleigh, NC

Officers and Board Members present: President Carmen Miracle, 1st Vice President Sherry Scoggins, 2nd Vice President Kim Worley, Recording Secretary Dale Martin, Secretary Treasurer John Phelps; Immediate Past President Dee Hammond, District 1 Joleatha Chestnut; District 2 Director Jeanne Giblin; District 3 Carol Ann Floyd; District 4 Rebecca Rose; District 6 Ann Gray; District 7 Jenny Larson, District 8 Bridgette Bell; District 9 Dora Moore, District 11 Ann Sessom; District 12 Darlene Johnson.

Members Absent: District 5 Director Jannie Burnette and District 10 Shirley Cannon.

1. Call to Order

2. Invocation

President Carmen Miracle called the meeting to order and Director Carol Ann Floyd gave the invocation.

3. Oath of Office – District 5 Director - Jannie Burnette - Absent District 9 Director – Dora Moore

President Miracle administered the oath to Dora Moore, District 9 Director and Past President Dee Hammond held the bible.

4. Approval of Agenda

President Miracle proposed the following amendments to the agenda:

Correction to the date from 2019 to 2010 Addition to Item 7 NCAMC Committee Reports – (E) Website Committee Report Addition to Item 9 Old Business – D. Clerk's Merchandise

Director Ann Gray made a <u>Motion</u> to approve the Agenda as amended. Past President Hammond seconded the motion and the vote was all for and motion carried.

5. Approval of Minutes – June 11, 2010

Director Carol Ann Floyd made a \underline{Motion} to approve the minutes as submitted. 2^{nd} Vice President Kim Worley seconded the motion and the vote was all for and motion carried.

6. Treasurer's Report- John Phelps - Corresponding Secretary/Treasurer

Mr. John Phelps reported that the audit is being conducted and noted the different financial report. The Finance Department put together this report with the Association's pertinent information. See Attachment – Exhibit A.

Director Jeanne Giblin made a <u>Motion</u> to approve the Financial Report as submitted. Director Jenny Larson seconded the motion and the vote was all for and motion carried.

President Miracle presented thank you cards from the church and the family of Sandy Kline and a nice note from Athena Banks expressing her enjoyment of working more closely with the Association in the coming years.

7. NCAMC Committee Reports

A. Finance Committee- Karen Zornes, Cape Carteret

Ms. Zornes was not present at this point in the meeting.

B. Membership Committee- Donna Strickland, Leland

Ms. Strickland was not present. On behalf of Ms. Strickland, Director Floyd asked if are we going to keep the membership directory up to date, will it be printed this year and will it be posted on the website. President Miracle stated that the Board decided to print the directory every other year and this is the year to print it again. Information should also be forwarded to the website committee for updates to the website.

C. Past President's Committee- Penny Spicer-Sidbury, Wilmington

Mrs. Spicer-Sidbury stated that the Past President's Committee has been assigned the task of writing some simple guidelines describing the role and purpose of the Past President's Committee and they hope to have a report by the next meeting.

D. Program & Education Committee- Becky Breiholz, Manteo

Ms. Becky Breiholz, Chairperson Program & Education Committee read the following report on the Committee's meeting held August 14, 2010.

NCAMC Program & Education Committee

Update

August 14, 2010

The Program and Education Committee met informally on Saturday, August 14th 2010, immediately following the sessions of the Annual Academy at the Crowne Plaza, Asheville, NC.

The Committee Members present introduced themselves.

The first order of business was to secure ideas for the Clerks Breakfast on Monday, October 25, 2010, held during the North Carolina League of Municipalities Annual Conference in Winston-Salem, NC. Some of the topics were Sunshine laws and NC Open Government; E-notary; Collective Bargaining; Building permit legislation and Economic Forecast. The breakfast topic that seemed to fit was the economy and the affect on local and state government. I will place the other suggested topics on our education list of suggestions. Several people were suggested: Ted Abernathy, Director of Southern

Growth Policies Board; James Johnson, Jr. with UNC Business School and Karl Smith, UNC. I contacted Mr. Abernathy and he already has a commitment but would like to speak to us at another time if possible. I have since contacted Mr. Karl Smith but as of 9-6-2010 I have not received a response. I contacted the clerk for Winston-Salem, Renee Phillips and asked if her Mayor or Town Manager could possibly welcome the clerks at our breakfast at the NCLM conference. She responded that the Mayor Allen Joines would bring greetings.

Other housekeeping items were to secure the meeting room at the NCLM for our quarterly committee meeting and to contact Chris Shalby with IIMC of the dates for our January school and August Academy.

Ms. Breiholz reported that Ms. Brenda Clark has volunteered to submit our grant application to the IIMC.

Ms. Breiholz noted that the IIMC Region 3 meeting will be held in Charlotte, NC January 9-11, 2011. The meeting will be held at the Marriott Charlotte Executive Park and reservations are being taken now. The Committee set the agenda:

Jan. 9th – Registration and Welcome reception

Jan. 10th – Registration and Morning & Afternoon Educational Sessions (possible topics: media relations and/or public/private partnerships) Evening activities on their own but provide a variety of options of things they can do. During the day have signup sheets for these options and provide guides, discount coupons, etc. for those activities.

Jan. 11th – Business meeting

Ms. Breiholz stated that the committee briefly discussed topics for the January Clerk's School, summer academies and regional schools.

E. Publicity Committee- Angela Stadler, Reidsville

President Miracle presented a signup sheet for Directors newsletter articles.

F. Site Selection Committees

(i) 2011 Site Selection- Regina Alexander, Southport

Ms. Alexander was not present however, sent the following written report.

The 2011 Summer Conference/Academy will be held in New Bern, NC, August 11-13, 2011 at the New Bern Hilton Riverfront. Tentative plans are for the Friday night event to be held at Tryon Palace.

Director Jeannie Giblin explained that in the area of Tryon Palace a new museum has just opened. We hope to have a reception at the Palace and have tours and then dinner at the museum on Friday night.

(ii) 2011 Site Selection – IIMC Region III – Stephanie Kelly, Charlotte

Mrs. Beth Hamrick, Mint Hill, Committee Member, stated that most of the information has already been covered. She noted a variety of things available to do in downtown Charlotte.

(iii) 2012 Site Selection- Dale Martin, Kernersville

Dale Martin had no report at this time.

(iv) 2013 Site Selection- Darlene Johnson, Spruce Pine

Director Darlene Johnson reported that the Committee touched base this week, each of the Committee members will be checking to see what facilities are available in their areas that will meet our criteria. We are limited and may need to go outside the Asheville area.

G. WSOS Committee- Diane White, Butner

No report presented.

H. Website Committee - Lisa Markland

No report presented.

8. NCLM Committee Reports

A. NCLM Board Member- Penny Spicer-Sidbury - Wilmington

Mrs. Spicer-Sidbury stated that the committee has not met but will meet during the League Conference in Winston-Salem.

B. Legislative Action Committees/Technical Advisory Committees

(i) FA-LAC- Finance & Administration - Legislative Action (Connie Sorrell, CMC- Benson)

The following Report was submitted by Mrs. Sorrell after this meeting was adjourned, however this information was distributed to the Board of Directors via email.

September 10 Meeting Summary

The committee adopted the following advocacy positions to propose to the Board of Directors:

The League supports a system of liquor sales that maintains a local referendum about the decision to sell liquor, preserves local control over the location and density of liquor outlets, and preserves the local revenue stream from liquor sales.

The League supports providing municipalities with the authority to impose a fee to recover the costs of vehicle accident and fire response from at-fault drivers and parties responsible for fires, up to a statutory maximum amount.

The League supports extending from 10 to 15 years the period for which municipalities may lease out property without following the procedures for the sale of property and extending from one to three years the period of a lease for which a municipal governing body may delegate leasing authority to the city manager.

The Committee rejected a proposal to support a constitutional amendment opposing the use of eminent domain for economic development.

The committee chose to take no action on the following proposals:

Local Preference Program for Purchasing
Public Financing Program for Local Elections
Administrative Fees Attached to Fines

The committee requested that staff provide a set of possible proposals regarding alternative methods of sales tax distribution for consideration at the October 5 meeting. The options will be discussed with a subcommittee consisting of Mayor Roth, Eric Pearson, Randy Martin, and Bertha Johnson.

In addition, staff reviewed legislation in the finance and administration areas that was adopted during the legislative session and suggested issues on which the League may want to take a position as part of the advocacy agenda.

The ethics legislation passed during 2010 required municipal officials whose "principal duties" include lobbying to register as local legislative liaisons, but did not make clear what the term "principal duties" means. Staff indicated that the League could take a position seeking clarification of this term.

During the 2010 session, Wake County and its municipalities received an exemption from the public records laws allowing them to deny requests for copies of lists of emails that they collect. This exemption was sought in order to keep organizations from acquiring the lists for the purpose of solicitations. Staff indicated that the League could seek to apply this exemption to all local governments.

Staff also indicated that the League will need to consider taking a position on tax reform, especially on applying the sales tax to services, because tax reform is likely to be considered during the next two years.

Committee members asked staff to investigate three new issues for presentation at the October 5 meeting: 1) allowing towns without public transportation to use the second \$5 vehicle fee for other purposes; 2) adjusting the open meeting laws to allow for meetings conducted by electronic communications; and 3) the use of privatized parking fine collection as a way to keep fines as city revenue.

The committee had previously requested that the staff provide information on issues related to economic development, transportation, and vacant buildings. This information will be provided in advance of the next meeting along with a list of positions that the League may wish to take.

(ii) FA-TAC- Finance & Administration- Technical Advisory (Brenda Clark, MMC -White Lake)

Brenda Clark reported that this group has not met.

(iii) PS-LAC- Planning & Services- Legislative Action (Judy Bass, CMC, Garner)

No report presented.

(iv) PS-TAC- Planning & Services- Technical Advisory (Joyce Walker, CMC - Lewisville)

Joyce Walker was not present but submitted the following written report.

The Planning & Services Technical Advisory Committee met on Thursday, August 12, 2010.

Announcements

- 1. Mark McIntire, Stearns & Wheeler, provided an update on the MEAC project.
- 2. Erin Wynia, NCLM staff, reviewed the P&S TAC staff changes and the proposed NCLM policy committee structure.

Presentations and Updates

- I. Scott McClelland, CDM, consulting expert with the State of Florida, described his observations of what's happening in Florida now that the EPA is rewriting the water quality standards in that state.
- II. Dan McLawhorn, City of Raleigh, summarized rule proposals for North Carolina's nutrient management strategy for impaired waters, to be implemented statewide. It was noted that DWQ stated the urgency for the proposal comes from the threat that the EPA will institute actions similar to those described in Florida.
- III. Erin Wynia updated the committee on the interpretation by DWQ regional staff regarding the clearing of vegetation to allow access to sewer lines within an easement area... that this will no longer be an activity exempt from riparian buffer mitigation rules. Therefore, local governments could potentially have to pay buffer mitigation costs to comply with the state law requiring clearing around utility lines.

IV. Erin Wynia advised the committee that the NC State Water Infrastructure Committee (SWIC) will vote on a recommended conservation water rate structure proposal at its September meeting.

9. Old Business

A. Taylor Ranch Request - Conference Event Photo Release

Mr. Phelps stated that we received a call and email requesting that we sign a consent for photos to be used from our visit to Taylor Ranch. There were two young ladies taking photos which were hired by the Ranch. They want to use those photographs for promotional material for the Ranch. The consent is very broad. He opened it up for discussion and comments.

Concerns were expressed with the content of pictures, children being exploited, etc. Mr. Phelps stated that there could be an issue as to whether or not we have to sign a consent for them to use the photographs since we were on their property. We may want to consider prohibiting photographs at future events.

Past President Hammond made a <u>Motion</u> to deny the request that NCAMC sign a release for these photographs to be used by Taylor Ranch. Director Floyd seconded the motion and the vote was all for and motion carried.

President Miracle spoke of a link posted to the listserv of photos taken at the Ranch by another photographer and which are for sale. We have no control over what was posted and she expressed her concern for the content of some of those photos. Mr. Bell stated that the SOG does not censor what gets posted on the listserv. Others also expressed a concern with the content of the photographs and with having no control over what is posted even though it was through a secure site. Downloading photos was a concern, the possibility of exploiting children, and photos being taken out of context and being misinterpreted were also concerns.

President Miracle explained that photos are posted to the IIMC website and that you must have a password to get to those photos.

It was suggested and discussed that the Association hire a photographer for these events so that we have control over what is posted. Mr. Phelps advised that the Association can prohibit all photography without the written permission of the Clerk's Association.

Director Floyd made a <u>Motion</u> that photography be prohibited unless hired by the NCAMC with control over the photos released. Director Giblin seconded the motion and the vote was all for and motion carried.

Past President Spicer-Sidbury stated that she knew one of the photographers that took photos at Taylor Ranch and posted to his website. She commented that she would contact him and ask that they be removed from his website.

B. E-Picture Project – Guidance Request & Shutterfly Info. (Attachment #2)

President Miracle explained that Jan Hill, our Scrapbook Coordinator, is handling the e-picture project that the Board voted on in July. She has questions regarding the contract. Mr. Phelps stated that this is a typical contract for these types of services and is probably not negotiable. We need to be careful with what we include. They reserve the right to change this contract and cited recent examples of such. The photos will become available for downloading and printing. As usual, it includes a disclosure that indemnifies them of any liability. If litigation became necessary, their offices are in California and subject to the laws of that state.

Past President Hammond asked if we can control the pictures. President Miracle stated that we do have control over what is posted. She added that it could be available to members only or for visitors with a password. If the pictures are posted to the website or listserv they will be open to everyone.

Becky Breiholz asked for the purpose of this project. President Miracle explained that Mrs. Hill took a lot of photos at our events and Clerks contact her wanting to see those photos or get copies. She added that other Clerks also take pictures at our events that could be shared as well. This would provide a way to share these photos more efficiently. The County Clerks have such a site.

President Miracle stated if the Board wants to contract with a company such as Shutterfly, that Mrs. Hill needs guidance from the Board on how strict we want to be in what is posted. Would the Board like for a second set of eyes to review the photo's prior to posting? After a brief discussion, it was suggested that a member of the website committee work with the Scrapbook Coordinator to screen the pictures and post them to the Shutterfly site and that a password be necessary to access these photos.

Past President Hammond made a <u>Motion</u> to authorize the contract with Shutterfly, authorizing the Scrapbook Coordinator and a member of the Wesbsite Committee to screen and upload photos based on the following criteria: to have no photos with tobacco or alcohol products showing, no children, and no photos that could be misconstrued as inappropriate behavior displayed. Photographs which appropriately relate to our professional attendance at NCAMC events shall be allowed. All visitors will be required to access the photos with a password sent in a secured method by email or first class mail. 1st Vice-President Scoggins seconded the motion and the vote was all for and motion carried.

C. Clerk of the Year Award:

In compliance with the established Program, the President will be asking four Past Presidents to serve (anonymously) with one of those serving as chairperson, to work with John Phelps on distributing and publicizing the nomination information, receiving nominations and determining the Award recipient in time for the Award to be presented at our 2011 Annual Conference.

President Miracle explained the new award program and hopes to appoint the committee next week.

D – Clerks Merchandise – Dale Martin

Mrs. Martin hoped that everyone has enjoyed their mugs received at the Summer Academy. She explained that once the mugs had been distributed to the Clerks registered, the remaining 40 mugs were offered for sale. The mugs were sold out in 15 minutes. A number of Clerks expressed an interest in purchasing additional mugs for themselves and as gifts.

Director Floyd made a <u>Motion</u> to authorize the purchase of 144 additional mugs for sale at Clerk's School and the IIMC meeting. Past President Hammond seconded the motion and the vote was all for and motion carried.

10. New Business

A. Appointment of two Board Members to Executive Committee The Executive Committee is comprised of the President, First Vice- President, Second Vice-President, Recording Secretary, and two members of the Board of Directors, whom

Vice-President, Recording Secretary, and two members of the Board of Directors, whom shall be elected by the full Board.

President Miracle asked for volunteers to serve on the Executive Committee. Director Carol Ann Floyd and Director Ann Gray volunteered to serve.

Past President Hammond made a <u>Motion</u> to appoint Floyd and Gray to the Executive Committee. 1st Vice President Scoggins seconded the motion and the vote was all for and motion carried.

B. Program and Education Committee Guidelines – Proposed Updates-Jeanne Giblin (*Attachment #3*)

Director Giblin explained that as Past Chairman she is to review the Committee description and recommend appropriate changes to the Board for consideration. She noted the change in the name of our Regional Schools and Annual Conference to Academies. She said other changes are needed and recommended she work with Fleming Bell on these changes and bring this back to the Board at the December meeting.

C. Retirement of District 4 Director – Rebecca Rose, Wilson - December 1, 2010 (For appointment/election process See Article V – Section 5 of the Constitution.)

President Miracle announced the retirement of Rebecca Rose, District 4 Director effective as of December 1st. She explained that the Board has the authority to appoint a replacement and asked for direction on how to fill this seat.

Past President Hammond recommended the Clerks in District 4 be notified of the vacancy and that we solicit applications from those Clerks interested in serving. President Miracle stated that she would email the Clerks in District 4 and bring this back to the Board in December.

D. Past Presidents Committee – Establishment of Committee Guidelines Currently there are no guidelines, similar to our other Committee Guidelines, for the Past Presidents Committee. It has been suggested that this year's Past Presidents Committee might like to work on establishing a set of guidelines.

President Miracle stated that she and Mrs. Spicer-Sidbury have already discussed the need for guidelines. She stated that this is an active committee. She explained her confusion as in-coming President on her authority to appoint Past-Presidents who are retired to committees. Guidelines will be drafted and brought to the Board for consideration.

E. NCLM Committees

- (i) Review of NCLM Amendments to the Appointment Process John Phelps (Attachment #4)
- (ii) Consider Nomination Process and Interest Applications (Attachment #4a)

Mr. Phelps explained that there have been changes to the appointment process for the affiliate organizations seats on League Boards and Committees. He noted that our current representation on the League Board has not changed and Penny Spicer-Sidbury will fulfill her term.

Mr. Phelps explained that beginning in January there will be three Legislative Action Committees: Finance and Tax, Planning and Environment and General Government along with one Regulatory Advisory Committee. Changes in the bylaws will provide more flexibility in appointing individuals to committees where they have an interest in serving. With these changes there may not be a representative on all these committees from the Clerk's Association.

Mr. Phelps stated that he has discussed this with President Miracle and recommends that we determine individuals that have an interest in serving on these committees and that the President present this information to the League President for consideration of appointment.

President Miracle asked for direction on how we want to nominate Clerks to serve on these committees. She presented the following listing of individuals that have already expressed an interest in serving. She asked if the Board wished to solicit applications from those interested in serving or would the Board prefer to pick individual Clerks to serve.

Brenda Clark, White Lake –	Finance/Administration Legislative Action Committee
	Finance/Administration Technical Advisory Committee
	Planning & Services Legislative Action Committee
	Planning & Services Technical Advisory Committee

Jeanne Giblin, Morehead City - Finance/Administration Legislative Action Committee Finance/Administration Technical Advisory Committee Planning & Services Legislative Action Committee

Planning & Services Technical Advisory Committee

Darlene Johnson, Spruce Pine - Finance/Administration Legislative Action Committee Finance/Administration Technical Advisory Committee

Karen Zornes, Cape Carteret - Finance/Administration Legislative Action Committee

Finance/Administration Technical Advisory Committee Planning & Services Legislative Action Committee Planning & Services Technical Advisory Committee

Director Floyd suggested we solicit applications from those interested in serving. Director Giblin suggested that we include a bio with the application to illustrate the Clerk's qualifications.

Mr. Phelps stated that this change is for all organizations and not just the Clerks Association. There will be a number of factors used to come up with very balanced committees.

Director Ann Gray made a <u>Motion</u> to solicit a bio from each of the 5 candidates interested in serving on the NCLM committees and that President Miracle compose a letter of recommendation to be sent with these applications to the NCLM President. Director Jenny Larson seconded the motion and the vote was all for and motion carried.

F. State Certification Committee

further, such as on the expected timeline.

At the August Conference, the membership voted to move forward with a State Certification Program for Municipal Clerks and directed the President to appoint a Committee to work on laying out the parameters of the program.

After discussions with Fleming Bell, we would like to propose to the Board that the President select a small town clerk from each of the four Regions to serve on the Committee, along with Fleming and the President, with one of the region Clerks serving as Chairperson. Other members could include the Program and Education Chair and a District Director, or others at the Boards discretion. Fleming may also like to advise

President Miracle asked Mr. Bell to comment on the program and the timeline to be followed. She asked if the Board has any questions or comments.

Mr. Bell estimated this project to take 1½ to 2 years. He recommends small town clerks because they more often cannot afford the cost of the course and travel expenses associated with the IIMC program. This is not to say that Clerks from the larger cities would not be interested. He stated that those in California keep changing the standards and presented an example from a fellow colleague in which courses had been previously approved but were disapproved after the fact. The reason given was because the MMC's and CMC's were in the same class.

Mr. Bell stated that IIMC has hired a new Education Director but due to health issues has not started work yet. He plans to talk with Florida since they seem to be very successful with their program.

Past President Hammond recalled in the past that the MMC and CMC classes were separated and that IIMC were the ones to suggest that they be inclusive. Mr. Bell agreed and further explained that you were allowed to use the points for which ever certification you were seeking.

President Miracle advised that we recommend a small Town Clerk from each of the four regions, Mr. Bell, the President and in-coming President, with one of the Clerks serving as Chair of the Committee. She asked for suggestions of others that should serve.

It was suggested that one Clerk from the larger cities should serve and possibly the Program and Education Chair. After a discussion regarding the responsibilities of the Program and Education Chair it was suggested that they need not serve on the committee but be kept informed.

G. Survey Software/Tool Research

I have asked the Website Committee to research options and the value of free and/or purchased software tools (such as Survey Monkey) and to report their findings to the Board at a future meeting. This software could be utilized via our website, at the direction of the Board, to gain feedback and member suggestions on educational ideas, conferences and training, member suggestions, etc.

President Miracle reported that she thought survey software could be something we could utilize through our website and has asked that the Website Committee research this topic and report back to the Board.

11. Other Business

A. Schedule of Newsletter Articles

Attachment #5 is a signup sheet for Director Assignments for monthly newsletter articles to be placed in the Minute-by-Minute Newsletter. These articles should be prepared and forwarded to Angela Stadler, Chair of the Publicity Committee no later than the 10th of the month prior to the publication.

President Miracle noted that a signup sheet was distributed for newsletter articles submission for the Minute by Minute newsletter.

B. Schedule of Future Board Meetings

December 10, 2010 March 11, 2011 June 10, 2011

President Miracle noted future Board meeting dates.

Mr. Bell reported that the "in and out" cards went well at the Academy in Asheville. He stated that we are researching the possibility of purchasing scanning devices. These devices would save a considerable amount of labor associated with this process.

President Miracle recognized Karen Zornes and asked if she could give her Finance Committee Report. Ms. Zornes stated that the Committee has questions and would like to meet with Mr. Phelps.

12. Adjournment

Direct Carol Ann Floyd made a <u>Motion</u> to adjourn the meeting at 12:50 PM. 2nd Vice-President Worley seconded the motion and the vote was all for and motion carried.

EXHIBIT A

NC Association of Municipal Clerks As of 9/16/10

Interest Checking Money Market Shares Shares	\$19,206.98 \$21,549.48 \$54.50 \$40,810.96
Annual Conference	
Annual Conference Registrations	\$24,700.00
Annual Conference Sponsorship	\$10,200.00
Annual Conference Revenue	\$34,900.00
Annual Conference expenses	
Runion Tours	\$100.00
Taylor Ranch	\$750.00
City of Laurinburg	\$315.33
Taylor Ranch	\$3,375.00
Runion Tours	\$900.00
Taylor Ranch	\$3,112.22
Filmgraphics	\$301.70
Pura Vida Promotions	\$470.64
Melissa Small	\$300.00
Tammy Speicher	\$43.51
Crowne Plaza	\$23,466.59
Jeanne Giblin (Middleton Florists)	\$107.75
Jeanne Giblin (Walmart -flowers)	\$70.04
Total Conference Expenses to date	\$33,312.78
Net Revenue Over Expenses	\$1,587.22
***NOTE Membership Dues billed	\$23,325.00
Membership Dues Paid to date	\$20,235.00
Fundraising Sales (Silent Auction)	\$1,444.00
Andrew and Boyons	\$9,560.00
Master Mun. Academy -conf. Revenue	(\$8,649.49)
Expenses Master Mun. Academy	(30,043.43)
Net Revenue over Expenses	\$910.51

Annual Conference (Summer Academy) and MMC Academy Revenues and Expenditures are preliminary.